



SPECIAL AREA PERMIT FH21-I-0003-SA-GP

ISSUED: January 27, 2021
EXPIRES: December 31, 2022

General Public:

RE: Motorized Access
Yakataga State Game Refuge
Tsivat River (Stream No. 192-42-10400)
Tsiu River (Stream No. 192-42-10400-2013)
Sections 15 and 20, T 21S, R 14E, CRM (Bering A-6)

The Yakataga State Game Refuge was established at Alaska Statute 16.20.033(b) to protect fish and wildlife habitats and populations and public uses of those resources. The Alaska Department of Fish and Game (ADF&G) manages a commercial set gillnet fishery in the lower Tsiu River, about 120 miles northwest of Yakutat. ADF&G staff and commercial lodge operators and their clients use motorized vehicles to cross the lower Tsivat and Tsiu Rivers.

Pursuant to 5 AAC 95 and AS 16.05.871(b), ADF&G has determined the public interest is served, and special area uses, resources, and habitats are properly protected through issuance of a General Permit authorizing motorized access in the Yakataga State Game Refuge and stream crossings in the lower Tsivat and Tsiu Rivers per the enclosed maps. Members of the public accessing the Yakataga State Game Refuge with motorized vehicles must maintain equipment to prevent fluid leaks and not harass fish or wildlife.

Vehicles

Wheeled and tracked motorized vehicles (e.g., all-terrain and snowmachines) may be used on trails designated in the enclosed maps or seaward of coastal vegetation above the mean high tide line.

Aircraft Use and Airstrip Maintenance

Fixed wing aircraft equipped with tundra tires may land anywhere. Fixed wing aircraft without tundra tires may use the Moose International Airstrip located near the east-southeast shoreline of Vitus Lake or the airstrip adjacent to the Sam Fejes Tsiu River Lodge. Anyone may maintain the airstrips for public use.

Airboats

Airboats may transit areas with water depths greater than 6 inches from May 1 to August 10.

Legislatively Designated Special Area

The Yakataga State Game Refuge was established at AS 16.20.033(b) to protect fish and wildlife habitats and populations and public uses of those resources.

In accordance with 5 AAC 95.420, the public may operate motorized vehicles, aircraft, and airboats in the Yakataga State Game Refuge subject to the description above and the permit terms.

Anadromous Fish Act

Pursuant to AS 16.05.871(a), the following water bodies have been specified as being important for the spawning, rearing, or migration of anadromous fishes: Stream Number 192-42-10400 provides habitat for Chinook, coho, pink, and sockeye salmon, and eulachon; and Stream Number 192-42-10400-2013 provides habitat for coho salmon. The lower reaches of these water bodies provide a migration corridor for salmonids.

In accordance with AS 16.05.871(d), motorized vehicle stream crossings at designated locations are approved subject to the description above, permit terms and the following stipulations:

1. Vehicle operations in streams shall be limited to that necessary to safely cross the water body in the most direct manner.
2. Vehicles may not be refueled, serviced, or parked below the ordinary high water mark of streams.
3. Equipment leaking fuel, hydraulic fluid, or other pollutants shall not be operated below the ordinary high water mark of streams.
4. The streambed and streambanks shall not be altered or disturbed to facilitate stream crossings.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.20.060 and AS 16.05.871. Please be advised that this determination applies only to Habitat Section regulated activities; other agencies also may have jurisdiction under their respective authorities. This determination does not relieve you of your responsibility to secure other state, federal, or local permits. You are still required to comply with all other applicable laws.

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. Prior to engaging in any activity that significantly deviates from this approval, the responsible party shall notify Habitat Section and obtain written approval in the form of an individual special area permit. 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 an individual special area permit is a Habitat Section responsibility. Therefore, it is

recommended that Habitat Section be consulted immediately when a deviation from the approved activity is being considered.

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 44.62.330–630 by requesting a hearing under AS 44.62.370.

Please direct questions about this permit to Habitat Biologist Bill Kane at (907) 465-6474 or william.kane@alaska.gov.

Sincerely,
Doug Vincent-Lang
Commissioner



By: Kate Kanouse
Regional Supervisor

Enclosures: Yakataga State Game Refuge Special Area General Permit Maps (2):
- Authorized Vehicle Access
- Authorized Vehicle Access – Southern Extent

Email cc:
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