

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

SARAH PALIN, GOVERNOR

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July 2, 2008

Butterfly, Skeetna and Delyndia Lakes Land Owners
& Interested Public

Re: Butterfly Lake Trail, Nancy Lake State Recreation Area

Dear Interested Party,

Due to the concerns raised by the public regarding the motorized use of the Butterfly Lake Trail, I have decided to suspend any further construction work on the trail until a formal public process is conducted to address the long-term disposition of the type of use that is appropriate for the trail.

Issue History

Historically, most of the area lakes were settled by homesteaders seeking a remote experience. Access was typically by floatplane, canoe, walking, or by winter snowmachine use since wetlands are pervasive in the surrounding country. It is my understanding that the permitted use of all-terrain-vehicles (ATV) on the Butterfly Lake Trail dates back to the 1970/80's when permits were issued by the Director of Alaska State Parks. Permits were issued to allow one-time passage of ATVs on the trail to authorize limited summer transportation of supplies to the lake by private property owners. Access was granted along the old winter bulldozer trail that was an extension of the Lynx Lake Road. This trail crossed black spruce wetlands, and the ATV's of the time did cause damage to the wetland portions of the trail.

Because of the damage, permits were suspended in the 1990s. Rangers enforced the ATV closure, and citations were issued for violation of park regulations. Objections from land owners resulted in a public meeting in September of 2000. I am unable to find minutes of that meeting, but since that meeting, ATV use on the trail has been allowed with the following restrictions: 1) only by land owners on Butterfly, Skeetna, and Delyndia Lakes; 2) under a special use permit program; 3) no recreational use of the trail; and 4) only if the inholders would upgrade the trail at their own expense to a standard that would not degrade park resources (this standard was not specific).

Since 2001, the permitted land owners have performed trail upgrades at their own expense. Additional special use permits were issued annually for upgrade work. No state funds have been

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expended on the trail other than for staff oversight, permit issuance, and some minor miscellaneous donated trail materials. Portions of the trail have been re-routed onto firmer terrain, and sections were "hardened" with corduroy, filter fabric, and some fill. Drainage was improved with ditching on sections. Small mechanized equipment was authorized and used by the permittees to make the improvements.

In summary, the work that has been completed thus far has been mostly successful in reducing additional impacts to park resources, and has improved the trail for access. However, the trail is not up to a standard that would be durable enough to support sustained ATV use. There are still several deep holes that hold water much of the summer, and except for very dry periods of time, the trail can be challenging to for walking, with the churned, slippery, mostly organic soils. It would require a fair amount of gravel, fabric, re-routing and likely other treatments such as Geoblock panels to completely upgrade the trail to an acceptable standard for long-term use. We don't have estimates of cost at this time, but a site inspection for upgrades and costs is planned for late July by experts in ATV trail hardening methods. This inspection will only serve to get a better understanding of the magnitude of such a project for discussion purposes, and should not be interpreted as a commitment by State Parks to develop the trail.

Times have changed since this program began. The following factors have changed:

- 1 ATV's have become larger, and more powerful
- 2 The original homesteads on the lakes have been subdivided, and the number of private land owners and ATVs has increased
- 3 The number of permittees authorized to use the trail has increased annually in the last several years
- 4 Private property owner perceptions and needs have changed, with more desire for easier summer access
- 5 ATVs are no longer just accessing Butterfly Lake – they are now using barge-like rafts to freight ATVs across Butterfly Lake to Delyndia Lake, which is not within the park

Conversely, some things have not changed:

- 1 Many inholders purchased land on these lakes for the reason that they are remote, and access is restricted
- 2 There is a strong interest by the general public to assure that the park maintains its "quiet, natural beauty" (repeated in the management plan)
- 3 The use of ATVs in the park is still prohibited unless specifically authorized by special use permit

Butterfly Lake Impacts

The terminus of the trail at Butterfly Lake was thought to be private property until recently. We now know it is park land and therefore will need to be considered in the scope of this issue. The trailhead has litter, trash and other debris left on site. There are many small boats stored there, and the trail terminus has become a landing/docking point for about eight motorized barge-like rafts used to ferry ATVs and cargo across the lake. Many of the barges use exposed styrofoam for flotation that has abraded and left quantities of foam beads along the shoreline. The rafts are tied to

vegetation, and it appears that the common practice is to moor the raft such that an ATV can be easily driven onto the barge from shore. This practice has led to soil, vegetation, and some shoreline degradation. Increased numbers of ATVs has resulted in additional parking space needed, and that is being accomplished without regard to area impacts. If the use is to continue, the trailhead area will require hardening, a more designated parking plan, and a single loading ramp/dock for barges. Additionally, restrictions will need to be developed that deal with the storage of fuel at the trailhead. Butterfly and Skeetna Lakes in their entirety are both part of the park.

Park Management Policies

The Nancy Lake State Recreation Area (NLSRA) was established by Alaska Statute in 1966 for the single purpose of “*public recreation land*”. The 1984 *Nancy Lake State Recreation Area Management Plan* remains the only written policy guide to the park’s management. As a 24-year old document, it does not address specific current park issues. However, it continues to provide guidance to the park’s overall management intent. It states that the park’s purpose is to “*provide a diversity of outdoor recreation activities appropriate to the area’s resource character and regional setting.*” This guidance implies that recreational use of the park will supersede other potentially conflicting uses, unless the uses are considered compatible with outdoor recreation or are stipulated in our management plans.

Motorized Use

Current park policies and regulations close the park to motorized use, with the exception of motor boats and floatplanes on specific lakes. The regulations for NLSRA also allow snow vehicles only at times when the director find snow cover sufficient to protect the underlying vegetation.

The Plan recommends that the park in general not be opened to the use of all-terrain-vehicles (ATVs). Under Management Recommendations for ATVs (page 88), it states: “*Access by hunters using ATV’s to lands west of NLSRA is prohibited. ATV use in the park is closed by park regulations and any changes in these procedures require the Director’s approval. This plan does not recommend any ATV improvements or access.*”

However, Alaska State Parks can approve minor exceptions of the plan/regulations through the permitting process (i.e., director’s approval), and that has been invoked for several years for this particular trail.

11 AAC 18.010 Special Park Use Permits stipulates that:

(a) *No person may promote, organize, or engage in any of the following activities in a state park without a permit:*

(8) *using a state park for recurring or permanent motorized access, including aircraft landings and takeoffs across land or water closed to motorized use, to land not owned or controlled by the state;*

(11) *any other incompatible use as defined by statute and regulation, or which does not otherwise have lawful recreation as its primary purpose.*

11 AAC 18.025 Procedure (regarding Special Use Permits) stipulates that *the director may, upon proper application, issue a permit for activities described in 11 AAC 18.010(2) – (11) if he or she determines that*

- (1) park facilities and natural and cultural resources will not be adversely affected;*
- (2) the state park is protected from pollution;*
- (3) public use values of the state park will be maintained and protected; and etc.*

Park Superintendents are authorized agents for the Director as signatories for this type of permit. The allowance of ATVs on the Butterfly Lake Trail has been legally allowed under a permitting process.

Conclusion

The issuance of Special Use Permits for exceptions to typical park policies or regulations is intended to be an allowable practice for special circumstances, provided they comply with 11 AAC 18.025 (and this is being questioned). However, Special Use Permits are not intended to be long term solutions to implement policy guidelines. I have determined that the continued use and corresponding impacts of the Butterfly Lake Trail by motorized vehicles is significant enough to warrant a full public process for review. Should this practice be allowed to continue, it may only be done by amending the park's management plan.

To this end, no further permanent construction, filling, or other modifications may be made to the trail until a full public plan amendment process is conducted. Then, only if the plan amendment process supports the continued used and maintenance of the trail by ATVs, may there be authorizations for major maintenance of this trail. For the remainder of the summer of 2008, only minor maintenance of the trail may be performed. Minor maintenance includes the use of hand tools only (such as shovels, rakes, pulaskis, etc.), and minor brushing, or the clearing of downed trees on the trail that impede passage.

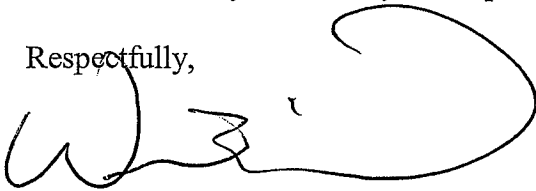
Special Use Permits will continue to be issued for ATV passage by authorized land owners on the trail this summer/fall until a final determination is made regarding the future of the trail.

Public Meetings and Planning Process

While a wholesale plan revision for the park is very much needed, there is no way that can be accomplished in the next year due to other planning projects currently underway within the Division. Therefore, we will focus this fall and winter on a plan amendment process that will consider the merits of this particular issue, with public meetings scheduled to discuss the issues. Notification will be made via media channels and individual notifications. More details of the process will be forthcoming. If you received this letter directly from me, you may assume you are on the current mailing list for updates. This letter is being mailed and/or emailed to over 100 individuals on our current list, and should include all Skeetna, Butterfly, Delyndia, and Lynx Lake property owners. Other members of the public who have expressed interest have also been included. If you know of anyone else who may be interested, please pass this letter/email along. I have attached a contact list to this letter. Please call 745-8950 to add additional (or remove) names to this list, and indicate if you prefer written or email notifications.

Let me know if you have any other questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Wayne Biessel', with a large, looping flourish at the end.

Wayne Biessel, Park Superintendent
Mat-Su / Copper Basin Area

Cc: James King, Director
Chris Degernes, Chief of Field Operations
John Baker, Department of Law
Representative Mark Neuman
Senator Charlie Huggins
Mary Anderson, State Parks Advisory Board Chair
Red Shirt Lake Homeowners Association
Nancy Lake Homeowners Association
Willow Trails Committee

Attachment: Contact List (names only)

Attachment: Butterfly Lake Trail Issue Contacts

ADAMS KENNETH R & ANITA
ADAMS PETER & SHAUNNA
ADAMS RUTH ALMA
ALBEE JOHN M & JUDY
ALBRIGHT TIMOTHY & PEGGY M
AMORIN LEATRICE Y T
ANCHORAGE NBRHD HSG SVCS
ANDREWS MAXINE
BARBARICK DEANNA DEC TR
BARBARICK DEANNA TRE
BECK DAVID
BEIA TODD
BEISWENGER ALLAN & SUSAN
BELLRINGER MARJORIE
BETHKA RICHARD J & STEVEN J
BETHKA RICHARD & ALICE M
BLANK WAYNE E
BOYETTE DAN'L E
BOYETTE SHARON B REICH
BRADY MICHAEL J
BRAMAN VERNE B
BROWN JAS D & DEBRA D
BUELOW DON W & BARBARA J
BURNETT CAMILLE J & ROBT B
BURNETT R BRUCE & C M
BURNETT RILEY B & REECE B
BURNETT ROBT B L/E
BUSH PETER H & ROBIN S
CAMERON SCOTT & DEBBIE A
CHURCH OF CHRIST
CLARK DONALD E & SONJA
COLUMBUS WM & TERESE TR
CONNOLLY FAYE M EST
CONNOLLY ROGER J
COOPER DAVID E & KATRINA N
CROFUT PATI
CROW GENEVIEVE B
DAVIS MICHAEL W & B F
DEITZ DON R
DEITZ JENNIFER A
DIEMER GERARD
DONEY THOS A & CARMELA
DOWNING THOS R & KATHLEEN
EASTMAN ERNEST P & S S

EASTON CHAS & KAREN
ERICKSON KATHERINE P
ESS LINDA CAROL TRE
ESS MATTHEW & LINDA LVG TR
ESS MATTHEW JOHN TRE
ESTES JAMES
ESTES MICHAEL A
EVANS DIANA
EVERN DALE & ISABELLE
FISCHER EDWIN & EUGENE
FLETCHER JERRY & P FAM TR
FLETCHER JERRY TRE
FLETCHER PIERRETTE TRE
GARDNER ANDREA S G
GIEBELHAUS JAS R
GILMORE PATRICK B & C L
GIOFFRE FRANK & DEBBIE S
GRAY CAROL JEAN
GREEN GLORIA E
GROGAN ALICE LAKEY
GUNNARSON PETER
HANSON ROBT
HARRIS FRANCINE H L
HARRIS GERALD & KATHERINE
HARRIS GERALD & KATHERINE
HARRIS TAMMY Y T
HARRIS TANYA M F
HARRIS TRACY K O
HARTLINE KELLY C
HARTLINE LINDSAY J
HEDRICK CORABELLE A
HIBBERT CORKY
HOHL ROGER C & LYNN
HOLT TERESA M & BAKER TAB
JONES TRAVIS M
JORGENSEN RICHARD J & KD
KNAUFF RANDALL
WELLINGTON
KUSH PETER M & KATHY J
LAKEY RUTH V
LARSON CHRISTOPHER G
LAUGHLIN DANNY
LE MASTER KELMAR & D M
LEONARD VALERIE

LONG POND ENT LLC
LOOPSTRA JOHN F & H M
MAJHOR WM
MARCOTT BRANDON
MESTAS DEBRA SUE TRE
MESTAS DENNIS M TR
MORAN JOS M & ANGELLA
MORHAIN KENNETH A & KATHY
MORRIS DOUGLAS A
MULHANEY JAS T
NEILSON DOUGLAS J
NICHOLSON LINDA LEE
OBERMILLER GWEN E
PAHKALA STEVEN J & C M
PERALA DAVID & DENISE
PHILLIPS S MARK
PLYANT LOUIS R & MARGARET I
RUSSELL BARBARA
RUSSELL DAVID P & BARBARA E
SAARI JEFFREY W & SUSAN L
SCHMID DAVID J
SCHNEIDER DAVE M
SHEEDY JEFFREY & JENNY
SHEEDY JEFFREY M
SHEFFERT LARY & LUANN
SHREEVES MARY L LEONARD V
SMITH DOUGLAS CALDER
SMITH MARY E L/E
SMITH RONALD J SR
SPIRO PAUL M
SQUYRES JEFFREY K & E W
STARK JOHN R
TERLAND GENE R & ADELIA A
THOMAS MARK R & TIFFANY M
VANDEGRIFF CONNY
VANDEGRIFF KEVIN
WALKER GARRETT JAS TR TRE
WARD WALTER J & VIRGINIA
WEBB DAN'L W & SHARON A
WESTERHOF THOMAS & MARY
WILKINS RONALD J
WITT ROBT A JR & LACINDA
WOLF ELLEN MARY