

# PARADISE LAKE LAKE MANAGEMENT PLAN



Matanuska-Susitna Borough  
Department of Planning and Land Use



# TABLE OF CONTENTS

<b>1.0 INTRODUCTION .....</b>	<b>1</b>
1.1 PURPOSE.....	1
1.2 SCOPE.....	1
1.3 PROCESS.....	2
1.4 ENFORCEABLE CODE RESTRICTION .....	3
<b>2.0 INVENTORY OF EXISTING CONDITIONS .....</b>	<b>3</b>
2.1 LOCATION .....	3
2.2 PHYSICAL CHARACTERISTICS OF THE LAKE .....	5
2.3 LAND USE AND LAND OWNERSHIP .....	6
2.4 SOCIAL/DEMOGRAPHIC – USAGE .....	8
2.5 EXISTING PLANS AND LAKE MONITORING PROGRAMS.....	8
2.6 EXISTING REGULATIONS .....	9
<b>3.0 ISSUES AND CONCERNS .....</b>	<b>13</b>
<b>4.0 GOALS .....</b>	<b>13</b>
4.1 WATER QUALITY AND WILDLIFE PROTECTION .....	13
4.2 PRESERVATION OF QUIET RECREATIONAL AND RESIDENTIAL CHARACTER .....	13
4.3 MAINTENANCE OF ACCESS.....	13
4.4 EDUCATE RESIDENTS AND VISITORS .....	14
<b>5.0 RECOMMENDATIONS .....</b>	<b>14</b>
5.1 MAINTAIN WATER QUALITY AND PROTECT WILDLIFE .....	14
5.2 PRESERVE QUIET RECREATIONAL AND RESIDENTIAL CHARACTER .....	14
5.3 MAINTAIN CURRENT ACCESS.....	15
5.4 EDUCATE RESIDENTS AND VISITORS .....	15
<b>6.0 IMPLEMENTATION .....</b>	<b>15</b>

## FIGURES

- FIGURE 1 LOCATION MAP
- FIGURE 2 LAND USE & OWNERSHIP
- FIGURE 3 GENERAL SETBACK REQUIREMENTS AND LOT SIZE REQUIREMENTS

## APPENDICES

- APPENDIX A: VEHICLE MOVEMENT ON FROZEN WATER SURFACES WITHIN SOUTH CENTRAL ALASKA
- APPENDIX B: VOLUNTARY BEST MANAGEMENT PRACTICES FOR DEVELOPMENT AROUND WATERBODIES



# 1 Introduction

## 1.1 Purpose

This lake management plan presents goals and objectives to balance the physical and social demands of those that live or recreate on Paradise Lake with the need to maintain a healthy and productive lake ecosystem. The lake management plan process was established by the Matanuska-Susitna Borough to provide a means to reduce user conflicts, balance various environmental and recreational demands placed upon a lake, and protect the health, safety and welfare of its residents and lake users.

## 1.2 Scope

Lake management plans provide guidance for how the surface of the lake is used and makes recommendations concerning public access and education of lake users to meet the goals of the plan. Certain aspects of the plan can be implemented as enforceable regulations through MSB Title 17.59. The borough assembly adopted guidelines for appropriate regulations for different sizes of lakes as follows:

### LAKES HAVING A SURFACE OF 75 ACRES OR LESS

May recommend the following guidelines:

- ✓ No wake zone - 100 feet from shoreline
- ✓ Quiet hours - 10 p.m. to 8 a.m.
- ✓ Personal watercraft restriction
- ✓ 10 horse power limit\*
- ✓ No wake speed zone on lake\*

\* These options *may* be recommended on a daily time share basis.

### LAKES MORE THAN 75 SURFACE ACRES TO 200 SURFACE ACRES

May recommend the following guidelines:

- ✓ No wake zone - 100 feet from shoreline
- ✓ Quiet hours - 10 p.m. to 8 a.m.
- ✓ Personal watercraft restriction
- ✓ 10 horse power limit\*\*
- ✓ No wake speed zone on lake\*\*

\*\*These options *must* be on a daily time share basis.

### LAKES MORE THAN 200 SURFACE ACRES

May recommend the following options:

- ✓ No wake zone - 150 feet from shoreline
- ✓ Quiet hours - 11 p.m. to 8 a.m.

## FOR ALL LAKES

- ✓ Access recommendations will be consistent with traditional use and current level of access development.
- ✓ Quiet hours apply to repetitive recreational activities such as water skiing and racing or high speed activities NOT to moderate speed point to point transportation.
- ✓ No wake is defined as the slowest speed a boat or personal water craft can go and still maintain safe operation and maneuverability.
- ✓ Time share means restrictions do not apply on Thursday, Friday, Saturday, and all three day weekends mandated by federal holiday (Memorial Day, Fourth of July, and Labor Day).
- ✓ Ice house means a structure utilized for ice fishing and left on the frozen surface of a lake for more than 24 hours.
- ✓ Motor vehicles means automotive vehicles with rubber tires for use on highways.
- ✓ Motorized watercraft use means the operation of watercraft powered or propelled by a force other than human muscle power, gravity, or wind. This definition does not include airplanes as motorized watercraft when landing, taking off, or taxiing on a water body.
- ✓ Personal watercraft includes vehicles such as jet skis, wave runners, and similar acrobatic or stunt equipment.
- ✓ A wake is the track in the water left after the passage of watercraft or other vehicle.
- ✓ A special permit is a permit approved by the planning director for a special purpose and is limited to a specific time to conduct an event that would otherwise involve activities in violation of MSB 17.59.

These guidelines may be varied due to lake configuration, lake depth, or other considerations through the adoption of individual lake management plans.

According to MSB GIS information, Paradise Lake is approximately 25 surface acres in size, and therefore, falls within the guidelines for lakes less than 75 surface acres.

### 1.3 Process

Lake management plans are initiated by local residents or property owners. The initiators circulate a petition to get the required number of signatures on the petition required by code.

Once a valid petition has been filed with the department, a ballot is mailed to all property owners within 600 upland feet of the affected lake. This ballot serves as

notice of the receipt of a valid petition and requests a vote to begin the lake management process. The borough begins a lake management plan if the majority of property owners responding to the mailed ballot vote in favor of developing a lake management plan.

Borough Planning staff collect background information on the lake and encourage adjacent property owners and users to participate in the planning process. Borough staff, lake users, lake residents, and property owners identify issues and concerns and establish goals and objectives that are incorporated into the draft plan.

The draft plan is reviewed by the public and community council and by the borough Planning Commission. The Commission considers all oral and written comments received in a public hearing and either recommends to the Assembly adoption of the plan as is, or with modifications, or recommends Assembly disapproval of the plan. The Assembly either adopts the plan as is or with modifications, or votes down the plan.

#### 1.4 Enforceable Code Restriction

Most of the lake property owners and residents in attendance at the meetings expressed a preference for enforceable restrictions on:

- Quiet hours - 9 p.m. to 9 a.m.
- Electric motors only
- Personal watercraft restriction

These restrictions will protect the quiet enjoyment of the properties and allow continued use of the lake by residents and visitors in keeping with traditional practices. The plan will also help future lake users to boat or recreate in a manner that protects neighborhood values.

## **2. Inventory of Existing Conditions**

### 2.1 Location

Paradise Lake is not located in a community council, but is within the Core Area comprehensive planning area. It is located west of approximately mile 4 of the Wasilla Fishhook Road. (See figure 1).

The lots along the south shore of Paradise Lake are primarily accessed from Wasilla Fishhook Road. Lots along the north shore are accessed via E. Paradise Lane. There is no developed public access to the lake; and all properties surrounding the lake are in private ownership. .

# Figure 2 PARADISE LAKE MANAGEMENT PLAN

## Location Map

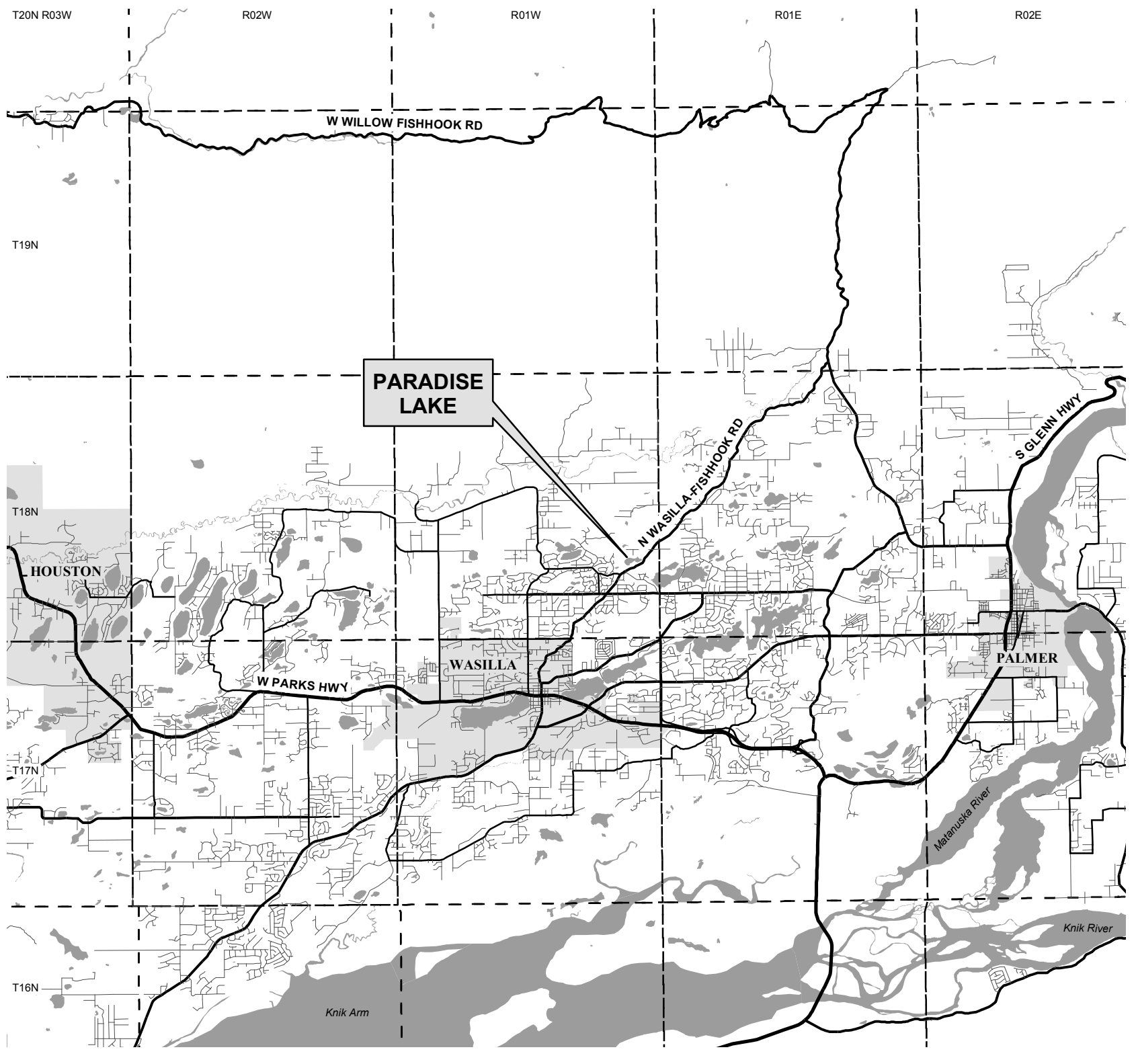
 City Boundary



0 1.5 3 Miles



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at (907) 745-4801





2.2 Physical Characteristics of the Lake

The surrounding topography of Paradise Lake is relatively flat, with most properties having about 2-3 feet elevation from the lake surface. Much of the shore line is in its natural condition.

Overall, the lake is relatively shallow near the shoreline (3-5 feet), with the center of the lake only reaching a maximum depth of approximately 20 feet (based on input from local residents and property owners). There are seasonal inlet and outlet creeks serving Paradise Lake, most evident during years of high rainfall. The inlet originates at the northwest corner and is generally spring fed, and the outlet creek leaves the lake at the eastern shore and travels to nearby Kings Lake. Marshy areas are found near the western and northeastern shores. According to the borough's GIS map information, it is approximately ¼ mile wide (although the shoreline is not symmetrical). Property owners and residents also indicate there is a small island near the northeastern portion of the lake, which does not show on borough tax maps, but is visible on aerial photos.

Paradise Lake is not currently stocked by the Alaska Department of Fish and Game. Water quality problems have not been reported.

Table 1: Paradise Lake Physical Characteristics

Surface Acres	25
Volume	Unknown
Maximum Depth	20 feet
Mean Depth	5-10 feet
Approximate width	-¼ mile
Approximate length	+¼ mile

Source: MSB GIS Information, and local knowledge

### 2.3 Land Use and Land Ownership

The property around the lake is entirely in private ownership. The parcels along the southern shore were originally part of a homestead parcel, and have since been divided by the waiver process. The lots along the north shore are part of Paradise Lake Subdivision, created in 1971. In 1975, Lot 3 of the subdivision was further split into six lots. The plat creating that subdivision provided for an “*Easement, twelve (12) feet in width, dedicated for use of owners of lots delineated hereon.*” The borough has no record of any recorded covenants for any subdivisions around Paradise Lake. The owner of the large un-subdivided, vacant parcel on the northwestern shore (A5) has been granted preliminary approval for a 33 lot subdivision, with most of the parcels varying in size from 1 to 2 acres. Additionally, preliminary approval has been granted to the owner of Lot 6 Paradise Lake, creating an additional 7 lots, ranging in size from 1 to 2 acres. There are no “to” and “along” easements along the shoreline of the lake.






Approximately half of the existing lots immediately adjacent to the lake are developed for residential or recreational use.

# Figure 3 PARADISE LAKE MANAGEMENT PLAN

## Land Use

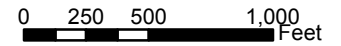
### Legend

#### Land Use

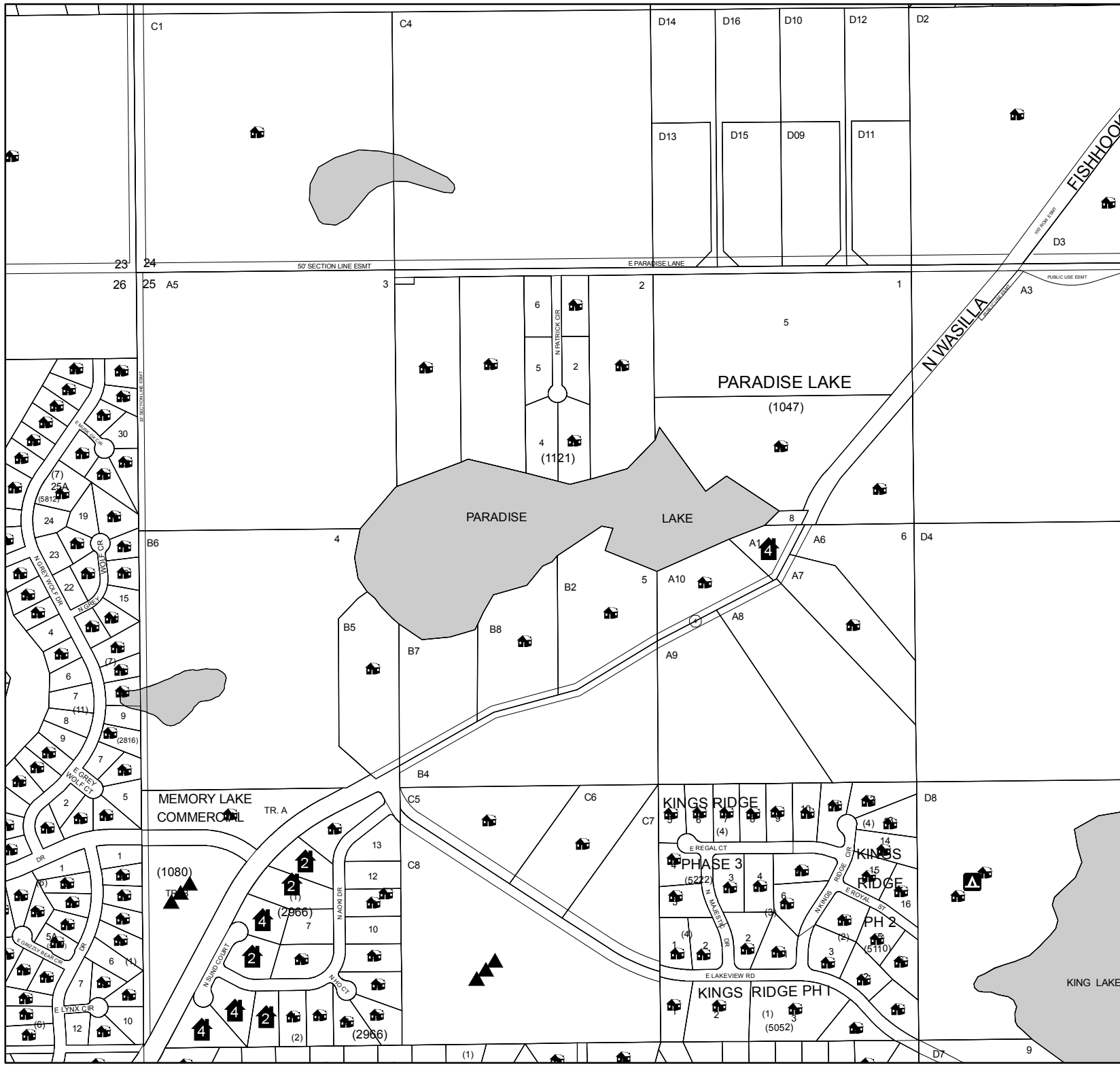
-  SINGLE FAMILY RESIDENTIAL
-  DUPLEX
-  MULTI FAMILY
-  COMMERCIAL
-  GROUPS OR ORGANIZED CAMPS

#### Ownership

-  PRIVATE



This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at (907) 745-4801



## 2.4 Social/Demographic – Usage

The present human use of Paradise Lake may be characterized as being primarily quiet and residential. The lots are large, and the potential for increased residential density and lake usage is of concern to residents. The lake management plan was initiated by lake residents as a result of the subdivision request on large lot A5 at the northwest corner of the lake, and the subdivision request on Lot 6 Paradise Lake. They desire to protect the quiet residential atmosphere of the lake, and ensure protection of water quality and nesting birds. The borough has no record of recorded covenants on any of the subdivisions around the lake. In order to effectively manage lake usage and protect water quality, future residential plans need to be identified. If these two pending subdivision requests are finalized, this lake management plan could provide the guidance necessary to ensure the increased lake usage occurs in a manner that protects the lake and the quality of life that current residents enjoy.

As stated previously, there is no public access point to the lake. However, residents recognize that future subdivisions could potentially provide public access. In order to ensure protection of the lake and quality of life, residents recommend that if any public access is provided, it be developed as walk-in only.

The lake is not stocked by ADF&G, and it is not anticipated that the public interest to use the lake will increase, as there are other more readily accessible and larger lakes in the vicinity.

## 2.5 Existing Plans and Lake Monitoring Programs

### State

The State plan affecting the Paradise Lake area is the Willow Sub-Basin Area Plan. The Willow Sub-Basin Area Plan, adopted in October 1982, contains management intent for State and Borough lands within the Willow Sub-Basin, an area of approximately 970,000 acres. Paradise Lake is within the Wasilla Management Unit, which recommends the following uses on public lands:

- Settlement
- Small Farm Agriculture
- Commercial Agriculture
- Recreation
- Forestry
- Parks Highway Scenic Areas

Paradise Lake is not located within the boundaries of the Matanuska-Susitna Borough Coastal District (District), as defined within the Matanuska-Susitna Borough Coastal Management Plan.

### Borough

Borough plans that address Paradise Lake in some manner include the Borough-wide Comprehensive Plan, adopted in 1971, the Borough-wide Long Range

Transportation Plan, Public Facilities Plan, the MSB Recreational Trails Plan and the Core Area Comprehensive Plan.

The Borough-wide comprehensive plan does not make specific recommendations for Paradise Lake. Rather, the 1971 plan makes a series of general recommendations for the Willow area, which do not reflect the current social, economic or development realities.

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 are public safety (fire protection, emergency medical services, and emergency preparedness); library; historical preservation; governmental administration; education; parks, recreation and open space; trails; and utilities.

The 1997 Long Range Transportation Plan (LRTP) recommends future road improvements for a road network that will meet the stated goal and objective for the year 2015. The plan is currently being updated.

#### Lake Monitoring Program

The borough coordinates a lake monitoring program to monitor water quality, identify problems that degrade water quality, monitor the biological and hydraulic functions of the lake, and establish baseline trends to assist planning. The program depends on local volunteers to gather information and take samples for further testing. In addition, lake monitors identify fish and wildlife habitat and report environmental impacts of natural or man-made origin. Residents showed interest in participating in the Lake Monitoring Program.

## 2.6 Existing Regulations

This section describes the principle regulations affecting use and development in the Paradise Lake area.

### 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 “taking” of migratory birds. Destruction of nest sites, eggs, or the birds themselves are a violation of the Act.

Operation of aircraft, both private and commercial, is regulated by the Federal Aviation Administration.

### State

The Alaska Department of Environmental Conservation (DEC) provides regulations

for wastewater disposal. DEC wastewater/septic 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, 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 require a Title 41 permit from the Alaska Department of Natural Resources (DNR), Office of Habitat Management and Permitting (OHMP). Since 1994, the Alaska Department of Fish & Game, Habitat and Restoration Division issued a general permit, renewed annually, allowing vehicle movement on frozen water surfaces in south-central Alaska. DNR, OHMP currently issues these permits (Appendix A). Finally, the general ADF&G fishing regulations apply to Paradise Lake.

A navigable or public waterbody includes water suitable for public use and utility including boating, landing and take-off of aircraft, hunting, fishing, and trapping, or other public recreational purposes. Paradise Lake meets 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 and along the surface waters of navigable and public waterways. An "along" easement, is generally reserved as a 50-foot wide public use easement along the ordinary high-water mark. These easements are created when the State conveys land to a Borough or a private individual and the easement stays with the property in perpetuity unless vacated through a public review process. State lands conveyed prior to the passage of AS 38.05.127 may not be subject to the "to" and "along" easements. A review of the conveyance document and in some cases, court documents is required to determine the presence or absence of these easements. Lands patented by the federal government are not usually subject to "to and along" easements. The borough did not identify any "to" and "along" easements around Paradise Lake.

### Borough

Several Borough-wide ordinances address the development and use of land adjacent to Paradise Lake. The regulations are contained within the Borough's planning (Title 15), subdivision (Title 16), zoning (Title 17), and real property management (Title 23) ordinances.

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 Paradise Lake, 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 the development at Paradise Lake 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 (Figure 3). If community septic system is provided, then the minimum lot size is 20,000 square feet and minimum width may be eighty-five feet.

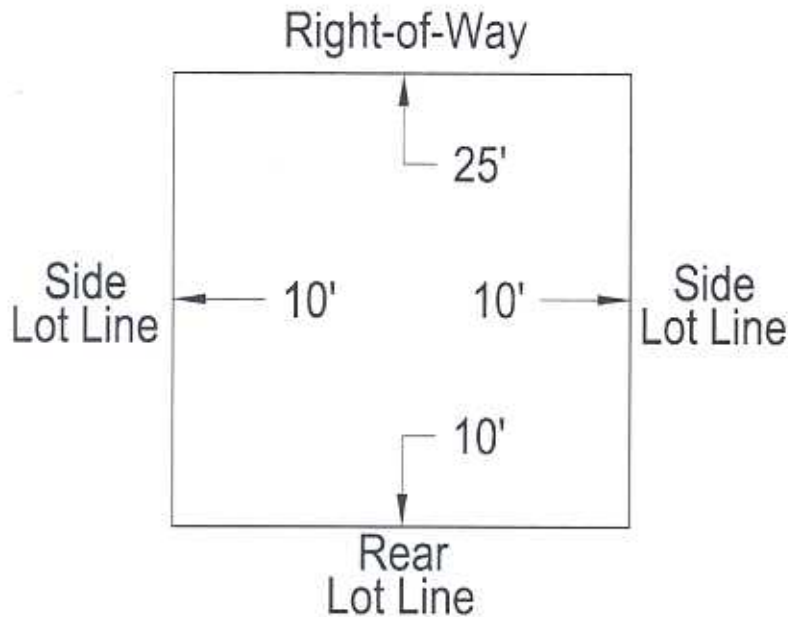
Zoning regulations (Title 17) that are of special note to development activities at Paradise Lake include setback requirements and a petition process to limit or eliminate motorized use of lakes and conditional use permits. Presently, all structures must be a minimum of twenty-five feet from the right-of-way and ten feet from side and rear 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 waterbed or water course (Figure 3). The Borough also requires that any development which seeks to establish or operate certain uses that may impact surrounding properties must first obtain a conditional use permit.

Paradise Lake is not located within the boundaries of any community council, or special land use district. It is, however, located within the Core Planning Area, and is subject to the recommendations in the Core Area comprehensive plan.

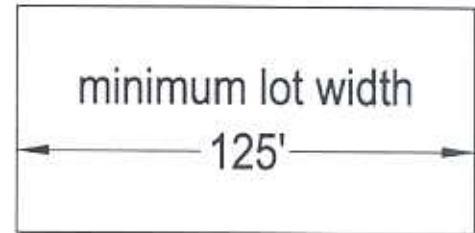
#### Private

Private regulations which exist in the Paradise Lake area would be in the form of subdivision covenants. The borough files do not contain copies of any recorded covenants for parcels around Paradise Lake. For current information about covenants, the reader is referred to the State of Alaska Records Office.

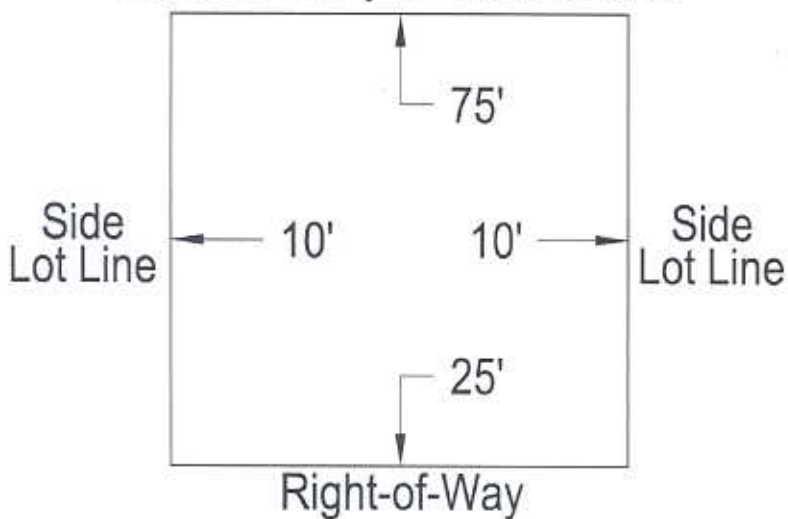
# General Setback Requirements and Lot Size\* Requirements



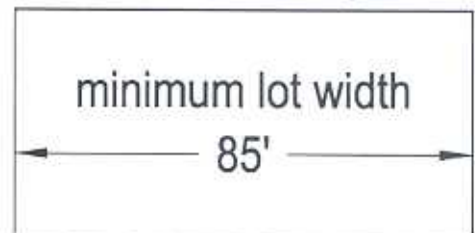
Ordinary High Water Line  
of Lake (no community septage)



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.



### 3. Issues and Concerns

The issues and concerns identified by residents include:

- Protection of wetlands, nesting waterfowl and wildlife habitat
- Protection of quiet residential nature of the lake
- Reduce potential for conflicts between motorized and non-motorized uses (safety)
- Noise
- Protect groundwater quality and quantity
- Maintain lake water quality

A majority of those attending the meetings said that the quiet, residential character of the lake should be protected. The present state of the lake is characterized as a residential development having a quiet quality. The historical use of Paradise Lake has not included high powered motorized or personal watercraft. Some property owners are concerned about winter snowmachine usage and the associated noise and trespass issues. While snow machines are a generally allowed use on all state land (including frozen waterbodies), the plan can make recommendations about winter trails leading to the lake, posting public information, and enforcement of quiet hours. Subdivision of the large parcels of undeveloped land and homebuilding on vacant lots may also result in greater impacts of noise and wakes degrading the shoreline, increasing the potential for damage to wildlife and/or waterfowl on the island, and impacting the quiet residential quality of the lake.

### 4.0 Goals

Goals describe the future expectations of residents, property owners, and users of a lake. The following goals reflect the aspirations of Paradise Lake residents, property owners, and users and address their principle concerns: quality of experience, recreational character of the area, wildlife and water quality. The goals are not shown in priority order as they are interdependent.

#### 4.1 Water Quality and Wildlife Protection

Paradise Lake is a significant natural resource. It is the desire of property owners, residents, and users of Paradise Lake to maintain or improve the lake's water quality and to ensure that recreational uses of the lake are compatible with wildlife and habitat. The limited seasonal inlet and outlet on the lake increases the desire to ensure responsible use and good water quality.

#### 4.2 Preservation of Quiet Recreational and Residential Character

It is the desire of property owners, residents, and users of Paradise Lake to preserve the quiet and peaceful residential character of the lake, while allowing some low impact recreational uses for residents.

#### 4.3 Maintenance of Public Access

Currently there is no public access to the lake. If a public or private access is developed as a result of a future subdivision, it is recommended that it be designated as walk-in only.

#### 4.4 Educate Residents and Visitors

It is the desire of property owners and residents of Paradise Lake to utilize public education as a means by which to accomplish many of the other goals of the lake management plan, and to encourage responsible development on properties surrounding the lake.

### 5.0 **Recommendations**

#### 5.1 Maintain Water Quality and Protect Wildlife

Certain uses, such as high powered motorized watercraft and personal watercraft (a.k.a. jet skis), can create wakes that contribute to shoreline erosion and disturb nesting waterfowl. Wake action may cause loon and grebe mortality by swamping nests or by separating parents from chicks. Noise caused by large motors may also disturb waterfowl. Those in attendance at the meeting agreed that personal watercraft should be prohibited on Paradise Lake to reduce wakes and manage noise. Most of those in attendance at the meeting were in agreement with the recommendation of electric motors only.

Maintaining a natural shoreline habitat is one of the best ways to protect water quality. Natural shoreline vegetation provides erosion control, filtering of surface runoff, and habitat for fish and wildlife. It is recommended that lakeshore property owners follow Matanuska-Susitna Borough “*Voluntary Best Management Practices for Development Around Waterbodies.*”

In order to determine baseline water quality conditions on Paradise Lake, volunteers are encouraged to participate in the Borough’s Lake Monitoring Program.

#### 5.2 Preserve Quiet Recreational and Residential Character

Residents and property owners of the area initiated the lake management planning process to protect the quiet recreational and residential use of the lake. The majority of those attending the meetings support limitations for watercraft motors as a means of reducing noise and promoting safety. It is recommended that electric motors only be allowed on Paradise Lake.

The use of personal watercraft, a.k.a. jetskis, is not a traditional use of Paradise Lake. It is incompatible with the quiet residential uses of the lake. Furthermore, personal watercraft pose a safety hazard for swimmers and boaters. All property owners who attended the public meeting support a ban of personal watercraft. It is recommended that personal watercraft be prohibited on Paradise Lake.

The establishment of quiet hours, between 9 p.m. and 9 a.m., Sunday through Saturday, is recommended to maintain the existing quiet nature and residential quality of the lake during all seasons.

### 5.3 Maintain Current Access

There is currently no public access to the lake. Those in attendance at the meetings recognize that a future subdivision could provide public or private access. It is recommended that if public or private access is identified, it be designated as walk-in only.

### 5.4 Educate Residents and Visitors

It is recommended that the following methods be used to educate residents and visitors to Paradise Lake about use restrictions and best management practices:

- Mail or deliver notices to inform property owners and residents about code restrictions, and enclose information about non-code recommendations.
- Post lake restrictions along with any “Property for Sale” signs to inform potential buyers that lake restrictions are in place.
- Inform residents about the process for reporting violations to the Borough Code Compliance Division.

## 6.0 **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 water craft use, special permits, winter motor vehicles, and ice house registration. When the Paradise 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.

### **Personal Watercraft Ban**

To preserve the quiet residential and recreational uses of the lake, prevent shoreline disturbance, and protect nesting waterfowl, personal watercraft are prohibited from Paradise Lake. Personal watercraft includes vehicles such as jet skis, wave runners, and similar acrobatic or stunt equipment.

### **Quiet Hours**

To maintain the existing quiet nature, residential quality and low impact use of the lake, quiet hours are established between the hours of 9 p.m. and 9 a.m. Sunday through Saturday. Quiet hours apply to repetitive recreational activities such as water skiing and racing or high speed activities (both in winter and summer) and NOT to moderate speed point to point transportation.

### **Electric motors only**

To protect nesting loons and grebes and other migratory waterfowl from disturbance from wakes caused by watercraft with large horsepower engines, to reduce shoreline

erosion, and to reduce the potential for conflicts between swimmers and boaters, a restriction for use of electric motors only is established for Paradise Lake.

**Maintain current limited access**

There is currently no public access to Paradise Lake. Residents desire that no public access point should be developed, however, if it is, it should be maintained as walk-in only.

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

*Office of Habitat Management and Permitting*

**SARAH PALIN, GOVERNOR**

1800 GLENN HIGHWAY, SUITE 12  
PALMER, ALASKA 99645-6736

PHONE: (907) 745-7363

FAX: (907) 745-7369

### **FISH HABITAT PERMIT FH-07-IV-0002-GP**

**ISSUED:** January 1, 2007

**EXPIRES:** December 31, 2007

General Public:

***Re: Vehicle Movement on Frozen Water Surfaces within the Matanuska-Susitna Borough***

Pursuant to AS 41.14.870(b), the Department of Natural Resources, Office of Habitat Management and Permitting (OHMP) 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 motorized vehicles on frozen waters of various specified rivers, lakes, and streams within the Matanuska-Susitna Borough.

Categories of motorized vehicles covered by the GP include: any wheeled, tracked, or other ground affect motorized vehicle that is less than 12,000 pounds gross vehicle weight (GVW). 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.

The operation of wheeled or tracked equipment on frozen water bodies has been found consistent with the Alaska Coastal Management Program (ACMP) and the Matanuska-Susitna Coastal District Program, provided this activity is conducted in accordance with all Standard Alternative Measures set forth in Generally Consistent Determination-5 (attached).

Various rivers, lakes, or streams within the above described area have been specified as being important for the spawning, rearing and/or migration of anadromous fish pursuant to AS 41.14.870(a). These rivers, lakes, and streams are utilized by salmon and other anadromous fish for spawning, rearing, or migration. These systems also host a wide variety of resident fish species.

Pursuant to AS 41.14.870(d), access to, crossings of, and/or egress from any frozen specified anadromous fish bearing waterway within the Matanuska-Susitna Borough is hereby authorized provided such activities are conducted in strict accordance with the following stipulations:

- 1) The ice cover shall be of sufficient thickness to support the weight-bearing load of the authorized vehicles(s).
- 2) There shall be no vehicles or equipment operated in the open (un-frozen) water(s) of any specified lake, river, or stream under this authorization (GP).
- 3) The use of snow or ice bridges, access ramps, or cribbing to cross any specified river or stream is prohibited unless specifically approved, in writing, by the Department of Natural Resources, Office of Habitat Management and Permitting (OHMP).
- 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 lake, river, or stream shall not be altered or disturbed in any way to facilitate access to, use of, or egress from their frozen surfaces.
- 6) No fuel shall be stored, nor vehicles fueled or serviced while located on the frozen surface or below the ordinary high water line (vegetation line) of any specified lake, river, or stream.

The vehicle owner and the operator, or the legal guardian of minor dependents is responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that

***“Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans.”***

deviates from this approval, the responsible party shall notify OHMP and obtain written approval in the form of an individual permit before beginning the activity. Any action taken which increases the scope of the approved activity or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved activity. The final determination as to the significance of any deviation and the need for an individual permit is the responsibility of OHMP. Therefore, it is recommended that OHMP be consulted immediately when a deviation from the approved activity is being considered.

This letter constitutes a permit issued under the authority of AS 41.14.870. Please be advised that this approval does not relieve you of the responsibility for securing other permits: state, federal, or local.

Pursuant to 11 AAC 112.010, the conditions of this general permit are consistent with the Alaska Coastal Management Program and the Matanuska-Susitna Coastal District Program.

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

The recipient of this permit (the responsible party or permittee) shall indemnify, save harmless, and defend the OHMP, 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 permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the OHMP's negligence.

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

Sincerely,

Edmund J. Fogels, Acting Deputy Commissioner



By: Michael L. Bethe, Habitat Biologist  
Office of Habitat Management and Permitting

Enclosure: Generally Consistent Determination GCD-5, Equipment Crossing of Streams

-tbn

- |                    |                  |                  |
|--------------------|------------------|------------------|
| cc: M. Agnew, ABWE | C. Godsey, EPA   | K. Krause, DMLW  |
| J. Hewitt, COE     | K. Hudson, MSB   | T. Oleck, ABWE   |
| S. Seaberg, OHMP   | M. Langdon, ADEC | L. Books, DMLW   |
| M. Fink, ADF&G     | D. Rutz, ADF&G   | A. Ott, DNR/OHMP |



## HOW CAN YOU HELP PROTECT WATER QUALITY?

### Voluntary Best Management Practices For Development around Waterbodies

Best Management Practice	Rationale
<p>Maintain the natural shoreline or riparian habitat.</p> <ul style="list-style-type: none"> <li>• Preserve a minimum 75 foot wide buffer of continuous, undisturbed native vegetation along at least 50% of the parcel's shoreline or stream bank.</li> <li>• Along remaining 50% of shoreline, limit vegetation removal to what is necessary to accommodate paths, docks, or other limited development.</li> </ul>	<p>Protects water quality by reducing nutrient loading in lakes and minimizing temperature changes to stream environments.</p> <p>Provides flood control and reduces erosion and sedimentation.</p> <p>Protects fish and wildlife habitat by providing cover, nest sites and spawning areas.</p>
<p>Minimize impervious surfaces on shoreline lots.</p> <ul style="list-style-type: none"> <li>• Limit to maximum of 25% of lot area.</li> <li>• Minimize as much as possible within 75 feet of the water's edge.</li> </ul>	<p>Impervious surfaces such as pavement, roof tops, and compacted soil allow runoff to enter waterbodies more readily.</p> <p>Runoff in residential or commercial areas may contain phosphorus and other nutrients that lead to oxygen deficits and algal blooms.</p>
<p>Avoid adding sand beaches or adding fill material to lakeshore, stream banks or wetland areas.</p>	<p>Sand or fill reduces water clarity, is harmful to aquatic life and may contain phosphorus that enriches waterbodies.</p>
<p>Adhere to the state of Alaska's 100 foot waterbody separation for septic systems and outhouses, and keep septic systems in good working order.</p>	<p>Bacterial contamination from poorly maintained or leaking septic systems or outhouses is a human health concern.</p> <p>Nutrients from poorly functioning septic systems or outhouses are waterbody pollutants.</p>
<p>Use landscaping practices that will reduce degradation of waterbodies, including:</p> <ul style="list-style-type: none"> <li>• Test soils to see if fertilizers are needed and use sparingly.</li> <li>• Design a smaller lawn to reduce fertilizer use.</li> <li>• Use native species that grow well without fertilizer.</li> <li>• Avoid fertilizer use completely within 50 feet of the water's edge.</li> </ul>	<p>Lawns are often over-fertilized, which leads to harmful levels of nutrients in the water.</p> <p>Lawns are not as effective as natural vegetation for pollution filtration.</p> <p>Lawns do not provide protective cover for fish and wildlife populations that are part of the waterbody system.</p>
<p>Maintain at least a 75 foot distance from the water's edge for:</p> <ul style="list-style-type: none"> <li>• Additional permanent or accessory buildings.</li> <li>• Driveways, roads and other impervious surfaces.</li> <li>• Livestock or dog quarters or yards.</li> <li>• Manure or compost piles.</li> <li>• Long-term vehicle or equipment storage.</li> </ul> <p>Exceptions may include boathouses, floatplane hangers, marinas, piers and docks that need to be closer than 75 feet to serve their purposes.</p>	<p>Protects human health and water quality by reducing contamination from animal waste, compost, fuels, sediment and other substances that pollute waterbodies.</p>

Mat-Su Borough Ordinance 05-023 established voluntary measures that property owners can use to protect the quality of our lakes, streams and wetlands. For more information, contact the Matanuska-Susitna Borough, Department of Planning and Land Use at 745-9851.