

**From:** Thom Ely [mailto:akthome@yahoo.com]

**Sent:** Tuesday, February 22, 2011 9:51 AM

**To:** daymondhoffman@yahoo.com; blackdoghp@yahoo.com; Mark Earnest; Jan Hill; Jerry Lapp; Greg Goodman; Steve Vick

**Cc:** Lynn Canal Conservation; Julie Cozzi

**Subject:** Re: Version ? Heli-Ski Ord Revisions

Dear Mayor, Assembly and Manager,

After I sent my comments in for tonight's meeting there was an additional item that was requested by Sean Brownell and with out any discussion from the working group was immediately adopted by the Manager.

That item is the 30 day additional daylight hours allowed to operate for filming purposes. This additional time if permitted should not be extended past 7 PM. This will allow residents close to helicopter operations some peace and quiet in the evening hours.

Thanks for considering this point. It would have been good to have the time for the working group to properly address this issue.

Sincerely,  
Thom Ely  
Haines, Alaska

--- On Sat, 2/12/11, Thom Ely <akthome@yahoo.com> wrote:

From: Thom Ely <akthome@yahoo.com>

Subject: Re: Version ? Heli-Ski Ord Revisions

To: daymondhoffman@yahoo.com, blackdoghp@yahoo.com, mearnest@haines.ak.us, "Jan Hill" <jhill@haines.ak.us>, "Jerry Lapp" <bflipper3@starband.net>, "Greg Goodman" <oinkeriw@gmail.com>, "Steve Vick" <steve.vick@gmail.com>, "Rob Goldberg" <artstudioalaska@yahoo.com>, weis@aptalaska.net, joe@joeordonez.com, seandog@alaskaheliskiing.com, sean@alaskamountainguides.com, "Scott Sundberg" <sunny@skiseaba.com>

Cc: "Lynn Canal Conservation" <lcc11@aptalaska.net>, "Haines Borough" <jcozzi@haines.ak.us>

Date: Saturday, February 12, 2011, 4:32 PM

Dear Mayor, Manager, Assembly and Heli-Ski Working Group,

While the industry appears to be having their say on the revisions to the Ordinance with a proposal to more than double the skier days and add large tracks of terrain, those of us with a different view are not being heard or represented. Some committee members get to ramble on while Carolyn Weishahn gets silenced and ostracized while trying to provide input at meetings.

The current version of the Ordinance is not a balanced compromise, as was the stated goal going into this process. The Borough has not followed through on the public's request for regulation

and oversight of this industry and the industry continues to resist management and limitations.

The goal for this current season needs to be data collection and compliance. I am not in favor of any map revisions at this time. Until the BLM finishes their public land use process for the Ring of Fire Plan any map changes are mute. Please remove the "temporary operating area" clause. There must be areas in the Borough for wildlife and residents that will never be impacted by helicopter tourism.

While it would be beneficial to the industry to extend some runs to a lower elevation those specific runs have not been identified. There was one initial map meeting where the three industry reps and Rob Goldberg drew in new areas. Sufficient information on wildlife and back-country use were not part of that process. Since then some information has come forward from other users and residents but there is still too much proposed area additions.

Doubling the skier days for operators that have been out of compliance during previous seasons and have resisted any management or limitations on their business is not fair or equitable. There needs to be a season where they can prove that they can follow code and stay within the boundaries. Hopefully GPS tracking will be implemented this season to do that.

While Alaska Mountain Guides would most likely be a good community partner in this industry, it is premature to permit another operator at this time. At the conclusion of this season once we have accurate data on currently permitted operators use and the BLM finishes its planning process, adding additional skier days and another operator could be considered.

Because the current operators have pretty much been doing as they please for the past ten years the Borough needs tools to collect accurate data. A very important tool is the flight manifests from the chartered helicopter company. By having the helicopter company provide bi-weekly flight manifests to the Borough in addition to the operators skier day count, data can be checked for accuracy between competing businesses.

Thanks for considering my recommendations. I have over fifteen years of input on this issue, twenty three years as a Haines business owner and thirty two years as a back-country recreationist.

Sincerely,  
Thom Ely  
Haines, Alaska

**From:** Scott Sundberg [mailto:[sunny@skiseaba.com](mailto:sunny@skiseaba.com)]  
**Sent:** Friday, February 18, 2011 5:02 PM  
**To:** Julie Cozzi  
**Subject:** More comments from the desk of Scott Sundberg

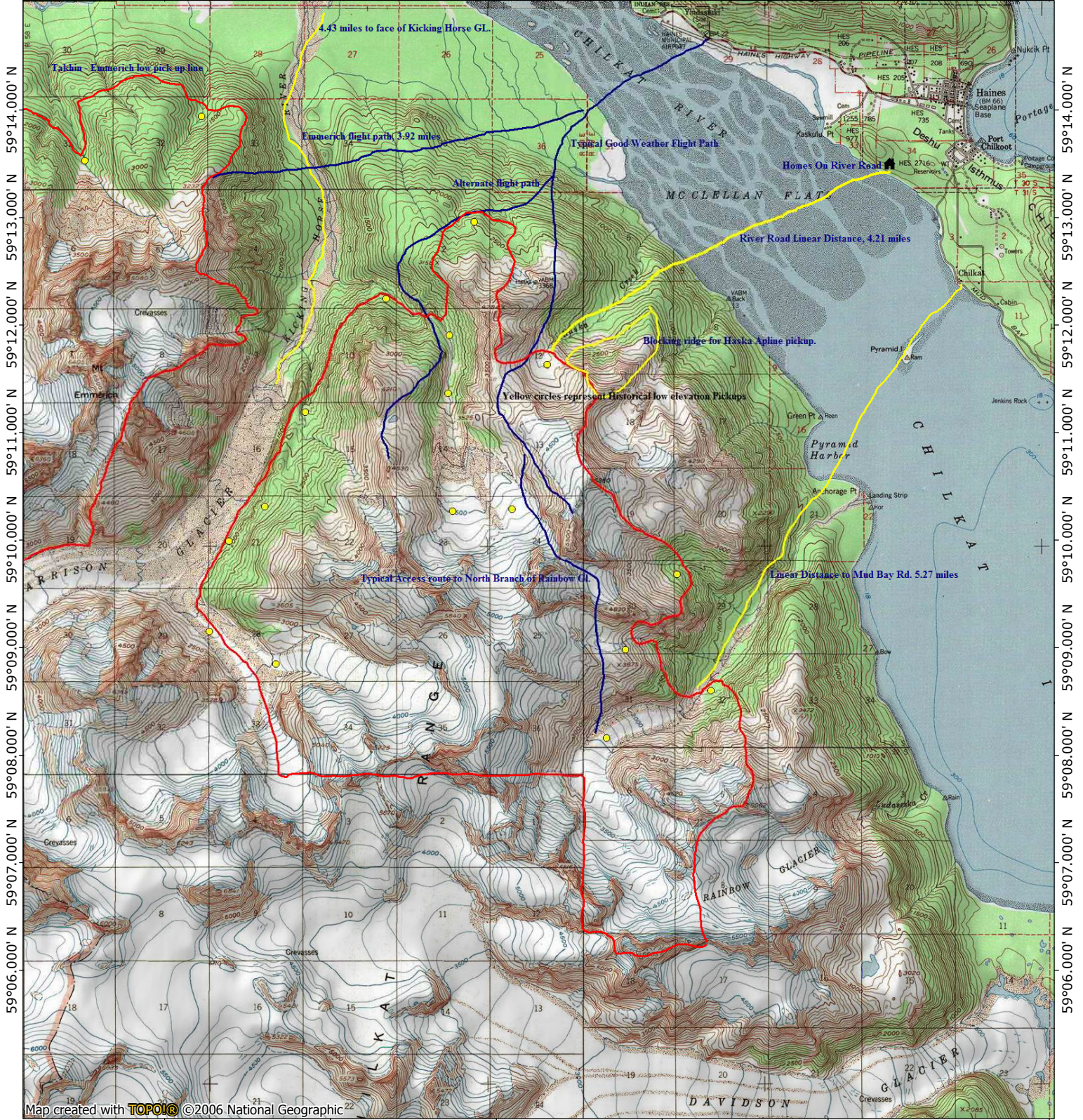
I am attaching maps of the airport that have map suggestions on them, specifically for new terrain in the Jonothan ward area, and details near the kicking horse and Haska, we have not had a map committee meeting to finalize the map and do not know when we are.

--

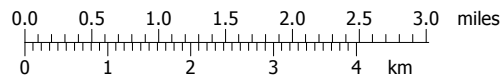
Scott Sundberg  
General Manager/Owner  
Southeast Alaska Backcountry Adventures LLC  
907 314 0445  
P.o. box 1426  
Haines, Ak 99827

TOPO! map printed on 01/31/11 from "town circuit map committee detail.tpo"

135°41.000' W 135°38.000' W 135°35.000' W 135°32.000' W 135°29.000' W WGS84 135°25.000' W



135°41.000' W 135°38.000' W 135°35.000' W 135°32.000' W 135°29.000' W WGS84 135°25.000' W



TN MN  
22½°  
01/31/11

Feb. 17, 2011

To Mayor Jan Hill, Borough Assembly Members and Manager Mark Earnest:

My comments on the heliski ordinance now before the Assembly are as follows:

1. **GPS reporting needs to mandatory.** I also am wondering why GPS reporting by the heliski companies operating in the Haines Borough did not take place in the 2010 season. According to the Haines Borough ordinance 09-12-220 passed as amended on Jan 19, 2010 requires bi-weekly reporting to the Borough heli-ski activities including GPS track logs with coordinates of said activities. The Assembly should not be allocating more skier days and open more areas until compliance has been shown and data collected for the current heli-ski ordinance.
2. **Penalties** should be put in place and be enforced to make sure compliance to Borough code is being followed. Why are we continuing to reward heli-ski companies who are not in compliance and in fact are violating the conditions of their permits. In the heli-ski work meetings this winter companies admitted they have been flying wherever they have wanted to in the past. They have also violated their permit by going over their allotted skier days in 2010.
3. **Consensus** has not been obtained on the working group. This group although I'm sure putting many hours of work, has been heavily weighted towards industry. The heli-ski companies have been given more time and more area when they have not even followed conditions of their permits and Borough ordinances.
4. **ADF&G** recommendations regarding wildlife concerns should be followed. ADF&G has not changed their position regarding this issue since their letters were sent to the Borough Assembly on Jan 12 and Nov 23, 2010.

Sincerely,  
Patty Kermoian

Kip Kermoian  
PO Box 1024  
Haines, AK  
766-2606  
Feb. 17, 2011

Mayor Hill and Assembly Members  
Haines Borough

re: heliski ordinance

I believe it would be premature and a mistake for this assembly to adopt this ordinance in its current form. Ambiguity, inclusion of verbiage that the Borough has historically been unwilling to enforce, the lack of clear definitions such as defining actions and their consequences, suggesting that one individual be granted the authority to subjectively assess impacts well outside of his or her expertise or purview, defines chaos, and shines a very bright light on an inadequate and unsustainable process.

How do un-enforced violations, an appointed, biased working group, disregard for professional wildlife biologist's recommendations, a concession laden ordinance bowing to helisking businesses, equate to a consensus process? It does not.

As this business grows, so too will issues associate with it if they are not clearly addressed now.

I believe the following are an essential part of any helisking ordinance:

**GPS reporting** with units being *turned on before 1st liftoff*, and remain on *until shutdown at days end*, on every flight. Recorded data must include locations and times. Downloading should be required bi-weekly.

**Penalties** should be significant enough to dissuade violations and should result in the *loss of skier days, with repeated lack of compliance resulting in the loss of a permit*.

**Question:** What are the penalties for not reporting GPS data as required by the permit, to the Borough? How will the assembly define a violation, i.e., if a company does not report GPS data for a two week period, will it be considered one violation or 14 violations (had they flown 14 days during the two week period)? How many reporting periods can be missed by a company before losing their permit? What is the significance of a \$300. fine to a company charging thousands of dollars per client?

**Granting additional skier days:** skier days should be established at the beginning of any season. Any additional skier days should only be granted after at least one season of operation in good standing (i.e., *without violations*), following a public hearing before the Borough Assembly.

**Assessing Community and other conflicts:** It is essential that this ordinance include an annual means of assessing impacts to the community, wildlife and other concerns in light of new information. An annual Borough Assembly hearing would be an appropriate venue for such an assessment.

**Employ and enforce the best science with regard to operations in proximity to wildlife.**

Thank you for your attention and for your time.

Sincerely, Kip Kermoian

**From:** jessica meadow [mailto:jessica.meadow@gmail.com]

**Sent:** Thursday, February 17, 2011 2:07 PM

**To:** daymondhoffman@yahoo.com; steve.vick@gmail.com; blackdoghp@yahoo.com; oinkeriw@gmail.com; bflipper3@starband.net; Julie Cozzi

**Subject:** Re: Ordinance 10-10-243, Julie please add to meeting packet

On Fri, Feb 18, 2011 at 1:04 PM, jessica meadow <jessica.meadow@gmail.com> wrote:

Assembly, Concerned Members of the Public,

Although the heliski issue has become incredibly convoluted over the years, and perhaps especially over the past few months, I will attempt here to make a few, clear points.

First, it is clear to me, as it is to at least two of the members of the Heliski Working Group, that the consensus process which was attempted has failed. There is no consensus. The Ordinance before you was not developed by the Working Group, nor was it agreed upon by the members. In addition, the trust and spirit of cooperation on which the process was supposed to be based was never developed and was actually violated by SEABA in particular. For example, Scott Sundberg of SEABA admitted that they intentionally left out of their commercial tour permit application any mention of heliports. This intentional act of deception was done so that the Assembly would unknowingly award a commercial tour permit without restrictions to the 3 currently allowed heliports. SEABA did this so that they could just start using their property in the 26-mile neighborhood as their heliport, without review or specific approval.

Regarding permits, please see Borough Code, **Section 5.04.120 Revocation or suspension-Procedure.**

A. The manager may at any time revoke or suspend a permit issued under this title for the following reasons:

1. Substantial noncompliance with any term, condition or provision of the permit;
2. Violation of any provision of this title or other applicable local, state or federal law, ordinance, or regulation;
3. Upon determination that the operation of the permittee is causing a hazard or disruption of pedestrian or vehicular traffic;
4. Upon a determination that the permittee secured the permit through deceit, fraud, or intentional misrepresentation; or
5. That the area affected by the permit is required for another public purpose or for other reasons affecting public safety or welfare.

I have underlined sections of the above excerpt to highlight points I believe are especially relevant to SEABA's actions. *They acquired their permit through intentional misrepresentation and deception.* They have historically made a habit of noncompliance, and flaunted their violations as reasons why they should be granted ever more allowances. And, especially in regards to their assumed heliport location, the area they intend to affect is most certainly required for other public purposes- residential purposes for over *one hundred year-round residents!* Their disturbance definitely poses a threat to public safety and welfare.

The Steinberg Consultants conducted a Heliport Matrix Survey in 2003. They report that *at a distance of 3000 feet, the sound level from a helicopter would be 65 decibels, a level which would interfere with normal conversation.* All of the households in the Eagle Bluff subdivision are within this 3000 foot radius from SEABA's assumed heliport, some much closer. Many more households are just outside the circle of extreme disturbance.

Are you decision-making representatives of the public willing to sacrifice a neighborhood full of families to a renegade heliski company? And this is just one of the more egregious of SEABA's crimes.

I am asking you, as a member of the potential sacrifice zone, please, revoke SEABA's permit. You have been given every reason and have every right to do so. Someone has to put the breaks on this runaway company, and you are the ones with the authority to direct the manager to revoke SEABA's permit.

Scott Sundberg has been threatening the Haines Borough with a lawsuit for *ten years!* Just like the federal government having to take a stand and refuse to negotiate with terrorists, our borough government has to take a stand and exercise its authority, or it will effectively give up that authority. Other jurisdictions in Alaska (and across the country) require commercial tour permittees to adhere to flight paths, day and time limits, specific landing and take-off sites, and other conditions in order to be granted a permit to do business. The Borough lawyer, for reasons still not made clear to his employer - the public - has chosen *not to defend, but to disable* the regulatory provisions governing helicopter use in the Haines Borough. The former Assistant Attorney General for the State (Deborah Vogt) has offered her expert opinion that the Borough does have the authorities it formerly exercised. Let's keep those authorities, by exercising them.

In conclusion, as your constituent, I urge you not to adopt Ordinance 10-10-243. It is a flawed document, arrived at through a flawed process. In addition, I believe there is a necessity to exercise censure against SEABA, before this lawless company gets even further out of hand.

Thank you,

Jessica Plachta

P.O. Box 961  
Haines, AK 99827  
February 17, 2011

Mayor and Assembly  
Haines Borough  
P.O. Box 1209  
Haines, AK 99827

I am submitting comments regarding the heli-ski ordinance.

Proposed changes to the January 19, 2010 ordinance seem to be rooted in competition and conflict as opposed to cooperation, better understanding and trust.

The heli-skiing working group, while good in concept, is imbalanced and excludes some major stakeholders such as Klukwan residents, hunters, and backcountry users. I'm sure there are others.

Neither do I perceive that the public at large has had a viable opportunity to be part of the new process.

I believe the involvement of all stakeholders and interested publics is necessary to achieve consensus, build understanding and improve trust levels. Without this level of involvement, the proposed changes will likely increase the division within this community.

I believe the acreage and number of skier days should remain at the levels in the January 19, 2010 for one key reason. Those numbers were determined with the help of a working group and significant public input, and take into consideration the largest stakeholder—mountain goats. **Ryan Scott of the Alaska Department of Fish and Game recommends no increase in skier days or skier area until baseline data on mountain goats is available and analyzed.** According to existing information, even when mountain goats exhibit no overt reaction to repeated helicopter disturbance, significant effects on reproduction, survival, and population may occur.

The existing ordinance requires GPS data collection. This ordinance is Borough law. I think this ordinance provision should be enforced this season. The GPS information will provide valuable baseline data on areas used. Lack of GPS data fosters distrust of the heli-skiing industry.

Another basis for distrust is lack of confidence in the skier days reported. Scott Sundberg's admission of exceeding SEBAS allotment is testimony to this. To build trust and confidence in the industry, have the pilots submit their load manifest biweekly.

The ability to obtain a permit should take into consideration a company's track record of compliance with previous heli-ski permits. I fail to understand why SEBA is allowed to operate this season, and without penalty for offenses last season. The provision for penalty existed, and he did violate the terms of his permit. Please help me understand why Borough officials fail to enforce the very code they design.

Require a 1,500 foot flying elevation unless taking off or landing. Low flights increase the disturbance to wildlife and backcountry users.

At this time, with so little consensus and so much division over heli-skiing, I recommend two operators only at this time. However, I believe if a violation of a permit occurs by a repeat offender, that those skier days be given to a more responsible operator.

Summary of my recommendations:

- Retain the January 19, 2010 number of skier days and acreages.
- Minimize radical changes to the existing ordinance at this time due to inadequate public involvement.
- Require GPS data collection the remainder of the 2011 heli-ski season.
- Require pilots to submit load manifests biweekly.
- Require a 1,500 foot flying elevation.
- Permit only two operators this season.

Heli-skiing does help the Haines economy, but it should not be at the loss of the "quiet" many value. It is this "quiet" that lures so many to Haines.

Thank you for your efforts,

Diane La Course



## Chilkat Indian Village

32 Chilkat Ave, Klukwan, AK  
P.O. Box 210, Haines AK, 99827  
Phone: 907-767-5505  
Fax: 907-767-5518  
www.chilkatindianvillage.org

Honorable Jan Hill  
Mayor, Haines Borough  
Borough Assembly Members  
Haines Borough  
PO Box 1209  
Haines, AK 99827  
February 16, 2011

RECEIVED Haines Borough

FEB 16 2011

Clerk's Office

Dear Mayor Hill and Assembly Members,

The Chilkat Indian Village respectfully requests your consideration of the Chilkat Indian Village's official position with regard to helicopter operations in the Chilkat Valley. The Village and Tribal Council have many concerns with the future of the helicopter ski industry and want to ensure that our subsistence resources and cultural lifestyle will not be impacted.

At this point in time, the Chilkat Indian Village is opposed to helicopter ski operations in the Takhin Ridge, other than the area of the Mount Jonathan Ward. The Chilkat Indian Village is also opposed to any helicopter ski operations in the Takshanuk Ridge, specifically the area on the north side of the village (as it sits behind the village).

Thank you for consideration of the village's position in your review of this issue during the February 22 Borough Assembly meeting. If you should have any questions or need clarification of this position, please do not hesitate to contact myself or Tribal President Kimberley Strong.

Sincerely,

John Brower  
Tribal Administrator

cc: Mark Earnest, Borough Manager

**From:** Carol E. Tuynman [mailto:ctuynman@islc.net]  
**Sent:** Wednesday, February 16, 2011 9:00 AM  
**To:** Julie Cozzi  
**Subject:** Comments on Heli ski Process and Ordinance

To: Honorable Mayor Jan Hill and Borough Assembly Members:  
Please cc: Borough Manager

I believe the people of Haines want our local businesses to succeed. What is misunderstood is the role of balanced, deliberative planning and doing what's reasonable and fair to create a vibrant business environment and protect the unique quality of life all of Haines residents and our visitors enjoy. In November the Borough Assembly made a very positive decision when it charged the Heli Ski Working Group to work on a consensus basis and provide recommendations to the Borough Assembly that would result in a Memorandum of Agreement on specific terms for Heli Ski operations. The consensus process has the potential of supporting wise planning and ending our reputation as a contentious community.

The consensus process was aborted when the Draft Ordinance appeared out of the blue. The ordinance specifics did not come out of the Working Group and the Group did not know that one of their members was designated to serve as the mediator and represent them in drafting the ordinance with the attorney and the Borough.

In the meantime there is talk that the 33 Mile roadhouse property was recently sold to someone with plans to build a resort lodge that would service the 33 Mile heliport. And as we learned Scott Sunburg is planning to build a heliport and lodge at 26 Mile. These two businesses will take considerable lodging and restaurant business out of town.

Now the stakeholders, who were beginning to make process and find areas of consensus, are thrown back into to the scrambling game and balanced planning for a thriving economy and a sustainable environment is jeopardized.

I urge the Borough Assembly to put the process back on track and to continue bringing forth the information necessary for a Memorandum of Agreement that can be tested this season. I think everyone wants this to be a win-win situation.

On the Ordinance I have listened carefully to all sides on the heli ski issue and have come to the following recommendations:

1. That the Borough stay with two permits this year and until all major issues are resolved, trust and consensus are established;
2. That GPS reporting go into effect immediately and be submitted directly from the helicopter operators with copies to the heli ski owners and the Borough
3. That the Borough stay with 1200 skier days for the 2011 season and only increase when other issues are resolved and compliances are in place

4. That no value be placed on permits or skier days and that there can be no sale or transfer or sale of permits; skier days can be transferred to existing permit holders

5. That the Borough respect all Klukwan map requests

6. That the Borough not change the map until agency reports are finalized

7. That the Borough consider impacts on backcountry recreational activity with a long-range view; fuel costs are likely to cut into heli ski profitability in the near future and have a deleterious impact on motorized activities; backcountry activities are likely to expand.

Finally, I believe that it is counterproductive to see any person as an extremist. People have opinions and some opinions are viewed as extreme because of the intensity of their opinions. Understandably, it is often people who have vested considerable emotion in an opinion are the people who show up at meetings. Everyone has an opinion. Most people are unwilling or unable to participate in the process and attend meetings. This places a responsibility on decisionmakers to carefully think through decisions with a view for the big picture and not respond to intense emotions.

Thank you kindly for considering

Carol  
6.5 Mile Mud Bay Road  
Haines, Alaska 99827  
907-766-3715

**From:** Kristin Hathhorn [mailto:hathbat@yahoo.com]  
**Sent:** Wednesday, February 16, 2011 2:06 PM  
**To:** Julie Cozzi  
**Subject:** letter for packet

Hello...

Please make sure this letter is included in the assembly packet for the 2/22/11 Borough Assembly Meeting. Thanks!

February 16, 2011

Dear Madam Mayor, Haines Borough Assembly Members, and Manager Earnest:

I do not understand why previous work done by the 2005 Heliski Working Group (John Katzeek, Bruce Bauer and Deborah Vogt) appointed by then Mayor Mike Case appears to have been completely scrapped. This group made well-informed recommendations based on extensive research into wildlife habitat in the Haines Borough and the heliski industry based in Alaska. They also mapped out areas in the Haines Borough in which heliskiing should and should not be conducted according to their research.

Among this group's recommendations are the following:

*- The use of the permitted areas should occur ONLY if the designated appropriate flight path and altitude is maintained.*

*-A heliski permit must be made contingent upon compliance with the terms of the permit; that is, areas, flight paths, altitudes and closing dates must be complied with.*

To my knowledge, the Borough Assembly has not required reporting of GPS data on flight paths, altitudes, nor landings of heliski tours conducted in the Haines Borough. How can intelligent decisions be made regarding future designation of heliski areas, opening/closing dates, skier days, etc. without accurate information?

*-The Borough should set up an e-mail address on the Borough web site, where citizens can leave messages documenting alleged breaches of the terms of the permit.*

*-Additionally, the e-mail address should be used to report permitted activity that is bothersome to residents.... Comments relating to permitted but bothersome activity should be reviewed when the map is reviewed.*

Currently there is no such email address available on the Haines Borough website and I know of no other method for reporting, collecting and reviewing "bothersome" activity.

*-Additionally, the committee recommends that the map be reviewed at the end of the next heliski season (2006), to determine whether the assumptions made by the committee are correct, and to give the operator a chance to comment on the map. Thereafter, the map should be regularly reviewed every four years, unless new information relating to wildlife or habitat is available;*

*there is a change in circumstances or habitat; or there is a substantial number of resident complaints about permitted activity.*

Area Management Biologist Ryan Scott maintains that the impact of additional skier days is unknown. Scott recommends that if additional days are considered, that they be constrained to existing authorized skiing areas and time periods as depicted on the Haines Borough Helicopter-supported Recreation Areas (2005) map (*see LCC President, Scott Cary's letter dated 2/14/11*)

Again, without follow-up and assemblage of scientifically collected data from the areas originally open to the heliski industry, I cannot understand how the Borough Assembly can consider approving Ordinance 10-10-243 with a new set of maps, skier days, and regulations.

I am not denying that the current Heliski Working Group has put great effort into Ordinance 10-10-243, but before the process goes any further, I believe it is time to pause and look to the past for guidance. First, the appointment of members of the current Heliski Working Group does not reflect a good cross-section of our community. The heliski industry is over-represented while the Native population, hunters/trappers, and environmental groups do not have a voice. Second, no scientific data has been collected to support current recommendations (skier days, areas, etc.) put forth in Ordinance 10-10-243; therefore, it is reckless to abandon recommendations put forth by the 2005 Heliski Working Group. Third, it is difficult for the general public to stay abreast of ordinance changes since they are not made public on a timely basis. For example, written public comment is due on the Wednesday before a Borough Assembly Meeting when the most updated version of an ordinance has not yet been made public. Consequently, the written public comments placed in the assembly packet may not correspond to the version of the updated ordinance discussed at that week's Borough Assembly Meeting. This appears to be in violation of the public process.

I urge the Haines Borough to follow the mapping and recommendations of the 2005 Heliski Working group without modifying skier days, areas of operation, etc. and simply focus on data gathering this season (2011). Only after accurate information is gathered, should the Borough Assembly consider making changes to heliski regulations.

Sincerely,

Kristin E. Hathhorn

POB 1415

Haines, AK 99827

[hathbat@yahoo.com](mailto:hathbat@yahoo.com)

To: Haines Borough Assembly members, Mayor Jan Hill, Manager Mark Earnest  
From: Katey Palmer and Eric Holle  
Re: Ordinance 10-10-243  
February 16, 2011

The following are our comments:

1. Ordinance 09-12-220 (passed 1/19/2010) is currently in place to regulate heli-skiing. GPS reporting was mandated in that ordinance. Whether or not the Borough is ready to analyze that data, the operators should collect the data, download it with a MapQuest program, and give it to the Borough on a thumbdrive. We question why no GPS was reported to the Borough during the 2010 season and why there were no penalties for noncompliance. If the operators are not currently providing that data to the Borough, they are out of compliance and their permits should be suspended.
2. Any changes to the current ordinance should follow the recommendations of ADFG which continues to strongly support the recommendations of the Northern Wild Sheep and Goat Council re helicopter-supported recreation and mountain goats. ADFG says the impact of additional skier days is unknown and may have negative impacts, and that any additional days be constrained to the existing authorized areas on the map.
3. The heli-ski industry should provide GPS data for a minimum of one season, preferably two, before any changes in number of skier days or permitted ski areas are considered.
4. The heli-ski working group is trying to tackle many issues in a hurry. The group's work should not be tied to the timing of the heli season. The process would be greatly facilitated and have greater credibility if it were run by a professional mediator. The group is heavily weighted towards industry and a number of interests are not represented. To date, consensus has not been reached on any issue. Only at the conclusion of its work should the group bring its consensus findings to the Borough Assembly for consideration and inclusion in an ordinance.

Thank you for your attention,  
Katey Palmer and Eric Holle

**From:** Thad Stewart [mailto:moseysalaska@gmail.com]  
**Sent:** Wednesday, February 16, 2011 10:16 AM  
**To:** Julie Cozzi  
**Subject:** Heliskiing Ordinance

To Mayor Jan Hill, Borough Assembly Members and Manager Mark Earnest,

I am compelled to voice my opposition to the proposed changes to the heliskiing ordinance. Specifically, the possibility of doubling the number of skier days with the prospect of virtually unregulated and limitless helicopter flights in the valley is regrettable. The public process has been subverted - not aided - by the Heliski Working Group. This group is stacked in favor of abolishing existing agreements and has ignored concerns expressed by Fish and Game, among others. There is a clear rush to judgement by the Borough on this issue.

While the Borough needs to show support for developing business in Haines, it does not need to placate the heliskiing industry. This industry has repeatedly thumbed its nose at the Borough and has made a mockery out of enforcing Borough code. It appears these companies are being rewarded, rather than penalized, for their errant behavior.

As an avid backcountry user, I value the unobstructed views, solitude and quiet that the Valley offers. I believe these values are just as valid as any other's right to use the backcountry.

Please consider your actions carefully,

Thad Stewart

Sherrie Goll  
P.O. Box 261  
Haines, Alaska 99827

February 15, 2011

Dear Mayor Hill and Members of the Assembly,

I am deeply disappointed to hear that the assembly is considering more than *doubling* the number of helicopter ski days. I especially object to your considering opening new areas to the industry without a public hearing on changes to the map developed after so much public consideration.

This proposal goes against the spirit of compromise that led to the development of the map, and does *not represent a consensus* of either the heli-skiing working group or the residents of Haines

I urge that you respect the results of the public process. No changes to that map should be allowed without the opportunity for further public participation and without close consultation with Fish and Game biologists.

I do oppose increases in the number of helicopter days. Any consideration of increases for the industry must be weighed carefully against the needs of wildlife other back country users and of Haines residents in general.

The lack of industry compliance with the existing ordinance speaks against expansion. GPS surveillance, full enforcement and significant sanctions are needed before any consideration of expansion occurs.

I strongly oppose the proposed expansion from two to three permits that will result in continuing expansion requests and increased noise pollution.

Nine years ago I called original permitting the camel's nose under the tent. Now the camel's humps are with us. What this industry wants is helicopter tours all summer, and the noise will then be truly intolerable.

Please put the brakes on this expansion, and permit the people of Haines time to speak.

Neither wildlife nor people will habituate to the loud mechanized noise produced by the helicopters. Keep them away from our wildlife and from our homes.

The Assembly's continuing compromises with the helicopter industry will destroy the natural environment for the animals and the quality of life we *all* claim to cherish in making Haines our home.

Thank you for your consideration.



Sherrie Goll

**From:** Sally McGuire [mailto:chilkootmcguire@yahoo.com]  
**Sent:** Tuesday, February 15, 2011 2:53 AM  
**To:** Julie Cozzi  
**Subject:** heliskiing

Dear Julie, could you put the following into the Assembly members (and manager's) packets?  
thanks, sally

I understand that the new proposed heliski ordinance greatly increases skier days, heliski open areas, and a possible new heliski company. I oppose ANY changes to the existing ordinance without a great deal more work and research.

1) Haines has a big problem with non-compliance with existing ordinances, as any member of the Planning Commission can tell you. Instead of bending over, radically increasing days/areas etc and hoping that violaters will respect THAT, you should be looking at serious penalties for violaters to all areas of borough code, including this one. As it is you are only encouraging scoff-laws and causing yourselves and all of us a lot of trouble, and a gilt-edged guarantee of more trouble to come.

2) There should be a complete moratorium on any discussion of increasing skier days, etc, until the borough attorney has reviewed Jerry Lapp's serious (percieved) conflict of interest. The fact that he is allowed to participate on this has caused major criticism of the Borough and contempt for its work. You will note that few impacted residents even bother to come to meetings anymore: this is not because they don't care. Haines voters deserve a public process on this one with input from residents.

When these two points are met, THEN will be the time to think about any changes that might be made. Thank you, Sally McGuire

LYNN CANAL CONSERVATION, INC.  
BOX 964 • HAINES, ALASKA 99827

RECEIVED Haines Borough

FEB 14 2011

Clerk's Office

February 14, 2011

To Mayor Jan Hill, Borough Assembly Members, and Manager Mark Earnest:

Lynn Canal Conservation (LCC) has a 40-year history of working to conserve wild salmon and wildlife habitat and the great quality of life around Haines. With an average annual membership of 200 adults, we represent, at a minimum, 10% of the local community. We have been involved in heli-skiing issues since inception in Haines. Regrettably, we were not offered a seat on the current heli-skiing working group. Since the Haines Borough Assembly is considering **very significant changes** to managing commercial heli-skiing in the Haines area, we feel compelled to comment on the current and potential impacts of heli-skiing on wildlife.

While LCC acknowledges the serious concerns of residents impacted by helicopter noise and of back-country non-motorized recreationists, our primary focus is on impacts to wildlife, particularly mountain goats, but also denning bears and wolverines. Our position regarding goats is based on the views of the professional biological association, Northern Wild Sheep and Goat Council (NWSGC), and on the position of the Alaska Department of Fish and Game (ADF&G).

ADF&G recently attended a working group session and an assembly meeting where biologists discussed recent research with collared goats in the Haines area. In order to verify their position following that visit, LCC contacted Area Management Biologist Ryan Scott who clearly stated that ADF&G's position has not changed from letters sent to Scott Sundberg of SEABA on Nov. 21, 2008 and Borough Assembly members on Jan. 12 and Nov. 23, 2010. Following are key points quoted directly from those letters:

1. It is inappropriate to assume that mountain goats can or will habituate to disturbance since not all effects have acute, immediately observable effects.
2. The impact of additional skier days is unknown. However, it is important that if additional days are considered that they be constrained to existing authorized skiing areas and time periods as depicted on the Haines Borough Helicopter-supported Recreation Areas (2005) map.
3. The current Haines Borough Helicopter-supported Recreation Areas (2005) map indicated that flight corridors and allowed areas transit several kidding areas, and current research will help identify additional occupied winter ranges.
4. Consideration of additional landings will result in additional helicopter activity near these areas and may impact the long-term population trend.
5. Helicopter activity should not occur within 1.5 km of goat occupied areas.
6. Current permit conditions require helicopters to remain a minimum distance of 1500 ft. from wildlife and prohibit loitering in these areas. These conditions are appreciated but they are less than one-third the recommended distance. Efforts should be made to remain 1.5 km from goats.
7. In addition to requiring GPS locations for heli-ski landing and pickup sites, we encourage you to ask for the same for all commercial activities including flight routes.

8. ADF&G feels strongly that the standards and recommendations [of NWSGC] should be followed.

ADF&G also expressed concerns about helicopter skiing impacts to denning brown and black bears. Mountain goats, bears, and wolverines are most vulnerable to human disturbance in late winter and early spring, the height of the heli-skiing season. Little is known about wolverines in the Haines area, but an increasing body of research in the western US and western Canada shows that one of the most significant factors for continuance of wolverine populations is freedom from human disturbance in their denning areas. Researchers have repeatedly observed mother wolverines abandon critical maternal dens as a result of human activity, especially loud, mechanized activity such as snowmachine and helicopter use.

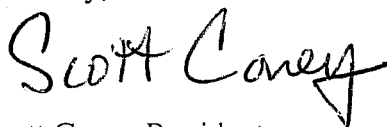
The most recent proposed versions of the heli-skiing map nearly **double** what was allowed in the community and Assembly approved previous map. The huge increase now proposed for 2600 skier days goes far beyond the spirit of compromise and does not represent consensus among members of the Assembly appointed heli-skiing working group. Allowing an additional 200 days for Alaska Mountain Guides (AMG) new operations means that when AMG requests parity with the other companies, skier days will again increase by another thousand skier days. The NWSGC statement that "Helicopter activity should not occur on or near occupied (wildlife) winter ranges between November 15 –April 30 each year" should make it clear that currently permitted heli-skiing already represents a major compromise regarding potential wildlife impacts.

Any increase in skier days or expansion of permitted heli-ski areas is likely to pose additional risk to goats, bears, and wolverines. Because it is far easier and cheaper to protect existing populations than to recover depleted ones, LCC is opposed to expansion of the existing heli-ski map unless there is direct consultation with, and approval from, ADF&G biologists.

**Recognizing that any increase in skier days creates pressure to expand the map, skier days should be increased only in small increments, if at all.**

Without adequate precautions, the ultimate outcome of annual "compromises" with the heli-skiing industry will lead to an impoverished natural environment for everyone in the Haines area.

Sincerely,



Scott Carey, President

Cc: Heli-ski Working Group

Haines Borough  
POB 1209  
Haines, AK 99827

February 12, 2011

Dear Mayor, Manager, Assembly and Heli-Ski Working Group,

While the industry appears to be having their say on the revisions to the Ordinance with a proposal to more than double the skier days and add large tracks of terrain, those of us with a different view are not being heard or represented. Some committee members get to ramble on while Carolyn Weishahn gets silenced and ostracized while trying to provide input at meetings.

The current version of the Ordinance is not a balanced compromise, as was the stated goal going into this process. The Borough has not followed through on the public's request for regulation and oversight of this industry and the industry continues to resist management and limitations.

The goal for this current season needs to be data collection and compliance. I am not in favor of any map revisions at this time. Until the BLM finishes their public land use process for the Ring of Fire Plan any map changes are mute. Please remove the "temporary operating area" clause. There must be areas in the Borough for wildlife and residents that will never be impacted by helicopter tourism.

While it would be beneficial to the industry to extend some runs to a lower elevation those specific runs have not been identified. There was one initial map meeting where the three industry reps and Rob Goldberg drew in new areas. Sufficient information on wildlife and backcountry use were not a part of that process. Since then some information has come forward from other users and residents but there is still too much proposed area additions.

Doubling the skier days for operators that have been out of compliance during previous seasons and have resisted any management or limitations on their business is not fair or equitable. There needs to be a season where they can prove that they can follow code and stay within the boundaries. Hopefully GPS tracking will be implemented this season to do that.

While Alaska Mountain Guides would most likely be a good community partner in this industry, it is premature to permit another operator at this time. At the conclusion of this season once we have accurate data on currently permitted operator's use and the BLM finishes its planning process, adding additional skier days and another operator could be considered.

Because the current operators have pretty much been doing as they please for the past ten years the Borough needs tools to collect accurate data. A very important tool is the flight manifests from the chartered helicopter company. By having the helicopter company provide bi-weekly flight manifests to the Borough in addition to the operator's skier day count, data can be checked for accuracy between competing businesses.

Thanks for considering my recommendations. I have over fifteen years of input on this issue, twenty-three years as a Haines business owner and thirty-two years as a backcountry recreationist.

Sincerely,  
Thom Ely  
POB 1014  
Haines, Alaska

**From:** William Kurz [<mailto:wckurz@yahoo.com>]

**Sent:** Thursday, February 10, 2011 11:37 AM

**To:** Mark Earnest; Jan Hill

**Cc:** Chamber of Commerce; Daymond Hoffman; Steve Vick; Jerry Lapp; Chilkat Valley News; Roger Maynard; Patty Campbell

**Subject:** Heli Skiing

Mayor Hill & Borough Manager Mark Ernest;

Having attended and recorded every Heli Skiing Work Group Committee meeting.

I would like to request / suggest the Haines Borough areas; starting at the south side of Davidson Glacier to the southern boundary of Haines on the west side of Lynn Canal, all Haines Borough land on the east side of Lynn Canal, all Haines Borough land facing Lynn Canal on the west side north of the ferry terminal, be included in the areas that commercial Heli Skiing can occur.

I feel that since Haines is roughly the size of Delaware and over twice the size of Rhode Island it is silly for competing interests to constantly argue over the relatively small area currently used for Heli Skiing. Agreed the current Heli Skiing companies say they are not interested in opening the area I propose. In time competition and creativity likely would make good use of much of the area.

Winter recreation is good income for the businesses in the Haines Borough.

Thank you;

Bill Kurz