

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
NORTHERN REGION
Extension of 2009 Amended Administrative Decision
Rex Trail – RST 119, ADL 412566, ADL 401880
2016 Extension**

Management Action

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Region Lands Section is extending the date of the 2009 Amended Decision to issue permits for certain rubber tracked vehicles heavier than 1500 lbs to travel on the Eastern Rex Trail. This extension constitutes a change from the 2009 Amended Decision by implementing for another two years the Rex Trail over-the-counter permit applications in order to issue permits to certain tracked vehicles heavier than 1500 lbs for the 2016 and 2017 hunting seasons. Over the counter permits will be issued and seasonal restrictions on large wheeled vehicles will be continued to maintain trail use and management continuity while the Seven Mile Lake reroute trail improvement pilot project construction is completed. This reroute is intended to provide improved and more reliable access for a wider range of both large and small wheeled and tracked vehicles than is currently authorized via permits..

To be approved for a fall travel permit, off-road vehicles heavier than 1500 lbs must be equipped with rubber tracks, be Nodwell 110-sized or smaller, and may not pull wheeled or skid trailers. Individuals who wish to obtain a permit for the 2016 season must apply to DNR, DMLW. This extension will be implemented on August 29, 2016, and will remain in effect until April 15, 2018. All conditions as noted in the August 25, 2009 Amended Decision, and all other conditions as noted in the original May 12, 2008 Administrative Decision remain in effect. Permits will be issued annually, and effective from August 29 through April 15 of the following year for each season.

Vehicles (tracked or wheeled) weighing less than 1500 lbs dry weight will still be allowed to travel as allowed under 11 AAC 96.020-.025 without the need for a permit.

Authority

This decision and these permits are being adjudicated pursuant to Alaska Statute 38.05.035(a) (powers and duties of the director), and Alaska Administrative Code 11 AAC 51 (easement management), Alaska Administrative Code 11 AAC 96.010 (uses requiring a permit), AS 38.05.850 (Permits), and Alaska Administrative Code 11 AAC 05.010 (fees).

Administrative Record

The administrative record for the proposed action consists of case files RST 119, ADL 401880 public easement, ADL 412566 public easement, the Yukon Tanana Area Plan, and the Rex Trail casefile.

The scope of this decision is limited to extending and/or amending the August 25, 2009 Amended Decision. The area affected by this decision is limited to the portion of the eastern Rex trail – which is unimproved and essentially a trail – between the intersection with ADL 415819, Southwind Homestead Access, and the southern boundary of Fort Wainwright near the Wood River.

Background and Discussion

On May 12, 2008, DNR, DMLW Northern Region issued a management decision temporarily restricting summer and fall motorized travel on a portion of the Rex Trail (RST 119, ADL 412566 and ADL 401880) to vehicles with a curb weight of 1500 lbs or less, in order to slow the degradation of the trail, reduce the risks to public safety during trail travel, and to reduce the potential for more significant access and

resource damage. The decision noted the overall management goal is to ensure that the Rex Trail remains viable for long-term general access opportunities. This original decision also noted that DNR, DMLW recognizes the need for more comprehensive evaluation of trail conditions, the potential feasibility of trail upgrades or realignments, and the relative impacts caused by different types of vehicles, in order to evaluate long-term management options to meet this goal.

On August 25, 2009, the original decision was amended, allowing for issuance of permits to rubber tracked vehicles from 1500 lbs up to and including Nodwell RN 110 or similar sized vehicles during the fall 2009 hunting season. This amendment was designed to facilitate a wider range of transportation options for fall hunting, and also to allow DNR, DMLW to learn more about vehicle use patterns and to monitor impacts of this additional use. To further this goal, DNR, DMLW created a special streamlined Rex Trail permit application for main stem trail travel, established 10 monitoring sites and began to collect and evaluate baseline data at each site for trail condition, rutting occurrence and depth, and braiding. Measurements were collected both before and after the fall moose season; review and analysis of the accumulated baseline data has been completed and a report is available to the public. While trail conditions continue to vary with differing soil types and microtopographies, overall trail conditions have remained stable, and some portions of the trail have improved, during the time period beginning 2009, when the permit conditions and amended seasonal restrictions were implemented and subsequently extended.

The 2009 amended decision implemented permit issuance for the 2009 hunting season only. The decision was extended annually in 2010 through 2015 to issue permits through those respective hunting seasons to enable continued offering of the specialized Rex over-the-counter (OTC) permits and continued monitoring of the test plots in order to provide more comprehensive baseline data about trail conditions over time.

While streamlined permitting and baseline trail condition monitoring represent an interim approach to address access and the trail in its current unimproved condition, user groups and private citizens have also recommended specific or general proposals to improve portions of the Rex Trail, in order to facilitate better access conditions for the widest possible variety of vehicles. The eastern Rex Trail crosses variable soil and vegetation types, and different methods would likely need to be employed along the trail. The DMLW determined that more specific information, such as a prescription report to evaluate conditions and recommend solutions would be needed before extensive time, money and effort were expended by the state or others on trail reroutes or maintenance. In 2011, the Alaska State Legislature designated limited funding for DNR land stewardship management, including the Rex Trail. On July 26, 2011, DNR, DMLW applied for a Recreational Trails Program grant through the Alaska State Trails Program to obtain further funding to evaluate the feasibility of potential trail upgrades and/or reroutes, and to implement beneficial upgrades or reroutes identified during that evaluation. DNR, DMLW's grant application was approved for \$100,000.

In 2013, DNR, DMLW contracted with Interior Trails to produce prescription reports for four discrete sections of the Rex Trail, each approximately $\frac{1}{4}$ to $\frac{1}{2}$ -mile in length and within the first nine miles of the trail. The prescription report evaluated trail conditions at four representative segments on the Rex Trail and provided four improvement prescriptions for each segment, two for the current level of use (ATV's less than 1,500 lbs and rubber tracked vehicles less than ~25,000 lbs which are authorized for fall trail travel via OTC permit, as per the 2009 amended decision) and two for an expanded level of use including the previously mentioned uses plus the use of wheeled vehicles less than 15,000 lbs, which are seasonally restricted to winter travel only, per the 2008 decision and 2009 amended decision. All prescriptions assumed permitted winter use by vehicles including heavy equipment and large trucks such as those utilized in support of mining operations.

In 2014, DNR, DMLW issued an informal request for proposal and issued a contract for construction of a small vehicle reroute on the fourth prescription site. The small vehicle reroute created an approximately half-mile bypass route for ATV's using a ditch and elevate with gravel cap technique, while leaving the main trail available for larger vehicles. DNR, DMLW chose to construct Site 4 for a variety of reasons, including less extensive wetland permitting requirements, cost of route construction, and availability of on-

site gravel. Construction was originally planned to occur in July and August, 2014. However, record rainfall in June followed by near-record rainfall in July resulted in practically impassable trail conditions preventing summer construction; the contract was extended and construction was completed in the spring of 2015. This small vehicle reroute now serves as a test site to evaluate the feasibility and effectiveness of this method of construction and travel segregation of large vehicles from currently used smaller vehicles. Inspection of the Small Vehicle Reroute (at Site 4) in August 2015 indicates that the winter construction method resulted in a compromised trail surface, though the reroute did provide an improved access route for smaller vehicles at this site, based on DNR, DMLW staff inspection and reports from the public. Continued inspection of the site 4 pilot project to assess long-term durability will be required into the future.

In the summer of 2015, DNR, DMLW was approached by the Alaska Department of Fish and Game about the possible use of existing federal Pittman-Robertson (P-R) funds for projects that would increase or preserve hunter access. DNR, DMLW identified the Rex Trail as a high priority project that appeared to meet the criteria for the P-R funds; specifically, DNR, DMLW applied for P-R funds to supplement approximately \$243,000 of existing state capital improvement funds in order to construct pilot project site 2, a re-route around Seven Mile Lake, one of the worst spots on the trail, and one of the few spots where the trail is on private property. Unlike the site 4 small vehicle reroute site, where the existing trail may be able to sustain long-term accessibility by large vehicles, including expanded use by wide variety of larger tracked and wheeled vehicles, the prescription report indicated that the existing trail through Seven Mile Lake area is unlikely to sustain long-term summer use by any vehicles, including ATV's, tracked vehicles, and larger wheeled vehicles. The Rex Trail Monitoring Report noted an increase in the active trail width and number of braids in this location. This area is one of the most problematic areas on the trail, and the main stem is occasionally impassable to even the larger off-road vehicles. In December 2015 the grant was awarded resulting in \$720,000 of additional funding; DNR, DMLW is pursuing relocation and hardening a test site reroute across state land that will allow for use by a wider variety of vehicle types, while bypassing the existing extensively damaged (and sometimes impassable) portion of the trail which traverses private property. That should allow large and small vehicles to both bypass the existing extensively damaged (and at times nearly impassible) portion of the trail, as well as re-route the trail off of the private property. DNR, DMLW is currently working with the Department of Transportation and Public Facilities to produce a design and a construction contract that would be put out to bid later this fall or winter. Construction is anticipated to be completed by June 30, 2018.

The permit conditions and limited seasonal restrictions put in place in 2009 amended decision were implemented to reduce the risk of increased or more severe access degradation on the trail. The monitoring plot data collection and analysis was created as a way to gather baseline data to gauge the change in condition of the unimproved larger trail over time, under the permit and limited restrictions begun in 2009. Prescription report/trail treatment test sites were designed to address feasibility and cost of active trail improvements that could support a wide variety of vehicles types and inform other possible fixes to other sections of the trail. DNR, DMLW has undertaken these different but complementary efforts to better understand the complex trail environment and evaluate long-term trail management options. DMLW is also exploring options and opportunities to assist or facilitate volunteer participation in Rex Trail access improvement, by members of the public or organizations. Current DMLW work on trail improvement pilot projects -both construction and evaluation of effectiveness – will be important for assessing trail improvement feasibility and increasing the likelihood of success for future volunteer efforts.

The 2009 amended decision and subsequent extensions represent an interim approach to balance the intensive fall season use with timely permitting and resource and access protection, while baseline trail conditions and upgrade option feasibility are being evaluated. Monitoring data indicates that overall trail conditions are essentially stable, with some evidence of access route improvement, during the time period under the permitting and limited seasonal restriction approach has been in place. Given that both the Prescription Report indicates that the trail at Seven Mile Lake is likely to continue deteriorate under the restricted use management regime, that the Rex Trail Monitoring Report indicates the trail is actively deteriorating, and the fact that we are actively working on a project which would bypass the area, continuation of this management approach is appropriate while the Seven Mile Lake reroute project is

underway. Additionally, it would be beneficial to collect monitoring data at Monitoring Site 19 to determine what effect, if any, the recently completed Small Vehicle Reroute project has had on main stem trail conditions. The Small Vehicle Reroute project at Site 4 was intended to remove ATV's and other small off-road vehicles from the main stem of the trail at Monitoring Site 19. Upon completion of these pilot projects, changes to permitting and seasonal restriction will be considered. At that time, permitting of certain large wheeled vehicles may be authorized to evaluate the effectiveness of trail improvement pilot projects, and to evaluate overall trail access conditions (once additional vehicle types are permitted) when compared with the baseline data gathered under current permit management.

Extending the 2009 administrative decision is appropriate. The expedited Rex OTC permit system and limited seasonal restrictions represent a balance of considerations for travel by certain large tracked off-road vehicles during the fall hunt with timely permitting and resource and access protection, while the trail improvement pilot projects providing for an expanded range of vehicle use around one of the worst sections of trail are completed and evaluated. Copies of the monitoring site report, prescription report, and information regarding the pilot projects are available on the Rex Trail website at dnr.alaska.gov/mlw/rextrail/.

Public Notice

Courtesy Public Notice regarding the proposed 2016 extension will be conducted from August 5, 2016 through August 19, 2016, and will be posted to the State of Alaska Online Public Notice website, and mailed/emailed to the list of groups and individuals who indicated they wished to receive Rex Trail updates through the Rex Trail website.

Decision

It is the decision of the Northern Region to extend the August 25, 2009 amended Administrative Decision to issue permits for certain rubber tracked vehicles heavier than 1500 lbs to travel on the Eastern Rex Trail. This extension will be implemented on August 29, 2016, and will remain in effect until April 15, 2018. All permit requirements and conditions as noted in the August 25, 2009 Amended Decision, and all other conditions and restrictions as noted in the original May 12, 2008 Administrative Decision, including seasonal restriction on the use of wheeled vehicles heavier than 1500 lbs, remain in effect.



Jeanne Proulx
Northern Region Manager
Department of Natural Resources, Division of Mining, Land & Water


Date

Appeals

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.