



SPECIAL AREA PERMIT 21-V-0017-GP-SA

ISSUED: January 5, 2021
EXPIRES: December 31, 2021

General Public:

RE: Motorized, Wheeled Vehicle Use on Designated Trails
Vehicles Less Than 1,000 Pounds Dry Vehicle Weight
Trading Bay State Game Refuge
Sections 19 & 30, T 11N, R 15W, S.M.

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 would be served through the issuance of a General Permit authorizing limited off-road motorized vehicle (ORVs) use in the Trading Bay State Game Refuge (TBSGR). This General Permit authorizes the use of ORVs, less than 1,000 pounds dry vehicle weight, on two designated trails near the McArthur River (see attached maps) within the TBSGR.

Travel is authorized on these existing trails from the west boundary of the TBSGR to the confluence of the McArthur River and an unnamed tributary (see attached maps) from April 1 to November 15. ORV use from November 16 through March 31 is authorized under a separate Special Area General Permit (issued annually) provided there is adequate snow cover and sufficient ground frost to prevent damage to soil and vegetation.

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. This General Permit does not authorize the use of motorized vehicles in streams, rivers, ponds, or lakes specified to contain anadromous fishes. The off-road use of any vehicle in excess of 1,000 pounds dry vehicle weight within TBSGR is not authorized under this General Permit.

Anadromous Fish Act

Various rivers, lakes, and streams within the TBSGR have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.871(a). These rivers, lakes, and streams may also support a variety of resident fish species.

Legislatively Designated Special Area

The TBSGR was established by the Alaska State Legislature in 1976 under AS 16.20.038 to protect fish and wildlife habitat and populations; waterfowl nesting, feeding, and migration; moose calving areas; spring and fall bear feeding areas; and salmon spawning and rearing habitats. The TBSGR was also established to preserve public uses of fish and wildlife and their habitat, particularly waterfowl, moose and bear hunting; viewing; photography; and general public recreation in a high-quality environment. Alaska statutes and the TBSGR Management Plan allow for multiple land use activities within the refuge to be authorized by Special Area Permit if the activity provides for the proper protection of fish and wildlife resources. The use of off-road vehicles on the designated trails is not expected to adversely impact habitat values or fish and wildlife populations provided the stipulations contained herein are strictly adhered to.

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 on two existing trails in the TBSGR subject to the description above, the following stipulations, and permit terms:

1. A copy of this permit must be in your possession during related off-road vehicle activities within TBSGR.
2. From April 1 to November 15, authorized vehicles shall operate only on designated trails for the purpose of personal transit from the western boundary of TBSGR (near an airstrip on state land) to the confluence of the McArthur River and an unnamed tributary. See attached map for designated trail locations. This General Permit does not authorize ORV travel outside of the designated trails.
3. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, except legal and permitted hunting, fishing, and gathering of fish and game.
4. Vehicle use shall not restrict public access to and use of fish and wildlife resources.
5. No vehicle shall be operated in the open waters below the ordinary high water line (vegetation line) of any river, lake, or stream specified to contain anadromous fishes.
6. No material of any kind, including vehicles, waste products, debris, supplies, or equipment shall be stored or disposed of within the TBSGR.
7. No fuel shall be stored, nor vehicles leaking fuels, oils, hydraulic, or cooling fluids, shall be operated within the TBSGR.

Permit Terms

This General Permit authorizes only normal recreational travel of motorized vehicles less than 1,000 pounds dry weight under the conditions stipulated. The off-road use of heavier wheeled or tracked vehicles is not allowed in the Trading Bay State Game Refuge except by an individual Special Area Permit.

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. For any activity that requires an individual Special Area Permit, as identified in 5 AAC 95.420, the individual shall notify Habitat Section of the activity. 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 a permit amendment is a Habitat Section responsibility. Therefore, it is recommended that you consult with Habitat Section immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.20.530 and AS16.05.871. Please be advised that this determination applies only to activities regulated by 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 from state, federal, or local agencies. 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 foreseeably 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.

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.

You may appeal this permit decision relating to AS 16.05.871 in accordance with the provisions of AS 44.62.330-630.

Please direct questions about this permit to Habitat Biologist Tony Munter at (907) 714-2478 or e-mail at tony.munter@alaska.gov.

Sincerely,

Doug Vincent-Lang,
Commissioner

Brian Blossom

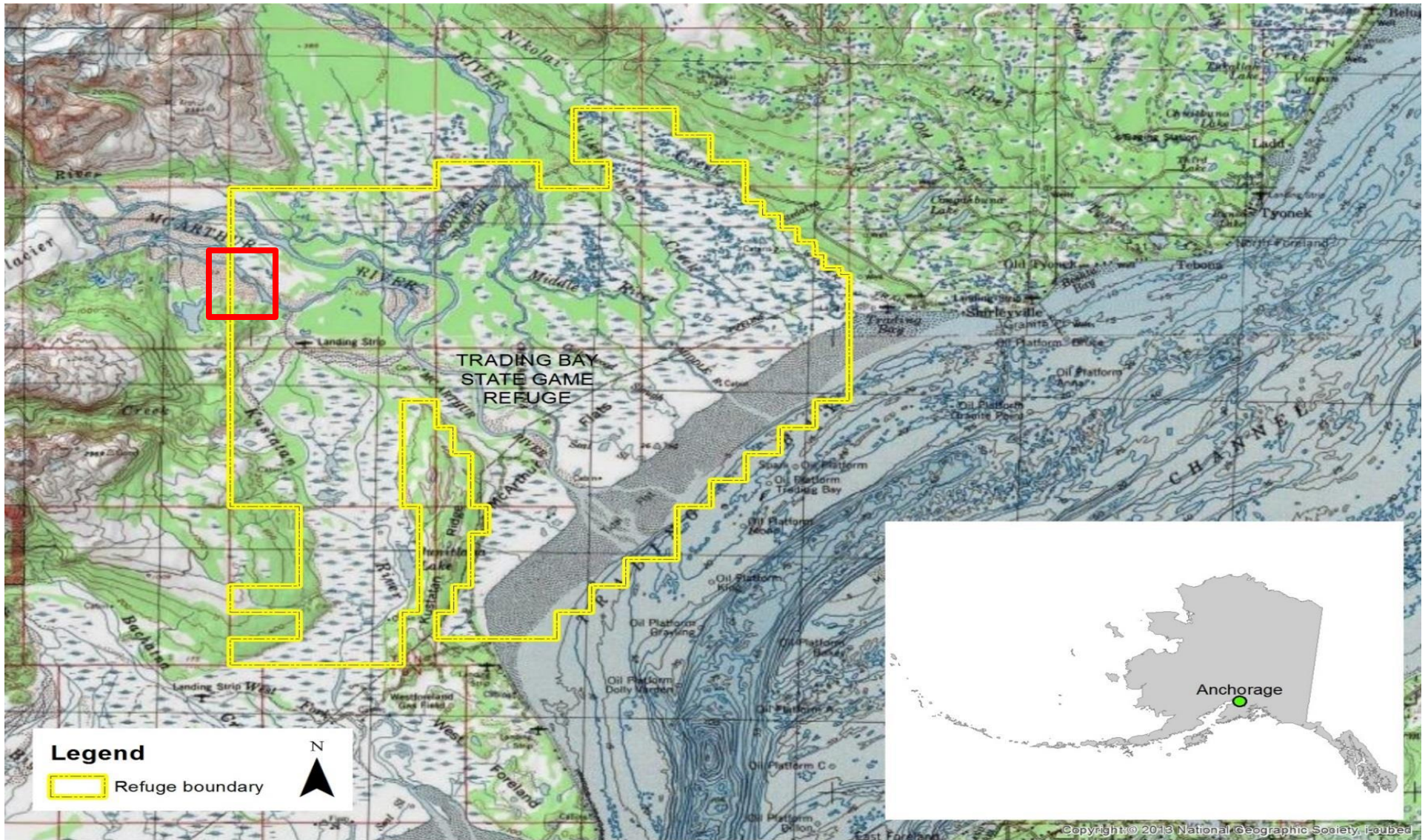
By: Brian Blossom
Kenai Peninsula Area Manager
ADF&G, Habitat Section

Enclosure: Map 1
Map 2

cc: KRC File

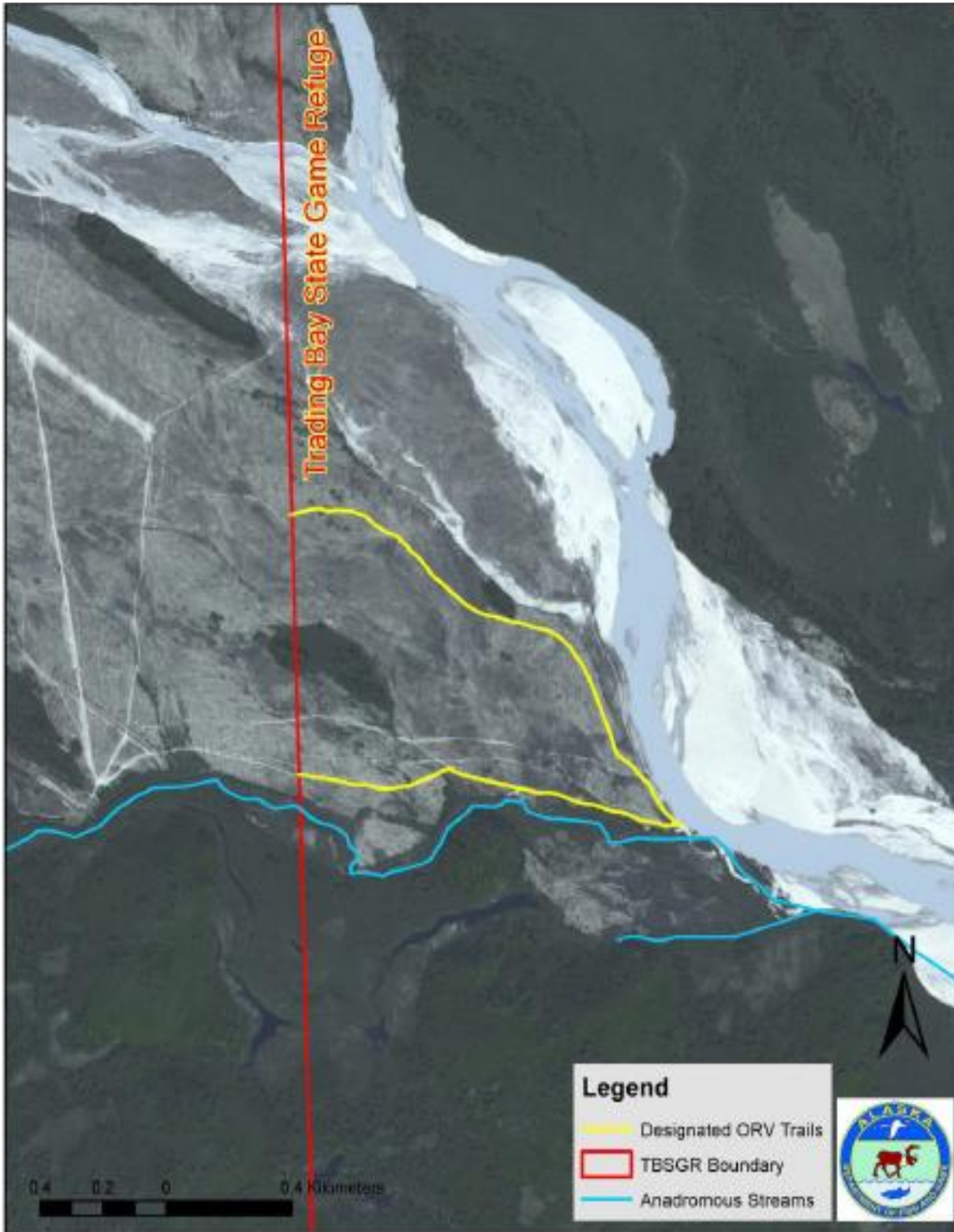
By email only:

AWT Northern Detachment
ADF&G Anchorage, Soldotna, Palmer
ADNR/MLW
KPB



Map 1. General location of designated trails in red square.

Designated ORV Trails – Trading Bay State Game Refuge



Map 2. Designated ORV trails in yellow.