

September 27, 2008

Commissioner Tom Irwin
Alaska Department of Natural Resources
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Anchorage AK 99501

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**Request for Reconsideration of Knik River Public Use Area Management Plan as adopted
September 3, 2008**

Dear Commissioner Irwin,

Butte Area Residents as a group and as individuals who are endorsing this letter, request that you reconsider the September 3, 2008 adoption of the Knik River Public Use Area Management Plan for reasons enumerated below, starting on page 5. They follow the description of over 30 years' involvement by people who live here and and/or have used the Knik River Valley for recreation, hunting and fishing.

We would like to establish to you our credibility as to our long-standing use of the area and our involvement and efforts to improve conditions as we observed the results of increasing lack of respect and abuse on the lands and resources in Knik River Valley. In our attempts to halt the accelerating chaos – attempts that proved to be futile. We learned 4 years ago from DNR officials that the Knik had indeed been “sacrificed.” We continued trying to get the ear of legislators and officials without success. We tried as individuals; residents or users of the area, as homeowners and/or as members of organizations including Butte Community Council (until yr 2003), Knik River Watershed Group, Valley Center for the Environment, South Knik River Community Council, Butte Area Residents Civic Organization. Here is a timeline of our observations and activities.

- 1970s to early 1980s: Used trails for hiking, horseback riding, mushing, hunting and fishing. Trails were also used for logging, hunting and fishing with logging and pickup trucks and various hunting vehicles; used waterways for canoeing, kayaking; hunting and fishing with motor and without. Used Knik River shorelands and uplands as well as Jim Lake for picnics and camping.
- 1980s: Asked Matanuska-Susitna Borough to include the recommended designation for wetlands in the Susitna Area Plan, i.e. “Area Meriting Special Attention,” to their overall planning efforts, equal to Knik Arm Planning. Due to lack of funding this was not pursued by MSB.
- Dangerous shooting activity increased at Knik River/Bodenburg Creek Access along Old Glenn and at Rambo Rest Stop (under the New Knik River bridges on the Glenn Hwy.) In response to a resident's request, Senator Kerttula placed “No Shooting” signs on both sides of Knik River/Bodenburg access.
- Dangerous shooting activity continued to increase and residents complained of bullet holes at or near their homes and finding people shooting toward their homes and lands.
- Residents reported increased trash, wrecked and burned cars throughout the area to officials.
- Persons recreating in non-motorized crafts on Jim Creek and in lakes complained about being scared by airboats and consequently avoided the area.
- Aggressive program of trails improvement and building by Matanuska-Susitna Borough, Equestrian organizations and individuals for the purpose of creating an interconnected system of trails from Lazy Mountain to the Knik River. Rippy Trail, Sexton Trail, Jim Creek Trail, Envy Trail, McRoberts Creek Trail and Morgan Horse Trail were included as well as the construction of what is now known as the “Pavilion Parking Lot.” A picnic pavilion was constructed. Grants, volunteer

equity and dedicated MSB personnel made this happen.

- Jim/Swan Canoe Trail Route was widely publicized by Matanuska-Susitna Borough .
- 1990s: Vandals destroyed the Pavilion structure by gunfire and ramming with vehicles. For several years the damaged structure served as a target until the Mat-Su Borough removed it. Illegal activity, including poaching of moose and sheep, as well as willful killing of birds and wild and domestic animals continued unabated. Vegetation in dunes and wetlands showed severe deterioration. Motorized abuse increased unabated . Most non-motorized users felt displaced and stayed away. The gouges cut by 4x4s and ATVs into the Knik River high water barrier on the north side increased in number and depth.
- 1993 - current: Cleanups of trails and lakes by individuals, volunteer groups and members of Valley Center of Environment: Maud Road Extension, Rippy Trail, Jim Lake, Jim Creek. We learned just recently that several residents had been cleaning up trails and waterways on their own for 35 years.
- 1998 - 2003: Organized Cleanup of trails from Sullivan Road to Jim Creek by Butte and South Knik River Community Councils, including first ever National Guard Cleanup of abandoned vehicles. Under the auspices of the councils, members searched out abandoned vehicles and gave the GPS coordinates to the National Guard to enhance their training and making it easier to locate the wrecks for removal.
- 2000: Members of Valley Center for the Environment received grant and provided in-kind resources to repair portage at Jim Lake.
- 2000s: Butte and South Knik River Community Councils, in cooperation with Matanuska-Susitna Borough, initiated planning process for multi-use recreation on public lands after a series of meetings with the Borough, Community and State of Alaska and federal representatives. To educate and move the plan along, Butte Community Council, in cooperation with Palmer Soil & Water Conservation District, applied for and received a grant from US Fish & Wildlife Service and fulfilled the requirements of the grant, including educational brochures for ATVers, posters and fliers raising awareness of the dangers to the public from target shooting, conducting a poster and poetry contest at Butte School, producing screensavers to show the beauty of the area, holding public meetings and having formed committees for trails planning and education. Community members provided in-kind labor and services and produced a professional video, "Bodenburg Butte, Beauty at our Back Door". We combined funds with the Mat-Su Borough for permanent signs with map inserts of respective trails. The were placed at Knik River; at the Pavilion Parking Lot and at the Maud-Plumley Trail. We coordinated with ADFG to place educational signs about fish spawning and designated stream crossings at Bodenburg Creek to prevent ATVs and 4x4s going up and down-stream. We published a flier informing ATVers about respecting private lands adjoining the river bed and respecting local pedestrians by not using the non-motorized bike trail. Residents petitioned Mat-Su Borough to affirm that the pathway along the Old Glenn Highway was built for the safety of pedestrians and received a resolution from Mat-Su Borough to that effect. This action caused Alaska DOT to place "non-motorized signs" along the pathway and AST to enforce them. Public Radio and commercial media kept the public informed as to our efforts.
- A 7-member trails committee appointed by the Butte Community Council board initially included one member each to represent diverse recreational interests. The intent was to locate trails, secure easements and classify them according to their suitability for various kinds of recreation depending on soils and terrain. This effort came to a standstill for several reasons:
 - The Alaska Department of Natural Resources stonewalled any communication. They neither responded to correspondence nor phone calls with regard to this planning effort and our request for DNR to participate in this cooperative management; and
 - The balance of diverse recreational interests shifted with the increasing dominance of motorized representatives edging out non-motorized members on the Butte Council's Trails Committee who circulated a petition for equal access for everyone on all trails in the Knik, which they presented as a resolution from the Council to the Mat-Su Borough without having brought before general meeting for approval.

- The “Alaska ATV Club” was formed, misleading the public on his website that we would “shut down Jim Creek,” notwithstanding that our planning effort was publicly advertised as “planning for multi-use recreation,” Then “AOAA – Alaska Outdoors Access Alliance,” affiliated with Alaska Outdoors Council (AOC) was formed by a compact of all motorized recreational groups in Alaska also spreading the message that Jim Creek was getting closed down.
- Community members were discouraged by non-responding DNR, groups and individuals spreading untruths, and the futile cleanups of trash and shot-up and burned cars. The Alaska ATV Club was invited to participate in the trails cleanup under the guidance of one of our council members, and since then the Club has done an admirable job helping with areawide cleanup efforts.
- Community Council meetings thwarted efforts to move forward with planning for multi-use recreation. Those members of the Council who supported this planning effort resigned and/or chose not to stand for re-election.
- On the positive side, increasing party, alcohol and drugs activity at Jim Creek resulted in Alaska State Troopers (AST) patrolling the area. Observed gang activity by Anchorage Police Department heightened awareness by law enforcement.. AST invited community members to “educate” Troopers at Palmer Post about conditions , location of trails and offenses to look for. AST secured a federal grant targeting underage drinking. They patrolled the area regularly on fourwheelers and dirt bikes until a new administration cut budgets and force-transferred some of the personnel that patrolled. Together with AST and other residents we were successful spreading the word that target shooting in Butte endangers residents and visitors. Since then, residents living close to Knik River counseled shooters personally when AST was not available. Target shooting has continued to be a problem to this day and will be as long as there are no full-time patrols and as long as there is unrestricted access to the area.
- 2004: Knik River Watershed Group (KRWG) was formed that summer by Ms. Cecily Fritz. Building on previous planning efforts of Butte & South Knik River Community Councils, former members joined KRWG hoping that Mat-Su Borough and State of Alaska would find a way to stop the abuse of the area and address safety concerns to residents and users.
- December 2, 2004, KRWG organized their first multi-agency meeting seeking solutions for the Knik River Valley to seek legislative designation and funding.
 - December 20, 2004, KRWG met with Rep. Stoltze conveying DNR and MSB’s recommendations for providing funding in the amount of \$250,000 for an open planning process.

February 21, 2005, Senator Huggins made this statement at an AOAA rally in Palmer.

"This is a campaign, not a battle. It's a war, and, quite frankly, we're on the high ground. We're getting in front of the issue. Your adversaries have figured out to scrape in monies from the government. They want to put a fence around it that says: 'Closed. No riding. No hunting.' We'll be saying, 'Remember how it used to be. We want to keep it how it has been.'" (See document: "Huggins Quote).

Following this rally, an increasing number of ORVs trespassed on the non-motorized pathway along the Old Glenn, coming and going from Knik River to the Pavilion and endangering residents and road traffic with dust and gravel. When passing out fliers to inform them that this trail is for the safety of pedestrians, we were told that, “Haven’t you heard what Huggins said at the meeting about all trails being open now?”

- 2005 near end of legislative session: Senator Huggins and Stoltze passed Draft legislation, HB 307, enabling the creation of Knik River Public Use Area for the Purpose of Motorized Recreation.

- 2005-2006: Butte Area Residents Civic Organization was formed to work toward balanced legislation for the Knik River Area. While we lobbied strongly but unsuccessfully for the creation of the Knik River Valley State Recreation Area including, as recommended in the Susitna Area Plan, our efforts helped change the purpose of HB 307 as it passed the legislature in 2006 to include the enhancement of non-motorized recreation. We had a strong presence throughout the legislative hearing process. Our efforts helped strengthen the role of Department of Fish & Game in the legislation, added funding for on-the-ground law enforcement with the help of Senator Lyda Green, allows for construction of facilities, the charging of fees thereby the option to control access. (HB 307 including Letters, Fiscal Note and minutes of legislative meetings and hearings.)
- 2007: We were successful, with the help of Representative Stoltze, in getting legislation passed which makes the burning/exploding of vehicles on public and municipal lands statewide an arson felony. We felt that this would be a major deterrent to prevent these activities in the Knik which have endangered our homes and properties and contaminated the soils and waters for thirty years. Legislation was introduced in 2007 and passed in 2008 as HB 268.
- 2007/2008: Participated actively in the management planning process for the KRPUA, starting with achieving consensus from our group on the priorities to ensure that the planning process would eliminate known problems on the public lands and would protect our communities from further negative impacts and spillover effects due to well-recognized reckless and criminal activities in KRPUA. Subsequent comments to DNR were based on these priorities. Throughout the process we submitted our comments to these DNR planning events in a timely fashion and were able to gain local support as well as media coverage in order to “take back” our community and our public resources according to the purpose of HB 307:
 - 1) Priorities and Comments during Scoping Process
 - 2) Comments to Alternatives to the Plan as proposed
 - 3) Comments to the proposed regulation changes
 - 4) Comments to the Draft management plan.

While discouraged by DNR’s disregard for our priorities and comments documenting damage of several decades of illegal activity and destruction of the environment, we were advised by officials and legislators for the last four years, to “trust the process.” We did, but the KRPUA Management Plan shows extreme bias. Management is confined to the “sideboards” that admittedly were determined by our legislators on behalf of their motorized recreational financial campaign supporters and bound by their own allegiance to the AOC and AOAA, on whose behalf the legislation, Draft HB 307 was introduced for the “purpose of motorized recreation. “

We also believe that public process was not followed when DNR replaced the Susitna Area Plan with the KRPUA Management Plan without public notice. There was no opportunity for public input on this decision that chopped off the area east of the Glenn Highway from the original Susitna Area Plan. During the public comment period for the new Southeast Susitna Plan no reference was made that the KRPUA Management Plan was to replace the old Susitna Area Plan for the Knik. When the KRPUA Draft Management Plan was published, the Susitna Plan went away. It is a travesty to have replaced the recommendations for the Knik contained in the Susitna Plan with the KRPUA Plan. These recommendations were based on a growing awareness in the early 1980s of the unique values of Knik River Valley and the increasing pressure its natural resources were exposed to even then. At the time, all recommendations for other areas within the Susitna Planning Area were acted upon by the Alaska Legislature with the exception of the Knik. It is our understanding that the intent and the will was there by the legislature to create a Knik River Valley State Recreation Area including critical habitat and an area meriting special attention, but when the time came to act on these mandates, an economic recession prevented allocating the funds for such a designation.

Because of the long-time involvement of so many people and, in retrospect, realizing the futility of our efforts to bring normalcy to this beautiful and unique place, whose waters form the northernmost finger of the Pacific Ocean, no one should doubt that the process has failed us.

Commissioner Irwin, we request reconsideration of the KRPUA Management Plan for the following reasons.

1 The Plan fails to support the stated purpose of HB 307, AS 41.23.180.

**(1) Management, as proposed, does not perpetuate and enhance
(A) General Public Recreation,
(B) Public Enjoyment of Fish and Wildlife,**

by allowing unlimited disturbance of the ground (6" rule and deeper), and by not planning to mitigate existing and anticipated further damage to the vegetation on dunes, forest floors, stream banks and wetlands; and by not mitigating negative impact from dust and noise, water and air pollution for the benefit of that segment of the general public who chooses not to recreate in a motorized manner. Persons of limited abilities have no venue to enjoy Public Recreation nor the choice to travel unrutted trails to be able to enjoy Fish and Wildlife in the Knik now or in the future. Family outings, picnics and camping in a quiet manner on walkable trails for the General Public were enjoyed at one time, but are now only a memory under this management plan.

In order to "maintain and enhance offroad motorized vehicle and non-motorized recreational opportunities," the Plan fails to address how DNR intends to equally allocate the enjoyment of the full spectrum of public uses without conflict. This plan fails to bring back former non-motorized users who abandoned the area because they were pushed out by the sheer numbers of motorized users. The "General Public" seeking the maintenance, enhancement and enjoyment of non-motorized recreation, has been left out of the plan; a plan that disregards the Purpose of HB 307.

The term "motorized recreation" is not defined in the plan. It should be. Does "motorized recreation" in Knik mean for the public to be able to ravel by means of off-road vehicles on trails to get to destination points, i.e. glacier, Jim Lake, to fishing spots, to go hunting or camping, or, as is currently happening in Knik, to use our valuable public lands and resources as a motor park, moto-cross racing and mud bogging venues where restrictions on ground disturbance have been lifted to allow unlimited destruction of trails and vegetation in the most highly used areas which also happen to adjoin private properties in Butte?

(2) The Plan fails to adequately protect and maintain waterfowl nesting areas; habitats for moose, Dall sheep etc..... by not providing adequate corridors, shelter areas and safe zones from motorized intrusion, disturbed vegetation in wetlands and trails rutted so badly that moose calves were found to falter.

(3) The Plan fails to adequately provide an area for the public to enjoy the full spectrum of public uses, including "maintenance and enhancement ofnonmotorized recreational opportunities. " The plan has taken away all traditional non-motorized areas and has not considered that motorized users have been allowed to run roughshod over the work of the many people who built, improved and cared for trails and facilities oriented to the primarily non-motorized community. While many of these trails were improved for "multi-use" 30 years ago that meant shared use with those who would put-put on a three wheeler or their hunting rig to their favorite fishing or hunting spot."

(4) The Plan does not identify potential "additional public uses" which the Commissioner may consider.

Sec. 41.23.190 – Management - and Sec. 41.23.200 Incompatible Uses: The Plan fails to address existing incompatibility issues and conflicts which should have been included in the management plan process as such. Incompatibility issues were brought to you by our group and by individuals. Our requests for buffers and time-share which would have addressed some of

these issues were denied and not adequately addressed. The Rippy Trail re-designation as motorized (multi-use) is an example of incompatibility with highly erodible soils on hill sides, wetlands vegetation and high value quiet recreation for the general public that has traditionally enjoyed birding, hiking, photography, dog mushing, skijoring and non-motorized hunting. The Plan's conclusions and management scheme regarding Rippy Trail and other issues are falsely based on numbers of comments received on any particular topic rather than fulfilling the purpose of HB 307 and on failing to examine the basis for comments in light of science, history, acclaimed previous studies of and recommendations for the Knik, as well as anecdotal and documented material describing the accelerated degradation and lawlessness of the entire Knik watershed.

- a) **Management is not compatible with residential areas which are surrounded by the KRPUA.**
Law enforcement has not been adequately addressed. The Plan is weak, and has allowed ongoing criminal activity resulting in danger to the safety of recreating public and residents in the adjoining communities.
- b) **Management is not compatible with residential areas where unrestricted camping is allowed.** This practice will continue to endanger residents from fire, vandalism and shooting.
- c) **Management is not compatible with adjoining residential areas where power boat ramps, shooting venues and noise, dust and air pollution intrude on the right of residents to enjoy their homes.**
- d) **Management is not compatible with Manmade Lake and nearby residents, where motorized traffic is allowed to intrude to 100 feet** of what used to be a designated non-motorized neighborhood swimming hole and picnic area.
- e) **Management is not compatible where lead shot and lead targets are not prohibited** in an area rich with fish, wildlife and waterfowl resources, and where spent bullets are being leached into the lands and waters of Knik River Valley.
- f) **Management is not compatible where target shooting is allowed at and into the terminus of Knik Glacier**, where spent ammunition is leaching into the northernmost headwaters of the Pacific Ocean, and where visitors – local and from far away – come to experience one of our Nation's most spectacular venues and views.
- g) **Management is not compatible – due to noise, dust, air pollution, gunfire, reckless traffic and ATVs on pedestrian pathways** - with those property owners of Butte and South Knik River adjoining or close to the KRPUA who wish to further the potential for a self-sustaining economy based on farming, equine enterprises, scenic location and visitor experiences. Spillover effects from KRPUA activities need to be mitigated.
- h) **Management is not compatible with the Alaska Coastal Zone Management Plan for Mat-Su.** We repeatedly requested that the Plan be reviewed for ACZMP consistency, but were ignored.
- (i) **Wetlands will not be protected using the 6-inch rule.** Enforcement needs to be based on current law and compliance with existing statutes. The management plan and existing statutes can be enforced by the following suggested management regulation: *“A person shall not violate access and use restrictions posted by the Department of Natural Resources in order to protect fish and wildlife resources.”*
- (k) **The plan guiding management units of Lower and Upper Knik River Flats** that adjoin the community of Butte will heap even more destruction on top of severely damaged forested uplands, dunes and river banks by allowing unlimited rutting and erosion through implementation of a new regulation that allows this kind of damage only in the KRPUA. This is unacceptable under any circumstances and precludes restoration of the existing damage which DNR has knowingly allowed for many years. This area is valuable fish and wildlife habitat. The eroded dunes have to be repaired and allowed to revegetate in order to hold back the glacial silt and assure that the Knik River remains in its channel. It is unconscionable to turn this valuable area into a motor-park and waste land by this management action. This action prevents moose from traveling their traditional route to the Knik-Matanuska Delta and to the hay flats. It destroys raptor

habitat and upsets the entire ecological balance on the north side of Knik River. It takes away the rights of residents of Butte to peacefully enjoy their community and the close-by shores and forests of Knik River. The management plan for this area disenfranchises residents and the general public from enjoying even a portion of the full spectrum of recreation along the coast of Knik River. With our previous comments to the Draft Plan we included a map showing the proximity of the KRPUA to private lands and their assessed value. Along with other previous comments we presented photos and videos demonstrating the dust, noise and air pollution at Knik River which DNR management plan seems to have accepted such conditions as the norm for this area rather than acknowledge that these issues are detrimental to the health and safety of the general public, including residents. The management plan for these units is unacceptable.

(l) We suggested in previous comments that existing activity on DNR shore lands in KRPUA is out of compliance with the Federal Clean Water Act, as well as the Alaska Coastal Zone Management Act. As you are well aware, knowingly allowing continued contamination from submerged and oftentimes abandoned vehicles and their toxic fluids in Knik River Valley waters is not in compliance. DNR has also been well aware that they have allowed the intentional alteration of the Knik River and Bodenbug Creek stream banks by mechanical means, namely recreational vehicles of all sizes. This activity is not in compliance with the Federal Clean Water Act. Under the Federal Clean Water Act, damage to stream banks has to be repaired. DNR cannot allow further damage.

(m) Use of weapons” . “Use” is not defined. “Weapons” is not defined. We asked the commissioner to determine that the use of weapons within the KRPUA is a threat to public safety until such time as safe shooting areas can be defined and established. Lead shot is not allowed in watersheds and continues to endanger wildlife and waterfowl, thus taking away the public enjoyment of fish and wildlife and not insuring the well-being of these resources. Allowing shooting into the terminus of a glacier encourages reckless and disrespectful behavior toward the full spectrum of people recreating in these areas. Previous comments by the public regarding prohibiting clay targets containing lead and lead ammunition were not addressed in this plan.

(n) The Plan has not determined compatibility among the full spectrum of activities for the KRPUA.

The Plan has wrongfully determined that all trails in the KRPUA be recognized for multiple use. The term multiple use within the context of this legislation where motorized and non-motorized recreation needs to be maintained and enhanced, is understood to mean “motorized.” DNR is well aware that motorized recreation has usurped the trails that were traditionally used for non-motorized purposes or for motorized purposes, such as logging and mining, hunting or fishing. While this paragraph encourages increased use of the public use area, according to HB 307, DNR shall not accommodate such uses at the expense of deteriorating vegetation, deteriorating experiences of the quiet users, or destroyed fish and wildlife habitat as indicated in the Plan by allowing unlimited rutting and erosion in the Lower and Upper Knik Flats and ignoring the requirements for habitat and quiet users in all areas.

(o) DNR was given the ability by the legislature to charge fees and thereby to control access, and provide facilities and enforce the laws. Enforcement of the laws shall include environmental laws as well rather than hope that education and signage will be sufficient to deter further deterioration of habitat and venue. Based on our experience, signage and education should come second to strong, assured 24/7 on-the-ground law enforcement. Criminal activity can be curtailed somewhat by controlling access. Fees should be charged prior to providing facilities to cover the cost for management including removal of trash and replacing destroyed educational signage on an ongoing basis. The general budget of the State of Alaska should not be used to facilitate reckless and criminal behavior in the Knik River Public Use Area. Most legitimate users will not be opposed to paying a fee for the privilege to recreate in this beautiful area.

Our documentation will include a letter by Mr. Loeffler, formerly of DNR, who advised the use of Division of Parks personnel to provide on-the-ground law enforcement of the area.

We are displeased that this Plan failed to address issues that we had hoped it would resolve. These issues were included in our priorities, scoping comments and subsequent public comment events. HB 307 gives DNR the authority to stop reckless and illegal behavior in its tracks and fulfill the purpose of this legislation.

It is wrong that DNR should made decisions in this public process based on “majority” and “numbers,” as was stated in reference of their decision on Rippy Trail. A newspaper headline that we were “shouted down,” is an indication of why many people have become intimidated by uncivil behavior at public meetings, and have chosen not to comment in general for fear of repercussion. We urge you to go back to the early Planning documents for this area and to get a sense of history and hopefully, come out with a new management plan that will undo the neglect that DNR and other public agencies have shown to this most beautiful and productive area. We urge you to start over and find ways to enable high-value motorized and non-motorized venues for the enjoyment of the full spectrum of recreational users without conflict and for the benefit of our fish, waterfowl and wildlife in perpetuity.

We ask that any documents and exhibits we sent to you during this planning process be made part of this request for reconsideration. We shall send additional supporting documents to you by October 15, 2008.

Sincerely,

Brit Lively & Gregory Nilsson
On behalf of Butte Area Residents Civic Organization