



## SPECIAL AREA PERMIT

### FH16-III-003-SA - AMENDMENT 1

ISSUED: October 16, 2018

EXPIRES: April 30, 2020

#### GENERAL PUBLIC

RE: Minto Flats State Game Refuge  
Motorized ATV Access and Stream Crossings  
Chatanika River (Stream No. 334-40-11000-2490-3151-4020)  
Tolovana River (Stream No. 334-40-11000-2490-3151)  
Swanneck Slough (Stream No. 334-40-11000-2490-3183)

Pursuant to 5 AAC 95.770, 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 would be served with the issuance of a general permit authorizing the use of motorized all-terrain vehicles (ATV) with a **curb weight of 1,500 pounds or less** within the Minto Flats State Game Refuge (MFSGR). This permit supersedes all previous permits.

The use of ATV's on the refuge is categorized into summer and winter access, with summer access being more restrictive requiring that the vehicle be fully tracked and the use of ATVs limited to designated areas and/or trails. The transition into the less restrictive winter season recognizes the difference in environmental and habitat conditions.

This permit does not apply to the off-road/cross-country transport of construction, mining, or oil and gas equipment on state lands within the MFSGR. Thus, an individual permit authorization is required for any off-road use of vehicles that does not comply with this General Public Permit. Additionally, the Alaska Department of Natural Resources (ADNR), Division of Mining, Land & Water, should be contacted to determine if additional restrictions and/or a Land Use Permit is required.

An individual permit authorization also is required for individuals who own private inholdings within the boundaries of the refuge to access their parcels via an established corridor agreed upon by ADNR, ADF&G, and the private property owner.

### **Authorization and Permit Conditions**

MFSGR (AS 16 20.037) was established to ensure the protection and enhancement of habitat, conservation of fish and wildlife, and to guarantee continuation of hunting, fishing, trapping, and other compatible uses. Specific management goals and policies presented in the 1992 Management Plan have been adopted as regulation (5 AAC 95.530).

In accordance with AS 16.05.871(d) and 5 AAC 95, ADF&G hereby issues a general permit for the public to operate ATV's within MFSGR with the described vehicle limitations, on and within designated trails and areas relative to the type of vehicle, time of year, and with environmental conditions that mitigate potential impact to habitat and subject to the following stipulations:

#### **1) Summer/ Non-Winter Use (May 1 through October 14)**

The summer season use of ATV's is authorized from **May 1 through October 14**, only for vehicles that are **fully tracked**, with a manufacturer-rated, fully loaded, ground contact pressure rating of 2.0 pounds per square inch (psi) or less, and are **limited to designated trails and off-trail areas as described below**. Also, wheeled trailers and sleds with runners having a depth greater than 2 inches are prohibited.

#### **2) Designated Trails and Off-Trail Areas**

The following trails and off-trail areas are authorized for summer/ non-winter use of fully tracked ATV's (as described above):

- a. Refuge land to the east of and including the Dunbar-Livengood Trail (i.e. along the eastern boundary of both the central and northern sections of the MFSGR). *Note: The Dunbar-Livengood Trail is NOT the exact eastern boundary of the refuge, but it IS the eastern boundary of the Minto Flats Management Area described in the Alaska Hunting Regulation.*
- b. The Fairbanks-Manley (Telegraph) Trail that bisects the southern half of the central section of the refuge from Dunbar (the Alaska Railroad block approximately three miles north of Two-mile Lake) to the Tanana River approximately two miles south of Old Minto village. *Note: This section of the trail is also the eastern half of the southern boundary of the Minto Flats Management Area.* The trail continues westward toward Manley Hot Springs paralleling the north bank of the Tanana River to approximately three miles before the trail crosses near the Tolovana River's confluence with the Tanana River. Also, within the following three sections that the trail reenters the refuge, ATV's may be used south of the trail only: 1) passing along the north side of Old Minto, 2) Swanneck Crossing, and 3) between McKinley Crossing and the Tolovana River).

- c. The two winter logging roads within Township 3 South, Range 8 West (located in southern end of the central section of the MFSGR north of the Tanana River).
- d. The entire southern section of the refuge (south of the Tanana River).

\*(For refuge boundaries visit: <http://www.adfg.alaska.gov/index.cfm?adfg=mintoflats.main> and <http://extra.sf.adfg.state.ak.us/FishResourceMonitor/>).

*Note: Sections of the designated trails cross in and out of the refuge, particularly along the Dunbar-Livengood Trail, and usually enter onto other state land with other restrictions (e.g., Tanana Valley State Forest), non-state land (e.g., North Star Borough) and/or through privately owned land (e.g., Native Corporation Land or individual private parcels). Except for the legal use of public access easements the applicable land owner should be contacted to determine eligible uses on and/or across their lands.*

### 3) Winter Use (October 15 through April 30)

The use of both tracked or wheeled (non-highway) ATV's, and other ground-effect motorized vehicles (snowmachines) approved under this permit during the winter season is authorized **refuge-wide from October 15 through April 30, provided there is sufficient snow cover, ground frost, and frozen water surfaces** to prevent penetration of, or disturbance to, the soil surface, vegetation root system, water quality and/or habitat components.

### 4) Parking

Where and/or when ATV use is restricted to a trail or along a public access easement, ATV's must remain on the designated trail except when parked. Any tracked or wheeled ATV that is within the vehicle curb weight parameter of 1,500 pounds or less, regardless of seasonal restriction, is authorized to **park only within 100 feet** of any designated trail and/or legal public access easement within and/or along the boundary of the refuge. This does not authorize the establishment of a new trail parallel to a designated trail or easement within this referenced 100-foot corridor.

### 5) Stream Crossings

Pursuant to AS 16.05.871(b), this permit also authorizes ATV's to cross the Chatanika River, Tolovana River, and/ or Swanneck Slough. All three streams have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). These streams

provide migration habitat for Chinook, coho, and chum salmon, and support resident fish species (e.g., Arctic grayling, northern pike, and whitefish).

Authorized vehicle crossings of the Chatanika and Tolovana rivers, and Swanneck Slough shall be conducted from bank to bank in a direction substantially perpendicular to the direction of stream flow and at traditional crossing locations with gradual down sloping banks. Banks shall not be intentionally altered or disturbed in any way to facilitate crossings.

## **6) General Conditions**

- a. General vehicle operation shall be conducted in a manner that does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting or ground disturbance to soil or vegetation, or thermal erosion.
- b. The operation of vehicles in winter over, within, or through open waters of the MFSGR is prohibited. Only firm ice may be crossed.
- c. No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated within the MFSGR, and vehicles shall not be serviced, fueled, or repaired on the bank of or over any waterbody.
- d. This permit does not authorize the construction/establishment of new trails or cutting of vegetation that would significantly alter habitat. Vehicles must travel on authorized, pre-established trails to the extent practical.
- e. It shall be the vehicle operator's responsibility to know designated trails and areas that are open/closed relative to temporal restrictions and environmental conditions (e.g., non-winter use of ATV's west of the Dunbar Trail to Minto Lakes is prohibited). It is also the vehicle operator's responsibility to know land ownership and parameters of any public access easement. Note: The existence of a trail does not indicate that public access is authorized.
- f. ADF&G may modify or terminate this permit as deemed necessary to protect the primary statutory purposes and uses of the MFSGR.

The owner and/or operator of the vehicle (permittee), and/or the legal guardian of minor dependent owner/operators (permittees), 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 or individual permit 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 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. 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 purposes 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 7282, or emailed to [todd.nichols@alaska.gov](mailto:todd.nichols@alaska.gov).

Sincerely,

Sam Cotten, Commissioner



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