

# Red Shirt Lake Shoulder Season Access



## Winter Trail Committee

Marty Smith - Chairman

Darrell Koontz

Ken Hilfiker

Craig Perham

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# Background

**Vision:** Preserve Red Shirt Lake as a safe, friendly, and remote environment for all to enjoy.

**Value:** Loyalty to the health of our lake and land

- Over 40 year history of traditional access for inholders/landowners in winter
- Winter special use permits for inholders / landowners' traditional access **DENIED** in 2007

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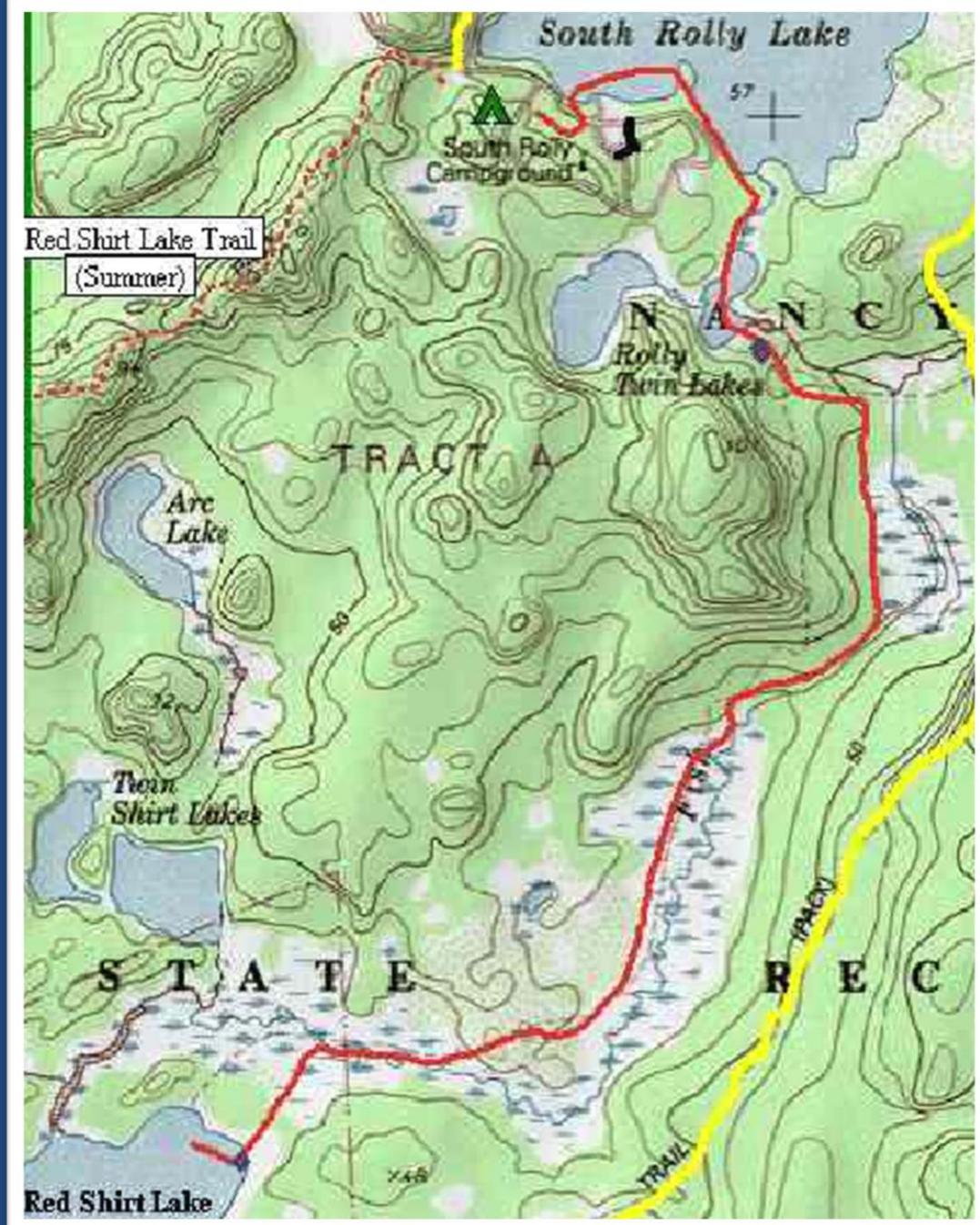
# Approach

- 18 in. snow requirement – Craig Perham
- Special use permit – Darrell Koontz
- Grandfather rights – Darrell Koontz
- Trail hardening options – Ken Hilfiker
- Wetlands determination and their restrictions – Marty Smith

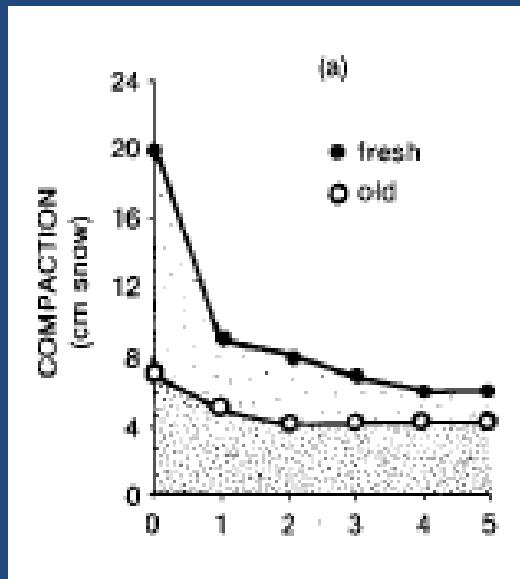
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# Area

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# Approach - 18in. Snow Requirement



## Snowmobile Impact on Old Field and Marsh Vegetation in Nova Scotia, Canada: An Experimental Study

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Department of Biology,  
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Agency	Conditions for opening trail	Adequate Snow Depth Definition
<b>Kenai National Wildlife Refuge</b>	Adequate snow depth. Authorized by Refuge manger between December 1 and April 30 (subject to social pressure and discussion)	no depth given; to protect underlying vegetation and terrain
<b>Chugach National Forest</b>	Adequate snow depth	no depth given
<i>Turnagain Pass</i>	Weds before Thanksgiving	
<i>Other areas</i>	December 1	
<b>Denali National Park</b>	Park superintendent makes a determination for adequate snow cover	Determined by evaluating the ability of the snow pack to support snowmachine use in a manner that does not damages resource values, i.e., vegetation
<b>Kenai Fjords National Park</b>	Adequate snow depth	At least 18 inches of snow cover with a solid base; sufficient depth and density to protect underlying vegetation
<b>Wrangell-St. Elias National Park</b>	May operate anywhere in park and preserve when there is adequate snow cover and frozen ground.	~12 inches
<b>Steese-White Mountains National Conservation Area</b>	Winter use: October 15 to April 30	
<b>Chugach State Park</b>	Depends on amount of packed snow base and vegetation coverage	
<b>Yellowstone National Park</b>	Actual opening or closing dates for snow travel varies by entrance and is determined by adequate snowpack and plowing schedules. mid-December to mid-March.	may operate anywhere in park and preserve when there is adequate snow cover and frozen ground.

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# Approach - 18in. Snow Requirement

- November 25, 2008
- 
- With recent snowfalls and predicted snow this weekend, The Nancy Lake State Recreation Area will have a **restricted** opening for snow vehicles. Snowfall, frost depth, and lake ice thickness are adequate for snow vehicle use on designated trails only.... Current condition at Nancy Lake State Recreation Area are: snow depth is between 12 and 14 inches, ice depth averages 8-10 inches.
- Full opening occurred ????

## Options

- 1 Status Quo (Special Restricted Access) – Allow motorized use during periods of insufficient snow depths only on designated trails, corridors and lakes, under a special use permit program for inholders only.
- 2 Qualified Special Restricted Access – Use defensible methodology and criteria in determining conditions that would allow motorized use during periods of insufficient snow depths only on designated trails, corridors and lakes, under a special use permit program for inholders only.
- 3 Restricted Motorized Openings (Administrative Openings) – Use of defensible methodology and criteria that will allow motorized use during periods of insufficient snow depths only on designated trails, corridors and lakes by the public.
- 4 Alternative Route/Restricted Access – Develop a new or existing route that may be opened under similar conditions as Option 2 or 3.

## Notes:

“Sufficient” snow depth is currently defined as approximately 18 inches undisturbed snow, but also depends on snow density, lake ice conditions, ground hardness and weather forecast (to rule out freak snow storms, etc).

Lake Ice Criteria: Minimal thickness criteria has not been established.

“Restricted Access” is defined as allowing motorized use by the public only on designated (signed) trails or corridors with the exception of lake ice. Users are asked to voluntarily avoid patches of minimal or no snow coverage on trails to minimize resource impacts (typically in spring). Aggressively enforced, and subject to rapid closures should conditions suddenly change or abuses occur.

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# Approach - Special Use Permit

- Winter special use permits for inholders/landowners' traditional access **DENIED** in 2007
- There is no science; experience and time in field as to what it takes to protect the underlying vegetation.
- Parks finds it difficult to overturn traditional access that has been going on for a long period of time. Public influences access via their legislators.
- It takes “proof there is a significant biological reason for eliminating a traditional access route through the park”
- Restricting aircraft access in retribution is beyond the authority of the Superintendent.
- Homeowners worked with the park to clear and straighten the trail for snowmachine access investing energies and resources to maintain and preserve a traditional access trail.

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# Approach - Grandfather Rights

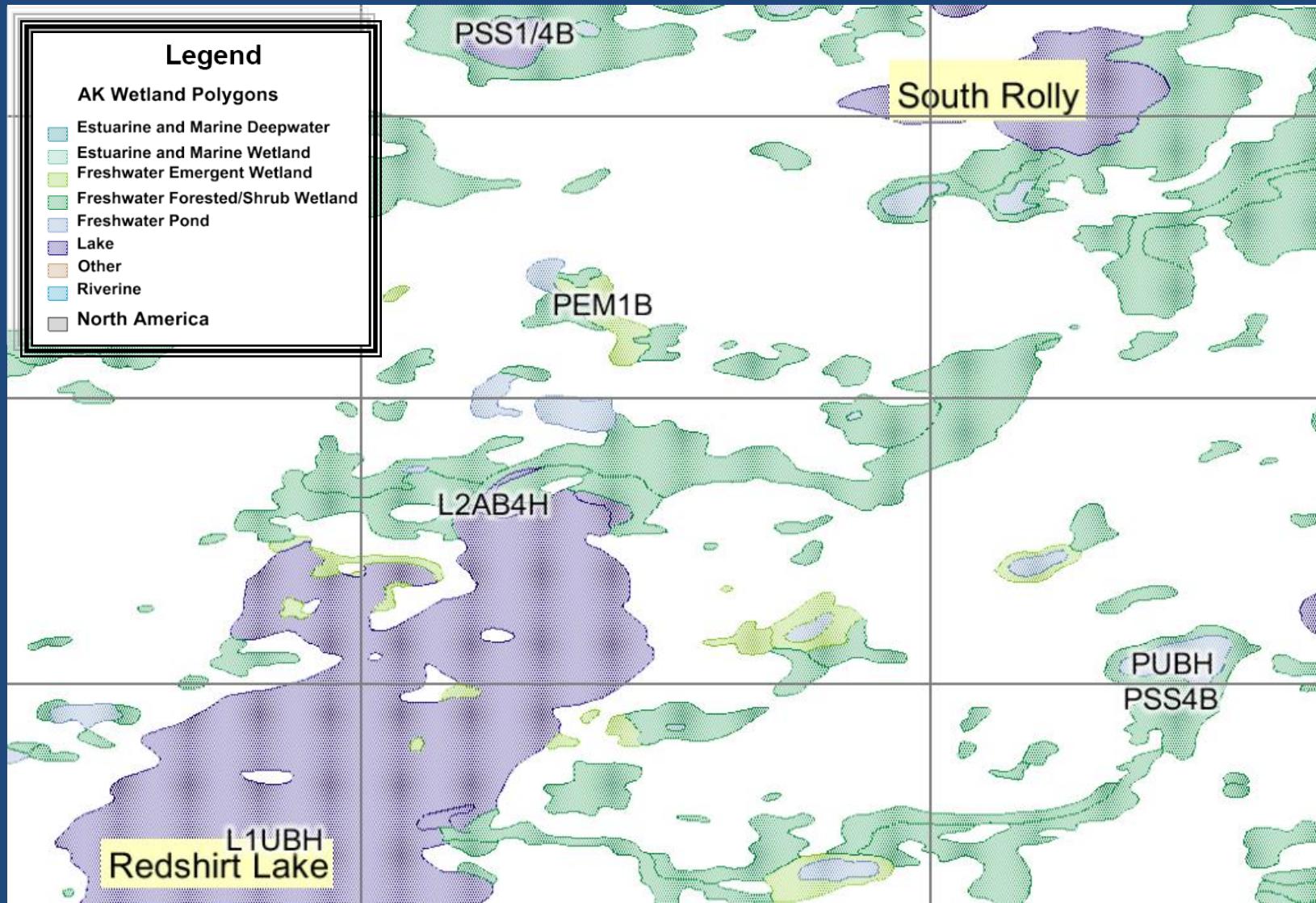
## AS 41.21.020. Duties and Powers of Department of Natural Resources; Limitations.

(a) The department shall

- (14) annually, by the first day of each regular session of the legislature, submit a report to the legislature on each designation of an incompatible use under this chapter, or other action, that prohibits or restricts a traditional means of access in or to a park, area, or preserve established under this chapter for a traditional recreational activity on or within the park, area, or preserve; for each prohibition or restriction, the report must state reasons for the designation of incompatibility or prohibition or restriction of a traditional means of access, the specific area of the prohibition or restriction, and the time period during which the incompatibility or prohibition or restriction is expected to exist; in this paragraph,
- (A) "traditional means of access" means those types of transportation on, to, or in the state land, water, or land and water, for which a popular pattern of use has developed; the term includes general or commercial aviation, ballooning, motorized and nonmotorized boating, snowmachining, operation of all-terrain vehicles, mushing, use of pack animals, skiing, snowshoeing, and walking;
- (B) "traditional recreational activity" means those personal or commercial types of activities that people may use for sport, exercise, subsistence, or personal enjoyment, including hunting, fishing, trapping, or gathering, and that have historically been conducted as part of an individual, family, or community life pattern on or in the state land, water, or land and water.
- (b) In adopting regulations under (a)(6) of this section, the department shall consider whether the use of dogs, horses, and other animals for packing gear, pulling sleds, or for other recreational use is a compatible use within a state park or recreational area.
- (c) The department may accept cash and other donations from public or private sources to assist and support the department in carrying out the purposes of this chapter.
- (d) Notwithstanding (a)(3) of this section, the department may not manage as part of a park, area, or preserve established under AS 41.21.110 - 41.21.630, land, water, or land and water that is not within the boundaries, as designated by the legislature, of the park, area, or preserve.
- (e) Except for reasons which create an immediate threat to public safety or as otherwise provided in AS 41.21.110 - 41.21.630, the department may not close or restrict traditional access to land, water, or land and water, managed under this chapter unless the closure or restriction (1) is limited to a period of not more than 90 days in a calendar year, or (2) is submitted to the legislature for approval at the next regular session of the legislature. A closure or restriction under (1) of this subsection may not be repeated in the subsequent calendar year unless the closure or restriction is approved by the legislature under (2) of this subsection. If the legislature fails to approve a closure or restriction under (2) of this subsection by the last day of that regular session, the closure or restriction ends and cannot be enforced after the last day of that regular session.

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# Approach - Wetlands



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# Approach - Wetlands

Wetlands serve many important functions such as filtering nutrients, pollutants and sediments from run-off, stabilizing water supplies, regulating flow, and controlling erosion. They also provide important habitats, recreational opportunities, and aesthetic values. Some wetlands are more valuable than others. The Department of Natural Resources relies on **available research** and the regulatory agencies in developing guidelines for management of wetlands on state land. Land managers seek to learn more about wetland functions and values in an effort to balance developing a viable economy while conserving them.

<http://www.dnr.state.ak.us/pic/radio/scripts/wetlands.pdf>

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# Approach - Wetlands

## **What wetland definitions are in most common use?**

### **A. Two wetlands definitions are in most common use:**

(1) The U.S. Fish and Wildlife Service (FWS) wetland definition. This scientific definition was developed by Lewis Cowardin et al for FWS in 1979. The USDA Natural Resources Conservation Service (NRCS) also uses the Cowardin definition in its National Resources Inventory and the 1987 National Food Security Act manual in administering the Swampbuster program. The FWS definition provides:

"Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year."

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# Approach - Wetlands

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- (2) The second commonly used definition was developed by the U.S. Army Corps of Engineers (Corps) in 1977 for the Section 404 permit program. This definition provides:

"Wetlands are "those areas that are inundated or saturated at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs and similar areas".

**The major difference between the FWS definition used for the purposes of the National Wetland Inventory (NWI) and the Corps definition used for Section 404 regulatory purposes is that the FWS definition requires only one major parameter while the Corps definition requires hydrology and vegetation.**

[http://www.aswm.org/propub/14\\_mapping\\_6\\_26\\_06.pdf](http://www.aswm.org/propub/14_mapping_6_26_06.pdf)

## State Law or Regulation

There is no state law or regulation that I could find that gives Parks or DNR jurisdictional control of wetlands. Instead there are broad statements that cover protection and management of resources like the DNR mission statement, "To develop, conserve and enhance natural resources for present and future Alaskans."

# Approach – Trail Hardening



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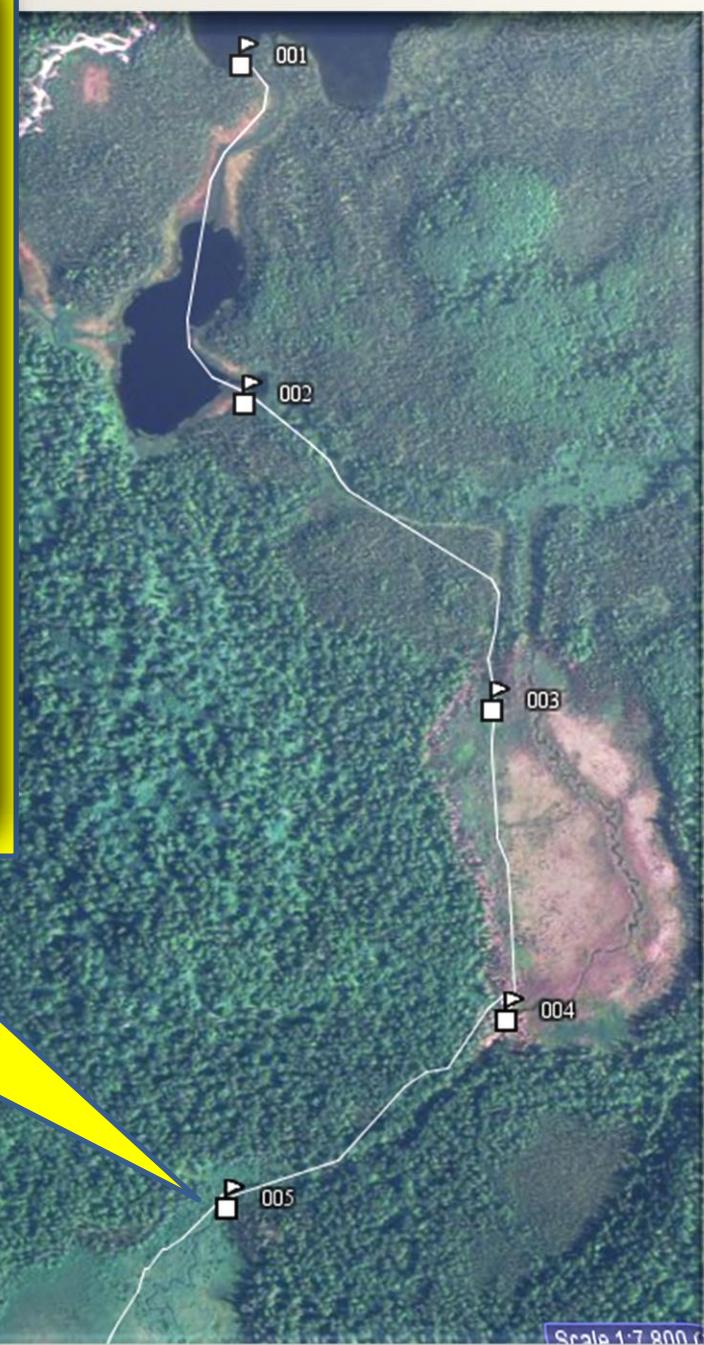
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March 28, 2009





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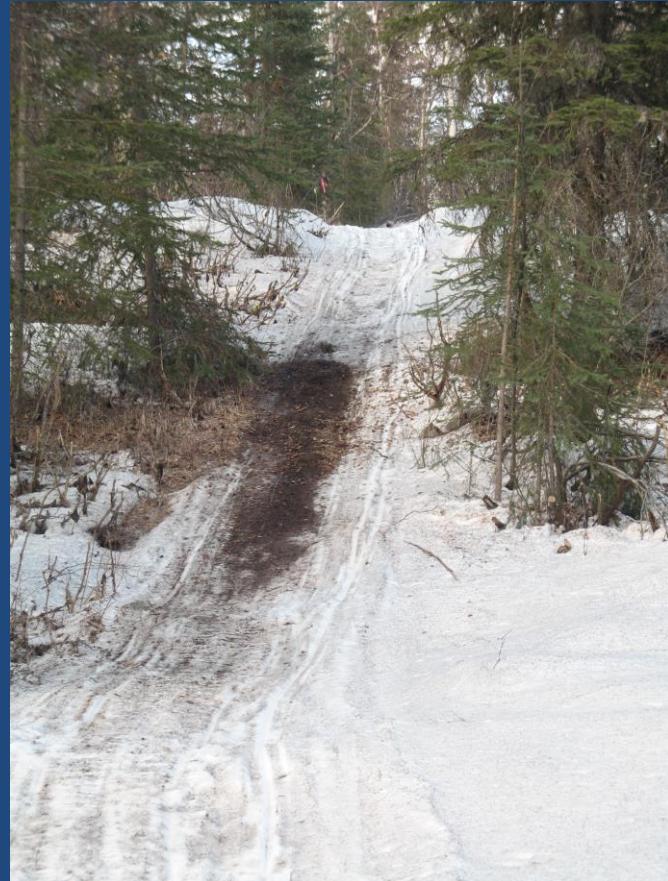




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# Conditions on Sunday April 19, 2009

## East Red Shirt Lake Trail



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# Trail Vegetation on June 2004

Notice Well Contained  
Traditional Winter Access  
Route Trail

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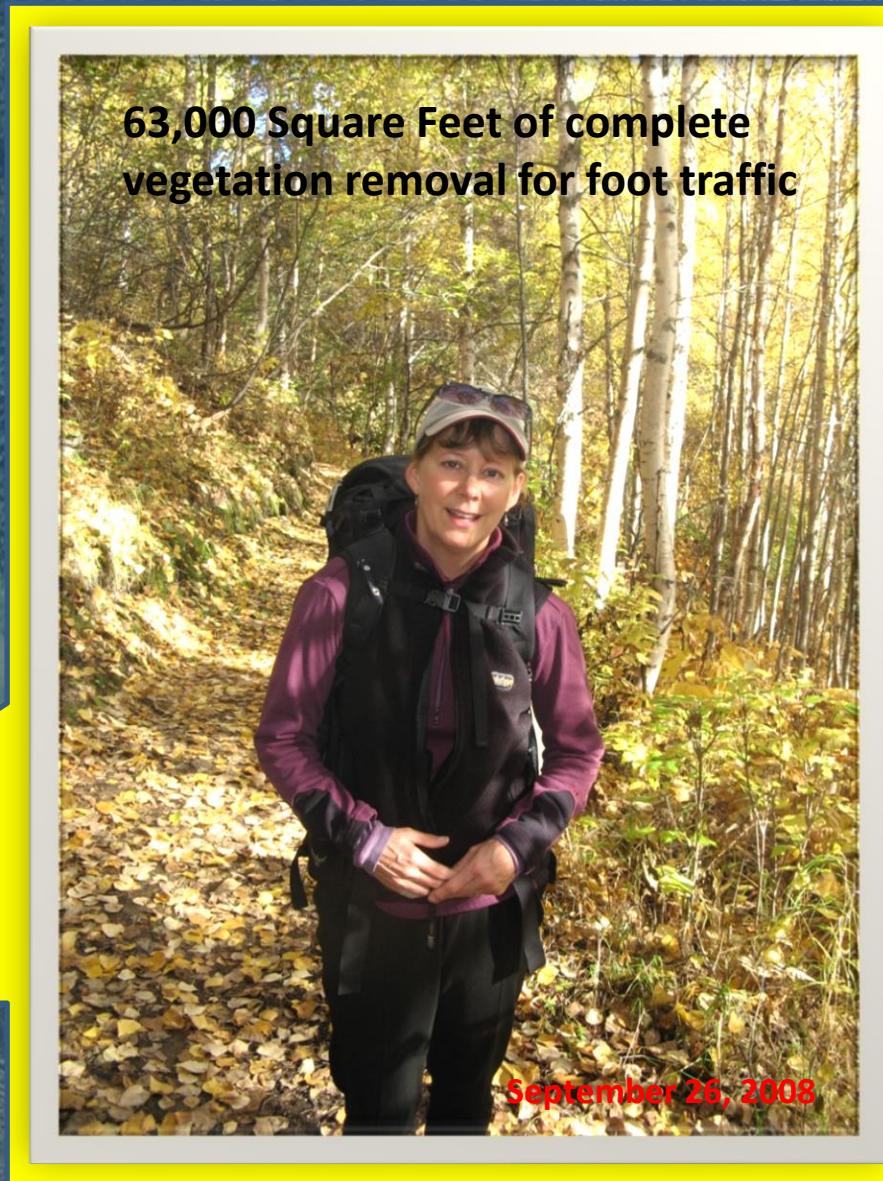
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# Trail Vegetation on Fall 2008



Notice Well Contained  
Traditional Winter Access  
Route Trail



Scale 1:7,800 (2m per pixel)

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# What's Next



- Two weeks to comment on approaches
- Formulate next steps for committee

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