



**SPECIAL AREA PERMIT
FH15-III-001-SA**

ISSUED: March 6, 2015
EXPIRES: April 30, 2020

GENERAL PUBLIC

RE: Creamer's Field Migratory Waterfowl Refuge
Winter Use of Off-Road ATV Vehicles (Less Than 1,000 Pounds Dry Weight)

Pursuant to 5 AAC 95, the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has determined that both the public interest and protection of fish and game populations, and their habitat, would be served with the issuance of a general permit authorizing the off-road **winter use** of certain wheeled, tracked, or other ground-effect motorized vehicles (e.g., **ATVs and snowmachines**) weighing **1,000 pounds dry vehicle weight or less** within the Creamer's Field Migratory Waterfowl Refuge (CFMWR). The dry weight of a vehicle is the weight of the vehicle without passengers, cargo, or fuel, as specified by the manufacturer.

CFMWR was created pursuant to AS 16 20.039 to protect and enhance wildlife habitat, with emphasis on waterfowl and other migratory birds, to promote conservation of wildlife, and provide for compatible public uses.

In accordance with 5 AAC 95, approval is hereby given subject to the following stipulations:

- 1) This authorization does not provide exclusive privilege to use the refuge; thus, the permittee must ensure activities do not conflict with other users of the refuge. Maintain a safe, controlled speed for the given trail conditions. **Yield to all non-motorized trail users.**
- 2) The off-road use of wheeled, tracked, or other ground-effect motorized vehicle weighing less than 1,000 pound dry vehicle weight is authorized from **November 1 through April 30, provided there is sufficient snow cover and ground frost** to prevent penetration of, or disturbance to, the soil surface or plant roots. A minimum of three inches of frozen mineral soil and three inches of accumulated total snow cover to date for the current fall/winter season is considered presumptive evidence of sufficient snow and ground frost.

- 3) The **operation of vehicles over, within, or through open waters is prohibited**. Only firm ice may be crossed. Ice thickness should be checked to confirm it is of sufficient thickness to support the load-bearing load of the authorized vehicles(s). The construction of snow bridges/ramps over waterbodies is not authorized under this permit.
- 4) Conduct activities in a manner to **ensure protection of refuge resources** and property. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, excepting legal hunting, fishing, trapping, and gathering of fish and game.
- 5) This **permit does not authorize the construction/establishment of new trails** or cutting of vegetation that would significantly alter habitat.
- 6) No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated within the refuge. Vehicles shall not be serviced (i.e., fueled) or repaired over any waterbody, whereby, contamination with petroleum products may occur.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work or participate in the activity authorized by the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G, Division of Habitat, and obtain written approval in the form of a permit amendment prior to commencement of the work or activity. Any action taken by the permittee or an agent of the permittee that increases the overall scope of the project or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered 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 ADF&G. Therefore, it is recommended that ADF&G, Division of Habitat, be consulted immediately when a deviation from the approved plan is considered.

This letter constitutes a permit issued under the authority of 5 AAC 95. This permit must be retained onsite during the approved activity. Please be advised that this approval does not relieve you of the responsibility for securing other permits, state, federal, or local.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or with applicable statutes and regulations, or if activities described in this permit conflict with activities directly associated with the primary purpose of the refuge. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use, which 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 recipient of this permit 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, but 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 Todd Nichols at 907-459-7363 or emailed to todd.nichols@alaska.gov.

Sincerely,

Sam Cotten, Commissioner



BY: Jack F. Winters, Acting Regional Supervisor
Division of Habitat
Alaska Department of Fish and Game

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JFW/tn