



**FISH HABITAT PERMIT FH23-IV-0008-GP**

**ISSUED:** January 1, 2023  
**EXPIRES:** December 31, 2027

General Public:

***Re: Vehicle Movement on Frozen Water Surfaces within the Matanuska-Susitna Borough***

Pursuant to AS 16.05.871(b), the Department of Fish and Game, Habitat Section has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit (GP) authorizing the use of motorized vehicles on frozen anadromous water bodies within the Matanuska-Susitna Borough.

Categories of motorized vehicles covered by the GP include any wheeled, tracked, or other ground affect motorized vehicle with a dry vehicle weight of up to 12,000 pounds. The dry weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer.

This GP does not authorize cross-country movement of equipment on state lands or other activities not allowed under 11 AAC 96.020 (Generally Allowed Uses on State Lands) except for movement on frozen water surfaces within the legislatively designated special areas Goose Bay State Game Refuge, Palmer Hay Flats State Game Refuge, Susitna Flats State Game Refuge, and Willow Mountain Critical Habitat Area utilizing a motorized vehicle with a gross vehicle weight of up to 1,000 pounds. In addition, frozen water body crossings of the Little Susitna River, Fish Creek, and the Susitna River along the Enstar Gas Pipeline right-of-way (ROW) within Susitna Flats State Game Refuge using a wheeled, tracked, or other ground effect motorized vehicle less than ten thousand pounds (10,000 lbs) gross vehicle weight is authorized.

**Please note that this permit specifies dry weight for general vehicle movement on frozen water surfaces outside of legislatively designated special areas, however statutory authority specific to special areas references gross vehicle weight.**

Various water bodies within the Matanuska Susitna Borough are specified as important for spawning, rearing, and/or migration of anadromous fish pursuant to AS 16.05.871(a). These water bodies also support a variety of resident fish species.

Pursuant to AS 16.05.871(d), access to, crossings of, and/or egress from any frozen specified anadromous fish bearing water body within the Matanuska-Susitna Borough is authorized provided such activities are conducted in strict accordance with the following stipulations:

- 1) **This permit must be in your possession during water body crossings.**
- 2) There shall be no vehicles or equipment operated in the open (un-frozen) waters of any specified water body.
- 3) The use of snow or ice bridges, access ramps, or cribbing to cross any specified water body is prohibited unless approved, in writing, by the Department of Fish and Game, Habitat Section.
- 4) Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
- 5) The bed or banks of any specified water body shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.

- 6) No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line (vegetation line) of any specified water body.
- 7) No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated on the frozen surface or below the ordinary high water line (vegetation line) of any specified water body.

This letter constitutes a permit issued under the authority of AS 16.05.871 and must be retained on site during project activities. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other permits; state, federal, or local. You are still required to comply with all other applicable laws.

You are responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved project. For any activity that significantly deviates from the approved plan, you shall notify the Habitat Section and obtain written approval in the form of a permit amendment before beginning the activity. Any action that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any provision contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is a Habitat Section responsibility. Therefore, we recommend you consult the Habitat Section before considering any deviation from the approved plan.

You shall give an authorized representative of the state free and unobstructed access to the permit site, at safe and reasonable times, for the purpose of inspecting or monitoring compliance with any provision of this permit. You shall furnish whatever assistance and information the authorized representative reasonably requires for monitoring and inspection purposes.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. You shall mitigate any adverse effect upon fish or wildlife, their habitats, or any restriction or interference with public use that the commissioner determines was a direct result of your failure to comply with this permit or any applicable law.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

If you have any questions, please call the Palmer Habitat Section at (907) 861-3200.

Sincerely,

Doug Vincent-Lang  
Commissioner



By: Sarah Myers  
Matanuska-Susitna Area Manager  
Habitat Section  
(907) 861-3200

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cc:	D. Dahl, AWT	R. Lysdahl, AWT	S. Ivey, SF	A. Ott, Habitat
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