



SPECIAL AREA PERMIT FH20-V-0021-GP-SA

ISSUED: January 8, 2020
EXPIRES: December 31, 2020

General Public:

RE: Limited Off-Road Use of Motorized Vehicles
Vehicles Less Than 1,000 Pounds Dry Vehicle Weight
Trading Bay State Game Refuge

Pursuant to 5 AAC 95 and the anadromous fish act at AS 16.05.871(b), 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 Trading Bay State Game Refuge (TBSGR). This General Permit authorizes seasonal use of wheeled, tracked, and ground-effect motorized vehicles less than 1,000 pounds dry vehicle weight.

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.

Anadromous Fish Act

Various rivers, lakes, and streams within the TBSGR have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). These rivers, lakes, and streams may also support a variety of resident fish species.

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. The use of off-road vehicles 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 and AS 16.05.871(d), the department hereby issues a Special Area Permit to the general public for off-road use of motorized vehicles including the access to, crossings of, or egress from any specified anadromous river, lake or stream within the TBSGR subject to the description above, the following stipulations, and permit terms:

1. This permit must be on your possession during off-road vehicle use in TBSGR.
2. The use of off-road vehicles within the boundaries of the TBSGR between **April 1 and November 15 is prohibited**, except on two existing trails on the McArthur River floodplain as detailed in ADF&G Special Area General Permit FH18-II-0017-GP-SA.
3. From **November 16 through March 31**, the use of off-road vehicles weighing less than 1,000 pounds dry vehicle weight is **authorized** provided there is a minimum of 12 inches of snow cover **and** sufficient ground frost to prevent penetration of, or disturbance to, the soil surface or plant roots.
4. The ice cover of water bodies shall be of sufficient thickness to support the weight-bearing load of the authorized vehicle(s).
5. There shall be no vehicles or equipment operated in the open waters of any specified river, lake, or stream.
6. The use of snow or ice bridges, access ramps, or cribbing to cross any specified river, lake, or stream is prohibited without prior written approval by ADF&G, Habitat Section.
7. Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
8. The bed or banks of any specified river, lake, or stream shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
9. No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line of any specified river, lake, or stream.

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 Trading Bay State Game Refuge 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 and AS16.05.871. 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.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Any questions about this permit may be directed to Habitat Biologist Brian Blossom at 724-2481 or brian.blossom@alaska.gov

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 Northern Detachment
ADF&G Anchorage, Soldotna, Palmer
ADNR/MLW
KPB

