



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Fish and Game**

DIVISION OF HABITAT
Kenai Peninsula Office

514 Funny River Road
Soldotna, Alaska 99669-8255
Main: 907.714.2475
Fax: 907.260.5992

SPECIAL AREA PERMIT 15-V-0006-GP-SA

ISSUED: December 16, 2014
EXPIRES: December 31, 2015

General Public:

Re: Anchor River/Fritz Creek Critical Habitat Area – Off-Road Use of Motorized Vehicles

In response to public need for access into and through the Anchor River/Fritz Creek Critical Habitat Area, the Alaska Department of Fish and Game (ADF&G) 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 authorizes limited off-road use of motorized vehicles, less than 1,000 pounds dry weight within the boundaries of the Anchor River/Fritz Creek Critical Habitat Area. The dry weight of a vehicle is the weight of the vehicle without passengers and cargo as specified by the manufacturer. Due to a newly installed bridge near the traditional Beaver Creek ford location, this general permit will **NOT** include vehicle crossing of Beaver Creek during non frozen conditions.

The Anchor River/Fritz Creek Critical Habitat Area was established pursuant to AS 16.20.605, to protect natural habitat crucial to the perpetuation of fish and wildlife (particularly moose) 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 Anchor River/Fritz Creek Critical Habitat Area subject to the following stipulations:

1. The use of wheeled vehicles less than 1,000 pounds dry weight must remain on designated trails. 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.

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

The owner and operator, and the legal guardian of minor dependents, (permittees), are responsible for the actions of vehicle operators, or other persons who perform the approved activity. For any action that significantly deviates from the approved activity, the permittee shall notify the Division of Habitat at the above letterhead address or telephone number, and obtain written approval in the form of an individual Special Area Permit and/or Fish Habitat 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 actions. 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 activity is being considered.

This letter constitutes a permit issued under the authority of 5 AAC 95. Please be advised that this determination applies only to activities regulated by the Division of Habitat. 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.

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 foreseen as 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.

This permit decision may be appealed in accordance with the provisions of AS 44.62.330-630.

General Public
15-V-0006-GP-SA

3

Issued: December 16, 2014
Expires: December 31, 2015

Sincerely,

Sam Cotten, Acting Commissioner



By: Ginny Litchfield
Kenai Peninsula Area Manager
ADF&G, Habitat Division

Enclosure: Map

cc: KRC File

By email only:

AWT Homer
ADF&G Homer, Anch.

COE-KFO

