

## Recommended Revisions

### Nancy Lake State Recreation Area Management Plan

Item No.	Issue(s)	Issue Response Summary Reference	Recommended Revision
1.	<p>Until recently, the DPOR had issued Permits to local property owners that allowed the use a vehicle on Lynx Lake Road and Butterfly Lake Trail for the purpose of accessing their private property within and adjacent to NLSRA. A lawsuit filed against the State (SOP vs. DPOR) challenged DNR authority to issue these Permits. The Superior Court ruled in favor of 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.</p>	Item 1	<p>Changes in management of the recreation area and site that resulted from the court ruling are listed below. These changes affect various portions of the plan.</p>
2.	<p>Vehicle access, including a Highway vehicle and an ORV, on Lynx Lake Road and Butterfly Lake Trail.</p> <p>Appropriateness of ATV use by property owners accessing private lands within or</p>	Item 3	<p>Text in Chapter 3, page 3-2 lines 35 - 36 is revised as follows:</p> <p>“This plan recommends increased public access on a portion of Lynx Lake Road <u>and Butterfly Lake trail</u>. This access may be</p>

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	<p>adjacent to NLSRA in the area of Lynx, Butterfly, and Delyndia lakes.</p> <p>Additional ORV permits should not be issued to owners within NLSRA.</p> <p>ATV use by property owners should be eliminated.</p>		<p><u>restricted based on impacts to developed roads, trails, and facilities and impacts to natural resources.</u>”</p> <p>Text in the Introduction section of Chapter 5, lines 20-21 and 27-32 will be revised as follows:</p> <p>“...and airplanes on specific waterbodies <u>and authorized use of ORVs on the Lynx Lake Road and possibly Butterfly Lake Trail.</u> In winter, the area south of Nancy Lake Parkway...”</p> <p>and</p> <p>“... snowmobiles or ORV’s for <u>public access to private property</u> may be allowed via a restricted opening of an area or <u>trail or on the frozen surface of Nancy, Lynx, Butterfly, and Red Shirt lakes.</u> <del>While not a right, this plan recognizes and allows for vehicle access to private property on Lynx, Butterfly, Skeetna, and Delyndia lakes on a short term basis; however, it also recommends vehicle access be studied in greater detail to determine how access to private property should be addressed on a long term basis. The same study will address storage of personal property and moorage of boats long term on state owned land and water.</del>”</p> <p>Text in the Use Compatibility Table regarding</p>

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			<p>public use of Highway Vehicles and Off Road Vehicles is modified. See pages 6-20 and 6-22 of the modified table attached to this document for specific changes.</p> <p>The following management guideline is added on page 7-8, line 10:</p> <p><u>“Vehicle use beyond a traffic control gate on Lynx Lake Road may be authorized by DPOR under 11 AAC 18.010 during snow free periods when resource conditions allow. Public use of an ORV may be authorized under 11 AAC 18.010 on Butterfly Lake Trail during snow free periods if permanent access through private property on Lynx Lake is secured or an alternate sustainable ORV trail linking the Butterfly Lake Trail to Lynx Lake Road is developed, and the existing Butterfly Lake Trail is re-developed as a sustainable ORV trail. DPOR will not expend agency resources on the re-development of the Butterfly Lake Trail unless use by the public is secured through establishment of a permanent easement or alternate access connecting the end of Lynx Lake Road to the Butterfly Lake Trail is developed.”</u></p> <p>Revise the current management guideline on page 7-8, lines 10-15 as follows:</p> <p><u>“Due to the lack of developed facilities to</u></p>

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			<p><u>accommodate increased use and lack of dedicated enforcement in this area, DPOR will continue to manage public access in this area of NLSRA through a required authorization. All vehicle access beyond a traffic control device installed by DPOR will require an authorization. These authorizations will be open to any person and will be revocable at will by DPOR. Lynx Lake Road gate will remain...”</u></p> <p>The third and fourth Management Guidelines on page 7-8, lines 26 - 31 will be deleted.</p> <p>Facilities/Trails and Desired Outcome text on page 7-11 will be revised as follows:</p> <p><u>“Redevelop the Butterfly Lake Trail as a Class 3 terra trail designed for ORV use if use by the public is secured through acquisition of a permanent easement or alternate access is developed . Enhance sustainability by upgrading this trail to ORV standards and allowing multiple uses. This recommendation will only be implemented by DPOR if a permanent the public recreational easement is secured remains through or around on the private property on Lynx Lake DPOR will not expend agency resources on the re-development of the Butterfly Lake Trail unless use by the public is secured through establishment of a permanent easement or</u></p>

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			<p><del>alternate access connecting the end of Lynx Lake Road to the Butterfly Lake Trail is developed.” If the existing public easement is removed, DPOR will not expend public funds to upgrade or maintain this trail and the trail may be closed to use.”</del></p> <p>Trail Recommendation for Butterfly Lake Trail on page C-37 (reference #16) will be revised as follows:</p> <p>“The width of this trail should be the minimum necessary to accommodate use of Off-Road Vehicles. <u>Note: Only portions of this trail on state owned land will be upgraded by DPOR. DPOR will not expend agency resources on the re-development of the Butterfly Lake Trail unless use by the public is secured through establishment of a permanent easement or alternate access connecting the end of Lynx Lake Road to the Butterfly Lake Trail is developed.</u> <del>No state funds will be expended on upgrading this trail if the public recreational easement is removed from the Anchorage Church of Christ property. If the easement is removed, the trail may be closed to public use or removed and the tread restored to a natural state. The width of this trail should be the minimum necessary to accommodate use of Off Road Vehicles.”</del></p>

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3.	Inholder permits for vehicle use should be differentiated from property owners beyond NLSRA and should have an online renewal option.	Item 5	No change in plan text as a result of this issue. However, changes are made in several sections of the plan in response to the Supreme Court ruling. See specifically items 1, 3, and 49.
4.	Retain the locked gate at mile 3.5 on Lynx Lake Road and only allow access to authorized landowners/in-holders within Nancy Lake State Recreation Area.  Clarify that the Chicken Lake Cross Park Trail trailhead will include a gate that will be closed and locked with access beyond the gate restricted to permit holders.	Item 6	A new guideline has been added and an existing guideline has been revised to address the traffic control gate on Lynx Lake Road. See revised Management Guidelines detailed in response #3 above; specifically changes to management guidelines on page 7-8.
5.	Degradation of the poorly constructed and minimally maintained Lynx Lake Road due to anticipated increased use by the public.  Increased public use on Lynx Lake Road will degrade the road and will limit access by property owners within and adjacent to NLSRA. DPOR should assume responsibility for maintenance of the road.  DPOR should post a sign stating that Lynx Lake Road is not maintained by the state.	Item 8	The following Management guidelines are added on page 7-8:  <ul style="list-style-type: none"> <li>• <u>“DPOR will actively monitor vehicle use during snow free periods to determine if the use is having an unacceptable level of impact to natural resources, infrastructure, or facilities. If DPOR determines an unacceptable level of resource degradation is occurring, vehicle use may be restricted or prohibited. A trail, or segment of a trail, may be closed or its use restricted, seasonally or when weather conditions necessitate closure</u></li> </ul>

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			<p><u>or restriction, if it is determined that continuation of a use may result in a long-term or permanent degradation of the trail surface so that it is no longer within the design standards for the trail classification which it was developed. Trail closures or use restrictions will be made under authority and procedures outlined in 11 AAC 12.335. ”</u></p> <ul style="list-style-type: none"> <li data-bbox="1367 626 1917 1166">• <u>“An easement has been issued for Lynx Lake Road by DNR South Central Regional Office (SCRO). DPOR should work with the SCRO in identifying maintenance needs of Lynx Lake Road in light of anticipated increases in vehicle use. DPOR may pursue a maintenance agreement with the Southcentral Region Office of the Division of Mining, Land &amp; Water to facilitate maintenance of the road when the Chicken Lake Cross Park Trailhead is constructed. This guideline is subject to available funding and staff availability.”</u></li> <li data-bbox="1367 1192 1917 1369">• <u>“Until such time that a maintenance agreement is executed or State maintenance of Lynx Lake Road is performed; DPOR should consult with SCRO regarding placement of a sign</u></li> </ul>

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			<u>indicating Lynx Lake Road is not maintained by the State of Alaska.”</u>
6.	<p>What will happen to current permit holders if the access study is not funded or completed within the 5 year period identified in this plan?</p> <p>Current permit holders should be involved in the access study.</p> <p>Change wording of Management Guideline on page 7-8 that the study would only be specific to addressing vehicle access to properties outside the NLSRA only and not address access to inholders.</p> <p>What are the goals of the access study? The access study lacks a study design that defines the goals of the study and what the study is supposed to find. Questions what the study will help DPOR do, other than allow more time to establish “grandfather” rights.</p> <p>Is a study necessary to make a determination on access to private properties within and beyond the NLSRA boundary?</p>	Item 10	<p>Plan text referencing the study on page 3-2, lines 12-20 will be deleted.</p> <p>Goal 1, page 4-1 will be revised as follows:  <del>“Determine the appropriate types and level of access to private property that should be authorized to occur. Enhance public access on Lynx Lake Road and Butterfly Lake Trail.”</del></p> <p>Objective 1-1 on page 4-1, lines 22-26 will be revised as follows:  <del>“Within 5 years of the adoption of this plan, DPOR will conduct a study to determine if DPOR should continue to authorize ORV access to private property, and if so, which property owners should be authorized access and how many permits should be authorized. The results of this study will be the basis for the determination to allow, prohibit, or restrict this use. DPOR will actively monitor vehicle use during snow free periods to determine if that use is having an unacceptable level of impact to natural resources, infrastructure, or facilities. If DPOR determines an unacceptable level of resource degradation is occurring, vehicle use may be restricted or prohibited. A trail, or segment of a trail, may</del></p>

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			<p><u>be closed or its use restricted, seasonally or when weather conditions necessitate closure or restriction, if it is determined that continuation of a use may result in a long-term or permanent degradation of the trail surface so that it is no longer within the design standards for the trail classification which it was developed. Trail closures or use restrictions will be made under authority and procedures outlined in 11 AAC 12.335.”</u></p> <p>Objective 3-1 on page 4-2, lines 10-13 will be revised as follows:</p> <p><u>“<del>Within 5 years of the date of the adoption of this plan,</del> DPOR will actively monitor designated storage and moorage sites to determine if use is being conducted in a manner that is not causing significant impact to the resources. If DPOR determines an unacceptable level of resource degradation is occurring, vehicle use may be restricted or prohibited. A trail, or segment of a trail, may be closed or its use restricted, seasonally or when weather conditions necessitate closure or restriction, if it is determined that continuation of a use may result in a long-term or permanent degradation of the trail surface so that it is no longer within the design standards for the trail classification which it was developed. Trail closures or use restrictions</u></p>

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			<p><del>will be made under authority and procedures outlined in 11 AAC 12.335. conduct a study to determine if DPOR should continue to authorize private property storage and boat moorage on state-owned land and water within NLSRA. The results of this study will be the basis for the determination to allow, prohibit, or restrict this use.<sup>4</sup></del></p> <p>Management Guideline on page 5-4, lines 9-15 will be revised as follows:</p> <p><u>“DPOR will continue to accommodate, and in the case of NLSRS facilitate, access for recreation opportunities; however, the type, level, method, and location of access may change based on continued monitoring of impacts to resources, facilities, and infrastructure by DPOR. If DPOR determines an unacceptable level of resource degradation is occurring, vehicle use may be restricted or prohibited. A trail, or segment of a trail, may be closed or its use restricted, seasonally or when weather conditions necessitate closure or restriction, if it is determined that continuation of a use may result in a long-term or permanent degradation of the trail surface so that it is no longer within the design standards for the trail classification which it was developed. Trail closures or use restrictions will be made under authority and procedures</u></p>

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			<p>outlined in 11 AAC 12.335.” DPOR will continue to accommodate, and in the case of NLSRS facilitate, access to private inholdings and private land contiguous or adjacent to the NLSRA; however, the type, level, method, and location of private access may change for some private property owners within and adjacent to NLSRA in the area of Butterfly Lake based on the results of a detailed study on access.<sup>4</sup> This study will also address the appropriateness of storing personal property long term on state land and storage and moorage of boats long term on state lands and waters.”</p> <p>Management Guideline 1 on page 5-10, lines 12-17 will be added as follows:</p> <p><u>“Use of an ORV may be authorized as provided in this plan and regulations specific to NLSRA. DPOR will actively monitor vehicle use during snow free periods to determine that use is having an unacceptable level of impact to natural resources, infrastructure, or facilities. If DPOR determines an unacceptable level of resource degradation is occurring, vehicle use may be restricted or prohibited. A trail, or segment of a trail, may be closed or its use restricted, seasonally or when weather conditions necessitate closure or restriction, if it is</u></p>

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			<p>determined that continuation of a use may <u>result in a long-term or permanent degradation of the trail surface so that it is no longer within the design standards for the trail classification which it was developed. Trail closures or use restrictions will be made under authority and procedures outlined in 11 AAC 12.335.</u>”</p> <p>Text on page 5-11, lines 8 &amp; 9 will be revised as follows:</p> <p>“Authorizations shall include a condition that stipulates the permit only authorizes access to <del>private property</del> <u>to and from a destination</u>, not recreational use of ORV’s.”</p> <p>Text on page 5-14, lines 31-33 will be revised as follows:</p> <p>“Storage and moorage associated with reoccurring access <u>and recreational use to</u> <del>private property</del> <u>may continue to be authorized by the Director under 11 AAC 18 at designated sites for private property at owners on Lynx, Butterfly, Skeetna, Delyndia, and Red Shirt lakes. Currently, the size of these existing sites is considered appropriate to meet the needs of the recreating public, however, DPOR may re-evaluate these sites to determine if the needs of the recreating public are being met and may consider expanding</u></p>

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			<p><del>these sites if the resources are not being significantly impacted. DPOR will actively monitor these sites to determine if use is having an unacceptable level of impact to natural resources, infrastructure, or facilities. If DPOR determines an unacceptable level of resource degradation is occurring, DPOR may restrict or prohibit the use. for a period of 5 years or until the study identified in the “Access” section above is completed and changes to the current policy are made. Until the study is completed and changes to current policy are made, DPOR will continue to authorize use of ORV’s for access to private property at up to the numbers indicated below. This cap will allow DPOR to continue to allow these uses at, and slightly above, current levels until the issue of access is addressed comprehensively based on the results of the access study.”</del></p> <p>Standards 1&amp;2 on page 5-15, lines 11-19 will be deleted.</p>
7.	Maps should be revised to remove Lynx Lake Road and Butterfly Lake Trail from the private property of the Midnight Sun Bible Camp.	Item 13	The following maps will be revised to exclude depiction of Lynx Lake road and Butterfly Lake Trail on private property: 1, 2, 5, 6, 7, 8, and 12.
8.	Change wording of area wide guideline on page 5-10 lines 12-15 to “... or until a	Item 18	The second exception to ORV’s on page 5-10 will be revised as follows:

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	detailed study is conducted that analyzes the use of continued ORV access.”		<p>“Access to private properties <del>can continue to</del> <u>may</u> be authorized <del>consistent with current policies</del> via Lynx Lake Road and <u>possibly on Butterfly Lake Trail</u>, <del>for a period of 5 years or until a detailed study is conducted that analyzes the appropriateness of continued ORV access.</del><sup>+</sup> <u>Until the study is completed and changes to current policy are made, DPOR will <u>may</u> continue to authorize use of ORV’s for access, to private property at current levels, however DPOR will actively monitor ORV use during snow free periods to determine if the use is having an unacceptable level of impact to natural resources, infrastructure, or facilities. If DPOR determines an unacceptable level of resource degradation is occurring, DPOR may restrict or prohibit the use. A trail, or segment of a trail, may be closed or its use restricted, seasonally or when weather conditions necessitate closure or restriction, if it is determined that continuation of a use may result in a long-term or permanent degradation of the trail surface so that it is no longer within the design standards for the trail classification which it was developed. Trail closures or use restrictions will be made under authority and</u></p>

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			<u>procedures outlined in 11 AAC 12.335.”</u>
9.	<p>Question ORV access to the frozen surface of Lynx, Butterfly, land Red Shirt lakes since ORVs are not otherwise authorized to travel within NLSRA.</p> <p>Clarify guidelines regarding use of vehicles on frozen surface of several water bodies.</p>	Item 22	<p>Text on page 5-10, lines 8-10 will be revised as follows:</p> <p>“ORV use remains prohibited by general regulations (11 AAC 12.020), except their use may be authorized by the DPOR Director under 11 AAC 18 or allowed <del>without authorization</del> <u>via restricted openings</u> in several specific instances. The exceptions to the general prohibition are:”</p> <p>Text on page 5-10, lines 24&amp;25 will be revised as follows:</p> <p>“Use of an ORV on the frozen surface of Nancy, Lynx, Butterfly, and Red Shirt lakes will be allowed <del>via a restricted opening without authorization.</del>”</p> <p>The second management guideline on page 5-10, lines 37&amp;38 will be revised as follows:</p> <p>“Use of an ORV on the frozen surface of a waterbody will be allowed <del>without authorization</del> <u>via restricted opening</u> on Nancy, Lynx, Butterfly, and Red Shirt lakes.”</p>
10.	The number of authorizations in current plan (30) is arbitrary and should be increased to 100 to allow for current Red Shirt Lake and Cow Lake property owners to store one boat	Item 24	See item #10 above for changes to the plan text related to this issue.

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	per lot.		
11.	Boat and property storage within NLSRA should be allowed for everyone not just property owners.	Item 25	<p>Text beginning on page 5-14 and continuing to 5-15 will be revised as follows:</p> <p><b><u>“Property Storage and Moorage</u></b></p> <p>Storage and moorage associated with reoccurring access <u>and recreational use to private property</u> may continue to be authorized by the Director under 11 AAC 18 at designated sites <u>for private property at owners on Lynx, Butterfly, Skeetna, Delyndia, and Red Shirt lakes.</u> <u>DPOR will actively monitor these sites to determine if use is having an unacceptable level of impact to natural resources, infrastructure, or facilities.</u> <u>If DPOR determines an unacceptable level of resource degradation is occurring, DPOR may restrict or prohibit the use. No more than 2 boats per person will be authorized for long term moorage or storage for a period of 5 years or until the study identified in the “Access” section above is completed and changes to the current policy are made. Until the study is completed and changes to current policy are made, DPOR will continue to authorize use of ORV’s for access to private property at up to the numbers indicated below. This cap will allow DPOR to continue to allow these uses at, and slightly above, current levels</u></p>

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			<p><del>until the issue of access is addressed comprehensively based on the results of the access study. An authorization for moorage and storage will include the appropriate Group B Compatibility Conditions identified in Chapter 6. See Map 6 on page 5 - 19 for a depiction of the storage and moorage sites.</del></p> <p><u>Management Guidelines:</u></p> <ul style="list-style-type: none"> <li><del>• Storage and moorage associated with reoccurring access to private property may be authorized by the Director under 11 AAC 18 at designated sites for private property owners on Lynx, Butterfly, Skeetna, Delyndia, and Red Shirt lakes. See Map 6 on page 5 - 19 for a depiction of the storage and moorage sites.</del></li> <li>• <u>Storage and moorage associated with reoccurring access to private property may be authorized by the Director under 11 AAC 18 at designated sites on Lynx, Butterfly, Delyndia, and Red Shirt lakes.</u></li> <li>• <u>The number of authorizations for storage and moorage on state lands and waters shall be limited to the number that, based on the judgement of DPOR staff, can reasonably fit within designated boat storage areas without</u></li> </ul>

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			<p><u>causing significant deleterious impacts to the natural resources.</u></p> <ul style="list-style-type: none"> <li>• <u>No more than two (2) boats per person may be authorized for long term storage or moorage.</u></li> <li>• <u>Within NLSRA, the only lake where barges may be moored is Butterfly Lake. The number of barges that may be authorized to moor at this location is limited to not more than eight – the number that existed on June 5, 2009. Additional barges will not be authorized.</u></li> <li>• <u>Raft-barges may not be altered or rebuilt larger than what existed on June 5, 2009.</u></li> <li>• <u>Raft-barge flotation shall be of materials which will not become waterlogged or sink when punctured. Closed cell (extruded) expanded polystyrene or equivalent material of good quality and manufactured for marine use is recommended. No unexposed foam flotation will be authorized in any future raft upgrades.</u></li> </ul> <p><del>The standards described below are to be followed when adjudicating an application for the storage of property or moorage of a boat.</del></p>

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			<p><u>Standards:</u></p> <p><del>1) The number of authorizations for storage and moorage on state lands and waters shall be limited as follows:</del></p> <ul style="list-style-type: none"> <li><del>i. 30 authorizations for storage and moorage on Delyndia Lake (includes storage and moorage for access to Delyndia and Skeetna lakes).</del></li> <li><del>ii. 30 authorizations for storage and moorage on Red Shirt Lake (includes storage and moorage for access to Cow Lake).</del></li> <li><del>iii. 10 authorizations for storage and moorage on Lynx Lake.</del></li> </ul> <p><del>2) No more than one boat per private lot may be authorized for long term storage or moorage.</del></p> <p><del>3) The maximum length of a stored boat will not exceed 16 feet in length or 10 feet in width except for canoes which cannot exceed 20 feet in length.</del></p> <p><del>4) All boats required to be registered by other law, including barges, will be required to have a current registration displayed on the boat.</del></p>

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			<p><del>5) Storage of boat trailers shall be prohibited year-round.</del></p> <p><del>6) A NLSRA specific decal will be required to be affixed to the upper visible portion of the bow of the boat.</del></p> <p><del>7) All gas containers shall be metal containers approved for marine use with a maximum capacity of 3 US gallons and shall be clearly marked with the owners name, current address, and current telephone number.</del></p> <p><del>8) All gas containers are required to be removed from a boat moored on the water at a designated site and stored consistent with subsequent standards on the adjacent uplands.</del></p> <p><del>9) Personal property storage is limited to one metal fuel container, oars, engine, battery (if electric trolling motor is used), and personal floatation devices.</del></p> <p><del>10) Spill response equipment, including absorbent pads, should be provided at designated storage and moorage areas.</del></p> <p><del>11) 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</del></p>

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			authorized boat.”
12.	Existing trails and facilities should be maintained before new ones are developed.  Given the state of DPOR’s budget, the focus should be on maintaining existing facilities not developing new costly facilities and increasing maintenance costs.	Item 26	The following Facilities Management Guideline has been added on page 5-7:  <u>“Facilities management will focus on addressing negative environmental impacts and enhancement of recreational opportunities at existing facilities. New facilities will be designed and developed as funding and necessary staff becomes available.”</u>
13.	Developing wide trails within the NLSRA canoe trail system will result in increased illegal use of ATVs on the new trails.	Item 28	The following goal has been added to <i>Trail Goals</i> on page 4-5:  <u>“Provide trail users with signs at all trailheads that show the appropriate access methods for each trail.”</u>
14.	Continue to allow landowners/inholders at Lynx Lake to launch and moor boats at the current launch.	Item 32	See item #10 above for changes to the plan text related to this issue.
15.	Guideline on page 6-14: Long-term moorage at private property is in error and needs to be changed to allow this activity without authorization where private property exists contiguous to the NLSRA boundary.  Page 6-14 guidelines regarding mooring needs to be updated to reflect that moorage is allowed.	Item 33	The following language used in the guideline has been changed to reflect that moorage for more than 15 days at private property is allowed without authorization in the natural zone.  <del>Incompatible except for Big Darell, Little Darell, and Skeetna Lakes where the use is allowed without authorization.</del>  <u>Compatible. Use is allowed without</u>

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			<u>authorization on Lynx, Butterfly, Skeetna, Whale, Red Shirt, Big Darell, and Little Darell lakes.</u>
16.	Do not develop a campsite at the terminus of the East Red Shirt Lake Trail. Increased public use at this location will negatively impact adjacent private properties.	Item 35	Item referenced as item #5 on page 7-10 will be revised as follows:  “Design and Develop <u>up to two new campsites north of the terminus at the end</u> of the East Red Shirt Lake Trail. <u>DPOR should develop the traditional campsite including a pit privy and a bear resistant food storage container initially. If public demand warrants, a second site with an Adirondack type shelter may be developed. This site will include on</u> <del>Adirondack type shelter and one traditional campsite, a pit privy, and a bear resistant food storage container.</del> ”
17.	Lack of facilities (Pit Privy) at terminus of Butterfly Lake trail for current or future use.	Item 37	Revise table on page 7-11 by adding the following:  Facilities/Trails: <u>Develop a pit privy at the terminus of the Butterfly lake Trail.</u>  Desired Outcome: <u>Enhance opportunities for current and increased future use, to prevent human waste from accumulating in undesignated areas.</u>
18.	Question the need for reflectors during snow free periods when visibility of the structures	Item 38	A new management guideline under the heading “New Structures” is added to page 5-

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	is not at issue. Furthermore, there is some question on the appropriateness of a reflector and how it may impact personal safety and potential for damage to boats, airplanes, and to the structure itself.		13 as follows: <ul style="list-style-type: none"> <li>• <u>“To increase the safety for winter recreational use, particularly use of snowmobiles or other motorized vehicles on the frozen surface of a waterbody, a reflective marker must be affixed to any structure, new or existing, that remains in or on a waterbody between October 1 and ice-out of the following year.”</u></li> </ul>
19.	Maintenance of an existing non-conforming structure.	Item 40	Text beginning on page 5-12, line 10 and ending on page 5-13, line 3 is revised as follows: <p><u>“Management Guidelines:</u></p> <ul style="list-style-type: none"> <li>• <u>Maintenance and repair of an incompatible non-conforming structure is allowed subject to the following standards:</u></li> <li>• <u>The maintenance and repair may not exceed 50% of the square footage of the structure during any consecutive period of 12 months. All maintenance and repair of a structure must occur within the original footprint of the structure; enlarging or expanding the non-conforming structure is prohibited.</u></li> </ul>

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			<ul style="list-style-type: none"> <li>• <u>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.</u></li> <li>• <u>A structure that sustains damage greater than 50% of its original square footage cannot be repaired or replaced without conforming to the new standards and acquiring the necessary authorizations.</u></li> <li>• <u>Existing non-conforming structures shall not be expanded beyond the original footprint of the structure.</u></li> <li>• <u>Relocation of a non-conforming 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.</u></li> <li>• <u>Reduction in the size or modification of a non-conforming structure, other than modifications addressed under the first management guideline above, may be authorized consistent with a permit</u></li> </ul>

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			<u>issued by DPOR.”</u>
20.	Plan should address maintenance of Lynx Lake Road due to CLCPT trailhead development. The road has severe impediments to travel already and increased use would exacerbate the issue.	Item 43	<p>The following text has been added on page 7-8:</p> <p><u>“An easement has been issued for Lynx Lake Road by DNR Southcentral Region Office (SCRO) of the Division of Mining, Land &amp; Water (DMLW). DPOR should work with the SCRO in identifying maintenance needs of Lynx Lake Road in light of anticipated increases in vehicle use. DPOR may pursue a maintenance agreement with the SCRO to facilitate maintenance of the road when the Chicken Lake Cross Park Trailhead is constructed. This guideline is subject to available funding and staff availability.”</u></p>
21.	Update of plan text regarding summer access on Lynx Lake Road and Butterfly Lake Trail in light of Supreme Court ruling (SOP vs. DPOR).	Item 44	<p>Text on page 3-1, lines 32-36 and page 3-2, lines 1-10 will be modified as follows:</p> <p><u>“Until recently, consistent with management recommendations made in the 1983 Plan the DPOR had issued Permits to local property owners that allowed the use 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 the State, but the case was appealed</u></p>

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			<p>to the Alaska Supreme Court. <u>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.</u> <del>Consistent with management recommendations made in the 1983 Plan, DPOR had issued Special Park Use Permits (under authority of 11 AAC 18.010) to authorize access to private properties on Lynx, Butterfly, Skeetna, and Delyndia lakes via the Lynx Lake Road and Butterfly Lake Trail. But, 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.</del></p> <p>Under <del>the current</del> 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 <del>current</del> scenario, the number of authorizations allowing vehicle access on Lynx Lake Road and Butterfly Lake Trail <del>to these waterbodies</del> could increase</p>

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			<p>significantly...”</p> <p>Text on Page 3-2, lines 12-20 will be deleted:  <del>“While much is known about vehicle access to private properties on Lynx Lake Road and Butterfly Lake Trail, some information gaps still exist. Frequency and distribution of vehicle use is not known and the impacts associated with these uses have not been quantified. This plan identifies a policy that allows vehicle access on these two routes to continue to be authorized at current levels until a study is completed and DPOR determines if the current policy needs to be changed. Essentially, this plan allows vehicle access at 2012 levels without exacerbating impacts to the natural environment until additional information is acquired and a decision is made to maintain or change the current policy. It is intended that the access study be completed within 5 years of the adoption of this plan.”</del></p> <p>Text on page 3-2, lines 29 -36 will be revised as follows:  <del>“...property owners are</del> <u>have been</u> 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 during snow</p>

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			<p>free periods. 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 <u>potentially on Butterfly Lake Trail. This access may be restricted based on impacts to developed roads, trails, and facilities and impacts to natural resources.</u></p>
22.	<p>Origination of Lynx Lake Road from the Parks Highway is not correct.</p>	Item 47	<p>See page 2-16, line 10 for the text change.</p>
23.	<p>Request that the State of Alaska provide a clearer definition of what constitutes mooring.</p>	Item 50	<p>A definition of “mooring” and moor” has been added to the Glossary on page A-3 as follows:  <u>“<b>Moor.</b> To hold a boat, etc. in place by ropes, cables or chains to the shore, or by anchors etc. To cause to be held in place; secure.</u>  <u><b>Mooring.</b> A place where a boat, etc. is or can be moored.”</u></p>
24.	<p>Why does DPOR include guidance to regulate commercial barges?</p>	Item 52	<p>Text in the table on page 6-30 related to commercial barges is revised as follows:  “Commercial barges facilitate construction</p>

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			<p>and development of private land and the building and placing of structures on DPOR managed land and water. This use may be authorized on <del>designated waterbodies</del> <u>Nancy Lake or other waterbodies where inholdings or properties contiguous with the NLSRA boundary are located for limited time periods.</u> To date, it is understood that this type of <u>commercial use only occurs on Nancy Lake and that trend is anticipated to continue for the 20 year life of this plan.</u> Use of a commercial barge may be authorized on other waterbodies where inholders or contiguous landowners are located; however this use is not anticipated to occur within the life of this plan due to <u>limited access to other waterbodies within NLSRA.</u> Commercial barges may be moored at a project site during the time the barge is being used. In no case will long-term or permanent moorage be authorized on any waterbody. <del>Currently, this use only occurs on Nancy Lake.</del> May be authorized as an Individual Permit.”</p>
25.	Page 6-15 guidelines on use of float planes in recreational and natural zones needs to be consistent.	Item 57	<p>The table on page 6-15 (Guidelines for Public Use) Airplanes, will be revised as follows:  <b>“Recreational Development Zone:</b>  Compatible. During ice-free periods, use of <u>float planes</u> is allowed <u>on Nancy, Lynx,</u></p>

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			<p><u>Butterfly, and Redshirt lakes and the Little Susitna River</u> without authorization consistent with 11 AAC 20.545. During frozen conditions, use is allowed without authorization on all waterbodies when the surfaces are frozen.</p> <p><b>Natural Zone:</b></p> <p>Compatible. During ice-free periods, use of <u>float planes</u> is allowed on <u>Nancy, Lynx, Butterfly, and Redshirt lakes and the Little Susitna River</u> without authorization consistent with 11 AAC 20.545. During frozen conditions, use is allowed without authorization on all waterbodies when the surfaces are frozen except use will not be allowed on North Rolly, Big Darell, Little Darell, and Rhein lakes, and Jano and Heins ponds.”</p>
26.	A definition of multi-use should be added to the glossary.	Item 59	<p>The following text has been added to Appendix A, page A-3:</p> <p><u>“Multi-Use. A term used to describe multiple uses that can occur in an area or on a trail. For Example, Skiing, Snowmobiling, Dog Mushing, Hunting, Fishing etc.”</u></p>
27.	Portions of text regarding regulations in Chapter 8 are unnecessary has been revised.	Item 66	<p>Text on page 8-8, lines 22-34 are revised as follows:</p> <p>“Regulations will need to be promulgated to</p>

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			<p>make certain plan recommendations are enforceable by DPOR. It is intended that regulations necessary to implement this plan be developed as soon as practicable after this plan is developed. <del>A list of regulations necessary to implement this plan is provided below. While this list is intended to be comprehensive some regulations may have been inadvertently left off of the list.</del> <u>Additionally</u>, other regulations that are determined necessary for the recreation area and site will be developed and <u>existing regulations may be modified</u> from time to time as determined necessary by DPOR. <del>The list below is not intended to be comprehensive of all regulations for the recreation area or site. Unless indicated, the regulations would be specific to NLSRA under Chapter 20 of the Alaska Administrative Code.</del></p> <ul style="list-style-type: none"> <li><del>● Prohibition of use of storage and moorage outside of designated areas.</del></li> <li><del>● Prohibition of building a dock or structure in excess of 450 square feet.</del></li> <li><del>● Prohibition of private geothermal or electrical generation structures.</del></li> <li><del>● Prohibition of marina construction outside of a single marina could be</del></li> </ul>

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			<p>developed at Nancy Lake.</p> <ul style="list-style-type: none"> <li>● <del>Allowance of bicycles on designated trails.</del></li> <li>● <del>Allowance of horses and pack animals on designated trails.</del></li> <li>● <del>Allowance of the use of a motorized vehicle on the frozen surface of Nancy, Lynx, Butterfly, and Red Shirt lakes.</del></li> <li>● <del>Ability to allow limited openings of trails south of the Nancy Lake Parkway to the use of snowmobiles if snow cover is not adequate to open the entire area.</del></li> <li>● <del>Ability to allow use of snowmobiles on the existing trail north of the Nancy Lake Parkway and frozen surface of North Rolly Lake.”</del></li> </ul>