

Chapter 3

Issues

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Introduction

This chapter presents several of the major issues that are addressed in this plan revision. The issues are briefly discussed then followed by a brief discussion of actions taken in the plan to address the issue.

Issues

Lynx Lake Road and Butterfly Lake Trail Summer Access

There are two issues regarding access on Lynx Lake Road and Butterfly Lake Trail: the first issue focuses on access to private property and the type of access to be authorized; while the second issue centers on general public access on the Lynx Lake Road and Butterfly Lake Trail. Currently, vehicle access on Lynx Lake Road and Butterfly Lake Trail is prohibited by regulation¹⁸ and a traffic control device (gate) has been installed by DPOR just inside the NLSRA boundary to restrict vehicle access¹⁹.

The Lynx Lake Road was developed prior to the legislative establishment of the NLSRA and was used to access private lands on Lynx, Butterfly, and Delyndia lakes. The 1983 Plan identified Lynx Lake Road as originating at the George Parks Highway and extending south and west toward Delyndia Lake outside of the NLSRA boundary. How this route is identified has changed in recent years and Lynx Lake Road is now addressed as two distinct features – Lynx Lake Road and Butterfly Lake Trail. Presently, Lynx Lake Road refers to the unimproved road that extends from the Parks Highway to the Anchorage Church of Christ property, located on the east shore of Lynx Lake. What is now referred to as the Butterfly Lake Trail extends from the Anchorage Church of Christ property to a bay on the northeast shore of Butterfly Lake.

Until recently, consistent with management recommendations made in the 1983 Plan the DPOR had issued Permits to local property owners that allowed the use of a vehicle on Lynx Lake Road and Butterfly Lake Trail for the purpose of accessing their private property within and adjacent to NLSRA (under authority of 11 AAC 18.010). A lawsuit filed against the State challenged DNR authority to issue these Permits. The Superior Court ruled in favor of

¹⁸ 11 AAC 12.020(c)

¹⁹ 11 AAC 12.020(b)

the State, but the case was appealed to the Alaska Supreme Court. The Alaska Supreme Court ruled that Permits that are not revocable at will and that are issued only to property owners constitute easements, and as such are disposals of an interest in State land. State law does not authorize disposals within legislatively designated park units, such as the NLSRA, so use of the permits in their current application cannot be continued. The 1983 plan did not clearly identify the type of vehicles that could be authorized for access by existing property owners, nor did it identify the number of people that were “authorized and holding access permits;” that is, the number of permits that were appropriate to be authorized. Under policy provided in the 1983 Plan, vehicle access is authorized for people that are able to prove ownership in the area of Lynx, Skeetna, Butterfly, and Delyndia lakes. Under this scenario, the number of authorizations allowing vehicle access on Lynx Lake Road and Butterfly Lake Trail could increase significantly based on the amount of developable property on these waterbodies. As the number of people accessing private property increases, it is reasonable to expect increased impacts to the existing natural environment to accommodate that use. It is appropriate for DPOR to determine what type, location, and level of vehicle access, if any, could be authorized at NLSRA consistent with the statutory purposes and management intent for this area.

Public access on Lynx Lake Road and Butterfly Lake Trail is re-examined in this plan revision. Lynx Lake Road and Butterfly Lake Trail provide access to a large swath of land and lakes in the southern portion of NLSRA. The 1983 Plan analyzed this issue and stated that the Lynx Lake Road “... is not now, nor planned to be, a public access.” Consistent with that analysis, the 1983 Plan states, “It [Lynx Lake Road] shall remain gated at the recreation area boundary and its use restricted to existing property owners authorized and holding access permits issued by the Director or designee.” Consistent with this management direction, property owners have been authorized to travel via motorized vehicle beyond the gate on Lynx Lake Road during snow free periods. Public pedestrian use beyond the gate is allowed without authorization at any time. The existing policy to restrict use of this existing access route has resulted in low levels of public recreation in the southern area of NLSRA during snow free periods. Because NLSRA is intended to be managed to provide a maximum level of outdoor recreation opportunities it is appropriate to re-evaluate the need to increase public access within NLSRA. This plan recommends increased public access on a portion of Lynx Lake Road and Butterfly Lake trail. This access may be restricted based on impacts to developed roads, trails, and facilities and impacts to natural resources.

Personal Property Storage and Boat Moorage

Year-round storage of private property on state uplands and moorage of boats on state waters occurs on state-owned lands and waters on Butterfly, Lynx, and Red Shirt lakes in violation of current regulations²⁰. Most of this storage and moorage is done by private property owners to facilitate access to their private property; however, some boats and personal property may be left by people that do not own property in the area as well. DPOR estimates 100 boats and other personal property are being stored long-term (year-round) on state-

²⁰ 11 AAC 12.220 and 11 AAC 18.010

owned uplands or moored long-term (year-round in some cases) on state waters²¹. The type of boats stored and moored range from canoes and skiffs to larger flat decked barges while the common types of personal property being stored includes vests, batteries, motors, fuel, locked boxes/lockers, and paddles among other items. Storage of boats and personal property on state uplands and moorage of boats is prohibited unless authorized by permit under 11 AAC 18.010. The majority of the storage and moorage occurs at these sites primarily for the convenience of people accessing private property. An example of this is storing life vests, fuel, oars and batteries on state uplands to avoid having to carry these items in addition to food or other items needed for the stay at their private property.

Impacts to the natural resources associated with personal property storage are occurring and include: soil compaction, trampling and loss of riparian vegetation, and litter from discarded or no longer used items. An issue of particular concern to DPOR is the storage of fuel in high concentrations at moorage and storage sites on Butterfly, Lynx, and Red Shirt lakes. The proximity of stored fuel to waterbodies; the inadequacy or non-existence of containment for stored fuels; and in some cases, the storage of fuel within a boat moored on a waterbody substantially increases the potential for releases to aquatic and riparian environments. While the same potential for fuel release to aquatic environments and waterbodies exists where boats are moored on state waters adjacent to private properties; this plan recognizes the modified right to wharfage that exists for riparian property owners and thus only addresses moorage and storage that facilitates access to private property.

This plan identifies areas where storage and moorage can occur to facilitate private access, establishes limits on the type of boats and property that can be stored, and requires fuel storage methods that will reduce the possibility of discharge to aquatic or riparian habitats.

Snowmobile Openings

There are two primary issues associated with the use of snowmobiles. The first issue involves the areas that can be opened to the use of snowmobiles while the second issue is the standard that is used to determine adequate snow cover to protect underlying vegetation which triggers an opening of the area south of the Parkway to the use of snowmobiles. Under current regulation²² vehicles are prohibited in state parks unless allowed by unit specific regulations. At NLSRA, more specific regulations have been adopted but those regulations only allow for the opening of the area south of the Nancy Lake Parkway when snow depth is adequate to protect underlying vegetation.²³ The NLSRA specific regulation lacks flexibility to open specific areas or particular trails when conditions would allow use with only minimal impacts to resources. Given recent snowfall trends, DPOR needs flexibility to open areas or trails.

²¹ The term “state waters” refers to all surface waters within the Nancy Lake State Recreation Area.

²² 11 AAC 12.020

²³ 11 AAC 20.555

In recent years, NLSRA has not had sufficient snow depth to protect underlying vegetation in early winter and the area south of the Nancy Lake Parkway has not been open to snowmobiles during the late fall/early winter season. As a result, DPOR has received increased requests to authorize the use of snowmobiles to access private property. To provide this access, DPOR has authorized use of snowmobiles on specific trails or areas when snow conditions wouldn't allow opening the entire area south of the Parkway. Because the practice of authorizing restricted openings on these trails and areas is becoming more common, DPOR determined this issue needed to be addressed in a comprehensive manner. To do this DPOR will identify where restricted openings are appropriate and the criteria used to make the decision to open the trail or area. The standard is based on the depth of frost in the ground, ice on waterbody crossings, and enough snow to minimize impacts to the trail tread.

The standards for opening the area south of the Parkway and the North Rolly Lake snow trail have been viewed as somewhat arbitrary in the past. A new standard has been used in recent years by NLSRA staff to determine when the area has sufficient snow cover to protect the underlying vegetation. This standard is based on the water equivalency of the snow. When the water equivalency of the snow reaches 1.5 (roughly 18 inches of snow) the area south of the parkway and the North Rolly Lake snow trail are opened. This standard is repeatable and easily measured by staff.

Permitting Standards

The 1983 Plan did not identify the compatibility of specific uses and activities for the two land-use zones used in this plan. Nor did it include guidance for staff to use when adjudicating authorizations for many types of uses and activities. As a result, the permitting process is very cumbersome and time consuming for the public and agency staff alike. Ultimately, this plan seeks to provide a fair, efficient, and consistent permitting process.

This plan provides guidance for staff to follow when adjudicating applications for uses and activities within NLSRA and NLSRS.

Existing Unpermitted Uses

A recent dock survey indicates that hundreds of docks and other structures have been constructed or maintained on state waters within NLSRA. Of these, fewer than 30 received an authorization from DPOR as required by current regulation prior to their placement or construction within NLSRA.²⁴ Other than docks, common types of structures include: boat launches, decks, gabions, and shoreline revetments among other types. Based on the type and size of many of the docks or structures, many could have been authorized if the owner had applied for an authorization. Others, however, were of a size and type that are incompatible with the purpose of the land as public recreation land and would not have been authorized.

²⁴ 11 AAC 12.140

This plan establishes the policy DPOR will follow to address existing unpermitted structures.

Resource Impacts

Normal use of trails and roads has resulted in degradation of these routes and is impacting the adjacent natural habitats. Within the canoe trail system, portages were not originally sited and designed as sustainable trails and as a result these trails are not able to accommodate current use levels without degradation. The portages are incised for much of their length due to compacted or displaced soils. Exposed tree roots are common on these trails. Other segments of the portages are steep fall-line trails that cause sedimentation of waterbodies. Sedimentation and loss of lacustrine habitat is occurring where portage trails transition to water trails.

Impacts associated with hiking trails are similar to the canoe portages and result from poorly sited and developed trails impacting adjacent uplands, wetlands, and waters through erosion and sedimentation. Soil compaction and the exposure of tree roots are common on many of the existing trails. Authorized use of ORV's on Butterfly Lake Trail is resulting in degradation of some segments of the trail tread making it difficult for hikers to travel on these segments. Similar to the canoe trails, impacts to these terra trails occurred because the original trails were not sited and designed as sustainable trails.

Long-term storage of private property, including boats, on state-owned uplands and moorage of boats on state waters has resulted in impacts to riparian habitats at Lynx, Butterfly, and Red Shirt lakes. Impacts result from the repeated dragging of boats across the transition zone (from water to upland and vice versa), shading from stored property, and compaction of soils and loss of vegetation due to repeated use. Additional impacts are occurring to native soils at the storage and moorage area at Butterfly Lake as a result of loading of ORV's on boats. These impacts include soil compaction, rutting, loss of vegetation, and erosion of soil surface.

Impacts associated with vehicle use and improper maintenance of Lynx Lake Road is contributing to the sedimentation of adjacent uplands and degradation of the road surface. Improper maintenance of the road has resulted in an incised road surface with improper/inadequate drainage. Use of highway vehicles and ORV's on this road has caused rutting, puddle development, and wash-boarding of the road surface. Improper disposal of excess road material has occurred on state lands adjacent to the road causing sedimentation and loss of vegetation.

Improperly sited trails and facilities may impact cultural resources. Without site specific evaluation of a trail route or facility site, DPOR will not know if cultural resources are being impacted. Some areas that have a higher possibility of cultural resources are known, however, a comprehensive study of NLSRA and NLSRS have not been completed.

The final resource impact issue addressed in this plan is the degradation of resources related to camping outside of designated and hardened areas. The impacts of this use are similar to trails in that camping repeatedly in an area can lead to soil compaction, soil loss, vegetation loss, and possible impacts to fish, wildlife, and their habitats.

This plan recommends new trails and redevelopment of existing trails to enhance use and minimize resource impacts. All trails will be developed as sustainable trails consistent with the recently adopted DPOR sustainable trails policy. Consistent with existing statutes, a cultural resource survey should be conducted before any construction or improvement project within NLSRA and NLSRS.

Boat and Personal Property Abandonment

Boats and other types of personal property are being stored long term without benefit of a permit or abandoned in violation of current regulations.²⁵ In addition to an estimated 100 or more boats that are left unattended; other personal property such as fuel cans, batteries, lock boxes, etc are left unattended or abandoned. Commonly, the personal property left at boat storage sites is associated with the use of boats for access to private property; however, some of the boats and personal property may not be associated with private property access and may be left by people that frequently recreate in the area. Other types of personal property found abandoned include docks or dock sections, rafts, inflatable recreation structures, and boats. This type of abandoned property is primarily found on Nancy Lake where high levels of private ownership and recreational use occur.

This plan provides a process to differentiate between property that is properly stored for access to private land and abandoned property.

Recreational Facility Development

When properly sited, designed, and developed, facilities can accommodate use while at the same time minimizing impacts to the surrounding environment or neighboring private property. The type and location of facilities has a great influence on recreational opportunity and levels of use. They can change use patterns within a discrete area or can influence that use over a wide geographic area. DPOR must balance the rights and interests of inholders and other property owners in the area, with the public right to access and to recreate on state land and water. Principles that guide the site work and design of public facilities need to be included in this plan.

This plan identifies the management orientation for NLSRA and NLSRS and recommends facilities that will meet current and future recreational needs within the 20-year planning period.

²⁵ 11 AAC 12.140 and 11 AAC 18.010

Trails

Similar to facilities, the design use, standard of development, and location of a trail influences the type and level of use that will occur on the trail. A properly sited and developed sustainable trail will facilitate use, reduce maintenance costs, and minimize impacts to the surrounding natural and cultural resources. The majority of existing trails were not originally sited or designed as sustainable trails, and as a result the tread (useable linear surface) is being degraded by current types and levels of uses.

This management plan identifies existing trails that must be upgraded to sustainable trail standards and new trails that are needed to provide a diversity of recreational opportunities.