



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

Parks and Outdoor Recreation
Mat-Su/Copper Basin Area

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October 17, 2013

Re: Special Use Permit Revocations

To Butterfly, Lynx and Red Shirt Lake Property Owners:

Most property owners are aware that the Alaska Supreme Court ruled in July that park use permits for use of ATVs on the Butterfly Lake Trail, which were issued as revocable for cause and only to property owners, constituted easements and, thereby, prohibited disposals of state park lands. We received an Opinion on Rehearing from the court on October 11. While the opinion removed certain language from the court's original decision, it still holds that permits for motorized use within NLSRA for access to private property that are not made revocable at will cannot remain in effect. The legal rationale of the opinion also applies to permits for the use of highway vehicles beyond the closed gate at the park boundary on Lynx Lake Road, as well as boat storage along or on the park uplands of Butterfly, Lynx and Red Shirt lakes. Further proceedings will now take place in the Superior Court. After that court issues a final decision, DNR will have further guidance as to whether, or under what conditions, permits for motorized use may be issued.

Effective November 1, 2013 Alaska State Parks is revoking all current Special Park Use Permits that authorize the operation of highway vehicles beyond the Lynx Lake Road gate, the operation of All-Terrain Vehicles (ATV's) on the Butterfly Lake Trail and the long term storage of boats on park lands and waters. The intention is to allow permittees time to make necessary trips to their property before the permits expire. Once there is adequate snowfall, Lynx Lake Road and Butterfly Lake Trail will be opened to snowmachine use, as is the usual practice under existing regulations.

Pending further proceedings in the Superior Court, these conditions will apply:

- 1 As of November 1, 2013, all access permits for the Lynx Lake Road will be deemed revoked. The Lynx Lake Road Gate will have its lock removed and the road will be left open to public traffic. ATV's are not authorized to operate on the road or on park lands. Registered highway vehicles are allowed to drive as far as the park boundary at the Midnight Sun Bible Camp road gate. Vehicle access beyond the gate is solely at the Bible Camp's discretion.
- 2 As of November 1, 2013, All ATV access permits for the Butterfly Lake Trail will be deemed revoked. No ATV's will be authorized to operate on the trail to the lake or in the park. The Butterfly Lake Trail will remain open to public use.

- 3 As of November 1, 2013, All boat storage permits will be deemed revoked on Lynx Lake, Butterfly Lake and Red Shirt Lake. Individuals who currently have boats stored at these locations will have until April 30, 2014 to remove their boats. Note that all stipulations in current storage permits will remain in effect. This action does not affect the moorage of private boats at or along private upland properties on park waters.
- 4 Seasonal openings for snowmobile use within Nancy Lake State Recreation Area will be made as soon as there is adequate snow coverage to protect vegetation.

The above requirements allow property owners two weekends to prepare for the changes. Following further guidance from the Superior Court, we anticipate being able to provide further clarification as to whether permits for motorized access and/or boat storage will be issued for 2014.

This notice and other updates will be distributed to existing email contact lists for Butterfly/Lynx and Red Shirt Lakes. To join a particular list, email Park Superintendent Wayne Biessel at wayne.biessel@alaska.gov. Updates will also be posted on both the **Nancy Lake Management Plan** website page at <http://dnr.alaska.gov/parks/units/nancylk/planning.htm> , and on the **Park Conditions Report Update** page for Nancy Lake SRA at <http://dnr.alaska.gov/parks/asp/nancysnow.pdf> . For any other questions contact Superintendent Biessel at 745-8935.