

**Title 5. Fish and Game.**

**Chapter 95. Fish and Game Habitat.**

**Article 6. State Critical Habitat Areas.**

5 AAC 95 is amended by adding new sections to Article 6 to read:

**5 AAC 95.630. Dude Creek Critical Habitat Area Management Plan.** The goals and policies stated in the Dude Creek Critical Habitat Area Management Plan dated November 2016 are adopted by reference. The plan presents management goals and policies for the Dude Creek Critical Habitat Area and its resources that the department will use in determining whether proposed activities in the critical habitat area are compatible with the protection of fish, wildlife, their habitats, and public use of the critical habitat area. Under 5 AAC 95.420, a special area permit is required for certain activities occurring in a designated state critical habitat area. The department will review each special area permit application for consistency with the goals and policies of the management plan adopted by reference in this section. A special area permit for an activity in the Dude Creek Critical Habitat Area will be approved, conditioned, or denied based on the criteria set out in the goals and policies stated in the Dude Creek Critical Habitat Area Management Plan and on the standards contained elsewhere in this chapter.

(Eff. \_\_\_\_/\_\_\_\_/2017, Register\_\_\_\_)

<b>Authority:</b>	AS 16.05.020	AS 16.20.500	AS 16.20.530
	AS 16.05.050	AS 16.20.520	AS 16.20.610

**Editor's note:** Copies of the Dude Creek Critical Habitat Area Management Plan are available at the Douglas office of the Department of Fish and Game, 803 3rd Street, Douglas,

Alaska 99824-5412. In addition, the management plan is available for inspection at the Lieutenant Governor's Office, Juneau Alaska.

**5 AAC 95.632. Dude Creek Critical Habitat Area.** (a) The following conditions apply to activities in the Dude Creek Critical Habitat Area:

(1) **Off-road use of wheeled, tracked, or other ground-effect motorized vehicles.** The off-road use of a wheeled, tracked, or other ground-effect motorized vehicle is prohibited within the critical habitat area, unless authorized by a special area permit issued before the use begins; the department may issue an individual special area permit for the off-road use on a case-by-case basis.

(2) **Aircraft Access.** A person must obtain a special area permit before landing an aircraft in the critical habitat area.

(3) **Structures.** A person may not construct a structure, including duck blinds, tree stands, or other hardened structure, within the critical habitat area without first obtaining a special area permit.

(4) **Camping.** The following restrictions apply to camping activities within the critical habitat area:

(A) a person may not engage in non-commercial camping on state land within the critical habitat area for more than 14 consecutive days at one location unless authorized by a special area permit issued before the camping activity begins;

(B) a person may not provide commercial camping services within the critical habitat area unless authorized by a special area permit issued before providing the services;

(C) a person may not place, deposit, or leave any solid waste, including garbage and litter within the critical habitat area; all waste must be removed at the time the camping activity ends.

(5) **Grazing.** A person may not engage in grazing activities within the critical habitat area unless authorized by a special area permit before the grazing activity begins.

(6) **Fuel storage and hazardous substances.** The following restrictions apply to fuel storage and the handling of hazardous substances within the critical habitat area:

(A) a person may not release or dispose of a hazardous substance as defined in AS 46.09.900, or petroleum-based fuel in the critical habitat area;

(B) a person may not store fuel in the critical habitat area unless authorized by a special area permit issued before the activity begins; this prohibition does not apply to

- (i) fuel contained in fuel tanks on board vessels, vehicles, or aircraft;
- (ii) fuel actively used in a camp; and
- (iii) fuel contained within permitted structures.

(b) In this section,

(1) "commercial camping service" means the provision of assistance for compensation, or with the intent to receive compensation, to persons who camp in the critical habitat area;

(2) "solid waste" means garbage, refuse, abandoned, or other discarded solid or semisolid material, regardless of whether subject to decomposition, originating from any source.

(Eff. \_\_\_\_/\_\_\_\_/2017, Register\_\_\_\_)

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