

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
Southeast Regional Land Office

Preliminary Decision

ADL 108979

Haines Huts

Application for Lease

AS 38.05.810

This Preliminary Decision (PD) is the State's preliminary best interest finding regarding a proposed disposal of interest in State land. The public is invited to comment on this PD. The deadline for commenting is **5:00 pm August 28, 2019**. Please see the Public Notice section of this decision for requirements related to submitting comments for consideration.

Requested Action

Haines Huts submitted an application to the Department of Natural Resources (DNR), Division of Mining, Land & Water (DMLW) to lease 2,000 square feet of land in order to build a 16'*20' backcountry cabin with a 4'*4' outhouse on the south flanks of Mt. Tukgahgo, outside of Haines, AK. The site is located within the SW 1/4, SE 1/4, Section 3, Township 30 South, Range 58 East, Copper River Meridian. The applicant requested a 55-year public and charitable lease. A map showing the proposed location and development plan is included (Attachment A).

Proposed Action

DMLW proposes to issue a 10-year public and charitable lease to the applicant for the construction, operation, and maintenance of the cabin, as outlined in the lease development plan (Attachment A).

Scope of Decision

The scope of this decision is to determine if it's in the State's best interest to issue a 10-year public and charitable lease to the applicant. The administrative review for this authorization is defined by AS 38.05.035(e)(1)–(2) and limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) the facts pertaining to the land or resources; and (4) any issues that are material to the determination.

Authority

This lease application is being adjudicated pursuant to AS 38.05.035(b)(1) and AS 38.05.035(e) Powers and Duties of the Director, AS 38.05.810 Public and Charitable Use, and AS 38.05.945 Notice.

The authority to execute the PD, Final Finding and Decision (FFD), and the lease has been delegated to the Regional Managers of DMLW.

Administrative Record

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Lands Act as amended, applicable statutes and regulations referenced here-in, the 2002 Haines State Forest Management Plan (HSFMP), and other classification references described here-in, and the casefile for the application serialized by DNR as ADL 108979.

Location Information**Geographic Location**

The proposed hut will be located at an elevation of 3,990' on the south flanks of Mount Tugahgo, approximately 8 miles north of downtown Haines, AK.

Legal Description

SW 1/4, SE 1/4, Section 3, Township 30 South, Range 58 East, Copper River Meridian.

Other Land Information

Municipality: Haines

Regional Corporation: Sealaska

Village Corporation: n/a

Federally Recognized Tribe: Chilkat Indian Village and Chilkoot Indian Association

Approximate Lat/Long: 59°17'49.05"N, 135°37'33.03"W

Title

The State of Alaska received tentative approval for the lands from the United States Department of the Interior in 1980, under general grant GS-1540. This tentative approval was recorded in 2012, under the document number 2012-000278-0.

Landowners

The site lies within the Haines State Forest and is surrounded by state owned land.

Third Party Interests

No encumbrances or third-party interests exist that would prevent the issuance of the lease.

Planning and Classification

The proposed location is subject to the Haines State Forest Management Plan (HSFMP/2002), which guides the management and use of state owned land within the Haines State Forest Resource Management Area. The management plan breaks the Haines State Forest into nine different management units. The requested parcel for lease is located within unit 8, subunit 8d. Subunit 8d is classified as Resource Management Land (RM) and will be managed for its scenic, recreational, wildlife habitat, and potential mineral values under such classification (HSFMP 3-64).

The management guidelines for this subunit elaborate that because of the remote, mountainous location of this subunit, development is not anticipated or considered appropriate. However, if authorizations are granted by the Department, the general standards of Chapter 2 apply (HSFMP 3-65).

Chapter 2 breaks down the forest-wide management policies into seven different sections: Fish and Wildlife, Forest Resources, Forest Protection, Recreation, Subsurface Resources and Materials, Transportation, and Watersheds. Recreation is the most pertinent section for examination of this application and whether it is allowable and consistent with the management intent of the HSFMP. The Division of Mining, Land Water (DMLW) relies heavily on agency comments, submitted during our agency review, for anything specific that should be considered under the other six sections.

The recreation section specifically addresses public use cabins, stating "A system of public use cabins and trails should be established in the State Forest, subject to the availability of funding. Public use cabins and trails may be constructed where analysis indicates a need, and where the state, federal, or local non-profit organizations are able to construct and maintain the facilities." (HSFMP 2-25).

Though development in this subunit was not anticipated or considered appropriate in 2002 when the HSFMP was created, the demand for public use cabins was certainly foreseen and welcomed. Additionally, the level of intrusion and disturbance on the landscape and ecosystem from the construction and use of this cabin, as outlined in the development plan, is designed to be minimal. The entire cabin is designed to be able to be dismantled in four days, and all the cabin users will have to adhere to leave no trace practices.

With the appropriate stipulations in place to protect the other resources outlined in Chapter 2, DMLW has determined that the proposed lease is consistent with the classification and management intent of the Haines State Forest Management Plan.

Traditional Use Finding

The proposed site is located within the Haines Borough. Pursuant to AS 38.05.830 a traditional use finding is not required.

Access

Physical and legal access to the proposed leasehold is an issue that will need to be resolved during the entry authorization period, for the applicant to be issued the final lease. Currently, there are three trailheads that are used to access a trail system, which is the most practical and expedient route to the proposed cabin site. However, these trailheads do not provide legal access because they either begin on private land and/or cross through lands not managed by DMLW/DOF (i.e., Mental Health Trust and University of Alaska lands). While state forest land is accessible from other points along the road system, there are no established trails at these points that provide a direct route to the proposed cabin site. Thus, users of the cabin would likely default to using the aforementioned trailheads, where legal access does not yet exist. As such, it will be up to the applicant to work with the pertinent stakeholders during the entry authorization period to establish legal access via one of the existing trailheads or to provide an alternative point of legal access that is of practical use (i.e., rerouting a section of an existing trail).

The site is also subject to Special Land Use Designation, ADL 106929. This designation prohibits motorized access within certain portions of Subunit 8d, as outline in Attachment B. Access to the site is not via a navigable or public water body.

Access Along Navigable and Public Waters

The proposed lease does not require reservation of public access along navigable and public waters pursuant to AS 38.05.126(a).

Public Trust Doctrine

The Public Trust doctrine does not apply to the proposed lease.

Reservation of Mineral Estate

In accordance with section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Exploration and development, if any, which could occur, would be consistent with AS 38.05.130 and other applicable statutes and regulations.

Mineral Orders

The proposed leasehold does not fall within the areas delineated in Administrative Mineral Closing Order (MCO). Neither an MCO nor a leasehold location order is necessary to or appropriate for this proposed leasehold.

Hazardous Materials and Potential Contaminants

Hazardous materials, specifically a 250-gallon propane tank and 55-gallon human waste collection drum, will be stored within the proposed leasehold. Stipulations will be included in the lease to ensure proper handling, storage, and disposal. The use and storage of all hazardous substances must be done in accordance with existing federal, state, and local laws.

Agency Review

An agency review was conducted on April 26, 2019. The deadline for agency comments was May 27, 2019.

The following agencies were included in the review:

- DNR Office of History and Archaeology/SHPO
- DNR Division of Forestry
- Department of Fish and Game - Habitat
- Department of Fish and Game - Wildlife Conservation
- Department of Environmental Conservation
- Department of Transportation and Public Facilities

Agency Comments

Comment – Alaska Department of Fish and Game

Summary: The proposed location of the leasehold provides alpine habitat for a variety of species of wildlife and associated hunting opportunities for the public. The site has a high probability of selection for use by overwintering mountain goats. The site also lies within 1500m of habitat suitable for mountain goat kidding and brown bear denning. Helicopters operating within 1,500-2,000m of mountain goats have been documented to alter their behavior. When helicopters alter mountain goat behavior their survival and productivity has been documented to decline. ADF&G has no objections to the issuance of the lease but calls attention to the fact that the proposed leasehold is located in the Mt. Ripinski non-motorized area (ADL 106929). If helicopter activity is allowed under the lease, ADF&G made specific recommendations to minimize disturbance.

Specific Recommendations:

1. Limit helicopter use and landings to the period of June 16th through October 31st to avoid the potential for disturbing denning brown bears and mountain goats during the important overwintering and kidding periods.

2. Helicopters should maintain a minimum of 1500m from observed mountain goats.
3. In order to reduce conflicts with mountain goat hunters it would also be advisable to avoid helicopter use and landings in the area during the RG025 season (Sept. 15 - Nov. 15th). Note that in some years this season closes early by emergency order and the department could provide information about early season closures upon request.
4. Any potential attractants, including food, fuel and any petroleum products should be properly stored to reduce the likelihood of conflicts with bears and other wildlife.

DMLW Response

The result of the special use designation (ADL 106929) is to preclude the use of personal and commercial motorized vehicles within the designated Mt. Ripinski non-motorized area (Attachment B), as these uses would be otherwise generally allowed under 11 ACC 96.020. 11 AAC 96.020(D)-(E) outlines what types of vehicles are generally allowed on state owned land, while 11 AAC 96.020(F) addresses what aircraft and watercraft uses are generally allowed. Thus, a clear distinction is drawn in regulation between vehicles and other modes of transportation, and the Mt. Ripinski non-motorized special use designation only applies to motorized vehicles. However, under 11 AAC 96.025(3)(C), activities that are generally allowed must be conducted in a manner that minimizes disturbance of fish and wildlife resources.

While helicopter use is not a part of this authorization because it is generally allowed and not restricted by the special use designation, the applicant will be advised of ADF&G's recommendations on how to minimize disturbance to wildlife. Additionally, a stipulation will be incorporated in the lease to address the recommendations regarding attractants to wildlife.

Background

The Division of Mining, Land and Water (DMLW) received this lease application on 02/25/2019, from Haines Huts, a first-time applicant with DMLW. Haines Huts has no known trespass issues with DMLW. No improvements currently exist on the proposed leasehold site. The only other DMLW issued land use authorization in the area of the proposed leasehold is for commercial recreation. The issuance of this authorization should not negatively impact either land user.

Discussion

Haines Huts is non-profit corporation looking to establish several public use cabins in the Haines area. Much of the uplands in the Haines area are owned and managed by the State, unlike most of Southeast Alaska, which is primarily Tongass National Forest. Given the State's limited resources a cabin system has not been developed on the Haines State Forest. Recall that Chapter 2 of the Haines State Forest Management plan stated that "A system of public use cabins and trails should be established in the State Forest, subject to the availability of funding."

The founders of Haines Huts have recognized this gap in land management funding and have decided to try to implement a cabin system through their non-profit corporation. Haines Huts stated mission is to establish and operate an area hut system that provides reliable backcountry cabins for residents and visitors, with a purpose of providing a place that fosters wilderness education for all ages, a jumping-off point for backcountry adventures, and a safe place for emergency situations.

DMLW is proposing to issue Haines Huts a 10-year public and charitable use lease, under AS 38.05.810. Haines Huts has provided proof from the Department of Treasury of their non-profit status. Haines Huts plans to operate the cabin for charitable, educational, and social welfare purposes, further qualifying them for this lease. The proposed uses of the cabin include general public use, youth and young adult outdoor programs, and an emergency shelter source.

Given that public use cabins are called for in the Haines State Forest Management Plan if funding is available, the nonprofit status of the applicant, and no objections during the agency review, the issuance of this lease is found to be in the best interest of the State.

The proposed lease will be subject to the terms of DMLW's standard lease document effective at the time the lease is signed. The current standard lease document is available for review upon request. The lease will also be subject to additional stipulations based, in part, upon the following considerations.

Development Plan

The Development Plan (DP) attached to this decision (Attachment A) and dated 02/19/2019 is under consideration by DMLW. Should the proposed lease be granted, it is anticipated that the DP will need to be updated throughout the life of the lease as activities and/or infrastructure are added or subtracted. All updates must be approved, in writing, by DMLW before any construction, deconstruction, replacement of infrastructure, or change in activity will be authorized. DMLW reserves the right to require additional agency review and/or public notice for changes that are deemed by DMLW to be beyond the scope of this decision.

Performance Guaranty

In accordance with AS 38.05.035, AS 38.05.860, and 11 AAC 96.060(a) Performance Guaranty, the applicant will be required to submit a performance guaranty for the lease to incentivize performance of the lease and to provide a mechanism for the state to ensure that the lessee shares in financial burden in the event of noncompliance for site cleanup, restoration and any associated costs after termination or expiration of the lease, the following bond will be required.

\$1,000 Performance Bond: Performance guaranties provide a means to pay for corrective action if the lessee fails to comply with the lease requirements. In accordance

with AS 38.05.035(a)(4), the applicant will be required to submit a performance guaranty. The amount of the performance guaranty is based on the scope and the nature of the activity and the potential cost of restoring the site. Performance guaranties are subject to periodic adjustments being made during the term of the authorization to address increases or decreases in the costs of rectifying problems and rehabilitating state land due to inflation, changes in the level or nature of development, or other appropriate factors.

Insurance

The applicant will be required to submit proof of liability insurance with the State of Alaska listed as an additional named insured party. Applicant will be responsible for maintaining such insurance throughout the term of the lease.

Survey

In accordance with AS 38.04.045, this lease does not require a survey. However, the State of Alaska reserves the right to require one in the future, should the need arise due to changes in statutes or increased use of the area. The applicant will be required to submit GPS coordinate points for the leased area.

Compensation and Appraisal

AS 38.05.810 (b-d): DNR is setting the annual fee for the lease at \$0.00, because of the youth encampment fee exemption. Under AS 38.05.097(a) a nonprofit organization using state land leased by it under AS 38.05.810 for a youth encampment or similar recreational purpose is exempt from lease rental payment on that land.

Haines Huts has submitted written request (Attachment C) for this exemption stating that:

"Haines Huts is a nonprofit organization that provides backcountry cabins for the purpose of providing a place for youth and young adults to participate in outdoor recreation living. Our cabins provide an opportunity for young people to foster personal and social development while experiencing the outdoors. This cabin will be used year around for youth and young adult outdoor programs and for this reason should qualify for the youth encampment exemption."

Given that 11 AAC 58.825 calls to liberally interpret the applicable statues and regulations in determining the qualifications for a youth encampment fee exemption, DMLW has determined that the applicant qualifies for the exemption.

Subleases

Subleasing is permissible through AS 38.05.095, if the proposed lease is approved. As this lease is authorized under AS 38.05.810(b-d) for public and charitable use, the lessee may only sublease to another qualified entity under AS 38.05.810(b-d). No commercial use of the leasehold is allowed under AS 38.05.810(b-d). All potential subleases must first be approved in writing by DMLW. As required by 38.05.095(b), a nonprofit organization that is exempted from paying rent on state land under AS 38.05.810 may not sublease. DMLW may conduct further agency review and/or public notice before making a determination on the appropriateness of the proposed sublease. The sublease fee will not be less than 25% of the annual fee paid to the lessee by the sublessee.

Assignment

The proposed lease, if issued, may be assigned to another entity qualified under AS 38.05.810(b-d) with written approval from State of Alaska. A lease will not be assigned to an entity if that entity does not meet the statutory requirements of the lease, or if the lessee is considered not to be in “good standing” with this or any other agency authorization.

Reclamation

In accordance with AS 38.05.090, the leasehold must be restored to a “good and marketable condition” within 120 days after termination of the lease.

Public Notice

Pursuant to AS 38.05.945, this PD will be advertised for a 30-day public comment period, starting on July 30, 2019. In addition, the post office(s) located near the proposed leasehold will be requested to post the notice pursuant to AS 38.05.945(b)(3)(C). The notice will also be posted on the State of Alaska Online Public Notice website pursuant to AS 38.05.945(b)(3)(B) located at: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>

In accordance with AS 38.05.946, a municipality or a corporation entitled to receive notice under AS 38.05.945(c) may hold a hearing within 30 days after the receipt of the notice.

The public is invited to comment on this PD. All comments received during the public comment period will be considered in the FFD. A copy of the FFD, along with instructions on filing an appeal, will be sent to all persons who comment on the PD. If public comments result in significant changes to the PD, additional public notice may be given.

To be eligible to appeal, a person affected by the FFD must provide written comments during the public comment period per AS 38.05.035(i).

Written comments about this project must be received in this office no later than 5:00 PM on August 28, 2019, to be considered.

To submit comments please choose one of the following methods:

Mail:

Department of Natural Resources
Division of Mining, Land and Water
Southeast Region Office
ATTN: Aaron Timian
PO Box 111020
Juneau, AK 99811
Email: aaron.timian@alaska.gov
Fax: (907) 465-3513

Questions about the lease portion of this project can be directed to Aaron Timian at (907) 465-3513.

Signature page follows:

Recommendation

DMLW has completed a review of the information provided by the applicant, examined the relevant land management documents, agency comments, land ownership, and has found that this project is consistent with all applicable statutes and regulations. DMLW considered both direct and indirect benefits to the State. As there are no competing projects which are incompatible with the proposed lease and in consideration of the benefits described above, DNR finds granting of the proposed lease provide the greatest benefit to the State.

I find the proposed action may be in the State's best interest and recommend approval to proceed with public notice.

Aaron R Timian
Aaron R Timian, Natural Resource Specialist II

7-29-2019
Date

Unit Manager Concurrence

Chris Carpeneti
Chris Carpeneti, Natural Resources Manager I

7/29/2019
Date

Division of Forestry Concurrence

Greg Palmieri
Greg Palmieri, Forester - Haines

7-29-2019
Date

Preliminary Decision

It is the determination of the Division of Mining, Land and Water that it may be in the State's best interest to issue a public and charitable lease for 10 years to the applicant, as described above. Additionally, the issuance of this lease supports goals stated in the Haines State Forest Management Plan. This application shall now proceed to public notice.

Lee V. Cole, Jr.
Lee V. Cole, Jr., Southeast Regional Manager

7-29-2019
Date



Haines Huts
Land Lease Development Plan
19th February 2019



Attachment A

Introduction

Haines, unlike most communities in Southeast Alaska, does not have a federal or state agency with the capacity to establish and operate backcountry cabins for public use. Haines Huts, a 501c3 federal nonprofit, was established to fill this gap. The mission of Haines Huts is to establish and operate an area hut system that provides reliable backcountry cabins for residents and visitors. The purpose of these backcountry cabins is to provide a place that fosters wilderness education opportunities for all ages, is a jumping-off point for backcountry adventures and provides a safety net for emergency situations.

Since 2012 Haines Huts has been meeting with Haines State Forest users and the Haines State Forest office staff to identify and prioritize potential locations for the first backcountry hut established and operated by Haines Huts. The development of backcountry cabins is supported in the Haines Borough Comprehensive Plan and the Haines State Forest Five-Year Forest Management Schedule for calendar years 2018-2022. The Tukga-Hut location is specifically mentioned in the 2018-22 Management Schedule.

The Tukga-Hut will provide residents and visitors the opportunity to experience the Haines State Forest in a way that supports and enhances the primary purposes of the Haines State Forest Resource Management Area, outlined in the Haines State Forest Management Plan.

The Tukga-Hut Development Plan is accompanied by the following documents to make up a complete land lease application:

- The Department of Natural Resources' Division of Mining Land and Water Application for Lease of State Land
- Environmental Risk Questionnaire

- Project location. kmz file
- Safety Data sheet
- Proof of federal and state nonprofit status

Legal description

SW ¼ SE ¼ Section 3 T30S R58E Copper River Meridian.

See tukgahut_lease_area.kmz in attached file.

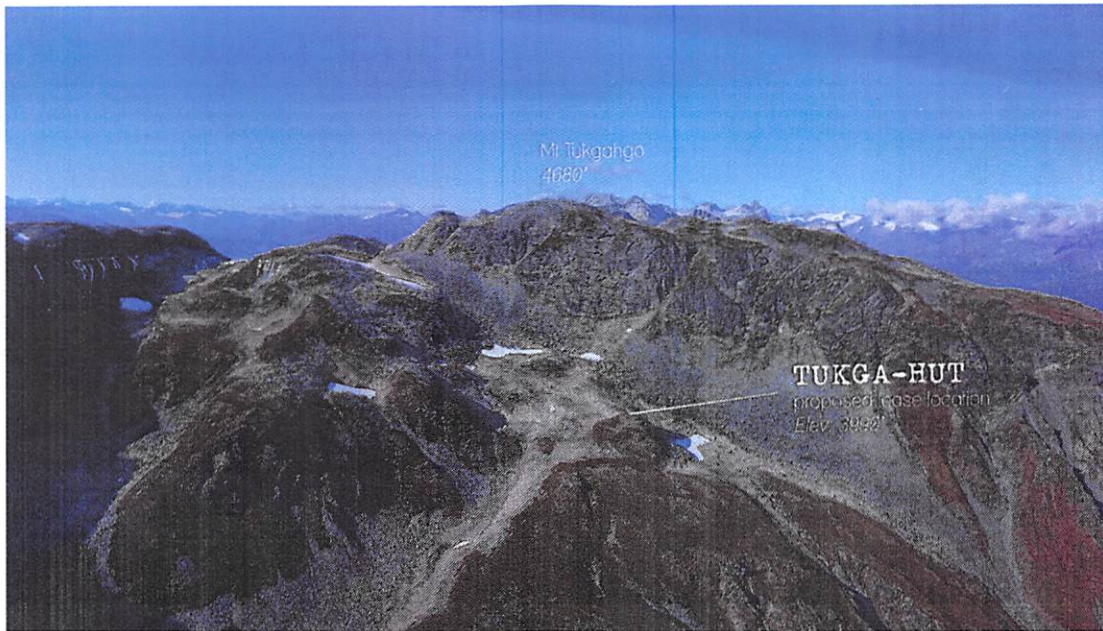
Terrain/ground cover

The proposed hut will be located at 59.29727, -135.62634- in the alpine (3,900 ft) of the Takshanuk Mountain Range, on the south flanks of Mount Tukgahgo, approximately 8 miles north of downtown Haines Alaska (see images below). The Takshanuk Mountain Range lies between the Chilkoot and Chilkat Rivers in northern Lynn Canal. The area is a geologically young and dynamic landscape that includes a mix of perennial snowfields, small glaciers, alpine meadows and rugged broken terrain that descends to a rocky, tidewater coastline.¹ The existing ground cover is rock/gravel and alpine lichens and shrubs, which is covered with snow 8 months of the year.



View of proposed hut location from the north, looking southeast

¹ K.White, N.Barten. Mountain Goat Population Ecology and Habitat Use Along Juneau Access Road Corridor, Alaska. 2012. Alaska Department of Fish and Game



View of proposed hut location from the south, looking northwest

The proposed changes to the terrain/ground cover for this project are minimal. The foundation for the 576-square-foot cabin will be manually assembled rock gabions.

Access

This project will not restrict public access.

In the summer, the most established access to the project location is via hiking from the "7-Mile Saddle Trailhead" at Mile 7 on the Haines Highway. The existing trail ascends to '7-Mile Saddle' then splits south to Peak 3,920 and north up to Chilly Ridge. From the end of the existing trail at the base of Chilly Ridge, the hut approach is in the alpine and exists of mostly flat, bare ground. Materials and supplies for construction will be slung in by helicopter and deposited without landing.

Alternative public access routes on the west side exist from 10-mile bowl and on the east down the east ridge of Mt. Tukgahgo to the 'Glory Hole Road' and down from '7-Mile Saddle' to the Lutak Road.



Existing Mt. Ripinsky trail infrastructure and proposed hut approach.
 Base image from Division of Forestry, Haines, 2008

Buildings and other structures

Construction will be limited to one 16'x20' hut with a rock gabion foundation and one 4'x4' outhouse. The floor will be built with traditional wooden joists. The structure will be locally milled and crafted timber wrapped in insulated panels. The hut will be semi-permanent, but will be built with reclamation in mind. The entire hut, including the foundation could be dismantled in four days. The hut will be pre-assembled in town in summer 2019, then broken down and slung up to the building site in spring 2020.

Power source

There will be a small propane generator to support the weather monitoring, web cameras and data link. The hut will not have traditional 110v power.

Waste types, waste sources, and disposal methods

Pack it in, Pack it out. With no running water, human waste collected in 55-gallon drums via outhouse is the only anticipated waste that will be generated on site. Full

drums will be removed annually via helicopter and disposed of according to state and local regulations at Haines Sanitation. Cabin users will agree to a "leave no trace" ethic in the rental contract. If household garbage is left in cabin, Haines Huts will penalize users according to rental contract and manage waste accordingly. Cameras are part of building design and will be used for enforcement

The hut location is a half mile from the nearest surface water stream.

Hazardous substances

Propane gas will be used in the cabin for cooking, heat and limited power infrastructure. A 250-gallon propane tank will be secured along the back gable end of the hut. The risk to environment has been greatly reduced by choosing to use propane gas instead of diesel or other liquid petroleum fuel. See SDS (propane_sds.pdf) in attached file.

Water supply

There will be no running water, and therefore no waste water. Users will bring their own drinking water. The closest water supply is a perennial stream one half mile southwest of the cabin. When snow is covering the ground, users may melt snow for drinking water.

Parking areas and storage areas

N/A

Number of people using the site

The cabin will have beds for 10 people. There will be one supervisor who is responsible for managing the site. The Haines Huts business model anticipates that the site will be used 100 days per year with a total of at least 250 user days per year.

Maintenance and operations

The cabin will be maintained and operated by Haines Huts. Similar to many backcountry cabin systems operated around the world, Haines Huts' long-term maintenance requirements for this type of cabin will include an annual helicopter service, which will fly maintenance materials and propane fuel in and fly human waste out. The cabin will have several web-linked cameras both outside and inside

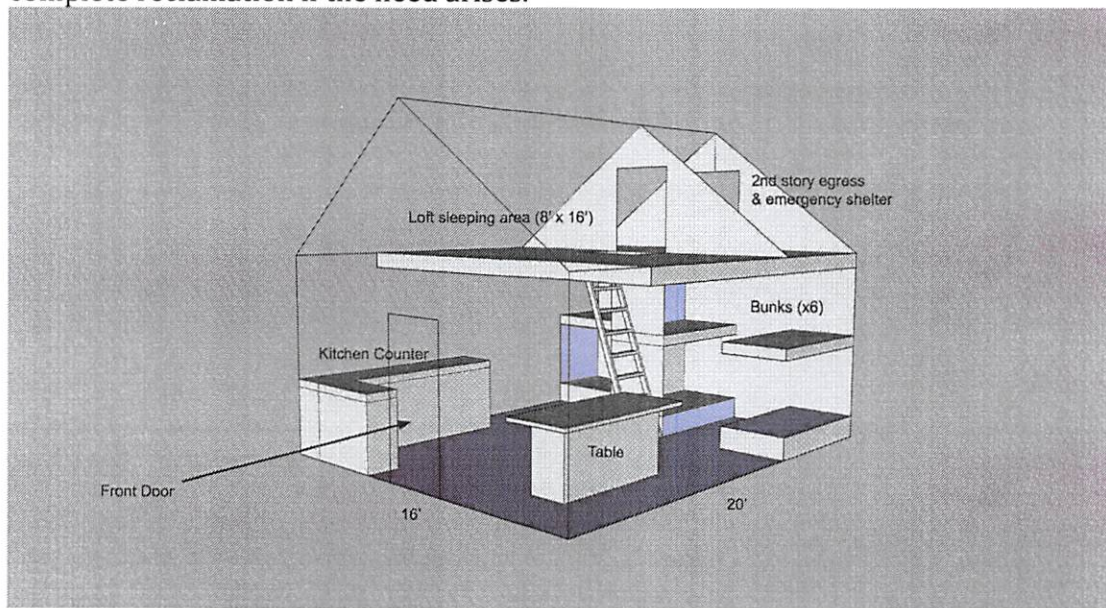
the hut. The exterior cameras will post real time condition images to the Haines Huts website and the Haines Huts manager will check the internal cameras regularly. The cameras will help ensure if and when damage to the property does occur the cabin manager is able to access the property and address damages.

Closure/reclamation plan

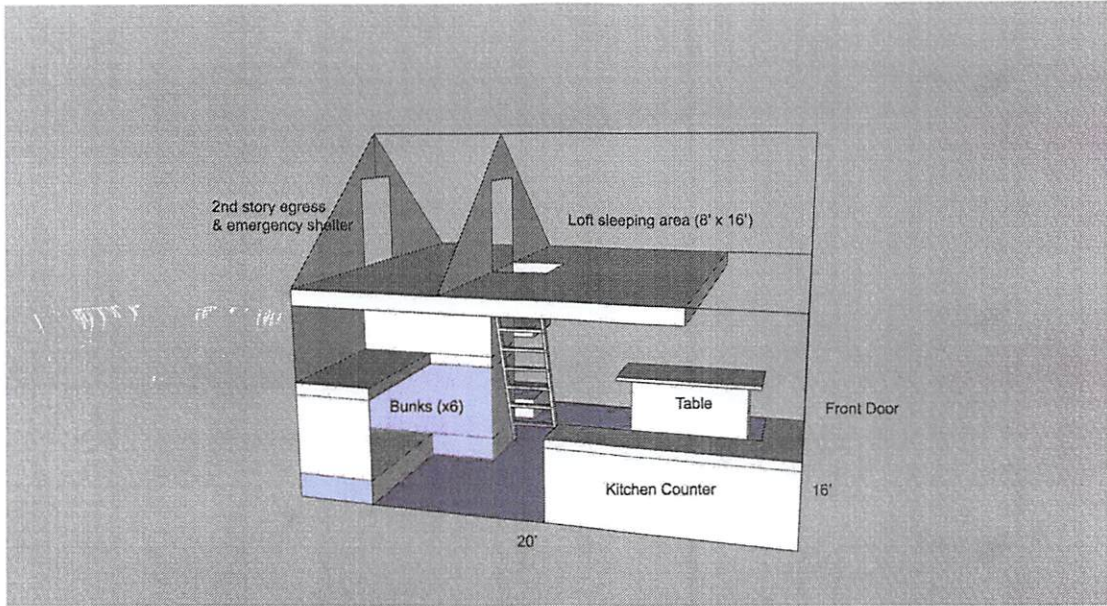
Haines Huts will secure a reclamation bond before hut installation to cover the cost of deconstruction. The cabin is designed to be dismantled in four days. Insulated panel construction allows for quick disassembly and removal by helicopter. Removing the wire wrap and manually scattering rocks would dismantle the rock gabion foundation.

Sketch or blue line portion of the development plan

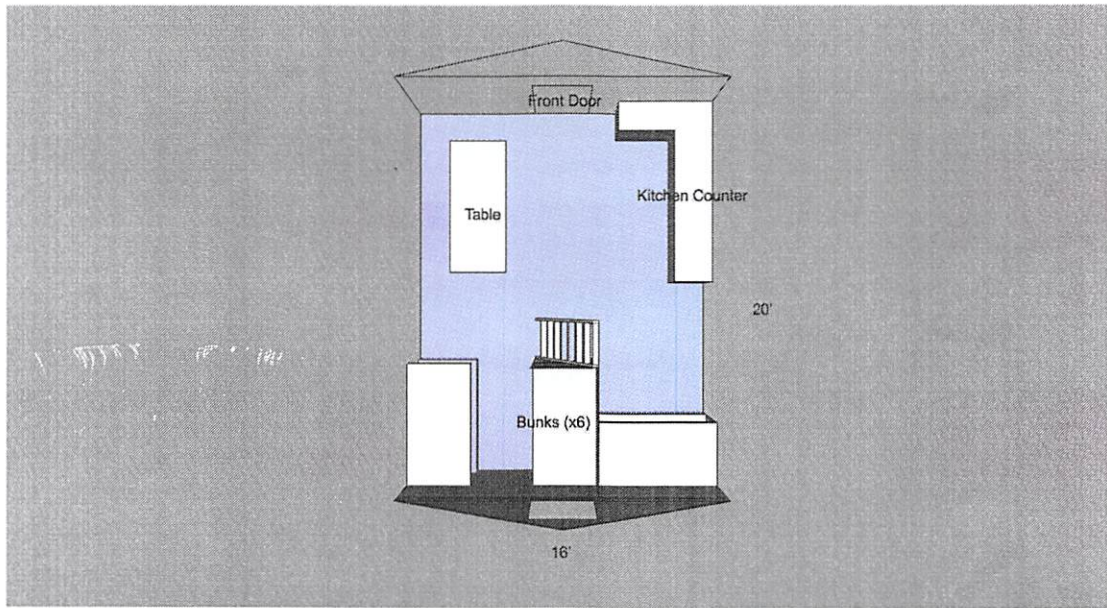
Foundation for the proposed hut will be a gabion rock foundation, allowing for complete reclamation if the need arises.



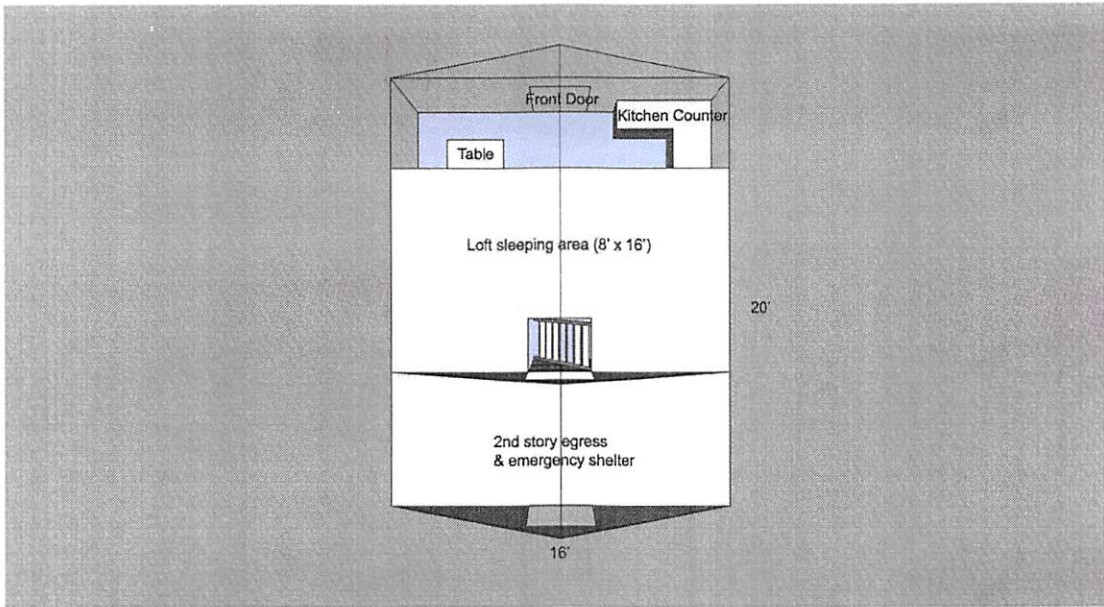
View from southeast



View from west



Plan view, ground floor



Plan view, sleeping loft and emergency egress

Appendices

Attachment B

Appendix A – Glossary

Appendix B – Special Land Use Designation 106929 – Non-motorized Area

Haines State Forest Mt. Ripinski Non-Motorized Map

Appendix C – Mineral Closing Order #771

Appendix D – Mineral Leasehold Location Order No. 25

Appendix E – Special Use Land Designation 106858 – Commercial Recreation Activities

Appendix F – Land Classification Order No. SE-02-02

Appendix G – Management Agreement between DNR Divisions

Map – Chilkoot River Road

Appendix H – Land Classifications

Appendix I – Cooperative Agreement Between DNR Divisions

Appendix J – Results of Community Recreation Survey

Appendix K – Special Use Designation 106939 – Commercial Helicopter Operations

Haines State Forest – Areas of Heli-Skiing Use and Non-Use

APPENDIX B

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

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

ADL 106929

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

2. DEFINITIONS:

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

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

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

4. BACKGROUND:

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

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

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

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

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

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

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

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


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

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

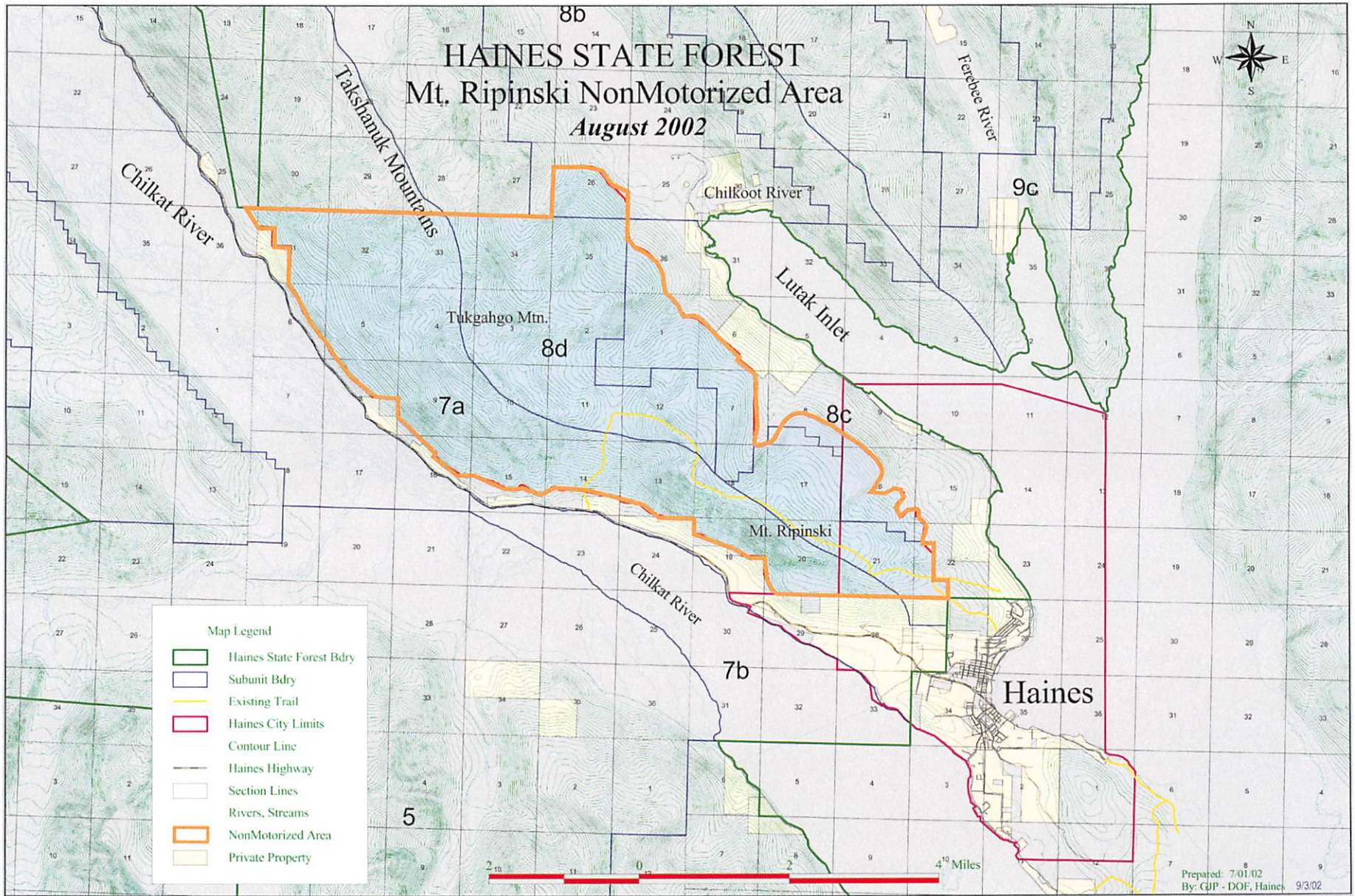
DEPARTMENT OF NATURAL RESOURCES.



Commissioner, Department of Natural Resources



Date





Alaska Department of Natural Resources
Division of Mining, Land & Water
Southeast Regional Land Office
PO Box 111020
Juneau, AK 99811-1020

May 2, 2019

Re: Haines Huts, ADL 108979. Request for a youth encampment exemption under AS 38.05.097

Division of Mining, Land and Water,

This letter is a request for exemption under AS 38.05.097 for Haines Huts, ADL 108979- as we believe that Haines Huts qualifies for the youth encampment exemption under AAC 58.825

Haines Huts is a non profit organization that provides backcountry cabins for the purpose of providing a place for youth and young adults to participate in outdoor recreation and living. Our cabins provide an opportunity for young people to foster personal and social development while experiencing the outdoors. This cabin will be used year around for youth and young adult outdoor programs and for this reason should be qualify for the youth encampment exemption.

Thank you for considering this request.

Please email or call if you have any further questions and considerations.

Sincerely,

Jess Kayser Forster
Board Chair
Haines Huts, Haines Alaska
907-314-3257
kayserjess@gmail.com
haineshuts@gmail.com

Attachment C