

Nahku Bay Conservation Area – USS 3307 Recommendations from NBCA Ad Hoc Committee

The intent of the Nahku Bay Conservation Area Management Plan was considered in reaching the following recommendations. Its intent is to maintain the historical and traditional uses of the property while protecting its natural flora, fauna, and resources as per Skagway Municipal Code Chapter 16.14.010.

Recommendations from the Ad Hoc Committee

- Adopt the revised NBCA Management Plan which includes the Matthew's Creek Conservation Area (“Uplands”) integrated with the existing codified “Beach Area” plan. See attached draft of SMC Chapter 16.14.
- Before summer 2018: remove fire ring behind log cabin & fix Beach Fire ring up to an approved SFD design.
- Complete the memorial installation as designed by the Nahku Bay Ad Hoc Committee. See attached design
- Adhere to recommended cabin use guidelines as outlined in the Committee Plan & Cabin Guidelines sections below.
- Continue current committee to work through ongoing ideas & to provide initial oversight for the integration of USS 3307 into the Municipality. It is a sensitive property, just beginning its transition from private to public domain that has a unique set of values to all involved. See Committee Plan below.

Long Term Nahku Bay Ad Hoc Committee Plan

- To continue working as an oversight committee to ensure actual & future uses of NBCA are in line with intent of use of property (per SMC Chapter 16.14), while continuing to work towards a more permanent protection of the land.
- To ensure the protection of the flora / fauna of the land between the public use & possible cabin rentals.
- To investigate and recommend future trail development for the NBCA.
- To continue work toward a more permanent protection of the NBCA. We are currently investigating a permanent SEAL Land Trust or the ADF&G “Reserving Water for Instream Use” (10 year renewal).
- To ensure any cabin rentals are not overly impacting those who use or inhabit the area. Implement spring & fall evaluations and recommendations for buildings, their rentals, and/or any “caretaker” situations.

Cabin Guidelines

After discussing the costs, pros, and cons of the cabin options we have concluded:

The Log Cabin

- Is worth renting only as a summer residence with preference to seasonal city employee, on a provisional basis. This will help alleviate the housing crunch, while also providing a summer borough “caretaker” presence on the property.

- Caretaker Responsibilities
 - Ensure no camping, unapproved events or commercial traffic.
 - To use established toilet and to keep it clean.
 - To use green cleaning products and monitor environmental concerns, like grey water and litter.
- Recommended Maintenance Before Rental:
 - A vaulted toilet should be installed in the area behind the log cabin. About where the woodshed is located now.
 - The existing incoming water system should be removed.
 - The grey water system needs to be evaluated, monitored and possibly redone to ensure conservation of the creek.
- On-going Maintenance:
 - keep snow from piling on roof,
 - Evaluate utilities,
 - Ensure the Toyo & corresponding oil lines and tank are working properly. There is concern that the oil tank is too close to the creek & a spill would be tragic.

The A-Frame

- After addressing safety concerns and monetary implications; we think that the A-Frame could be rented out on a daily basis; but only for community serving non-profit groups. As per manager approval.
- It seems that it should not be rented for housing due to many factors - The unapproved septic system is unusable without significant investment. Also, having someone living there would be contrary to the general intent of the NCBA, as it would directly impact the “quiet and solitude” of the only open spot in the “uplands” area next to the creek (per SMC chapter 16.14.010).
 - Any renter of cabin should be instructed on bear safety, to “pack it in, pack it out” and that any dumping of material is prohibited.
- Recommended Maintenance Before Rental:
 - Outhouse behind the A-frame should be dismantled and covered up;
 - A new toilet should be installed near the A-Frame is use warrants;
 - Remove all existing plumbing to ensure septic is not used - establish as dry cabin;
 - The south deck is in bad shape and will need to be redone for safety
- On-going Maintenance:
 - Yearly foundation, roof, deck and fire safety check,
 - Evaluate utilities,
 - Ensure Toyo, and the oil tank and lines are functioning properly. There is concern for possible contamination from old hardware.

Nahk'u Bay Conservation Area Memorial Stele

The vision: A 6 foot tall and 10 inch square, yellow cedar post with a copper cap and an inset metal engraved plate approximately 4 feet off the ground. To be installed in the meadow across the path from the fire pit behind the high tide line of the Beach Area. Placed not too far into the meadow to preserve the habitat from destruction.

Approximate Cost:

Cedar post	:	\$500
Copper top	:	\$40
<u>Copper plate</u>	:	<u>\$500</u>
Total:		\$1100

Michael Yee has volunteered to finish and install the piece. Some minimal assistance from Public Works will probably be necessary to complete installation.

The text for the plaque:

Náxk'w (Little Bay)

You are standing on the land of the indigenous Tlingit Lkóot Kwáan (People of the Lake That Flooded). In 1958, James “Bud” Matthews, homesteaded the head of this bay and generously shared it with the community until his death in 2015. The Municipality of Skagway purchased the land in 2016 to carry on the legacy of stewardship, to protect this wild space for the enjoyment of future generations.

Chapter 16.14
NAHKU BAY CONSERVATION AREA MANAGEMENT PLAN

Sections:

- 16.14.010 Statement of intent and goals.
- 16.14.020 Description of area.
- 16.14.030 Allowed/prohibited uses.
- 16.14.040 Permits and fees.
- 16.14.050 Penalties.

16.14.010 Statement of intent and goals.

- A. The municipality of Skagway recognizes that the Nahku Bay Conservation Area (**NBCA**) is an area of local, regional and state significance. An area of historic importance and scenic beauty, the Nahku Bay Conservation Area is valued highly by Skagway residents and visitors for its recreational and scenic values and for the rare opportunity it provides for a wilderness experience in a wild, rustic, and natural environment. Since previous land owner Bud Matthews' death, public testimony and responses consistently indicate overwhelming support for public ownership of the area by the municipality of Skagway and for the protection of its significant natural, scenic, and recreational uses and values. It is the intent of the municipality of Skagway to preserve the historic and traditional uses, intrinsic values and the spirit of Bud Matthews and his land, while maintaining minimal change to the Nahku Bay Conservation Area, and to be a responsible steward in the protection of its resources.
- B. The municipality believes that traditional uses of the Nahku Bay Conservation Area for recreation, quiet and solitude is an extremely important local public use that should receive full consideration regarding ownership and management of the area.
- C. It is the municipality's goal to preserve the Nahku Bay Conservation Area, to maintain its public ownership and to preserve the traditional and historic recreational uses of the area. To this end, the municipality of Skagway shall implement this land management plan, in cooperation with the state of Alaska, other adjoining property owners and the public.

16.14.020 Description of area.

~~All municipal property of US Survey 3307 that is located at the head of the Nahku Bay inlet and south of the Dyea Road, referred to below as the beach area.~~

The Nahku Bay Conservation Area is defined as those municipal lands encompassed within US Survey 3307. The "Beach Area" is defined as those municipal lands within U.S. Survey 3307 located at the head of the Nahku Bay inlet and south of the Dyea Road. The "Matthew's Creek Area" is defined as those municipal lands within US Survey 3307 north of the Dyea Road.

16.14.030 Allowed/prohibited uses.

In order to protect the scenic, historical, ecological and archaeological resources of the Nahku Bay Conservation Area the following allowed and prohibited uses are adopted ~~for the beach area:~~

- A. Allowed Recreational Uses (Noncommercial).
 - 1. Walking, skiing, bicycling, snowshoeing;
 - 2. Boating, canoeing, rafting, kayaking, stand-up paddle boarding;
 - 3. Off-leash dog walking;
 - 4. Interpretation, public education;
 - 5. Picnicking;

6. Beachcombing;
7. Swimming;
8. Remote control airplanes;
9. Fishing (in compliance with state/federal regulations);
10. Bird/wildlife watching;
11. Edible plant gathering;
12. Driftwood and seaweed harvest;
13. Horseback riding, **in Beach Area only**;
14. Fire in provided fire ring in **Beach Area**;
15. Other traditional/day use recreation uses compatible with the management intent of the area.

B. Allowed Recreation Uses with Permit (Noncommercial).

1. Use of the Nahku Bay Conservation Area by organized groups for "allowed uses" (as in subsection (A) of this section);
2. Research and inventory related to historic and biological resources;
3. Use of the Nahku Bay Conservation Area for low impact special events, particularly those that benefit nonprofit groups;
4. Use of the Nahku Bay Conservation Area for public safety training, such as cold water rescue and kayak safety, **provided those activities leave no footprint in the NBCA.**

C. Commercial Uses. There shall be no preexisting rights. Commercial recreational uses are allowed by permit with the following provisions:

1. Commercial activity is prohibited in the Nahku Bay Conservation Area except for permit holders for low impact, sustainable harvesting of plants, driftwood and seaweed for cottage industry usage.
 - a. Exempt from subsection (C)(~~34~~)(e) of this section.
2. Commercial activity is prohibited in the Nahku Bay Conservation Area except for permit holders providing cold water rescue and kayak safety training.
 - a. The number of permit holders shall be restricted to four (4);
 - b. Maximum group size of twelve (12);
 - c. Each vendor is limited to one (1) training in the Nahku Bay Conservation Area at one (1) time and only two (2) per year;
 - d. Other elements of the "Agreement for Limited Commercial Use of the Nahku Bay Conservation Area" shall be directly negotiated with each vendor through the borough manager;
 - e. Conditions of the contract with each vendor shall be subject to borough manager approval; and
 - f. There shall be an annual review of each vendor by the borough manager following the end of the tourist season each year.
3. **Commercial activity is prohibited in the Nahku Bay Conservation Area except for summer season log cabin rental and daily A frame rental.**
 - a. **Rental of the log cabin and A frame are exempt from subsection (C)(4)(e) of this section.**
 - b. **The A frame shall be available to rent on a daily basis to nonprofit groups. The A frame shall not be used for housing. The borough manager shall provide written guidelines for use of the cabin, provide forms for requesting rental of the A frame, and review and approve**

rental requests. Fees for daily rental of the A frame shall be established by the borough assembly via resolution.

c. The log cabin shall be available to rent, with preference to a borough employee, for the purpose of caretaking the NBCA, per SMC 16.14.030(d). The borough manager shall approve use of the log cabin and facilitate the necessary rental agreement. Fees for rental of the log cabin shall be established by the borough assembly via resolution.

d. Specific duties of the caretaker per SMC 16.14.030(c) shall be included in the rental agreement. These duties shall include, but are not limited to:

i. ensuring there is no camping, unapproved events, or commercial traffic on the property;

ii. maintaining the toilet(s) on the property;

iii. using green cleaning products and monitoring environmental concerns, such as gray water and litter.

~~3.~~ 4. General Provisions.

a. Permit holders are responsible for complying with all state, federal and local laws applicable to their activities.

b. Permit holders shall reimburse the municipality of Skagway for any damages to municipal property caused by the permit holder's activities.

c. Permit holders shall have in their possession at all times the permit issued pursuant to this section.

d. Permit holders, as a condition of receiving a permit, shall execute an instrument under the terms of which the permit holder will agree to indemnify, defend and hold harmless the municipality of Skagway from any and all claims for injury or damage to person or property as a result of the permit holder's activities.

e. Municipality of Skagway requires a certification of insurance showing the permit holder has obtained at least two million dollars (\$2,000,000.00) combined single limit public liability insurance. This certificate must establish that the municipality is named as an additional insured on such policy, and that the insurer thereof shall notify the municipality twenty (20) days before the policy is modified, canceled, or terminated.

f. Permit holders are responsible for compliance with permit conditions. Any person listed on a permit issued shall be deemed to be jointly and severally liable for any violation of this chapter by any person or employee operating under the permit.

g. Permits authorized under this chapter are not transferable, and shall revert back to the municipality in the event of any abandonment or failure to perform.

h. Permits may be terminated by the municipality at any time.

D. Prohibited Uses.

1. Commercial activities including tours, rentals, retail sales or any other uses where compensation is made or offered;

2. Operation of any motor vehicle (including snow machine, ATVs, motorcycles and mopeds);

3. Camping;

4. Fires outside of designated **fire ring in Beach Area**;
5. Tree cutting/gathering ~~except deadfalls used for fires in the Nahku Bay Conservation Area's designated fire pit~~; excluding municipal maintenance activities;
6. Dumping of any fill or refuse;
7. Subdivision and/or sale of public lands;
8. Residential, industrial and commercial structures or other intensive developments;
9. Grazing;
10. Any regular stops on a public or private commercial transportation route, with the exception of transportation for permitted events.
- 11. Horseback riding in the Matthews Creek Area (uplands north of the Dyea Road)**;
- 12. Discharge of any material into the creek**;
- 13. Hydropower stations or dam.**

16.14.040 Permits and fees.

- A. Permits. The borough manager shall establish a system for the permitting of uses requiring such permits as identified in SMC 16.14.030(B) and (C). Permits shall be obtained prior to the conduct of any of the intended uses.
- B. Fees. The borough assembly shall establish by resolution a schedule of fees when and if such fees are determined necessary.

16.14.050 Penalties.

- A. Damage to Public Property or Resources. The permit holder shall be responsible for any damages to any public land, road, trail, facility or natural resource including trees, waters or wildlife, and shall pay actual costs of remediation of these damages.
- B. Impact upon the Quiet Enjoyment of Public Lands by Noncommercial Users. Complaints by noncommercial users of public lands filed with the Skagway police department against any commercial operator may result in citation.
- C. Any violation of this code is a noncriminal infraction, punishable by a civil penalty up to three hundred dollars (\$300.00) per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense.
- D. Grievance Procedure. Any reported violation of this code may result in a correction order issued by the borough manager under SMC 5.01.050. An appeal of such correction order may be filed as provided in SMC 5.01.070, Appeal to borough assembly.

Chapter 16.15
MATTHEWS CREEK AREA MANAGEMENT PLAN

~~Chapter 16.15 is reserved as a placeholder to address future management of the uplands area of USS 3307 described as the Matthews Creek Area.~~