



SPECIAL AREA PERMIT FH22-V-0021-GP-SA

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

General Public:

RE: Seasonal Off-Road Use of Motorized Vehicles
Vehicles Less Than 1,000 Pounds Dry Vehicle Weight
Trading Bay State Game Refuge

Pursuant to AS 16.20.050, AS 16.20.060, 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 the issuance of a General Permit (5 AAC 95.770) authorizing seasonal off-road motorized vehicle use in the Trading Bay State Game Refuge (TBSGR). This General Permit authorizes seasonal use with sufficient snow cover, November 16 through March 31, of wheeled, tracked, and ground-effect motorized vehicles less than 1,000 pounds dry vehicle weight.

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 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.

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. The winter use of off-road vehicles 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, the department hereby issues a Special Area Permit to the general public for off-road use of motorized vehicles within the TBSGR, subject to the description above, the following stipulations, and permit terms:

1. This permit must be on your possession during off-road vehicle use in TBSGR.
2. The use of off-road vehicles within the boundaries of the TBSGR between **April 1 and November 15 is prohibited**, except on two existing trails on the McArthur River floodplain as detailed in ADF&G Special Area General Permit 22-V-0017-GP-SA.
3. From **November 16 through March 31**, the use of off-road vehicles weighing less than 1,000 pounds dry vehicle weight is **authorized** provided there is a minimum of 12-inches of snow cover **and** sufficient ground frost to prevent penetration of, or disturbance to, the soil surface or plant roots.
4. There shall be no vehicles or equipment operated in the open waters of any specified river, lake, or stream.
5. The use of snow or ice bridges, access ramps, or cribbing to cross any specified river, lake, or stream is prohibited without prior written approval by ADF&G, Habitat Section.
6. Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
7. No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line of any specified river, lake, or stream.

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; 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

cc: KRC File

By email only:

AWT Northern Detachment
ADF&G Anchorage, Soldotna, Palmer

C. Larson, ADNR DMLW
M. Mueller, KPB
Al, Ott, ADF&G-HAB
J. Meehan, ADF&G-WC
T. Massie, ADF&G-HAB
C. Lipka, ADF&G-SF
N. Fowler, ADF&G-WC
B. Marston, ADF&G-CF

