



## FISH HABITAT PERMIT FH26-I-0028-GP

**ISSUED:** March 4, 2026  
**EXPIRES:** December 31, 2026

General Public:

**RE: Lower East River ATV Use**

East (Alek) River (Stream No. 182-20-10100)  
Unnamed Tributary (Stream No. 182-20-10600)  
Dog Salmon Creek (Stream No. 182-20-10500)  
Hazel Creek (Stream No. 182-20-10400)  
Bear Creek (Stream No. 182-20-10300)  
Sections 25–28 and 34–36, T 32S, R 41E, CRM (Yakutat A-2)

The Alaska Department of Fish and Game (ADF&G) manages a commercial set gillnet fishery in the lower East (Alek) River about 60 miles south of Yakutat. Commercial fisherman, National Park Service staff, and the general public use all-terrain vehicles (ATV) in the designated<sup>a</sup> East River fishing area, which must be permitted per AS 16.05.871. The prior General Permit (FH25-I-0088-GP) for the activity expired December 31, 2025; this permit renewal is for one year while ADF&G considers expanding the authorized ATV use area upstream. Please contact Habitat Biologist Nick Jensen at (907) 465-6646 or [nicholas.jensen@alaska.gov](mailto:nicholas.jensen@alaska.gov) if you have comments or questions regarding the potential ATV use area expansion.

Pursuant to AS 16.05.871(b), ADF&G has determined the public interest is served and resources and fish habitats are properly protected through issuance of a General Permit authorizing stream crossings, ATV use, and boat launching in the lower East River below the ordinary high water mark, or mean high tide elevation, whichever is higher,<sup>b</sup> on exposed river beds and banks, including crossing tributaries that drain to the East River, and crossing the East River, between the ADF&G in-river regulatory markers and the East River mouth (Figure 1).

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<sup>a</sup> Per 5 AAC 30.350(a)(5), the in-river set gillnet commercial fishery is closed "...upstream from ADF&G regulatory markers located approximately one mile downstream from the westernmost tip of Steve's Island...."

<sup>b</sup> ADF&G's definition of ordinary high water mark and mean high tide elevation in the tidally influenced portion of a river includes the following physical descriptions: "a natural line or mark" impressed on the bank or shore as indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics...."

**Anadromous Fish Act**

Pursuant to AS 16.05.871(a), the East River (Stream No. 182-20-10100) and its tributaries (Stream Nos. 182-20-10600, 182-20-10500, 182-20-10400, and 182-20-10300) have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). The water bodies provide habitat for Chinook, chum, coho, pink, and sockeye salmon, Dolly Varden, and eulachon; in the lower reaches where the stream crossings occur, these streams mainly provide migration corridors for anadromous fish and may provide spawning habitat for eulachon.

Pacific salmon and Dolly Varden migrate through the lower East River to access spawning and rearing habitats in, and tributaries to, the East and Doame Rivers. Generally, adult salmonids migrate upriver to spawn during the summer and fall, and juveniles of all species migrate downstream spring through summer. ATV use on the dry, sandy river beds and banks will not affect fish in the active river channel, and tracks will be erased by tidal action.

Eulachon broadcast spawn in the lower East River during spring for 2–3 weeks between late-March and late-April. Eulachon eggs incubate 4–6 weeks, hatch, then the larvae drift downstream to sea. The public is generally not present when eulachon eggs and larvae are in the lower East River, therefore limiting ATV crossings in the lower East River is not necessary.

In accordance with AS 16.05.871(d), ATV use, stream crossings, and boat launching within the designated area (Figure 1) are approved subject to the following stipulations and permit terms:

1. ATVs may only operate in an active river channel<sup>c</sup> when crossing the water body;
2. Vehicles operating in active river channels are limited to that necessary to safely cross the water body in the most direct manner, and must minimize wake;
3. ATVs may be temporarily parked on dry river beds and banks provided the vehicles do not enter the active river channel during increasing river stage;
4. ATVs may not be refueled or serviced in the authorized area;
5. Vehicles leaking fuel or other pollutants may not be operated in the authorized area; and
6. The riverbed and banks may not be altered or disturbed to facilitate stream crossings.

**Permit Terms**

This letter constitutes a permit issued under the authority of AS 16.05.871. 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 state, federal, or local permits. You are still required to comply with all other applicable laws.

The vehicle owner and operator (permittee), or the legal guardian of a dependent, is responsible for the actions of contractors, agents, or other persons who perform the activity. Prior to engaging in any activity that significantly deviates from this approval, the responsible party shall notify the Habitat Section and obtain written approval in the form of an individual permit. Any action taken by the permittee or agent of the permittee that increases the overall scope of the

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<sup>c</sup> “Active river channel” is defined as the flowing water body. ATVs may only operate on the adjacent, exposed river bed and banks, which could be damp or dry depending on recent precipitation and tidal stage.

activity 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 activity. The final determination as to the significance of any deviation and the need for an individual permit is a Habitat Section responsibility. Therefore, it is recommended the Habitat Section be consulted immediately when a deviation from the approved activity is considered.

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.

Please direct questions about this permit to Habitat Biologist Nick Jensen at (907) 465-6646 or [nicholas.jensen@alaska.gov](mailto:nicholas.jensen@alaska.gov).

Sincerely,  
Doug Vincent-Lang  
Commissioner



By: Kate Kanouse  
Regional Supervisor

Email cc:

Al Ott, ADF&G Habitat, Fairbanks  
ADF&G Habitat Staff, Douglas  
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Figure 1.—East River General Permit ATV use map.