

## **DOCUMENT 3 – PROPOSED MANGEMENT RECOMMENDATIONS**

### **NANCY LAKE STATE RECRATION AREA PROPOSED MANAGEMENT RECOMMENDATIONS AND ALTERNATIVES**

#### **INTRODUCTION**

This document states the issue, indicates whether the use is compatible or incompatible, and identifies the standards that must be adhered to. These standards are the minimum standards that must be adhered to for the use to be compatible or to be authorized by DPOR. As with any Special Park Use Permit issued by DPOR, additional conditions may be included as determined necessary. Following adoption of the plan, regulations will be developed for uses determined “incompatible” consistent with AS 41.21.460. In some cases, a regulation may need to be developed to allow a use where that type of use is not addressed in current regulations.

#### **PROPOSED MANAGEMENT RECOMMENDATIONS**

##### **1. Docks and other Structures**

- a. Private Structures** - A private non-commercial structure on or within state water that facilitates recreational access to public water from private property within or contiguous to the NLSRA boundary is a compatible use if consistent with the standards provided below and may be authorized. All structures not conforming to these standards are incompatible. Standards provided below are to be followed when adjudicating applications for these structures:<sup>1</sup>

##### **Standards**

- i. Crib, sheetpile, or solid filled docks are not permittable under any circumstances.
- ii. The proposed use does not cause significant negative impacts to natural resources or unduly interfere with the right of the public to use the water body.
- iii. All structures will be constructed of clean non-polluting materials. Use of creosote or chromated copper arsenate treated wood will not be permitted.
- iv. Only encapsulated commercially available floatation will be authorized.
- v. The surface area of all structures combined on and within a water body is limited to not more than 450ft<sup>2</sup> for any single lot that is within or contiguous with the legal boundary of NLSRA.
- vi. All structures must be located within the riparian interest<sup>2</sup> of the upland property owner applying for the permit.

---

<sup>1</sup> The list of standards may be expanded in the draft Management Plan as a result of public review and comment of the standards contained in Document 3. If added, these standards are intended to provide increased specificity on the type and configuration of structures and docks that may be constructed within NLSRA.

<sup>2</sup> Riparian Interest – For the purpose of this document, riparian interest is defined as the surface area of the water, bounded by a projection of the property lines toward the middle of a water body where riparian rights can be

- vii. No part of the structure shall exceed 10 feet in width or extend more 40 feet into the water body beyond Ordinary High Water Line (OHWL).
- viii. The structure provides a water dependant use and facilitates access or recreation from the adjacent private land.
- ix. Variances to these standards will be granted only if one of the following extenuating circumstances exists:
  1. Bathymetry of the lake necessitates a longer structure to reach navigable water,
  2. Configuration of existing adjacent structures, or
  3. Some other circumstance that is outside of the control of the applicant.

**b. Commercial Structures** – A structure that facilitates use for a fee, or is associated with the upland commercial use of a private property that is within or contiguous to the NLSRA boundary is a compatible use if consistent with the standards provided below and may be authorized. All other commercial structures are incompatible. Standards provided below are to be followed when adjudicating applications for these structures:

**Standards**

- i. The proposed use does not cause significant negative impacts to natural resources or unduly interfere with the right of the public to use the water body.
- ii. The surface area of all structures combined is limited to not more than 450ft<sup>2</sup> for any single lot that is contiguous with the legal boundary of NLSRA.
- iii. The owners of these docks must have obtained a commercial authorization from DPOR prior to applying for a permit for a commercial structure situated on water bodies.
- iv. All structures must be located within the riparian interest<sup>1</sup> of the upland property owner applying for the permit.
- v. No part of the structure shall exceed 10 feet in width or extend more than 40 feet into the water body beyond the OHWL.
- vi. The structure provides a water dependant use and facilitates access or recreation from the adjacent private land.
- vii. Variances to these standards will be granted only if one of the following extenuating circumstances exists:
  1. Bathymetry of the lake necessitates a longer structure to reach navigable water,
  2. Configuration of existing adjacent structures, or
  3. Some other circumstance that is outside of the control of the applicant.
- viii. This use may result in a conversion of use under the provisions of Land and Water Conservation Fund regulations. If so, the conversion must occur

---

exercised. Riparian rights include the right to access the waterfront and the modified right to wharfage (i.e. docking a boat).

before a permit is issued and the applicant is responsible for paying the costs associated with the conversion.

- c. **Marina** – A type of development that typically includes structures for launching, retrieving, and mooring boats and may include fuel services. This type of use is incompatible within NLSRA except one marina may be developed on Nancy Lake where that use has occurred in the past. Standards provided below are to be followed when adjudicating an applications for this type of structure:

**Standards**

- i. The proposed use does not cause significant negative impacts to natural resources or unduly interfere with the right of the public to use the water body.
- ii. One commercial marina with up to 40 slips may be authorized on Nancy Lake. Marinas are not to be authorized on or in other water bodies.
- iii. A commercial use must occur within the riparian interest<sup>1</sup> of the upland property owner applying for the permit.
- iv. Commercial use of the structure will not unduly interfere with public use of the water body.
- v. The applicant must present plans and other pertinent materials that demonstrate the need for a marina and for the configuration and size of the structures.
- vi. This use may represent a conversion of use under the provisions of Land and Water Conservation Fund regulations. If so, the conversion must occur before a permit is issued and the applicant is responsible for paying the costs associated with the conversion.

**2. Existing Unpermitted Structures**

All structures on or within state water that are in place or under active construction at the time of the adoption of the Management plan that do not conform to the standards of the adopted plan are considered nonconforming structures and are considered incompatible uses. These nonconforming structures may be maintained but the extent of nonconformity is not to be increased. Following the adoption of the Management Plan, DPOR will notify all property owners within and contiguous to the NLSRA boundary that new standards have been adopted for docks and other structures.<sup>3</sup> If a nonconforming structure is identified adjacent to a private parcel, DPOR will notify the private property owner of record that a non conforming structure exists and will specify the nature of the non conformity. This notice of non conformity will constitute the official notice to the property owner by DPOR. Standards provided below are to be followed when adjudicating applications for work on nonconforming structures:

---

<sup>3</sup> All landowners must receive an authorization from DPOR prior to constructing a new dock or maintaining an existing dock within NLSRA consistent with existing regulation (11 AAC 12.140). Until the NLSRA Management Plan is adopted DPOR will follow the *Mat-Su Area State Parks "Interim" Dock Policy, September 2008 (Updated May 2, 2012)* when adjudicating applications for dock structures.

## **Standards**

- a. Maintenance of nonconforming structures:
  - i. Maintenance and repair of a nonconforming structure may be allowed consistent with a permit issued by DPOR and is subject to the following standards:
    - a) The maintenance and repair does not exceed 50% of the square footage of the structure during any consecutive period of 12 months. All maintenance and repair of must occur within the original footprint of the structure; enlarging or expanding the nonconforming structure is prohibited.
    - b) A structure that sustains damage up to 50% of the original square footage by natural, accidental, or malicious actions may be repaired or replaced. All work to repair the structure must occur within the footprint of the original structure.
    - c) A structure that sustains damage greater than 50% of its original square footage cannot be replaced. All remaining portions of the structure must be removed in its entirety and the site restored to the greatest extent practicable to its natural condition. Any new structure constructed to replace the nonconforming structure must be constructed to conform to the new standards.
  - b. Reduction or modification of nonconforming structures:
    - i. Reduction in the size or modification of a nonconforming structure may be authorized consistent with a permit issued by DPOR.
  - c. Expansion of nonconforming structures:
    - i. Existing nonconforming structures shall not be expanded beyond the original footprint of the structure.
  - d. Relocation of nonconforming structures:
    - i. Relocation of a nonconforming structure may be allowed by permit issued by DPOR if otherwise consistent with these standards. No portion of a relocated structure shall be left at the original site when the structure is relocated.

### **3. Moorage of Boats Adjacent to Private Uplands**

#### **a. Boat Moorage**

- i. **Adjacent to Private Property** – Mooring boats, aircraft, barges, airboats, and hovercraft on the surface of state waters at the owner’s upland property within or contiguous to the NLSRA boundary is a compatible use and will be allowed without authorization.

#### **Standards**

- a) Must be moored within the upland owner’s riparian interest.
- i. **Commercial Barges** - Mooring a barge used for commercial purpose is a compatible use and requires and authorization from DPOR.

#### **Standards**

- a) Commercial operator must have Special Park Use Permit consistent with 11 AAC 12.300.
- b) The barge must be moored within the riparian interest of the upland private property where the work is being performed.

- b. **Moorage at Commercial Structures** – Mooring boats, aircraft, airboats, and hovercraft on state waters at a commercial structure within the NLSRA boundary is a compatible use and will be allowed without authorization when consistent with the commercial authorization.

#### **4. Property Storage and Boat Moorage at Red Shirt Lake**

Long-term storage of boats and other personal property on state owned uplands is an incompatible use and will not be authorized except storage may be authorized where property owners on Red Shirt Lake have stored boats and other property on the western shore of Red Shirt lake at the terminus of the Red Shirt Lake Summer Trail. Similarly, the long-term moorage of boats on the surface of state waters is an incompatible use except that moorage by property owners on Red Shirt Lake may be authorized where that use has occurred in the past. The storage of personal property and moorage of boats by property owners at this site will require an authorization from DPOR. If a future determination finds that the resources of NLSRA are being unduly impacted by these uses, authorizations for this use may be capped, reduced, or eliminated. Standards provided below are to be followed when adjudicating applications for boat storage:

##### **Standards**

- i. All storage must occur within the area of state upland identified for that purpose. All moorage on state water must occur within the area designated for that purpose. See map titled Boat Storage & Moorage Sites on page 18 for a depiction of storage sites.
- ii. No more than one boat per private lot may be authorized for long term storage or moorage except where there are multiple tenants in common. In these cases, the number of boats that may be authorized for storage is one boat per property owner identified in the recorded deed up to a maximum of three boats per private property.
- iii. The maximum length of a stored boat will not exceed 16ft except for canoes which cannot exceed 18ft.
- iv. All gas containers must be a metal container with a capacity not to exceed 3 gallons.
- v. All gas containers must be removed from a boat moored at this site and stored consistent with subsequent standards on the adjacent uplands.
- vi. Personal property storage is limited to one metal fuel container with a capacity not to exceed 3 gallons, oars, engine, battery (if electric trolling motor is used), and personal floatation devices. Plastic fuel containers will be prohibited.
- vii. All personal property, including motors when not in use, must be stored within a single metal container with a volume not to exceed 16 cubic feet or within or completely under an authorized boat.
- viii. A metal container must be clearly marked with the owners name and address.
- ix. The permit is not transferable, saleable, or assignable.

#### **5. Access on Lynx Lake Road and Butterfly Lake Trail During Summer Months**

See alternatives in Document 4 for proposed recommendations that address: access for property owners, road and trail development, boat moorage, property storage, and other developments for this area of NLSRA.