



SPECIAL AREA PERMIT 22-V-0005-GP-SA

ISSUED: January 3, 2022
EXPIRES: December 31, 2023

General Public:

RE: Limited Off-Road Use of Motorized Vehicles
Vehicles Less Than 10,000 Pounds Dry Vehicle Weight
Kachemak Bay Critical Habitat Area

Pursuant to AS 16.20.520, AS 16.20.530, 5 AAC 95.400-.440, and 5 AAC 95.700-.990, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined that both the public interest and the proper protection of fish and wildlife and their habitat would be served through the issuance of a General Permit (5 AAC 95.770) authorizing certain off-road motorized vehicle use in the Kachemak Bay Critical Habitat Area (KBCHA). This General Permit authorizes the use of any off-road wheeled and tracked vehicles, 10,000 pounds or less dry vehicle weight, on unvegetated KBCHA tidelands below mean high tide within five corridors (see enclosed maps): (1) between Anchor Point and Bishop Beach Park to the City of Homer signs; (2) between Miller's Landing and the Fox River Trail; (3) between Martin River and Bear Cove; and, (4) between Seldovia and the portion of Kasitsna Bay, west of the entrance to Jakolof Bay, (5) seasonally (October 1- March 31) between the east end of the Homer Seawall to the south end of Mariner Park, **excluding** Mariner Lagoon. Motorized vehicle use in these corridors is for the purpose of providing access for personal and recreational transit within the KBCHA.

For the purposes of this permit, the dry weight of a vehicle is the weight of the vehicle without passengers, cargo, or fuel as specified by the manufacturer.

Legislatively Designated Special Area

The KBCHA was created pursuant to AS 16.20.590 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. This activity is not expected to adversely impact important habitat values.

In accordance with 5 AAC 95.770, the department hereby issues a Special Area Permit to the general public for off-road use of motorized vehicles in the KBCHA subject to the description above, the following stipulations, and permit terms:

1. The off-road use of vehicles greater than 10,000 pounds dry vehicle weight and the use of construction equipment, including tracked or excavating equipment, are **not** included in this authorization.
2. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, except legal and permitted hunting, fishing, and gathering of fish and game.
3. No vehicle shall be operated below the ordinary high water line (vegetation line) of any river or stream specified to contain anadromous fishes.
4. Vehicles must travel on the portion of the beach above the gravel line; no travel shall occur on the mud tidal flats within the KBCHA.
5. No vehicle shall be operated below mean high tide in Mariner Lagoon.
6. No fuel shall be stored, nor vehicles leaking fuels, oils, hydraulic, or cooling fluids, shall be operated on the tidelands of the KBCHA.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.20.530 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Habitat Section; 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 in accordance with 5 AAC 95.740 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 the responsibility of the Habitat Section. Therefore, we recommend you consult the Habitat Section immediately 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.

Please direct questions about this permit to Habitat Biologist Kaitlynn Cafferty at (907) 714-2481 or e-mail at kaitlynn.cafferty@alaska.gov.

Sincerely,

Doug Vincent-Lang,
Commissioner

Tony Munter

By: Tony Munter
Kenai Peninsula Area Manager
ADF&G, Habitat Section

Enclosures: Maps – Corridors 1 through 5

cc: KRC File

By email only:

AWT Northern Detachment
ADF&G Anchorage, Soldotna
C. Larson, ADNR DMLW
M. Mueller, KPB
Al, Ott, ADF&G-HAB
J. Meehan, ADF&G-WC
T. Massie, ADF&G-HAB
M. Booz, ADF&G-SF
J. Herreman, ADF&G-WC
G. Hollowell, ADF&G-CF
COE – KFO







