



SPECIAL AREA PERMIT

FH16-III-003-SA Amendment 2

ISSUED: August 25, 2020

EXPIRES: April 30, 2022

GENERAL PUBLIC

RE: Minto Flats State Game Refuge
Motorized ATV Access and Stream Crossings
Chatanika River (Stream No. 334-40-11000-2490-3151-4020)
Tolovana River (Stream No. 334-40-11000-2490-3151)
Swanneck Slough (Stream No. 334-40-11000-2490-3183)

Pursuant to 5 AAC 95.770, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined that both the public interest and protection of fish and game would be served with the issuance of a general permit authorizing the use of non-highway motorized all-terrain vehicles (ATV) with a **dry weight of 1,500 pounds or less** within the Minto Flats State Game Refuge (MFSGR).

The use of ATVs on the refuge is categorized into summer and winter access, with summer access being more restrictive requiring that the vehicle be fully tracked and limited to designated areas and/or trails. The transition into the less restrictive winter season recognizes the difference in environmental and habitat conditions.

This permit does not apply to the off-road/cross-country transport of construction, mining, or oil and gas equipment on state lands within the MFSGR. Thus, an individual permit authorization is required for any off-road use of vehicles that does not comply with this General Public Permit. Additionally, the Alaska Department of Natural Resources (ADNR), Division of Mining, Land & Water, should be contacted to determine if additional restrictions and/or a Land Use Permit is required.

An individual permit authorization may also be required for individuals who own private inholdings within the boundaries of the refuge to access their parcels via an established corridor agreed upon by ADNR, ADF&G, and the private property owner.

Legislatively Designated Special Area

MFSGR (AS 16 20.037) was established to ensure the protection and enhancement of habitat, conservation of fish and wildlife, and to guarantee continuation of hunting, fishing, trapping, and other compatible uses. Specific management goals and policies presented in the 1992 Management Plan have been adopted as regulation (5 AAC 95.530).

Anadromous Fish Act

The Chatanika and Tolovana Rivers, and Swanneck Slough have been specified as being important for the spawning, rearing, or migration of anadromous fishes pursuant to AS 16.05.871(a). These streams provide migration habitat for Chinook, coho, and chum salmon, and support resident fish species such as Arctic grayling, northern pike, and whitefish. Your activity should not obstruct the free passage of fish.

Authorization and Permit Conditions

In accordance with AS 16.05.871(d) and 5 AAC 95, ADF&G hereby issues a general permit for the public to operate ATVs within MFSGR with the described vehicle limitations, on and within designated trails and areas relative to the type of vehicle, time of year, and with environmental conditions that mitigate potential impact to habitat, subject to the following stipulations:

1) Summer/ Non-Winter Use

The summer season use of ATVs is authorized from **May 1 through October 14**, only for vehicles that are **fully tracked**, with a manufacturer-rated, fully loaded, ground contact pressure rating of 2.0 pounds per square inch (psi) or less, and are **limited to designated trails and off-trail areas as described below**. Wheeled trailers and sleds with runners having a depth greater than 2 inches are prohibited during this period.

2) Designated Trails and Off-Trail Areas

The following trails and off-trail areas are authorized for summer/ non-winter use of fully tracked ATVs:

- a. Refuge land to the east of and including the Dunbar-Livengood Trail (i.e. along the eastern boundary of both the central and northern sections of the MFSGR). *Note: The Dunbar-Livengood Trail is NOT the exact eastern boundary of the refuge, but it IS the eastern boundary of the Minto Flats Management Area described in the Alaska Hunting Regulation.*
- b. The Fairbanks-Manley (Telegraph) Trail that bisects the southern half of the central section of the refuge from Dunbar (the Alaska Railroad block approximately three miles north of Two-mile Lake) to the Tanana River approximately two miles south of Old Minto village. *Note: This section of the trail is also the eastern half of the southern boundary of the Minto Flats Management Area.* The trail continues westward toward Manley Hot Springs paralleling the north bank of the Tanana River to approximately

three miles before the trail crosses near the Tolovana River's confluence with the Tanana River. Also, within the following three sections that the trail reenters the refuge, ATV's may be used south of the trail only: 1) passing along the north side of Old Minto, 2) Swanneck Crossing, and 3) between McKinley Crossing and the Tolovana River).

- c. The two winter logging roads within Township 3 South, Range 8 West (located in southern end of the central section of the MFSGR north of the Tanana River).
- d. The entire southern section of the refuge (south of the Tanana River).

*(For refuge boundaries visit: <http://www.adfg.alaska.gov/index.cfm?adfg=mintoflats.main> and <http://extra.sf.adfg.state.ak.us/FishResourceMonitor/>).

Note: Sections of the designated trails cross in and out of the refuge, particularly along the Dunbar-Livengood Trail, and usually enter onto other state land with other restrictions (e.g., Tanana Valley State Forest), non-state land (e.g., North Star Borough) and/or through privately owned land (e.g., Native Corporation Land or individual private parcels). Except for the legal use of public access easements, the applicable landowner should be contacted to determine eligible uses on and/or across their lands.

3) **Winter Use**

The use of both tracked or wheeled ATVs, and other ground-effect motorized vehicles (snowmachines) approved under this permit during the winter season is authorized **refuge-wide from October 15 through April 30, provided there is sufficient snow cover, 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.

4) **Parking**

Where and/or when ATV use is restricted to a trail or along a public access easement, ATVs must remain on the designated trail except when parked. Any tracked or wheeled ATV that is within the vehicle dry weight parameter of 1,500 pounds or less, regardless of seasonal restriction, is authorized to **park only within 100 feet** of any designated trail and/or legal public access easement within and/or along the boundary of the refuge. This does not authorize the establishment of a new trail parallel to a designated trail or easement within this referenced 100-foot corridor.

5) **Stream Crossings**

Authorized vehicle crossings of the Chatanika and Tolovana Rivers, and Swanneck Slough shall be made from bank to bank in a direction perpendicular to the direction of stream flow to the extent practicable. Stream banks shall not be altered in any way to facilitate crossings.

6) **General Conditions**

- a. General vehicle operation shall be conducted in a manner that does not cause or contribute to water quality degradation, alteration of drainage systems, significant rutting or ground disturbance to soil or vegetation, or thermal erosion.
- b. The operation of vehicles in winter over, within, or through open waters of the MFSGR is prohibited. Only firm ice may be crossed.
- c. No vehicles leaking fuels, oils, hydraulic or cooling fluids shall be operated within the MFSGR, and vehicles shall not be serviced, fueled, or repaired on the bank of or over any waterbody.
- d. This permit does not authorize the construction/establishment of new trails or cutting of vegetation that would significantly alter habitat. Vehicles must travel on authorized, pre-established trails to the extent practical.
- e. It shall be the vehicle operator's responsibility to know designated trails and areas that are open/closed relative to temporal restrictions and environmental conditions (e.g., non-winter use of ATVs west of the Dunbar Trail to Minto Lakes is prohibited). It is also the vehicle operator's responsibility to know land ownership and parameters of any public access easement. **Note: The existence of a trail does not authorize public access.**
- f. ADF&G may modify or terminate this permit as deemed necessary to protect the primary statutory purposes and uses of the MFSGR.

Permit Terms

This letter constitutes a permit issued under the authority of 5 AAC 95 and AS 16.05.871. 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 the responsibility for securing 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.

You may appeal this permit decision relating to 5 AAC 95.920 and/or AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

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

Sincerely,
Doug Vincent-Lang
Commissioner



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