



**SPECIAL AREA PERMIT 20-V-0006-GP-SA**

**ISSUED:** January 6, 2020  
**EXPIRES:** December 31, 2020

General Public:

**RE: Limited Off-Road Use of Motorized Vehicles**

Vehicles Less Than 1,000 Pounds Dry Vehicle Weight on Designated Trails  
Anchor River Fritz Creek Critical Habitat Area

Pursuant to 5 AAC 95, 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 limited off-road motorized vehicle use in the Anchor River Fritz Creek Critical Habitat Area (ARFCCHA). This General Permit authorizes limited off-road use of motorized vehicles, less than 1,000 pounds dry vehicle weight, on designated trails (see enclosed map) within the boundaries of the ARFCCHA.

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. Due to an installed bridge at the Beaver Creek ford location, this general permit will **not** include vehicle crossings of Beaver Creek during non-frozen conditions.

**Legislatively Designated Special Area**

The ARFCCHA was established pursuant to AS 16.20.605 to protect habitat especially crucial to the perpetuation of fish and wildlife and to restrict all other uses not compatible with that primary purpose.

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 ARFCCHA subject to the description above, the following stipulations, and permit terms:

1. The use of motorized vehicles less than 1,000 pounds dry weight shall remain on designated trails (see enclosed map). The off-trail use of these vehicles is authorized only to retrieve downed bear and moose during lawful hunting seasons.
2. The off-trail use of vehicles less than 1,000 pounds dry weight is authorized on all critical habitat area lands from November 1 through March 31 when sufficient snow cover or ground frost is present to prevent penetration of or disturbance to the soil surface or plant roots. In addition, ice cover on wetlands or other water bodies must be of sufficient thickness to support the weight-bearing load of the off-road vehicle.

### **Permit Terms**

This General Permit authorizes only normal recreational travel of motorized vehicles less than 1,000 pounds dry weight under the conditions stipulated. The off-road use of heavier wheeled or tracked vehicles is not allowed in the Anchor River/Fritz Creek Critical Habitat Area except by an individual Special Area Permit.

The vehicle owner and operator (permittee), or the legal guardian of minor dependents, is responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that requires an individual Special Area Permit, as identified in 5 AAC 95.420, the individual shall notify Habitat Section of the activity. Any action taken by the permittee or agent of the permittee that increases the activity's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation 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 a Habitat Section responsibility. Therefore, it is recommended that you consult with Habitat Section immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.20.530. Please be advised that this determination applies only to activities regulated by 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 from state, federal, or local agencies. You are still required to comply with all other applicable laws.

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. 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.

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.

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.

Sincerely,

Doug Vincent-Lang  
Commissioner

*Brian Blossom*

By: Brian Blossom  
Kenai Peninsula Area Manager  
ADF&G, Habitat

Enclosure: Map

cc: KRC File

By email only:

AWT Homer  
ADF&G Homer, Anchorage  
COE-KFO

