



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources

COMMISSIONER'S OFFICE

550 W. 7th Avenue, Suite #1400

Anchorage, AK 99501

Main: 907.269.8431

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September 11, 2019

**Re: Department Regulations on the Glacier/Winner Creek Special Use Area
Opportunity to Comment on Proposed Regulation Change**

Dear Alaskan:

The Department of Natural Resources proposes to adopt a regulation change in Title 11 of the Alaska Administrative Code dealing with the Glacier/Winner Creek Special Use Area. Specifically, the Department of Natural Resources is proposing to amend 11 AAC 96.014(b)(16) dealing with commercial recreational land use authorizations within the Glacier/Winner Creek Special Use Area (G/WCSUA).

I am writing to explain the proposed regulation amendment, why we are proposing this regulation change now, and how this action relates to the ongoing resource management process. I invite you to review and comment on this proposed regulation change.

Why Do We Need This Regulation Change Now?

The G/WCSUA was established by regulation in 2002, 11 AAC 96.014(b)(16). The original intent for the management of the area was to limit and control winter commercial recreation, specifically helicopter skiing and related commercial activities. The purpose of those regulations was to implement the management preferences of the department at that time and the management policies outlined in the 1994 Turnagain Arm Management Plan, specifically Chapter 2(c)-(e), Areawide Land Management Policies: Aircraft Operations; Commercial Snowcat/Helicopter Skiing; Operations and Safety Plans. Those policies state that "Before any helicopter skiing, or other aircraft activity that requires authorization from DNR to operate will be approved, measures to address and minimize noise and other impacts must be developed." In part, 11 AAC 96.014(b)(16) required a land use permit for commercial snowcat operation and limited the number of permits within the G/WCSUA to a single operator.

Until 2018, only one operator had applied for, and been authorized for, the single 5-year permit in this special use area. In 2018, other parties also expressed interest in obtaining the single permit. These expressions of interest caused DNR to reevaluate its policies and practices regarding the management of this area. The department determined that it had no defensible, regulatory method in place to evaluate multiple applicants and allocate the single permit. In May of this year, DNR proposed a set of regulation changes to establish that method.

Upon evaluation of the public comments received on the proposed regulations, and after reassessment of the circumstances and the department's goals for the G/WCSUA, including technological advances as well as other regulatory changes since 2002, DNR has decided that eliminating the permitting

requirement for commercial snowcat operation is the most appropriate option for G/WCSUA. To that end, DNR is issuing new proposed revisions to 11 AAC 96.014(b)(16) for public review and comment. Under this approach, DNR would also revise the Turnagain Arm Management Plan and other applicable commercial recreation management policies in that affect the area.

Scope of proposed regulation change.

DNR is proposing to revise the regulation for the G/WCSUA under 11 AAC 96.014 to eliminate the restriction to only one land use permit for commercial snowcat operation. The effect of this revision would be that commercial snowcat under 1,500 lbs. or Heli-skiing operations within the G/WCSUA will no longer require a permit, but only commercial recreation registration under 11 AAC 96.018. Commercial Snowcat operations using vehicles weighing over 1,500 would require a permit under 11 AAC 96.010. The single permit monopoly in the G/WCSUA would be eliminated, and the area would be open to multiple commercial recreation operators, similar to other general state land. Consistent with these proposed changes, DNR is not soliciting for a new permittee within the G/WCSUA this year.

Opportunity for Comment.

Interested parties are encouraged to review the proposed regulation change and submit any comments to DNR. Enclosed is the official "Notice of Proposed Changes in the Regulations of the Department of Natural Resources," which provides the details regarding the submission of public comment. You can view the proposed regulation on our website at <http://www.dnr.state.ak.us/mlw/hottopics>.

You are invited to comment on this proposed regulation change to the Department of Natural Resources. For your comments to be considered, the department must receive them no later than **5:00 p.m. on Monday, October 14, 2019**. Comments must be in writing, and they may be mailed, faxed, or e-mailed to the address below. Please see the Notice of Proposed Changes for additional information.

Attn: Joseph Joyner
Division of Mining, Land and Water
550 W 7th Ave., Suite 1070
Anchorage, Alaska 99501-3579
Fax: (907) 269-8904
E-Mail: dnr.permitting.regulation@alaska.gov

You may also submit written questions relevant to the proposed regulations to: Joe Joyner, Department of Natural Resources, 550 W. 7th Ave., Suite 1070, Anchorage, Alaska 99501-3579, Fax: (907) 269-8904, E-Mail: dnr.permitting.regulation@alaska.gov. Questions must be received at least 10 days before the end of the public comment period (**October 4, 2019**). The Department of Natural Resources will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System <https://aws.state.ak.us/OnlinePublicNotices/Login.aspx> and at <http://www.dnr.state.ak.us/mlw/hottopics>.

For more information regarding the DNR's proposed regulation change or a copy of the proposed regulation change, go to <http://www.dnr.state.ak.us/mlw/hottopics>, or write to the Director's Office, Division of Mining, Land and Water, Department of Natural Resources, Attention Joe Joyner, 550 W.

7th Avenue, Suite 1070, Anchorage, Alaska 99501-3579; or call 907-269-88511, or email at joe.joyner@alaska.gov .

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Joe Joyner at 269-8511 no later than **October 1, 2019**, to ensure that any necessary accommodations can be provided.

Thank you for your consideration of this proposed regulation change. DNR looks forward to reading your comments and suggestions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marty Parsons", with a long horizontal flourish extending to the right.

Marty Parsons,
Director, Division of Mining, Land and Water
Department of Natural Resources