

**Lynx Lake Road Access Permit
Nancy Lake State Recreation Area**

**Director's Determination
April 2014**

Proposed Action

The Division of Parks & Outdoor Recreation (DPOR) proposes to issue special park use permits for vehicle access beyond the boundary gate on the Lynx Lake Road within the Nancy Lake State Recreation Area.

Authority

11 AAC 12.020(b&c) (Vehicle control)
11AAC 18.010 (Special park use permits)
11 AAC 18.025 (Procedure)

Management Plan

Nancy Lake State Recreation Area Master Plan (October, 1983)
Nancy Lake State Recreation Area Management Plan Public Review Draft (May, 2013)

Location

Lynx Lake Road, near Milepost 63.8 George Parks Highway

Legal description

Section 17, T18N R4W Seward Meridian

Borough

Matanuska-Susitna Borough

Land use classification

Natural zone (Nancy Lake State Recreation Area Master Plan, October, 1983)

Background

Park regulation 11 AAC 12.020(b) prohibits a person from operating a vehicle beyond a traffic control device placed to control or prohibit access by a vehicle in a state park.

The Lynx Lake Road was originally constructed as a primitive single lane road to access private property throughout the area prior to establishment of the Nancy Lake State Recreation Area. It is not maintained by state, borough, or federal agency, has not been built or maintained to any standard, and is generally in poor condition. Land owners along the road have performed periodic maintenance on sections of this road to make it passable for personal uses; however this maintenance typically only involves grading sections of the road and attempts to improve drainage away from the roadbed. Despite this periodic

maintenance sections of the road become annually impassible to highway vehicles due to soft, muddy conditions. Except for the first half-mile or so, it is not plowed in the winter.

In the 1970's, DPOR installed a lockable gate on the road at the boundary of the recreation area. This was done at the request of property owners on Lynx, Butterfly, Delyndia, and Skeetna Lakes within or adjacent to the recreation area. They complained of vandalism and other illegal activities occurring on recreation area lands. This part of the recreation area is remote and difficult for park staff to monitor. Therefore, the gate was intended to restrict vehicle access to only those who owned property in the area. Public access was still allowed by foot or other non-motorized means. The gate was kept locked (except for winters) and land owners were charged a fee for a key to the gate lock and authorization to drive a vehicle beyond the gate.

Because of the generally poor condition of the road, many property owners have used off-road vehicles (ORVs) to traverse it. This has been allowed as long as the operators of the ORVs stayed on the road and obeyed other park regulations. Park staff observed that the use of ORVs had less impact on the road than highway vehicles.

The Lynx Lake Road ends at the large church camp on Lynx Lake. In the summer, the camp is used by large groups who travel to Lynx Lake in buses and large vans. Use of the road by the camp generally occurs during the months of June, July and August which is considered to be the highest use period for the road. Within the recreation area, the camp has provided periodic road improvements to keep it from further deteriorating. Public access beyond the camp requires permission from the church.

Procedure

Pursuant to 11 AAC 18.025(c), the Director may, upon proper application, issue a permit for activities described in 11 AAC 18.010(a)(4) if he or she determines that:

(1) Park facilities and natural and cultural resources will not be adversely affected;

Discussion: The portion of the road within the boundaries of the recreation area follows upland ridges that remain firm throughout the summer. The road has been used by highway vehicles and by ORVs prior to the recreation area's establishment. Portions of the road outside the recreation area have the poorest drainage and are where the road typically becomes impassible during spring break-up. Limited use of the recreation area portion of the road by vehicles will not harm park resources. There are no known cultural or historical sites at this location.

(2) The state park is protected from pollution;

Discussion: Permitted vehicle access beyond the gate will not subject the recreation area to pollution.

(3) Public use values of the state park will be maintained and protected; and

Discussion: Controlling access to this area will help maintain and protect public use values.

(4) The public safety, health, and welfare will not be adversely affected.


Discussion: This part of the recreation area does not get heavy use by the general public and there are no known safety hazards.

Determination

It is determined that allowing vehicle access beyond the gate on Lynx Lake Road within the Nancy Lake State Recreation Area is conditionally consistent with the criteria in 11 AAC 18.025 provided the following stipulations are addressed within any permits issued:

- Seasonal closures to all motorized vehicles be in effect during breakup season;
- Permits are revocable at will; and
- Permits are available to the public regardless of property ownership.

DPOR will monitor the use of the site and may implement other requirements as necessary to comply with the criteria in 11 AAC 18.025(c).


for _____
Ben Ellis, Director

April 23 2014
Date

Appeals

All appeals must be in accordance with 11 AAC 02. To be eligible to appeal a person must be affected by this decision. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02(c) and (d). If no appeal is filed within the 20 days of "issuance" this decision goes into effect as a final order and decision 31 days 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.

Appeals should be directed to:

Joe Balash, Commissioner
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550 W. 7th Avenue, Suite 1400
Anchorage, AK 99501
Fax: (907) 269-8918
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