

To: Mayor Jan Hill

Haines Borough Assembly Members

Manager Earnest, Clerk Cozzi

From: Deborah Vogt

August 19, 2010

Heliskiing and Other Regulated Activities

I have collected, and here provide, some information about (1) the regulatory framework in Haines, and its origins; and (2) heli skiing operations in the rest of Alaska. I am summarizing the materials in this memo, but have either attached or provided a web site for the referenced material . You may find some of this information useful in your review of Haines heliskiing.

I. How regulation in Haines came about.

In October of 2002, the State Department of Natural Resources, as a part of the Northern Southeast Regional Plan, adopted a “Special Use Designation” governing heli-skiing within the Haines Borough. That “SUD” was developed through many meetings in Haines, and the planning included the Bureau of Land Management. The Regional Plan still exists,¹ and much of it has been implemented in regulations found in Title 11 of the Alaska Administrative Code. Special Use Designations appear at 11 AAC 96.014.² However, the SUD relating to heli skiing in Haines was never put into regulation. In other words, the plan is still there, but the law implementing it was never adopted.

The SUD adopted by DNR can still be found in Appendix F to the Regional Plan.³ The plan was adopted in October, 2002. The SUD identified areas and dates in which heliskiing could be conducted, and included BLM lands that were, at the time, state selected. The map designated flight paths and altitudes for access to the ski areas. The SUD limited operations to 1000 skier days. It had provisions limiting activities near goats and prohibited harassing wildlife. The Haines Borough Assembly requested some revisions to the plan, and a revised plan

¹ <http://dnr.alaska.gov/mlw/planning/areaplans/nseap/>

² <http://www.touchngo.com/lglcntr/akstats/aac/title11/chapter096/section014>.

³ http://dnr.alaska.gov/mlw/planning/areaplans/nseap/plan/appen_f.pdf

was adopted in October of 2003.⁴ Regulations were drawn up to implement the SUD. However, in May of 2004, a press release was issued stating that the regulations were being withdrawn.

The press release indicated that the regulations were withdrawn at the request of someone in Haines, although that individual was never identified. The release recommended that the Haines Borough implement regulation.

As a result, the Haines Borough Assembly adopted Code provisions that are substantially similar to the SUD developed by the State. In 2005, Mayor Mike Case appointed three individuals (John Katzeek, Bruce Bauer and Deborah Vogt) to draw up a map of permitted heliski areas. The assembly adopted the map, after making a couple of changes. The code provisions have been modified somewhat in the intervening years.

II. Heliskiing Elsewhere in Alaska.

There are heli-ski operations in several areas in Alaska, including Valdez (Thompson Pass), Girdwood (Chugach Mountains), Haines, Seward, Cordova and Juneau. Regulating agencies include the Bureau of Land Management (BLM); the United States Forest Service, Chugach National Forest and Tongass National Forest, and the State of Alaska (State Forests).

BLM. The BLM issues permits for heliskiing in Thompson Pass. They have conducted NEPA review, and have issued permits for five companies: *Alaska Rendezvous Guides*, *Valdez Heli Guides*, *Alaska Backcountry Adventures*, *Valdez Heli Camps*, and *H2O Guides*. The Thompson Pass area is a patchwork of land ownership, including state, federal and native.

BLM Permits: Permittees in the Valdez/Thompson Pass area are subject to a long list of stipulations covering a variety of topics, primarily aimed at protecting wildlife and archeological sites, and other backcountry users. A copy of the permit stipulations is attached. Permittees are limited to specified areas that do not include Critical Wildlife Habitat areas. Pilots must avoid these areas. Permittees must use GPS monitoring equipment. Permittees must pay a fee to BLM that is 3% of their gross income from activities on BLM land. The fee calculation worksheet is attached. BLM does not limit the number of skier days, but has told me that the total number of user days for the five companies combined for the past three years (not including 2010) has been:

2007 – 1539; 2008 – 1574; 2009 – 1013

The average number of skier-days per company for those years was 308, 315 and 203 respectively.

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<http://notes3.state.ak.us/pn/pubnotic.nsf/c34a64e79ffdb0e68925678500698e6a/d69da1fb7a010aee89256dc9005a68d7?OpenDocument&Highlight=0,Haines,SUD>

U.S. FOREST SERVICE

CHUGACH NATIONAL FOREST

Two operators have permits to operate in the Chugach National Forest; they are *Chugach Powder Guides* and *H2O Guides*. Chugach Powder Guides is regulated out of Anchorage (Girdwood), has been operating there for many years, and has now (based on prior satisfactory performance) been granted a 10 year permit. They have 1800 skier days, including photographers & staff. They must fly in certain areas, and maintain certain altitudes over wildlife and habitat. They pay a fee of \$10.00 per user day. They are closely monitored, and they are required to collect GPS data daily. For years, they reported their daily data each week. Now, given their history of compliance, the Forest Service only reviews their data occasionally. They must collect and download daily, but the data is only reviewed on a spot-check basis.

Residents along the Seward Highway, in Seward, and in Moose Pass have objected to some of their operation.

H2O Guides is regulated out of the Glenallen office. They ski on Forest Service lands, but also have a BLM permit (see above). Their USFS permit is currently limited to 450 user days (reduced from 600), and they pay \$10 per user per day. They are permitted in seven areas in the Chugach, and prohibited from areas within those ski areas that have been determined to be sensitive goat habitat. They are required to fly specific flight paths and altitudes, and they maintain GPS data. Currently, the Glenallen office only plots their drop-off and pick-up points.

TONGASS NATIONAL FOREST

Alaska Powder Descents is regulated out of the Juneau office of the Tongass National Forest. They ski out of the Aldersheim Lodge (about 30 minutes north of Juneau), an area where there are no local residents, and as a result, no concern about noise. Their Forest Service permit is limited to 300 user days, and they pay the same \$10.00 per user per day that is charged elsewhere in the National Forests. Their flight paths and altitudes are regulated; they are limited to specific areas in which they can ski.

STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES

As set out in the introduction, the state has adopted a special use designation for the Haines area, but has never implemented the necessary regulations to put the plan into law. At the moment, the state does not regulate user days or flight paths and altitudes, nor does it require reports. Commercial recreation use does require a permit, but heliskiing appears to be a generally allowed use for which a permit will be routinely granted. The Thompson Pass area is a special use area, but the uses allowed appear to be the same as for undesignated state lands. 11 AAC

96.014(b)(13).⁵ Several operations in the Valdez, Thompson Pass area have State of Alaska DNR permits for establishing a base of operations for heliski activities. *Points North Heli-Adventures, Inc.* operates out of Cordova. Their web site says: “Licensed and permitted by the State of Alaska.”⁶

⁵ <http://www.touchngo.com/lglcntr/akstats/aac/title11/chapter096/section014.htm>

⁶ <http://www.alaskaheliski.com/location/alaska/>