



SPECIAL AREA PERMIT

FH20-III-004-SA

ISSUED: October 1, 2020
EXPIRES: April 30, 2025

GENERAL PUBLIC

RE: Creamer's Field Migratory Waterfowl Refuge
Winter Use of ATVs

Pursuant to 5 AAC 95, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined that both the public interest and protection of fish and game populations, and their habitat, would be served with the reissuance of a general permit authorizing the **winter use** of certain non-highway motorized all-terrain vehicles (**ATVs and snowmachines**) weighing **1,000 pounds dry vehicle weight or less** within the Creamer's Field Migratory Waterfowl Refuge (CFMWR). These activities were previously authorized under FH11-III-017-SA and FH15-III-001-SA.

Legislatively Designated Special Area

CFMWR was created pursuant to AS 16 20.039 to protect and enhance wildlife habitat, with emphasis on waterfowl and other migratory birds, to promote conservation of wildlife, and provide for compatible public uses.

Authorization and Permit Conditions

In accordance with 5 AAC 95, this activity is approved subject to the current Cooperative Agreement, and with the following stipulations:

- 1) This authorization does not provide exclusive privilege to use the refuge; thus, the permittee must ensure activities do not conflict with other users of the refuge. Maintain a safe, controlled speed for the given trail conditions. **Yield to all non-motorized trail users.**
- 2) The off-road use of wheeled or tracked motorized vehicle weighing less than 1,000 pound dry vehicle weight is authorized within CFMWR from **November 1 through April 30, provided there is sufficient snow cover and ground frost, and frozen water surfaces** to prevent

penetration of, or disturbance to, the soil surface, vegetation root system, water quality and/or habitat components.

- 3) Conduct activities in a manner to **ensure protection of refuge resources** and property. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, except legal hunting, fishing, trapping, etc.
- 4) **Operation of vehicles over or within open water is prohibited.** Only waterbodies with stable ice conditions may be crossed.
- 5) **This permit does not authorize the construction/establishment of new trails** or cutting vegetation that would significantly alter habitat. Vehicles must travel on authorized trails and/or clearings to the extent practicable.
- 6) No vehicle leaking fuel, oil, hydraulic or cooling fluid shall be operated within the refuge, and no vehicle shall not be serviced, fueled, or repaired near or over any waterbody.
- 7) The vehicle operator is responsible to know the refuge boundary, adjacent land ownership, and conditions of easements. **Note: The existence of a trail does not authorize public access.**

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 of ADF&G; 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 ADF&G Habitat Section and obtain written approval in the form of a permit amendment 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 ADF&G Habitat Section. Therefore, it is recommended that you consult the Habitat Section 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.

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.

Please direct questions about this permit to Habitat Biologist Todd Nichols at 907-459-7363 or todd.nichols@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Audra L. J. Brase
Fairbanks Regional Supervisor

ecc: Ryan Klimstra, ADF&G WC, Fairbanks
AJ Wait, ADNR Lands, Fairbanks
Joe Meehan, ADF&G WC, Anchorage
Tammy Massie, ADF&G HAB, Anchorage
AWT, Northern Detachment, Fairbanks
Permit Coordinator, ADF&G SF
Al Ott, ADF&G HAB, Fairbanks

tn/AB