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APPENDIX K

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

**SPECIAL USE LAND DESIGNATION
For COMMERCIAL HELICOPTER OPERATIONS**

**Within the
HAINES STATE FOREST
And SURROUNDING GENERAL STATE LAND
And as further described in the
HAINES STATE FOREST MANAGEMENT PLAN
And NORTHERN SOUTHEAST AREA PLAN**

ADL 106939

The Department of Natural Resources (DNR) is hereby establishing a Special Use Area (SUA) to regulate commercial helicopter skiing (heli-skiing) operations on state land in the Haines area. This Special Use Designation (SUD) establishes specific areas and dates for heli-skiing operations and sets standards for these operations. This SUD prohibits helicopter landings on state lands for the purpose of commercial recreational tours (such as the glacier landing tours).

The SUD does not regulate helicopter traffic other than for commercial recreational tours and heli-skiing. Other helicopter landings will continue to be allowed for such things as search & rescue, personal use, access to mining claims, and government research. The SUD applies only to state land managed by DNR, which excludes the Haines airport. DNR cannot regulate helicopter traffic on non-state lands.

1. AUTHORITY

Pursuant to 11 AAC 96.010(a)(2) and 11 AAC 96.014¹ and Special Use Designation ADL 106939, all state owned land in the Haines State Forest and specific portions of state land and state selected land within the Haines Area² of the Northern Southeast Area

¹ Regulations governing special use lands and generally allowed uses on State land were filed by the Lieutenant Governor on November 7, 2002, and will become effective December 7, 2002.

² Affected areas of state land include those state owned or state-selected land within parcels H-01 through H-04, H-07, and H-08 that are within the “SUD Boundary” on the attached map. (To identify these parcels see Plan Maps Klehini-Tsirku, Upper Chilkat/Kelsall, Haines and Chilkat River of the Haines Area, Northern Southeast Area Plan.)

Plan are designated as Special Use Lands. The purpose of this designation is to enable the Department of Natural Resources (DNR) to manage commercial helicopter tours and commercial heli-skiing operations within the Haines area. This designation will establish standards for helicopter operation and identify areas helicopters can and cannot land for these purposes on state land. These standards will also apply when federal land within the Haines Area is conveyed to the state. These uses would otherwise be considered “generally allowed uses” under 11 AAC 96.

Note: This SUD only applies to those commercial helicopter operations that land on state land. The SUD does not regulate other helicopter uses, for example for search and rescue, timber operations, mining operations, other resource development activities, surveying, land management, enforcement, other government activities, or private uses. These uses are generally allowed uses on most state land (excluding the Chilkat Bald Eagle Preserve). The SUD applies to state land managed by DNR, which excludes the Haines airport. DNR cannot regulate helicopter traffic on non-state lands, and cannot regulate helicopter traffic that only flies over state land.

2. DEFINITIONS AND ABBREVIATIONS

- Area Plan. Northern Southeast Area Plan dated August 2002.
- Commercial (activity): Under 11 AAC 12.340(19), "Commercial activity" means the sale of, delivery of, or soliciting to provide, goods, wares, edibles, or services in exchange for valuable consideration through barter, trade, or other commercial means; a service offered in conjunction with another sale of goods, wares, edibles, or services, which service involves the use of state land or water, is a commercial activity whether or not it is incidental to, advertised with, or specifically offered in the original sale; all guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash, or other commercial means is required, expected, or received beyond the normal and customary equally shared costs for food and fuel for any portion of the stay on state land.
- Commercial Helicopter Tour. Commercial Helicopter Operations that provide a ‘tour’. A tour is defined as a brief trip to or through a place for the purpose of viewing it. Tours are typically frequent, recurring in specific areas. Examples of such operation include sightseeing, heli-hiking and other forms of tours. Not included in this definition are the occasional drop-off of passengers for other purposes than heli-skiing. Examples of the latter include hikers, hunters, fishers, sightseers, and the like.
- Commercial Recreation. Under 11 AAC 96.250(10), “commercial recreation” means recreational use of land, water, and resources for business or financial gain; “commercial recreation” includes guided sport fishing, guided and outfitted sport hunting, guided recreation, and air and water taxi services that provide transportation

to recreational users of state land; “commercial recreation” does not include solely anchoring a vessel overnight on state shoreland, tideland, or submerged land.

- DMLW. Division of Mining, Land, and Water.
- DNR. Department of Natural Resources.
- Forest Plan. Haines State Forest Plan (HSFP) adopted August 2002.
- Heli-skiing operations³: Commercial Helicopter Operations conducted for the purpose of transporting people who ski or snowboard to destinations within the Haines Area. This term also includes helicopter operations that are related to the commercial filming of such activity or to downhill skiing or snowboard competitions.
- Haines Area. That area of state owned or state-selected land within the Haines State Forest or other state land that is affected by this Special Use Designation. The specific area of application is that area enclosed by ‘SUD Boundary’ in the attached Map.
- Use Period. That period of time when commercial helicopter operations may occur within the Haines Area affected by this Special Use Designation.
- Non-Motorized Area. An area within the State Forest in which Motorized Vehicles may not operate, as defined in Special Use Designation ADL 106858. The non-motorized zone occupies a portion of Mt. Ripinski.
- Permittee. The entity to which DNR issues an authorization for Heli-skiing Operations.
- PRD. Public Review Draft of the HSFP or the Northern Southeast Area Plan.
- SUD. Special Use Designation.
- Skier Day. A number equal to one individual skier/snowboarder transported by a Heli-skiing Operation on one particular day. A ‘day’ is any portion of a day that is used for skiing.
- State Forest. Haines State Forest.

³ Includes snowboarding.

3. PURPOSE

This SUD implements the recommendation in the Haines State Forest Plan (Chapter 4, Implementation) that requires DNR to develop a management program for commercial helicopter operations within the Haines Area. More specifically, it sets out DNR management of certain types of commercial helicopter operations within the Haines Area. The SUD also includes state-selected federal land that is managed by the Bureau of Land Management (BLM). If and when this BLM land is transferred to the state, DNR will apply the guidelines in this SUD to this federal land. In addition, DNR will use the SUD in response to requests from BLM for the state's comments or concurrence on BLM permits or authorizations within this area, as is required under Section 906(k) of the Alaska National Interest Lands Conservation Act.

This SUD does not affect commercial helicopter operations that are not commercial tours or heli-skiing operations, nor does it affect the use of helicopters for non-commercial purposes. This SUD only regulates helicopters that land or take-off on state land.

4. BACKGROUND

Commercial Helicopter Operations in the Haines Area. The issue of the management of commercial helicopter operations in the Haines Area came up as early as 1996, when there was an advisory vote on whether to authorize summer helicopter tours. The local community voted to not allow such activity. Since then, a heli-skiing operation, based in Haines, has operated for the last several years, primarily out of an area at mile 33 of the Haines Highway.

The issue of commercial helicopter operations emerged fairly late in the planning process for the Haines State Forest Plan (Forest Plan) and was not included in that process/plan. The Forest Plan recognizes the need to develop a mechanism to manage such operations as a specific recommendation in Chapter 4, Implementation.

Since the fall of 2001, there have been extensive local efforts to develop recommendations that could be used by DNR in its creation of a Special Use Designation to manage commercial helicopter operations. The City of Haines used a local planning group (Tourism Planning Committee) to develop a series of recommendations, which were passed by the City Council (January, 2002) and forwarded to the Department. At about the same time, a Service Advisory Board was created in the Haines Borough to develop an approach to helicopter operation management for areas outside the City proper. This group recommended a series of suggestions to the Borough Assembly who, in turn, approved a list of recommendations that were then forwarded to DNR (August, 2002). The recommendations from each of these entities were considered in the preparation of this SUD.

Land Status. There is a considerable amount of state land within the Haines State Forest and the Chilkat Bald Eagle Preserve, as well as general state land surrounding the State Forest in the northwest and southwest. In addition, extensive areas of federal land have been selected by the state but not yet conveyed. These lands comprise most of the federal lands within the

Haines Borough. They are located in mountainous areas to the north of the State Forest and in portions of the Tsirku River drainage in the mountainous area to the south and abutting the Glacier Bay National Park.

Helicopter Operations in the Chilkat Bald Eagle Preserve. In a separate action (August, 2002) an amendment was made to the Public Review Draft of the Chilkat Bald Eagle Preserve Plan that prohibited commercial helicopter landings within the Preserve and established a minimum flight altitude of 1,500 feet from ground surface.

5. RELATIONSHIP TO SPECIAL USE DESIGNATIONS IN FOREST PLAN AND AREA PLAN

SUD ADL 106858. This SUD for helicopter operations (ADL 106939) is linked to Special Use Designation ADL 106858, which is included in the Haines State Forest Plan. SUD ADL 106858 implements recommendations related to commercial recreation within the State Forest and imposes limitations on group size and the number of passengers that may be allowed in commercial helicopter operations.

This SUD is an element of the overall commercial recreation strategy for the Haines State Forest and adjacent state land. It will also apply to the areas of federal land that are state-selected when that land is conveyed to the state. This strategy is contained in the Haines State Forest Plan and the Northern Southeast Area Plan. This SUD does not change the management intent for state lands expressed in these two plans nor the requirements in SUD ADL 106858. SUD ADL 106939 refines the commercial recreation management strategies contained in the two plans. Heli-skiing operations allowed under SUD ADL 106858 are affected by the specific requirements of this SUD (ADL 106939).

SUD ADL 106858 establishes a permit system for commercial recreation activities in the State Forest, including commercial helicopter operations. Commercial recreation operations are subdivided into intensity classes measured in daily client levels (low, medium, and high), which are related to specific management units in the Forest Plan. These limits apply to the commercial helicopter operations -- permitting such operations where such uses are ‘Allowed’ or are authorized by ‘Allowed by Permit’ and prohibiting such operations if commercial uses of a specific size are ‘Not Allowed’. Consult Table 1 of this SUD ADL 106858 to determine where commercial operations are authorized or prohibited.

SUD ADL 106929. This SUD establishes a non-motorized zone within the State Forest in the Mt. Ripinski area. Commercial helicopter tours and heli-skiing landings are not authorized within this zone.

6. USES THAT ARE NOT ALLOWED or ARE TO BE MANAGED UNDER CERTAIN CONDITIONS:

Commercial Helicopter Tours and Heli-skiing Operations are not a Generally Allowed Use under this Special Use Designation. ‘Commercial Helicopter Tours’ are not authorized within the Haines Area and ‘Heli-skiing Operations’ (landings) are allowed in certain areas but subject to certain conditions. These conditions are included in the General and Specific Standards for the Operation of Heli-skiing, attached. These standards must be followed in all DNR permit authorizations of these types of activities.

Exceptions: This Special Use Designation does not affect Commercial Helicopter Operations that are not ‘Commercial Helicopter Tours’ or Heli-skiing Operations’.

7. 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. Revision of the SUD may occur earlier than that if the management intent of the Haines State Forest Plan for a specific management unit or subunit is not being met in the manner described in Chapter 3 of that Plan. The intent is to make the SUD, and any subsequent permits that may be issued under the SUD, consistent with the Forest Plan. Any revision of this SUD is to be coordinated with the Bureau of Land Management since that agency manages actions on state selected federal land. The Alaska Department of Fish and Game should be consulted for wildlife information, especially mountain goat habitat.

It can be expected that, as new information becomes available on sensitive wildlife resources, particularly on goat habitat, or other sensitive resources and users, changes to the boundaries of ‘Areas Allowed for Heli-skiing’ or “Flight Corridors” will be appropriate in order to reflect this information. Such changes will not require amendment of the Map in this SUD, but maps included as part of an authorization should include the necessary changes to these boundaries. Changes to use areas or flight corridors are to be approved by the Southeast Regional Land Manager, Division of Mining, Land, and Water.

8. DECISION

It is my decision to designate those state lands in the Haines State Forest and those state lands and state selected lands within the Haines Area of the Northern Southeast Area Plan⁴ 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 and the Northern Southeast Area Plan.

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

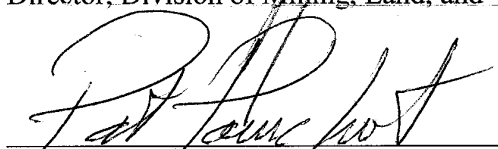
DEPARTMENT OF NATURAL RESOURCES.



Director, Division of Mining, Land, and Water



Date



Commissioner, Department of Natural Resources



Date

⁴ See footnote #2 for applicable areas within the Haines Area.

ATTACHMENT

GENERAL AND SPECIFIC OPERATIONAL STANDARDS
for
COMMERCIAL HELICOPTER OPERATIONS PROVIDING TOURS
and
HELI-SKIING OPERATIONS

The following general standards and specific management stipulations affect ‘Commercial Helicopter Tours’ and ‘Heli-skiing Operations’.

General Standards

These standards are in addition to requirements of a standard DNR land use authorization.

1. Permits issued subsequent to this Special Use Designation (SUD) represent a nonexclusive privilege authorizing special uses of public lands and waters and, should circumstances warrant, the permit may be modified by DNR at any time, including the amount and location of use. The permit is revocable at will, with or without cause (11 AAC 96.040).
2. The temporary storage of fuel may be authorized in order to minimize the number of helicopter flights.
3. The Permittee must assume the responsibility for inspecting the permitted area for any existing or new hazardous conditions that present risks for which the Permittee assumes responsibility.
4. A permit does not create an exclusive right of use of an area by the Permittee.
5. The transport of explosives is not permitted.

Specific Stipulations

For all mitigation measures, it is recognized that exceptions may be made for aircraft safety and weather conditions. *Aircraft and passenger safety will take precedence over the following stipulations.*

1. Landings by ‘Commercial Helicopter Tours’ are not authorized on state land within the boundary of this SUD.
2. Heli-skiing Operations may occur within the Haines Area from February 1 through April 30 except as noted⁵. Landing helicopters for this purpose may

⁵ DNR, after consultation with ADF&G, may authorize heli-skiing operations, including commercial filming and skiing/snowboarding competition, after the dates specified in the Plan map for ‘Allowed Areas for Heli-skiing’ if such operations are not likely to affect the critical life cycle stages of goats or other sensitive wildlife populations (bear, wolverine, wolf, and bald eagle). Up to an additional 3 days may be authorized for each of the two areas (that is, May 3 for areas where heli-skiing is designated as allowed

only occur in the areas designated on the attached Map⁶ as ‘Allowed Areas for Heli-skiing’. Within the areas that may be used for skiing, specific use period limitations apply. See specific requirements of ‘Allowed Areas for Heli-skiing’ on the Map.

3. Landings by Heli-skiing Operations outside an ‘Allowed Area for Heli-skiing’ shall not be authorized within the SUD.
4. Heli-skiing Operations may only occur within the hours of 8:00am to 6:00pm within Designated Flight Corridors or ‘Allowed Areas for Heli-skiing’ except for the purpose of commercial filming conducted during low-sun angle periods between March 15th and April 30th. DNR may authorize use periods earlier than 8:00 am for this purpose or later than 6:00 pm consistent with FAA operational requirements for helicopters. It is not intended that this exception is to be used on a regular or frequent basis. Heli-skiing operators are to report all such activities to DNR on a biweekly basis in a manner that is to be stipulated in the permit.
5. Heli-skiing Operators shall use the Designated Flight Corridors to access ‘Allowed Areas for Heli-skiing’ and shall maintain the flight altitude minimums specified in specific Designated Flight Corridors. Generally, a vertical distance of at least 1,500 feet from ground and 1,500 feet from mountainous terrain shall be maintained, except for a minimum of 5,000 feet above sea level within areas of sensitive goat habitat.
6. Special conditions may exist for Flight Corridor A that may preclude its use. The use of Designated Flight Corridor A is permitted unless the Haines Borough restricts the initial take-off and (final) landing of Heli-skiing Operations in areas of private or Borough land within areas on and near the Haines Highway between Wells Bridge and the Canadian border. Should this occur, Heli-skiing Operators may not use Flight Corridor A. Flight Corridor B shall be used for accessing ‘Allowed Area of Heli-skiing’ in areas south of the Klehini River and west of the Chilkat River/Chilkat Inlet.
7. Travel from a take-off site/final landing site to the Designated Flight Corridors is to be as direct as possible. An altitude of at least 1,500 feet from the ground surface shall be attained as rapidly as practicable and is to be maintained until the Designated Flight Corridors are reached.
8. The number of skier days is limited to a total of 1,000 per year. This amount is the sum of all heli-skiing operations authorized by BLM and DNR in the Haines Area. If the authorized level of 1000 skier days is reached or can be expected to be attained in an upcoming operating season, authorizations granted by DNR shall be awarded on a competitive basis. The DNR Southeast Regional Manager, Division of Mining, Land, and Water, may require prospective

until April 30th and April 3rd for areas where it is allowed until March 31st). An extension is only to be granted by DNR for the completion of heli-skiing operations scheduled to be completed by the end dates specified in the attached map but such operations could not occur because of adverse weather conditions, safety considerations, or other unforeseen circumstances.

⁶ This Special Use Designation is limited in its application to the area enclosed by the ‘SUD Boundary’ depicted in this Map.

- operators to submit applications and activity reports at a time and in a form specified by DNR.
9. Heli-skiing Operations will meet FAA requirements for safe air operations (routing, airspace separation, and coordination with other operators.)
 10. All authorized Heli-skiing Operations will be required to submit and abide by a Safety and Operating Plan which will be approved by DNR on state lands and by BLM on state-selected lands. This Plan shall constitute a part of the Permit.
 11. Heli-skiing Operators are not to hover over, circle, or harass wildlife in any way. This refers particularly to mountain goats, wolves, bears, wolverines, eagles, sea lions, and other marine mammals, but includes all wildlife species.
 12. Each Heli-skiing Operator shall submit a report at the end of each operating season to DNR, ADF&G, and BLM that identifies the number and areas of landings and lists their observations of goats, bears, wolves, wolverines, or other species determined by ADF&G to be sensitive. The authorization issued by DNR shall specify the format of the reporting. DNR may require other information to be reported if necessary to the management of Heli-skiing Operations.
 13. Heli-skiing Operators shall attend an Orientation Meeting with DNR and BLM prior to an operating season and a Review Meeting at the conclusion of the season. The Orientation Meeting is designed to acquaint operators with the General and Specific Stipulations of the DNR authorization, to more clearly describe backcountry ski areas, and possible ways to minimize noise effects in these areas. The Review Meeting is designed to determine the level and location of heli-skiing operations, identify and provide solutions to identified operational problems, or revise the requirement of the DNR authorization if necessary to more effectively manage Heli-skiing Operations.
 14. Helicopters will maintain a minimum distance of one mile from all observed mountain goats and one-half mile from all other sensitive wildlife populations identified in authorizations granted by DNR.

Haines Area Areas of Heli-Skiing Use and Non-Use (Attachment for Special Use Designation (SUD) ADL 106939)¹

General Land Status

- BLM (State Selected)
- State of Alaska within SUD boundary
- Federal Mining Claims
- Chilkat Bald Eagle Preserve²

Boundaries

- SUD (Haines Area)

Flight Minimums

- Min. 1500 ft. above land
- Min. 5000 ft. above MSL

Allowed Areas for Heli-Skiing³

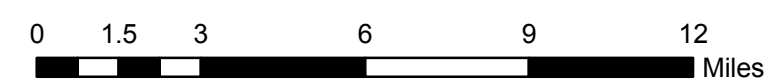
- February 1 to April 30⁴
- February 1 to March 31⁴

1 This SUD only applies to commercial helicopter operations that land on state land. Landings on federal land requires authorizations from the Bureau of Land Management. This SUD affects commercial helicopter tours and heli-skiing operations. See SUD for specifics of application.

2 The landing of commercial helicopters within the Chilkat Bald Eagle Preserve is not governed by this SUD; see the Chilkat Bald Eagle Preserve Management Plan for the Specifics of the restriction. (Landings are not allowed within the Preserve and there is a 1500' flight minimum.)

3 Except for these areas, heli-skiing is prohibited. Allowed areas are designated to avoid sensitive mountain goat habitat as determined by survey transects flown by the Bureau of Land Management and the Alaska Department of Fish and Game.

4 Except as noted in the SUD.



Map Projection - Albers Equal Area Conic
Spheroid - Clarke 1866

11/15/2002



Haines Area