



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

Parks and Outdoor Recreation
Mat-Su/Copper Basin Area

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Wasilla, AK 99654
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April 1, 2014

Re: Nancy Lake SRA Special Use Permit Revocations UPDATE

To Interested Parties:

This letter is a follow up of the March 7, 2014 letter regarding the revocation of Special Use Permits for summertime use of ORVs on the Butterfly Lake Trail and for boat and property storage at the north end of Butterfly Lake. As previously stated, 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 off-road vehicles (ORVs) 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 believes that issuing permits for boat and personal property storage at Red Shirt, Lynx and Butterfly Lakes under 11 AAC 12.220(b), 11 AAC 18.010 and 11 AAC 18.025 and conditions thereunder is consistent with applicable law. However, it is possible that the issuance of these permits will be challenged.

At this time no permits will be issued for summertime motorized use of the Butterfly Lake Trail. As resources allow, the State will perform maintenance upgrades to the trail in the summer 2014 to bring it to a sustainable standard, as discussed below. Whether or when ORV permits will be issued in the future will depend upon the condition of the trail and consideration of whether permits can be issued consistent with court rulings and with the standards in 11 AAC 18.025.

As part of the May 2013 *Nancy Lake State Recreation Area Management Plan Public Review Draft*, trail standards are addressed in Appendix C, Trail Plan (pg. C-1). These standards are based upon the National Trail Classification System and are used in planning and building new trails as well as providing guidance to repair existing trails. Most government agencies and trail organizations in Alaska (and the nation) closely follow this

system. An electronic version of Draft Management Plan and Trail Plan is available on the following website:
<http://dnr.alaska.gov/parks/units/nancylk/planning.htm>.

On September 4, 2012 we sent a notice to the Butterfly Lake Trail users outlining the possibility of volunteers being able to work on upgrading the trail. That offer was rescinded in the summer of 2013 due to litigation over this trail. Our intent is to once again allow trailwork under a permit process once park staff has developed trail prescriptions necessary to guide that work.

This notice and other updates will be distributed to existing email contact lists for Butterfly Lake. To join this list, email 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> . For any other questions, please contact me at 745-8935.

Respectfully,

A handwritten signature in black ink, appearing to read 'Wayne Biessel', written over a horizontal line.

Wayne Biessel, Matsu Area Park Superintendent

A handwritten signature in black ink, consisting of a large, stylized loop.