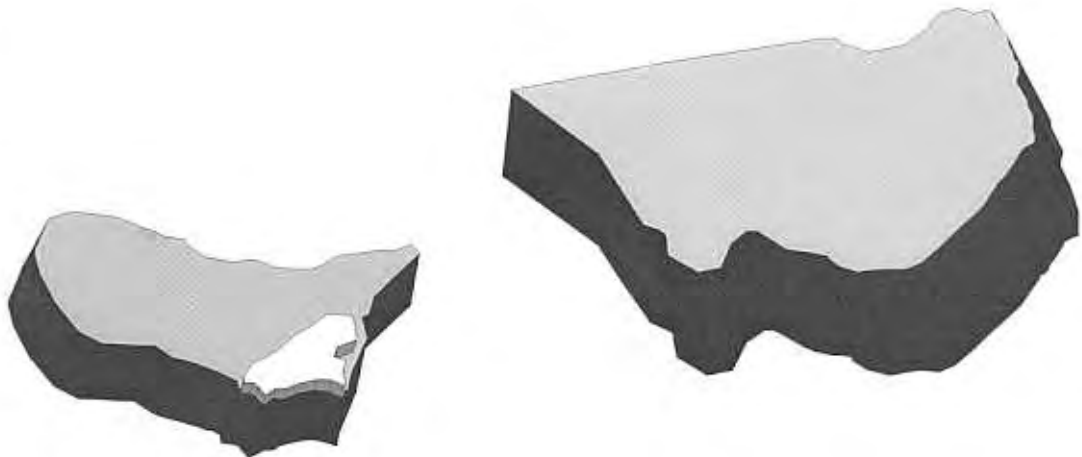


# NEKLASEN LAKE & LOWER NEKLASEN LAKE LAKE MANAGEMENT PLAN

MATANUSKA-SUSITNA BOROUGH  
PLANNING DEPARTMENT

January 2000



ACKNOWLEDGMENTS

MATANUSKA-SUSITNA BOROUGH ASSEMBLY

Darcie K. Salmon, Mayor

Jim Colberg  
Larry DeVilbiss  
Doyle Holmes  
Sara Jansen  
Dan Kelly  
Jody Simpson  
Jim Turner

MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION

Craig Savage, Chair

Fred Agree  
Timothy L. Anderson  
Patty Cullison  
Steve Rowland  
Dick Stoffel

MATANUSKA-SUSITNA BOROUGH

Michael J. Scott, Manager

and

Planning Department Staff

CODE ORDINANCE

By: M. Scott  
Introduced: 1/4/00  
Public Hearing: 1/18/00  
Adopted: 1/18/00

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 00-005**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING MSB 15.24.030(C)(22), NEKLASEN AND LOWER NEKLASEN LAKES, LAKE MANAGEMENT PLAN.

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BE IT ENACTED:

Section 1. Classification. Section 1, 2, and 4 of this ordinance are non-code. Section 3 is of a general and permanent nature and shall become a part of the borough code.

Section 2. Approval of plan. The Matanuska-Susitna Borough Assembly does hereby adopt the Neklasen and Lower Neklasen Lakes, Lake Management Plan.

Section 3. Amendment of subsection. MSB 15.24.030(C) is hereby amended to add paragraph (22) to read:

**(22) Neklasen and Lower Neklasen Lakes, Lake Management Plan, January 2000, adopted 2000.**

Section 4. Effective date. Ordinance Serial No. 00-005 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 18th day of January, 2000.

  
DARCIE K. SALMON, Borough Mayor

ATTEST:

  
SANDRA A. DILLON, Borough Clerk

(SEAL)

CODE ORDINANCE

By: M. Scott  
Introduced: 1/4/00  
Public Hearing: 1/18/00  
Amended: 1/18/00  
Adopted: 1/18/00  
Request to Reconsider Failed: 1/18/00

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 00-006 (AM)**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING  
MSB 17.59, LAKE MANAGEMENT PLAN IMPLEMENTATION.

BE IT ENACTED:

Section 1. Classification. Section 1 and 6 of this ordinance are non-code. Sections 2, 3, 4, and 5 are of a general and permanent nature and shall become a part of the borough code.

Section 2. Amendment of subsection. MSB 17.59.060(B)(2) is hereby amended to add paragraph (m) to read:

**(m) Neklasen and Lower Neklasen Lakes.**

Section 3. Amendment of subsection. MSB 17.59.060(C) is hereby amended to add paragraph (4) to read:

**(4) 100 feet from the shoreline except when a  
waterskier is leaving dock or shore.**

**(a) Neklasen Lake.**

Section 4. Amendment of paragraph. MSB 17.59.060(D)(1) is hereby amended to add paragraph (f):

**(f) Lower Neklasen Lake.**

Section 5. Amendment of subsection. MSB 17.59.060(D) is hereby amended to add paragraph (8):

(8) A lake wide no wake zone, except for Thursdays, Fridays, the first and third Saturdays of the month, the second and fourth Sundays of the month, national holidays and three-day weekends resulting from national holidays.

(a) Neklasen Lake.

Section 6. Effective date. Ordinance Serial No. 00-006 shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough assembly this 18th day of January, 2000.

  
DARCIE K. SALMON, Borough Mayor

ATTEST:

  
SANDRA A. DILLON, Borough Clerk

(SEAL)

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## 1 Introduction

### 1.1 Purpose

Lake management plans are developed for a variety of purposes. Most often lake front property owners request management plans because increased development or the provision of new public access brings about increased lake usage and a corresponding increase in user conflicts. As more people use a lake, conflicts among users may occur, bird nesting sites (especially loons and grebes) may be disturbed, environmental degradation may occur, and the overall quality of the experience may decline. The most often cited complaints are noise generated from watercraft during the evening and night hours and inappropriate use of public access points. A lake management plan seeks to present policies and strategies which attempt to balance the various demands placed upon a lake, solve lake related problems, and protect the public health, safety, and welfare.

The Neklasen and Lower Neklasen Lakes, Lake Management Plan provides management guidelines for:

- ◆ The protection of the residential quality of Neklasen and Lower Neklasen Lakes; and
- ◆ The continued recreational enjoyment of Neklasen and Lower Neklasen Lakes; and
- ◆ The protection of Neklasen and Lower Neklasen Lakes' water quality; and
- ◆ The continued quiet character and use of Neklasen and Lower Neklasen Lakes; and
- ◆ The protection and enhancement of fish and wildlife; and
- ◆ The protection of the public health, safety, and welfare.

### 1.2 Approaches to Lake Management

**Motorized Use of Waterbodies** There are two approaches that residents and property owners of the Matanuska-Susitna Borough may use to address lake related issues. One approach is to initiate a petition as authorized by 17.58 of the Borough Code. This ordinance, which was adopted by voter initiation in 1994, allows members of the public to seek either a prohibition of all motorized use on a water body or to establish quiet hours (11 p.m. to 8 a.m.), to establish a 100 foot no wake zone from the shoreline, to require mufflers on all piston driven engines used by watercraft, and to allow special events by permit. Once a petition is filed, a report is drafted by the Department of Planning regarding the suitability of the ordinance for the lake in question and public hearings are then held on the matter by the Planning Commission and Assembly. As of April, 1995 this ordinance is in effect for Wasilla, Cottonwood, and Finger Lakes while all motorized use is prohibited on Cottonwood Creek.



**Lake Management Plan** The other approach that may be utilized for managing a lake is the lake management planning process. A lake management plan is developed with the input of local property owners and residents. The Borough's Department of Planning assists the planning effort by collecting background information, developing maps, etc., but it is the property owners and residents who decide policy issues and develop goals and recommendations. The management planning process also allows a more comprehensive approach to addressing lake related concerns such as how a lake's public access is managed. The lake management planning process also allows property owners and residents to tailor management guidelines to their particular needs and desires.

### 1.3 Process

Lake management plans are typically initiated by individuals having concerns about a particular lake or who have experienced conflicts between user groups. These individuals request that the Department of Planning (Department) of the Matanuska-Susitna Borough complete a lake management plan. Upon receiving a request to complete a lake management plan, the Department holds an informational meeting where all approaches to managing lake related issues are discussed. At the informational meeting a decision is made by property owners/residents on the preferred approach. The Department then collects the necessary background information on the lake and contacts adjacent property owners and users to participate in the planning process.

Meetings are held with lakefront property owners and users to: 1) identify any problems that may exist, 2) develop a set of recommended alternatives, and 3) consider methods of implementing the recommendations. A draft plan is then developed and a public comment period is held to solicit comments on the draft plan. After the public comment period is closed, comments are reviewed and appropriate modifications made. A meeting may be held with adjacent property owners and users to discuss the comments and proposed modifications. Whether or not this meeting is held depends on the comments received; if the comments call for minor changes or none at all, a meeting is not likely to occur. On the other hand, if the comments seek major changes to the draft plan, a meeting is arranged to discuss the comments and proposed modifications.

After the draft plan has been reviewed by the public and community council, a public hearing on the plan is scheduled with the Borough Planning Commission. At the public hearing anyone may comment on the plan. The Commission considers all oral and written comments received and either recommends to the Assembly adoption of the plan as is, or with modifications, or recommends Assembly disapproval of the plan. After Planning Commission action, the plan is scheduled for a public hearing by the Assembly. The Assembly considers all oral and written comments received and either adopts the plan as is, or with modifications, or disapproves the plan.



#### 1.4 Ponds, Lakes, and Reservoirs<sup>1</sup>

There seem to be no universally accepted scientific definitions of the terms **lake**, **pond**, and **reservoir**. In general, waterbodies which have a noticeable flow are termed either rivers or streams. "Ponded waters" have little or no current compared with rivers and streams.

A pond is usually described as a small, shallow body of water, with uniform water temperature from top to bottom. There is little wave action and often, an abundance of aquatic plants. Although local definitions may vary, a pond is generally less than ten acres in area and ten feet in maximum depth.

A lake is usually larger than a pond. It may be quite large and deep, with an abundance of cold water at the bottom. It also may exhibit areas of rocky, wave-impacted shoreline as a result of exposure to prevailing winds. The area of land around the lake which contributes water to the lake is the **watershed**. The watershed may be large or small when compared to the area of the lake. The water may enter the lake from the watershed as streams and rivers, or through the ground as groundwater. The term watershed is used interchangeably with **catchment** or **drainage basin**, although the latter term can imply a larger area containing several watersheds or **sub-basins**. The boundaries of a watershed are defined by ridges and hills that divide or separate water movement into one drainage basin or another. The **lake basin** includes the lake bottom as well as the surrounding slopes.

#### 1.5 Lake Lifespan<sup>2</sup>

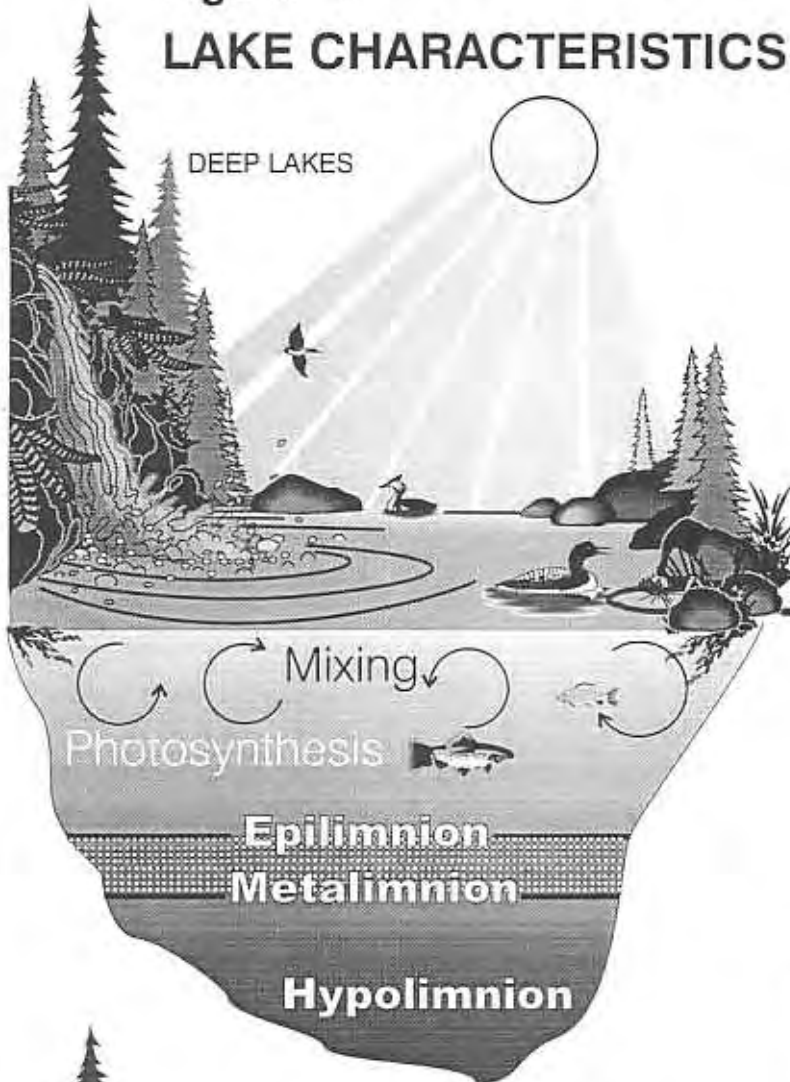
Lakes fill in, drain themselves, or just evaporate and disappear. They do not last forever. Although lakes seem permanent in our human time perspective, they are sediment traps, and it is natural for them to fill in gradually with sand, silt, and organic matter. Natural lake aging or **eutrophication** moves from a nutrient-poor (**oligotrophic**) condition to an intermediate (**mesotrophic**) stage of nutrient availability and biological productivity, and finally to a nutrient-rich or highly productive (**eutrophic**) state (See Figure 1). Eutrophication - the process of nutrient enrichment and basin filling - may take thousands of years, but it can be accelerated greatly by disruptions to the watershed. Human activities that increase nutrient and sediment loadings to a lake are termed **cultural eutrophication** and include forest clearing, road building, construction, and wastewater discharges.

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<sup>1</sup> This section is taken from Diet For A Small Lake, Prepared by the New York State Department of Environmental Conservation and the Federation of Lake Associations, Inc., 1990.

<sup>2</sup> This section is taken from Diet For A Small Lake, Prepared by the New York State Department of Environmental Conservation and the Federation of Lake Associations, Inc., 1990.

**Figure 1**  
**LAKE CHARACTERISTICS**



**Epilimnion**

The upper layer of water in a lake that is comprised of uniformly warm water that may be well mixed.

**Metalimnion**

The middle layer of water in a lake that marks the transition between top and bottom layers, where temperature changes rapidly with depth.

**Hypolimnion**

The bottom layer of water in a lake that is comprised of uniformly cold and relatively undisturbed water.

Source: A Citizen's Guide  
To Understanding and Monitoring Lakes and Streams  
By Joy P. Micha



**Oligotrophic**

Clear water, low productivity  
very desirable fishery of large game fish



**Mesotrophic**

Increased production  
Accumulated organic matter  
Occasional algal bloom  
Good fishery



**Eutrophic**

Very productive  
May experience oxygen depletion  
Rough fish common



Source: A Lake Leaders  
Handbook 1995  
UWEX-LAKES PROGRAM  
Understanding Lake Data  
By Bryon Shaw, Christine  
Machenich and Lowell Klessig

Trophic conditions in lakes are relative, not absolute - that is, there is no definitive line between oligotrophic and mesotrophic, or between mesotrophic and eutrophic. However, each trophic state has characteristic conditions. Oligotrophic lakes have a low level of organic productivity, clear water, and low nutrient levels. These lakes often are characterized by deep water and steep basin walls. Water in mesotrophic lakes contains a moderate supply of nutrients and organic production. Eutrophic lakes are characterized by a very high level of nutrients which causes a significant increase in the rate of plant growth. As a result, water clarity is greatly reduced, and oxygen depletion is common during the summer months. Eutrophic lakes tend to be shallow and typically, have elevated water temperatures.

Identification of a lake's trophic status is a useful way to determine its general "health", or biological status, from one year to the next and in comparison with other lakes. If a potential problem is identified in a lake, the trophic status can also be used to evaluate management alternatives.

A few lakes are naturally eutrophic. Many lakes and reservoirs are located in naturally fertile watersheds where the soil is highly erodible. Unless the soil remains undisturbed, these lakes have little chance of being anything but eutrophic. Users of these lakes need to recognize and accept the fact that manmade systems (such as laws, property, or zoning) may not "correct" the conditions. Residents and visitors should adjust their expectations for the appearance and use of such eutrophic lakes.

#### 1.6 General Lake Issues and Concerns

This section describes some of the most common concerns and issues that have been raised by residents and property owners of the Borough. There are three main categories of lake related concerns and issues. One category is water quality related. Activities within the shore land area can have a direct impact on lake water quality. A shore land is the land within 500 to 1,000 feet of the normal mean water mark of a lake or pond. The placement of septic systems in unsuitable soils or too close to the lake or the lack of sanitary facilities at public access points can introduce nutrients and pathogens into the lake. Inadequate soil erosion control during upland construction can increase the sediment loading of the lake and thereby create turbid conditions. Removal of vegetation along the shoreline or at unsupervised public access points may also increase erosion of the bank and loss of its ability to filter runoff.

Another category of concerns is related to the surface use of the lake. Some uses may conflict with one another such as fishing and water-skiing because it is difficult for both activities to occur at the same time and in the same location. Other uses may cause conflicts by the nature of how the use occurs such as becoming a nuisance by creating noise during normal sleeping hours. Some uses of the surface water may create shoreline erosion, and hence, increase sediment loading of the lake, and cause the loss of upland property.

The last category of lake issues regards the impact of recreational use on wildlife and wildlife habitat. Unsuccessful nesting or above average mortality may occur during the nesting season of loons and grebes if the nests are harassed, frequented by watercraft, or swamped by wave action.

#### 1.7 Neklasen and Lower Neklasen Lakes Issues and Concerns

The Neklasen and Lower Neklasen Lakes, Lake Management Plan was initiated by a request from Neklasen and Lower Neklasen Lakes' property owners. A series of meetings, over a two year period, were held with residents and lakefront property owners. At these meetings, concerns and issues were discussed as well as the proposed lake management plan's guidelines.

The issues identified included:

- 1) The creation of noise, especially in the evening and early morning hours; and
- 2) Protection of the wildlife and wildlife habitat; and
- 3) The potential for erosion caused by wakes; and
- 4) Protection of the quiet, residential character of the lake; and
- 5) Surface uses that create noise and disturb wildlife are primary concerns of property owners; and
- 6) Increased noise and erosion from additional use of the lake by motorized watercraft; and
- 7) The desire to maintain the quiet, recreational/residential quality of the lake; and
- 8) Boating safety, especially at Lower Neklasen Lake; and
- 9) Trash, unsupervised campfires, and environmental degradation at the lakes' public accesses.

It is the desire of the majority of property owners of Neklasen and Lower Neklasen Lakes that the quiet, residential, and recreational character of the lake be protected. The present state of the lake may be characterized as having residential upland development, having a quiet quality, and having active loon nests, and natural salmon and rainbow trout fisheries. Some property owners are concerned that the lake will be increasingly used by watercraft with large motors and jetskis/wave runners. The increased use of the lake by watercraft with large motors and jetskis/wave runners is believed to create several negative impacts. For example, some residents of the area believe use of watercraft with large motors or jetskis/waverunners are incompatible because wildlife are threatened by wakes and noise, turbid water conditions are created as the lakes are relatively shallow, shoreline erosion is caused by wakes, noise is generated by the use and by large engines, all of which detracts from the quality of life and recreational experience at the lake. It is the consensus of most property



owners that use of Lower Neklasen Lake for waterskiing or by jetskis/ waverunners is a safety problem due to the lake's shallowness and number of rocks.

## 2 Inventory of Existing Conditions

### 2.1 Location

Neklasen Lake is located just east of Engstrom Road and is accessed via Zephyr Drive and Breezewood Road. Lower Neklasen Lakes is also just east of Engstrom Road and is accessed via Zephyr Drive, Barbara Street and Homebuilt Circle. The Neklasen and Lower Neklasen Lakes area is located completely within the boundaries of the North Lakes Community Council (see Figures 2 & 3).

### 2.2 Land Ownership

There are 39 lots with shoreline on Neklasen Lake (see Table 1). All but one parcel of land adjacent to Neklasen Lake is privately owned. The Matanuska-Susitna Borough owns one parcel with shoreline at Neklasen Lake. The Borough parcel provides the public access to the lake and has been dedicated as a public access park by plat (see Figure 4).

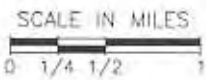
Table 1  
Neklasen Lake  
Landownership and Parcel Size  
(lake front only)

	Private	Mat-Su Borough
Number of Parcels	38.00	1.00
Total Acreage	138.01	7.33
Average Parcel Size		3.54
Smallest Parcel Size		0.28
Largest Parcel Size		56.84

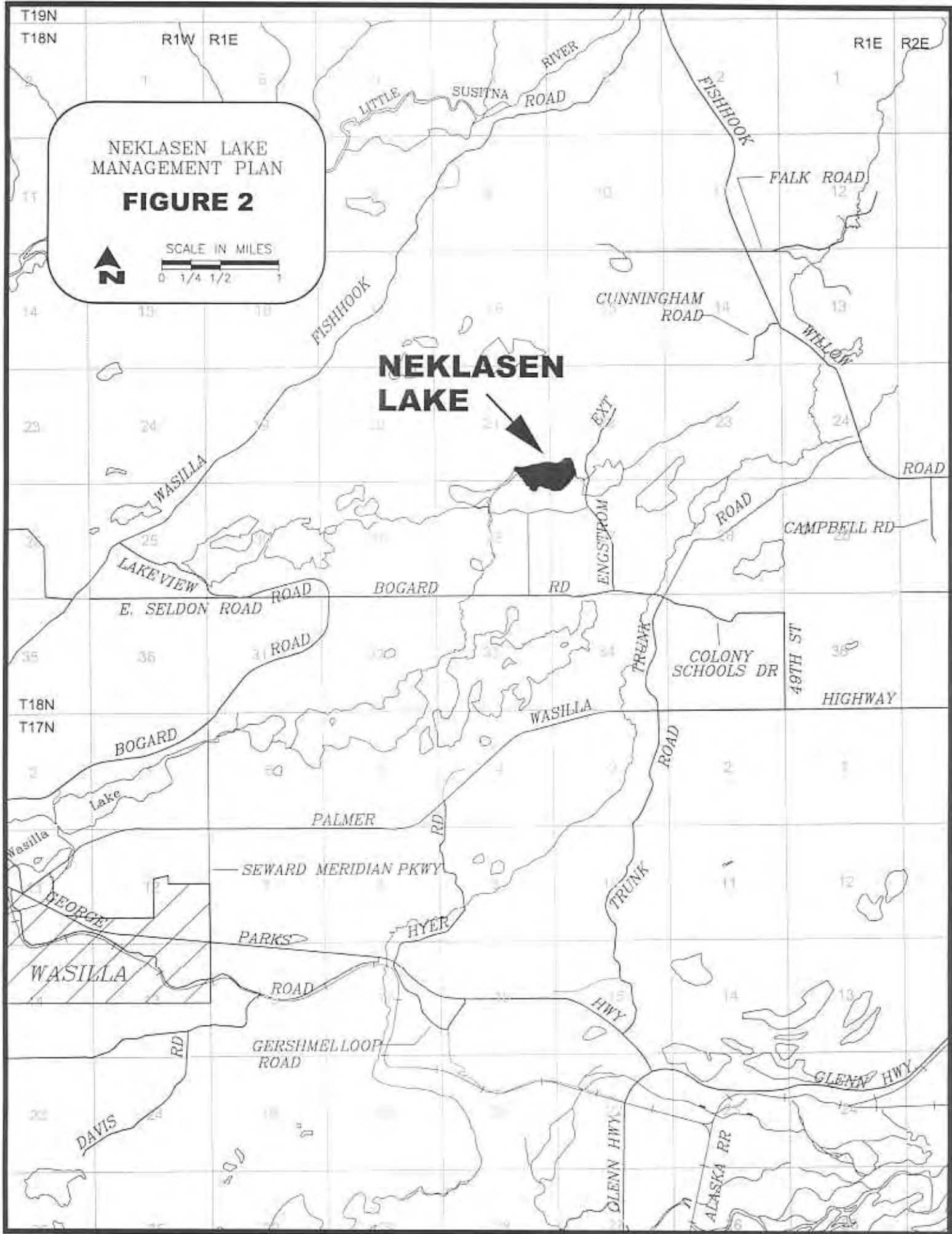
There are 27 lots with shoreline on Lower Neklasen Lakes (see Table 3). All but one parcel of land adjacent to Lower Neklasen Lakes is privately owned. The Matanuska-Susitna Borough owns one parcel with shoreline at Lower Neklasen Lakes which has been dedicated as a public access park by plat. (see Figure 4).

NEKLASEN LAKE  
MANAGEMENT PLAN

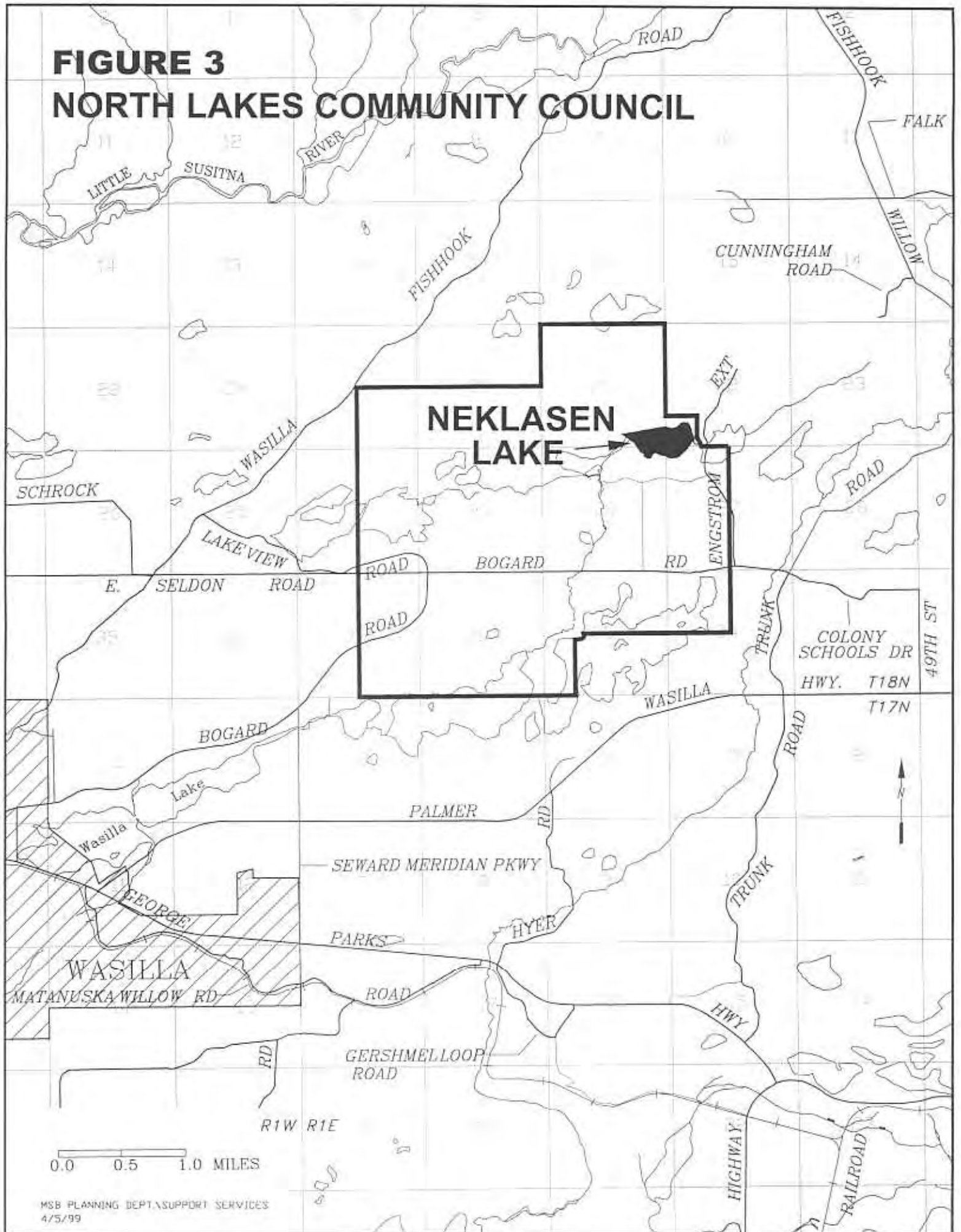
**FIGURE 2**



**NEKLASEN  
LAKE**



# FIGURE 3 NORTH LAKES COMMUNITY COUNCIL





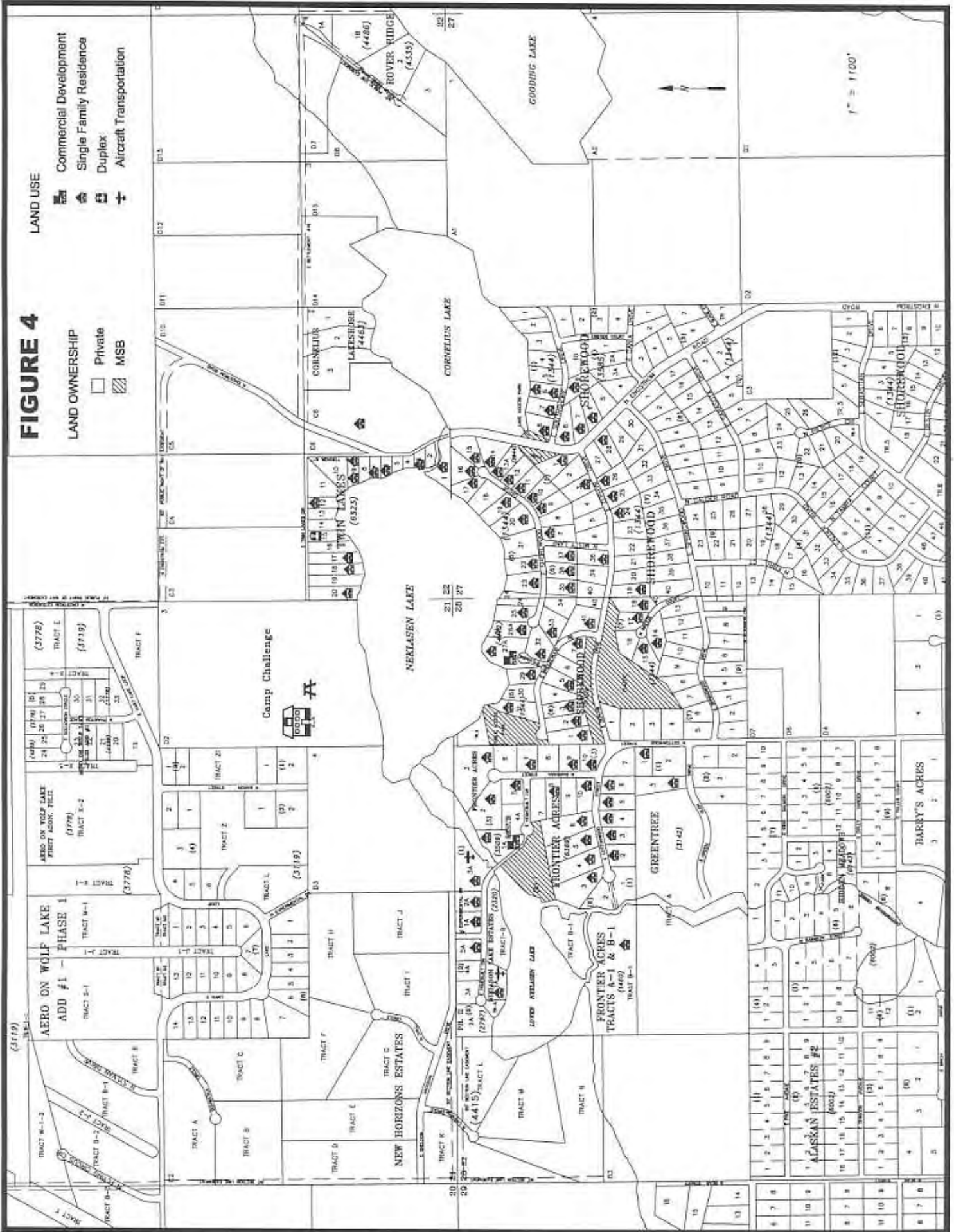
**FIGURE 4**

**LAND USE**

- Commercial Development
- Single Family Residence
- Duplex
- Aircraft Transportation

**LAND OWNERSHIP**

- Private
- MSB



1" = 1100'

Table 2  
Lower Neklasen Lakes  
Landownership and Parcel Size  
(lake front only)

	Private	Mat-Su Borough
Number of Parcels	14.00	1.00
Total Acreage	73.1	4.00
Average Parcel Size		4.87
Smallest Parcel Size		0.47
Largest Parcel Size		16.78

### 2.3 Present Lake Characteristics and Usage

Neklasen and Lower Neklasen Lakes contains about 72 surface acres and 36 surface acres, respectively. The shorelines of Neklasen and Lower Neklasen Lakes are 1.8 miles and 1 mile, respectively. The present lack of volume and depth information for Lower Neklasen Lake should be rectified.

Table 3  
Neklasen and Lower Neklasen Lakes Characteristics

	Neklasen Lake	Lower Neklasen Lake
Surface Acres	72	36
Volume	11,309 acre feet	Unknown
Mean Depth	16 feet	<5 feet
Maximum Depth	67 feet	Unknown
Shoreline Length	1.8 miles	1 mile

Source: Department of Planning, Matanuska-Susitna Borough and ADF&G

The inlet to the Neklasen lake is from nearby Cornelius Lake which is the headwater of Cottonwood Creek. Neklasen Lake's outlet is Lower Neklasen Lake's inlet. Lower Neklasen Lake drains into Cottonwood Creek and a smaller creek that drains into Anderson Lake to the east. The lakes are home to nesting loons, terns, grebes, and many other birds and also serve as resting points for migrating ducks and other

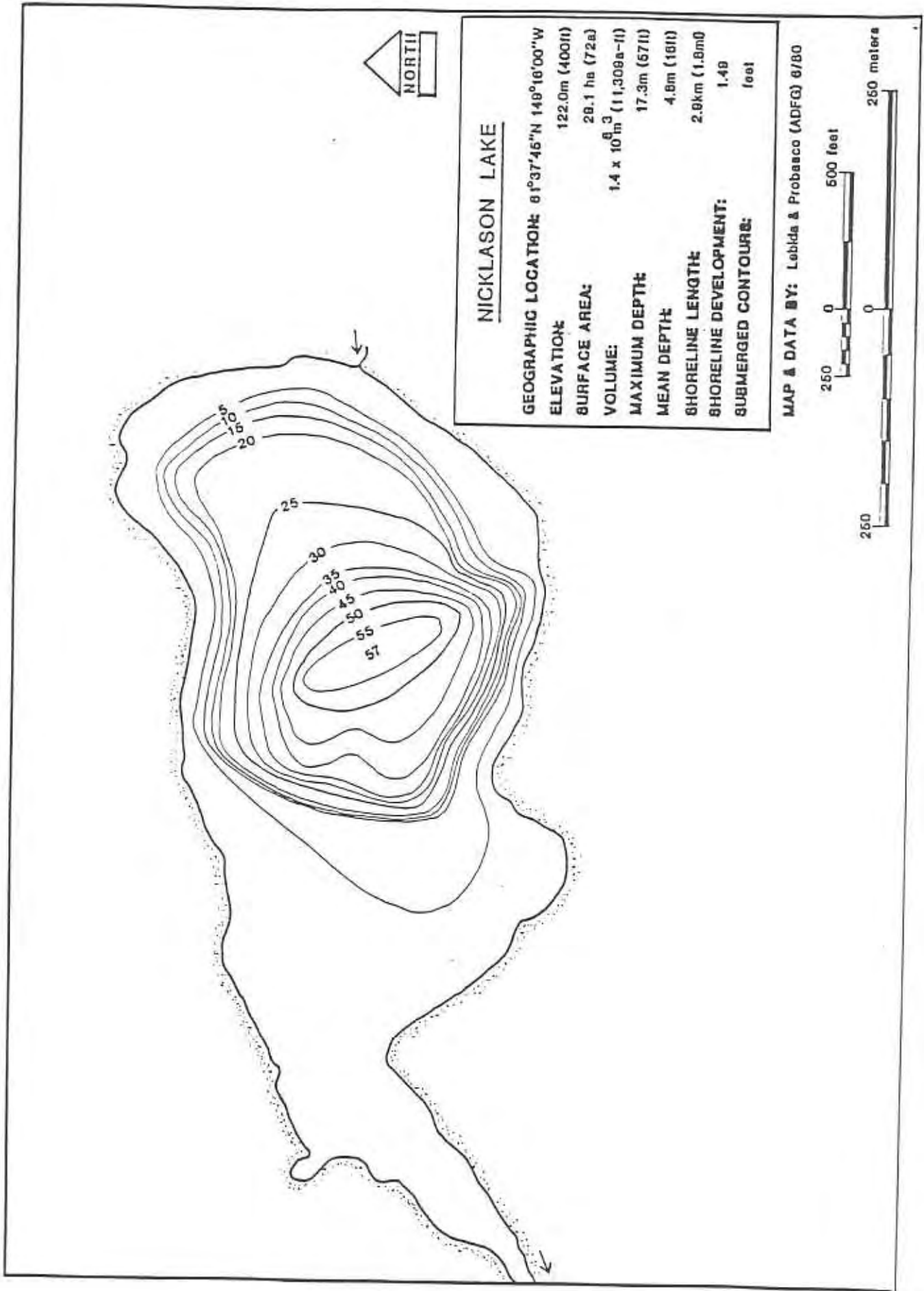


Figure 5

waterfowl. Rainbow trout, sockeye and coho salmon are found at the lakes. Maintaining these fish and wildlife populations is one goal of this lake management planning effort.

The present uplands of Neklasen and Lower Neklasen Lakes may be characterized as being quiet, residential in nature and the property immediately adjacent to the lake consists mostly of residential development with one privately operated camp site. Lake front property owners are the predominant users of Neklasen and Lower Neklasen Lakes. They boat, water-ski, swim, and fish at the lake. The use of personal watercraft (a.k.a., jetskis/wave runners) is not a regular occurrence at Lower Neklasen Lake because the lake is quite shallow. Jetskis and waverunners are occasionally used at Neklasen Lake. Some property owners are concerned that the increased use of personal watercraft and boats with large motors will create erosion of the shoreline, turbidity, loss of wildlife, and noise and detract from the existing, tranquil use of the lake. Property owners have indicated that the lake is not frequently used by visitors for boating and fishing.

## 2.4 Existing Plans

### State

The State plan affecting the Neklasen and Lower Neklasen Lakes area is the Willow Sub-Basin Area Plan. The Willow Sub-Basin Area Plan, adopted in February, 1982 contains management intent for State and Borough lands within the Willow Sub-Basin Planning Area, an area encompassing approximately one million acres. Neklasen and Lower Neklasen Lakes are located within the Wasilla management unit. Generally speaking, the plan's intent for public lands within the management unit is to provide a mixture of land for settlement, public recreation, and habitat protection.

### Borough

Borough plans that address Neklasen and Lower Neklasen Lakes in some manner include the Borough-wide Comprehensive Plan, adopted in 1971; the Matanuska-Susitna Borough Coastal Zone Management Plan, as amended; and the Borough-wide Long Range Transportation Plan, Public Facilities Plan and the Core Area Comprehensive Plan.

The Neklasen and Lower Neklasen Lakes area is within the Core Area Comprehensive Planning Area. The Core Area Comprehensive Plan, adopted in September, 1993 and amended in November, 1994 and September, 1997 makes a series of recommendations regarding improving and protecting the land use, transportation and public facilities within the Core Area.

Neklasen and Lower Neklasen Lakes lie within the Matanuska-Susitna Borough Coastal District (District), as defined within the Matanuska-Susitna Borough Coastal Management Plan, as amended. The Coastal Management Plan seeks to direct the course of local, state, or federal development within the District in a manner that protects the important land and water resources of the District. The adopted policies of the Coastal Management Plan are used to evaluate development proposals vis-a-vis resource values in an effort to ensure that the proposals are consistent with the plan's goals and objectives. Local development includes actions that trigger a Borough subdivision, planning or zoning action. For example, a variance application to build a habitable structure or garage closer than 75 feet from the ordinary high water mark of Neklasen and Lower Neklasen Lakes would be reviewed to determine whether or not it is consistent with the Coastal Zone Management Plan. Construction within waterbodies are also reviewed for consistency with the plan. Uncovered floating or pile supported docks which do not extend more than 40 feet beyond the ordinary high water line and do not exceed 400 square feet in size may obtain a general concurrence. Metal drums, however, may not be used as floatation devices.

The Borough Long-Range Transportation Plan was adopted in 1987 and has been updated the Long-Range Transportation Plan, adopted in September 1997. The plans do not identify new road projects in the Neklasen and Lower Neklasen Lakes area.

The Borough Public Facilities Plan makes recommendations on a regional basis for the provisions of public services including the development of public facilities necessary to the provision of those services. Services included in the plan include: public safety (fire protection, emergency medical services, and emergency preparedness); library; historical preservation; governmental administration; education; parks, recreation and open space; trails; and utilities. All of these elements affect the Neklasen and Lower Neklasen Lakes area in some way, but the Parks, Recreation, and Open Space; and Trails elements would have the most impacts relative to the concerns of this management plan.

## 2.5 Existing Regulations - Public

This section describes the principle regulations affecting use and development in the Neklasen and Lower Neklasen Lakes area. This section is **NOT** meant to provide an all encompassing description of all activities and uses that require permits or approvals from local, state, or federal agencies. Prior to undertaking any development activity, individuals should contact the appropriate local, state, and federal agencies and obtain the required permits and approvals.

### Federal

Any work which results in the dredging or placing of structures or fills in tidal (ocean) waters, streams, lakes, or wetlands requires a 404 permit from the U.S. Army Corps of Engineers.



Migratory birds, which include loons and grebes, are protected by the Migratory Bird Treaty Act. The Act, among other things, prohibits the "take" of migratory birds where "take" is defined to mean pursuing, killing, etc., migratory birds. Destruction of nest sites, eggs, or the birds themselves is a violation of the Act.

### State

The Alaska Department of Environmental Conservation (DEC) provides regulations for wastewater disposal. DEC wastewater/septage regulations [18 AAC 72.015(f)] state that no holding tank, septic tank, soil absorption system, seepage pit, privy, or other waste water collection, treatment, or disposal system may be within 100 feet, measured horizontally, of the mean annual high water level of a lake, river, stream, spring, slough, or the mean higher high water level of coastal waters.

In addition to the U.S. Army Corps of Engineers 404 permit requirements, any activity within streams and certain work within lakes requires a Title 16 permit from the Department of Fish and Game. Activities which result in the construction of a dam which impounds water or places a weir, culvert, or temporarily blocks a stream requires a Title 16 permit. The Habitat and Restoration Division of Fish and Game issues a one year general permit, which has been renewed annually since 1994, allowing vehicle movement on frozen water surfaces in south-central Alaska. The permit allows certain motorized vehicles less than 2,000 pounds gross vehicle weight and wheeled vehicles less than 10,000 pounds gross vehicle weight to travel upon frozen water surfaces in southcentral Alaska without a special permit. Finally, the general Alaska Department of Fish and Game fishing regulations apply to Neklasen and Lower Neklasen Lakes.

A navigable or public waterbody includes water suitable for commercial navigation, floating of logs, land and take off of aircraft, and public boating, trapping, hunting of waterfowl and aquatic animals, fishing, or other public recreational purposes. Neklasen and Lower Neklasen Lakes meet the definition of public waterbody.

Land that has been or is currently owned by the State of Alaska, and is adjacent to a navigable or public waterbody has special access requirements. Alaska Statute (AS 38.05.127) requires access to surface waters of navigable and public waterways, typically through a "to" easement. Additionally, land adjacent to navigable or public waters may be subject to an "along" easement, which provides a 50-foot public use easement along the waterway adjacent to the ordinary highwater mark. These easements are created when the State or Borough obtains patents to their lands and stay with the property when the land is disposed of. State and Borough lands transferred prior to the adoption of AS38.05.127 are not usually subject to the "to" and "along" easements. Also, land patented by the federal government are not usually subject to the "to" and "along" easements.

## Borough

Several Borough-wide ordinances address the development and use of land adjacent to Neklasen and Lower Neklasen Lakes. The regulations are contained within the Borough's planning (Title 15), subdivision (Title 16), zoning (Title 17), and real property management (Title 23) ordinances. The adopted Coastal Management Plan described earlier, because of its enforceable criteria, also regulates development activities within and near Neklasen and Lower Neklasen Lakes.

Title 15 establishes and describes the general functions of the Planning Commission (both planning and zoning functions) and the Board of Adjustment and Appeals. Title 15 also describes the comprehensive plan and purposes. Once adopted, the Neklasen and Lower Neklasen Lakes, Lake Management Plan will become an instrument of Borough policy similar to the other plans adopted by the Borough Assembly.

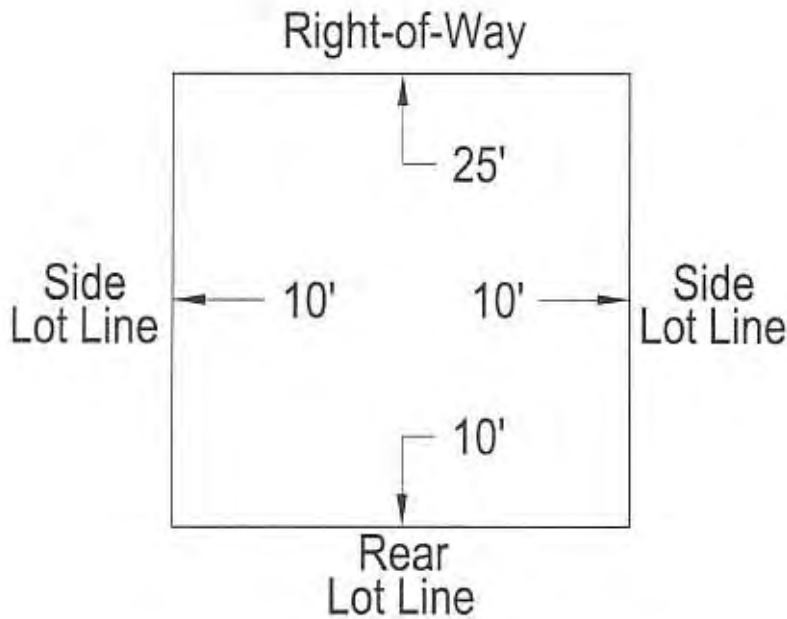
Title 16 provides the subdivision development standards within the Borough and establishes the Platting Board. Two of Title 16's requirements that are of special note to development at Neklasen and Lower Neklasen Lakes include a minimum lot size of 40,000 square feet, and a minimum lot width when measured at the lake's water line of one hundred twenty-five feet unless community septage is provided, then the minimum width may be eighty-five feet (see Figure 6).

The Borough has a Borough-wide comprehensive plan which is implemented, in part, through the Borough-wide zoning ordinance. Presently, the Borough undertakes its comprehensive planning on a community by community basis. As most comprehensive plans are implemented through a zoning ordinance, a number of different zoning ordinances exist within the Borough and are identified as Special Use Districts. For example, the cities of Houston, Palmer, and Wasilla all have their own comprehensive plans and all have zoning ordinances unique to their cities. Title 17 contains these various zoning ordinances of the Borough. A list of Title 17's chapters follows.

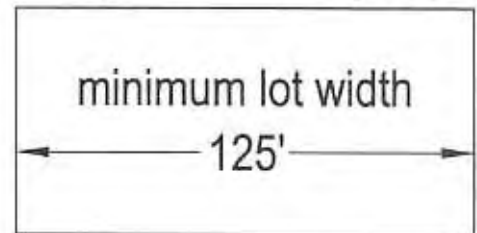
- 17.01 Acknowledgment of Existing Land Use Regulations.
- 17.03 Public Notification.
- 17.04 Nancy Lake State Recreation Area Special Land Use District.
- 17.08 Hay Flats Recreation Area Special Land Use District.
- 17.15 Palmer Special Land Use District.
- 17.17 Denali State Park Special Land Use District.
- 17.18 Chickaloon Special Land Use District.
- 17.19 Glacier View Special Land Use District.
- 17.29 Flood Damage Prevention.



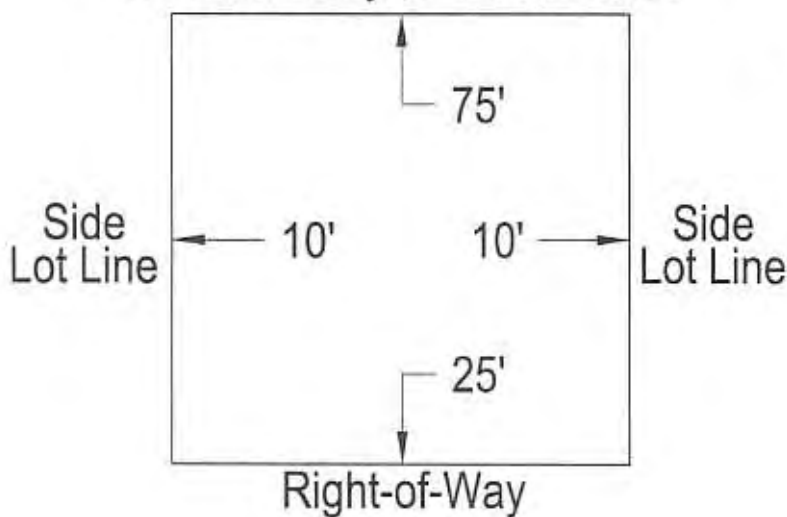
# General Setback Requirements and Lot Size\* Requirements



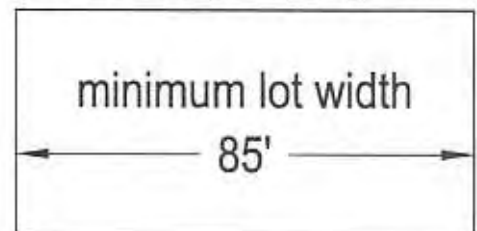
Ordinary High Water Line  
of Lake (no community septage)



Ordinary High Water Line  
of Water Body or Watercourse



Ordinary High Water Line of  
Lake (community septage available)



\*All lots must be a minimum of 40,000 sq. ft.

- 17.36 Residential Planned Unit Development.
- 17.41 Houston Land Use Ordinance.
- 17.45 Wasilla Special Use Land District.
- 17.48 Mobile Home Park Ordinance.
- 17.52 Residential Land Use District.
- 17.55 Setbacks and Screening Easements.
- 17.56 Violations and Enforcement.
- 17.58 Motorized Uses on Lakes and Waterways.
- 17.59 Lake Management Plan Implementation.
- 17.60 Conditional Uses.
- 17.65 Variances.
- 17.70 Regulation of Alcoholic Beverage Uses.
- 17.75 Single-Family Residential Land Use District.
- 17.80 Nonconforming Structures.
- 17.90 Regulation of Adult Businesses.
- 17.99 Fees.

Zoning regulations that are of special note to development activities at Neklasen and Lower Neklasen Lakes include setback requirements and a petition process to limit or eliminate motorized use of lakes and conditional use permits. Presently all structures must be a minimum of twenty-five feet from a right-of-way and ten feet from all lot lines. In addition, the voters of the Borough approved by initiative, a requirement that all habitable structures and garages must be located at least seventy-five feet from the ordinary high water mark of any water body or watercourse (see Figure 6). In 1994, the voters of the Borough also adopted by initiative, an ordinance that allows by petition and subsequent adoption by the Assembly the following restrictions to be placed on lakes and waterbodies: 1) limiting or elimination of motorized use of lakes, 2) establishment of quiet hours, and 3) establishment of a one hundred foot no wake zone from the ordinary high water mark. The Borough also requires that any development which seeks to establish or operate a mobile home park, junkyard, refuse area or landfill, alcohol dispensary, community correctional rehabilitation facility, motorized racetracks or adult oriented businesses must first obtain a conditional use permit.

The Borough received approximately 355,000 acres of land through the Municipal Entitlement Program. The Community Development Department of the Borough manages and disposes of these lands through the policies and procedures described within Title 23. There is one parcel of Borough land located at Neklasen Lake and one at Lower Neklasen Lake; these parcels serve as public access to the lakes.

#### Existing Regulations - Private

Private regulations, in the Neklasen and Lower Neklasen Lakes area would be in the form of subdivision covenants for the Shorewood, Twin Lakes and Frontier Acres and Niklason East subdivisions. Shorewood subdivision allows only

residential/recreational development and has provisions for building setbacks, signs, building quality and size; among other things. Niklason East subdivision allows only residential development and has provisions for building setbacks and size in addition to other provisions. Frontier Acres and Twin Lakes have no covenants on file with the Borough. For current information about covenants in the area, the reader is referred to the State of Alaska Recorders Office.

### 3 Goals

Goals describe the future expectations of residents, property owners, and users for a lake. The following goals reflect the aspirations of Neklasen and Lower Neklasen Lakes residents, property owners, and users and address their principal concerns: water quality, access, wildlife, fish habitat, quality of experience, and the recreational character of the area. The goals are not shown in priority order as they are interdependent.

#### 3.1 Water Quality

Neklasen and Lower Neklasen Lakes are a significant natural resource and it is the desire of property owners, residents, and users of Neklasen and Lower Neklasen Lakes to maintain or improve the lakes' water quality.

#### 3.2 Recreation and Residential Character

The recreational opportunities offered at Neklasen and Lower Neklasen Lakes should be maintained and enhanced but suited to the lakes' particular characteristics and should not detract from the quiet quality of experience at the lake.

Neklasen and Lower Neklasen Lakes offers a unique natural setting for residential use and this quality should be protected and preserved.

Upland development should occur in an appropriate manner to ensure that pollution, noise, or other environmental degradation of the lake and uplands does not take place.

Uses of the lake should be compatible, or of the kind that enhance the present quality of the lake which is of a low-impact, quiet, recreational character.

#### 3.3 Wildlife

The ability of Neklasen and Lower Neklasen Lakes to remain a migratory bird (loon) nesting site should be preserved. Recreational use of the lake should be compatible with wildlife nesting.

The ability of Neklasen and Lower Neklasen Lakes to remain a natural salmon and trout spawning and rearing site should be preserved. Recreational use should be compatible with fish spawning and rearing.

### 3.4 Access

Legal and physical access to the lake should be assured for all members of the public.

Public access should be properly managed and measures should be developed to maintain safety, cleanliness, sanitary nature, eliminate trespass and to ensure that the area remains open to all.

## 4 **Management Issues, Alternatives, and Recommendations**

The management issues at Neklasen and Lower Neklasen Lakes were identified by the lakes' property owners and residents. It should be noted that the property owners and residents did not agree on all the issues and recommendations. This section describes several methods and alternatives for alleviating the identified problems. The various alternatives have been developed through a series of meetings with property owners and residents.

### 4.1 Access

**Management Issue** Presently there is developed public access to both lakes. Developed points of access that are unsupervised and not managed, more often than not, create numerous problems at lakes throughout the Borough. Examples of the problems caused by the lack of ongoing management of the public access parcels to lakes include: trespass onto private property, creation of unsanitary conditions where no sanitary facilities exist, litter, blockage of the public's access by visitor parking or overnight activities, damage to nearby trees, and the potential for wildland fires from unsupervised campfires. The potential for the aforementioned problems exists at both Neklasen and Lower Neklasen Lakes.

**Alternatives** Five alternatives were considered to address the access management issue: 1) do nothing, 2) manage the access to the lakes as a "primitive" site, 3) fully develop both public access parcels, 4) manage the access with a gate, and 5) unimproved access with signs informing the public of the "rules" of the area. Doing nothing about the lakes' public access does not address the present trespass, litter and environmental degradation problems. Additionally, funds are presently unavailable to fully develop the accesses and provide ongoing operation and maintenance; nor do the residents wish to have this work accomplished. However, some form of management of the public access parcels is necessary to address the existing problems. Managing the public access parcels as "primitive" walk in only sites, with limited (3-5 vehicle) parking is a low cost method that would reduce the existing problems while preserving the ability to develop the parcels more fully in the future should the neighborhood residents so desire. Managing the access with a gate, opened and closed on a regular schedule would reduce some of the problems and allow continued

access by motor vehicles, specifically, boats on trailers. However, the fourth option of gated access is not a viable option at this time, because the borough does not have funds for the installation and management of a gate at Neklasen Lake.

**Recommendation** There was significant disagreement among those attending the meetings as to the best management of the access point at Neklasen Lake. The fifth alternative, unimproved access with informational signs, is the recommended course of action. The Borough will seek to actively manage the sites by informing users through public awareness information at the entrances to the public access parcels. “No Overnight Camping and No Open Fires” signs should also be placed at the access sites. A weather-protected signboard should be placed at the site to provide information about the lake, fish, birdlife, and general “rules of the area”. The information at the signboard should also identify where nearby overnight camping is permitted.

#### 4.2 Fish and Wildlife

**Management Issue** The principle wildlife concern to Neklasen and Lower Neklasen Lakes residents and property owners is the retention and protection of bird nesting sites, in particular, loons, grebes and terns, as well as the retention and protection of salmon and trout spawning and rearing habitat. Presently, the lake has active nests and there is a concern that increased motorized activity on the lake will harm the existing nesting sites. The lakes also support natural sockeye, coho and rainbow trout fish runs. The fish utilize the entire Cottonwood Creek drainage, including Lower Neklasen and Neklasen Lakes for spawning and rearing. There is concern by some residents and property owners that increased motorized activity on Neklasen Lake will negatively impact the fish.

**Loons** Loon nesting sites and successful breeding may occur on lakes having development and recreational use if sufficient habitat is available and the nesting sites are not repeatedly disturbed. Loons will nest on shore although islands offer the optimal nest sites. Nesting periods generally begin in late May through late June, however, if a nest is abandoned a loon pair may attempt a new nest and this second nesting period runs through late July. In order to retain and protect the existing nest site, lake users need to become informed of how recreation and development affects loons, as well as to avoid the nest sites during the critical nesting/mating/rearing periods. While grebes commonly have the same breeding period as loons, grebe nest sites are much different. Grebes prefer to nest on floating objects, typically vegetation.

Nest sites and breeding may be disturbed in a number of ways. Steady activity that comes near a nest site, whether motorized or non-motorized, may cause the nest to be abandoned. High motorized activity near a nest site may cause chick mortality by



separating the chick from the adult or by the wakes caused by motorized craft may destroy the nest or wash away the eggs. In addition to damaging a nest, activities occurring too close to a nest will cause loons to leave an active nest thereby allowing predators such as gulls and ravens to eat the unprotected eggs or chicks. Discarded mono-filament line presents another threat to loons and other birds as it may entangle birds and chicks and ultimately kill them through starvation, predation, or by drowning.

**Alternatives** If nothing is done to inform lake users of the sensitivity of loons and grebes to water borne activities and development, active nests will not be found on Neklasen and Lower Neklasen Lakes in the future. In order to maintain the presence of loons and grebes, it is necessary that some pro-active steps be implemented. The pro-active steps include providing the public with information about waterfowl and bird (loon/grebe) nesting habits and by taking some actions that will reduce the probability of harming nests and nest sites. Existing nests where regular loon or grebe nests have occurred could be encircled by a number of buoys marked with "Loon (or Grebe) Nesting Site - Do Not Approach" placed at least 150 feet (200 feet preferred) from the nest's boundary. Appendix #2 provides an illustration of a low cost, effective buoy. Loon and grebe alert notices and general information about loons should be posted at a weather-protected signboard at the lake's access point to inform the public about proper "loon or grebe etiquette" (see Appendix #2).

**Recommendations** Most individuals will not disturb a nest site if they are informed of its location and the proper behavior when near it. A number of techniques can be employed to provide the public with information about loons and grebes. Residents and property owners prefer that individual nesting sites not be identified with buoys, but through signage at the access points.

Since Neklasen and Lower Neklasen Lakes are small and shallow lakes it is very easy to create wakes and turbid conditions. Wake action may cause loon mortality by swamping active nests or by separating parents from chicks. Therefore, it is further recommended that watercraft guidelines be adopted for watercraft using Neklasen and Lower Neklasen Lakes in order to reduce wakes, turbidity, and shoreline erosion and to promote safety during the nesting season. Except when a waterskier leaves dock or shore, it is recommended that a "no wake zone" 100' from the ordinary high water mark be established to alleviate negative impacts on nesting birds, and reduce noise and erosion.

**Fish** Neklasen and Lower Neklasen are part of the Cottonwood Creek drainage which supports sockeye, coho and rainbow trout populations. The Alaska Department of Fish and Game is currently working on a fish habitat study of the Cottonwood Creek drainage. The study was initiated in the summer of 1998 due to concerns of habitat changes in relationship to fish resources caused by the rapid

residential and commercial development. The overall goal of the study is to document the existing fish habitat, spawning distribution of sockeye and coho salmon and rainbow trout, water quality and flow.

Several representatives of ADF&G attended a Neklasen Lake, Lake Management Plan meeting to summarize the purpose of the Cottonwood Creek Drainage Study and to address concerns and questions regarding the affects of different types of lake use and development on fish and fish habitat.

At that meeting ADF&G stated that they support the MSB 75-foot setback from waterbodies because activities and disturbances within a "zone of influence" which can be more than 75 feet, can have a negative impact on water quality and subsequently fish. ADF&G adds that lakeshore homeowners can positively affect fish and fish habitat by leaving or restoring the shoreline to a natural state with native plants, this includes wetlands. Fish, birds and other wildlife are better able to cope with human use of the water when the refuge of a nature shoreline is provided. Additionally, native shoreline vegetation, including wetlands, provides a number of other functions such as habitat, food, bank stabilization, erosion control and filtering of surface runoff. ADF&G also notes that waterfront property owners can develop docks and walkways that can improve habitat rather than destroy it.

*Alternatives* If nothing is done to inform waterfront property owners of the positive effects of a natural shoreline continued degradation of fish habitat will only continue, reducing fish and other wildlife attributes.

#### 4.3 Noise and Safety

##### **Lower Neklasen**

*Management Issue* Lower Neklasen Lake has a history of low-impact, quiet, recreational use with surrounding residential development. Residents and property owners of the area wish to maintain these characteristics of the lake. Additionally, Lower Neklasen Lake is a relatively small and shallow lake and therefore not of sufficient size to adequately and safely support watercraft with large motors, recreational use that generates a large number of wakes or a large amount of surface water activities.

*Recommendation* It was the consensus of the residents and property owners that Lower Neklasen Lake be managed as nonmotorized, thus prohibiting all piston driven engines from operating on the lake.

##### **Neklasen Lake**

*Management Issue* Neklasen Lake also has a history of relatively quiet recreational use with surrounding residential development. Residents and property owners of the



area wish to maintain these characteristics. Neklasen Lake has traditionally supported waterskiing as recreational use. However, some residents and property owners feel that large motorized uses, such as those required to pull a water skier, are a deterrent and a safety hazard to other uses, especially nonmotorized uses.

*Alternatives* Several alternatives were considered for this management issue; these being: 1) do nothing, 2) prohibit personal watercraft (i.e., jetskis, waverunners) 3) prohibit all motorized use, 4) establish a limit on size/power for watercraft motors that may be used on the lake, 5) establish waterskiing rules, 6) establish quiet hours to allow motorized use which does not detract from the current use and character of the lake, 7) establish a "time share" in which certain days of the week are identified as motorized or fast and alternately nonmotorized or slow uses are allowed all the time.

The first alternative, "Do Nothing" ignores the problems associated with noise and safety and also one of the primary reasons residents and property owners requested that a lake management plan be developed; that being to control noise. This alternative is therefore rejected.

The second alternative would prohibit the use of personal watercraft such as jetskis and waverunners, which from the lake management meeting discussion and survey, were identified as the primary cause of noise generation. This alternative is recommended for adoption on Neklasen Lake in order to promote safety and to reduce noise and shoreline erosion.

The third alternative, to prohibit all watercraft with piston driven motors would eliminate all noise associated with motors. Also, it would address the safety concerns identified during the meetings with residents and property owners. However, this alternative was not acceptable to many residents and property owners attending the meetings. Therefore this alternative is rejected.

The fourth alternative, establish a limit on size/power for watercraft motors that may be used on the lake was considered as a means of reducing noise, reducing wakes, and promoting safety. Many residents and property owners support a 10 horsepower motor limit for Neklasen Lake. However, others state that this will restrict the traditional use of the lake by waterskiers.

The fifth alternative, establishing waterskiing rules, was developed as a way to accommodate all users of the lake. The suggested waterskiing rules consist of the creation of a 100 foot "No Ski Zone" and limiting waterskiing to one boat at a time. This alternative was rejected after the first public comment on the draft plan, and the series of meetings that followed that public comment period.

The sixth alternative, establishment of quiet hours, is a management tool that all residents and property owners agree will help to ensure that noise does not become a continuing problem at Neklasen Lake. Quiet hours provide a period of time when

motorized use that creates wakes or is repetitive in nature is prohibited. Quiet hours also allow use of the lake during the quiet period for quiet, unobtrusive transit of the lake and for trolling. The quiet hours agreed to by property owners and residents are 10 p.m. to 8 a.m. Sunday through Saturday.

The seventh alternative, establish a “time share” where by certain days of the week are identified for motorized or fast use was considered as a means of allowing all user types access to the lake. This allows nonmotorized users to be assured that during certain days of the week they will be able to use the lake without concern for fast motorized uses. Nonmotorized users are also allowed to use the lake on motorized days and during quiet hours. Many different varieties of this alternative are possible. This alternative was acceptable to many residents and property owners attending the meetings. However, some of those attending the meetings do not feel this alternative adequately addresses their concerns. The suggested version of timeshare is a lake wide no wake zone except for Thursdays, Fridays, Saturdays, and three-day weekends resulting from national holidays and national holidays (Memorial Day, 4<sup>th</sup> of July, and Labor Day).

## 5 Implementation

Lake management plans are implemented through a combination of regulations, public information, and best management practices. MSB 17.59, Lake Management Plan Implementation, implements adopted lake management plans, using the borough’s citation authority. Specific recommendations of the lake management plans that are implemented through MSB 17.59 are: quiet hours, no wake zones, motorized watercraft use, special permits, winter motor vehicles, and ice house registration. When the Neklasen and Lower Neklasen Lake, Lake Management Plan is adopted, MSB 17.59 will be amended to include the recommendations of the plan. Those recommendations of the plan that are not included in MSB 17.59 will be implemented through public information and best management practices.

A description of the proposals follows:

***Prohibition of motorized watercraft at Lower Neklasen Lake*** As stated above, Lower Neklasen Lake is a small, shallow lake with a rocky bottom and is not suitable for motorized watercraft. Residents living adjacent to the lake seek to have their shorelines protected from erosion caused by large wakes. Loons nesting on a small lake are placed at an increased risk of disturbance from wakes caused by watercraft with large horsepower engines or by use creating repetitive wake action. Historically motorized watercraft have not used Lower Neklasen Lake and human powered watercraft, e.g., canoes and kayaks have been the historical users; residents and property owners wish to continue this character and the quiet nature of the lake. Therefore prohibition of motorized watercraft is recommended for Lower Neklasen Lake.

***Prohibition of personal watercraft (a.k.a. jetskis, waverunners).*** Residents living adjacent to the Neklasen Lake wish to promote safety, reduce noise at the lake, to have their shorelines protected from erosion caused by large wakes and minimize birdlife and nesting disturbance. To accomplish these goals, it was determined to prohibit the use of personal watercraft (a.k.a., jetskis, waverunners, etc.) At Neklasen Lake.

***Access*** To minimize environmental disturbance, wildfire potential, and litter, the public access parcels should be managed as Day Use Only with limited parking provided.

***Fish*** Area residents and property owners will work with the borough, ADF&G and other agencies to inform other residents and property owners about the benefits of leaving or restoring shorelands and wetlands to a natural state. Property owners are encouraged to keep their shorelands in a natural state to aid in maintaining fish and wildlife habitat and populations and to maintain water quality.

***Loons and Grebes*** A weather-protected informational signboard should be constructed at the public access parcels and information should be provided about lake usage and proper behavior near active loon nests, e.g. "Loon (or Grebe) Alert!". This signboard may contain regularly updated information as to the location of nests so that lake users can take care to avoid them.

***No Wake Zone*** A no wake zone is established 100' from the ordinary high water mark (shoreline), except when a waterskier is leaving dock or shore, of Neklasen Lake to reduce disturbances to nesting birds, erosion, noise and to increase safety.

***Quiet Hours*** To maintain the existing quiet nature, residential quality, and low-impact use of the lakes, quiet hours are established between the hours of 10 p.m. and 8 a.m. Sunday through Saturday.

***Trash and Fireworks*** Firework displays are illegal without a special permit issued by the Borough Planning Department; never-the-less, individuals generally display fireworks throughout the Borough. Firework displays create two problems, noise from explosions and trash from the fireworks. Firework displays may also start forest fires. The Borough does not have the resources to actively police the illegal use of fireworks and such use is a low priority for the Alaska State Troopers. However, the Borough should advise property owners of the law and inform them to be considerate of their neighbors, avoid polluting the lake with debris, and avoid forest fires and disturbance of waterfowl.

***Timeshare*** To address the concerns of the Neklasen Lake residents and property

owners a lake wide no wake zone is established on Neklasen Lake except on Thursdays, Fridays, the first and third Saturdays , the second and forth Sundays of the month, national holidays, and three-day weekends resulting from national holidays.

***Enforcement*** Violation(s) of this lake management plan's guidelines, upon adoption of the plan by the Borough Assembly are subject to the citation and remaining remedies that exist for violation of lake management plan implementation guidelines (15.24.030(c)).

APPENDIX #1

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF FISH AND GAME

HABITAT AND RESTORATION DIVISION

333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE (907) 344-0541  
FAX (907) 349-1723

FISH HABITAT PERMIT FG 93-II-0803

ISSUED: February 23, 1994  
EXPIRES: December 31, 1994

General Public

Re: Vehicle movement on frozen water surfaces within southcentral Alaska

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has determined that both the public interest and the proper protection of fish and game would be served through the issuance of a general permit (GP) authorizing the use of certain categories of motorized wheeled and tracked vehicles on the frozen waters of various specified rivers, lakes, and streams within the southcentral region (see attached map).

Categories of motorized vehicles covered by this GP include: any wheeled, tracked, or other ground effect motorized vehicles less than 2,000 pounds gross vehicle weight (GVW) such as snow machines, 3 and 4 wheelers, coots, etc.; and wheeled vehicles less than 10,000 pounds GVW. The use of any ground effect motorized vehicle on specified frozen waters: (1) with GVWs other than indicated above; (2) within State of Alaska Refuges, Critical Habitat Areas, or Sanctuaries (see attached maps); (3) by Alyeska Pipeline Service Company (APSC) for activities along the pipeline corridor, or (4) outside of the described area is not allowed, except by individual Fish Habitat Permit, other general permit, or Special Area Permit issued by the ADF&G, Habitat and Restoration Division, or by the State Pipeline Coordinator's Office for the APSC.

This GP does not authorize cross-country movement of equipment on state land or other activities not generally authorized by the Alaska Department of Natural Resources.

Various rivers, lakes, or streams within the described area have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). They are utilized by salmon and other anadromous fish for spawning, rearing, or migration, and by resident fish species.

In accordance with AS 16.05.870(d), access to, use and crossings of, or egress from any specified waters, as described above, is hereby authorized provided the stipulations contained herein are adhered to.



1. The ice cover shall be of sufficient thickness to support the weight bearing load of the authorized vehicle(s).
2. There shall be no vehicles or equipment operated in the open water of any specified river, lake, or stream under this GP.
3. The use of snow or ice bridges, access ramps, cribbing to cross any specified river or stream is prohibited unless specifically approved, in writing, by the ADF&G, Habitat and Restoration Division.
4. Access to or egress from frozen waters shall occur only at locations with gently or gradually sloping banks. There shall be no access to or egress from frozen waters at locations with sheer or cut banks.
5. The bed or banks of any specified river, lake, or stream shall not be altered or disturbed in any way to facilitate use of, access to, or egress from their frozen surfaces.
6. Vehicles or equipment shall not be left unattended while on the frozen surface of any specified river, lake, or stream.
7. No vehicles shall be fueled or serviced while on the frozen surface or below the ordinary high water line of any specified river, lake, or stream.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved stream crossings. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G, Habitat and Restoration Division, and obtain written approval in the form of an individual permit before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the scope of the activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this general permit will be deemed a significant deviation. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of the ADF&G, Habitat and Restoration Division. Therefore, it is recommended that the ADF&G, Habitat and Restoration Division, be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a general permit issued under the authority of AS 16.05.870. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.



February 23, 1994

Pursuant to 6 AAC 80.010 (b), the conditions of this general permit are consistent with the Alaska Coastal Management Program.

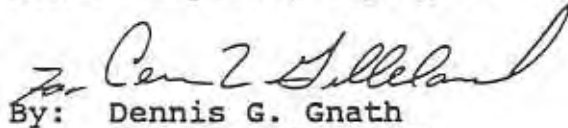
In addition to the penalties provided by law, this general permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the authorized activity which were a direct result of the failure to comply with this general permit or any applicable law.

The recipient of this general permit (the permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions, or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this general permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This general permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner



By: Dennis G. Gnath  
Habitat Biologist  
Habitat and Restoration Division  
(907) 267-2284

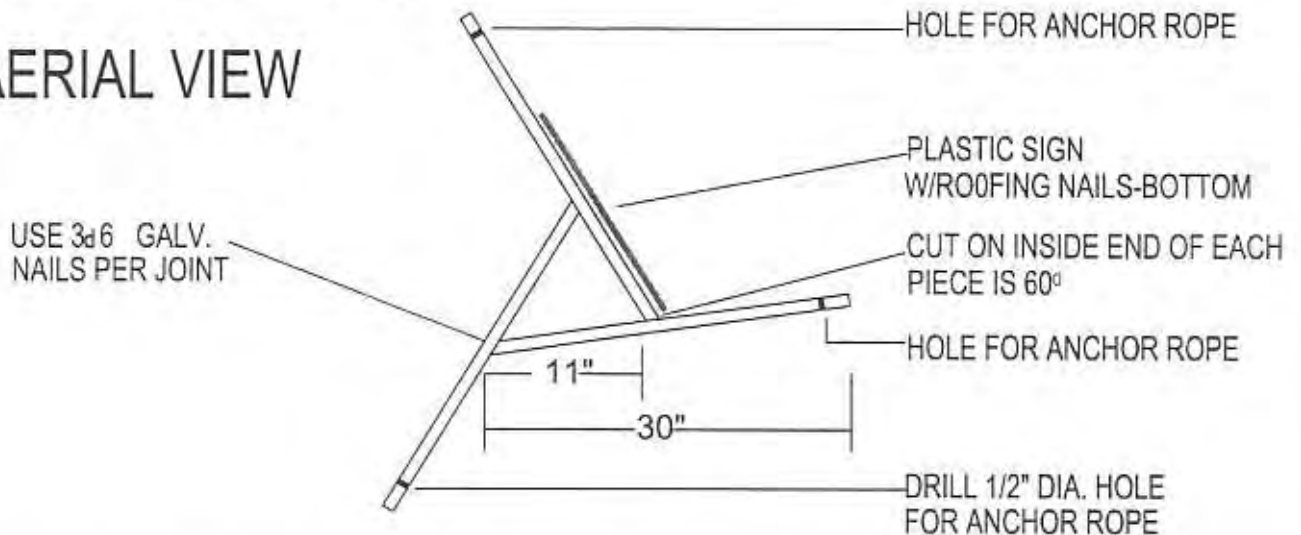
cc: R. Thompson, DNR/DL  
A. Samet, DNR/DL  
D. Kelley, DNR/DL  
S. Dunaway, DNR/DM  
P. Pinard, DEC  
P. Brna, SPCO  
D. Webster, MSB  
W. Wrede, City of Cordova  
M. Pearsall, KPB  
D. Dengel, City of Valdez

## APPENDIX #2

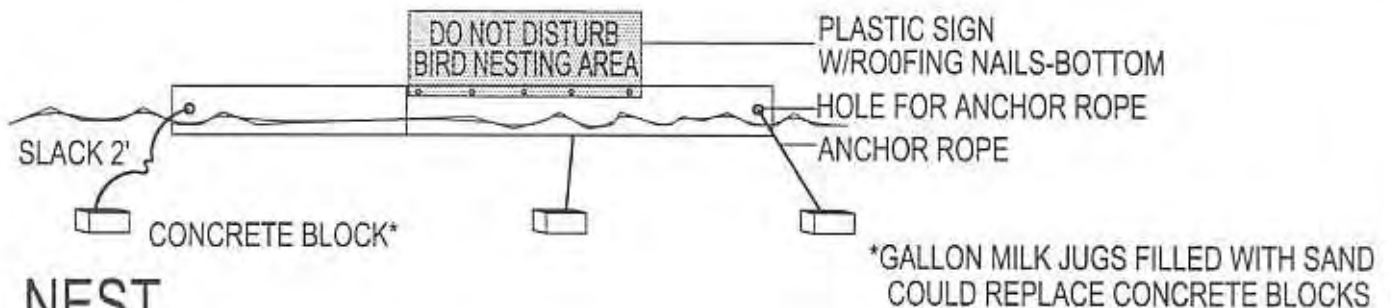
# SIGN FLOAT FOR LOON NESTS

(NOT LIKELY TO TURN OVER  
IN THE STRONGEST WIND)

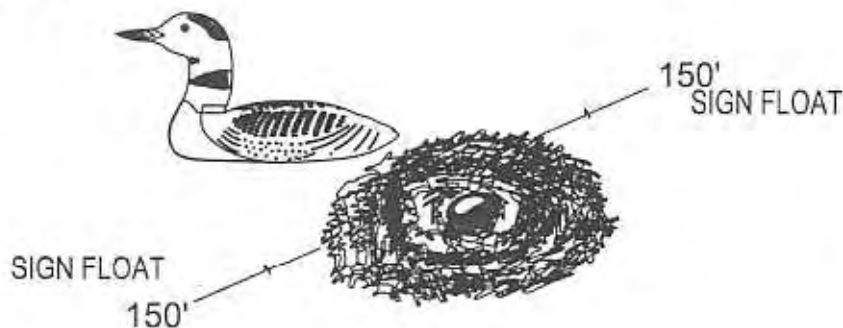
## AERIAL VIEW



## VIEW FROM WATER



## NEST



### MATERIALS LIST

- 3 - 1"x 4"x 30"  
WHITE PINE OR  
NO. WHITE CEDAR
- 9 - 6d. GALV BOX NAILS
- 5 - 1" ROOFING GALV. NAILS
- 1 - LOON SIGN
- 2 - 3 CONCRETE BLOCK \*  
FOR ANCHORS
- ENOUGH 1/4" NYLON ROPE  
TO REACH BOTTOM OF LAKE  
FOR ANCHOR

The platforms should be attached with two anchors a minimum of 150 feet from the nest (more, if needed to avoid disturbing the loons) and be clearly visible, yet not be a boating hazard. Signs should be removed after nesting is completed (usually by mid-July) each year to preserve their use. Signs should be stored over the winter in a dry area.

DESIGNED BY:  
HERB CILLEY, PO BOX 348 TUPELO POINT, BOWLAKE, NORTHWOOD, N.J. 03261

ENHANCED BY:  
MATANUSKA-SUSITNA BOROUGH SUPPORT SERVICE 1995

# LOON ALERT



**Help keep this lake safe  
for loons and other wildlife:**

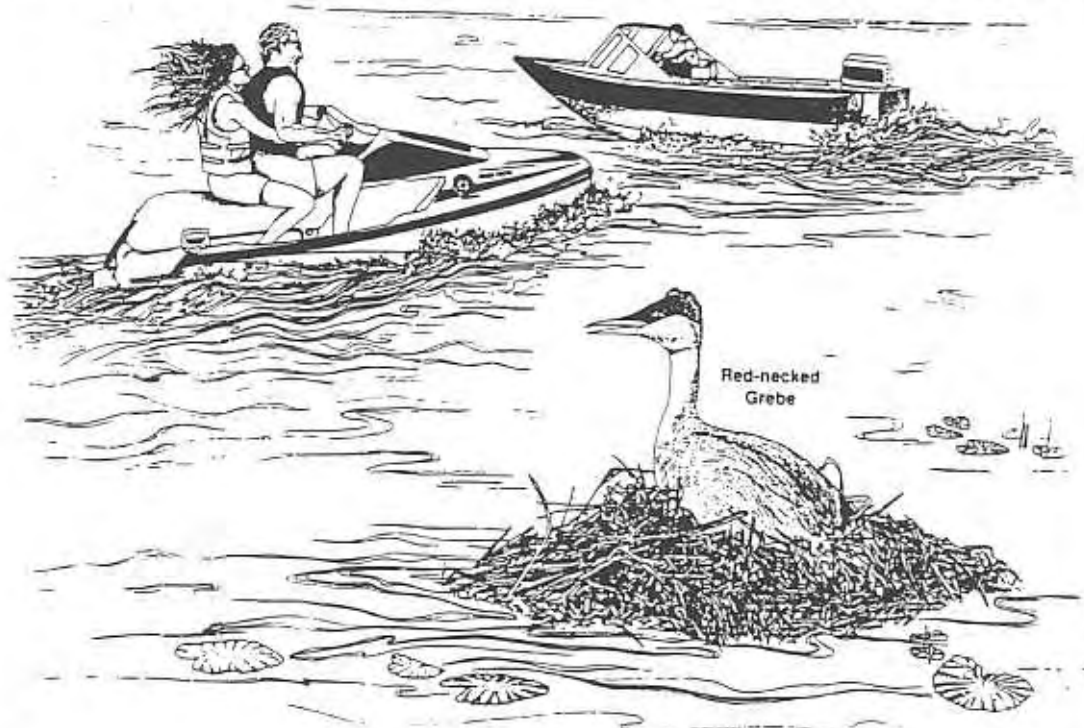
1. Watch loons from a distance.
2. Pick up fishing line and other litter that may entangle loons.
3. Keep your dog on a leash.

Breeding loons have declined or disappeared from other U.S. states due to human disturbance and habitat loss. Wildlife harassment is illegal. Please report violations to Fish and Wildlife Protection (State Troopers) or call (800) 478-3377.

For loon information write: Alaska Department of Fish and Game, Division of Wildlife Conservation, 333 Raspberry Road, Anchorage, AK 99518.



# STEER CLEAR!



**BOATERS – Stay at least 100 feet away  
from nesting Red-necked Grebes.**

Grebes are duck-sized birds that nest on floating vegetation and debris in shallow water.

Wakes from watercraft will destroy their nests and kill their eggs and chicks.

Go slowly along shorelines and avoid nesting areas.

**– HELP PROTECT ALASKA'S WILDLIFE –**

Wildlife harassment is illegal. Report violations to Fish and Wildlife Protection (State Troopers) or call (800) 478-3377.

This sign was produced by a grant to the Alaska Watchable Wildlife Trust Fund, c/o Alaska Conservation Foundation, 430 W. 7th Avenue #215, Anchorage AK 99501 (907) 276-1917.

POSTED BY ALASKA DEPT. FISH AND GAME

