



**SPECIAL AREA PERMIT FH-15-IV-GP13-SA
Amendment I**

ISSUED: August 22, 2015
EXPIRES: March 31, 2016

General Public:

Re: Palmer Hay Flats - Off-Road Vehicle Use and Aircraft Landings

This General Public Permit is amended to restrict the use of ORVs beyond a point approximately 1 mile south of the bridge over Cottonwood Creek located near the Cottonwood Creek /Hayfield Road access at the western boundary to the Palmer Hay Flats State Game Refuge (PHFSGR, see attached map and bullet number 3 below). This amendment renders the original General Public Permit issued on April 1, 2015 null and void.

In response to public need for access to the PHFSGR, the Alaska Department of Fish and Game, Division of Habitat, 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.

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.

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 lbs.) 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") 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°30'39.14"N latitude and 149°33'30.31"W longitude within the NE¼ NW¼ Section 01, T16N, R02W, SM and extending approximately 1 mile to a point identified and marked by the Alaska Department of Fish and Game at approximately 61°30'03.06"N latitude and 149°33'30.64"W longitude within the NE¼SW¼ Section 01, T16N, R02W, SM (see attached map).

Ground-effect vehicle operation other than specifically described herein requires an individual Special Area Permit from the Division of Habitat.

AIRCRAFT

From November 9 through March 31 the landing of aircraft is authorized on all refuge lands provided there is at least a twelve inch (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.

Aircraft operation other than specifically described herein requires an individual Special Area Permit from the Division of Habitat.

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 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.

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).

The vehicle/aircraft owner and operator, or the legal guardian of minor dependents (permittees), are responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that significantly deviates from the approved activity, the permittee shall notify the Division of Habitat at the above letterhead address and obtain written approval in the form of an individual Special Area Permit before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the overall scope of the permitted activity 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 the responsibility of the Division of Habitat. Therefore, it is recommended that the Division of Habitat be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a General Permit issued under the authority of 5 AAC 95. Please be advised that this approval does not relieve the permittee of the responsibility for securing other all other applicable state, federal, or local permits.

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 (the permittee) shall indemnify, save harmless, and defend the Division of Habitat, 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 amendment. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the Division of Habitat's negligence.

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,
Sam Cotten, Commissioner



By: Michael L. Bethe, Habitat Biologist
Division of Habitat
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Attachment: Palmer Hay Flats State Game Refuge Area Map

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| cc: | C. Larson, DMLW | S. Ivey, SF | T. Massie, Habitat | T. Rinaldi, WC |
| | J. Meehan, WC | E. Weiss, WC | D. Hill, WC | T. Taranto, MSB |
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Palmer Hay Flats State Game Refuge

