

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
NORTHERN REGION
Extension of 2009 Amended Administrative Decision
Rex Trail – RST 119, ADL 412566, ADL 401880
2018 Extension**

Management Action

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Northern Region Lands Section is extending the 2009 Amended Decision to issue permits for certain rubber tracked vehicles heavier than 1500 lbs to travel on the Eastern Rex Trail. This extension constitutes a change from the 2009 Amended Decision by extending the Rex Trail over-the-counter (OTC) permit applications for the 2018 and 2019 hunting seasons. Over-the-counter permits will be issued, and seasonal restrictions on large wheeled vehicles will be continued to maintain consistent trail use and management continuity while the Seven Mile Lake Reroute trail improvement pilot project is completed. This reroute is intended to provide reliable and improved access for a wider range of vehicles than is currently authorized via the OTC permit.

To be approved for a fall travel permit, off-road vehicles heavier than 1500 lbs must be equipped with rubber tracks, be Nodwell 110-sized or smaller, and may not pull wheeled or skid trailers. Individuals who wish to obtain a permit must apply to DNR, DMLW. With the exception of permit fee, updated and increased to \$240 on July 1st, 2018 pursuant to updated state regulation 11 AAC 05 as modified by the current Director's Fee Order, all conditions as noted in the August 25, 2009 Amended Decision, and all other conditions as noted in the original May 12, 2008 Administrative Decision remain in effect. Permits will be issued annually and be effective from August 29 through April 15 of the following year for each season. This extension will be implemented on August 29, 2018, and will remain in effect until April 15, 2020, unless superseded by another decision. The intent of this extension is to maintain management continuity until the Seven Mile Lake reroute is complete, at which point the management of the trail may change.

Vehicles (tracked or wheeled) weighing less than 1500 lbs dry weight will still be allowed to travel as allowed under 11 AAC 96.020-.025 without the need for a permit.

Authority

This decision and the OTC permits are being adjudicated pursuant to AS 38.05.035(a) (powers and duties of the director), AS 38.05.850 (permits), 11 AAC 51 (easement management), 11 AAC 96.010 (uses requiring a permit), and 11 AAC 05.180 (fees) as modified by the current Director's Fee Order.

Administrative Record

The administrative record for the proposed action consists of case files RST 119, public easements ADL 401880 and ADL 412566, the Yukon Tanana Area Plan, and the Rex Trail casefile.

The scope of this decision is limited to extending and/or amending the August 25, 2009 Amended Decision. The area affected by this decision is limited to the portion of the eastern Rex trail – which is unimproved and essentially a trail – between the intersection with ADL 415819, Southwind Homestead Access, and the southern boundary of Fort Wainwright near the Wood River.

Background and Discussion

On May 12, 2008, DNR, DMLW Northern Region issued a management decision temporarily restricting summer and fall motorized travel on a portion of the Rex Trail (RST 119, ADL 412566 and ADL 401880)

to vehicles with a curb weight of 1500 lbs or less, in order to slow the degradation of the trail, reduce the risks to public safety during trail travel, and to reduce the potential for more significant access and resource damage. The decision noted the overall management goal is to ensure that the Rex Trail remains viable for long-term general access opportunities. This original decision also noted that, in order to evaluate long-term management options to meet this goal, the DNR, DMLW recognizes the need for more comprehensive evaluation of trail conditions, the potential feasibility of trail upgrades or realignments, and the relative impacts caused by different types of vehicles.

On August 25, 2009, the original decision was amended, allowing for issuance of permits to rubber tracked vehicles from 1500 lbs up to and including Nodwell RN 110 or similar sized vehicles during the fall 2009 hunting season. This amendment was designed to facilitate a wider range of transportation options for fall hunting, and also to allow DNR, DMLW to learn more about vehicle use patterns and to monitor impacts of this additional use. To further this goal, DNR, DMLW created a special streamlined Rex Trail permit application for main stem trail travel, established 10 monitoring sites and began to collect and evaluate baseline data at each site for trail condition, rutting occurrence and depth, and braiding. Measurements were collected both before and after the fall moose season; review and analysis of the accumulated baseline data has been completed and a report, titled Rex Trail Monitoring Report, is available to the public on the DNR Rex Trail Website at <http://dnr.alaska.gov/mlw/rextrail/>. While trail conditions continue to vary with differing soil types and microtopographies, overall trail conditions have remained stable, and some portions of the trail have improved, during the time period beginning 2009, when the permit conditions and amended seasonal restrictions were implemented and subsequently extended.

The 2009 amended decision implemented permit issuance for the 2009 hunting season only. The decision was extended annually in 2010 through 2016, and for a two year period from 2016 to 2108, to issue permits through those respective hunting seasons. This allowed continued offering of the specialized Rex OTC permits and continued monitoring of the test plots in order to provide more comprehensive baseline data about trail conditions over time.

While streamlined permitting and baseline trail condition monitoring represent an interim approach to address access and the trail in its current unimproved condition, user groups and private citizens have also recommended specific or general proposals to improve portions of the Rex Trail, in order to facilitate better access conditions for the widest possible variety of vehicles. The eastern Rex Trail crosses variable soil and vegetation types, and different methods would likely need to be employed along the trail. The DMLW determined that more specific information, such as a prescription report to evaluate conditions and recommend solutions would be needed before extensive time, money and effort were expended by the state or others on trail reroutes or maintenance. In 2011, the Alaska State Legislature designated limited funding for DNR land stewardship management, including the Rex Trail. On July 26, 2011, DNR, DMLW applied for a Recreational Trails Program grant through the Alaska State Trails Program to obtain further funding to evaluate the feasibility of potential trail upgrades and/or reroutes, and to implement beneficial upgrades or reroutes identified during that evaluation. DNR, DMLW's grant application was approved for \$100,000.

In 2013, DNR, DMLW contracted with Interior Trails to produce prescription reports for four discrete sections of the Rex Trail, each approximately ¼ to ½-mile in length and within the first nine miles of the trail. The prescription report evaluated trail conditions at four representative segments on the Rex Trail and provided four improvement prescriptions for each segment, two for the current level of use (ATV's less than 1,500 lbs and rubber tracked vehicles less than ~25,000 lbs which are authorized for fall trail travel via OTC permit, as per the 2009 amended decision) and two for an expanded level of use including the previously mentioned uses plus the use of wheeled vehicles less than 10,000 lbs, which are seasonally restricted to winter travel only, per the 2008 decision and 2009 amended decision. All prescriptions assumed permitted winter use by vehicles including heavy equipment and large trucks such as those utilized in support of mining operations.

In 2014, DNR, DMLW issued an informal request for a proposal and issued a contract for construction of a small vehicle reroute on the fourth prescription site. The small vehicle reroute created an approximately

half-mile bypass route for ATV's using a ditch and elevate with gravel cap technique, while leaving the main trail available for larger vehicles. This small vehicle reroute now serves as a test site to evaluate the feasibility and effectiveness of this method of construction and travel segregation of large vehicles from currently used smaller vehicles. Inspection of the Small Vehicle Reroute (at Site 4) in August 2015 indicates that the winter construction method resulted in a compromised trail surface, though the reroute did provide an improved access route for smaller vehicles at this site, based on DNR, DMLW staff inspection and reports from the public. Continued inspection of the site 4 pilot project to assess long-term durability will be required into the future.

In the summer of 2015, DNR, DMLW was approached by the Alaska Department of Fish and Game about the possible use of existing federal Pittman-Robertson (P-R) funds for projects that would increase or preserve hunter access. DNR, DMLW identified the Rex Trail as a high priority project that appeared to meet the criteria for the P-R funds. In December 2015 the P-R grant was awarded resulting in \$720,000 of additional funding to an existing \$234,000 of state capital improvement funding. This grant is being used towards a pilot project to construct a re-route around Seven Mile Lake, one of the worst spots on the trail, and one of the few spots where the trail is on private property.

Unlike the site 4 small vehicle reroute site, where the existing trail may be able to sustain long-term accessibility by large vehicles, the existing trail through Seven Mile Lake area is unlikely to sustain long-term summer use by any vehicles, including ATV's, tracked vehicles, and larger wheeled vehicles. The Rex Trail Monitoring Report noted an increase in the active trail width and number of braids in this location. This area is one of the most problematic areas on the trail, and the main stem is occasionally impassable to even the larger off-road vehicles. DNR, DMLW is pursuing the relocation and hardening of a test reroute across state land that will allow for use by a wide variety of vehicle types. The completed reroute will allow large and small vehicles to both bypass the existing extensively damaged (and at times nearly impassible) portion of the trail, as well as re-route the trail off of existing private property.

In 2016, the DNR extended seasonal restrictions and permitting program for 2 years to allow for construction of the Seven Mile Lake Reroute project, and contracted with the Department of Transportation and Public Facilities to produce a design and construction contract for a 1.5 mile road. The design plans were completed in December of 2017, and the construction contract was put out to bid February 27, 2018. The winning bid was awarded on March 29, 2018; as final design and construction contracting parameters anticipate winter construction, project completion within the 2-year 2016 extension window was not possible. Construction is currently scheduled for the winter of 2018-19. Public use of the newly constructed road is expected during the 2019 hunting season by all authorized traffic.

Once the Seven Mile Lake Reroute is complete, the current management of the eastern Rex Trail will be reassessed and a potentially new management regime will be evaluated. This may include, but is not limited to: the lifting of vehicle restrictions to allow all generally allowed uses (GAU), such as street vehicles up to 10,000 lbs; continued OTC permitting of non-GAU vehicles such as rubber tracked vehicles up to and including Nodwell 110; and the possibility of using custom off-road vehicles. Any management changes will be addressed in a separate decision document.

The scope of this decision is the continued extension of the 2009 amendment for an additional 2 years to maintain consistent management of the trail until completion of the Seven-Mile Reroute. This decision shall be superseded by any future management decision after construction is complete. Construction time is anticipated to be one year, but this decision incorporates an additional year should any unforeseen construction delays occur. While all other conditions of the original 2009 OTC permit remain the same, the permit fee for this activity will be increased to \$240, per state regulation. Department of Natural Resources fees under 11 AAC 05 for all services were comprehensively updated and became effective on July 1st, 2018. Per (11 AAC 05.180(d)(2)(J) effective July 1st, 2018, and as modified by the current Director's Fee Order, the annual use fee for moving heavy equipment across state land in a way which does not hinder other public uses is \$240.

Extending the 2009 administrative decision is appropriate. The expedited Rex OTC permit system and limited seasonal restrictions represent a balance of considerations for travel by certain large tracked off-

road vehicles during the fall hunt with timely permitting, and resource and access protection, while the Seven Mile Lake Reroute project is completed and evaluated. Copies of the monitoring site report, prescription report, and information regarding the pilot projects are available on the Rex Trail website at <http://dnr.alaska.gov/mlw/rextrail/>.

Public Notice

Courtesy Public Notice regarding the proposed 2018 extension will be conducted from August 7, 2018 through August 21, 2018, and will be posted to the State of Alaska Online Public Notice website, and mailed/emailed to the list of groups and individuals who indicated they wished to receive Rex Trail updates through the Rex Trail website.

Decision

It is the decision of the Northern Region to extend the August 25, 2009 amended Administrative Decision to issue permits for certain rubber tracked vehicles heavier than 1,500 lbs to travel on the Eastern Rex Trail. This extension will be effective on August 29, 2018, and will remain in effect until April 15, 2020, unless superseded by a future decision. All permit requirements and conditions as noted in the August 25, 2009 Amended Decision, and all other conditions and restrictions as noted in the original May 12, 2008 Administrative Decision, including seasonal restriction on the use of wheeled vehicles heavier than 1,500 lbs, remain in effect.



Jeanne Proulx

Northern Region Manager

Department of Natural Resources, Division of Mining, Land & Water

8/7/18
Date

Appeals

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040(c) and (d) and may be mailed or delivered to the Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. Under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee established in 11 AAC 05.160(d)(6), which has been set at \$200 under the provisions of 11 AAC 05.160(a) and (b).

This decision takes effect immediately. If no appeal is filed by the appeal deadline, this decision becomes a final administrative order and decision of the department on the 31st calendar day after issuance. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.