



## SPECIAL AREA PERMIT FH18-II-0017-GP-SA

**ISSUED:** December 31, 2018  
**EXPIRES:** December 31, 2020

### General Public:

**RE:** Motorized, Wheeled Vehicle Use on Designated Trails – Trading Bay State Game Refuge Vehicles Less Than 1,000 Pounds Gross Vehicle Weight Sections 19 & 30, T 11 N, R 15 W, SM

The Alaska Department of Fish and Game (ADF&G), Division of Habitat, has determined that both the public interest and the proper protection of fish and wildlife would be served through the issuance of a General Permit authorizing the use of off-road motorized vehicles (ORVs) less than 1,000 pounds gross vehicle weight in the Trading Bay State Game Refuge (TBSGR) on two designated trails near the McArthur River (see attached maps). Travel is authorized on these existing trails from the west boundary of the TBSGR to the confluence of the McArthur River and an unnamed tributary (see attached maps) from April 1 to November 15. ORV use from November 16 through March 31 is authorized under a separate Special Area General Permit (issued annually) provided there is adequate snow cover and sufficient ground frost to prevent damage to soil and vegetation.

This General Permit does not authorize the use of motorized vehicles in fish-bearing streams, rivers, ponds, or lakes. The gross weight of a vehicle is the weight of the vehicle without passengers and cargo, as specified by the manufacturer. The off-road use of any vehicle in excess of 1,000 lbs gross vehicle weight within TBSGR is not authorized under this General Permit. Please contact (907) 267-2342 for more information.

The TBSGR was established by the Alaska State Legislature in 1976 under AS 16.20.038 to protect fish and wildlife habitat and populations; waterfowl nesting, feeding, and migration; moose calving areas; spring and fall bear feeding areas; and salmon spawning and rearing habitats. The TBSGR was also established to preserve public uses of fish and wildlife and their habitat, particularly waterfowl, moose and bear hunting; viewing; photography; and general public recreation in a high-quality environment. Alaska statutes and the TBSGR Management Plan allow for multiple land use activities within the refuge to be authorized by Special Area Permit if the activity provides for the proper protection of fish and wildlife resources. The use of

off-road vehicles on the designated trails is not expected to adversely impact habitat values or fish and wildlife populations provided the stipulations contained herein are strictly adhered to.

In accordance with 5 AAC 95.770, the department hereby issues a Special Area General Permit to the general public for use of motorized, wheeled vehicles on two existing trails in the TBSGR subject to the following stipulations:

1. A copy of this permit must be in your possession during related off-road vehicle activities within TBSGR.
2. From **April 1 to November 15, authorized vehicles shall operate only on designated trails** for the purpose of personal transit from the western boundary of TBSGR (near an airstrip on state land) to the confluence of the McArthur River and an unnamed tributary. See attached map for designated trail locations. This General Permit does not authorize ORV travel outside of the designated trails.
3. No vehicles leaking fuel, oil, hydraulic fluid, or other pollutants shall be operated in the TBSGR.
4. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, excepting legal and permitted hunting, fishing, and gather of fish and game.
5. Vehicle use shall not restrict public access to and use of fish and wildlife resources.
6. No vehicle shall be operated in the open waters below the ordinary high-water line of any fish-bearing river, lake, or stream.
7. No material of any kind, including vehicles, waste products, debris, supplies, or equipment shall be stored or disposed of within the TBSGR.
8. The bed or banks of any specified river, lake, or stream shall not be altered or disturbed in any way to facilitate access or use.

The vehicle owner and the operator, or the legal guardian of minor dependents (the permittee), is responsible for the actions of persons who participate in the approved activity. For any activity that significantly deviates from this approval, the permittee shall notify the Division of Habitat and obtain written approval in the form of an individual Special Area Permit before beginning the activity. Any action taken that increases the scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this General 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 the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a General Permit issued under the authority of 5 AAC 95.770. Please be advised that this determination applies only to activities regulated by the Division of Habitat; other agencies may also have jurisdiction under their respective authorities. This approval does not relieve you of the responsibility for securing and complying with other permits: state, federal, or local.

In addition to the penalties provided by law, this General Permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

The permittee 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 the permittee's 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.

Pursuant to 5 AAC 95.920, an interested person may initiate an appeal of a decision made under this chapter in accordance with the provisions of AS 44.62.330 - 44.62.630 by requesting a hearing under AS 44.62.370.

Any questions or concerns about this permit may be directed to Habitat Biologist Josh Brekken at 267-2113 or emailed to [josh.brekken@alaska.gov](mailto:josh.brekken@alaska.gov).

Sincerely,  
Doug Vincent-Lang  
Acting Commissioner

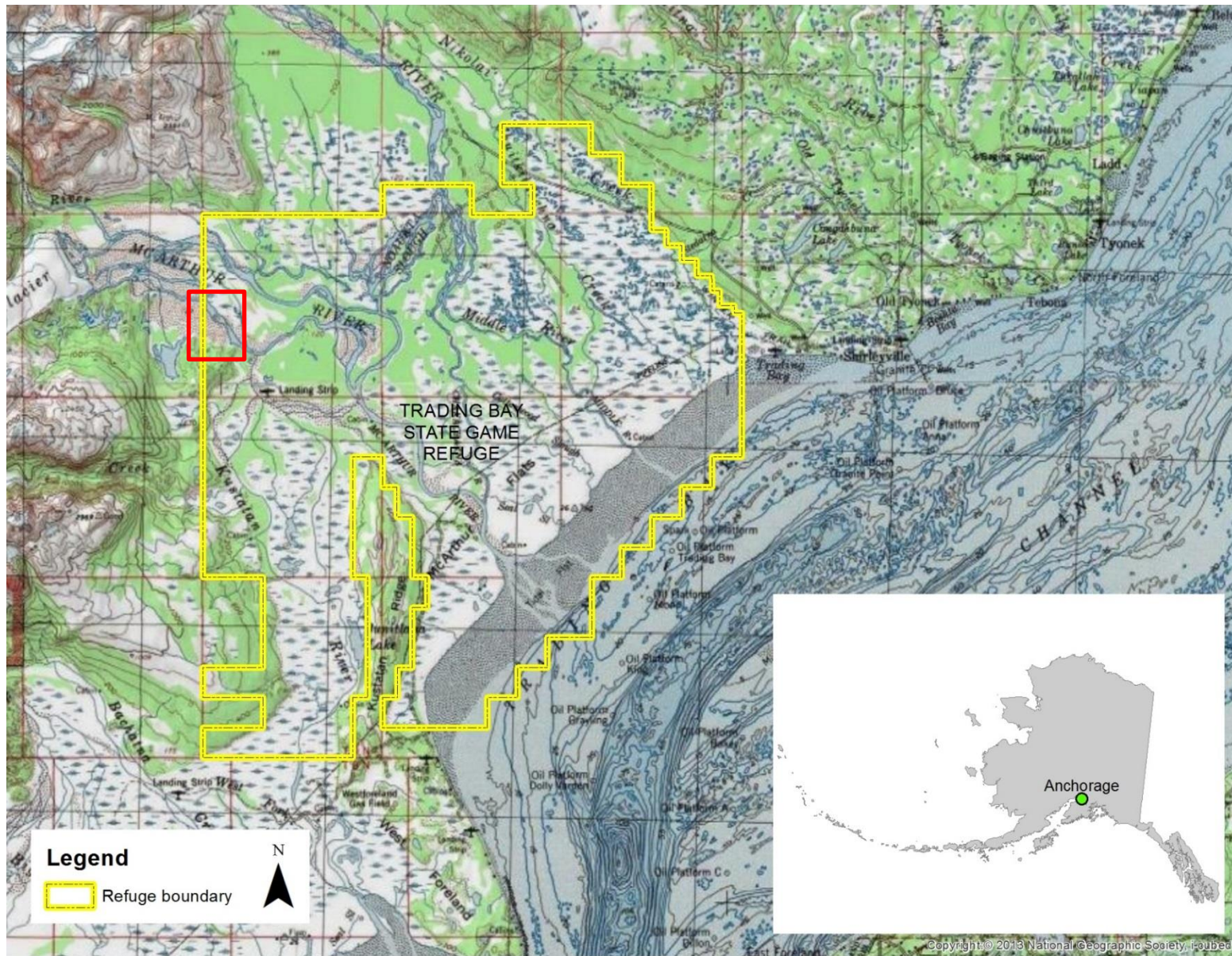


By Ron Benkert  
Southcentral Regional Supervisor

Enclosures: Maps 1 and 2

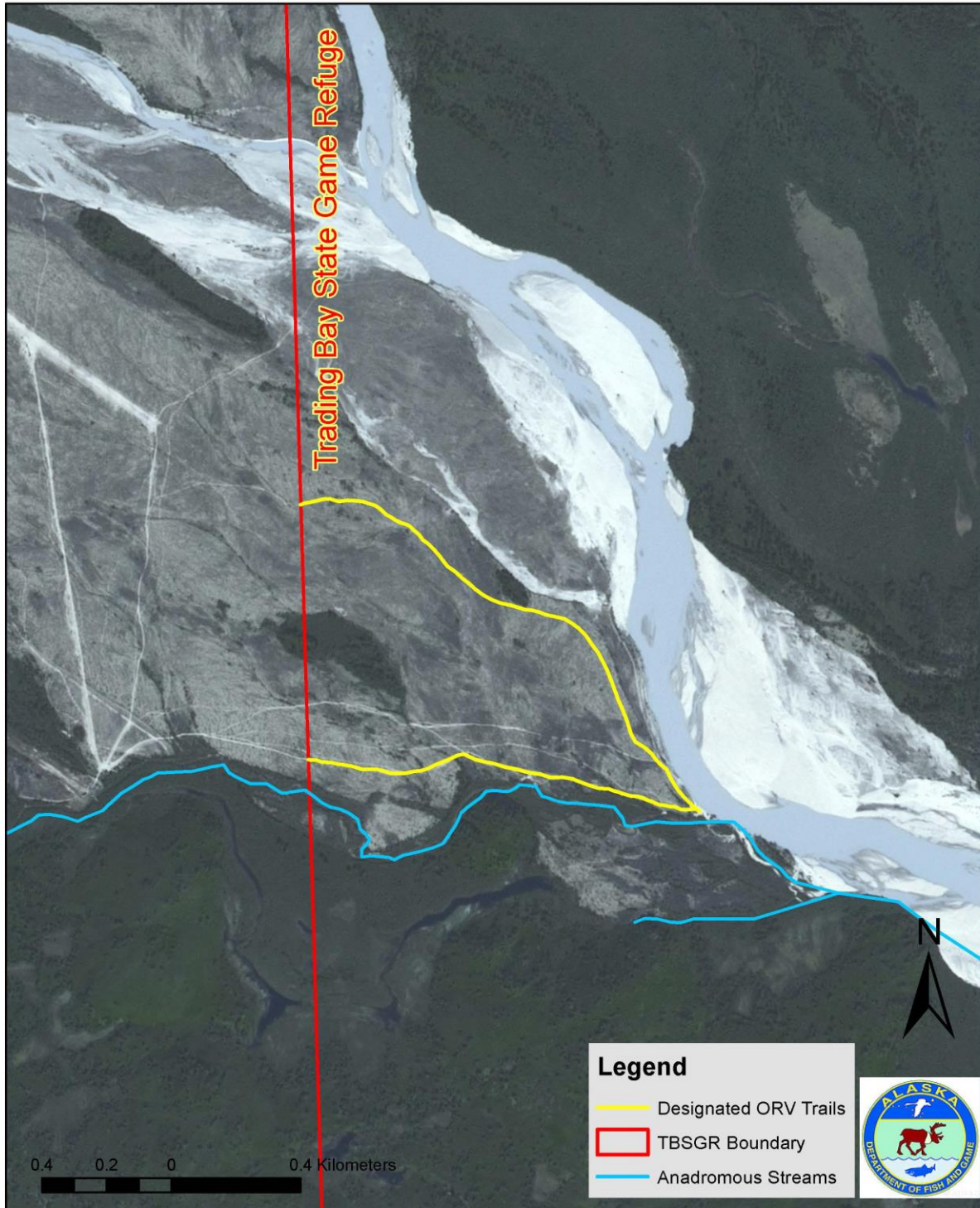
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DPS/AWT, Palmer	



MAP 1

### Designated ORV Trails - Trading Bay State Game Refuge Special Area General Permit FH18-II-0017-GP



MAP 2 (red inset area from Map 1)