



**SPECIAL AREA PERMIT 22-V-0017-GP-SA**

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

General Public:

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

Pursuant to AS 16.20.050, AS 16.20.060, 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 would be served through the issuance of a General Permit authorizing limited off-road motorized vehicle (ORVs) use in the Trading Bay State Game Refuge (TBSGR). This General Permit authorizes the use of ORVs, less than 1,000 pounds dry vehicle weight, on two designated trails near the McArthur River (see attached maps) within the TBSGR.

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.

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. This General Permit does not authorize the use of motorized vehicles in streams, rivers, ponds, or lakes specified to contain anadromous fishes. The off-road use of any vehicle in excess of 1,000 pounds dry vehicle weight within TBSGR is not authorized under this General Permit.

**Legislatively Designated Special Area**

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 Permit to the general public for off-road use of motorized vehicles on two existing trails in the TBSGR subject to the description above, the following stipulations, and permit terms:

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. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, except legal and permitted hunting, fishing, and gathering of fish and game.
4. Vehicle use shall not restrict public access to and use of fish and wildlife resources.
5. No vehicle shall be operated in the open waters below the ordinary high water line (vegetation line) of any river, lake, or stream specified to contain anadromous fishes.
6. No material of any kind, including vehicles, waste products, debris, supplies, or equipment shall be stored or disposed of within the TBSGR.
7. No fuel shall be stored, nor vehicles leaking fuels, oils, hydraulic, or cooling fluids, shall be operated within the TBSGR.

### **Permit Terms**

This letter constitutes a permit issued under the authority of AS 16.20.060 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](mailto:kaitlynn.cafferty@alaska.gov).

Sincerely,

Doug Vincent-Lang,  
Commissioner

*Tony Munter*

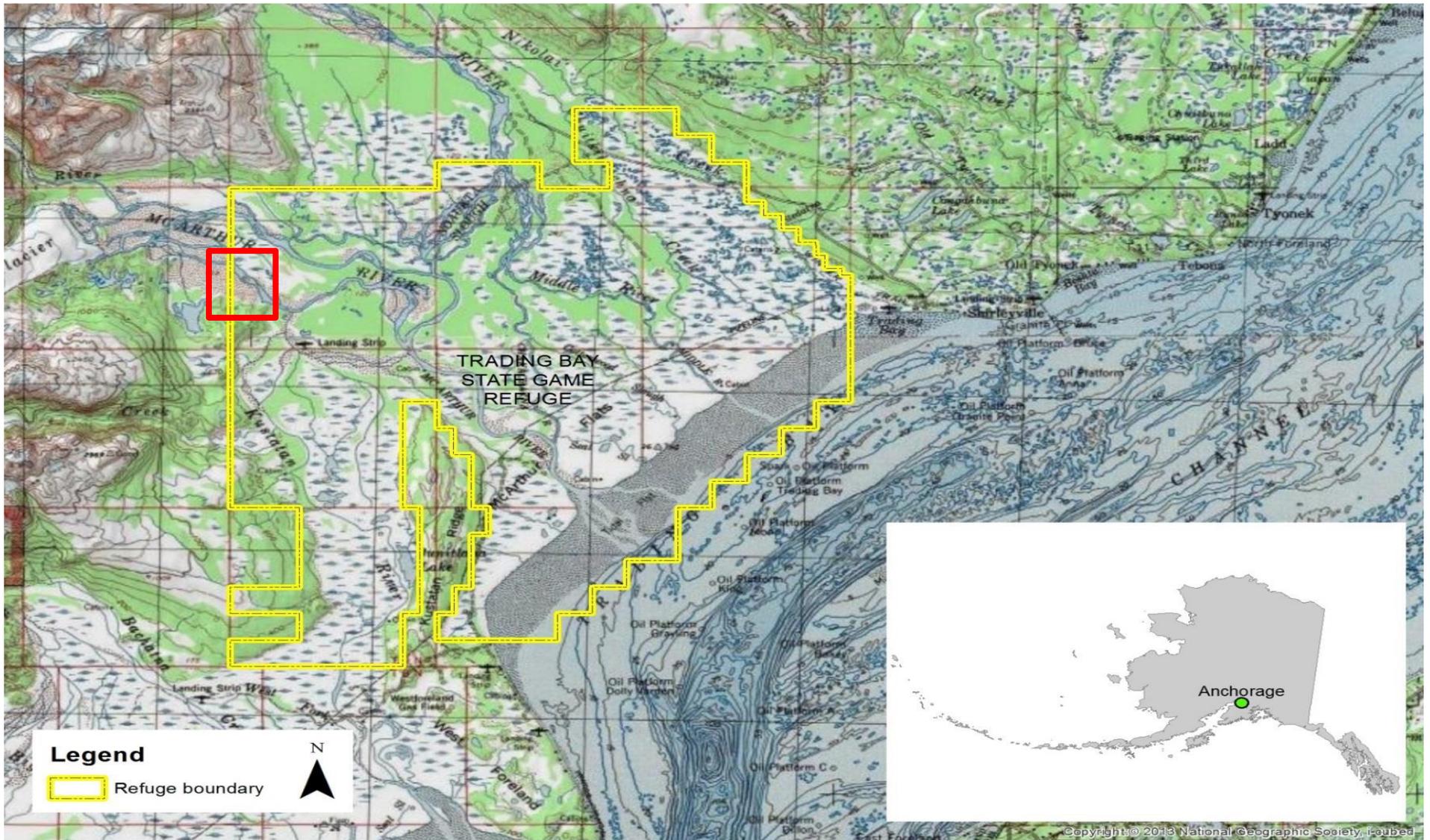
By: Tony Munter  
Kenai Peninsula Area Manager  
ADF&G, Habitat Section

Enclosure: Map 1  
Map 2

cc: KRC File

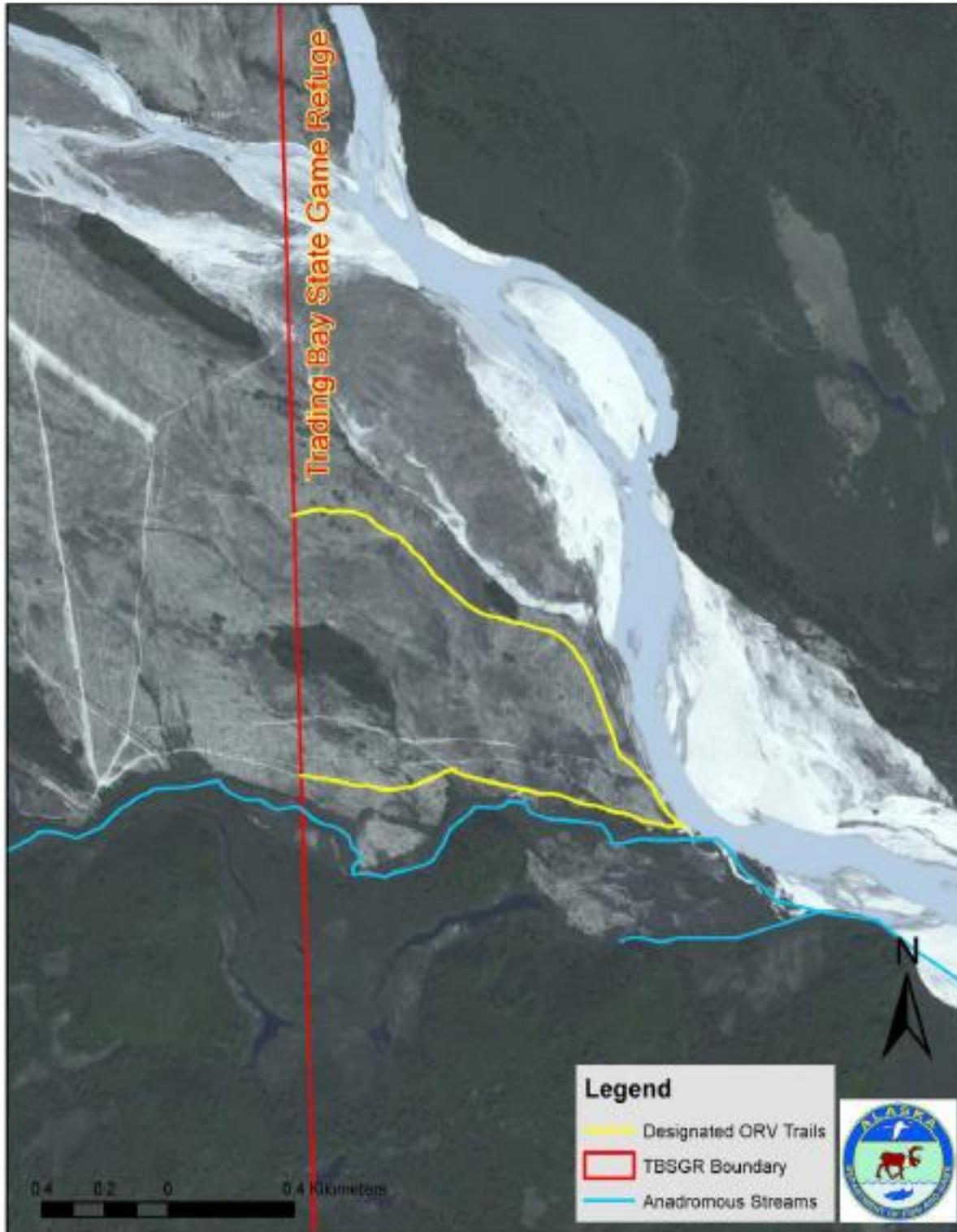
By email only:

AWT Northern Detachment  
ADF&G Anchorage, Soldotna, Palmer  
C. Larson, ADNDR DMLW  
M. Mueller, KPBB  
Al, Ott, ADF&G-HAB  
J. Meehan, ADF&G-WC  
T. Massie, ADF&G-HAB  
C. Lipka, ADF&G-SF  
N. Fowler, ADF&G-WC  
B. Marston, ADF&G-CF



**Map 1.** General location of designated trails in red square.

## Designated ORV Trails – Trading Bay State Game Refuge



**Map 2.** Designated ORV trails in yellow.