

# Appendices

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# **APPENDIX B**

**STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND, AND WATER**

**SPECIAL USE LAND DESIGNATION  
to CREATE A NON-MOTORIZED AREA  
Within the  
HAINES STATE FOREST  
And as further described in the  
HAINES STATE FOREST MANAGEMENT PLAN**

**ADL 106929**

**1. AUTHORITY:** Pursuant to 11 AAC 96.010(a)(2) and 11 AAC 96.010(b) and Special Use Designation ADL 106858, all state owned land in the Haines State Forest are designated as Special Use Lands. The purpose of this designation is to enable the Department of Natural Resources (DNR) to create and manage a non-motorized area in the general area of Mt. Ripinski and to prohibit the commercial use of Personal Watercraft on Chilkoot and Chilkat Lakes. The result of this designation will be to preclude the use of personal and commercial motorized vehicles within the designated Mt. Ripinski Non-motorized Area and the operation of Personal Watercraft on the waters of Chilkat and Chilkoot Lakes within the Haines State Forest for commercial purposes. These uses would otherwise be considered “generally allowed uses” under 11 AAC 96.

**2. DEFINITIONS:**

- HSFP: Haines State Forest Management Plan
- Motorized Vehicle: Any type of vehicle that is powered by an internal combustion engine and that is used by an individual or individuals for the purpose of transportation, either for personal or commercial purposes.
- Non-motorized Area: An area within which Motorized Vehicles may not operate.
- “Personal Watercraft” means a vessel that is a) less than 16 feet in length; b) propelled by a water-jet pump or other machinery as its primary source of motor propulsion; and c) is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than being operated by a person sitting or standing inside it.
- Permitting System: An authorization issued by DNR, as described under the ‘Recreation’ section of Chapter 2, HSFP, and any associated standards specific to a subunit identified in Chapter 3, HSFP.

**3. PURPOSE:** This SUD is intended to implement recommendations in the Haines State Forest Plan that manage the types of vehicles that may be used within certain subunits of the HSFP.

- *Subunit 4b. Chilkat Lake.* In this subunit, the intent is to preclude the use of Personal Watercraft for commercial purposes inside that part of Chilkat Lake within the HSFP.
- *Subunit 8b. Chilkoot Lake.* In this subunit, the intent is to preclude the use of Personal Watercraft for commercial purposes inside that part of Chilkoot Lake within the HSFP.
- *Subunit 7a. Haines Highway.* In those portions of subunit 7a designated non-motorized in the DNR map entitled ‘Mt. Ripinski Non-Motorized Area, August 2002’ (see attachment), the intent is to preclude the use of motorized vehicles within the affected area.
- *Subunit 8c. Lutak Inlet.* In those portions of subunit 8b designated non-motorized in the DNR map ‘Mt. Ripinski Non-Motorized Area, August 2002’, the intent is to preclude the use of motorized vehicles within the affected area.
- *Subunit 8d. Chilkoot Alpine.* In those portions of subunit 8d designated non-motorized in the DNR map ‘Mt. Ripinski Non Motorized Area, August 2002’, the intent is to preclude the use of motorized vehicles within the affected area.

#### **4. BACKGROUND:**

Personal Watercraft: During the preparation of the Haines State Forest Plan the public expressed concern over the use of Personal Watercraft. Some members expressed this concern within the areas of the two lakes, Chilkat and Chilkoot, for personal or commercial use of these vehicles, or for their use throughout the Haines State Forest in general. Research into the use levels and patterns of these vehicles found that they have little use by the public currently, and there was some feeling that it would be unlikely for more use to occur given the character of the streams draining the State Forest. Also, bearing on the decision on whether to apply specific restrictions to the use of these vehicles is a portion of Alaska Statute (AS 38.04.200) that stipulates when and under what conditions DNR can regulate traditional uses for ‘aesthetic’ reasons. The protection of traditional uses, including traditional modes of access, is limited to personal use under this section of statute. Therefore, DNR cannot impose restrictions on their use once a pattern of popular use had been established. Such a pattern seemed to exist on Chilkat Lake and may exist on Chilkoot Lake. For these reasons, DNR determined that the restriction of Personal Watercraft was likely to only be a potential problem on the two lakes, but that restrictions on their use could only be confined to commercial use. Commercial use of these vehicles was also mentioned as being a real concern by current business operations on the two lakes.

Mt. Ripinski Non-Motorized Area: Considerable testimony was received during the review of the Public Review Draft on the need and appropriateness of creating a non-motorized area within the general Mt. Ripinski area. This is an existing, and historic non-motorized use area, and there had been no record of motorized use. Discussions at the local community level between motorized and non-motorized users also determined that this was one area that did not have

motorized use and where a non-motorized designation might be appropriate. Based on this testimony, DNR determined to amend the Public Review Draft of the HSFP to designate a non-motorized area within the lands described as ‘non- motorized’ on the aforementioned DNR map.

**5. USES THAT ARE NOT ALLOWED or ARE TO BE MANAGED UNDER CERTAIN CONDITIONS:** Certain types of recreation activities occurring within the Haines State Forest are excluded as a Generally Allowed Use under this Special Use Designation. Uses involving the operation of a Personal Watercraft for commercial purposes on that portion of Chilkat Lake and that portion of Chilkoot Lake within the Haines State Forest are not to be managed as a generally allowed use. Uses involving motorized vehicles within the areas of subunits 7a, 8c, and 8d delineated on the map ‘Mt.-Ripinski Non-Motorized Area, August 2002’ are also not to be treated as a generally allowed use.

The aforementioned uses within the following subunits are also subject to the following management requirements:

- *Subunit 4b. Chilkat Lake.* The use of Personal Watercraft for commercial purposes within that part of Chilkat Lake that is part of the HSFP is not allowed.
- *Subunit 8b. Chilkoot Lake.* The use of Personal Watercraft for commercial purposes within that part of Chilkoot Lake that is part of the HSFP is not allowed.
- *Subunit 7a. Haines Highway.* The use of motorized vehicles within those portions of subunit 7a, designated non-motorized in the DNR map ‘Mt. Ripinski Non-Motorized Area, August 2002’ are not allowed. This restriction affects both personal and commercial forms of motorized vehicle use.
- *Subunit 8c. Lutak Inlet.* The use of motorized vehicles within those portions of subunit 8c, designated non-motorized in the DNR map ‘Mt. Ripinski Non-Motorized Area, August 2002’, are not allowed. This affects both personal and commercial forms of motorized vehicle use.
- *Subunit 8d. Chilkoot Alpine.* The use of motorized vehicles within those portions of subunit 8d, designated non-motorized in the DNR map ‘Mt. Ripinski Non-Motorized Area, August 2002’, are not allowed. This affects both personal and commercial forms of motorized vehicle use.

**Exceptions:** The uses affected by this Special Use Designation do not include the use of Personal Watercraft on the two lakes or motorized vehicles within the designated non-motorized area where these vehicles are used for search and rescue or for establishing communication systems (repeaters) or related operations.

**6. PERIODIC REVIEW:** This special use designation is subject to periodic review every five years in order to ensure that the objectives described in this order are being met.

**7. DECISION:** It is my decision to designate those state lands in the Haines State Forest as special use lands in accordance with 11 AAC 96.010(a) (2) and 11 AAC 96.010(b). I find this decision consistent with the department's management authority and with the management intent as described in the Haines State Forest Management Plan.

In ninety days from the date of this designation, or by written notice of the designations before the end of the 90-day period, the activities described herein shall be managed according to the terms of this Special Use Designation.

DEPARTMENT OF NATURAL RESOURCES.

  
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Commissioner, Department of Natural Resources

  
\_\_\_\_\_  
Date



