

# ALASKA STATE LEGISLATURE

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## REPRESENTATIVE WES KELLER DISTRICT 7

### SPONSOR STATEMENT HB 351

*“An Act relating to uses that are not incompatible with the purpose of the Nancy Lake State Recreation Area.”*

House Bill (HB) 351 seeks to allow for summertime All-Terrain Vehicle (ATV) use along the Butterfly Lake Trail within the Nancy Lake State Recreation Area and the storage of boats and boating related personal property at the north end of Butterfly Lake without the requirement of a permit.

The Alaska Division of Parks and Outdoor Recreation has issued permits since 2002 that authorized the summertime use of ATVs on Butterfly Lake Trail. The permits were issued only to property owners within or adjacent to the Nancy Lake State Recreation Area and were revocable only for cause. These permits enabled approximately 200 property owners to access their lands.

The motorized access permits were struck down by the Alaska Supreme Court in July 2013 following a lawsuit brought against the Division of Parks by a private landowners group within the Nancy Lake Recreation Area. Because the issued permits were revocable only for cause and issued to a select group of individuals, the Alaska Supreme Court ruled that the permits constituted easements, were therefore unconstitutional disposals of state land pursuant to Article 8, Section 7 of the Constitution of the State of Alaska, and remanded the decision back to the Alaska Superior Court. The Superior Court issued a January 9, 2014 injunction revoking all outstanding permits for summertime motorized use on the Butterfly Lake Trail. Additionally, the injunction provides that all boat and personal property storage permits on the north end of Butterfly Lake are revoked effective April 30, 2014.

The litigation and subsequent injunction has put the lawful summertime use of ATV's on Butterfly Lake Trail and the storage of boating related private property on Butterfly Lake in question. HB 351 remedies this problem by declaring Butterfly Lake Trail ATV use and boat and personal property storage on Butterfly Lake to be compatible uses within the Nancy Lake State Recreation Area and thus permits will not be required for individuals to engage in either activity. Use and storage will now be open to the general public subject to reasonable regulation by the Division of Parks as authorized under 11AAC 12.335.

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