

STIPULATIONS FOR COMMERCIAL USE OPERATIONS WITHIN THE ALASKA CHILKAT BALD EAGLE PRESERVE

1. **Eagle Feeding Prohibited.** While conducting guided tours on the preserve a client or guide may not offer or provide food or a food-like lure of any kind that attracts an eagle, whether or not the eagle actually eats or touches the food or lure. This does not apply to normal fishing and hunting activities where fish and animal waste may be disposed of as allowed by law. (This stipulation has been upheld under appeal effective 10/08/01.)
2. **Cooperation with scientific studies.** The permittee shall cooperate with studies done by the Alaska Department of Fish and Game by following reasonable directions of field staff with regard to boat uses and activities. Reasonable directions shall not deny access for guides, but it may require certain timing, speeds, wakes, spacing and alternate routes to be requested not less than 24 hours in advance.
3. **Put-ins and Take-out Operations.** The permittee shall put-in and take-out in locations and using techniques that are reviewed by DPOR and ADF&G and identified in the Operation Plan. Preserve habitat standards must be maintained at these locations. Any habitat damage that occurs at these sites must be reported immediately to DPOR, and use of the site must be terminated, until a review by DPOR and ADF&G is completed. The construction of roads and other permanent improvements is not authorized.
4. **Guide Training Required.** All permittees shall require that all guides using the preserve will attend a training session given by state parks staff before beginning operations each year. This training will instruct all guides on all permit requirements, plan provisions, and state law. Additionally, the guides shall learn how to best use the area near the Village of Klukwan to not intrude on their natural resource based lifestyle. Guides shall not operate on the preserve without first attending this training, unless otherwise approved by the division.
5. **Commercial Dock.** The use of a commercial floating dock is permitted, provided that all stipulations in OHMP floating dock permit FH04-I-0088A are adhered to.
6. **Specific Operating Requirements:**

Commercial Operators shall not:

- a. Remove, cut or otherwise damage areas of riverine or lacustrine wetlands (as identified in the National Wetlands Inventory, Haines Area) or riverbank vegetation without specific written permission. In navigable waterways, where trees in the water present a hazard to navigation, a permittee may cut trees up to six inches in diameter without prior approval. Cutting any larger tree must be approved by the Haines Area ranger; provided, however, if the Haines Area ranger cannot be reached and the tree presents a current hazard to navigation, the permittee may remove the hazard and thereafter submit a report (with before and after photos of the hazard) to the Haines Area ranger within 48 hours of the incident. No brush may be cut to enlarge water channels.
- b. Damage or deface natural objects, including trees, plants, and moss, nor remove rocks, gravel, or minerals, except as authorized by the director under 11 AAC 21.120. (The intent is to have boat operations use sand and gravel areas for embarking and disembarking).
- c. Depart from a main river channel to encroach within any wetland area containing an occupied Trumpeter Swan nest or brood-rearing site. Operators shall report all such nests or sites encountered to DPOR within 48 hours.

- d. Operate within the areas of sensitive spawning beds of anadromous fish streams in a manner that damages or otherwise adversely affects these areas. These areas include the Chilkat River adjacent to and ½ mile below the Kellsall Delta, and the Council Grounds. Other areas will be identified as more information is gathered.
- e. Harass or otherwise disturb bald eagles as described in the Bald Eagle Protection Act.
- f. Operate in a manner inconsistent with DPOR Director Orders or other Orders of the Department of Natural Resources, or inconsistent with applicable rules and regulations of the U.S. Coast Guard in areas where the Coast Guard exercises jurisdiction within the Preserve.
- g. Operate in such a manner as to create adverse impacts to traditional uses and other lawful uses of the Preserve, including but not limited to subsistence hunting, fishing or gathering activities; recreational hunting or fishing activities; and areas of set or drift nets where these uses are allowed under law.

Commercial Operators shall:

- a. Conduct their operations in such a way as to be consistent with the purposes of the Preserve.
- b. Operate in such a manner as to avoid impacts to traditional uses and other lawful uses of the Preserve, including but not limited to subsistence hunting, fishing or gathering activities; recreational hunting or fishing activities; and areas of set nets where these uses are allowed under law. If conflicts arise, DPOR, with the assistance of the ADF&G when fish and wildlife resources are involved, will determine what actions to take that will minimize this disturbance. If specific restrictions are to be imposed, the recommended restriction will be added as a condition of the permit, if already issued.
- c. Facilities supporting commercial operations are to be provided on privately owned lands, Native Allotments, or other lands that are not within the state land or waters of the Preserve.
- d. Put-ins and take-out operations, if on state land, are to be sited on gravel or other materials characterized by little vegetation. Where these operations must occupy areas of vegetated stream banks, the amount of impact shall be minimized. All such sites shall be approved by DPOR. Such activities shall not occur on the riverbanks of clear water tributaries of the Chilkat, Klehini and Tsirku river systems, except as authorized by DPOR. Tributaries of this type include but are not limited to Clear Creek and an unnamed tributary at Mile 14 of the Haines Highway. Note: DPOR shall modify this list from time to time in order to include those other clear water tributaries that may be identified.
- e. Shall adhere to all applicable rules and regulations of the U.S. Coast Guard for commercial vessels (relative to the type and size of commercial operation).
- f. Operate motorized vessels so that no boat wakes are produced and a no-wake speed of 4 miles per hour (mph) is not exceeded within the clear water tributaries of the Chilkat, Klehini, and Tsirku river systems, not including the tributary 'Clear Creek' to the Tsirku River. These tributaries include but are not limited to the outlet stream of Mosquito Lake and Sheep Canyon Lake outlet stream (The outlet stream to Sheep Canyon Lake is marked by a "no wake zone sign" to designate the no wake zone upstream of that marker). Note: DPOR shall modify this list from time to time in order to include those other tributaries that may be identified. It is also noted that the purpose of this stipulation is to minimize impacts to spawning and rearing habitat and with that in mind ADNR in conjunction with DNR Office of Habitat Management and Permitting and ADF&G may modify operating requirements to obtain minimal impacts and still allow use of an area.

7. **Large-scale Commercial Tour Restrictions.** Permittees operating motorized vessels carrying more than ten people per day within the Upper Chilkat Management Unit must operate under the following conditions:

A. *Upper Chilkat management Unit:*

1. Large-scale Commercial Tour (LCT) Restrictions. Permittees operating motorized vessels carrying more than ten people per day within the Upper Chilkat Management Unit must operate under the following conditions:
 - a. LCT operators shall not enter into areas designated on the Plan Map 3-2A as 'Non- Use areas – Habitat' or 'Non-Use areas – Other Than Habitat'. The former include Mosquito Lake, and areas locally known as Bear Lake, Mule Meadows and Goose lake. LCT operators may not operate beyond markers placed in the entrance channels of Bear Lake, Stump Lake and Bear Creek. These markers correspond to and delineate the non-use areas identified on Plan Map 3-2A. LCT operators are permitted to use only that portion of Sheep Canyon Lake adjacent to the outlet stream for the purpose of turning vessels around for departure. Marker buoys designate the lake-ward extent of motorized travel by LCT operators.
 - b. LCT Operators shall operate upstream of the confluence of the Chilkat and Klehini Rivers on the Chilkat River System. Further, they shall operate within main part of the channel of the Chilkat River between the Wells Bridge and the confluence of the Klehini River. A minimum distance of 100 feet from the east bank of the river and fifty feet from set nets and drift nets shall be maintained in this area. They shall not operate adjacent to the Village of Klukwan.
 - c. LCT Operators shall operate within the area of the Primary and the Secondary Route as depicted on Plan Map 3-2A, including access routes to Sheep Canyon Lake, Stump Lake, and Bear Lake. Activities are prohibited on the Secondary Route prior to May 15 and after September 14. Additional activities within the Secondary Route may be limited or terminated when the conditions for operations are not sufficient to ensure protection of active spawning and rearing areas in the vicinity of the Kellsall Delta as determined by DNR.
 - d. LCT Operators shall avoid drift and set net sites, including those depicted on Plan Map 3-2A.
 - e. LCT Operators shall operate their vessels to minimize stream bank erosion. Generally, vessels shall be operated in the middle of the main channels of the prescribed routes or wherever the deepest water occurs within the main channel. Vessels shall maintain a distance separation of at least 50 feet from the edge of the bank whenever possible. Distances less than 50 feet are only authorized for the purposes of safety or if the channel width is not sufficiently wide.
 - f. LCT Operators shall coordinate their operations with all other LCT operators to ensure that their operations do not conflict with each others process.
 - g. The total number of trips carried by all LCT Operators on the Primary Route shall not exceed 12 per day nor a total of 565 trips during a 120 day-day operating season. A total of five boats may be used by all LCT Operators for the purpose of carrying passengers. Vessel lengths less than those specified may be determined to be necessary in the state permitting process.
2. Small-scale commercial tour (SST) restrictions. Permittees operating motorized vessels carrying less than ten people per day within the Upper Chilkat Management Unit must operate under the following conditions:
 - a. SST operators shall not enter into areas designated on the Plan Map 3-2A as 'Non- Use areas – Habitat' or 'Non-Use areas – Other Than Habitat'. The former include Mosquito Lake, and areas locally known as Bear Lake, Mule Meadows and Goose lake. SST operators may not operate beyond markers placed in the entrance channels of Bear Lake, Stump Lake and Bear Creek.

These markers correspond to and delineate the non-use areas identified on Plan Map 3-2A. Operators shall avoid drift and set net sites, including those depicted on Plan Map 3-2A.

- b. Operators shall operate their vessels to minimize stream bank erosion. Generally, vessels shall be operated in the middle of the main channels of the prescribed routes or wherever the deepest water occurs within the main channel. Vessels shall maintain a distance separation of at least 50 feet from the edge of the bank whenever possible. Distances less than 50 feet are only authorized for the purposes of safety or if the channel width is not sufficiently wide.
- c. All boats (not airboats) shall not exceed a length of 24'.
- d. Each commercial operator shall not conduct more than two round-trips per day. The total number of clients that can be carried on a daily basis shall not exceed 10 per commercial operator.

B. Tsirku Management Unit:

1. LCT Operators may not operate with motorized boats.
2. Non-motorized LCT Operator's are allowed within this unit, but only between the hours of 8 am and 10:30 pm, except that one day per week a 7 am start time will be authorized.
3. All permittees shall use the deepest possible channel within the Tsirku Fan.

C. Bald Eagle Council Grounds Management Unit:

1. LCT Operator's may not operate with motorized boats.
2. Non-motorized LCT Operator's are allowed within this unit during the summer between the hours of 8 am and 10:30 pm, except that one day per week a 7 am start time will be authorized.
3. All permittees shall use the deepest possible channel within the Tsirku Fan. Non-motorized LCT Operator's may not use this unit from November 1st to January 15th, unless DPOR, in consultation with ADF&G, determines that such operations can occur without harm to the winter concentration of bald eagles and will not interfere with other purposes of the preserve. These stipulations do not apply to operators within the Haines Highway right-of-way.

D. Haines Highway and Adjacent Lands Management Unit:

1. LCT Operator's may not operate in the Upper Highway Unit with motorized boats.
2. Non-motorized LCT Operators are allowed within this unit except between October 1st and November 30th.

E. Chilkoot River/ Chilkoot Lake Management Unit:

1. LCT Operator's are allowed, either motorized or non-motorized, except that non-motorized tours may use beach areas only on the northeast lakeshore for a rest stop.
2. Airboats are not allowed.
3. Avoid impacts to sensitive sockeye spawning areas on West Side of lake.