



SPECIAL AREA PERMIT FH22-IV-GP13-SA (Amendment #1)

ISSUED: January 1, 2024
EXPIRES: March 31, 2027

General Public:

RE: *Off-Road Vehicle Use and Aircraft Landings*
Palmer Hay Flats State Game Refuge

Project Description

In response to public need for access to the Palmer Hay Flats State Game Refuge (PHFSGR), the Alaska Department of Fish and Game, 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. This general permit, issued pursuant to 5 AAC 95, authorizes certain types of off-road motorized vehicle (ORV) use and the landing of aircraft within the PHFSGR.

Legislatively Designated Special Area

The PHFSGR was established in 1975 pursuant to AS 16.20.032 to protect and preserve the area's natural habitat and game populations. Alaska State statutes and the PHFSGR Management Plan authorize multiple land use activities on the refuge if the activity provides proper protection of fish and game. The operation of off-road vehicles and aircraft is not expected to adversely impact important habitat values, fish and wildlife populations, or public recreation, provided all activities are conducted in strict accordance with the conditions and stipulations contained herein.

In accordance with 5 AAC 95, your project is approved subject to the project description, the following stipulations, and the permit terms:

This permit must be in your possession during off-road vehicle use and aircraft landings.

Off-Road Vehicles

With the exception of the dedicated access point at Rabbit Slough, those lands within 1/2 mile either side of the Glenn Highway between the north end of the Matanuska River Bridge and the southern edge of the Alaska Railroad right-of-way at the Glenn Highway crossing are closed to off-road vehicle traffic year-round (see the attached map).

The off-road use of any wheeled, tracked, or other ground-effect motorized vehicle less than one thousand pounds (1,000 lb) gross vehicle weight (inclusive of operator and gear) is authorized as follows:

- From November 9 through March 31 on all refuge lands (except as described above) provided there is at least twelve inches (12") of snow cover and sufficient ground frost to prevent the penetration of or disturbance to the soil surface or plant roots. In addition, ice cover on wetlands and other water bodies must be of sufficient strength to support the laden weight of the off-road vehicle.
- From November 9 through March 31 on the frozen surfaces of the Knik River (accessed from the Knik River access point) and Wasilla Creek (accessed from the Rabbit Slough access point; see

attached map), provided the ice is of sufficient thickness to support the laden weight of the vehicle.

- From August 31 through November 15, on a marked trail from a bridge over Cottonwood Creek located at approximately 61.5109 N, -149.5584 W within the NE¼ NW¼ Section 1, T 16 N, R 2 W, SM and extending approximately 1 mile to a point identified and marked by the Alaska Department of Fish and Game at approximately 61.5009 N, -149.5585 W within the NE¼ SW¼ Section 1, T 16 N, R 2 W, SM (see attached map).

Aircraft

From November 10 through March 31 the landing of aircraft is authorized on all refuge lands provided there is at least twelve inches (12") snow cover and sufficient ground frost to prevent the penetration of or disturbance to the soil surface or plant roots. However, those lands within 1/2 mile either side of the Glenn Highway between the north end of the Matanuska River Bridge and the southern edge of the Alaska Railroad right-of-way at the Glenn Highway is closed to aircraft landings year-round.

Pursuant to 5 AAC 95, the operation of vehicles and aircraft within the PHFSGR as described above is authorized provided all activities are performed in strict accordance with the stipulations below:

1. The operation of vehicles within open waters on the PHFSGR, except for aircraft and watercraft, is prohibited.
2. Harassment of wildlife is prohibited.
3. Vehicles or equipment shall not be left unattended within the PHFSGR. The use of vehicles and aircraft within the refuge shall not restrict or interfere with public access to or across state land, or to fish and wildlife resources.
4. No material of any kind, including waste products, debris, supplies, or equipment shall be stored or disposed of within the PHFSGR.
5. No vehicles leaking fuels, oils, hydraulic, or cooling fluids shall be operated within the PHFSGR.

Ground-effect vehicle and aircraft operations other than specifically described herein requires an individual Special Area Permit from the Habitat Section.

Please be advised the Alaska Railroad Corporation (ARRC) has an established right-of-way (ROW) reaching 100 feet on either side of the track which is closed to the general public. Please contact the ARRC for further information (907-265-2300).

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.

Sincerely,

Doug Vincent-Lang
Commissioner



By: Sarah Myers
Matanuska-Susitna Area Manager
Habitat Section
(907) 861-3200

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Enclosures: Palmer Hay Flats State Game Refuge Area Map

cc:	A. Ott, Habitat	S. Oslund, SF	M. Carter, WC	Permits, SF
	L. Hegg, AWT	D. Ledford, AWT	S. Myers, Habitat	S. Rodman, Habitat
	Permits, DNR SCRO	T. Massie, Habitat	C. Brockman, WC	A. Dubour, WC
	H. Langendorf, WC	C. Moenaert, Habitat		

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