

# STATE OF ALASKA

SEAN PARNELL, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

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*DIVISION OF PARKS AND OUTDOOR RECREATION*

### Mat-Su Area State Parks “Interim” Dock Policy September 2008 (Updated July 25, 2012)

This Interim Policy shall continue to be in effect until finalized during the current Nancy Lake State Recreation Area Management Plan revision process is completed. The following policy is in place for Mat-Su Area State Parks only.

This revision is to reflect the elimination of the Alaska Coastal Management Zone Program requirements in 2011, and minor revisions and clarifications in 2012.

#### Scope

State Park Dock Permits are only required for docks on state park managed lakes in the Mat-Su Area. This includes the following lakes\*:

Nancy Lake	Big Lake (small cove near Big
Red Shirt Lake	Lake North SRS only)
Lynx Lake	Matanuska Lake
Butterfly Lake	Canoe Lake
Skeetna Lake	Irene Lake
Big Darryl Lake	Kepler Lake
Rocky Lake	Long Lake (Glenn Hwy)

\* List is not comprehensive, only those with obvious private property, also includes lakes within Denali State Park.

#### Authorities

11 AAC 12.140 Construction of structures.

No person may construct or maintain a dock, cabin, home, building, or other structure in a state park, unless authorized by the director under 11 AAC 18.010.

11 AAC 18.010 Special park use permits.

(a) No person may promote, organize, or engage in any of the following activities in a state park without a permit:

(4) constructing or placing an improvement, structure, or property within a park, including a sign (with the exception of a state regulatory marker), fixture, shelter or cabin, personal property, road, trail, excavation, fill, or buttress.

### **Application**

- 1 Alaska State Parks Special Park Use Permit Application, Dock Structures on State Park Lake Waters. Given to applicants upon request for existing docks, new dock construction, replacement, or major maintenance. This form is subject to revision.
  
- 2 ADF&G Fish Habitat Permit, Permit for the Construction and Maintenance of Personal Use Docks on Anadromous Lakes within the Mat-Su Borough. Required only for anadromous lakes. Form is available at ADF&G Division of Habitat offices and revised periodically. Call 861-3200 (Palmer office) for current permit information.

### **Agency Review Process**

Applicants should submit copies of the State Parks and Fish and Game Habitat permit applications to the respective agency.

State Parks is the final permitting agency. In other words, even if the Habitat Permit is approved, no work may be completed until the State Park permit is approved, since it is the most restrictive.

Applications that complete and meet all the below criteria will receive expedited reviews, possibly within a few days. Incomplete applications or variance requests may take 30 days or more for adjudication.

### **Dock Evaluation Criteria**

Dock permits are subject to ALL of the requirements listed below.

- A. Dock Definition: A dock is defined as an open structure without walls or roof that facilitates recreational access to and from park waters. This does not include storage, residential use, or other purposes not directly related to vessel moorage and recreational water access.

- B. This permit applies only to lakes, and does not apply to docks located in rivers and streams nor does it apply to docks that may be used for commercial purposes.
- C. This permit does not authorize the construction or maintenance of covered docks, platforms, decks, boat launches, boat lifts or boat houses.
- D. This permit is only valid for personal use docks constructed by, or with the written permission the upland property owner.
- E. Only one dock is allowed per lot.
- F. No structure may be constructed or maintained in such a way as to infringe upon a neighboring lot's riparian interests. A setback of at least 10 feet is required from a line projecting water-ward towards the center of the lake, from the applicant's lot line intersection with the lake.
- G. Pile supported or floating docks may be allowed. On new docks, gabion or crib-type supports below OHW are not authorized.
- H. Dock size may be no larger than 400 square feet, except on Big Lake (state park waters by Big Lake North SRS) whereby the maximum size is 450 square feet.
- I. Docks may not extend more than 40-feet offshore of the ordinary high water (OHW) mark, except on Big Lake where docks may not extend more than 50-feet offshore. No dock may extend more than 25% of the width of a narrow channel or passage. Exceptions to length restrictions are:
  - 1. When the water depth is less than 4 feet (measured from OHW level) at the lakeward terminus, dock length may be extended to reach the 4 foot depth;
  - 2. When the length is inconsistent with neighboring docks such that boat navigability is compromised.
- J. Walkways/gangways to docks across riparian zones will be preferably (but not required) constructed of light penetrating materials. Clearing of lakeshore (riparian) vegetation at or below OHW will be limited to that necessary to achieve reasonable access.
- K. With the exception of where dock sections might intersect, no portion of a new dock may exceed 10-feet in overall width.
- L. Docks shall be located offshore from any floating wetland vegetation (bogs).
- M. For new docks, flotation shall be of materials which will not become waterlogged or sink when punctured. Closed cell (extruded) expanded polystyrene or equivalent material of good quality and manufactured for

marine use is required. Lesser quality foam bead flotation may be authorized if it is encased in a protective coating to prevent deterioration with resultant loss of beads. For existing docks, un-encapsulated foam or other flotation will be authorized until it has either: deteriorated to the point of releasing beads; is no longer functional; or capable of supporting the structure. When any of these conditions are met, the flotation material must be replaced as if new construction.

- N. The wooden portions of docks, access ramps, abutments, or piling shall be constructed of either untreated lumber, ACQ pressure treated lumber (Ammoniacal Copper Quat), or ACZA pressure treated lumber (Ammoniacal Copper Arsenate). Creosote treatment will not be authorized.
- O. Wooden dock components may not be painted or treated with any preservative other than as described above. Corrosion treatments for metal dock components shall be applied in an upland location prior to construction over water.
- P. This permit is not valid for dock construction or maintenance outside the boundaries of the Alaska State Parks System.
- Q. Installation and removal of docks and associated pedestrian access ramps (not boat launches) shall be conducted in such a manner that prevents damage, removal, or alteration of naturally occurring vegetation.

If a dock structure satisfies the above criteria, it may be found consistent current dock permitting policy, and will likely approved. These criteria are being reviewed and re-considered (subject to change) under the current Nancy Lake State Recreation Area Management Plan revision.

### **Variance Requests**

Dock applications that do not conform to the above criteria require an individual agency review. The standards for permit authorizations of variances have yet to be determined by all agencies – each will have their own criteria under their individual regulatory mandates. Most variances will require field verification by park staff and will take extra time. State Parks will not authorize a variance unless the following conditions are met:

- 1) Circumstances Beyond Applicants Control: Whereby bathymetric, topographic, or other unusual geographical features would make the criteria unreasonable for the applicant to either construct, or use the dock. Examples include:

- a) Extended Dock Length: Waters less than 4 feet<sup>1</sup> deep at the dock terminus may not be considered sufficient for safe boat access to a dock. In some cases, the dock length may extend beyond the 40 foot limit to reach deeper water provided the dock will not constitute a hazard to navigation, be out of line with neighboring docks, extend more than 25% of the width of the water body, or would unreasonably hinder access to portions of the lake by non-motorized means.
  - b) Increased Dock Footprint: Exceptions will only be made if an increased length is needed as outlined above.
- 2) Greater Public Benefit: To be considered on a case-by-case basis under the pretext that the use of the lake by the public as a whole should outweigh the benefit of an individual when considering such requests.

### **Dock Inventories**

Areas of dock concentration (such as Nancy Lake) will be at minimum, annually inventoried for compliance review. Inventories will be made by photo, MSB Lot#, and GPS location when possible.

### **Pre-Existing Docks**

Most docks in place as of September 1, 2008 will be tentatively allowed to remain until they are replaced, undergo major modification, expanded, become a hazard to navigation, become an attractive nuisance, or create an environmental hazard (such as abrading foam flotation).

- 1) Conforming Docks – Upon application, existing structures that conform to the established criteria may be authorized under an expedited review.
- 2) Non-Conforming Docks – Upon application, existing structures that do not conform to the established criteria will not be issued a permit. Instead, a Notice of Non-Conformity will be issued to the owner that will confirm application and include structural alterations that will be necessary to achieve conformance. Further action by State Parks will then be suspended until the Nancy Lake SRA Management Plan revision is complete and new policy is adopted.

Structures that have become a hazard to navigation, become an attractive

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<sup>1</sup> Measured from the lake ordinary high water mark. Nancy Lake is especially prone to variable levels during the year, sometimes as much as +/- 3 feet. This level has yet to be firmly established.

nuisance, create an environmental hazard (such as abrading foam flotation) or that are grossly out of compliance with the criteria may also be subject to citation.

**Dock Permit Term**

Dock permits are valid for the functional life of the structure. Once a dock is either replaced or greater than 50% reconstructed, a new permit will be required and the structure must be compliant with current construction criteria. Current expired permit holders may have their permits renewed at no additional charge.

**Permit Fees**

State Park Dock Permit fees at this time are a flat non-refundable \$50 application fee, whether or not a permit is authorized. Docks requiring extra review time, variances, etc. may incur additional permit fees depending on the amount of staff time or expense required for adjudication and field inspections.

**Subject to Revision**

This Interim Policy is subject to revision pending the management plan update. The policy is neither comprehensive, nor exhaustive at this time.

**Approval**

This amended policy shall go into effect as of the date signed below.

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Wayne Biessel, Park Superintendent

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Date