



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

Parks and Outdoor Recreation
Mat-Su/Copper Basin Area

7278 East Bogard Road
Wasilla, AK 99654
Main: 907.745.3975
Fax: 907.745.0938

March 7, 2014

Re: Nancy Lake SRA Special Use Permit Revocations UPDATE

To Butterfly, Lynx and Red Shirt Lake Property Owners:

This letter is a follow up of the Oct 17, 2013 letter regarding Special Use Permit Revocations. On January 8, 2014, Judge Patrick McKay signed a *Final Judgment and Injunction* in the case of SOP, Inc. v. State of Alaska. The injunction basically required the State to revoke all permits pertaining to the motorized use of ATVs on the Butterfly Lake Trail and disallow any personal property (including boats) to be stored at the Butterfly Lake trailhead. However, Judge McKay added the caveat that the permits could be issued provided they were consistent with applicable law at the time of issuance.

The State is taking the position that it has the legal authority to issue certain permits provided full compliance with regulation 11 AAC 12.220(b) and 11 AAC 18.025(c). This mandates that a Director's Determination be written that requires certain criteria is met before a permit is issued. The State is also required to no longer issue permits on the basis of property interest, AND all permits must be revocable at will. Any person may get a permit provided they follow the stipulations and pay the requisite fee.

I know many property owners have been very concerned over boat storage and the Lynx Lake Road gate. I don't have all the answers yet, but I can tell you the following:

- 1 The Lynx Lake Road gate will remain in place at this time.** Gate management will not change; the gate will be locked again in the spring as usual. However, the gate locks have been changed and new keys will be issued along with a new permit for anyone who applies. Permit fees will be \$50 per permit and key, plus another \$50 per additional key issued. No permits or fees are required for individuals that are walking, riding bicycles or riding horses beyond the gate.
- 2 Boat storage and/or moorage on or adjacent to park lands at Lynx Lake will be conditionally allowed** on the basis that there has been no significant damage to the riparian zone or upland since there is a primitive boat launch. Because there is road access to this site, no boats will be allowed to be parked on trailers during the winter. Boat storage permits will be required and permits will be available to anyone who applies. Permit fees will be \$50 for a two year permit and a decal will be required to be placed on all boats showing proof of authorization.
- 3 Boat storage and/or moorage on or adjacent to park lands at Red Shirt Lake will be conditionally allowed** on the basis that there has been no significant damage to the riparian zone or uplands.

Boat storage permits will be required and permits will be available to anyone who applies. Permit fees will be \$50 for a two year permit and a decal will be required to be placed on all boats showing proof of authorization.

New 2014 permits for boat storage and gate keys are not yet available. They are being modified to conform to the court's mandates. I will send out an update when they become available. Permit fees included in this letter are subject to change in the future.

At this time we have not made a decision on the summer motorized use on the Butterfly Lake Trail and the storage of boats at Butterfly Lake. We are continuing to work with the Department of Law on these matters. A decision will be made in the next few weeks on a course of action.

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 me at wayne.biessel@alaska.gov. Updates will be posted on the **Nancy Lake Management Plan** website page at <http://dnr.alaska.gov/parks/units/nancylk/planning.htm>. For any other questions contact me at 745-8935.

Respectfully,

A handwritten signature in black ink, appearing to read 'WAYNE', with a long horizontal flourish extending to the right.

Wayne Biessel, Matsu Area Park Superintendent