

**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
SOUTHEAST REGIONAL OFFICE**

Attachment A - Summary of Comments and Responses

Comments were received from the following parties:

1. Thom Ely
2. Scott Visscher
3. Greg and Marianne Rasmussen
4. Darsie Culbeck, Executive Assistant to the Manager, Haines Borough
5. Roy Josephson, Northern Southeast Area Forester, DOF

Summary of Comments and Responses:

Two (2) public comments expressing concern that opening Kelsall River Subunit 1b (Mosquito Lake), which has a history of staying free of guided trips, to commercial recreation would adversely impact Haines residents and noncommercial activities and would congest the area that gets enough use by locals.

Response: Subunit 1b (Mosquito Lake) of the Haines State Forest has been available for commercial recreation since the *Haines State Forest Management Plan* (HSFMP) was adopted in August 2002. The commercial recreation operation use levels allowed in this subunit were designated as low intensity to ensure Haines residents would not be adversely impacted. Per Special Use Designation ADL 106858, low intensity commercial recreation operations in Subunit 1b that provide services for not more than 11 clients per day is allowed under a permit system. Southeast Alaska Backcountry Adventures (SEABA) proposes to take no more than 9 people per day and is thus in accordance with the Special Use Designation (SUD) and the management plan for the subunit.

One (1) public comment expressing concern that residents living in the Kelsall River Subunit 1b (Mosquito Lake) area would be adversely impacted by any use of helicopters and the accompanying noises from such use.

Response: Helicopter landings and skiing on state land are a generally allowed use in accordance with 11 AAC 96.020 and do not require a land use permit. It is only the permittee's use of state land in the Haines State Forest for commercial recreational activities that requires a land use permit. Additionally, the information provided to SERO by SEABA indicates helicopters will not be used in this area. SEABA's proposed use for Kelsall River Subunit 1b (Mosquito Lake) is guided snow machine and backcountry ski touring.

One (1) public comment from a Haines resident expressing concern that the applicant is not a good candidate to stay within the confines of state regulations in running a commercial tour and has a number of violations of local heli-tour guidelines in the running of SEABA.

Response: SEABA has been permitted to use state lands for snow cat operations and to conduct winter commercial recreation guided tours since March 2006. During this timeframe, SERO has received no complaints from the public that SEABA has violated State regulations.

SERO authorizes the use of state land only and does not have heli-tour regulations. The Haines Borough regulates local heli-tours, and they have issued SEABA a 2013 Commercial Ski Tour Permit.

One (1) public comment from a Haines resident expressing concern that the applicant has shown a callous disregard for the concerns of residents who stand to be impacted by their efforts to acquire a helipad on their land at 26 Mile, in a residential neighborhood.

Response: The use of private land falls outside the scope of SERO. The Haines Borough regulates local zoning and heliports.

One (1) public comment expressing concern that land use applications for commercial tours be considered only for back country use. Allowing private profit from state lands should not be allowed to impact the safety, peace and free accessibility to well-used areas, by Haines residents.

Response: The HSFMP was adopted in 2002 to allow a range of activities to occur. It is managed for multiple uses to include both the recreational activities of individuals and activities provided by commercial entities. Special Use Designation ADL 106858 regulates levels of commercial recreational use to minimize impacts to the local residents' use of the area.

One (1) public comment expressing that any State permit issued needs to note that all local laws and ordinances apply to the State issued permit holder and that the permit needs to adhere to the group size and daily use limits set out for the management areas by Appendix E – Special Use Land Designation of the Haines State Forest Management Plan.

Response: Condition #22 of the authorization requires continuous compliance with all applicable federal, state and local laws, regulations, rules and orders. Condition #23 of the authorization requires the permittee to adhere to the use levels of Special Use Designation ADL 106858 (Appendix E) when operating in the Haines State Forest.

One (1) public comment expressing concern that SEABA's lower elevation pick up points are outside of the Haines Borough Approved Helicopter Skiing Area Map Boundary. Haska Creek Bowl in Unit 6 is one of them. The areas that face the Chilkat Inlet must remain off limits to helicopter recreation as it adversely affects residents living along the Chilkat River and peninsula. This area has been commented on and requested to stay closed to heli-skiing by residents and backcountry users for the past thirteen years. Additionally, the areas permitted for helicopter skiing should be a minimum of two miles back from the top ridge facing the Chilkat Inlet and Valley. The advantage of a helicopter is its ability to take people beyond the residential areas and regions used by self-propelled backcountry users.

Response: Helicopter landings and skiing on state land are a generally allowed use in accordance with 11 AAC 96.020 and do not require a land use permit. It is only the permittee's use of state land in the Haines State Forest for commercial recreational activities that requires a land use permit. Helicopter operations are managed by the Haines Borough. These issues need to be brought to the attention of the local planning authority.

One (1) public comment expressing concern that while the State never adopted the Helicopter Skiing SUD, it would be prudent to review this document before any new permits are issued. Considerable time, public and agency involvement went into drafting that plan. Some of these elements are now in Haines Borough Ordinance No. 10-10-243 and the associate heli-skiing stipulations.

Response: As stated, the Helicopter Skiing SUD (Appendix K ADL 106939) was not adopted. Without the adoption of the SUD, helicopter landings and skiing on state land are a generally allowed use and do not require a land use permit unless the commercial recreational activity takes place in the Haines State Forest. SERO does not have the authority to regulate helicopter use.

One (1) public comment expressing concern that the State should move cautiously on issuing the permit and do so on no more than a biannual basis. There are documented adverse impacts on wildlife from helicopters, public safety issues and other public land users to consider.

Response: Per 11 AAC 96.040, land use permits are issued for five (5) years and are revocable at any time.

One (1) comment from the Haines Borough requesting the language within the land use permit is clear that the rules of the Haines Borough trump the Haines State Forest Management Plan regarding heliski areas. The Haines Borough requests that the land use permit references the Haines Borough Commercial Ski Tour Area map.

Response: SERO is authorizing the use of state land within the Haines State Forest only in the permit, not the permittee's heliskiing operations. The Haines Borough is the sole permitting authority for heliskiing operations. Advisory language will be included in the land use permit notifying the permittee that the Haines Borough is the sole permitting entity for heliskiing operations. Additionally, this is emphasized by condition #17 of the authorization which requires compliance with all applicable federal, state and local laws, regulations, rules and orders.

Three (3) agency review comments from Roy Josephson, Northern Southeast Area Forester, Division of Forestry:

1) SEABA's Land Use Application requests that the snow cat area be closed to other heli-ski operations and to allow them to control public snow machine recreational use in the same area because of potential conflicts on the snow cat road. They suggest to control and have exclusive use of the area and the ability to charge the public a fee to use the area. I do not agree that it should be closed to other commercial operators or the public or that they be allowed to charge fees for the use. The State Forest is intended to be available to the public for recreational use. SEABA should mitigate their safety concerns through signage when they are operating in the area to inform the public of the operation and the associated risks and safety concerns. They should also make the snow cat road wide enough for snow machines and the snow cat to pass by each other or provide pull-outs in areas that provide for this to occur. If they feel they cannot make their use of this area in a safe manner they should not operate.

Response: SERO agrees. Public use of state lands shall not be restricted in any way. However, SERO will allow SEABA operators to post advisory signage notifying users that the roads are maintained for clients of SEABA and use is at their own risk. As recommended, the permittee will be required to make the snow cat roads wide enough for snow machines and the snow cat to pass by one another or to make pull-outs in areas for this to safely occur.

2) SEABA indicates that fuel will need to be transported onto state land to provide for fueling of the snow cat. Petroleum products must be handled in a manner that does not violate the water quality standards of 18 AAC 70. The Division of Forestry would like to see some sort of specific plan for the fuel containment structure including the materials used as well as the size and shape of the structure.

Response: SERO agrees. As recommended, the permittee will be required to handle petroleum products in a manner that does not violate the water quality standards of 18 AAC 70. The permittee proposes to store 200 gallons or less in metal barrels on a high density polyurethane containment structure with 1.5 foot high walls, or in dual lined tanks. This structure will be included in the development plan of the permit and include permit stipulations that drip pans will be required during refueling.

3) SEABA's operations plan indicates they are working with ADF&G to provide flight data collected from flight logs to help interpolate and correlate interaction between heliski operations and GPS tagged billy and nanny mountain goats that are located throughout the Chilkat, Takhin, Chilkoot, Ferebee, and Taiya drainages. This would give F&G pertinent information about the industry so that its potential effect, both negative and positive, can be more readily understood. The Division of Forestry agrees with this idea and recommends that this shared data in all the areas of the operation be a condition of the permit.

Response: SERO is not managing the helicopter use in the area; this is managed by the Haines Borough.