



SPECIAL AREA PERMIT 22-V-0007-GP-SA

ISSUED: January 3, 2022
EXPIRES: December 31, 2023

General Public:

RE: Limited Off-Road Use of Motorized Vehicles & Seasonal Aircraft Landings

- 1) Use of Motorized Vehicles Less Than 1,000 pounds Dry Vehicle Weight on the Fox River Flats Trail; and
- 2) Landing of Aircraft within the Fox River Flats Critical Habitat Area between September 1 and December 15
Fox River Flats Critical Habitat Area

Pursuant to AS 16.20.520, AS 16.20.530, 5 AAC 95.400-.440, and 5 AAC 95.700-.990, the Alaska Department of Fish and Game (ADF&G), Habitat Section, has determined that both the public interest and the proper protection of fish and wildlife and their habitat would be served through issuance of a General Permit (5 AAC 95.770) authorizing limited off-road motorized vehicle use in the Fox River Flats Critical Habitat Area (FRFCHA). This General Permit authorizes off-road use of motorized vehicles, less than 1,000 pounds dry vehicle weight, on the Fox River Flats Trail (see enclosed map) and the seasonal landing of aircraft within the FRFCHA.

For the purposes of this permit, the dry weight of a vehicle is the weight of the vehicle without passengers, cargo, or fuel as specified by the manufacturer.

The Fox River Flats Trail begins at the fencing after crossing Fox Creek (authorized by Fish Habitat General Permit FH19-V-0009-GP) and ends near the village of Dolina. The middle portion of the trail passes through the FRFCHA and is generally located near the toe of the bluff. Signs that describe trail restrictions and location of the designated trail have been posted at each end of the trail. A map showing the location of the trail is enclosed.

ADF&G approved construction of the Fox River Flats Trail and is issuing this General Permit for its use so that, except for aircraft landing as described below, wheeled or tracked ground-effect motorized vehicles are not operated within the remainder of the FRFCHA. It is the goal of

this action to reduce the adverse impacts to the land surface and wildlife populations that have occurred as a result of the indiscriminate use of motorized vehicles.

This General Permit authorizes the year-round use of motorized vehicles, less than 1,000 pounds dry vehicle weight, **ONLY** on the designated Fox River Flats Trail. Motorized vehicles such as pickup trucks, bulldozers, industrial equipment, large all-terrain vehicles, and other similar vehicles are not authorized to use the trail by this General Permit. No ground-effect motorized vehicle of any type may be operated within the FRFCHA off of the Fox River Flats Trail without an individual Special Area Permit. Where appropriate, the off-trail use of motorized vehicles may be authorized by an individual Special Area Permit available from Habitat Section, and may be subject to timing restrictions.

Legislatively Designated Special Area

The FRFCHA was established pursuant to AS 16.20.580 to protect habitat especially crucial to the perpetuation of fish and wildlife 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 the use of motorized vehicles and for seasonal aircraft landings in the FRFCHA subject to the description above, the following stipulations, and permit terms:

1. The use of motorized vehicles less than 1,000 pounds dry weight shall remain on the designated Fox River Flats Trail (see enclosed map).
2. The landing of aircraft within the FRFCHA is authorized from September 1 through December 15.

Permit Terms

This letter constitutes a permit issued under the authority of AS 16.20.530 and must be retained on site during project activities. Please be advised that this determination applies only to activities regulated by the Habitat Section; 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 Habitat Section and obtain written approval in the form of a permit amendment in accordance with 5 AAC 95.740 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 Habitat Section. Therefore, we

recommend you consult the Habitat Section immediately 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.

Please direct questions about this permit to Habitat Biologist Kaitlynn Cafferty at (907) 714-2481 or e-mail at kaitlynn.cafferty@alaska.gov.

Sincerely,

Doug Vincent-Lang
Commissioner

Tony Munter

By: Tony Munter
Kenai Peninsula Area Manager
ADF&G, Habitat Section

Enclosure: Map 1

cc: KRC File

By email only:

AWT Homer
ADF&G Homer, Anchorage

