

# Appendices

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# **APPENDIX E**

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

**SPECIAL USE LAND DESIGNATION  
to MANAGE LARGE-SCALE COMMERCIAL  
RECREATION ACTIVITIES  
Within the  
HAINES STATE FOREST  
And as further described in the  
HAINES STATE FOREST MANAGEMENT PLAN**

**ADL 106858**

**1. AUTHORITY:** Pursuant to 11 AAC 96.010(a)(2) and 11 AAC 96.010(b), 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 manage large-scale commercial recreation activities. The result of this designation is to require a permit for commercial recreation activities in the Forest and in a few small areas, to prohibit such uses. These uses would otherwise be considered “generally allowed uses” under 11 AAC 96. This Special Use Designation (SUD) outlines those activities that require an authorization within the Haines State Forest.

**2. DEFINITIONS:**

- **Public Recreation:** Public recreation is the use of state land by the public for recreational purposes. Public recreation use includes commercial and personal recreation use, and both motorized and non-motorized forms of transportation. Public recreation includes the recreational activity of individuals and activities provided by commercial entities. Both motorized and non-motorized forms of transportation can occur. Recreational use for personal purposes is protected under AS. 38.05.200. This statute allows the continued use by traditional means of access (motorized and non-motorized forms) to or within areas of traditional use if ‘popular patterns’ of such use are established.<sup>1</sup>
- **Commercial Recreation Operator:** An entity that provides recreational services to the public for remuneration. These services can either take a motorized or non-motorized form.
- **Commercial Recreation Operation, Low Intensity (L).** A Commercial Recreation Operation that provides such services for not more than 11 clients per day.

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<sup>1</sup> The term ‘Public Recreation’ is different from, and is distinguished from, the land classification of Public Recreation Land used in the Haines State Forest Plan. ‘Public Recreation Land’ is a land classification that embodies a management orientation emphasizing public recreation.

- Commercial Recreation Operation, Medium Intensity (M). A Commercial Recreation Operation that provides such services for 12 to 40 clients per day and with a group size of not more than 20 clients per trip.
  - Commercial Recreation Operation, High Intensity (H). A Commercial Recreation Operator that provides such services for more than 40 clients per day or groups of more than 20 clients per trip.
  - Generally Allowed Use: Those uses that do not require a permit to occur on state land, as specified in 11 AAC 96.020(a). Uses that are not included under 11 AAC 96.020(a), or that are affected by a Special Use Designation under 11AAC 96.014, must be authorized by the Department.
  - Group Size: the number of clients that may be taken on a specific trip by a Commercial Recreation Operator. Group size varies, generally reflecting the underlying management orientation of a specific unit or subunit. Smaller group sizes are associated with areas of more primitive, wild settings, while larger group sizes are associated with areas where the type and intensity of uses allowed in a unit or subunit are varied and more intense.
  - HSFP: Haines State Forest Management Plan
  - 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 to enable DNR to manage higher intensity commercial recreation activities within the Haines State Forest. DNR will require permits for all Commercial Recreation Operations designated High Intensity (H) and to prohibit such operations within certain areas classified Public Recreation Land, Wildlife Habitat Land, or where campgrounds exist or are planned. Such large scale uses can conflict with existing uses and can have significant impacts on resources on state lands. The following additional purposes apply to specific units or subunits of the plan area:
- Unit 5. Takhin/Kicking Horse. In this unit, the intent is to limit the intensity of use by commercial recreation operators by limiting the number of clients per day and the group size per trip.
  - Subunit 6a. West Chilkat Inlet. In this subunit, the intent is to limit the intensity of use by commercial recreation operators by limiting the number of clients per day and the group size by trip.
  - Subunit 6b. Glacier Point. In this subunit, the intent is to manage the activities of Commercial Recreation Operations classified Medium (M) and High Intensity (H).

- Subunit 7a. Haines Highway. In this subunit, the intent is to manage the operations of Commercial Recreation Operators on the Mt. Ripinski Trail. The ‘trail’ is defined to include the area of 100’, measured 50’ from centerline.
- Subunit 8d. Chilkoot Alpine. In this subunit, the intent is to manage the operations of Commercial Recreation Operators on the Mt. Ripinski Trail. The ‘trail’ is defined to include the area of 100’, measured 50’ from centerline.

**4. BACKGROUND:** During the preparation of the Northern Southeast Area Plan and the Haines State Forest Management Plan, extensive public comment was received on the need to manage commercial activities related to tourism. Some public comment indicated a need to manage the more intense of these uses and develop a permitting system to ensure that the public has the opportunity to comment on these uses when proposed. Some comments also suggested that certain areas now experiencing low intensity public recreation use should be managed so that the same level of intensity will occur in the future. Other comments stressed the need to change the way that DNR was handling the permitting of the commercial recreation activities in the Glacier Point area, that there be some ability of the public to comment on the overall nature of the commercial recreation operations occurring there, and that specific standards should be created to manage the uses at this location.

DNR also conducted two surveys that allowed the state to better understand the patterns of recreation use, including tourism, in the Haines area. The first, termed the ‘Commercial Provider Survey’ identified the patterns of commercial recreation use, including information on use levels, frequency of operations, and sites where recreation occurred. The other survey, termed the ‘Community Resident Survey’, focused community attitudes toward commercial recreation use. This survey identified the locations where community recreation occurs, provided information on frequency and type of recreation use, and identified community opinion about commercial tourism operations. This survey suggested a number of important conclusions: 1) community residents perceived (83 percent) that commercial recreation was a visible presence in the community and that it took place during the period of time when personal recreation occurred; 2) a majority of residents (55 percent) did not find these activities intrusive upon their personal recreation activities; and 3) a majority of residents (53 percent) thought that additional management over these activities was warranted.

**5. USES THAT ARE NOT ALLOWED or ARE TO BE MANAGED UNDER CERTAIN CONDITIONS:** Certain commercial recreation activities occurring within the Haines State Forest are excluded as a Generally Allowed Use under this Special Use Designation. Uses that are identified as allowed in Table 1 are not affected by this designation. Uses identified as ‘authorized by permit’ or not allowed on Table 1 are not Generally Allowed Uses within specific units and subunits. Commercial recreation activities occurring within the Haines State Forest are, for purposes of management, segregated into types of operations: Commercial Recreation Operation (L-Low Intensity; M-Medium Intensity, and H-High Intensity).

Table 1, attached, lists the types of Commercial Recreation Operations that are to be allowed (A),<sup>2</sup> not allowed (N), or that are not allowed as a Generally Allowed Use, but may be authorized under the Permitting System (P). Table 1 is part of this Special Use Designation.

**Exceptions:** The uses affected by this Special Use Designation do not include commercial recreation activities that occur three or less times during the year or occur entirely within the state highway ROW (such as bus tours).

In addition, certain subunits are to be managed under certain standards or for specific purposes:

- Subunit 6b (Glacier Point). Commercial Recreation Operations are permitted in this subunit, but shall be subject to the following requirements:
  - Aircraft (associated with any permitted commercial recreation activity) shall not fly over the Chilkat State Park or private residential areas in their flight patterns to and from Glacier Point and shall not fly within 1500 feet of goats. Deviation from this standard is permitted for safety considerations.
  - Structures or uses associated with a permitted commercial recreation operation may be allowed except that no structure or use involving residential occupancy on an overnight basis shall be allowed on state land.
  - DNR shall reevaluate the patterns and intensities of commercial recreation uses, as well as other aspects deemed appropriate for review, authorized under this SUD five years from the date of adoption (August 2002).
  - CRO (L) operators do not require a permit from DNR in this area; CRO (M & H) operators require permits.
  - The conditions of the SUD are effective year-around.
- Subunit 7a (Haines Highway). Commercial Recreation Operations that are defined as Commercial Recreation Operation (L) or (M) are excluded as a Generally Allowed Use but may be authorized subject to the Permitting System. Uses that are defined as Commercial Recreation Operation (H) are not authorized. This standard is specific to the Mt. Ripinski Trail and 50' from centerline.
- Subunit 8d (Chilkoot Alpine). Commercial Recreation Operations that are defined as Commercial Recreation Operation (L) or (M) are excluded as a Generally Allowed Use but may be authorized subject to the Permitting System. Uses that are defined as Commercial Recreation Operation (H) are not authorized. This standard is specific to the Mt. Ripinski Trail and 50 feet on either side of the trail.

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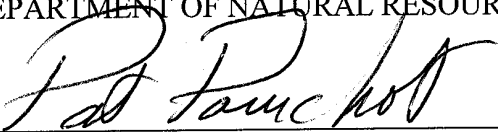
<sup>2</sup> Allowed under the list of Generally Allowed Uses.

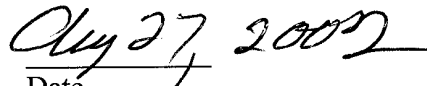
**6. PERIODIC REVIEW:** This special use designation is subject to periodic review every five years in order to ensure that the objectives described in this order are being met.

**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

  
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Date

**TABLE 1**

	Commercial Recreation Operation (Low)	Commercial Recreation Operation (Med.)	Commercial Recreation Operation (High)
<b>Unit 1: Kellsall River</b>			
<i>Subunit 1a</i> – Alpine Areas	A	P	N
<i>Subunit 1b</i> - Mosquito Lake Campground	P	N	N
<i>Subunit 1c</i> - Kellsall R. Lowlands	A	A	P
<b>Unit 2: East Chilkat River</b>			
<i>Subunit 2a</i> - East Chilkat Alpine	A	P	N
<i>Subunit 2b</i> - East Chilkat	A	A	P
<b>Unit 3: Klehini River</b>			
<i>Subunit 3a</i> - Haines Highway	A	A	P
<i>Subunit 3b</i> - Klehini Uplands	A	A	P
<i>Subunit 3c</i> - Haines Highway Uplands	A	A	P
<i>Subunit 3d</i> - Klehini River	A	A	P
<i>Subunit 3e</i> - Jarvis/Glacier Creeks	A	A	P
<i>Subunit 3f</i> - Lower Klehini	A	A	P
<i>Subunit 3g</i> - Tsirku West	A	A	P
<i>Subunit 3h</i> - Herman & Walker Lakes	A	A	P
<i>Subunit 3i</i> - Porcupine Creek	A	A	P
<b>Unit 4: Chilkat Lake</b>			
<i>Subunit 4a</i> - Devil's Elbow	A	A	P
<i>Subunit 4b</i> - North Takhin	A	A	P
<i>Subunit 4c</i> - West Chilkat Lake	A	A	P
<i>Subunit 4d</i> - Chilkat Recreation	A	P	P
<b>Unit 5: Takhin/Kicking Horse</b>			
Takhin/Kicking Horse	A	P	N
<b>Unit 6: Chilkat Inlet</b>			
<i>Subunit 6a</i> - West Chilkat Inlet	A	P	N
<i>Subunit 6b</i> - Davidson Glacier/Lake	A	P	P
<b>Unit 7: Haines Hwy &amp; Lower Chilkat River</b>			
<i>Subunit 7a</i> - Haines Hwy	A	A	P
<i>Subunit 7a</i> - Ripinski Trail Corridor*	P*	P*	N*
<i>Subunit 7b</i> - Lower Chilkat River	A	A	P

**Unit 8: Chilkoot Lake**

<i>Subunit 8a</i> - Upper Chilkoot River	A	P	P
<i>Subunit 8b</i> - Chilkoot Lake	P	P	P
<i>Subunit 8c</i> - Lutak Inlet	A	A	P
<i>Subunit 8d</i> - Chilkoot Alpine	A	A	P
<i>Subunit 8d</i> - Ripinski Trail Corridor*	P*	P*	N*

**Unit 9: Ferebee River**

<i>Subunit 9a</i> - Ferebee River Valley	A	A	P
<i>Subunit 9b</i> - Ferebee Alpine	A	P	N
<i>Subunit 9c</i> - Taiyasanka Harbor	A	A	P

\*Commercial Recreation Operations that are defined as Commercial Recreation Operation (L) or (M) are excluded as a Generally Allowed Use in these units but may be authorized subject to the Permitting System. Uses that are defined as Commercial Recreation Operation (H) are not authorized. This standard is specific to the tread of the Mt. Ripinski Trail and an area measured 50' on either side of the trail.

**Table Key:**

- A – Allowed
- N – Not Allowed
- P – May be allowed under Permit system.