

# CHILKAT BALD EAGLE PRESERVE MANAGEMENT PLAN

**September 2002**

Alaska Department of Natural Resources  
Division of Mining, Land & Water ♦ Resource Assessment & Development Section  
Division of Parks & Outdoor Recreation



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Prepared by:

Alaska Department of Natural Resources

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Division of Parks & Outdoor Recreation

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DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

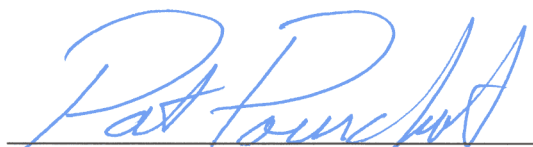
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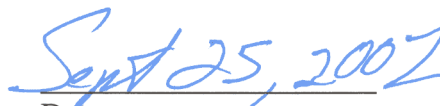
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The Commissioner of the Department of Natural Resources finds that the Alaska Chilkat Bald Eagle Preserve Management Plan (September, 2002) meets the requirements of AS 41.21.620 and adopts it as policy of the Department of Natural Resources for the management of state lands within the Alaska Chilkat Bald Eagle Preserve.



Pat Pourchot, Commissioner  
DEPARTMENT OF NATURAL RESOURCES



Date



# TABLE OF CONTENTS

## Chapter 1

**INTRODUCTION..... 1**

*General and Preserve Boundary..... 1*

*Organization of Plan ..... 1*

*Description of the Planning Area..... 2*

**Map 1-1 ..... 3**

**Map 1-2 ..... 5**

*History and Legal Environment ..... 8*

*Relationship of Preserve Plan to Other DNR Plans ..... 13*

*Management Issues..... 14*

**GLOSSARY ..... 15**

## Chapter 2

### **PRESERVE LAND AND WATER MANAGEMENT:**

**GOALS AND MANAGEMENT GUIDELINES ..... 1**

*Introduction..... 1*

*Fish and Wildlife..... 1*

*Resource Summary ..... 3*

*Personal Use Firewood..... 5*

*Recreation, Cultural, Historic, Public Facility, and Traditional Uses ..... 6*

*Transportation and Material Extraction..... 12*

*Water Quality, Riparian Area, and Wetlands ..... 15*

# Chapter 3

## Land Management Policies for Each Management Unit

**INTRODUCTION..... 1**

**COMMON MANAGEMENT REQUIREMENTS ..... 1**

*Map 3-1* ..... 3

*Table 3-1: Allowed Uses within Preserve* ..... 8

**MANAGEMENT UNIT 1 - UPPER CHILKAT RIVER..... 9**

*Management Intent* ..... 9

*Specific Management Guidelines/Recommendations* ..... 9

*Table 3-2: Conditionally Allowed and Prohibited Uses, Upper Chilkat Unit* ..... 10

*Map 3-2* ..... 11

*Map 3-2A* ..... 13

*Background and Resource Information* ..... 17

**MANAGEMENT UNIT 2 - TSIRKU RIVER..... 19**

*Management Intent* ..... 19

*Management Guidelines/Recommendations* ..... 20

*Map 3-3* ..... 21

*Table 3-3: Conditionally Allowed and Prohibited Uses, Tsirku Unit* ..... 23

*Background and Resource Information* ..... 24

**MANAGEMENT UNIT 3 - BALD EAGLE COUNCIL GROUNDS ..... 26**

*Management Intent* ..... 26

*Map 3-4* ..... 27

*Management Guidelines/Recommendations* ..... 29

*Table 3-4: Conditionally Allowed and Prohibited Uses, Council Grounds Unit* ..... 31

*Background and Resource Information* ..... 31



**MANAGEMENT UNIT 4 - HAINES HIGHWAY AND ADJACENT LANDS ..... 33**

*Management Intent* ..... 33

**Map 3-5A** ..... 35

**Map 3-5B** ..... 37

*Management Guidelines* ..... 39

*Table 3-5: Conditionally Allowed and Prohibited Uses, Haines Highway Unit -- Lower and Upper Haines Highway Subunits* ..... 40

*Background and Resource Information* ..... 41

**MANAGEMENT UNIT 5 - CHILKOOT RIVER AND CHILKOOT LAKE ..... 42**

*Management Intent* ..... 42

**Map 3-6** ..... 43

*Management Guidelines* ..... 45

*Table 3-6: Conditionally Allowed and Prohibited Uses, Chilkoot Lake/River Unit* .... 46

*Background/Resources* ..... 47

## Chapter 4

**IMPLEMENTATION..... 1**

*Introduction*..... 1

*Land Classification* ..... 1

*The Advisory Council* ..... 1

*Preserve Management Responsibilities* ..... 2

*Access* ..... 3

*Future Research and Studies*..... 3

*Specific Implementation Requirements and Recommendations* ..... 5

*Plan Revision and Amendment Procedures* ..... 10

# Appendices

## APPENDIX A - GOVERNING ALASKA STATUTES

*AS Title 41, Chapter 21, Article 6: Alaska Chilkat Bald Eagle Preserve*  
*AS Title 41, Chapter 21, Article 1: Administration (Portion)*  
*AAC Chapter 21. Alaska Chilkat Bald Eagle Preserve*

## APPENDIX B - GLOSSARY ..... B-1 THRU B-7

## APPENDIX C - PRESERVE PERMITTING REQUIREMENTS..... C-1

### COMMERCIAL OPERATIONS ON STATE LANDS AND WATERS ..... C-1

### SPECIFIC OPERATING STANDARDS..... C-5

*Upper Chilkat Management Unit ..... C-5*

*Tsirku Management Unit..... C-8*

*Bald Eagle Council Grounds Management Unit..... C-8*

*Haines Highway and Adjacent Lands Management Unit..... C-8*

*Chilkoot River/Chilkoot Lake Management Unit..... C-9*

## APPENDIX D - PERMITTING PROCEDURES ..... D-1

*Permit Matrix..... D-2*

*Definitions of terms used with the permit matrix..... D-4*

*Structure and Use Permit Conditions ..... D-6*

## APPENDIX E - COMMUNITY RECREATION SURVEY..... E-1 THRU E-4

# Chapter 1

**INTRODUCTION** ..... 1

*General and Preserve Boundary*..... 1

*Organization of Plan* ..... 1

*Description of the Planning Area* ..... 2

**Map 1-1** ..... 3

**Map 1-2** ..... 5

*History and Legal Environment* ..... 8

*Relationship of Preserve Plan to Other DNR Management Plans* ..... 13

*Management Issues* ..... 14

**GLOSSARY** ..... 15



# CHAPTER 1

## INTRODUCTION

### ***GENERAL AND PRESERVE BOUNDARY***

This management plan covers those lands designated by the State Legislature in 1982 as the Alaska Chilkat Bald Eagle Preserve. The plan defines management intent and develops rules or guidelines to ensure that the many uses allowed by the enabling legislation can occur with minimal conflict or loss of primary habitat values. Map 1-1 depicts the boundaries of the Chilkat Bald Eagle Preserve (Preserve). This map also shows the boundary of the Haines State Forest, which generally surrounds the Preserve on most sides, as well as generalized land status (ownership).

This document (2002) is an update of the original Bald Eagle Preserve Plan (Preserve Plan), prepared in the middle 1980's following the creation of the Chilkat Bald Eagle Preserve in 1982. The original plan was adopted in 1985. This revision replaces and supersedes all aspects of the original plan, except for current operating agreements between the Division of Forestry of the Alaska Department of Natural Resources (DNR), and the Alaska Department of Transportation and Public Facilities (DOT/PF).

### ***ORGANIZATION OF PLAN***

The Preserve Plan is divided into four chapters containing the following topics:

#### Chapter 1:

- Description of the planning area including its wildlife,
- history of plan development in the area,
- purpose for establishing the Preserve,
- discussion of the differences in legislative intent between the Haines State Forest and the Preserve,
- description of the enabling legislation and its major aspects,
- description of the 1987 parks fee legislation as related to the Preserve,
- description of the principal portions of the Alaska Administrative Code as related to the Preserve,
- description of the relationship of the Preserve Plan to other plans in the area, and
- a discussion of the management issues the Preserve Plan addresses.

#### Chapter 2:

- Contains the goals, management guidelines, and descriptions for each of the major resources within the entire preserve. These goals and guidelines affect each of the units within the Preserve, and are termed areawide goals and guidelines.

Chapter 3:

- Contains a detailed description of the management direction for each of the Preserve's management units,
- a statement of management intent, a listing of the guidelines, and any other management or implementation direction that is appropriate to each management unit, and
- a listing of allowed, not allowed, and conditional uses for each management unit are also included in this chapter.

Chapter 4:

- Explains how the plan will be implemented, updated and amended,
- describes the major recommendations for plan implementation,
- and references an Appendix, which contains supportive information, permitting requirements for commercial operation, and other aspects of implementation.

## ***DESCRIPTION OF THE PLANNING AREA***

### **General**

Totaling over 49,000 acres, the Preserve is more than 30 miles long and up to three miles wide. It consists of two distinct geographic parts. The first, focusing on the Chilkat River drainage, occupies some 40,000 acres northwest of the community of Haines. This area includes portions of the river drainages of the Chilkat, Klehini, and Tsirku rivers as well as the Kelsall River. These are typically low gradient streams, which are fast, braided, and are characterized by multiple channels and wide floodplains. The principal river is the Chilkat, which passes through the Preserve from its northern boundary to the southern boundary within nine miles of the community of Haines. The Tsirku, Klehini, and Kelsall rivers drain into the Chilkat River within the Preserve from the west. The area along the Chilkat River near the community of Klukwan, referred to as the Council Grounds, maintains a large concentration of bald eagles during the summer, fall and early winter. The late salmon runs, which can be extensive, provide the attraction for a large concentration of the eagles during this period of the year. An important fall concentration of bald eagles also occurs on the Klehini River between mile 30 of the Haines Highway and the Klehini's confluence with the Chilkat River. The Haines Highway begins in the community of Haines, adjoins portions of the Preserve along the Chilkat River to Mile 26, and then parallels portions of the Klehini River to Alaska's border with Canada. The Haines State Forest surrounds the Preserve, while University and private land adjoin portions of the Preserve primarily along the highway corridor.

An additional portion of the Preserve, consisting of only 9,000 acres, focuses on the protection of the Chilkoot River and its adjoining floodplain. A small portion of the northern part of Chilkoot Lake is also included within this part of the Preserve. The Chilkoot River has an important run of salmon, which also supports a significant bald eagle and bear population. The Haines State Forest, similarly, surrounds this portion of the Preserve. An un-maintained road provides access to a number of private in-holdings. Although this area has been selected by the state, conveyance has not yet occurred.

## **Map 1-1**

### **Plan Boundary**

**Please click on the map link to view Map 1-1.**





## **Map 1-2**

### **Anadromous Fish Stream Spawning & Rearing Areas**

**Please click on the map link to view Map 1-2.**



## Wildlife Resources

Within the river systems are found eagles, salmon, Trumpeter Swan, moose and a variety of other wildlife, including brown and black bears, lynx, marten, wolves, wolverine, small mammals and bird life.

The most important of these wildlife resources, and the purpose for creating the Preserve, is the widespread distribution and concentration of bald eagles throughout the Chilkat River system. These concentrations are greatest during the fall and winter within the area of the Council Grounds, although an important summer concentration also occurs in this area. Other significant concentrations of these birds occurs in portions of the Tsirku Fan and the Middle Chilkat River and that part of the Klehini River between Mile 30 and its confluence with the Chilkat River. The concentration of bald eagles during the fall in the Klehini River is especially significant. The distribution of bald eagles nests in the Tsirku, Klehini, Chilkat and Chilkoot River systems is depicted in the various plan maps of Management Units contained in Chapter 3.

The Chilkat and Klehini River valleys provide a major waterfowl migration route to and from the interior of Alaska and Canada. Dabbling ducks include mallards, green-winged teal, American widgeon and pintail. Canada or Snow geese are commonly found in the marshes, ponds and sloughs around Ten Mile and above Wells Bridge. Mergansers are perhaps the most common duck in the area and also nest in the area. Several other species of ducks and birds are also found in the Preserve. The Chilkat River is the southernmost known Trumpeter Swan nesting area in Alaska, with the principal swan concentrations located in the Upper Chilkat River. The distribution of Trumpeter Swan nests, pairs, flocks, and nesting broods is also depicted on the plan maps of Management Units.

The rich and widespread distribution of anadromous streams provides the basis for the support of the bald eagle concentration. All five types of salmon are present. Spawning and rearing habitat occurs throughout the Preserve, with the more important concentrations occurring in the side channels of the Chilkat River, most portions of the Upper Chilkat, and within the Kelsall Delta at its confluence with the Chilkat. The coho and sockeye spawning habitat within this delta, and the Upper Chilkat generally, support the most significant run of coho salmon in Southeast Alaska. Preserve streams support a valuable subsistence, commercial, and sport fishery, important to the economy of the Haines area and to the northern portion of Southeast Alaska. This fishery is also important for tourism, recreation and for the eagles which inhabit the river valleys and which are of local and national significance. Map 1-2 depicts anadromous fish spawning and rearing areas as well as overwintering areas.

## ***HISTORY AND LEGAL ENVIRONMENT***

Although the large fall and winter concentration of bald eagles has long been recognized as a natural phenomenon in the area, the first official recognition of the concentration took place in 1973 with the legislative establishment of a 4,800 acre Critical Habitat Area, managed by the Department of Fish and Game. The continued demand to use the many resources of the area led to the adoption of the Haines/Skagway Land Use Plan in 1979. This was followed by the initiation of a three-year research study in 1980 to provide the basis for more detailed management plans, and finally by the establishment of the Alaska Bald Eagle Preserve and the Haines State Forest Resource Management Area in 1982.

When it established the Preserve, the legislature created a new type of unit unlike any other in the state park system. It required the protection of Preserve resources, especially those related to the Chilkat bald eagles, their associated habitat, and the spawning and rearing areas of anadromous streams in the Chilkat and Chilkoot Rivers. The provisions distinguishing the Preserve from other units of the state park system include giving strong guarantees that traditional uses may continue; excluding from the Preserve private land, University lands, highway corridors, pipeline corridors, and municipal lands; treating Native allotments and pending Native allotments as private lands; giving strong guarantees of access across the Preserve; requiring the favorable consideration of utility corridors across the Preserve if they are compatible with the purposes of the Preserve; and, allowing municipal selections of land in the Preserve.

### **Purposes of the Preserve**

As described in Alaska statute, the purpose of the Preserve is to protect and perpetuate the Chilkat bald eagles and their essential habitats within the Preserve.

It was also established to:

- Protect and sustain the natural salmon spawning and rearing areas of the Chilkat River and Chilkoot River systems in perpetuity,
- provide continued opportunities for research, study and enjoyment of bald eagles and other wildlife,
- maintain water quality and necessary water quantity,
- provide for the continued traditional and natural resource based lifestyle of the people living in the area, and
- provide for other public uses consistent with the primary purpose of the Preserve.

The statute also recognized that the creation of the Preserve and the State Forest together provided a proper balance between the protection provided by the Preserve and the multiple uses allowed in the Haines State Forest.

## **Principal Components of Legislation**

The enabling statute creating the Preserve recognized certain protections. These are described briefly here. Appendix A contains the full text of the enabling legislation, and it should be consulted for specific language. The protections provided for in statute affect all units of the Preserve, and thereby provide uniformity in management requirements and direction throughout the planning area; that is, they affect the management guidance of individual units.

### Traditional Uses (AS 41.21.618)

Continued opportunities for traditional uses of the Preserve at levels and by methods and means that are compatible with the protection of the bald eagle population are guaranteed. These historically compatible uses include but are not limited to hunting, trapping, fishing, berry picking, other subsistence and recreational uses, operation of motorized vehicles, and the harvesting of personal-use firewood. The level and method or means of traditional use may continue subject to reasonable regulation, unless the level or method of use would cause significant resource damage.

The previous description of traditional uses refers to non-commercial personal use activities. This section of statute does not provide protection to commercial activities. This notwithstanding, commercial activities may still occur within the Preserve subject to state permitting requirements, the requirements of this Plan, and 'reasonable regulation' under state administrative regulations.

### Lands Excluded From the Preserve (AS 41.21.612)

Private land, approved or pending Native allotments, pending and approved land selections made of the Haines Borough, and University of Alaska grant land are excluded from the Preserve. Existing transportation and utility corridors located partially or completely within the Alaska Chilkat Bald Eagle Preserve are also excluded from the Alaska Chilkat Bald Eagle Preserve. Existing transportation and utility corridors include the Haines Highway and other roads recognized and maintained by the Department of Transportation and Public Facilities and the Pipeline Corridor. Other existing roads, such as existing logging roads and trails, however, are not excluded from the Preserve.

### Native Allotments (AS 41.21.614)

Approved or pending Native allotments located partially or completely within the Alaska Chilkat Bald Eagle Preserve are not to be adversely affected by the establishment of the Preserve. All approved and all pending allotments shall be treated as private land.

### Access and Utility Corridors (AS 41.21.619)

Valid mining claims, subsurface rights, privately owned land, lands owned by the University of Alaska, or other valid uses within the Preserve shall be provided reasonable access. The statute requires that the Department grant access rights necessary to ensure timely, reasonable, and feasible ingress and egress. Such rights are subject to reasonable regulation to protect the purposes and resources of the Preserve.

Historical, Cultural, and Burial Sites (AS 41.21.62)

Historical, cultural, and burial Sites identified in the Management Plan are not available for disposal by the Department and shall be managed by the Department to prevent their destruction or desecration.

Other Uses Generally (AS 41.21.617)

The state land and water within the Preserve is closed to mineral entry, commercial harvest of timber, and to sale under state land disposal laws.

Existing Rights (AS 41.21.630)

The establishment of the Preserve did not change the management of state land within the Haines State Forest or of private land. An activity allowed under law on land within but not part of the Preserve is permitted, consistent with the requirements of law. These activities may include but are not limited to timber harvest, mining, resource development, and recreation.

While these provisions make the Preserve a unique unit within the state park system, it is, nonetheless, a unit of that system and shares with other park units certain fundamental management principles. Like other units, the Preserve is a special purpose area under Article VIII, Section 7, of the state constitution and is closed to multiple uses. Thus, state lands and waters within the Preserve are closed to mineral entry, commercial timber harvest, sale under state land disposal laws, and other long-term private uses.

**Relationship Between State Forest Plan and Chilkat Bald Eagle Preserve Plan**

During the revision process of the State Forest Plan (Forest Plan) and the Chilkat Bald Eagle Preserve Plan (Preserve Plan), both of which occurred during the 2001-2002 period, considerable public discussion occurred over the differences between these plans and the underlying management concepts of each. There are important conceptual differences between the two, with the underlying legislative intent forming the basis for the management of the state resources in each area and the basis for DNR decision-making concerning resource management on state land. These differences and the underlying legislative intent also form the basis for the management plans for the Preserve and State Forest.

The Haines State Forest Resource Management Area was intended by the Legislature to be an area that could include timber harvest, recreation, mining, traditional uses, fish and wildlife habitat protection, tourism, as well as other uses. The type, intensity, and location of these uses was, under AS 38.04.005, to be derived from a planning process that would determine the best balance of these uses. Most importantly, the State Forest was to be managed for multiple uses. This could include a mix of those uses identified under AS 38.05.112(c) or 38.05.112 as well as varying intensities, or levels of use, depending on the results of the planning analysis. For renewable uses, there was also the requirement that they be managed according to the sustained yield principles of AS 41.17.

The Chilkat Bald Eagle Preserve was to be managed in a different manner than the State Forest, and was to have an 'exclusive use' orientation as this term is used in Alaska statute. Its management was to focus on the protection of bald eagles and their associated habitat and the spawning and rearing areas of the anadromous streams that provided the basis for the existence of the extensive bald eagle population. The traditional, natural resource lifestyle of the Haines community was recognized as an appropriate use within the Preserve, subject to reasonable regulation. Under this provision, access to traditional use areas was allowed, including access by motorized vehicles, and non-motorized uses. Other uses were permitted as well insofar as they were consistent with the underlying objectives of wildlife and habitat protection.

This focus does not include the concept of multiple use to which the State Forest is subject. Uses were intended to be more limited in type and of lesser intensity – presumably to limit or preclude impacts to the sensitive resources within the Preserve.

This distinction between multiple use and exclusive use was intended by the Legislature. According to AS 41.21.610(c):

"Accordingly, the establishment of the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area under AS 41.15.305 is determined to represent a proper balance between the preservation of state public domain land and water for bald eagle Preserve purposes and state public domain land and water more appropriate for multiple use."

### **1987 Parks Fee Legislation – Relationship to Preserve Management**

Legislation designed to revise the park fee statutes for the Division of Parks and Outdoor Recreation (DPOR) in 1987 for the state as a whole, also affected DNR management of the Preserve. This legislation, codified as AS 41.21.027(g), stated: "With the exception of guided tours and noncompetitive use permits, concession or commercial activities are not permitted within the Alaska Chilkat Bald Eagle Preserve".<sup>1</sup>

The importance of this legislation is related to the method used to develop facilities to support sizeable commercial operations within state parks. Commercial activities requiring developed facilities are typically allowed in state parks through concession. Lacking that vehicle, the development of facilities to support commercial operations on state land within the Preserve is precluded unless such facilities are 'non-exclusive'; that is, may be used by the general public. Except under certain conditions, the scheduling, safety and support requirements of motorized commercial operators requires exclusivity of use. Only those private facilities that are also open to the public meet the test of non-exclusivity. Because of this implication, this portion of statute very nearly precludes the ability to develop private facilities to serve permitted commercial operations on uplands within the Preserve. Instead,

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<sup>1</sup> This section links to AS 41.21.026(a)(5), specifically the section on noncompetitive and non-exclusive commercial use permits. It requires that the noncompetitive use permits also be 'non-exclusive'. The two sections together create specific standards for facility development in the Preserve.

such facilities are more properly developed on uplands that are privately owned. A more general intent for commercial use under this legislation was, seemingly, to limit long-term or exclusive use by commercial operators, especially if it would lead to the need for facility development.

The legislative intent for this legislation is also significant, although not binding. It indicates that the 1987 legislation intended to allow for limited commercial activities within the Preserve, but only those consistent with overall Preserve purposes. Importantly, these purposes are broad, and include the protection of "other public uses consistent with the primary purpose of the Preserve." The implication is that commercial activities within the Preserve must be consistent with overall statutory intent *and* with specific statutory purposes. Uses not consistent with these purposes, or which cannot be made to be consistent through permit stipulations, are not to be allowed.

### **Alaska Administrative Code**

There are two sections of Administrative Code that are pertinent: one relating to the standards for the issuance of permits; and the other relating to the specific regulations affecting the Preserve. The latter was adopted subsequent to the approval of the original plan in 1985 and was meant to implement aspects of that plan.

Under 11AAC 21.100, the Director (DNR Parks) may negotiate a permit for commercial activity<sup>2</sup> if it: does not exclude others from lawful enjoyment of the Preserve; is compatible with the purposes for which the Preserve was established; and (he) does not anticipate the need to limit the number of individuals or firms providing the service in order to protect public use of the Preserve or Preserve resources.

Coupled with Alaska Statute (AS 41.21.027(g)), this section of administrative code sets the standards for permit issuance within the Preserve. Permits can be issued for non-exclusive, non-competitive commercial operators if consistent with these standards. Permits cannot be issued on a concessionaire or competitive basis unless for a guided tour, and moreover, may not be issued if inconsistent with these requirements. The Director is further precluded from issuing permits if 'other lawful uses' of the Preserve are precluded. The importance of this section is to clarify statute by specifying that, in addition to habitat, wildlife, and fisheries considerations, the adverse impacts from permitted activity upon users of the Preserve must be avoided or precluded. Such users include both motorized and non-motorized uses for both personal and commercial activities. Permitting decisions also extend to environmental considerations, including water quality and water quantity. Finally, permits can only be

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<sup>2</sup> Under 11 AAC 12.340.19, "commercial activity" means the sale of, delivery of, or soliciting to provide, goods, wares, edibles, or services in exchange for valuable consideration through barter, trade, or other commercial means; a service offered in conjunction with another sale of goods, wares, edibles, or services, which service involves the use of Preserve land or water, is a commercial activity whether or not it is incidental to, advertised with, or specifically offered in the original sale; all guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash, or other commercial means is required, expected, or received beyond the normal and customary equally shared costs for food and fuel for any portion of the stay in the Preserve.



issued if there is no apparent need to limit the number of individuals or firms providing service in order to protect public use of the Preserve and Preserve resources. [11 AAC 21.100(b)].<sup>3</sup>

Pursuant to 11 AAC 21.100(b)], DNR cannot issue a non-exclusive, non-competitive park permit to a commercial operator if there is anticipation that the number of individuals or firms must be limited, for the reasons stated in this regulation. It is not expected that this condition will actually occur, but should it exist, DNR may still authorize commercial activities. This authorization will require the use of competitive selection process involving the use of concessionaire approach or through the issuance of a competitively bid commercial use permit. There are a number of reasons why it is unlikely that a competitive selection method will be used or needed, but if it occurs it is most likely that the Upper Chilkat Management Unit will be affected. In this Unit, there are few access points with road connections and little private land available for the development of support facilities for private operations. A substantial increase in the number of potential passengers during the planning period is also unlikely, given considerations related to cost, distance from Haines, and access from Skagway, where most cruise ships dock. Without such an increase, there should be no need to increase the number of Large Scale Commercial Tour Operators in this Management Unit. Note: A limit on the total number of trips that may occur in this Management Unit is specified in Chapter 3, but this is not a limit on the number of operators providing commercial services.

The effect of this Code section, coupled with the initial Preserve purposes (which are broad) with the 1987 fee legislation, is to set rigorous general and specific standards for permit issuance by the Department. There is no provision in this section for exceptions to these standards; such as there is through a variance from local land use law.

Another section of administrative code (11 AAC 21.105) provides the Department with the authority to manage the operational activities within the Preserve, to ensure consistency with Preserve purposes. It provides specific authorities for activity closure and use management. Upon a determination that an action is necessary to protect Preserve resources or environmental or scenic values, the Director of Parks may, among other things, " limit a specific use or activity to a designated area or impose conditions or restrictions on a use or activity" and close certain areas to particular types of uses or activities.

### ***RELATIONSHIP OF PRESERVE PLAN TO OTHER DNR MANAGEMENT PLANS***

The Preserve Plan is the basis for the management and use of state lands and waters within the Preserve. The Haines State Forest Plan and the Northern Southeast Area Plan, also prepared by the Department, cover state lands and waters that are not included within the Preserve. They do not directly affect the Preserve Plan.

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<sup>3</sup> In instances where it will be necessary to limit the numbers of (commercial) users in the Preserve, a competitive based decision process must be used.

However, the revisions of the Preserve Plan and State Forest Plan, and the preparation of the Department's area plan, were conducted concurrently during years 2001 and 2002, to ensure consistency among the recommendations of the various plans. The integrated development of these plans was thought necessary because of common boundaries, the sharing of common river drainages, and need for consistent management of uses and resources within the area. Recommendations included in the Preserve Plan are consistent with similar recommendations in the other state plans, and vice versa.

### ***MANAGEMENT ISSUES***

The issues identified subsequently were central to and directly affected the revision of the Preserve Plan. Effective resolution of these issues in the revision process was critical if the management objectives identified in statute were to be met.

#### **Traditional Uses**

The legislation creating the Preserve stated that continued opportunities for traditional uses of the land at levels and by methods and means that are compatible with the protection of the bald eagle population is guaranteed. The issue that this plan revision must deal with is that of defining the levels, methods and means of traditional uses that ensure this compatibility. This plan allows a continuation of traditional uses consistent with the management intent statements of specific plan units. Allowed and not-allowed uses are identified for each plan unit<sup>4</sup>.

#### **Access to State Forest**

Access to the State Forest must occasionally occur through the Preserve. This is generally not a problem if such access roads already exist. New access roads will be permitted when there is no reasonable, timely and economically feasible alternative to crossing the Preserve. The permitting of new access roads or improvements to existing roads will center on ensuring minimal disturbance to streams and their riparian areas where crossings are unavoidable. Similarly, disturbance to eagle concentrations and their habitat, as well as other wildlife, habitat, and environmental resources are to be minimized. Preserve management will stress maintaining water quality and stream flow characteristics when roads cross streams, and minimizing impacts on eagle nesting concentration or roosting areas when roads cross other parts of the Preserve.

#### **Maintenance of Water Quality and Riparian Ecosystems**

The existence of the Preserve is dependent upon the streams within it and the salmon habitat these streams provide. There are numerous activities, which could take place within and outside of the Preserve that could affect this habitat. This plan addresses this issue of compatible and incompatible uses in the management intent statements and management

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<sup>4</sup> The 1985 plan provided, "The continuation of recreational activities within the Preserve at levels and by methods and means in existence prior to 1982 will be allowed consistent with the management intent and management guidelines of the Preserve."

guidelines for the different management units found in Chapter 3 and in the management guidelines in Chapter 2 that apply to all units.

### **Commercial Recreation**

The Preserve within the last ten years has experienced greatly increasing levels of commercial recreation use. Generally, this use has had little discernible effect upon the hydrologic resources, wildlife, and habitats of the Preserve. It is expected that the demand for commercial recreation activities will increase over the next 10-15 years, and with it, increased use of the Preserve for a variety of such uses. The management intent statements and the listing of allowed/not allowed uses for each plan unit are intended to provide direction for the management of current and future commercial recreation services.

### **Integration with Other Land Owners**

Mainly the State Forest borders the Preserve, although University of Alaska and scattered private holdings also adjoin the Preserve. The manner and intensity of development within these areas can directly affect the resources and values of the Preserve. The way that the State Forest is managed, coupled with its location and size, will be important to the continued vitality of the Preserve. The management intent statements and guidelines of the State Forest Plan were revised to be consistent with the management direction of adjoining areas of the Preserve. Other areas of state land besides the State Forest are also important to the maintenance of the Preserve, although of lesser significance. The Department's Northern Southeast Area Plan provides the management direction for the use of these areas. Similarly, the management intent statements and guidelines of the Area Plan were developed to be consistent with the management direction concerning adjoining areas of the Preserve.

## **GLOSSARY**

A glossary of terms is contained in Appendix B. It should be consulted when abbreviations are used or a definition of a term is required.



## Chapter 2

### **PRESERVE LAND AND WATER MANAGEMENT:**

#### **GOALS AND MANAGEMENT GUIDELINES ..... 1**

<i>Introduction</i> .....	1
<i>Fish and Wildlife</i> .....	1
<i>Resource Summary</i> .....	3
<i>Personal Use Firewood</i> .....	5
<i>Recreation, Cultural, Historic, Public Facility, and Traditional Uses</i> .....	6
<i>Transportation and Material Extraction</i> .....	12
<i>Water Quality, Riparian Areas, And Wetlands</i> .....	15



## CHAPTER 2

### PRESERVE LAND AND WATER MANAGEMENT: GOALS AND MANAGEMENT GUIDELINES

#### *INTRODUCTION*

This chapter contains land management goals and policies for each of the major resource or land use categories affected by the plan: fish and wildlife; personal use firewood; recreation, cultural, historic and traditional uses; transportation; and wetlands, riparian areas, and water quality. These policies apply to all Management Units in the Preserve.

The policies in this chapter consist of goals and management guidelines. Goals state the general conditions the plan is trying to achieve while guidelines give specific directives that can be applied on-the-ground by land managers as development occurs.

The terms Goal and Management Guidelines are defined below.

Goal: a general statement of intent, usually not quantifiable nor having a specified date of completion. Goals identify desired long-range conditions.

Management Guidelines: specific management standards or procedures to be followed in carrying out goals. Guidelines are intended to be sufficiently detailed to guide on-the-ground decisions, such as how far development must be set back from a stream. Guidelines are applied frequently in day-to-day management decisions.

#### *FISH AND WILDLIFE*

##### **Goals**

1. Protection of Bald Eagle Populations  
Protect and sustain the Chilkat bald eagle populations and their essential habitats including nesting, rearing, feeding, and roosting areas and related natural resources.
2. Protection of Salmon Spawning and Rearing Areas  
Protect and sustain the natural salmon spawning and rearing areas of the Chilkat River and Chilkoot River systems in perpetuity.
3. Protection of Other Bird and Mammal Species  
Protect and sustain natural populations of birds and mammals and their habitats.

4. Opportunities for Research, Study and Scientific Use  
Provide continued opportunities for research, study and scientific use of Preserve fish and wildlife resources to ensure optimum conditions for the protection and perpetuation of the Chilkat bald eagles.
5. Riparian Ecosystems  
Protect the riparian ecosystems.

### **Management Guidelines**

1. Protection of Eagle Nests From Incompatible Uses. Except under unusual conditions (such as a nesting pair that are known to be tolerant of closer human activity) a zone should be established around each tree that contains an eagle nest, and extended for a distance of 330 feet from the tree. The size of the zone should be adjusted to include frequently used perch trees, and may be further adjusted to include special terrain features and use areas around the tree. During the period from March 1 through September 30, the following human activities should be restricted from zones that contain nests with actively nesting eagles:
  - a) Construction activities including the building of roads or trails for purpose of access into the Preserve.
  - b) The gathering of personal use firewood, harvesting personal use house logs or other activities that utilize power equipment.
  - c) Operation of motor vehicles in off-road areas, or the landing of aircraft. (Use of power boats on rivers will not be prohibited but activity should avoid eagle nest zones if at all possible. Operation of motor vehicles on existing roads will be allowed even within 330' of an active nest.)
  - d) Access into the protection zone by large or noisy groups of people including researchers and surveyors of property, or the sightseeing or recreating public. (Individuals, or small groups traveling discreetly through the area, or quietly engaged in fishing or bird watching activities are not believed to be a threat to the nesting pair and their young.)
2. Marking Eagle Trees. Boundaries around eagle nest trees should not be posted unless necessary to prevent disturbing activities around the nest.
3. Cutting Unused Eagle Nesting Trees. Existing eagle nest trees and trees not currently utilized for nesting but adequate and available for nesting purposes shall not be cut. (It is illegal to cut existing eagle nest trees.)
4. Damaging or Destroying Eagle Roosting Trees and Feeding Areas. To the extent feasible, trees suitable for roosting or perching and feeding areas should not be damaged, destroyed or altered by construction of roads, trails or other structures or facilities. These critical areas should be monitored to identify human disturbance.



5. Notification of Eagle Activity. The managers of the eagle Preserve should notify other landowners or land managers of locations and conditions around known eagle nest sites. This would include known nest sites within the State Forest as well as nests in areas near the Preserve and forest boundaries where forest practices or other land uses could disturb the nests.
6. Consultation with ADF&G. Any proposed activity in the Preserve that may affect water quality, fish or game habitat disturbance, or stream modification will include Department of Fish and Game review as a matter of policy. This would include but is not limited to: road access and bridging, stream crossing, riparian vegetation management, fire management and revegetation, installation and operation of gravel pits and modification of salmon spawning channels.
7. Installation of Salmon Spawning Channels. Proposed installation of salmon spawning channels will be examined, monitored and permitted by the Department of Fish and Game and shall be designed to minimize impact to other Preserve resources including recreation resources and wild salmon stocks.
8. Enhancement. Enhancement is an acceptable fish and wildlife management practice where it has been determined to be scientifically sound, compatible with management objectives, and where public review shows it to be in the public interest. Proposals for fisheries enhancement activities must be compatible with maintenance of the genetic integrity of wild and indigenous fish populations. Enhancement proposals will contain an assessment of the increase in public use associated with the project so that DPOR can take necessary steps to manage increased public use of an area.

## ***RESOURCE SUMMARY***

### **Chilkat and Kelsall Rivers**

The Chilkat River provides important habitat for salmon and other fish species. Waterfowl nest on Bear Flats and most of the other marshes above and below the Kelsall Delta. There has been a significant increase in the Trumpeter Swan population in the area of the Upper Chilkat over the last 15 years, with this area constituting the second greatest concentration within Alaska after the Copper River Delta in Southcentral. Much of the river corridor provides critical winter moose habitat. Bald eagles favor the use of cottonwoods along the river. An eagle nest survey by the U.S. Fish and Wildlife Service in spring and summer 2001, counted about 70 nests along the mainstem of the river. The river valley and riparian area is also an important habitat for furbearers.

The Kelsall River and the confluence of the Kelsall and Chilkat rivers in the area known as Jacquot's Landing are important areas for chinook and coho salmon spawning and rearing. Studies conducted by the Alaska Department of Fish and Game have shown that the Kelsall River is the most important spawning and rearing area for chinook salmon in the Chilkat River drainage. The confluence of the Kelsall River where it meets the Chilkat River provides an upwelling effect similar to that of the Council Grounds area. This critical habitat area of the Chilkat River is important for late season coho salmon spawning and thus

provides another area within the Preserve where eagles feed late into the winter season. Currently there is a need for research to address concerns over effects that boat wakes, generated from increased commercial tourism through this location, may be having on fisheries habitat. Important sockeye salmon spawning habitat occurs in a small tributary of the Chilkat River called Bear Flats located within the northern portion of this unit. This area supports some of the largest runs of Chilkat River mainstem sockeye salmon.

The confluence of the Tsirku and Chilkat Rivers is known as the Bald Eagle Council Grounds. The water flowing through the Tsirku fan that up-wells at the confluence with the Chilkat River supports the late fall chum salmon spawning which in turn supports the concentration of eagles that occurs between November and February. This is the most spectacular fish and wildlife resource of the Preserve where active management, to allow limited human use while prioritizing protection of fish and wildlife resources, will focus. There is also a smaller, though still significant, concentration of eagles from mid-June through mid-August that feed on migrating sockeye salmon.

### **Chilkat Lake, Tsirku and Little Salmon Rivers**

Chilkat Lake provides the majority of the spawning and rearing habitat for sockeye salmon in the Chilkat River drainage. It also supports important populations of coho salmon, cutthroat trout, and Dolly Varden Char. The outlet of the lake (Clear Creek) serves as an essential migration corridor for all of these species.

The Tsirku (or Big Salmon) River supports populations of sockeye, coho, and chum salmon and Dolly Varden char. The Little Salmon River contains valuable spawning beds for sockeye, chum and coho. Both river valleys are important habitat for moose.

### **Klehini River and Herman Creek**

The Klehini River provides important spawning habitat for summer and early fall chum salmon. The Klehini River serves as a migration corridor for Dolly Varden char, and chinook, sockeye, coho, pink, and chum salmon. Eagles concentrate along the Klehini River in October and November. Herman Creek contains important fall chum spawning habitat created by an artificial spawning channel where chum salmon return in large numbers each year.

### **Chilkoot River and Lake**

The Chilkoot River serves as a migration route and spawning ground for coho, sockeye, chum and pink salmon, and Dolly Varden char. It is a waterfowl nesting area and a bald eagle feeding ground during salmon runs. Eagle nests are found along the river.

Chilkoot Lake and its tributaries support large runs of sockeye, pink and coho salmon. There is a small tributary stream near the north end of the lake that contains a salmon spawning area known as the Glory Hole.

Bear Creek is located approximately two miles upstream of the northern end of Chilkoot Lake. This area provides important spawning and rearing habitat for sockeye and coho salmon.

Bear, moose, mountain goats and furbearers are distributed throughout the Chilkoot River and Chilkoot Lake area.

### ***PERSONAL USE FIREWOOD***

#### **Goals**

1. Natural Growth and Mortality of Forest Lands  
Generally, manage the forested lands within the Preserve to allow natural growth and mortality.
2. Personal Use Firewood  
Allow the harvesting of personal use firewood from dead or down wood where the use does not create significant impacts on resources of the Preserve.

#### **Management Guidelines**

1. Commercial Timber Harvest. The Preserve is not available for the commercial harvest of timber.
2. Firewood. Gathering of personal use firewood is permitted in the Preserve with the following qualifications:
  - a) State Parks may specify open or closed areas in consultation with the Preserve Advisory Board. Any closed areas will be based on the potential for damage to important resources. Wood gathering from eagle perching, roosting and feeding areas is discouraged. If no specific areas are identified, the entire Preserve is open to the gathering of personal use firewood, subject to the following conditions:
  - b) Wood must be dead or down.
  - c) Wood shall not be gathered from areas within 330 feet of any active eagle nest tree.
  - d) Wood gathering operations shall not be conducted in such a way as to cause damage or siltation to any stream or streambed.
  - e) A household may gather up to 10 cords of firewood per year for use of the household only.
  - f) No wood may be removed from streams, rivers, and lakes due to their importance to salmonid rearing habitat.

3. Fire Suppression. The Haines Area Office of the DNR Division of Forestry will provide fire fighting resources for fire suppression within the Eagle Preserve.

### **Resource Summary**

Traditionally firewood has been gathered from the Preserve in the Little Salmon area, near the community of Klukwan and along the highway. Areas will be designated to allow these uses to continue subject to the guidelines of the plan for protection of habitats, water quality, scenic resources, and sustained yield.

## ***RECREATION, CULTURAL, HISTORIC, PUBLIC FACILITY, AND TRADITIONAL USES***

### **Goals**

1. Needs and Safety of Public  
Provide for the needs and safety of the visiting and recreating public.
2. Opportunity for Traditional Lifestyle  
Provide an opportunity for the continued traditional and natural resource based lifestyle of the people living in the general area of the Preserve, consistent with the other purposes of the Preserve.
3. Continuation of Recreational Activities  
Allow for continuation of existing recreational activities, both personal and commercial, within the Preserve, consistent with management intent and management guidelines.
4. Dalton Trail  
This plan recognizes the Dalton Trail and considers it desirable that the historic value of the trail be preserved in concept if not in actual physical development. Any future development of the Dalton Trail or portions of it should not compromise values for which the Preserve was established.
5. Commercial Permitting System  
The commercial use permitting system administered by DPOR is to be used to mitigate the effects of commercial recreation operations upon traditional uses, habitat, and wildlife resources, as well as upon other lawful uses of the Preserve in order to meet the objectives of this Plan.

### **Management Guidelines**

The following standards are to be followed in the management of private and commercial recreation activities, cultural and historic resources, facility development and development of Preserve uplands in general, and traditional uses.

1. Traditional Uses. Consistent with AS 41.21.618, continued opportunities for traditional uses of the Alaska Chilkat Bald Eagle Preserve (CBEP) at levels and by

- methods and means that are compatible with the protection of the bald eagle population are guaranteed. Hunting, fishing and trapping can be regulated, even closed, by the Department of Fish and Game. Management of these activities is not under the jurisdiction of Division of Parks and Outdoor Recreation. These historically compatible uses include but are not limited to hunting, trapping, fishing, berry picking, other subsistence and recreational uses, operation of motorized vehicles, and the harvesting of personal use firewood. The level and method or means of traditional uses may continue subject to reasonable regulation unless the Director of the Division of Parks and Outdoor Recreation, after consultation with the Alaska Chilkat Bald Eagle Preserve Advisory Council, makes a finding that the level or method and means of use is causing significant resource damage that is inconsistent with the purposes of the Preserve. Traditional uses must comply with regulations for hunting, fishing and trapping set by the Boards of Fishery and Game. The Director of the Division of Parks and Outdoor Recreation shall hold a public hearing in Haines and Klukwan before restricting a traditional use.
2. Historical, Cultural and Burial Sites. AS 41.35.010 prohibits unauthorized disturbance of historical, cultural, and buried sites on state managed land. Cultural sites within the Preserve should be managed to prevent vandalism, destruction, and desecration. (There are approximately 20 cultural resource sites in and near the Preserve.)
  3. Leasing Land under AS 38.05.070-105. The Commissioner of the Department of Natural Resources may lease land within the Preserve under AS 38.05.070-105 if consistent with the purposes of the Preserve. Under this statute, the management plan must identify a site or sites appropriate for such uses. No such site or sites is identified in the Preserve Plan. Instead, development to support commercial operations within the Preserve is, as a matter of policy and statute, to occur on privately owned lands, which may include private land, Native allotments, and lands owned by the Haines Borough, the University of Alaska, and the Mental Health Trust Authority.
  4. Developed Recreation Facilities. Recreation facilities to support privately conducted commercial operations shall be situated on the types of land identified in item #3, above. Recreation facilities to support non-exclusive public recreation<sup>1</sup> activities may occur within the Preserve. The latter facilities, which include boat docks, observation facilities, and any other public recreation facilities, will be designed to minimize human impact on the Preserve resources and are to be consistent with the standards for such facilities identified in this Plan. See Appendix D.
  5. Sale of Traditional Products. Sale of traditional products from berries, mushrooms, roots and bark from the Preserve may continue unrestricted unless it is found that such use is causing significant resource damage. Trapping, like hunting and fishing is regulated by the Department of Fish and Game.

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<sup>1</sup> See Chapter 1 for discussion of the requirements for non-exclusivity within the Preserve.

6. Recreational Uses Established Prior to 1982. The Revised Plan maintains the policy for the types and levels of recreation activities appropriate within the Preserve at the types and levels specified in the 1985 Plan<sup>2</sup>: "Continuation of recreational activities within the Preserve at levels and by methods and means in existence prior to 1982 will be allowed consistent with the management intent and management guidelines for the Preserve." And, these activities will be allowed consistent with the listing of allowed uses within specific plan units identified in Chapter 3, and as otherwise provided for in the management guidelines or management intent statements in this Chapter for specific management units.

The following is a list of recreational activities that have been identified as having occurred in the Preserve prior to 1982:

personal fish processing	Native bartering
sightseeing	canoeing
photography	kayaking
sport fishing	camping
trapping	cross-country skiing
subsistence fishing	snowshoeing
berry picking	recreational mining
mushroom picking	target shooting
hunting	snowmachining
power boating	picnicking
gathering roots and bark for traditional uses	cutting Christmas trees

The following is a list of commercial activities that have occurred in the Preserve prior to 1982:

guiding/hunting/trapping/fishing	river boating
sightseeing (photography)	flight seeing
rafting/boating	hiking, guided

7. Permitting: Procedures and Standards. Consistent with the requirements of AS 41.21.027(g), DNR shall issue only noncompetitive, non-exclusive use permits for commercial activities on the Preserve<sup>3</sup>.
- a) *Authorizations Required.* The Division of Parks and Outdoor Recreation (DPOR) may authorize commercial users of the Preserve when such uses are consistent with the general and specific standards identified in this Plan, the statutory intent and requirements identified in AS 41.21.630(a and b), and with the management intent and specific standards of individual management units. Permits are not to

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<sup>2</sup> Chilkat Bald Eagle Preserve Plan, dated September 1985, pp. 23-24.

<sup>3</sup> Note: the possibility exists that permits may also be issued for guided tours; in this instance, the use of competitive based permits might occur.

be issued by DPOR if the proposed use or activity is inconsistent with this requirement or it is unclear if the use or activity can meet this requirement. See also item 7(f), below, for requirements relating to specific types of commercial operations.

- b) *Notification and Submittal Requirements.* Commercial users of the Preserve are required to obtain from DPOR a Noncompetitive Park Use Permit for Commercial Activities (11 AAC 18.030). Entities applying for a Noncompetitive Park Use Permit shall submit, as part of their application, a Plan of Operation (PoO) for the forthcoming year of operation. This document shall identify the type of activity provided, the method or means to be used, the location or locations where the activity is likely to occur, and the expected daily client level. The information provided in the PoO is to be sufficient to assure, in review, adherence to any specific standards identified in a specific plan unit. Information on the nature and extent of commercial operations is necessary to properly evaluate a proposed commercial operation, form a database for future decisions concerning commercial operations, and ensure protection of the resources.

DPOR will notify the Chilkat Bald Eagle Advisory Council (Preserve Advisory Council) prior to issuing commercial permits.

- c) *Impacts.* Commercial users will operate their businesses in such a way as to cause minimal impact on the Preserve. To minimize impacts, the standards identified in Appendix C, pertaining to General and Specific Operating Standards, shall apply, and conditions similar to these shall be included in all Noncompetitive Park Use permits issued to operators by DPOR.
- d) *Public Safety.* The stipulations of DPOR for commercial operations and the regulations, adopted subsequent to the creation of the Preserve in 1982 to protect Preserve resources and provide for public safety and welfare, shall be followed in authorizing commercial uses. In addition, all commercial operators shall attend an annual orientation session given by DPOR before the beginning of the upcoming tourist season. The purpose of this orientation is to describe and explain all pertinent requirements of the Preserve Plan, Alaska Administrative Code, and DPOR operating policies. DPOR shall only issue permits to commercial operators that attend orientation meetings.
- e) *Consistency with Management Intent of Plan Units.* If it is determined that the management intent of a specific plan unit may or has been compromised, the Division will take action to avoid or preclude impacts inconsistent with Preserve statutory requirements. Actions will be taken to assure that the management intent of specific plan units are not compromised. Consistent with the authorities under 11 AAC 21.100 and 105, this may lead to a limited number of boats, vehicles, and specified times of use for commercial operations in the Preserve; the designation of use and non-use areas; requirements that commercial operations take special steps to reduce their impact on the resources of the Preserve; or stipulations that

ensure adherence to the plan or plan unit management intent statements and guidelines.

- f) *Standards Specific to Certain Types of Commercial Operators.* Commercial operations providing services related to tours<sup>4</sup> with 11 or more clients per day are, in certain areas, affected by specific permitting requirements within plan units. See the individual plan units for these requirements.
8. Dispersed Camping. Camping within the boundaries of the Preserve is allowed provided resource protection guidelines delineated in other chapters of this management plan are followed. Fragile areas located in each management unit may be identified for restricted camping based on resource protection. Minimum impact camping techniques, similar to those required by the U.S. in the Tongass National Forest, shall be followed. The Division may issue a listing of these requirements, if necessary in future management.
9. Temporary Hunting and Fishing Camps. It is recognized that some sites in the Preserve are utilized year after year for hunting or fishing camps. Such camps may continue to be used but may not contain permanent structures or facilities and all materials, including waste and litter, brought into camp must be removed at the end of the occupancy. The terms structures and facilities do not include moose stands. Commercial camps will require a commercial use permit.
10. Private Recreation - Remote Cabins. By statute, remote cabins are prohibited. The Division of Parks and Outdoor Recreation will work with the Preserve Advisory Council on the development of policy guidelines and regulations dealing with the management of cabins that are occupied or owned by individuals without land title. The public policy guidelines will be based on public values and the public interest. Cabins built before 1982 are considered public use cabins.
11. Public Facility Development on Preserve Uplands. Recreation facilities to support non-exclusive public recreation<sup>5</sup> activities may occur within Preserve uplands, consistent with the development guidelines for individual management units. Intensive public recreation facilities are to concentrate within the right-of-way of the Haines Highway near the current location of visitor facilities between miles 19 and 21 and in the Tsirku Management Unit where the current parking facility exists. Other

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<sup>4</sup> Definition: A commercial tour is defined, for the purposes of management in the Preserve, as the provision of a brief trip to or through a place for the purpose of viewing it. This trip or trips is provided to clients who, in return, pay the commercial provider for the service provided. Not included in this definition is a trip or trips necessary to access private property, such as a lodge, unless it is clear that such an activity is clearly providing a commercial tour as part of this access. Characteristics of commercial tours are that they are frequent, occurring several or more times per day; tend to occur in a generally similar area or areas; and involve stopovers of less than five hours if the trip has a destination on the route(s). For the purposes of this Plan, this type of commercial operator is termed a 'General Commercial Tour Operator'.

<sup>5</sup> See Chapter 1 for discussion of the requirements for non-exclusivity within the Preserve.



- public recreation facilities of a less intensive nature (i.e., a boat launch) may occur along areas of the Haines Highway adjacent to the Lower Haines Highway unit, Upper Haines Highway unit, and the Council Grounds unit if determined to be necessary by DPOR. Other upland areas, especially those areas without ready access or having sensitive wildlife or habitat resources, are not considered appropriate for public facilities. Recreation facilities to support privately conducted commercial operations shall be situated on the types of land identified in item #3 of this section.
12. Development of Preserve Uplands. Other than the areas identified in item #11 above, uplands within the Preserve are to be retained in their natural state and are not be devegetated or otherwise disturbed.
  13. Existing Uses under AS 41.21.630. Timber harvest, grazing, material extraction except for public purposes, mining, or other forms of resource use or development are not permitted within the Preserve except for valid, existing rights protected by AS 41.21.630. There are no known valid rights of this type.

### **Resource Summary**

The importance of recreation and subsistence based activities is well documented in the Haines Area Recreation Inventory (1983), various studies conducted by the Department of Fish and Game (Mills 1982, Reed 1972, etc.), and a number of recreation surveys conducted by the state (2001). Public values are recognized and this plan will emphasize the protection of human activities insofar as possible while providing adequate protection for Preserve resources. The growth of commercial recreation activities during the 1990-2000 period was significant, concentrating in the Upper Chilkat River (jet boat operations), portions of the Klehini and middle Chilkat (rafting), and along the Haines road corridor (especially at the visitor pull-in facilities near the Council Grounds).

The land encompassed by the Preserve is primarily river or river bottom. Thus, recreation uses that occur in the Preserve tend to be water oriented, or in some way use the flat areas of large braided glacial rivers. The fact that the rivers serve as routes to the surrounding lands heightens their importance for recreation within the Preserve and the surrounding State Forest.

Most of the commercial operators within the Preserve are of relatively small size, typically transporting less than 11 clients per day – usually to specific sites within the Preserve related to the type of service provided. There are only a few large commercial operators that operate boat tours; one non-motorized and one that is motorized. The large commercial operators occupy physically separate areas. Non-motorized operations occur, depending on water level and time of year, in the lower Klehini, the Tsirku River east of Devil’s Elbow, and the Middle Chilkat between miles 14-15 and 19-21. The single motorized operation occurs in the Upper Chilkat generally between Wells Bridge and the confluence of the Kelsall River with the Chilkat River.

## **Background Information Relative to Commercial Use in the Preserve**

The state legislature in 1987 enacted further restriction on commercial use within the Preserve: "With the exception of guided tours and noncompetitive commercial use permits, concessions or commercial activities are not permitted within the Alaska Chilkat Bald Eagle Preserve" (AS 41.21.027(g)). The intent was to not allow concession contracting or competitively bid commercial permits for long-term or exclusive use of Preserve land and water where private facility development would be required for such commercial use. Therefore, the overall management intent for all commercial use is to prohibit long-term or exclusive use by operators, especially if it were to lead to a need for facility development.

The Concession Contract law quoted above was passed by the legislature to guide DNR through a detailed list of requirements and authorities in establishing contracts for commercial use of park lands. The law is more restrictive than permissive. If a proposed contract involves estimated annual gross receipts of more than \$100,000, construction of facilities, a term longer than four years, or the provision of services other than those normally provided at similar facilities managed by the state, then the Commissioner must go through a list of findings and decisions backed by numerous public meetings, hearings, and comment periods before even advertising the contract. The Preserve was the only unit excluded by law from the option of concession contracting, indicating that no commercial facilities or long-term commercial uses should be allowed. In fact, the specific term "noncompetitive commercial use permits" was used in the law, and there is a blanket prohibition on all concessions or commercial activities, except for guided tours and noncompetitive commercial use permits.

## ***TRANSPORTATION AND MATERIAL EXTRACTION***

### **Goals**

1. Haines Highway  
Manage those portions of the Preserve adjacent to the Haines Highway to allow visitor access to the Preserve and eagle concentration areas without creating traffic hazards or significantly impacting the eagles.
2. Access for Private Uses and to the Haines State Forest  
Provide reasonable, timely and economically feasible access across the Preserve for private uses and necessary State Forest roads that do not have a reasonable, timely or economical alternative means of access, that is compatible with the goals and guidelines of the CBEP Management Plan.
3. Use of Traditional Modes of Transportation and Access  
The traditional modes of transportation existing at the time of the passage of the Legislation enacting the Preserve (1982) shall be allowed to continue. All areas of the Preserve may be used by such modes of access, subject to reasonable regulation, and all areas within the Preserve may be used by traditional means of transportation unless otherwise restricted by regulation or statute.

## Management Guidelines

1. Rights of Access. If an individual or an organization has property, or a valid right on land within the boundaries of the Preserve and does not have reasonable, timely, and economically feasible access and egress by means other than crossing the Preserve, the DPOR Director shall grant the rights necessary to assure reasonable, timely, and economically feasible access and egress. The Director shall also give favorable consideration to applications for utility rights-of-way that are compatible with the stated purposes of the Preserve.

The rights of access and egress are subject to regulation and stipulations established by the DPOR Director to protect the purposes and values of the Preserve and to minimize adverse environmental impacts in the Preserve. Any stream crossings or in-water work associated with access or road construction must be reviewed and permitted by ADF&G.

2. Road and Trail Location and Design. Trails or roads needed for public access or access needed for purposes described in AS 41.20.507(h) will be located to either avoid eagle concentration areas or cause minimal disturbance to eagle concentration areas.
3. Access Review, Design and Approval. Access requirements through the Preserve shall be examined on a management unit basis, and sufficient information will be obtained within a reasonable time frame to allow determination of the total extent of potential resource impact or mitigation. The Preserve Advisory Board will review road and trail locations prior to approval by the funding agency. Reasonable stipulations and regulations will be imposed to ensure minimum impact, including but not limited to the following:
  - a) Roads should be designed and constructed with a minimum amount of environmental disturbance.
  - b) Roads shall be routed through areas that are less susceptible to resource damage, and can better withstand the proposed construction with the least damage.
  - c) Roads should be as direct as possible while observing the first two considerations.
  - d) Forest roads in the Preserve will, at a minimum, meet the State Forest Practices standards for road construction and the standards of this plan for specific management units.
  - e) Unattended motor vehicles shall not be left within the floodplain of ephemeral or permanent stream channels or below ordinary high water of streams containing anadromous fish habitat.

4. Maintenance of Forest Roads that Cross the Preserve. Generally, the Division of Forestry will maintain forest roads through the Preserve. If the forest road also provides access to the Preserve and provides for public use of the Preserve that is consistent with the management intent of the area, then the Division of Parks and Outdoor Recreation may negotiate with the Division of Forestry to determine if it will share in the maintenance responsibilities for the road.

Before the Division of Forestry closes a forest road that passes through the Preserve, DPOR will evaluate whether the road serves the management purposes of the Preserve and whether to take management responsibility for the road.

5. Gravel Pits Necessary for State/Other Public Transportation Facilities. Proposed gravel pits will be authorized to support public transportation facilities only when it can be demonstrated that there will be no serious threat to Preserve resources. Authorization may be subject to observance of appropriate resource safeguards, such as pit development plans, construction of levees, berms or reclamation measures. Pits necessary for the development of forest roads through the Preserve will, at a minimum, be managed consistent with the requirements in the Haines State Forest Management Plan, this plan, and other pertinent regulations. Gravel extraction for the purpose of supporting private uses and facilities is not intended or considered appropriate.
6. Cooperative Agreement with Department of Transportation and Public Facilities. The cooperative agreement with DOT/PF which establishes management responsibility for existing or proposed highway pull-outs, visitor information areas, waste disposal facilities, waysides, boat launches, trailheads, or other public recreation facilities in those portions of the Haines Highway corridor adjacent to the Preserve shall continue. This agreement allows DNR to review the type and siting of public facilities within the right-of-way of the Haines Highway.
7. Haines Highway Realignment. DPOR will cooperate with ADOT/PF in evaluating Haines Highway alignment and widening options in order to determine the highway improvement alternative that best meets the purposes of the Preserve and adequately addresses the transportation, maintenance, and safety concerns identified by ADOT/PF.
8. Use of All Terrain Vehicles. ATV use off the established road system is restricted in and across anadromous streams and within the Chilkat River Critical Habitat Area, pursuant to AS 16.05.870 and AS 16.20.585.
9. Use of Snowmachines. Winter use of snowmachines (when there is adequate snow cover of at least one [1] foot) is allowed on lands within the Preserve unless otherwise restricted under 11 AAC 21.020 and other ADF&G authorities related to the Critical Habitat Area. This requirement does not affect vehicle use on private property or on designated trails and access routes.

10. Aircraft (Fixed Wing and Helicopter). Aircraft (fixed wing and helicopter) landings in the Chilkat River Critical Habitat Area (Council Grounds Management Unit) are prohibited unless authorized by the DPOR Director under 11 AAC 21.120 and if consistent with 11 AAC 21.020.
11. Mining and Material Extraction. Commercial mining and mineral extraction are not permitted within the Preserve. Gravel removal is only to be allowed within the lands and waters of the Preserve for public transportation projects or public recreation projects directly related to the appropriate use or protection of Preserve resources. All such projects must be authorized by DPOR, ADF&G, or any other permitting agencies with jurisdiction.

### **Resource Summary**

The Haines Highway right-of-way is excluded from the Preserve. However, 24 miles of the Preserve have highway access and the Bald Eagle Council Grounds are directly adjacent to the highway. The common border and the proximity of the eagle concentration area to the highway mean that management of each will affect management of the other. As the eagle concentration attracts more and more visitors the need for highway signing, and highway pull-offs will become more important. This plan calls for coordination between DOT/PF and the Division of Parks and Outdoor Recreation to address these common concerns.

The rivers and other lands in the Preserve will continue to be used as access corridors to the surrounding forest and to the Preserve itself for hunting, fishing, trapping, recreation and other uses.

The Preserve contains several access corridors that will be crucial to management of the Haines State Forest. These transportation issues are dealt with in the appropriate management unit.

### ***WATER QUALITY, RIPARIAN AREAS, AND WETLANDS***

#### **Goals**

1. Stream Conditions  
Improve or maintain existing stream and overall drainage conditions.
2. Water Quality  
Maintain or exceed surface and groundwater quality standards set by the Department of Environmental Conservation.

Minimize the amount of point and non-point source pollution, including untreated storm water, siltation from road construction and timber harvest activities, and hydrocarbon contamination from fuel storage tanks as well as roads and highways.

3. Water Quantity  
Maintain the river systems within the CBEP in a free flowing state by restricting or precluding man-made obstructions and diversions to natural watershed flows.

Ensure continued, adequate hydrologic flow from wetlands, tributary streams, and uplands to the Chilkat River system.

4. Wetlands  
Preserve and protect those wetlands providing critical habitat functions and other essential hydrologic connections.

5. Vegetation  
Preserve and protect riverbank vegetation essential to habitat functions.

Manage public use in the river systems within the Preserve in order to ensure the protection of vegetation critical to riparian habitat.

### **Management Guidelines**

1. Adverse Effects on Riparian Ecosystem and Streambank Stability. Activities that significantly alter the riparian ecosystem and streambanks that result in one or more of the following significant adverse effects<sup>6</sup> are considered incompatible with the requirements of AS 41.21.610 (a)-(c):
- a) Loss of streambank stability and hydraulic changes,
  - b) increased erosion and bedload sediment through loss of control of surface runoff,
  - c) increased sedimentation in and on spawning beds and rearing areas, reduction in oxygen availability, smothering and mortality of eggs, alevins, and invertebrate food sources,
  - d) reduction in bank irregularities, increased water velocities, loss of cover and thus, fish habitat,
  - e) significant alteration of water temperatures,
  - f) reduction of nutrient inputs to aquatic system with resultant reduction in productivity of food web,
  - g) introduction of large amounts of debris that block fish passage and eliminate fish habitat,
  - h) change in-flow regimes due to loss of control of surface runoff,

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<sup>6</sup> Where the effect is significant.

- i) significant loss of wildlife food, cover, and migration routes,
  - j) removal of logs or alteration of log jams that provide cover for fish and form habitat complexity.
2. Streambank Management. Maintain water quality by protecting the integrity of stream banks when carrying out management and permitting responsibilities. In implementing this task, DPOR shall apply the standards in Appendix D in its issuance of permits for structures occupying state waters below Ordinary High Water. No private structures or facilities are to be permitted on uplands of the Preserve, including areas of streambanks. No use or structure shall be located in an important anadromous fish spawning or rearing area, or in the Chilkat River Critical Habitat Area.
  3. Water Quality Standards. Only uses that are consistent with state water quality standards or management requirements, including policies of the Alaska Department of Environmental Conservation, are appropriate within the Preserve. Permits may not be issued if the proposed use will be inconsistent with these standards.
  4. Public Use Management. Manage public use activities to ensure the protection of critical habitat areas, riparian areas, and wetlands important to habitat or hydrologic functions.
  5. Structure and Roadway Development. In the review of proposed structures, recreation facilities, and road/bridge projects, insure that impacts to water quality, riparian areas, and wetlands essential to habitat functions within the Preserve are avoided or precluded; or if this is not feasible and prudent, minimized to the maximum extent practicable. Where possible, structures and facilities should not be sited within the stream areas defined by ordinary high water of Preserve creeks or rivers.
  6. Aquatic Vegetation. Vegetation below the Ordinary High Water Line shall not be disturbed or altered except to the extent necessary for the construction of dock or walkway structures.
  7. Water Use. Use of water below a significant amount, as defined by 11 AAC 93.970 (14), is allowed without a permit from DNR. All significant uses of water are subject to permit review and authorization by the Division of Mining, Land, and Water of DNR. In addition, any water withdrawal shall not reduce the stream flow or lake level below the level necessary to support anadromous and resident fish, and the water course may not be blocked to impede fish passage. ADF&G shall be consulted where a proposed project might be inconsistent with the latter requirements.
  8. Water Diversion or Distribution. Water bodies shall not be altered to facilitate water diversion or distribution in any way unless specifically authorized by ADF&G and the DNR Division of Mining, Land, and Water for the placement of well points, sumps, or infiltration galleries. ADF&G and ADNR shall be notified at least three

working days prior to any disturbance. Additional correctible measures may be stipulated under agency statutory and regulatory authorities.

9. Cooperation with Other Landowners. The state may participate with other landowners in cooperative watershed management programs designed to maintain the water quality of local streams and rivers.
10. Trailer Boat Launching. No trailer boat launching may destroy fragile banks and important fish habitat, which is inconsistent with state regulation (11 AAC 21.025). All loading and unloading of boats in this area should be by hand only, although some private lands may have existing boat launch sites that may be permitted and hardened with appropriate stipulations.
11. Other Guidelines Affecting Watersheds. A number of other guidelines may affect watersheds. For details of the guidelines see the following sections of this Chapter:

- Fish and Wildlife
- Recreation
- Transportation



## Chapter 3

### Land Management Policies for Each Management Unit

<b>INTRODUCTION .....</b>	<b>1</b>
<b>COMMON MANAGEMENT REQUIREMENTS .....</b>	<b>1</b>
<i>Map 3-1</i> .....	3
<i>Table 3-1: Allowed Uses within Preserve</i> .....	8
<b>MANAGEMENT UNIT 1 – UPPER CHILKAT RIVER .....</b>	<b>9</b>
<i>Management Intent</i> .....	9
<i>Specific Management Guidelines/Recommendations</i> .....	9
<i>Table 3-2: Conditionally Allowed and Prohibited Uses, Upper Chilkat Unit</i> .....	10
<i>Map 3-2</i> .....	11
<i>Map 3-2A</i> .....	13
<i>Background and Resource Information</i> .....	17
<b>MANAGEMENT UNIT 2 – TSIRKU RIVER.....</b>	<b>19</b>
<i>Management Intent</i> .....	19
<i>Management Guidelines/Recommendations</i> .....	20
<i>Map 3-3</i> .....	21
<i>Table 3-3: Conditionally Allowed and Prohibited Uses, Tsirku Unit</i> .....	23
<i>Background and Resource Information</i> .....	24
<b>MANAGEMENT UNIT 3 - BALD EAGLE COUNCIL GROUNDS .....</b>	<b>26</b>
<i>Management Intent</i> .....	26
<i>Map 3-4</i> .....	27
<i>Management Guidelines/Recommendations</i> .....	29
<i>Table 3-4: Conditionally Allowed and Prohibited Uses, Council Grounds Unit</i> .....	31
<i>Background and Resource Information</i> .....	31

**MANAGEMENT UNIT 4 – HAINES HIGHWAY AND ADJACENT LANDS..... 33**

*Management Intent*..... 33

**Map 3-5A** ..... 35

**Map 3-5B** ..... 37

*Management Guidelines*..... 39

*Table 3-5: Conditionally Allowed and Prohibited Uses,  
        Haines Highway Unit -- Lower and Upper Haines Highway Subunits* ..... 40

*Background and Resource Information* ..... 41

**MANAGEMENT UNIT 5 – CHILKOOT RIVER AND CHILKOOT LAKE ..... 42**

*Management Intent*..... 42

**Map 3-6**..... 43

*Management Guidelines*..... 45

*Table 3-6: Conditionally Allowed and Prohibited Uses, Chilkoot Lake/River Unit* .... 46

*Background/Resources*..... 47

## CHAPTER 3

### LAND MANAGEMENT POLICIES FOR EACH MANAGEMENT UNIT

#### *INTRODUCTION*

In this chapter specific land management policies are presented for each of the Preserve's five management units. A management unit is an area with generally similar resource and topographic characteristics. Map 3-1 depicts the various Management Units within the Preserve.

Each management unit has a statement of management intent, management guidelines applicable only to that unit, and a listing of conditionally allowed and prohibited uses. The statement of management intent defines management objectives for each management unit and the methods to achieve those objectives. Management guidelines provide more specific management requirements. Maps showing land status, unit boundaries, and resource information are also included for each Management Unit.

Certain management requirements affect all of the Management Units in the Chilkat Bald Eagle Preserve (Preserve). These differ from both management intent statements and management guidelines in that they are common management considerations pertaining to all the Management Units, while the former are specific to a particular Management Unit.

#### *COMMON MANAGEMENT REQUIREMENTS*

Common Management Requirements apply to the entirety of the Preserve and are the underlying basis for Preserve management. The Common Management Requirements are described below and are *not repeated* in the descriptions of individual Management Units in the discussion that follows.

**General Management Orientation.** There are certain common management themes, or directions, that affect all of the management units in the Preserve. These derive from the purposes of the legislation, described under AS 41.21.610. In the subsequent discussion of management direction for the management units, these requirements will be referred to as a unit by the term 'Common Management Requirements.'

**The Preserve Plan is based on these purposes and, in its management of the Preserve, the state will be guided by the principles embodied in each. The management directions identified in the Preserve Plan represent the intent by the state to be consistent with and implement the purposes of the Preserve. All subsequent decision-making by the state shall be consistent with the management direction and specific standards of the Preserve Plan.**

All units must be managed to:

- "Protect and perpetuate the Chilkat bald eagles and their essential habitats." This is identified as the primary purpose for establishing the Preserve.
- "Protect and sustain the natural salmon spawning and rearing areas of the Chilkat River and Chilkoot River system in perpetuity." The term 'perpetuity' infers that the management direction of the Preserve Plan concerning these resources be rigorous, to preserve these resources over the very long term.
- "Provide continued opportunities for research, study, and enjoyment of bald eagles and their habitat."
- "Ensure to the maximum extent practicable water quality and necessary water quantity under applicable laws." Applicable laws include those state and federal regulations and statutes as well as any applicable state policies pertinent to water quality and water quantity. Management actions by the Department of Natural Resources (DNR) must be consistent with all applicable statutes and regulations.
- "Provide for other public uses consistent with the primary purpose for which the Preserve was established." A variety of uses and activities may occur within the Preserve insofar as these uses do not create harm to the Preserve or adversely affect other lawful uses.
- "Provide an opportunity for the continued traditional and natural resource based lifestyle of the people living in the general areas of the Preserve described in AS 41.21.611(b)<sup>1</sup>, consistent with the other purposes" (described above). That is, the opportunity for traditional uses, as this term is used in this portion of statute, is to be provided. However, such uses may be managed under 'reasonable regulation' to ensure that the other purposes, described above, are protected.

The Preserve Plan, in its formulation of management direction, assumes that each of these purposes applies. That is, areas within the Preserve will be managed so that all of these purposes, and the activities they represent, are allowed to continue. To the degree that a lawful activity is deleterious to the activity of another, that use is to be managed so that the other activities identified under purposes may continue.

**Commercial Recreation Management.** Commercial recreation activity has emerged as a major activity during the last ten years within the Preserve. This type of activity was not significant either at the time of Preserve creation in 1982 or during the time of Preserve Plan development during the mid-eighties. For these reasons, the 1985 Preserve Plan did not address the management of this use in a significant way. The management of this activity is

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<sup>1</sup> This portion of statute consists of a legal description of the Chilkat Bald Eagle Preserve.

## **Map 3-1**

### **Plan Boundary & Management Units**

**Please click on the map link to view Map 3 -1.**



now necessary given the levels and locations of this use, and given the likelihood that this type of use will continue to grow over the planning period in the next 20 years. In its management of commercial recreation activity, DNR shall be guided by the following general management requirements.

**General Management Requirements for Commercial Recreation.** The management of commercial recreation within the Preserve is controlled by the Common Management Requirements described above, the requirements of the 1987 parks fee legislation, and by that portion of the Alaska Administrative code pertaining to the Preserve. Preserve purposes are described above, while the parks fee legislation and the Administrative Code are described at length in Chapter 1; see pages 1-6 and 1-7. The following stipulations apply:

- All commercial recreation activities are required to meet the standards identified as Common Management Requirements and all applicable General Operating Standards specified in Appendix C.
- AS 41.21.027(g) stipulates that commercial operations can only be permitted through the use of non-competitive, non-exclusive permits or through the issuance of a permit (or other authorization) for guided tours. Accordingly, the Department will only issue permits of these types, and will require that facilities necessary to support commercial operations occur on lands not within the Preserve. A competitively bid commercial use permit will be necessary when it is apparent that there will be a need to limit the number of commercial operators.
- Pursuant to 11 AAC 21.100, the Department will not issue non-exclusive commercial use permits when to do so would exclude other uses from the Preserve; adversely affect habitat, wildlife, the spawning and rearing areas of anadromous streams, or water quality or quantity; or if it is apparent that the number of commercial activities in the Preserve must be limited to protect public use or preserve purposes.

**Specific Management Requirements on State Waters: Commercial Recreation.** In order to simplify the management of commercial recreation uses on the waters of the Preserve in the future, three categories of commercial use operators are identified. These categories are based on the daily use level of the entities providing the commercial service and whether the commercial use is a tour or some other commercial activity. Use level is defined to be the number of passengers carried by a commercial entity per day.

- Small-scale Commercial Tours. Small-scale commercial tours shall follow the Common Management and General Management Requirements for Commercial Recreation.<sup>2</sup> Small-scale Commercial Tours are defined as those uses permitted to carry 10 clients or less per day into or through the Preserve. The term 'commercial tour' includes both motorized and non-motorized tours. Small-scale Commercial Tours can occur throughout the Preserve except as limited by the Common

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<sup>2</sup> Additional standards for these operations apply in the Upper Chilkat Management Unit.

Management Requirements and the General Management Requirements for Commercial Recreation. Since the Small-scale Commercial Tours are allowed throughout the Preserve, these types of uses are not described in the Management Intent or Management Guidelines of a Management Unit in the subsequent parts of this Chapter.

Uses of this type and scale do not seem to produce impacts of the type that requires limitation or other management controls other than those associated with the Common Management Requirements. They existed at the time of the creation of the Preserve in 1982, and the 1985 Preserve Plan which listed 'rafting/boating' and 'river boating' as appropriate uses "if consistent with the management intent and management guidelines for the preserve".<sup>3</sup>

However, if in the future it becomes likely or evident that they may be impacting Preserve resources or limiting other uses within the Preserve, additional management controls may be necessary. If DPOR staff determines that additional management controls are necessary, this recommendation(s) is to be reviewed by the Preserve Advisory Council prior to enactment. The Council may forward its recommendation to the Director of DPOR for consideration.

- Large-scale Commercial Tours. Commercial recreation operations that use state waters for the purpose of providing commercial tours to an unlimited number of clients per day into or through the Preserve may occur in those areas that are designated as appropriate for this use in the Management Intent or Guidelines of a Management Unit.<sup>4</sup> The term includes both motorized and non-motorized tours. Tours of this type may be limited in location, timing, spacing, or type. The type and degree of limitation is specified in the Management Intent or Management Guidelines. Large-scale Commercial Tours must be designated in a Management Unit in order to be authorized; an area where this use is appropriate is identified in the Management Intent and Management Guidelines of each Management Unit.
- Commercial Outfitters and Guide Operators. Commercial outfitters and guides include fishing and hunting guides, and are commercial operators that provide access to lands and waters of the Preserve. These are historic, traditional uses within the

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<sup>3</sup> P. 23, 1985 Bald Eagle Preserve Plan.

<sup>4</sup> See also definition of 'commercial tour' in Chapter 2, footnote #4. A commercial tour is defined, for the purposes of management in the Preserve, as the provision of a brief trip to or through a place for the purpose of viewing it. This trip or trips is provided to clients who, in return, remunerate the commercial provider. Not included in this definition is a trip or trips necessary to access private property, such as a lodge, unless it is clear that such an activity is clearly providing a commercial tour as part of this access. Such operations shall not be considered as a commercial tour if the length of stay at a destination exceeds five hours. Characteristically, commercial tours are frequent, occurring several or more times per day; occur in a generally similar area or areas; and do not exceed a stay period of five hours if a destination(s) is included as part of the tour. This definition shall be used in making determinations as to whether a commercial use is to be treated as a commercial tour.



Preserve. This category of commercial recreation operator is subject to the General Operating Standards of Appendix C as well as the Common Management Requirements of Chapter 3. They are not subject to the commercial tour permitting requirements specified for Large-scale Commercial Tour Operators in this Plan, although they are subject to the general permitting requirements for Small-scale Commercial Tour Operators.

**Recreational Uses: Allowed, Conditionally Allowed, and Prohibited.** Wide ranges of recreational uses occur throughout the Preserve. These uses have occurred historically and their continuation is protected under the traditional use section of the Preserve statute, subject to reasonable regulation. Most of these recreational uses are personal in nature, carried out by residents from the Haines community or by other residents of the state. Other uses, like hunting and fishing guides, are commercial in character. With only a few exceptions, these types of commercial uses are small-scale in character, tend to occur at varying times of year and at differing locations within the Preserve, and are relatively few in number. For more information on which uses are traditional in nature, and therefore subject to protection, see the discussion of 'Traditional Uses' under the section of Recreation, Management Guidelines, in Chapter 2. See also, 'Recreational Uses Established Prior to 1982', in the same section. All commercial uses must secure a non-exclusive commercial use permit, or other authorization, for operation in the Preserve.

Most of the recreational uses that occur within the Preserve, which are personal or small-scale in nature if commercial, are appropriate and do not require additional management. These are termed 'allowed uses'. Other commercial uses, because of their size, kind of activity, or the sensitivity of the area within which they operate, may not be appropriate or may be conditionally appropriate. These are termed 'prohibited' and 'conditional uses', respectively, in this plan. In order to know which uses are generally appropriate and those that may not be, a table listing recreational uses that are conditionally allowed or are prohibited is provided for each Management Unit.

The uses that are uniformly allowed within the Preserve are those that are listed in Table 3-1. Activities described as 'non-motorized' and 'motorized' include both personal and commercial activities unless otherwise noted in the Plan. Uses that are personal in type are not subject to permitting and are not subject to any of the specific recommendations of this Plan, except that these uses must be consistent with Preserve purposes, which are described under the Common Management Requirements. Commercial uses that are generally allowed are those meeting the requirements of the Common Management Requirements and General Management Requirements for Commercial Recreation, and that are not defined as Large-scale Commercial Tours.<sup>5</sup> 'Small-scale Commercial Tour Operators' and 'Commercial Outfitters and Guides' are treated as a generally allowed use, subject to the previous requirements. However, some of the vehicular uses listed below are affected by stipulations contained in Appendix D; see especially Special Conditions #5 and 6.

<sup>5</sup> Large-scale Commercial Tour Operators are subject to special operating requirements identified in this Chapter.

**Table 3-1: Allowed Uses within Preserve**

<i>Non-Motorized</i>	Current	Authorized (Future)	<i>Motorized</i>	Current	Authorized (Future)
Snowshoeing	X	X	Snow-machining	X	X
x/c Skiing	X	X	Boating, including:		
Fishing	X	X	Air boat	X	X
Hunting	X	X	Jet boat	X	X
Rafting	X	X	Other boat (prop)	X	X
Hiking	X	X	Access to private land	X	X
Camping	X	X			
Scenic/Wildlife Viewing	X	X			
Photography	X	X			
Picnicking	X	X			
Boating	X	X			
Foraging	X	X			

## MANAGEMENT UNIT 1 – UPPER CHILKAT RIVER

The Upper Chilkat River Unit includes the Chilkat River from Wells Bridge to Turtle Rock and the Lower Kelsall River from Nataga Creek down to its confluence with the Chilkat River. Map 3-2 depicts the boundaries of this Management Unit. This map also shows the distribution of bald eagles and Trumpeter Swans. This is the largest unit of the preserve and contains approximately 19,500 acres, or about 40% of the preserve.

### Management Intent

This unit will be managed to meet the Common Management Requirements. Management emphasis will be placed on the protection of sensitive habitat, especially associated with anadromous fish stream spawning and rearing areas, bald eagle nests, and Trumpeter Swan nests and pair sites, while accommodating traditional uses and some level of commercial recreation. The primary uses of the unit will be activities related to the maintenance of traditional lifestyles, public recreation, and certain levels of commercial recreation. A listing of conditionally allowed and prohibited recreational uses is given in Table 3-2. Unless otherwise specified, these uses relate to both personal use and commercial use. There is no recreation facility development planned at this time, and it is intended that any public facility development in the future will be minimal in type and extent. There are existing private lands within this unit which can provide adequate facility development opportunities, and it is intended that private facility development occur at these locations.

Commercial recreation activities are considered appropriate within portions of this Management Unit with careful management and surveillance of these uses. They are to be managed to be consistent with the General Management Requirements for Commercial Recreation and with the following Specific Management Requirements. Regularly scheduled commercial activities have expanded significantly in this unit during the last five years, including large-scale commercial motorized and non-motorized tour operations. Continued use of this area for commercial recreation by Large-scale Commercial Tour Operators, both motorized and non-motorized, is considered appropriate, subject to the requirements of this plan. Such uses shall not conflict with the management emphasis described above as well as subsistence uses and other lawful uses within the Preserve.

### Specific Management Guidelines/Recommendations

1. Forest Access Road - Design and Location. To the extent feasible, the potential forest access road from the Haines Highway to the East Chilkat Unit of the Haines State Forest should be located in the State Forest. However, if this is not feasible, the road may be located in the Preserve. The design and location of the road will be consistent with the guidelines of the Haines State Forest Management Plan, this plan, and other

applicable standards. Design, construction and maintenance provisions for those portions of the road that pass through the Preserve will be reviewed by the Department of Fish and Game prior to approval by the Division of Parks and Outdoor Recreation.

2. Forest Access Road - Public Use. Public use of those portions of the forest access road that pass through the Preserve will be allowed, if approved, by the Division of Forestry and the Division of Parks and Outdoor Recreation.
3. Forest Access Road – Maintenance. Maintenance of those portions of the forest access road located in the Preserve will be the responsibility of the Division of Forestry (see guidelines #3, Chapter 2, for possible exceptions).
4. Recreational Uses. The following uses are either conditionally allowed or prohibited in this Management Unit. These uses are both personal and commercial.
5. Large-scale Commercial Tours (LCT). Large-scale Commercial Tours (motorized) are permitted on the Chilkat River within specific routes in that portion of the river section north of the confluence of the Klehini and Chilkat Rivers. Such operations are not permitted in the area adjacent to the Klukwan Village. Large-scale Commercial Tours (non- motorized) are permitted in the section of the Chilkat River south of the Kelsall River.

**Table 3-2: Conditionally Allowed and Prohibited Uses, Upper Chilkat Unit**

<i>Non-Motorized</i>	Current	Authorized (Future)	Stipulations
Large-scale Commercial Tour Operators, Non-motorized	Yes	Yes	Subject to the stipulations in item #7.
<i>Motorized</i>			
Large-scale Commercial Tour Operators, Motorized	Yes	Conditionally authorized; subject to specific stipulations	Stipulations identified in item #6 apply.
Jet Skis	No	Personal and commercial use prohibited.	
Helicopter Landings	No	Helicopter landings are prohibited. Overflights of the Preserve are allowed, subject to stipulation.	Overflights by helicopters operated for commercial purposes shall maintain a minimum height distance from the ground of 1,500 feet over the Preserve.

## **Map 3-2**

### **MANAGEMENT UNIT 1**

#### **Upper Chilkat River Management Unit**

**Please click on the map link to view Map 3-2.**



## **Map 3-2A**

### **Route & Use Area Restrictions Large-scale Commercial Tour Operators (Motorized)**

**Please click on the map link to view Map 3-2A.**





6. Stipulations for Large-scale Commercial Tour Operators – Motorized. Large-scale Commercial Tour Operators (motorized) are considered appropriate within this Management Unit in the area of the 'Primary Route' under certain conditions of operation. These conditions of operations are expressed as 'stipulations', and are identified below. All references are to Plan Map 3-2a, 'Route and Use Area Restrictions'. Large-scale Commercial Tour Operators (motorized) are not, however, authorized to use the area included within the 'Secondary Route'. This area contains sensitive habitat for coho, sockeye, and chinook salmon. Until further information becomes available or ADF&G and DNR determine otherwise, the Secondary Route may not be used by Large-scale Commercial Tour Operators (motorized). This action is considered necessary as a precautionary step by DNR and ADF&G. While both agencies recognize that there is relatively little data documenting impacts to fish habitat by commercial operations for this area, it is known that the Kelsall Delta and the mainstem Chilkat River contain sensitive and highly productive salmonoid habitat, and it is not clear as to what extent boat wakes are affecting these areas. DNR and ADF&G have taken this precautionary step (to close the Secondary Route) until further research or other information indicates that the effect from boat wakes are of little significance to this resource or until the agencies determine that changes to this policy are necessary.
- a) LCT Operators shall not enter into areas designated on the Plan Map 3-2 as 'Non-Use Areas – Habitat' or 'Non-Use Areas – other than Habitat'. The former includes Mosquito Lake, areas known locally as Mule Meadows, Bear Flats, Goose Lake, areas that have been historically used for nesting by Trumpeter Swans, and especially sensitive anadromous stream spawning and rearing areas. The latter includes all remaining areas not within the prescribed route pattern or habitat sensitive areas.
  - 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 the main part of the channel of the Chilkat River between Wells Bridge and the confluence of the Klehini River. A minimum distance of 100 feet from the east bank of the river and 50 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 Route depicted on Plan Map 3-2A, including the access routes to Sheep Canyon Lake, Stump Lake, and Bear Lake. Operations on the Secondary Route are not authorized unless and until ADF&G and DNR determine that use of this area is not likely to cause adverse impacts to spawning areas. Given this determination by the agencies, the Secondary Route may be operated if there is sufficient water for operation to ensure protection of active spawning and rearing areas in the vicinity of the Kelsall Delta and if such operations would be consistent with the General Standards that apply to anadromous streams. Activities within the Secondary Route may be limited or terminated when such conditions do not exist, as determined by ADF&G and 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 edge of bank wherever possible. Distances less than 50 feet are only to be authorized for the purposes of safety or if the channel width is insufficiently wide.
  - f) LCT Operators shall coordinate their operations with all other LCT Operators to ensure that their operations do not conflict with each other 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 operating season. A total of five boats may be used by all LCT Operators for the purpose of carrying passengers. Three of the five allowed boats can be up to 32 feet in length and the other two can be up to 24 feet in length. Vessel lengths less than those specified may be determined to be necessary in the state permitting process.<sup>6</sup>
7. Stipulations for Large-scale Commercial Tour Operators – Non-Motorized. The following specific standards apply to all Large-scale Commercial Tour Operators (non-motorized) operating within this management unit. All map references are to Plan Map 3A, 'Route and Use Area Restrictions'.
- a) LCT Operators shall not enter into areas designated on the Plan Map 3-2 as 'Non-Use Areas – Habitat' or 'Non-Use Areas – other than Habitat'. The former includes Mosquito Lake, the areas known locally as Mule Meadows, Bear Flats, and Goose Lake, areas that have been historically used for the nesting by Trumpeter Swans, and especially sensitive anadromous stream spawning and rearing areas. The latter includes all remaining areas not within the prescribed route pattern or the habitat sensitive areas.
  - b) LCT Operators shall avoid known drift and set net sites, including those depicted on the Plan Map 3-2.

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<sup>6</sup> The upper capacity level for LCT Operators (motorized) may be re-evaluated periodically once every five years (from the date of adoption of this plan). Increases in this level may only be permitted if the proposed level of activity is consistent with the requirements stated in these standards for LCT Operators and if it can be demonstrated that the proposed level of activity meets the Preserve management standards identified as 'Common Management Requirements' in Chapter 3. A study to make this determination will be required. A maximum of ten boats may be operated by LCT Operators (motorized) within the Upper Chilkat Management Unit.

- c) LCT Operators shall coordinate their operations with all other LCT operators to ensure that their operations do not conflict with each other.
8. Stipulations for Small-scale Commercial Tour Operators. Small-scale Commercial Tour Operators (motorized) may use the area of the Primary Route, subject to the same restrictions as the Large-scale Commercial Tour Operators (motorized) that would reasonably apply to their operations in this route.<sup>7</sup> Small-scale Commercial Tour Operators may, however, use the area of the Secondary Route. Small-scale Commercial Tour Operators are subject to similar restrictions in this area as for the Primary Route<sup>8</sup>. In addition, all boats (not air boats) shall not exceed a length of 24 feet and 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. (Note: these restrictions do not apply to Outfitter/Guide Commercial Operators.) The ability of Small-scale Commercial Tour Operators (motorized) to use the Secondary Route may continue unless new research or other information indicates that adverse impacts to the sensitive habitat areas are occurring within the Secondary Route, particularly within the area of the Chilkat mainstem adjacent to and downstream of the Kelsall Delta.
9. Additional Research. Additional research is recommended on the effects of commercial jet boat activity (primarily boat wake impacts) on the Kelsall Delta and surrounding areas. These studies are described at length in Chapter 4.
10. Recreation Facility Development. Minimal public recreational facility development is intended for this unit, given its relative isolation and limited access. The development of facilities to support commercial motorized operations is to be confined to private, University of Alaska, Mental Health Trust, or Haines Borough land, most of which is situated at or near the Wells Bridge.
11. Upland Areas within Preserve. All upland areas are to be retained in their natural condition.

### **Background and Resource Information**

1. Access. The Chilkat Unit is accessed via water (riverboat or canoe), or by the Mosquito Lake Road (motor vehicle). Winter access is by snowmachine or cross-country skiing/snowshoeing. The majority of the unit is not accessible by road, although plans for the Haines State Forest call for a road system that would provide major access points along the east boundary of the unit or a crossing near Nataga Creek. Private lands, on the east shore of the Chilkat River at Wells Bridge and the Klukwan Village lands, border the Preserve and provide alternate access for those owners. There are three floating docks currently in the Chilkat River that are for private and commercial recreation use.

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<sup>7</sup> Items 6a through 6f of listing.

<sup>8</sup> Items 6a, 6d, 6e and 6f of listing.

2. Land Status. Most of the land within this section of the Preserve is owned by the state, except for areas near the Wells Bridge. The Haines State Forest adjoins all of this Management Unit, except for the few private land holdings, essentially surrounding this Unit. Land status is depicted on Map 3-1.
3. Private Lands. Several pending and approved Native claims are located on the east side of the Chilkat River and near Turtle Rock. Some of these claims are located partially in the Preserve and partially on other lands. There are four parcels of private properties approximately 14 miles up the Chilkat River from Wells Bridge. There are also some private and Haines Borough lands on the west shore directly above the Wells Bridge. Other University lands directly below the Wells Bridge may be available for sale and/or use in the future.
4. Recreation. Recreational activities in this unit focus on hunting, access to cabins, some recreational boating and fishing, and scenic/wildlife viewing provided by a commercial jet boat operator.
5. Resources, Wildlife. The Chilkat Unit contains 17 known eagle nest sites, and is an important eagle rearing area. The entire Preserve, with the exception of the upper five miles of this unit, has been identified by U.S. Fish and Wildlife Service as being an important habitat area during the fall and winter concentrations of eagles. This area is also an important Trumpeter Swan concentration and nesting area. These birds, sensitive to disturbance, have made a notable increase as only one nesting pair was observed in the area prior to 1980. An aerial survey of this unit in 1984 indicated a population of 18 swans, with four observed nests. According to the year 2001 U.S. Fish and Wildlife census, there were areas of single swan use (1), by flocks (3), pairs (6) and pairs with brood (7). The lower 8 miles of this unit has been identified in the Cooperative Research Study as being a moose wintering area. The Chilkat drainage from Wells Bridge up received heavy fall moose hunting pressure, and moderate waterfowl hunting use. Resource information is depicted on Map 3-2.
6. Resources, Anadromous Streams. This unit contains several habitat areas that are essential to fisheries resources in the Preserve. The Kelsall River supports the largest rearing and spawning chinook population in the Chilkat River drainage. In addition, the Kelsall River provides habitat for Dolly Varden char, coho, chum, sockeye and pink salmon. Bear Flats provides the largest known spawning area for non-lake spawning sockeye salmon in the drainage. The Chilkat River immediately upstream of the Wells Bridge is used by fall spawning chum salmon. Finally, two areas of the Chilkat River provide spawning habitat for late-run coho salmon; the area immediately downstream from the Kelsall River, and the area between the confluence of the Tahini River and the Chilkat gorge. Additional research in this area is warranted to address concerns over increased commercial tour boat traffic through critical coho spawning habitat in this part of the Preserve. The distribution of anadromous streams, including their spawning, rearing, and overwintering areas is depicted on Map 1-2.

## MANAGEMENT UNIT 2 – TSIRKU RIVER

The Tsirku Unit contains the lower Little Salmon and Tsirku rivers west of the Bald Eagle Council Grounds Unit and the northern end of Chilkat Lake, including the lake outlet. The unit contains approximately 7,300 acres or 15% of the preserve. The westernmost portions of the Tsirku Fan occur within this area. The Tsirku River Management Unit is depicted on Map 3-3.

### Management Intent

The Tsirku unit will be managed to meet the Common Management Requirements. Management emphasis will be placed on the protection of sensitive habitat, especially associated with anadromous fish stream spawning and rearing areas, bald eagle nesting and feeding activities, while accommodating traditional uses and some level of commercial recreation. No additional public recreation facility development is planned at this time, and it is intended that any facility development in the future will be minimal and occur adjacent to the current parking area. The primary uses of the unit will be fish and wildlife habitat, activities related to the maintenance of traditional lifestyles, and dispersed recreation. A more detailed listing of current and allowed (future) recreational uses is given in Table 3-3. Portions of the Tsirku fan, important to the upwelling of water at the Council Grounds, shall be protected in all development or use authorizations issued by DNR. Development activity in this area is to be precluded, except as described below. River diversion and flood control projects, except of a temporary nature, are not authorized in order to avoid the reoccurrence of past major floods.

Commercial activities have expanded in portions of this unit during the last several years. Most of this activity is related to rafting portions of the Tsirku River downstream to the Chilkat River. Commercial uses are intended to not conflict with traditional uses and may be compatible with the management intent for this unit. Such uses may be authorized if their operations are consistent with the management objectives stated above, Common Management Requirements, General Management Requirements for Commercial Recreation, and the specific management requirements for Large-scale Commercial Tour Operators identified under Management Guidelines. Large-scale Commercial Tours (non-motorized) are permitted in this Management Unit, but must operate subject to the stipulations described below.<sup>9</sup>

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<sup>9</sup> Recent biological research has concluded that airboat tour operations within this unit are not appropriate. There are large numbers of foraging eagles perched along the edge of the river channels in the Tsirku Fan, and the noise and powerful wind gusts created by jet boats and airboats are likely to disturb them. Eagles in this area are particularly susceptible to disturbance by commercial traffic because they are attempting to catch live sockeye salmon. This food source is only available when fish accidentally enter channels that are very shallow and eagles are able to see and grab them. Eagles, therefore, cannot gorge on salmon during early morning hours before commercial river traffic begins like they can in other river sections where they are feeding on carcasses.

Continued motorized and non-motorized public access to Chilkat Lake through the Preserve is authorized. A General Permit issued by ADF&G will regulate motor vehicle use below ordinary high water. Jet boats use the outlet stream (Clear Creek) east of Devil's Elbow to get access to the lake. The existing forest bridge across the Little Salmon River will be maintained. The forest area accessed by the bridge is an important recreational use area for hunting, trapping and berry picking, and provides for personal use firewood and small commercial timber sales.

Access across the Tsirku River to areas within the State Forest [Units 3 (Klehini) and 4 (Chilkat Lake)] is considered appropriate, subject to concurrence by DPOR. The development of this road is subject to stipulations to protect the purposes and values of the Eagle Preserve and minimize environmental impacts. See also the management requirements in the Haines State Forest Plan that pertain to this potential improvement.

Continued use of the existing cleared area at the north end of Chilkat Lake is appropriate and is likely to continue. The cleared area, which is used for private purposes and is not maintained by any governmental entity, is located on the floodplain near the north end of Chilkat Lake. There is concern that the cleared area could become a channel for floodwater that would flow into Chilkat Lake and adjacent waters used for salmon spawning and rearing. If alternations to the cleared area are proposed, they will need to include measures that lessen or eliminate the likelihood that the cleared area will become a channel for flood waters.

### **Management Guidelines/Recommendations**

1. Recreational Facility Development. There will be minimal additional public recreation facility development in this unit in order to maintain the backcountry natural qualities of the area. Any such development should locate near the area of the existing parking lot and boat launch, which is accessed by road from the north. There should be no public facility development in other parts of the Management Unit.
2. Forest Road Access Across the Tsirku River. Trails or roads needed for public access or access needed for purposes described in AS 41.21.619 (renumbered in 1983) will be located to either avoid eagle concentration areas or cause minimal disturbance to eagle concentration areas.
3. Public Access to the Tsirku River and Chilkat Lake. Continued public access to the Tsirku River, the lake outlet stream known as Clear Creek, and Chilkat Lake is to be ensured. The recently reconstructed boat landing should be maintained to provide adequate access to the Tsirku River and Chilkat Lake. Separate access for commercial rafting users using this facility will be encouraged, consistent with the other requirements of this Plan. A General Permit issued by ADF&G will regulate motor vehicle use below ordinary high water.

## **Map 3-3**

### **MANAGEMENT UNIT 2 Tsirku River Management Unit**

**Please click on the map link to view Map 3-3.**





4. Roads across the Tsirku fan will be prohibited.<sup>10</sup> Access through the Preserve to the Klehini or Chilkat Lake Management Units or to private lands at Chilkat Lake will be located at the narrow section of the Tsirku River upstream from the fan. Roads or bridges constructed outside the area of the fan will not divert or confine the Tsirku River's flow to the channels of the Tsirku River fan. This requirement may be waived if the Alaska Department of Fish and Game and the Department of Natural Resources agree that the proposed action will not significantly impact the surface water flows on, to and over the fan or the groundwater recharge of the fan, and the resulting upwelling of groundwater at the confluence of the Tsirku and Chilkat rivers.
  
5. Dalton Trail. If determinable, the tread and adjacent land (100' either side of trail) of the Dalton Trail shall be protected within the state lands of the Preserve.
  
6. Recreational Uses. Table 3-3 identifies those uses that are conditionally allowed or are prohibited in this Unit. These uses relate to both personal use and commercial use.
  
7. Large-scale Commercial Tour Operators. Large-scale Commercial Tours (non-motorized) may be permitted, subject to the Common Management Requirements, General Management Requirements for Commercial Operation, and the following specific management requirements. Large-scale Commercial Tours (motorized) are not allowed.
  - LCT operators (non-motorized) may not commence operations on the Tsirku River below the Chilkat Lake landing earlier than 8:00 a.m. and must terminate operations by 10:30 p.m. DPOR may authorize a 7 a.m. start time, but generally not more often than once per week. All operators shall use the deepest channels within the Tsirku Fan.

**Table 3-3: Conditionally Allowed and Prohibited Uses, Tsirku Unit**

<i>NON-MOTORIZED</i>	Current	Authorized (Future)	Stipulations
Large-scale Commercial	Yes	Yes - Conditional	See Stipulation #7
<i>MOTORIZED</i>			
Large-scale Commercial	No	No	

<sup>10</sup> A seasonal ice-road may be permitted if determined in a Forest Land Use Plan to be the least damaging method of access to the potential timber harvest areas near Chilkat Lake within the State Forest. Most of the Tsirku Fan occurs in the Council Grounds Unit but is noted here because the location of the crossing site occurs in this Unit.

**Table 3-3: Conditionally Allowed and Prohibited Uses (Continued)**

<i>OTHER MOTORIZED</i>			
Jet Ski	No	No	Personal and commercial use prohibited except within Tsirku River (in order to access Clear Creek), Clear Creek, and within Chilkat Lake.
Helicopter (Commercial)	No	Helicopter landings are prohibited. Overflights by helicopters operated for commercial purposes are allowed, subject to stipulation.	Overflights of the Preserve shall maintain a minimum height distance from the ground of 1,500 feet.

8. Need for Further Research. When the average daily level of commercial rafting trips within the Tsirku Delta reaches a critical level (6-8 raft trips per day with five rafts per 'trip', or 23,500 passengers per year) DPOR shall re-evaluate the potential effects produced by Large-scale Commercial Tours (non-motorized) before allowing the number of raft trips to exceed this number(s). Aspects of this analysis are described under the future research section of Chapter 4.
9. Upland Areas within Preserve. Except for a public road and limited additional improvements at and near the area of the boat launch/parking facility, all upland areas are to be retained in their natural condition

### Background and Resource Information

1. Access. The unit is accessed by the Chilkat Lake landing road, trail and by river boat/canoe/kayak/raft in the summer and by snow machine, skis or snowshoes in the winter.
2. Land Status. Most of the land within the Management Unit is owned by the state as part of the Preserve. The Haines Forest abuts the Preserve on the north and south. Private land, primarily owned by the University of Alaska abuts the Preserve in the area north of the Tsirku Fan. Land status is depicted on Map 3-1.
3. In-holdings. Several Native allotments, both pending and approved, are situated within the boundaries of the Preserve north of Chilkat Lake.
4. Resources, Wildlife. The unit contains twelve known eagle nests and is a nesting and rearing area. The area along the southern border of the Critical Habitat Area has been identified as an important roosting area during the times of high eagle concentrations of the fall and winter. The distribution of wildlife, including bald eagles and Trumpeter Swans, is depicted on Map 3-3.

5. Resources, Anadromous Streams. This unit contains salmonid spawning and rearing habitat important to the preserve. The Little Salmon River provides excellent spawning and rearing habitat for cutthroat trout, Dolly Varden char, and coho and sockeye salmon. Chilkat Lake is the most important area for spawning and rearing sockeye salmon in the Chilkat River drainage. In addition, it also supports cutthroat trout, Dolly Varden char, whitefish, and coho salmon. A stream that flows into the northwest corner of the lake located within the unit provides important spawning habitat for sockeye and coho salmon. The lake outlet (Clear Creek) is an essential migration corridor for fish migrating in and out of the lake. Both Chilkat Lake and the Little Salmon River drain into the Tsirku River which provides the water for the Tsirku Fan Reservoir (source of the upwelling in the Council Grounds). Thus, the Tsirku River is an essential fish migration corridor. The distribution of anadromous streams, including their spawning, rearing, and overwintering areas, is depicted on Map 1-2.
6. Personal Recreation. The area is an important winter recreation area for the local community, and is used for hunting, fishing and trapping. This unit is considered primarily a backcountry unit as it is not easily accessed by the visiting public, but contains the major access route to the Chilkat Lake area. Most use is of a local nature, consisting of recreation and access to Chilkat Lake.
7. Commercial Recreation. Commercial rafting, hiking, and hunting trips are offered in this unit.
8. Access. A Local Road Service Area of the Haines Borough maintains the road to the boat landing area on the Tsirku River from the Steel Bridge across the Klehini River.

## MANAGEMENT UNIT 3 - BALD EAGLE COUNCIL GROUNDS

The Bald Eagle Council Grounds Unit contains approximately 5,400 acres or 11% of the area of the Preserve. The area of the Council Grounds was first designated by the legislature as a Critical Habitat Area (CHA), to recognize and to protect the concentration of bald eagles that occurs there. The Chilkat River Critical Habitat Area still exists, and the area occupied by the CHA covers the entirety of this Unit. The main concentration of bald eagles within the Preserve occurs in this Unit. Klukwan Village is situated north of this unit. The Council Grounds Management Unit is depicted on Map 3-4.

### Management Intent

The Council Grounds Unit will be managed to meet the Common Management Requirements. Management emphasis will be placed on the protection and maintenance of the unique winter (October 1st to February 15th) and summer (June to August) concentrations of eagles;<sup>11</sup> the Tsirku Fan, important to the maintenance of this population during the winter period; and traditional and subsistence uses, especially those conducted adjacent to the Village of Klukwan. Opportunities for continued research on the natural resources of this area, and for continued viewing of the eagles, will also be allowed.<sup>10</sup> Protecting the environment that supports the concentration of eagles will require maintaining the function of the Tsirku fan upwelling, avoiding disturbance to the eagles, and ensuring that the eagles have adequate roosting areas adjacent to the upwelling area and in areas that give protection during bad weather. The Tsirku fan area, important to the upwelling of water at the Council Grounds, shall be protected in all authorizations issued by DNR. Development activity in this area, including road construction, is not authorized. The primary uses of the unit will be fish and wildlife habitat, activities related to the maintenance of traditional lifestyles, and dispersed recreation. A more detailed listing of conditionally allowed and prohibited uses is given in Table 3-4.

Commercial recreation activities occur within this unit, and have increased greatly over the last ten years. Most of this activity is associated with commercial, non-motorized rafting. The origin point for these trips occurs on the Tsirku and sometimes the Klehini River, both of which are outside this unit. Destination points occur within this unit and in the Lower Haines Highway Sub-unit. Commercial recreation uses may be authorized that do not conflict with traditional uses, and if their operations are consistent with the management objectives and requirements stated, the Common and General Management Requirements for Commercial Recreation, and the specific management requirements for Large-scale Commercial Tour

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<sup>11</sup> The peak of the bald eagle concentration occurs between mid-November and mid-December. The highest count in this area was about 4,000 in the 1980s during the winter; usually the winter concentration ranges between 2,000 and 3,000. The summer concentration ranges from 200 to 400.

## **Map 3-4**

### **MANAGEMENT UNIT 3 Bald Eagle Council Grounds**

**Please click on the map link to view Map 3-4.**



Operators identified under Management Guidelines. Large-scale Commercial Tours (non-motorized) may be permitted in this Unit. Increases in the level of this activity from the current level of 15,000 passengers per year may be authorized until the level of 23,500 passengers per year is reached. Once this level is reached, re-evaluation of the commercial rafting operations is required prior to granting authorizations.

Areas west of the Village of Klukwan have been selected by the state but have not yet been conveyed. These parcels should remain on the High Priority List of the state's Conveyance Priority.

Portions of this unit adjoin the community of Klukwan. The management of commercial recreation uses by DPOR should ensure that impacts caused by these operations upon the village are avoided or minimized to the maximum extent possible. Representatives of the Chilkat Indian Village should be contacted before DPOR permits involving significant new activities are authorized that may affect the village. Commercial rafting operations are to be managed to be as unobtrusive as possible to village residents.

### **Management Guidelines/Recommendations**

1. Aircraft, including Helicopter Use. No person may land any aircraft, including helicopters, within this unit at any time unless authorized by the Director by permit (11 AAC 21.020). These operations will be prohibited during the winter (October 1– February 15) and summer (June 1– August 31) concentrations of bald eagles.
2. Dalton Trail. If determinable, the tread and adjacent land (100' either side of trail) of the Dalton Trail shall be protected.
3. Commercial Tours during Winter. All Large-scale Commercial Tours (motorized and non-motorized) are prohibited during the critical winter period (October 1st – February 15) unless the DPOR, in consultation with ADF&G, determines that limited commercial activity is acceptable. <sup>12</sup>Note: this recommendation only applies to commercial tours operating within the Preserve; it does not affect such operations conducted within the Haines Highway right-of-way.
4. Public Visitor Facilities. Additional public facilities to support summer and winter visitor activity associated with the viewing of bald eagles is appropriate within areas of the Haines Highway right-of-way. Under a cooperative agreement with the Alaska Department of Transportation and Public Facilities, improvements of this type must

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<sup>12</sup> Human activities that cause significant disturbance to the eagles during their summer and winter concentration periods will be discouraged and restricted if significant disturbance occurs. Particular care will be required during times of stress, such as long periods of cold weather, when the eagles' tolerance to disturbance is at its lowest level. Research findings have shown that "only very infrequent use of motorized vehicles such as snow machines and airboats can be tolerated during the critical summer months and wintering periods..." (Bald Eagles of the Chilkat Valley Alaska, March 1985. Research report by Angie Hodgson, February 2001.)

- be coordinated with and authorized by DPOR. No designated boat launches for road vehicles are planned or considered within this unit.
5. Use of Public Facilities by Commercial Operators. Public facilities built along the Haines Highway from Mile 19 to Mile 21 may not be used exclusively by any tour operator to the detriment of other commercial operators or public users.
  6. Trailer Boat Launching. No trailer boat launching may destroy fragile banks and important fish habitat (11 AAC 21.025). All loading and unloading of boats in this area should be by hand only, although some private lands may have existing boat launch sites that may be permitted and hardened with appropriate stipulations.
  7. Upland Areas within Preserve. Except for a public road and limited additional improvements at and near the area of the boat launch/parking facility, all upland areas are to be retained in their natural condition.
  8. Recreational Uses. Table 3-4 identifies those uses that are conditionally allowed or are prohibited in this Unit. These uses include both personal and commercial use.
  9. Large-scale Commercial Tours (Non-Motorized). Large-scale Commercial Tours (non-motorized) may be permitted, subject to the Common Management Requirements, General Management Requirements for Commercial Operation, and the following specific management requirements. Note also the restrictions on winter use described in item #3.
    - LCT (non-motorized) operators may not commence operations on the Tsirku Fan earlier than 8 a.m. and must terminate operations in this area by 10:30 p.m. DPOR may authorize a 7 a.m. start time, but generally not more often than once per week. All operations shall occur in the deepest channels within the Tsirku Fan.
    - LCT operations in areas adjacent to Klukwan Village are to be conducted so as to be non-intrusive to village residents. Before the beginning of the operating season, operators shall instruct the people operating rafts (or other non-motorized vessels) of these requirements.
  10. Need for Further Research. When the average daily level of commercial rafting trips within the Tsirku Delta reaches a critical level (6-8 raft trips per day with five rafts per 'trip', or 23,500 passengers per year) DPOR shall re-evaluate the potential effects produced by Large-scale Commercial Tours (non-motorized) before allowing the number of raft trips to exceed this number(s). Aspects of this analysis are described under the future research section of Chapter 4.



**Table 3-4: Conditionally Allowed and Prohibited Uses, Council Grounds Unit**

<i>NON-MOTORIZED</i>	Current	Authorized (Future)	Stipulations
Large-scale Commercial Tour	Yes	Yes – Conditionally allowed	See stipulation #9.
<i>MOTORIZED</i>			
Large-scale Commercial Tour	No	No	
<i>OTHER MOTORIZED</i>			
Jet Ski	No	No	Personal and commercial use prohibited.
Helicopter (Commercial)	No	Helicopter landings are prohibited. Landings of helicopters operated for non-commercial purposes are prohibited in the CHA unless authorized by the Director, DPOR. Overflights of the Preserve are allowed, subject to stipulation.	Overflights shall maintain a minimum height distance from the ground of 1,500 feet.
Fixed Wing Aircraft	No	No	Landings in the CHA are prohibited unless authorized by the Director, DPOR.

**Background and Resource Information**

1. Access. The area is easily accessed by foot from the Haines Highway or by river-boat/canoe/kayak during the summer months and by snow machines in the winter months. A road to the Nature Conservancy property built many years ago crosses the southwest side of the unit but is not maintained. The Division of Parks and Outdoor Recreation does not intend to maintain or improve this road.
2. Land Status. All of the upland west of the Haines Highway, which consists of portions of flat floodplain, is owned by the state except for several small parcels. The boundary of the Preserve extends upslope from the Haines Highway to the east, but Natives and other private interests, with few exceptions, own this area. The Chilkat River Critical Habitat Area covers the entirety of the Council Grounds Unit. This Area is managed under a cooperative agreement between ADF&G and DPOR. Land status is depicted on Map 3-1.

3. In-holdings. Native allotments and other private land occupy most of the upland within the Preserve east of the Haines Highway.
4. Resources, Wildlife. This unit is perhaps the richest of all units in fish and wildlife resources. The major concentrations of eagles occur in this area during the summer, fall and winter gatherings. The unit contained 27 known eagle nests in 2001, and is important for nesting and rearing in the spring and summer, and for roosting in the fall and winter. There are no known Trumpeter Swan nests within this Unit. The entire unit is within identified moose wintering area. Map 3-4 depicts the distribution of the bald eagle nests.
5. Resources, Anadromous streams. The Chilkat and Tsirku Rivers are important salmon spawning and rearing areas. The majority of the fall chum salmon that constitute the major food source of the wintering eagle population spawn in this unit. The distribution of anadromous streams, including their spawning, rearing, and over-wintering areas, is depicted on Map 1-2.
6. Hydraulic. The Tsirku Fan is important because the hydrological action of this fan permits the Chilkat River to remain ice-free during the winter months. This warm, upwelling water allows chum salmon and coho salmon to spawn much later in the year when other areas are frozen.
7. Scenic Values. The Critical Habitat Area is perhaps the most visible to the area visitors, and is heavily used along the highway during the fall and winter months. Its scenic value is high.
8. Features. This unit is heavily used along the highway during the fall and winter for eagle viewing and photography. The state has developed its principal visitor support facilities in the Unit at an area adjacent to the Chilkat River and Haines Highway. These include a viewing area, a parking area, interpretative signs, and a boardwalk.
9. Personal Recreation Use. The area is a popular fishing area (sport and subsistence). Trapping and hunting activities also occur within the unit. Portions of the unit are also used during the summer for boating, including kayaking, canoeing, and rafting.
10. Commercial Recreation Use. A number of private businesses offer river rafting trips during the summer months. The highway corridor receives heavy use from tour buses during the fall and winter.
11. Other. The Chilkat Native Village intends to develop a visitor center within the Native lands at Klukwan.

## MANAGEMENT UNIT 4 – HAINES HIGHWAY AND ADJACENT LANDS

The Haines Highway and Adjacent Lands Unit contains approximately 14,400 acres or almost 30% of the Preserve. It is 25 miles long and is from ¼ mile to 2 miles wide. The unit consists of the Chilkat and Klehini River bottoms, not including the locality of the Critical Habitat Area in the Council Grounds Unit or the Upper Chilkat. The Management Unit is depicted in Maps 3-5A & B, including the two separate Subunits of this Management Unit.

There are two physically distinct, isolated geographic areas within this Unit. Because of this, the Unit is more effectively described in terms of its two subunits: Upper Haines Highway and Lower Haines Highway.

- *Upper Haines Highway Subunit.* The smaller of the two, this area extends from the Klukwan Village unit north and northwest following the Klehini River and the Haines Highway to about Mile 31. This area almost entirely consists of the Klehini River and a small portion of the Chilkat River south of the Wells Bridge to the Klukwan Village, plus associated floodplains. Although the boundary of the Preserve extends from the Klehini River north to the Haines Highway to encompass uplands, essentially all of this upland area is privately owned.
- *Lower Haines Highway Subunit.* This subunit includes the mainstem of the Chilkat River, its associated floodplain, and uplands between the floodplain and the Haines State Forest which occupies Chilkat Ridge. The floodplain and most of the associated uplands are fairly flat. Uplands within the boundary of the Preserve also extend easterly along the Haines Highway upslope for a distance of about a quarter of a mile. This area is steep and, with few exceptions, all of these lands are owned by private interests and the Mental Health Trust. The Haines Highway and the pipeline corridor bisect portions of the subunit in its northern part and adjoin the subunit on the east side in its southern part. Both are excluded from the Preserve. The Haines Highway and its right-of-way are managed by the ADOT/PF.

### Management Intent

Both subunits will be managed to meet the Common Management Requirements. Each is to be managed so that the primary uses within this area, which include dispersed personal recreation, traditional uses, and commercial recreation uses of a non-motorized type, are allowed to continue. A more detailed listing of conditionally allowed and prohibited recreational uses is given in Table 3-5. More specific requirements also pertaining to the two subunits follows.

Regularly scheduled commercial activities have expanded significantly in this unit during the last several years. Most of this activity is associated with commercial, non-motorized rafting. The origin point for these trips occurs on the Tsirku or Klehini Rivers. Destination take-outs occur on the Chilkat River within both the Council Grounds subunit and in the Lower Haines Highway Subunit at various spots next to the Haines Highway near Mile 13.5. These put-in and take-out points use state uplands, but no public facilities are involved. Commercial uses are intended to not conflict with traditional uses and must be compatible with the protection of the bald eagle and Trumpeter Swan populations, maintenance of fish and wildlife habitat, and protection of state uplands. Such uses may be authorized if their operations will be consistent with the management objectives stated above, the Common Management Requirements, General Management Requirements for Commercial Recreation uses, and the specific requirements stated below.

- *Upper Haines Highway Subunit.* This will be managed primarily to protect fish and wildlife habitat, water quality and quantity, other natural features, and traditional uses. Current commercial uses focus on rafting during the summer months, and occur throughout the subunit. Currently, there is no commercial motorized (tour) use of these sections of the Chilkat or Klehini. Large-scale Commercial Tours (non-motorized) are appropriate during the summer period and part of the fall. Large-scale Commercial Tours (motorized) are not authorized. In order to protect the fall concentration of bald eagles that occurs between September 15 to November 30, Large-scale Commercial Tour operations are prohibited during most of this period. A large bald eagle population<sup>13</sup> congregates here during the fall to feed on salmon carcasses before moving to the Council Grounds in November. No recreational facilities are intended or planned within this unit. Most of the land along the Haines Highway is not available for public use. The few areas of state owned upland are not to be developed and are to be retained in their natural condition.
- *Lower Haines Highway Subunit.* This subunit will be managed primarily to protect fish and wildlife habitat, water quality and quantity, other natural features, and traditional uses. A portion of the unit generally north of Mile 13.5 in the area of the river sloughs and side channels is part of a larger area to be carefully managed for the protection of the bald eagle population, maintenance of the Tsirku Fan, and to ensure safe commercial boating operations – a management approach similar to that used in the Council Grounds Management Unit. Continuation of the current Large-scale Commercial Tour Operations (non-motorized) is considered appropriate if consistent with the Common Management Requirements and the General Management Requirements for Commercial Use. Large-scale Commercial Tour Operators (motorized) are not permitted in this Subunit. There is no major public recreation facility development planned at this time, and it is intended that any such development occur within portions of the Council Grounds unit.<sup>14</sup> Other types of visitor related facilities are appropriate, such as roadside turn-outs, interpretative

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<sup>13</sup> Up to 500 bald eagles in recent years.

<sup>14</sup> The Mile 19 Viewing Shelter and parking areas up to Mile 21 are situated outside the Preserve within the Haines Highway right-of-way next to the Council Grounds Management Unit.

## **Maps 3-5A**

### **Management Unit 4 Haines Highway & Adjacent Lands Upper Haines Highway Subunits**

**Please click on the map link to view Maps 3-5A.**



## **Maps 3-5B**

### **Management Unit 4 Haines Highway & Adjacent Lands Lower Haines Highway Subunits**

**Please click on the map link to view Maps 3-5B.**





signing, or picnic facilities, and may be developed by DOT/PF within the road right-of-way. No public boat launch sites for road vehicles are planned or considered within this unit, although some private lands may have existing boat launch sites that could be permitted with appropriate stipulations. The DPOR, in consultation with the ADF&G, may approve and permit private boat launch sites in this unit if they can be adequately sited, hardened, and maintained to prevent resource degradation. The intent is not to allow fragile banks and their valuable fish habitat to be destroyed by repetitive boat launching. Facilities to support private commercial uses that operate in the waters of the Preserve shall be sited on private land.

### Management Guidelines

1. Development of Uplands to Support Public Facilities. Major public facilities are not intended or planned in this subunit. However, within the Lower Haines Highway Subunit, certain types of direct support visitor facilities may be appropriate within the Haines Highway right-of-way. These facilities include roadside turn-outs, interpretative signing, and picnic facilities.
2. Use of Other Upland Areas. Other upland areas, which are primarily situated to the south of the Klehini and west of the Chilkat River, are not appropriate or intended for development and are to be retained in their natural condition.
3. Development of Boat Launches. Public boat launches for road vehicles are not planned or considered in either the Lower or Upper subunits. Within the Lower Haines Highway Subunit, some areas may be appropriate for private boat launch sites. DPOR shall coordinate with ADF&G in the siting and design of these facilities. All facilities to support commercial uses shall occur on privately owned uplands. Areas in the Preserve used to support commercial boating activities shall be managed to allow no loss of habitat values.
4. Review of State Highway Projects. Consistent with the cooperative Management Agreement between the two agencies, DPOR shall review all proposals for highway improvement by the DOT/PF for consistency with the management guidelines of the Preserve Plan. The Preserve Advisory Council shall also review the results of the DPOR review.
5. Coordination with ADOT/PF. DPOR should take an active role in state road and facility planning and facility development, including signing, along that portion of the Haines Highway abutting the Preserve, in order to ensure consistency with the Preserve Plan.
6. Trailer Boat Launching. Consistent with state regulation (11 AAC 21.025), trailer boat launching may not destroy fragile banks and important fish habitat. All loading and unloading of boats in this area should be by hand only, although some private lands may have existing boat launch sites that may be permitted and hardened with appropriate stipulations.

7. Recreational Uses. Those uses that are conditionally allowed or are prohibited are identified in Table 3-5. These uses relate to both personal use and commercial use.
8. Upland Areas Within Preserve. Except for limited additional improvements adjacent to the Haines Highway, all other upland areas are to be retained in their natural condition
9. Large-scale Commercial Tours. Large-scale Commercial Tours (non-motorized) are considered appropriate in both subunits if consistent with the Common and General Management Requirements for Commercial Use, and with specific management requirements. Large-scale Commercial Tours (motorized) are not permitted in either Subunit.
  - Large-scale Commercial Tours (non-motorized) are not to be authorized between October 1<sup>st</sup> and November 30<sup>th</sup> in the Upper Haines Highway Subunit.
10. Selection Priorities. The state land selections within the Haines Highway Unit should remain on the 'High Priority List' of the state Conveyance Priority List.

**Table 3-5: Conditionally Allowed and Prohibited Uses, Haines Highway Unit  
Lower and Upper Haines Highway Subunits**

<i>Non-Motorized</i>	Current	Authorized (Future)	Stipulations
Large-scale Commercial Tour	Yes	Authorized in Upper Haines Unit, but subject to stipulation. Authorized in Lower Haines Unit.	No operations allowed between Oct 1st and Nov. 30 in Upper Haines Subunit.
<i>Motorized</i>			
Large-scale Commercial Tour	No	Not authorized in Upper Haines Unit. Not authorized in Lower Haines Unit.	
<i>Other Motorized</i>			
Jet Ski	No	No	Personal and commercial use prohibited.
Helicopters (Commercial)	No	Helicopter landings are prohibited. Overflights of the Preserve are allowed, subject to stipulation.	Overflights shall maintain a minimum height distance from the ground of 1,500 feet.

### Background and Resource Information

1. Access. The Haines Highway along almost its entire boundary accesses the unit. It is further accessed by a road at 26 mile and may be crossed by the Dalton Trail.
2. Land Status. Essentially all of the land within this unit, west of the Haines Highway, is owned by the state and is part of the Preserve. A portion of this unit occurs east of the Haines Highway north of Mile 17, but private interests of the Mental Health Trust own all of this area, with several small exceptions. Opposite the Village of Klukwan in the Upper Haines Subunit, there are several areas of state selected land. Land status is depicted in Map 3-1.
3. In-holdings. As indicated, in the area east of the Haines Highway, there are extensive in-holdings of private interests and the Mental Health Trust.
4. Resources, Anadromous Fish Streams. The Chilkat and Klehini Rivers contain extensive salmon spawning and rearing areas. Pink, chum, and coho salmon utilize side channels of the Chilkat River along the lower Chilkat River for spawning. The upper section of this unit particularly in the lower Klehini River provides important mainstem spawning areas for early run fall chum salmon. The lower reach of Herman Creek is within the western end of this management unit. This area has important fall chum habitat. Part of the Herman Creek chum salmon spawning channel is within the Preserve. The lower section of this unit is used extensively for subsistence and sport fishing. The distribution of anadromous streams, including their spawning, rearing, and overwintering areas is depicted on Map 1-2.
5. Resources, Wildlife. The fall and winter concentrations of eagles utilize much of this unit for roosting and feeding areas. This Unit contains 50 known eagle nests and is identified as a nesting and rearing area. There are 25 known bald eagle nests in the Upper Haines Subunit, and 25 in the Lower Haines Subunit. The area from 18 mile to 21 mile is an important eagle roosting area during the winter months. The Klehini River is an important feeding area for eagles from September to November 30th. A small concentration of Trumpeter Swans occurs in the southern part of the Lower Haines Subunit west of the mainstem in areas of sloughs and side channels of the Chilkat River. The entire unit except that portion that lies above 25 mile is part of the moose wintering area. Map 3-5 depicts the distribution of the bald eagle nests and Trumpeter Swan sites.
6. Commercial Recreation Uses. River raft trips, bus tours, big game guiding and hiking, guided sport fishing, photography, sightseeing tours are offered on a commercial basis in this unit.
7. Personal Recreation Uses. Snow machines, snowshoers and skiers use the area in the winter months. Riverboats, rafts, canoes and kayaks use it in the summer months. Snow machining and skiing are important winter recreation activities in some areas of this unit. A developed snowmobile track at 25 Mile is utilized for organized activities.

## **MANAGEMENT UNIT 5 – CHILKOOT RIVER AND CHILKOOT LAKE**

This unit includes the northern half-mile of Chilkoot Lake and extends in a narrow band along the Chilkoot River 5 ½ miles up the Chilkoot Valley. The unit contains approximately 2,350 acres or 5% of the Preserve. There are a number of private in-holdings and the unit is accessed by a un-maintained road, which is badly deteriorated. Recreation use focuses on the northern part of the lake, with the remaining upland areas to the north within the Preserve used for low intensity public recreation such as hunting or fishing. The Chilkoot River drains the unit; it is a sensitive anadromous stream that is used for spawning and rearing. The area of the 'Glory Hole' near the lower end of the unit is a spring fed spawning area for sockeye salmon and is considered a highly sensitive spawning area. Commercial forest harvest in the adjacent uplands is not allowed under the State Forest Plan. Except for several small areas, all of this Management Unit remains under the ownership of the federal government, with management provided by the Bureau of Land Management. Map 3-6 depicts this Unit.

### **Management Intent**

This unit will be managed to meet the Common Management Requirements. Management emphasis will primarily be to protect fish and wildlife habitat, water quality and quantity, maintain traditional uses, and the fisheries and wildlife resources of the Chilkoot Lake and River. There is no public recreation facility development intended or planned in this unit. Upland areas adjacent to the Chilkoot River are not to be developed and will be maintained in their natural condition. This requirement also applies to the uplands within the State Forest.<sup>15</sup> The area of the 'Glory Hole' shall be managed so that there is no degradation of this site or those adjacent areas important to its continued functioning. The primary uses of the unit will be fish and wildlife habitat, activities related to the maintenance of traditional lifestyles, and dispersed recreation. A more detailed listing of conditionally allowed and prohibited recreational uses is given in Table 3-6.

Regularly scheduled commercial recreation activities occur within portions of the Lake, but are absent elsewhere. Large-scale Commercial Tours (motorized and non-motorized) are to be prohibited within uplands,<sup>16</sup> although use of Chilkoot Lake by LCT Operators (non-motorized and motorized) for this purpose is considered appropriate, subject to applicable standards. Dispersed, low intensity commercial recreation uses intended not to conflict with

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<sup>15</sup> The State Forest Plan precludes commercial timber harvest in those uplands adjoining the Preserve. These areas are classified as 'Public Recreation Land' in the Forest Plan.

<sup>16</sup> Except that non-motorized LCTOs may use the beach areas on the northeast lakeshore for a rest stop or for picnicking.

## **Map 3-6**

### **Management Unit 5 Chilkoot River/Lake**

**Please click on the map link to view Map 3-6.**



traditional uses, also those compatible with the protection of the bald eagle population, maintenance of fish and wildlife habitat, water quality and quantity objectives, and the management intent for this unit, are appropriate in upland areas. Such uses should be authorized if their operations will be consistent with the management objectives stated above and will not require any hardening of the sites or facility development.

Due to unresolved legal issues and the current poor condition of the existing road to/through portions of this unit, the redevelopment of this road (called the 'Glory Hole Road' locally) is not considered consistent with the management objectives of Chilkoot River area. If this road is approved for construction, it should not be built to perform other functions than access to in-holdings. Specifically, it should not be built to design standards that would have the effect of greatly increasing current recreation use levels or to access the State Forest, except incidentally. The Division of Parks and Outdoor Recreation must approve realignment and upgrades of this road within the Preserve. The same design standards as that used for the road section in the Haines State Forest shall apply (Forest Practices Act Standards).

### Management Guidelines

1. Public Recreation Facility Development. To be consistent with the low-intensity forms of recreation stipulated for the uplands area, public recreational facilities are not recommended in the uplands portions of this unit.<sup>17</sup>
2. Glory Hole. To protect the Glory Hole spawning area from future degradation, the un-maintained road, if upgraded, should be rerouted to avoid the area. Other potential uses shall also be sited to avoid this site. A trail leading from a new road and a viewing facility at the Glory Hole are, however, considered appropriate. Any use of the Glory Hole will increase degradation of this area, until the existing trail is rehabilitated.
3. Access Road through State Forest and Preserve. If redevelopment of the trail occurs in order to provide access to private lands and in-holdings, its design shall focus on the provision of safe and legal access to these areas. The road shall not be designed to provide access to the State Forest, except incidentally, and shall be built in such a manner that it does not foster greater recreational use of the uplands within the Preserve. The road shall also be sited to avoid the Chilkoot River, its adjacent wetlands, and the Glory Hole. The state shall not participate in the funding of the road's construction.

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<sup>17</sup> The Chilkoot Lake Campground, situated at the end of this lake and operated by DPOR, is not within the Preserve proper. Currently, the campground is situated on land owned by the federal government. In the event that this area is conveyed by BLM, the land will become part of the Haines State Forest. The proposed Management Agreement is intended to allow continued use of this campground, with management by DPOR.

4. Re-evaluation of Management Unit with Construction of Road. If the road is reconstructed, DPOR shall, with the consultation of Preserve Advisory Council, determine if changes are required to the management intent of this unit. Prior to any such decision, the Preserve Advisory Council shall be consulted as to whether reconstruction of the trail is appropriate and necessary, and shall make a recommendation concerning this to the Director, DPOR.
5. Recreational Uses. Those uses that are conditionally allowed or are prohibited are identified in Table 3-6. These uses relate to both personal use and commercial use.
6. Large-scale Commercial Tour Operators. Large-scale Commercial Tour operations (motorized and non-motorized) are not permitted throughout the Chilkoot River portion of the unit. LCT operations (motorized and non-motorized) are allowed on Chilkoot Lake.<sup>18</sup> Use of the northeast shoreline composed of sand and gravel as a rest stop or for picnicking may be authorized by DPOR.
7. Authorizations Should Not be Granted to Certain Commercial Uses. Consistent with the management intent of dispersed, low intensity recreation, DPOR should not grant authorizations to commercial users, the effect of which would be to greatly increase public access to and use of the uplands adjoining this Unit.
8. Upland Areas within Preserve. All upland areas are to be retained in their natural condition.
9. Selection Priorities. The state land selection within the Chilkoot River corridor should remain on the 'High Priority List' of the state Conveyance Priority List.

**Table 3-6: Conditionally Allowed and Prohibited Uses, Chilkoot Lake/River Unit**

<i>Non-Motorized</i>	Current	Authorized (Future)	Stipulations
Large-scale Commercial Tour	No	Not authorized within Chilkoot River. Authorized in Chilkoot Lake	Use of the beach area as a rest stop is permitted in the Chilkoot River area.
<i>Motorized</i>			
Large-scale Commercial Tour	Yes	Not authorized within Chilkoot River. Authorized in Chilkoot Lake	Avoid impacts to sensitive sockeye spawning areas on west side of lake. Use of the northeast shoreline, composed of sand and gravel, as a rest stop or for picnicking may be authorized by DPOR.

<sup>18</sup> Such operations are also allowed in that portion of Chilkoot Lake within the Haines State Forest.



**Table 3-6: Conditionally Allowed and Prohibited Uses (Continued)**

Air boat	No	No	
Jet boat	No	Not authorized within Chilkoot River. Authorized in Chilkoot Lake.	Avoid impacts to sensitive sockeye spawning areas on west side of lake.
<i>Other Motorized</i>			
Other Motorized (Prop)	Yes	Not authorized within Chilkoot River. Authorized in Chilkoot Lake.	Avoid impacts to sensitive sockeye spawning areas on west side of lake.
Jet Ski	No	No	Personal and commercial use prohibited.
Helicopter, Commercial	No	Helicopter landings are prohibited. Overflights of the Preserve are allowed, subject to stipulation.	Overflights shall maintain a minimum distance of 1,500 feet from ground.

### Background/Resources

1. Access. This area is primarily accessed by a poorly maintained trail that leaves the Lutak Road approximately ½ mile west from Chilkoot River Bridge. This trail crosses a Native allotment, for which there is currently no public easement. The current poor condition of this road is contributing to sedimentation in several of the primary sockeye salmon spawning beds in Chilkoot Lake. Motorized vehicle use is exacerbating this problem.
2. Land Status. Until recently, a Public Land Order related to a power withdrawal for hydroelectric facility development affected nearly the entirety of this unit. This area may now be conveyed to the state by the Bureau of Land Management. Until conveyance occurs, this area will remain under the control of the federal government. Map 3-1 depicts land status.
3. In-holdings. Several Native allotments are located on the west side of the unit. There are private properties located further up valley from the Chilkoot unit that are outside the Preserve boundaries.
4. Resources, Wildlife. This unit has six known eagle nests and has been identified as an eagle nesting and rearing area. Several more eagle nests have been identified in the area immediately around the unit. Eagles use this area heavily from November to February. Human impacts during this period should be restricted. About 100-300 eagles feed here throughout the fall and winter. Map 3-6 depicts the distribution of the bald eagle nests.

5. Resources, Anadromous Fish Stream and Lake. The Chilkoot River drainage is a major salmon spawning and rearing area. The 'Glory Hole' is located in the lower end of the unit, and is a spring-fed spawning area for sockeye salmon. Dolly Varden char, sockeye and coho salmon spawn in the lower Chilkoot River from the lake inlet to about 4 miles upstream. Bear Creek, a tributary of the Chilkoot River is a very important sockeye and coho spawning area for early and late run fish. The distribution of anadromous streams, including their spawning, rearing, and over-wintering areas, is depicted on Map 1-2.
6. Personal Recreation. The area receives use primarily by the local community for berry picking, and sightseeing. Some fishing and hunting also occurs within the drainage.
7. Commercial Recreation. A small number of commercial operators provide trips to the 'Glory Hole' during the summer season.

# Chapter 4

**IMPLEMENTATION..... 1**

*Introduction ..... 1*

*Land Classification..... 1*

*The Advisory Council ..... 1*

*Preserve Management Responsibilities ..... 2*

*Access ..... 3*

*Future Research and Studies..... 3*

*Specific Implementation Requirements and Recommendations..... 5*

*Plan Revision and Amendment Procedures..... 10*



## CHAPTER 4

### IMPLEMENTATION

#### *INTRODUCTION*

This chapter summarizes the actions necessary to implement the plan. These actions include land classifications, the use of the advisory council, administrative or management responsibilities, access, future studies, and plan amendment.

#### *LAND CLASSIFICATION*

Land within units of the State Park System, such as the Bald Eagle Preserve, are generally not classified since their management is narrowly prescribed by the legislation that created them. The management guidelines and management intent statements of this plan and the regulations adopted in 1982 provide the direction otherwise given by classifications.

#### *THE ADVISORY COUNCIL*

A twelve member advisory council was established by the enabling legislation (AS 41.21.625) to assist the Department of Natural Resources in the development and monitoring of the management plan. The responsibilities of the council are outlined in AS 41.21.616-625 and are listed below:

- Review and comment on regulations proposed by the Department of Natural Resources governing public use and protection of Preserve resources, and comment on fish and game regulations proposed for adoption by the Board of Fisheries or the Board of Game. (41.21.616)
- Review and comment on a finding by the Director that a traditional use is causing significant resource damage. (41.21.618)
- Review and comment on regulations and stipulations established to protect purposes and values of the Preserve and to minimize adverse environmental impacts in the Preserve in the event of authorized access or egress across Preserve land. (41.21.619)
- Use information from cooperative resource studies to comment on management decisions. (41.21.620(a))
- Investigate the need for additional research. (41.21.620(a))
- Receive notice of proposed additions to or deletions from the Preserve. (41.21.621)

- Assist the Department in monitoring the management plan. (41.21.625(e))
- Review commercial use permits before the start of an upcoming operating season.

### ***PRESERVE MANAGEMENT RESPONSIBILITIES***

Preserve management responsibilities are divided between the Department of Natural Resources (DNR) and the Alaska Department of Fish and Game (ADF&G). Overall management responsibility for the Preserve is assigned to DNR and responsibility for the management of fish and wildlife resources, to ADF&G. These management responsibilities of the DNR and ADF&G are either inferred or are directly stated in state statute.

- General Management Authority – Department of Natural Resources

The authority for DNR to administer the Preserve derives from the action by the Legislature to make this area a 'special purpose site' under article VIII, section 7, of the State Constitution. Specific authority to manage the Preserve is assigned to the Division of Parks and Outdoor Recreation within DNR. The kind of management appropriate in the Preserve is generally stated under the listing of intent and purposes in the statute creating the Preserve, contained in AS 41.21.610-630. More specific direction in this management is inferred through the requirement for the preparation of a management plan in AS 41.21.620, with the plan providing management direction for particular management units within the Preserve.

- Fish and Wildlife Resources – Department of Fish and Game

ADF&G is responsible for the management of the fish and wildlife resources within the Preserve under applicable law, consistent with the purposes of AS 41.21.610-630. Under AS 41.21.616, ADF&G shall also consult with DNR in proposing regulations governing fish and game management in the Preserve for adoption by the Board of Fisheries or the Board of Game. ADF&G shall also cooperate with the U.S. Fish and Wildlife Service in its administration of the federal law governing the conservation of bald eagles (1 ch 95 SLA 1982). ADF&G is also responsible for the administration of the Chilkat River State Critical Habitat Area (CHA). This CHA was created in 1972 in "order to protect natural habitat crucial to the perpetuation of fish and wildlife, especially bald eagle feeding". Management of the activities in the CHA is the responsibility of DNR, with ADF&G responsible for the management of fish and wildlife and their habitats.

In order to help fulfill these responsibilities, DNR as a matter of policy, shall provide the opportunity for ADF&G to participate in any reviews that may affect water quality, fish and game populations or habitat, or stream modification.

## *ACCESS*

The Department of Transportation and Public Facilities constructs and maintains all state highways in the Preserve. All roads that are not within the state highway system and that provide legal access to land not included within the boundaries of the Preserve are to be constructed and maintained by the person or organization receiving the access. Access roads to State Forest lands that pass through the Preserve are to be built and maintained by the Division of Forestry. Exceptions to this may occur on a case-by-case basis if agreements are negotiated between the parties involved. ADF&G will review any proposed or modified access projects to ensure they are consistent with AS 16.05.840, 16.05.870 and with Preserve goals of maintaining fish and wildlife populations and habitats.

## *FUTURE RESEARCH AND STUDIES*

This plan encourages continued research and study of those resources and habitats, which are necessary to the bald eagles and to the other values and resources of the Preserve. A continuation of the research on those studies related to eagles and salmon and their habitats is particularly essential.

There are study and research activities currently being conducted on the bald eagle population, the anadromous streams, fish and wildlife populations, and harvest activities within the Preserve. These activities are supported or conducted by the various agencies responsible for park management and wildlife and fisheries management. This includes the DPOR division of DNR; the Wildlife Conservation, Habitat and Restoration, Subsistence, Commercial Fisheries, and Sport Fish Divisions of ADF&G; the U.S. Bureau of Land Management; and the U.S. Fish and Wildlife Service (USFWS). This ongoing research needs to be continued.

Future eagle studies should give emphasis to determining responses of the birds to different types of human disturbance. Index counts of both the wintering and breeding populations should continue. Such information is essential for identifying trends in eagle numbers. Additional data on seasonal use of various habitats will also prove of value.

### 1. Annual and Periodic Studies: Fish and Wildlife

The study of the Preserve's bald eagle population, its associated habitat, and the anadromous streams that are the basis for this population, should continue. Similarly, studies of other important wildlife including Trumpeter Swans, moose, and goats, should continue. The regular and periodic evaluations include:

- a) Annual escapement surveys of chinook, coho, pink, chum and sockeye salmon. *Agency responsibility:* ADF&G.
- b) Periodic census of eagles and Trumpeter Swans, including the revision of nest inventory maps. *Agency responsibility:* DPOR, USFWS.
- c) Periodic mark and recapture studies to estimate fish populations in the Chilkat and Chilkoot River systems. *Agency responsibility:* ADF&G.

- d) Periodic coded wire tagging studies of salmon populations within the Preserve to estimate survival, harvest patterns, migration patterns, and exploitation rates.
- e) Annual aerial surveys to determine the number and distribution of moose and goats during the critical winter period as well as other seasons, their age/sex distribution, and overwinter survival rates. *Agency responsibility:* ADF&G and U.S. Bureau of Land Management.
- f) Periodic surveys for beaver and other furbearers to determine abundance. *Agency responsibility:* ADF&G.
- g) Periodic estimates of brown bear use of the Chilkoot River Corridor. *Agency responsibility:* ADF&G.
- h) Periodic revision of the ADF&G anadromous fish spawning and rearing area map contained in this plan as new information becomes available. This map (Map 1-2) was prepared by ADF&G for the update of the Preserve plan, and it should be updated periodically for thoroughness and accuracy since it is important to permitting actions by DPOR. DNR will assist ADF&G in incorporating changes to the GIS version of this map, also prepared during the revision of the Preserve plan.

2. Specialized Studies: Fish and Wildlife, and Recreation

In addition to the periodic and regular analyses, research should be designed to answer specific questions on the effect of motorized and non-motorized boat activity on stream bank erosion and sedimentation, subsistence activities, and on the appropriate level of user activity within the more heavily used parts of the Chilkat/Klehini/Tsirku system. These include:

- a) An analysis of the effects of boat wakes on stream bank erosion and associated sedimentation in the Upper Chilkat River, including the Kellsall River delta. This study is intended to answer the question of whether the current level of jet boat activity in the Upper Chilkat is causing adverse effects to critical spawning and rearing areas, and help determine if restrictions are necessary to such operations during low water periods. To be prepared during 2002. *Agency responsibility:* ADF&G, with DNR.
- b) An analysis of the effects of commercial recreation operations upon subsistence activities in the Middle and Upper Chilkat. To be prepared during 2002 or 2003. *Agency responsibility:* ADF&G.
- c) A re-evaluation of the effects of non-motorized commercial tours on bald eagles in the area of the Tsirku Fan similar to that undertaken by DPOR during the 1999-2001 period, if the level of 23,500 passengers per year is anticipated or has occurred. Currently, there is an average of one trip every 2-4 hours, with each trip consisting of 35 people. The present period of operation of these trips is 8 a.m. to 10:30 p.m. during the months of June through August. *Agency responsibility:* DPOR.



- d) The state should conduct a detailed analysis of the effects of boat wakes from the operations of Large-scale Commercial Tour Operators (motorized) in the area of the Secondary Route, especially that portion of the Chilkat River mainstem adjacent to and south of the Kelsall Delta. This analysis should ascertain the effect of these boat wakes upon the anadromous fish rearing and spawning habitats of this area. To be prepared in 2003 or 2004 by DNR or ADF&G.
- e) DNR should update its inventory of recreation activities in the Preserve and State Forest prepared in 2001 for the revision of the Preserve and State Forest Plans. The survey used to identify these patterns is included in Appendix E. It, or a similar survey or recreational analysis, should be prepared prior to plan revision or once every ten years, whichever comes first. The purpose of the re-survey would be to identify the recreational use patterns and intensity levels for consistency with the management intent statements of specific plan units. Changes to these patterns, or the management intent statements, should be considered if significant departure from the current management intent statements is found to exist. Since the survey is as easily used for the State Forest, a single survey for the two major areas of state land should be used. *Agency responsibility:* DNR.

### ***SPECIFIC IMPLEMENTATION REQUIREMENTS AND RECOMMENDATIONS***

This plan is unable to give management direction for all situations or issues the preserve manager may face. As use of the preserve increases and managers must make decisions that balance competing uses, the development of criteria to guide decision-making will become increasingly important. It is also important to identify those programs and services that will be necessary to ensure proper use and development of the Preserve. Certain of the following recommendations, however, are requirements pertinent to future DNR and ADF&G permitting and are designed to provide consistency in the way that projects are treated as well as predictability of outcome in state permitting decisions.

#### 1. Permitting Related to Commercial Uses

DPOR shall use the procedures and standards of the permitting system described in Chapter 2, Recreation (Recommendation 7, items a through f); the requirements under Chapter 3 termed Common Management Requirements and General Management Requirements for Commercial Recreation; and any specific management requirements identified as Management Guidelines in Chapter 3, as the basis for the issuance of permits or other authorizations granted by the Division for commercial uses operating within the lands and waters of the Preserve. More specifically:

- a) Small-scale Commercial Tours operating on the waters and land of the Preserve.

These types of operations shall follow the requirements of the Recreation section, item #7 (a through e) of Chapter 2; Common Management

Requirements and General Management Requirements for Commercial Recreation uses in Chapter 3; specific requirements for the Upper Chilkat Management Unit, and any requirements applicable to specific structures and uses identified in item 2, following.

- b) Commercial Outfitters and Guides operating on the waters and land of the Preserve.

These types of operations shall follow the requirements of the Recreation section, item #7 (a through e) of Chapter 2; Common Management Requirements and General Management Requirements for Commercial Recreation uses in Chapter 3; and any requirements applicable to specific structures and uses identified in item 2, following.

- c) Large-scale Commercial Tours operating on the waters and land of the Preserve.

These operations (motorized and non-motorized) shall follow the requirements of the Recreation section, item #7 (a through f) of Chapter 2; the Common Management Requirements and General Management Requirements for Commercial Recreation uses in Chapter 3; the specific, applicable requirements of each management unit; and any requirements applicable to specific structures and uses identified in item 2, below.

- d) In the administration of the permitting system, commercial entities operating water craft that are traditional, small-scale uses<sup>1</sup> can be authorized by DPOR if the plan of operation is submitted and the proposed operation is consistent with Preserve purposes. Because of the scale of operation, this management plan has concluded that these types of operations generally do not create noticeable impacts and issuance of permits to these types of operators is considered appropriate, if consistent with the standards and requirements stated above.

- e) Other commercial uses operating on or structures situated within the lands and waters of the Preserve.<sup>2</sup>

All other uses or structures, including those ancillary to a commercial operation, shall follow the requirements of the Recreation section, item #7 (a through e) of Chapter 2; the Common Management Requirements; and any requirements applicable to specific structures and uses identified in item 2, below.

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<sup>1</sup> Includes 'Small-scale Commercial Tours' and 'Commercial Outfitters and Guides'.

<sup>2</sup> This category of commercial use includes all other forms of commercial use or activity that are not otherwise described in the listing of commercial uses in this section.

2. Permitting System Related to Specific Structure Types and Uses

The resource and land management agencies responsible for permitting actions within the Chilkat Bald Eagle Preserve shall use the Permit Matrix and Structure and Use Permit Conditions List in Appendix D as the basis for permit decision-making. These standards are intended to interpret the statutory responsibilities of the permitting agencies while at the same time bringing consistency and predictability to the permitting process. With some exceptions, these standards are not regulations or state statute and do not carry the force of law. Individual permitting decisions will continue to be made on a case-by-case basis, but are to be guided by the standards contained in the Permit Matrix. The standards are mandatory, however, in instances where Alaska Statute or Alaska Administrative Code is cited.

3. Changes to Alaska Administrative Code: Amendment to 11 AAC 21.100 – Commercial Activities, and addition of a new regulation prohibiting personal watercraft in most areas of the preserve.

The current language of 11 AAC 21.100 (Commercial Activities), included within the administrative regulations for the Preserve, is inconsistent with the general sections of state administration regulations that govern commercial activities within state parks (11 AAC12.340(19) Definitions, and 11 AAC 18.030 Noncompetitive Park Use Permits for Commercial Activities). DPOR will submit revisions to pertinent sections of state administration regulations that will resolve these inconsistencies. Note: changes to 11 AAC 21.100(b)(1-3), which deals with the basis for permit issuance in the Preserve, are not intended.

4. Public Land Order (PLO) and Selection Priorities

There are two areas of state selected land within the Preserve: a fairly small area within the Upper Haines Highway Management Subunit immediately west of the Village of Klukwan, and a much larger area within the Chilkoot River/Lake Management Unit which occupies most of the Chilkoot River drainage. The area of land within the Chilkoot River corridor was, until recently, affected by a Public Land Order the effect of which was to withdraw the land from other public use. However, withdrawal of this PLO in and of itself does not ensure conveyance of this land to the state. Proposed selections must be included in the state's annual Conveyance Priority List (CPL) that is submitted to the Bureau of Land Management. The Chilkoot River area is on the CPL under the 'High Priority List'. DNR should retain this selection on the High Priority List so that this area can be conveyed as quickly as practicable. The smaller area should also be included on the High Priority List.

5. DNR Parks – Capital Budget

The DNR capital budget may, at specific times, include capital projects designed to implement the recommendations of the Preserve plan. It is intended that the capital budgets only include those projects that are clearly related to and necessary for public

use. These projects are to occur within the land and waters of the Preserve. Facilities designed to support operations related to private commercial uses shall occur on private uplands, although portions of these projects may extend into the waters of the Preserve if necessary, subject to concurrence by DPOR and ADF&G.

6. Federal Highway Projects – Alaska Department of Transportation and Public Facilities

Projects designed to support visitor activities along the Haines Highway and within the right-of-way of the Haines Highway are intended to be included within the capital budget of the Alaska Department of Transportation and Public Facilities. Such facilities<sup>3</sup>, if consistent with this plan and with other applicable state and federal regulations and statutes, are wholly appropriate and are encouraged. Their inclusion within the project budget of federally funded transportation projects is considered appropriate and important to the management of recreation activities.

7. Maintenance of Highway Pull-outs in Winter

Pull-outs identified by DPOR as critical to visitor safety during the winter months should be maintained on a regular basis by the Alaska Department of Transportation and Public Facilities.

8. Cooperative Agreement with Alaska Department of Transportation and Public Facilities

A Cooperative Agreement between ADOT/PF and DPOR exists, but needs to be updated to better reflect current needs and resources available to each agency in carrying out its responsibilities. The current agreement identifies the management responsibilities of DPOR and ADOT/PF in developing and managing the road system adjacent to the Preserve.

9. Annual Orientation Meeting

In order to ensure that commercial operators adhere to the requirements of the Preserve Plan and the overall management objectives for the Preserve expressed in statute, DPOR shall provide an annual orientation meeting to commercial operators that wish to obtain an annual permit (or other authorization for operation) for operation within the Preserve. This meeting shall occur before the upcoming operating season. Besides acquainting commercial operators with the Preserve Plan, this meeting shall also describe and identify sensitive fisheries and wildlife resources

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<sup>3</sup> Additional short trail systems may be appropriate for development near highway pull-outs, or eagle observatories along the highway. Such systems should be well designed and emphasize safety as well as a screened environment to prevent disturbances to the eagles. Signs that direct foot traffic and discourage entrance into sensitive areas of the preserve should be developed.

(bald eagle nests, Trumpeter Swan nests and pairs, and active spawning and rearing areas within streams and lakes) within the Preserve. In addition, the General and Specific Operating Requirements contained in Appendix C shall be described and explained. DPOR shall not issue a permit or other authorization to a commercial operator in the Preserve unless an Annual Orientation Meeting has been attended. On a discretionary basis, DPOR may determine that the Annual Orientation Meeting may not be required for operators that have been in lawful operation for a period of at least three years, but only if the fisheries and habitat information and the permitting requirements have not significantly changed.

10. Annual Review of Preserve Plan; Report to Director, DPOR

The agencies with primary responsibility for the management of Preserve resources should meet annually to discuss whether the projects approved in the proceeding year and the activities occurring during this period have created impacts that need to be addressed. Agencies participating in this review would include DPOR and ADF&G. In order to assure compatible management, other entities within DNR (Division of Forestry; Division of Mining, Land and Water) and Federal agencies (U. S. Fish and Wildlife Service) should participate. The focus of this review would be to determine if changes to the management recommendations to the Preserve Plan need to be made and/or if additional research needs to occur to assess the impact of activities occurring within the Preserve.

The results of this review shall be provided to the Bald Eagle Advisory Council for their review and recommendation. The findings and conclusions of this review shall be forwarded to the Director, DPOR.

11. Adoption of Preserve Plan by ADF&G and U.S. Fish and Wildlife Service

The Preserve was established as a result of cooperative efforts of many people and organizations. To successfully manage the Preserve, the Division of Parks and Outdoor Recreation will have to continue this cooperative spirit and work with many other agencies, private individuals and organizations which have an interest in, or responsibility for the resources of the Preserve. To ensure successful implementation of the Preserve Plan there needs to a careful understanding of its recommendations and a clear commitment to its implementation. DNR, in other plans that entail cooperation with another state agency or a federal agency, has requested that these agencies adopt the plan in order to form a consistent management approach. Adoption of the Preserve Plan for these purposes is considered appropriate.

- *Adoption of a Preserve Plan and Memorandum of Agreement.* The ADF&G, DNR, and U.S. Fish and Wildlife Service should adopt this plan in order to provide a consistent basis for Preserve management and to coordinate the various studies of these agencies. Approval by the DNR Commissioner adopts the plan within the DNR and ensures consistency between the Preserve Plan, State Forest Plan, and the Northern Southeast Area Plan. Adoption of the Preserve Plan by

these agencies should help ensure coordinated management and consistent permitting decisions.

12. Annual Review of Commercial Use Applications by Advisory Council

DPOR will notify the Council of commercial use applications for the forthcoming summer operating season by April 1st of that year and that DPOR may require applicants to submit such applications prior to that date. The purpose of this requirement is to allow the opportunity for the council to provide an advisory comment on upcoming, prospective commercial use applications prior to DNR's decision on these applications.

***PLAN REVISION AND AMENDMENT PROCEDURES***

The land use designations, the policies, and the management guidelines of this plan may be changed if conditions warrant. The plan will be updated periodically as new data and new technologies become available and as changing social and economic conditions place different demands on Preserve lands and waters. The Department of Natural Resources will require interagency and Advisory Council review of proposed, significant modifications of the Preserve Plan. There are four levels of plan revision or amendment. The correct procedure to use depends on the extent to which the management direction of the Preserve Plan is changed.

1. Plan Revision. The Preserve Plan should be re-evaluated if the Annual Agency Review determines that the management direction provided by the Plan is no longer appropriate or is not functioning adequately. It should also be re-evaluated once every five years from the date of adoption, for essentially the same reasons: to make sure the Plan is functioning properly and that the Preserve is being administered consistent with the Preserve Plan. This re-evaluation should be coordinated by DPOR, but also involve other agencies, including ADF&G and other DNR units (Division of Forestry and the Division of Mining, Land, and Water). The Bald Eagle Advisory Council shall participate in this re-evaluation, consistent with AS 41.21.620. If it is determined that the plan requires Revision, this recommendation shall be forwarded to the Director, DPOR. Alternatively, the state administration through DNR, may initiate the revision of the Preserve Plan. The Bald Eagle Advisory Council shall also participate in the plan revision under this approach, consistent with AS 41.21.620. The plan revision will include meetings with all interested groups and the general public. Meetings will be held in the Village of Klukwan and the community of Haines, and other areas of the state if appropriate. Public notice will precede each of these meetings.
2. Plan Amendment. The plan may be amended, but all such amendments require DNR Commissioner approval. An amendment adds to or modifies the basic intent of the plan. Changes to the planned uses, policies, or guidelines constitute amendments. Amendments require public notice and public hearings. Agencies, municipalities, or members of the public may propose amendments. Requests for amendments are

- submitted to the Juneau Office of the Division of Parks and Outdoor Recreation, Alaska Department of Natural Resources. The Bald Eagle Advisory Council shall review any proposed amendments to the Preserve Plan.
3. Minor Change. A minor change is one, which does not modify or add to the basic intent of the plan; the Director, DPOR, approves these. Minor changes may be necessary for clarification, consistency, or to facilitate implementation of the plan. Minor changes do not require public review. Agencies, municipalities, or members of the public may propose minor changes. Requests for minor changes are submitted to the Juneau Office of the Division of Parks and Outdoor Recreation, DNR. The Bald Eagle Advisory Council shall review any proposed minor changes to the Preserve Plan.
  4. Special Exceptions. Exceptions to the provisions of the plan may be made without modification of the plan. Special exceptions shall occur only when complying with the Plan is excessively difficult or impractical and an alternative procedure can be implemented which adheres to the purposes and intent of the Plan. DPOR may make a special exception in the implementation of the Plan through the following process:
    - The Regional Manager of the Division of Parks and Outdoor Recreation shall prepare a finding which specifies the following: the extenuating conditions which require a special exception, the alternative course of action to be followed, and how the intent of the plan will be met by the alternative.
    - The Advisory Council will be given an opportunity to review the findings. In the event of disagreement with the Regional Manager's decision. The decision may be appealed to the Director of the Division of Parks and Outdoor Recreation, and the Director's decision may be appealed to the Commissioner. If warranted by the degree of controversy, the Commissioner will hold a public hearing before making the decision.





# APPENDICES

## APPENDIX A – GOVERNING ALASKA STATUTES

*AS Title 41.21 Article 6. Alaska Chilkat Bald Eagle Preserve*  
*AS Title 41.21 Article 1(Portion). Concession Contracts in the State Park System*  
*AAC Chapter 21. Alaska Chilkat Balde Eagle Preserve*

## APPENDIX B - GLOSSARY .....B-1 THRU B-7

## APPENDIX C - PRESERVE PERMITTING REQUIREMENTS.....C-1

COMMERCIAL OPERATIONS ON STATE LANDS AND WATERS .....	C-1
SPECIFIC OPERATING STANDARDS .....	C-5
<i>Upper Chilkat Management Unit.....</i>	<i>C-5</i>
<i>Tsirku Management Unit.....</i>	<i>C-8</i>
<i>Bald Eagle Council Grounds Management Unit.....</i>	<i>C-8</i>
<i>Haines Highway and Adjacent Lands Management Unit .....</i>	<i>C-9</i>
<i>Chilkoot River/Chilkoot Lake Management Unit .....</i>	<i>C-9</i>

## APPENDIX D – PERMITTING PROCEDURES.....D-1

<i>Permit Matrix.....</i>	<i>D-2</i>
<i>Definitions of terms used within the Permit Matrix.....</i>	<i>D-4</i>
<i>Structure and Use Permit Conditions .....</i>	<i>D-6</i>

## APPENDIX E - COMMUNITY RECREATION SURVEY .....E-1 THRU E-4



**APPENDIX A – GOVERNING STATUTES  
& REGULATIONS**



**Alaska Statutes**

**Article 6. Alaska Chilkat Bald Eagle Preserve**

**41.21.610 – 41.21.630**



## **Article 6. Alaska Chilkat Bald Eagle Preserve.**

### **Section**

- 610. Purpose of AS 41.21.610 – 41.21.630
- 611. Alaska Chilkat Bald Eagle Preserve established
- 612. Land excluded
- 613. Eminent domain prohibited
- 614. Native allotments
- 615. Fish and game management
- 616. Regulations
- 617. Other Uses generally

### **Section**

- 618. Traditional uses
- 619. Access and rights-of-way
- 620. Management plan
- 621. Additions or deletions to preserve
- 622. Historical, cultural and burial sites
- 625. Alaska Chilkat Bald Eagle Preserve Advisory Council
- 630. Existing rights

**Sec. 41.21.610. Purpose of AS 41.21.610 - 41.21.630.** (a) The purpose of AS 41.21.610 - 41.21.630 is to establish the state-owned land and water described in AS 41.21.611 (b) as the Alaska Chilkat Bald Eagle Preserve as part of the state park system. The primary purpose for establishing the Alaska Chilkat Bald Eagle Preserve is to protect and perpetuate the Chilkat bald eagles and their essential habitats within the Alaska Chilkat Bald Eagle Preserve in recognition of their statewide, nationally, and internationally significant values in perpetuity.

(b) The Alaska Chilkat Bald Eagle Preserve is also established to

(1) protect and sustain the natural salmon spawning and rearing areas of the Chilkat River and Chilkoot River systems within the preserve in perpetuity;

(2) provide continued opportunities for research, study and enjoyment of bald eagles and other wildlife;

(3) ensure to the maximum extent practicable water quality and necessary water quantity under applicable laws;

(4) provide for other public uses consistent with the primary purpose for which the Alaska Chilkat Bald Eagle Preserve is established; and

(5) provide an opportunity for the continued traditional and natural resource based lifestyle of the people living in the general areas described in AS 41.21.611 (b), consistent with the other purposes of this subsection and (a) of this section.

(c) It is the intent of the legislature in enacting AS 41.21.610 - 41.21.630 to provide sufficient protection for the purposes for which the Alaska Chilkat Bald Eagle Preserve is established. Accordingly, the establishment of the Alaska Chilkat Bald Eagle Preserve and the Haines State Forest Resource Management Area under AS 41.15.305 is determined to represent a proper balance between the reservation of state public domain land and water for bald eagle preserve purposes and state public domain land and water more appropriate for multiple use. Therefore, the legislature determines that there is no need for legislation expanding or contracting the boundary of the Alaska Chilkat Bald Eagle Preserve in the future; the legislature further determines that study by a state agency of the expansion or contracting of the boundary of the preserve shall be conducted under AS 41.21.621.

(d) Inasmuch as the area described in AS 41.21.611 (b) exceeds 640 acres, AS 41.21.610 - 41.21.630 are intended to close the area to multiple use in conformity with AS 38.05.300 and the land is dedicated as a special purpose site under art. VIII, Sec. 7 of the state constitution. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** – Formerly AS 41.20.506.  
Renumbered in 1983.

**Sec. 41.21.611. Alaska Chilkat Bald Eagle Preserve established.** (a) Subject to valid existing rights, the land and water presently owned by the state and all land and

water acquired in the future by the state lying within the boundaries described in (b) of this section are designated the Alaska Chilkat Bald Eagle Preserve and assigned to the department for control, development, and maintenance.

(b) Except for University of Alaska grant land, the land and water owned by the state and all land and water acquired by the state in the future lying within the following described parcels are designated as the Alaska Chilkat Bald Eagle Preserve:

- (1) Township 26 South, Range 55 East, Copper River Meridian
  - Section 12: that portion within USS 3708
  - Section 13: that portion within USS 3708
  - Section 23: SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>
  - Sections 24 and 25
  - Section 26: E<sup>1</sup>/<sub>2</sub>
  - Section 33: SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>
  - Section 34: E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>
  - Section 35
  - Section 36: NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;
- (2) Township 26 South, Range 56 East, Copper River Meridian
  - Section 7: SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, that portion of the S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> within USS 3708, S<sup>1</sup>/<sub>2</sub>
  - Section 8: SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, that portion of the S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> within USS 3708
  - Section 17: W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>
  - Section 18
  - Section 19: W<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>
  - Section 30: NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>;
- (3) Township 27 South, Range 55 East, Copper River Meridian
  - Section 2: NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, except USS 3744
  - Section 3
  - Section 4: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>
  - Section 8: SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>
  - Section 9: E<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>
  - Section 10: W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>
  - Section 15: NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>
  - Section 16: E<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>
  - Section 17: N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>
  - Section 21: E<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>
  - Section 22: SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>, W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>
  - Section 26: NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>
  - Section 27
  - Section 28: E<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>
  - Section 33: N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>
  - Section 34
  - Section 35: NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub>
  - Section 36: W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;
- (4) Township 28 South, Range 55 East, Copper River Meridian
  - Section 1: S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>



- Section 2  
 Section 3: NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>  
 Section 4: E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>  
 Section 10: that portion of Mosquito Lake within the NE<sup>1</sup>/<sub>4</sub>  
 Section 11: N<sup>1</sup>/<sub>2</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, except USS 3431  
 Section 12  
 Section 13: E<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>  
 Section 19: Lot 13  
 Section 24: E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>  
 Section 25: except that portion north of the Haines Highway  
 Section 26: that portion south of the Haines Highway except Lots 2, 3, and the W<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>  
 Section 27: that portion south of the Haines Highway except S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>  
 Section 28: except S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>, the south 660 feet of Lots 5 - 7, and that portion north of the Haines Highway  
 Section 29: except S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, and Lots 9, 14, 15, and 18  
 Section 30: E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>  
 Section 33: SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>  
 Section 34: S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub>  
 Section 35: except NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>  
 Section 36: except SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>, and the south 660 feet of Lots 3 - 4;
- (5) Township 28 South, Range 56 East, Copper River Meridian  
 Section 7: SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>  
 Section 17: W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>  
 Section 18: W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>, SE<sup>1</sup>/<sub>4</sub>  
 Section 19  
 Section 20: W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>  
 Section 29: except USS 948, USS 991, Lots 1, 2, and 4 - 7, NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>  
 Section 30: except Lots 1, 4, 5, 8, 15-17, and the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>  
 Section 31  
 Section 32: except USS 991, USS 2455, and Lots 1, 2, and 24  
 Section 33: S<sup>1</sup>/<sub>2</sub> except USS 2455 and Lots 18 - 21  
 Section 34: W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> except NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> and Lots 1 and 2;
- (6) Township 28 South, Range 57 East, Copper River Meridian  
 Section 22: NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>  
 Section 26: W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>  
 Section 27: E<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>, N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>  
 Section 34: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>  
 Section 35: SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>N<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;
- (7) Township 29 South, Range 55 East, Copper River Meridian  
 Section 1: S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>;
- (8) Township 29 South, Range 56 East, Copper River Meridian  
 Section 1  
 Section 2: N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>  
 Section 4: W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>

- Section 5:  $E\frac{1}{2}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$
- Section 6:  $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ ,  
 $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$
- Section 8: except  $SW\frac{1}{4}SW\frac{1}{4}$  and  $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$
- Section 9
- Section 10:  $S\frac{1}{2}S\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ ,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$
- Section 11:  $S\frac{1}{2}NE\frac{1}{4}$ ,  $S\frac{1}{2}S\frac{1}{2}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $S\frac{1}{2}$
- Sections 12 - 14
- Section 15:  $N\frac{1}{2}$ ,  $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$
- Section 16:  $E\frac{1}{2}NE\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$ ,  $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ ,  $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}$ ,  
 $SE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$
- Section 17:  $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$
- Section 22:  $N\frac{1}{2}NE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$
- Section 23: that portion of the  $N\frac{1}{2}NW\frac{1}{4}$  lying west of Chilkat Lake;
- (9) Township 29 South, Range 57 East, Copper River Meridian
- Section 4:  $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ ,  $SW\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ ,  
 $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$
- Section 5: except Lots 2 - 4,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$
- Section 6: except Lots 1 and 9
- Sections 7 and 8
- USS 907
- Section 9:  $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ ,  $SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $S\frac{1}{2}$
- Section 10: Lots 1 - 4,  $W\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$
- Section 14: that portion west of the Haines Highway
- Section 15: except  $NE\frac{1}{4}NE\frac{1}{4}$  and Lots 7 - 10, 13 - 14
- Sections 16 - 18
- USS 786
- Section 19:  $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$
- Section 20:  $NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ,  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  
 $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$
- Sections 21 and 22
- Section 23: that portion west of the Haines Highway
- Section 25: that portion west of the Haines Highway
- Section 26: that portion west of the Haines Highway
- Section 27
- Section 28:  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  
 $N\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$
- Section 34:  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ ,  
 $E\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$
- Section 35
- Section 36: that portion west of the Haines Highway;
- (10) Township 29 South, Range 58 East, Copper River Meridian
- Section 3:  $S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$
- Section 4:  $SW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$
- Section 9:  $NE\frac{1}{4}NE\frac{1}{4}$
- Section 10:  $N\frac{1}{2}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ ,  $E\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$ ,  $NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$
- Section 31: that portion south of the Haines Highway;
- (11) Township 30 South, Range 57 East, Copper River Meridian
- Section 1
- Section 2:  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ ,  
 $SE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$
- Section 3:  $NE\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$
- Section 12:  $NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ ,  
 $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ ,  $E\frac{1}{2}E\frac{1}{2}SE\frac{1}{4}$ ,  $NW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ ;

## (12) Township 30 South, Range 58 East, Copper River Meridian

Section 6: that portion west of the Haines Highway

Section 7: that portion west of the Haines Highway

Section 8: that portion west of the Haines Highway

Section 16: that portion west of the Haines Highway

Section 17: that portion west of the Haines Highway

Section 18: Lots 1 - 3 and 5, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>.

(§ 1 ch 95 SLA 1982; am §§ 55 – 62 ch 37 SLA 1986)

**Revisor's notes.** -- Formerly AS 41.20.507(a) and (k). Renumbered in 1983.

**Cross references.** -- For provisions relating to certain transfers of land affecting the Alaska Chilkat Bald Eagle Preserve, see ch. 14, SLA 2000 in the 2000 Temporary and Special Acts.

**Effect of amendments.** -- The 1986 amendment in subsection (b) in paragraph (1) added “: that portion within USS 3708” concerning section 13; in paragraph (2) inserted “that portion of the” and “within USS 3708” concerning section 7; in paragraph (4) added “within the NE <sup>1</sup>/<sub>4</sub>” concerning section 10, deleted “Section 15: that portion of Mosquito Lake,” rewrote

the descriptions concerning sections 25, 26, 27, 30, 33, and 35, and made minor punctuation changes; in paragraph (5) rewrote the descriptions concerning sections 29 and 34 and made minor punctuation changes; in paragraph (8) rewrote part of the description concerning section 6 and made a minor punctuation change; in paragraph (9) rewrote the description concerning section 5, added the description concerning section 6, substituted “Sections 7 and 8” for paragraph (10) added the description concerning section 31; and in paragraph (11) deleted the description of section 13.

**Sec. 41.21.612. Land excluded.** (a) Private land, approved or pending Native allotments, pending and approved land selections made by the Haines Borough under state law on July 1, 1982, University of Alaska grant land not located within the Chilkat River Critical Habitat Area established by AS 16.20.585, and existing transportation and utility corridors located partially or completely within the Alaska Chilkat Bald Eagle Preserve are excluded from the Alaska Chilkat Bald Eagle Preserve.

(b) University of Alaska grant land located within the boundary of the Chilkat River Critical Habitat Area established under AS 16.20.585 is excluded from the Alaska Chilkat Bald Eagle Preserve. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Subsection (a) was formerly the first sentence of AS 41.20.507(b). Subsection (b)

was formerly AS 41.20.507(n). Reorganized and renumbered in 1983.

**Sec. 41.21.613. Eminent domain prohibited.** The commissioner may not acquire private land or University of Alaska grant land located partially or completely within the Alaska Chilkat Bald Eagle Preserve by eminent domain for any purpose. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly the last sentence of AS 41.20.507(b). Reorganized and renumbered in 1983.

**Sec. 41.21.614. Native allotments.** Approved or pending Native allotments located partially or completely within the Alaska Chilkat Bald Eagle Preserve are not adversely affected by the establishment of the Alaska Chilkat Bald Eagle Preserve and all approved allotments and all pending allotments located partially or completely within the preserve shall be treated as private land. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(c). Renumbered in 1983.

**Sec. 41.21.615. Fish and game management.** The Department of Fish and Game is responsible for the management of fish and game resources in the Alaska Chilkat Bald Eagle Preserve

(1) under applicable law and consistent with the purposes of AS 41.21.610 - 41.21.630;

(2) subject to the authority of the Secretary of the Interior to permit the taking of bald eagles for the religious purposes of an Indian tribe under 16 U.S.C. 668a (Sec. 2, Bald Eagle Protection Act). (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(d).  
Renumbered in 1983.

**Sec. 41.21.616. Regulations.** The department shall consult with the Department of Fish and Game, the United States Fish and Wildlife Service, a local governing body of a municipality, any local fish and game advisory committees, and the Alaska Chilkat Bald Eagle Preserve Advisory Council established by AS 41.21.625 before adoption of reasonable regulations governing public use and protection of the Alaska Chilkat Bald Eagle Preserve. The Department of Fish and Game shall consult with the department and the Alaska Chilkat Bald Eagle Preserve Advisory Council in proposing regulations governing fish and game management in the Alaska Chilkat Bald Eagle Preserve for adoption by the Board of Fisheries or the Board of Game. The Department of Fish and Game and the department shall cooperate with the United States Fish and Wildlife Service in its administration of federal law governing the conservation of bald eagles. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(e).  
Renumbered in 1983.

**Sec. 41.21.617. Other uses generally.** The state land and water described in AS 41.21.611 (b) is closed to mineral entry under AS 38.05.135 - 38.05.275, to commercial harvest of timber, and to sale under state land disposal laws. The commissioner may lease the land described in AS 41.21.611 (b) under AS 38.05.070 - 38.05.105 for a purpose consistent with AS 41.21.610 (a) and (b). A municipality may select land within the Alaska Chilkat Bald Eagle Preserve under law. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(f).  
Renumbered in 1983.

**Sec. 41.21.618. Traditional uses.** Continued opportunities for traditional uses of the Alaska Chilkat Bald Eagle Preserve at levels and by methods and means that are compatible with the protection of the bald eagle population are guaranteed. These historically compatible uses include but are not limited to hunting, trapping, fishing, berry picking, other subsistence and recreational uses, operation of motorized vehicles, and the harvesting of personal-use firewood. The level and method or means of traditional use may continue subject to reasonable regulation unless the director of the division of parks of the department, after consultation with the Alaska Chilkat Bald Eagle Preserve Advisory Council, makes a finding that the level or method and means of use is causing significant resource damage that is inconsistent with AS 41.21.610 (a) and (b). The director of the division of parks shall hold a public hearing in Haines and Klukwan before restricting a traditional use permitted under this section. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(g).  
Renumbered in 1983.

**Sec. 41.21.619. Access and rights-of-way.** If privately owned land, University of Alaska grant land, a valid mining right, an existing mineral lease, a subsurface right on private land, or other valid occupancy is surrounded by state land of the Alaska Chilkat Bald Eagle Preserve or if privately owned land, University of Alaska grant land, federal land, municipal land, or state land not described in AS 41.21.611(b), a valid mining claim, subsurface right, or other valid occupancy on land not described in AS 41.21.611(b) does

not have reasonable, timely, and economically feasible access and egress by means other than crossing land designated as Alaska Chilkat Bald Eagle Preserve land in AS 41.21.611 (b), the director of the division of parks shall grant a private landowner, the University of Alaska, a holder of a valid existing right to land, or a state agency, municipality, or federal agency the rights necessary to assure reasonable, timely, and economically feasible access and egress. A permittee or licensee of an owner of land or the holder of a valid existing right to land may use access and egress granted under this subsection. The rights of access and egress granted under this subsection are subject to reasonable regulation and stipulations established by the director of the division of parks after consulting with the Alaska Chilkat Bald Eagle Preserve Advisory Council to protect the purposes and values of the Alaska Chilkat Bald Eagle Preserve and to minimize adverse environmental impacts in the preserve. As used in this subsection, "valid existing right" includes but is not limited to a valid mining right, an existing mineral right, and a subsurface right. The director of the division of parks shall give favorable consideration to applications for utility rights-of-way that are compatible with AS 41.21.610 (a) and (b). (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(h).  
Renumbered in 1983.

**Sec. 41.21.620. Management plan.** (a) The director of the division of parks and the Alaska Chilkat Bald Eagle Advisory Council established under AS 41.21.625, in written consultation with the United States Fish and Wildlife Service, the Department of Fish and Game, the Chilkat Indian Village, the Chilkoot Indian Association, and other appropriate groups, may use information gained through cooperative resource studies in the development of the management plan for the Alaska Chilkat Bald Eagle Preserve and in decisions affecting the management and administration of the preserve. The director of the division of parks and the advisory council shall investigate the need for additional research to increase the knowledge and understanding of the natural and cultural resources of the area and to enhance the effective management of the Alaska Chilkat Bald Eagle Preserve.

(b) The director of the division of parks and the director of the division of forestry shall consult in the preparation of the management plan prepared under (a) of this section to promote effective, efficient, and coordinated administration of the Haines State Forest Resource Management Area and the Alaska Chilkat Bald Eagle Preserve for the purposes and values for which each is established. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly As 41.20.507(i) and (m). Renumbered in 1983.

**Sec. 41.21.621. Additions or deletions to preserve.** An agency of the state may not participate or cooperate with a federal or private study considering additions to or deletions from the area of the Alaska Chilkat Bald Eagle Preserve without giving 90 days' prior notice to the Alaska Chilkat Bald Eagle Preserve Advisory Council. The director of the division of parks may waive the notice required by this subsection on the director's determination in writing to the advisory council that an emergency necessitates immediate study or a shorter period of notice to the advisory council. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(j).  
Renumbered in 1983.

**Sec. 41.21.622. Historical, cultural and burial sites.** Historical, cultural, and burial sites identified in the Alaska Chilkat Bald Eagle Preserve management plan are not available for surface disposal under AS 41.21.617 and shall be managed by the

director of the division of parks to prevent vandalism, destruction, and desecration. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.507(l).  
Renumbered in 1983.

**Sec. 41.21.625. Alaska Chilkat Bald Eagle Preserve Advisory Council.** (a) A 12-member Alaska Chilkat Bald Eagle Preserve Advisory Council is established. The members of the advisory council shall be selected under this section.

(b) The governor shall appoint individuals to the Alaska Chilkat Bald Eagle Preserve Advisory Council representing the following interests for a two-year term:

- (1) a resident of the Haines Borough representing a conservation organization;
- (2) a representative of the United States Fish and Wildlife Service; and
- (3) a member of the Upper Lynn Canal fish and game advisory committee.

(c) The mayor of the City of Haines, the mayor of the Haines Borough, the president of Klukwan, Inc., the chairman of the Council of the Chilkat Indian Village, and the chairman of the Chilkoot Indian Association are ex officio members of the Alaska Chilkat Bald Eagle Preserve Advisory Council. The mayor of the Haines Borough may recommend to the governor for appointment to the advisory council the name of a resident of the Haines Borough for the representation of commercial or industrial interests.

(d) The commissioner of fish and game, the director of the division of parks, and the director of the division of forestry, or their designees, serve ex officio as members of the Alaska Chilkat Bald Eagle Preserve Advisory Council.

(e) The Alaska Chilkat Bald Eagle Preserve Advisory Council shall assist the department in the development and monitoring of a management plan for the Alaska Chilkat Bald Eagle Preserve. The management plan shall be presented at public hearings in Haines and Klukwan before approval and implementation by the department.

(f) Members of the Alaska Chilkat Bald Eagle Preserve Advisory Council selected under (b) - (d) of this section may select alternates to act as members of the advisory council in their absence. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly As 41.20.515.  
Renumbered in 1983.

**Sec. 41.21.630. Existing rights.** The establishment of the Alaska Chilkat Bald Eagle Preserve under AS 41.21.610 - 41.21.630 does not enlarge, diminish, add to, or waive a requirement of law otherwise applicable to the management or use of the state land of the Haines State Forest Resource Management Area (AS 41.15.300 - 41.15.330) or private land. An activity allowed under law on land not described in AS 41.21.611 (b), including but not limited to an activity described in AS 41.21.618, timber harvest, mining, resource development, and recreation, is permitted so long as the activity is conducted in compliance with law. (§ 1 ch 95 SLA 1982)

**Revisor's notes.** -- Formerly AS 41.20.525.  
Renumbered in 1983.

**Alaska Statutes**

**Article 6. Alaska Chilkat Bald Eagle Preserve**

**Portion of Article 1**

**41.21.027(g)**





**Sec. 41.21.027. Concession contracts in the state park system. ....**

....

"**Sec. 41.21.027(g)** With the exception of guided tours and noncompetitive commercial use permits, concessions or commercial activities are not permitted within the Alaska Chilkat Bald Eagle Preserve. (§ 1 ch 89 SLA 1987)"



**Alaska Administrative Code**

**Chapter 21. Alaska Chilkat Bald Eagle Preserve**

**11 AAC 21.010 – 21.290**



## CHAPTER 21. ALASKA CHILKAT BALD EAGLE PRESERVE.

**Article**

- 1. Eagle Preserve Land and Water Restrictions. (11 AAC 21.010 - 11 AAC 21.060)
- 2. Preserve Activities; Management. (11 AAC 21.100 - 11 AAC 21.120)
- 3. General Provisions. (11 AAC 21.290 - 11 AAC 21.290)

### ARTICLE 1. EAGLE PRESERVE LAND AND WATER RESTRICTIONS.

**Section**

- 10. Refuse and waste
- 15. Use of weapons
- 20. Motorized vehicles
- 25. Disturbance of natural objects
- 30. Cultural, archaeological, and historical material
- 35. Vandalism

**Section**

- 40. Construction of structures
- 45. Construction of signs
- 50. Explosives
- 51. Fireworks
- 55. Public use cabins
- 60. Use of personal watercraft

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**Editor's note:** Department of Fish and Game regulations in 5 AAC 95.400 – 5 AAC 95.440 also govern certain activities in the Chilkat River Critical Habitat Area of the preserve and require a permit for certain activities in that area.

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**11 AAC 21.010. REFUSE AND WASTE.** (a) No person may bring waste or refuse from household, commercial, industrial, or construction activities into the preserve for disposal.

(b) No person may place waste or refuse in preserve water, or on land or water capable of contaminating preserve water.

(c) Unless it is deposited in a public waste receptacle, waste or refuse generated in the course of activities in the preserve must be removed from the preserve by those who generated the waste or refuse.

(d) This section does not apply to animal waste normally discarded by hunters, trappers, or fishermen in the course of legal hunting, trapping, or fishing, except that such waste may not be left within 100 feet of a trail, road, or developed facility. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616  
AS 41.21.040

**11 AAC 21.015. USE OF WEAPONS.** (a) The use and discharge of weapons for the purpose of lawful hunting or trapping is allowed in the preserve, except within one-half mile of a developed facility.

(b) Target shooting is allowed only in areas posted by the division for target shooting. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.616 AS 41.21.618  
AS 41.21.610

**11 AAC 21.020. MOTORIZED VEHICLES.** Authorization under 11 AAC 21.120 is not required for the use of motorized vehicles in the preserve, except that the landing of aircraft within the Critical Habitat Area is prohibited unless authorized by the director under 11 AAC 21.120. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.616 AS 41.21.618  
AS 41.21.610

**11 AAC 21.025. DISTURBANCE OF NATURAL OBJECTS.**

(a) No person may damage or deface natural objects, including trees, plants, and moss, nor remove rocks, gravel, or minerals, except as authorized under (b) — (d) of this section or by the director under 11 AAC 21.120.

(b) Authorization under 11 AAC 21.120 is not required for a person to gather bark, edible plants, or roots for personal use.

(c) Dead or down wood may be gathered for personal use in designated areas. Haines District Ranger office will provide information on designated areas.

(d) A person may disturb natural objects in a manner that is reasonable and customary for setting traps while lawfully trapping. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.616 AS 41.21.618  
AS 41.21.610

**11 AAC 21.030. CULTURAL, ARCHAEOLOGICAL, AND HISTORICAL MATERIAL.** No person may disturb, damage, deface, or remove cultural, archaeological, or historical material from the preserve, except as authorized by the director under 11 AAC 21.120. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.616 AS 41.35.200  
AS 41.21.610 AS 41.35.050

**11 AAC 21.035. VANDALISM.** No person may disturb, damage, or deface within, or remove from, the preserve state-owned or state-leased property or facilities. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616

**11 AAC 21.040. CONSTRUCTION OF STRUCTURES.** No person may construct or place a dock, cabin, home, building, or other structure in the preserve unless authorized by the director under 11 AAC 21.120. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616  
AS 41.21.040

**11 AAC 21.045. CONSTRUCTION OF SIGNS.** No person may construct or display a sign in the preserve, with the exception of a state regulatory marker placed by an authorized state employee, unless authorized by the director under 11 AAC 21.120. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616  
AS 41.21.040

**11 AAC 21.050. EXPLOSIVES.** A person may not discharge an explosive, gas operated explosive device, or similar device in the preserve, except as authorized by the director under 11 AAC 21.120. (Eff. 2/3/88, Register 105; am 4/20/2002, Register 162)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616  
AS 41.21.040

**11 AAC 21.051. FIREWORKS.** A person may not discharge a firework in the preserve except as authorized by the director under 11 AAC 21.120. (Eff. 4/20/2002, Register 162)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616  
AS 41.21.040

**11 AAC 21.055. PUBLIC USE CABINS.** No person may use or occupy a public use cabin that is managed by the division on a reservation and fee payment basis without first having obtained a reservation and paid the fee. Each day of unauthorized use constitutes a separate offense. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616  
AS 41.21.040

**11 AAC 21.060. USE OF PERSONAL WATERCRAFT.** A person may operate a personal watercraft within the preserve only on the waters of Chilkat Lake, on the outlet stream from Chilkat Lake to the Tsirku River, and within one-quarter mile of the Tsirku River Landing. (Eff. 9/1/2002, Register 163)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.616  
AS 41.21.040

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## ARTICLE 2 PRESERVE ACTIVITIES; MANAGEMENT

**Section**

100. Commercial activities  
 105. Closure and use management  
 110. Petitions for closure and use  
       management

**Section**

115. Public notice of closures and use  
       management  
 120. Conditional activities

**11 AAC 21.100. COMMERCIAL ACTIVITIES.** (a) Engaging in soliciting, selling, or peddling liquids or edibles for human consumption, or distributing circulars, or hawking, peddling, or vending goods, wares, services, or merchandise in the preserve is prohibited, except as provided in regulations adopted by the Department of Education under AS 23.15, as provided in (b) of this section, or as provided in a concession contract for guided tours entered into under 11 AAC 14.200 — 11 AAC 14.260. Subsections (b) — (e) of this section apply to a concession contract for a commercial activity in the preserve.

(b) The director may negotiate a permit for commercial activity if

(1) it does not exclude others from lawful enjoyment of the preserve;

(2) issuance of the permit is compatible with the purposes for which the preserve was established;

(3) the director does not anticipate the need to limit the number of individuals or firms providing the service in order to protect public use of the preserve or to protect public use of the preserve or to protect preserve resources;

(4) the applicant pays the nonrefundable fees, established under 11 AAC 05.010 with the advice of the council, which will give the state a fair and reasonable return in light of the cost of administering the activity permitted, the impact of the proposed activity on the preserve, the

incidental benefit that might be provided the preserve, goods or services provided to the state, and the gross business receipts attributable to the activity;

(5) the term of the permit is for no longer than two years, with a two-year renewal clause at the discretion of the director, and is revocable at any time the director determines that public safety, health, or welfare is imperiled, or that the natural or cultural resources of the preserve are being damaged; and

(6) the state is held harmless from all claims, demands, suits, loss, liability, and expense for injury to, or death of, a person arising out of or connected with the uses covered by the permit.



(c) The director may require that a permit contain conditions that require the permittee or the permittee's agents or employees to

(1) possess required borough, state, or federal licenses, registrations, or certifications that are applicable to the activity authorized by this section;

(2) indemnify, hold harmless, and defend the state, its officers, agents, and employees from liability of any nature or kind;

(3) mark vehicles used in providing commercial services with specific identification;

(4) be in or aboard a vehicle being used for activities authorized by this section;

(5) be liable for the repair of any damage to land, water, facilities, or resources resulting from the actions of the permittee or his or her agents, employees, or clients;

(6) report any accidents involving personal injury or incidents of wildlife hazards, or the loss of equipment;

(7) have a first aid certification recognized by state or national registration;

(8) provide proof of liability insurance at a minimum of \$100,000 per individual and \$300,000 per event, and designating the State of Alaska as "the additional named insured with notice of cancellation;" the director may require a higher amount of liability insurance for activities that involve a high degree of risk for the participants.

(d) Public use restrictions implemented in accordance with 11 AAC 21.105 apply to commercial use permittees.

(e) No permittee or permittee's agent or employee may violate the conditions of the permit. Upon any violation of a permit condition, the director may suspend or revoke the permit. Each day in violation of the permit conditions set out in (c) of this section constitutes a separate violation. (Eff. 2/3/88, Register 105)

Authority:	AS 41.21.020	AS 41.21.040	AS 41.21.616
	AS 41.21.026	AS 41.21.610	

#### **11 AAC 21.105. CLOSURE AND USE MANAGEMENT.**

(a) Upon a determination that the action is necessary to aid scientific research, or for the protection of natural or cultural resources, protection of environmental or scenic values, maintenance of public health and safety, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities, the director may

(1) establish, for the Critical Habitat Area of the preserve, a reasonable schedule of visiting hours, impose public use limits, or close all or a portion of the Critical Habitat Area to all public use or to a specific use or activity;

(2) limit a specific use or activity to a designated area, or impose conditions or restrictions on a use or activity; or

(3) terminate or modify a restriction, limit, closure, or condition imposed under (1) or (2) of this subsection.

(b) Except in an emergency situation, before implementing or terminating a restriction, condition, limit, or closure, the director shall issue a written determination that sets out the reasons for the implementation or termination. For an emergency situation, the written determination may be issued after the implementation or termination. The written determination must (1) in the case of an implementation, state why less restrictive measures will not suffice, or (2) in the case of a termination, state why the restriction is no longer necessary and include a finding that the termination will not have an unreasonably adverse impact on preserve resources. For the purposes of this section, an adjustment that makes a restriction, condition, or a limit more restrictive is an implementation, and an adjustment that relaxes the restrictive effect is a termination.

(c) A restriction, limit, closure, or condition, or the termination of one of these that will result in a significant alteration in the public use pattern of the preserve, will have a significant effect on the preserve's natural, aesthetic, scenic, or cultural values, or will require a long-term or significant modification in the resource management objectives of the preserve, will be adopted as a regulation.

(d) To implement a public use limit, the director, after consultation with the council, may establish a permit, registration, or reservation system in accordance with the criteria and procedures of 11 AAC 21.120.

(e) The division shall notify the council of any action taken under this section before that implementation or termination, or, in the case of an emergency, within five days after the implementation or termination.

(f) No person may violate a restriction, limit, closure, or condition imposed under this section. If a permit under (d) of this section is used to implement a public use limit, violation of the terms and conditions of the permit is prohibited, and could result in the suspension or revocation of the permit. (Eff. 2/3/88, Register 105)

Authority:	AS 41.21.020	AS 41.21.610	AS 41.21.618
	AS 41.21.040	AS 41.21.616	

**11 AAC 21.110. PETITIONS FOR CLOSURE AND USE MANAGEMENT.** (a) A person may petition the director to implement or terminate a restriction, limit, closure, or condition. A petition must be in writing and must clearly state

(1) what action is requested; and

(2) the reasons for the action requested.

(b) The director shall respond in writing within 30 days to a petition made under (a) of this section. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.618  
AS 41.21.040 AS 41.21.616

**11 AAC 21.115. PUBLIC NOTICE OF CLOSURES AND USE MANAGEMENT.** (a) If action is taken under 11 AAC 21.105, the division shall notify the public by one or more of the following methods:

- (1) signs posted at conspicuous locations, such as normal points of entry to the preserve;
- (2) maps available in the office of the director and other places convenient to the public;
- (3) publication in a newspaper of general circulation in the affected area; or
- (4) other appropriate methods, such as the removal of closure signs, or the use of electronic media, brochures, or handouts.

(b) In addition to the notification required by (a) of this section, the director shall compile in writing all the restrictions, limits, closures, conditions, permit requirements, and other discretionary use management actions taken under 11 AAC 21.105. This compilation shall be updated annually and made available to the public upon request. (Eff. 2/3/88, Register 105)

Authority: AS 41.21.020 AS 41.21.610 AS 41.21.618  
AS 41.21.040 AS 41.21.616

**11 AAC 21.120. CONDITIONAL ACTIVITIES.** (a) Authorization from the director is required for the following activities in the preserve:

- (1) a promotional or entertainment event, including an organized athletic event, competitive recreational event, or spectator event, whether or not an admission fee is charged, or production of a film or television documentary for educational or entertainment purposes;
- (2) camping for longer than 15 consecutive days in a calendar year, or for longer than the time period designated by the director for camping at the site or area in which the camp is made, except for traditional hunting and subsistence fishing camping;
- (3) constructing or placing an improvement, structure, or property on land in the preserve, including a sign, fixture, permanent shelter or cabin, wildlife observation blind, personal property, road, trail, excavation, fill or buttress, except for the temporary bridges across the Tsirku River required for winter access to Chilkat Lake;
- (4) discharging explosives;

(5) conducting scientific research, exploration, or information collection activities;

(6) using the preserve for recurring or permanent motorized access across land or water closed to motorized use;

(7) performing activities limited by the director under 11 AAC 21.105; or

(8) after consultation with the council, any use that the director determines to be incompatible with the purposes for which the preserve was established, as those purposes are defined by statute and regulation.

(b) The director may, after advice from the council, authorize an activity upon determining that:

(1) natural, cultural, historical, and archaeological resources of the preserve will not be damaged or imperiled;

(2) the preserve is protected from pollution;

(3) public use values of the preserve are maintained and protected;

(4) the public safety, health, and welfare will not be damaged or imperiled;

(5) the activity is consistent with the Alaska Coastal Management Program (AS 46.40), if applicable.

(c) The person who will be responsible for the activity shall file an application for authorization at the district office of the division in Haines and shall pay the required nonrefundable permit fee established in 11 AAC 05.010. The application will be forwarded to the regional office of the division for action.

(d) An applicant whose request for authorization is denied in whole or in part, or any other eligible person affected by an action of the division upon a request for authorization, may appeal that decision in accordance with 11 AAC 02. The council will be notified of an appeal.

(e) Public use restrictions implemented in accordance with 11 AAC 21.105 apply to commercial use permittees. (Eff. 2/3/88, Register 105; am 11/7/90, Register 116; am 9/19/2001, Register 159)

Authority: AS 41.21.020 AS 41.21.040 AS 44.37.011

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## ARTICLE 3 GENERAL PROVISIONS

### Section

#### 290. Definitions

**11 AAC 21.290. DEFINITIONS.** In this chapter

(1) "aircraft" means a device that is used or intended for flight or movement of people or goods in the air;

(2) "commercial" means an action or operation that generates income from the buying, selling, renting, bartering, or trading of goods or services;

(3) "council" means the Alaska Chilkat Bald Eagle Preserve Advisory Council established in AS 41.21.625 ;

(4) "Critical Habitat Area" means the Chilkat River Critical Habitat Area established in AS 16.20.585 ;

(5) "department" means the Department of Natural Resources;

(6) "developed facility" includes a boat ramp, campground, picnic area, rest area, visitor information center, swim beach, trailhead, building, parking area, and developed ski area;

(7) "director" means the director of the division of parks and outdoor recreation, Department of Natural Resources, or the director's authorized agent;

(8) "division" means the division of parks and outdoor recreation, Department of Natural Resources;

(9) "motorized vehicle" means a motorized device for carrying persons or objects over land, water, or through the air, and includes automobiles, snowmachines, bicycles, off-road vehicles, boats, and aircraft;

(10) "preserve" means the Alaska Chilkat Bald Eagle Preserve established in AS 41.21.611 and further described in AS 41.21.612 ;

(11) "weapon" includes a bow and arrow, slingshot, crossbow, and firearm;

(12) "explosive" means a chemical compound, mixture, or device that is commonly used or intended for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat; "explosive" includes dynamite, blasting powder, nitroglycerin, blasting caps, and nitrojelly; "explosive" does not include salable fireworks as defined by AS 18.72.050 ;

(13) "firework" means an explosive device or combustible material used to produce lights, smoke, or noise for entertainment;

(14) "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) designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than by a person sitting or standing inside it. (Eff. 2/3/88, Register 105; am 4/20/2002, Register 162; am 9/1/2002, Register 163)

Authority:

AS 41.21.020  
AS 41.21.040

AS 41.21.610

AS 41.21.616



## APPENDIX B

### GLOSSARY

AAC: Alaska Administrative Code

ADF&G: Alaska Department of Fish and Game

ADEC: Alaska Department of Environmental Conservation

AS: Alaska Statutes

**Allowed Use:** A land use or activity involving the use of state lands or waters that is allowed to occur. These uses are typically identified in the management intent statements or management guidelines of the Preserve Plan.

**Area plan:** Prepared by the Department of Natural Resources, area plans allocate resources and identify allowed and prohibited uses on state lands including uplands, tidelands, and submerged lands. The area plan referred to in this plan is the Northern Southeast Area Plan, adopted in 2002.

**Anadromous Fish Streams:** The portion of a fresh water body or estuarine area that has been determined by the Department of Fish and Game to contain or exhibit evidence of anadromous fish, in which event the anadromous portion of the stream or waterway extends up to the first point of physical blockage.

CHA: Critical Habitat Area

**Closed to mineral entry:** Areas where staking mineral claims is prohibited because mining has been determined to be in conflict with significant surface uses in the area. Existing mineral claims that are valid at the time of plan adoption are not affected by mineral closures.

**Commercial:** Under 11 AAC 12.340.19, "Commercial activity" means the sale of, delivery of, or soliciting to provide, goods, wares, edibles, or services in exchange for valuable consideration through barter, trade, or other commercial means. A service offered in conjunction with another sale of goods, wares, edibles, or services, which service involves the use of Preserve land or water, is a commercial activity whether or not it is incidental to, advertised with, or specifically offered in the original sale. All guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash, or other commercial means is required,

expected, or received beyond the normal and customary equally shared costs for food and fuel for any portion of the stay in the Preserve.

**Commercial Outfitter/Guide Operators:** Commercial operators that provide commercial hunting and fishing guiding services, or access to places in the Preserve. They are distinguished from Commercial Tour Operators in that they characteristically provide sporadic, non-patterned service to various parts of the Preserve for services of the type described above. They do not meet the "characteristics of commercial tours" as defined for Commercial Tour Operators.

**Commercial Recreation:** Recreation undertaken within the Preserve by the general public and provided by commercial entities for remuneration; see definition of 'Recreation'. Commercial recreation can be either motorized or non-motorized.

**Commercial Recreation Operator:** A commercial entity that provides commercial public recreation services within the Preserve. All Commercial Recreation Operators must be authorized by DPOR for operation within the Preserve.

**Commercial Tour:** A commercial tour is defined, in the Preserve Plan, as the provision of a brief trip to or through a place for the purpose of viewing it. This trip(s) is provided to clients who, in return, remunerate the commercial provider for the service provided. Not included in this definition is a trip(s) necessary to access private property, such as a lodge, unless it is clear that such an activity is clearly providing a commercial tour as part of this access. Characteristics of commercial tours are that they are frequent, occurring several or more times per day; tend to occur in a generally similar area or areas; and involve stopovers of less than five hours if the trip has a destination on the route(s).

**Commercial Tour Operator:** A Commercial Recreation Operator that conducts a commercial tour within or through the Preserve. Such operators may provide either motorized or non-motorized tours.

**Commercial Tour Operator, Large-scale.** See 'Large-scale Commercial Tour Operator'.

**Commercial Tour Operator, Small scale.** See 'Small-scale Commercial Tour Operator'.

**Commissioner:** The Commissioner of the Alaska Department of Natural Resources

**Common Management Requirements:** Refers to the underlying management requirements affecting all uses within all areas of the Preserve. The Common Management Requirements derive from Alaska Statute (AS 41.21.610), which specifies the purposes of the Preserve.

**Conditional Use:** A land use or activity involving the use of state lands or waters that may be allowed to occur subject to certain standards and the applicable permitting standards of Chapters 2 and 3. These uses are typically identified in the management



intent statements or management guidelines section of the Preserve Plan. Changing a conditional use to an allowable use requires a plan amendment.

**Critical Habitat Area:** Refers to the Chilkat River Critical Habitat Area, established by the Alaska State Legislature in 1972 for the protection of fish and wildlife habitat, particularly the protection of the large concentration of bald eagles that congregate at this location during the winter. The Critical Habitat Area coincides with the boundary of the Council Grounds Management Unit in this plan.

**Designated use:** See 'primary use'.

**Director:** The division director of the state division responsible for managing state land. Most often, 'Director' refers to the Director of DPOR. DPOR is responsible for lands that are administratively or legislatively designated as state parks, state marine parks, or other forms of state land administered for park and public recreation purposes.

**DMLW:** Division of Mining, Land and Water, a division of DNR

**DNR:** Alaska Department of Natural Resources

**DOF:** Division of Forestry, a division of DNR

**DOT/PF:** Alaska Department of Transportation and Public Facilities

**DPOR:** Division of Parks and Outdoor Recreation, a division of DNR

**Easement:** An interest in land owned by another that entitles its holder to a specific limited use.

**Feasible:** Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic environmental, technical, and safety factors.

**Feasible and Prudent:** The phrase "will, to the extent feasible and prudent," is taken from the Standards of Alaska Coastal Management Program (6 AAC 80.010-.900) and is used when the resource manager or permitting agency's decision must be consistent with sound engineering practice and not cause environmental, social, or economic problems that outweigh the public benefit to be derived from compliance with the guideline which is modified by the term "feasible and prudent". 6 AAC 80.900(20).

**Fish and wildlife:** Any species of aquatic fish, invertebrates and amphibians, in any stage of their life cycle, and all species of birds and mammals, including feral domestic animals, found in or that may be introduced into Alaska, except domestic birds and mammals.

**Goal:** A statement of basic intent for a general condition(s) desired in the long term. Goals usually are not quantifiable and do not have specific dates for achievement. Goals identify desired long-range conditions.

**Guideline:** A specific course of action that must be followed when a DPOR resource manager permits, leases, or otherwise authorizes use of state lands. Guidelines range from giving general guidance for decision-making or identifying factors that need to be considered, to setting detailed standards for on-the-ground decisions. Typically, in the Preserve Plan, a management guideline is a specific standard that is to be followed by the DPOR resource manager.

**Improvements:** Buildings, wharves, piers, dry docks, and other similar types of structures permanently fixed to the uplands, tidelands, or submerged lands that were constructed and/or maintained by the applicant for business, commercial, recreation, residential, or other beneficial uses or purposes.

**Large-scale Commercial Tour Operator:** Commercial Tour Operators that use state land or waters for the purpose of providing commercial tours to an unlimited number of clients per day into or through the Preserve. The threshold level for defining this type of use is 11 or more clients per day. This type of use may be motorized or non-motorized. The Preserve Plan identifies specific areas for the operation of Large-scale Commercial Tours and specific standards of operation.

**Large-scale Commercial Tour Operator – Motorized:** A Large-scale Commercial Tour Operator that operates with motor vehicles. May be either land or water based. The Preserve Plan identifies specific areas for the operation of Large-scale Commercial Tours and specific standards of operation.

**Large-scale Commercial Tour Operator – Non-Motorized:** A Large-scale Commercial Tour Operator that does not operate using motor vehicles. May be either land or water based. The Preserve Plan identifies specific areas for the operation of Large-scale Commercial Tours and specific standards of operation.

**Management Intent Statement:** The statements that define the Department's near, long-term and management objectives and the methods to achieve those objectives. Management intent statements are always included in the Preserve Plan for units and subunits. They further define the way in which, and occasionally the standards under which, state lands are to be managed.

**Management Plan:** See Preserve Plan.

**May:** Same as 'should'.

**Mineral Entry:** Acquiring exploration and mining rights under AS 38.05.185- 38.05.275.

**Mining claim:** Rights to deposits of minerals subject to AS 38.05.185-38.05.275 in or on state land that is open to claim staking may be acquired by discovery, location and recording as prescribed in AS 38.05.185-38.05.275. The locator has the exclusive right of possession and extraction of the minerals subject to AS 38.05.185 -38.05.275 lying within the boundaries of the claim.

**Motorized Recreation:** A form of public recreation or a type of commercial recreation that uses a motorized conveyance for transportation. The forms of motorized transportation are varied and may either use state lands or waters.

**Multiple Use:** The terms used in the state constitution and state statute to refer to the principle of the multiple use of state land. 'Multiple' means varied use and usually implies more than one use.

**Non-Motorized Recreation:** A form of public recreation or a type of commercial recreation that does not use a motorized conveyance for transportation. The forms of non-motorized transportation are varied and may either use state lands or waters.

**Ordinary high-water mark:** The mark along the bank or shore to which the presence and action of the non-tidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes and soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics. 11 AAC53.900(23).

**Permit:** A Department of Natural Resources authorization for the use of state land according to the terms set forth. Within the Chilkat Bald Eagle Preserve, this refers to a DPOR non-exclusive, non-competitive permit.

**Plan Amendment:** A change, or modification, to the Preserve Plan that permanently changes the plan by adding to or modifying the basic management intent for one or more of the plan's units or subunits or changes its allowed or prohibited uses, management intent statements or guidelines, or other resource policies.

**Plan Minor Change:** A change to the Preserve Plan that does not modify or add to the plan's basic intent, and that serves only to clarify the plan, facilitate its implementation, or make technical corrections.

**Plan Special Exception:** A change, or modification, to the Preserve Plan that does not permanently change the provisions of the plan (see Plan Amendment). It is used to allow a one-time, limited-purpose variance of the plan's provisions, without changing its general management or guidelines.

**Plan Revision:** Refers to the process involved in comprehensive review of a prior Preserve Plan to determine if changes to the then current Preserve Plan are necessary and, if so, the subsequent process of plan update. A Plan Revision can cover parts or all sections of the plan. Typically, the entire Preserve Plan is revised.

**Planning Period:** The upcoming period of 20 years, measured from the date of adoption of the Preserve Plan.

**Policy:** An intended course of action or a principle for guiding actions. In this plan, policies for land and resource management include goals, management intent statements, management guidelines, classifications, implementation plans, and various other statements of Department intentions.

**Preserve:** Alaska Chilkat Bald Eagle Preserve

**Preserve Advisory Council:** Refers to the Alaska Chilkat Bald Eagle Preserve Council. Advisory Council established in Alaska Statute (AS 41.21.625) to assist the Department of Natural Resources in the 'development and monitoring' of the Chilkat Bald Eagle Preserve Management Plan: The Council exercises other responsibilities as well; these are described in Chapter 4.

**Preserve Plan:** The Management Plan for the Chilkat Bald Eagle Preserve, required under AS 41.21.620, refers to this plan. May sometimes refer to the original plan. References to the original plan are denoted in the plan by the term '1985 Preserve Plan'. The current plan (2002) is either referred to as the 'Preserve Plan', Revised Plan', or the 'Revised Preserve Plan'.

**Prohibited use:** A use not allowed in a management unit because it conflicts with the management intent statement, designated uses, or management guidelines. Changing a prohibited use to an allowable or conditional use requires a plan amendment.

**Public Recreation:** Recreation undertaken within the Preserve by the general public; see definition of 'Recreation'. Public recreation can be either personal or can be provided by a commercial entity.

**Recreation:** The term "recreation" refers to any activity or structure for recreational purposes including, but not limited to, hiking, camping, boating, sports hunting and fishing, and sightseeing for pleasure. Recreation does not refer to subsistence hunting and fishing.

**Right-of-way:** The legal right to cross the land of another landowner.

**Shall:** Same as 'will'.

**Small-scale Commercial Tour Operator:** A Commercial Tour Operator that uses state lands or waters for the purpose of providing commercial tours to 10 or fewer clients per day into or through the Preserve. May provide this service through motorized or non-motorized forms of transportation.

Should: 'Should' states the intent for a course of action or a set of conditions to be achieved. Guidelines modified by the word 'should' state the plan's intent and allow the manager to use discretion in deciding the specific means for best achieving the intent or whether particular circumstances justify deviation from the intended action or set of actions. A guideline may include criteria for deciding if such a deviation is justified.

State lands: All lands, including uplands, tidelands, submerged lands, and shorelands belonging to or acquired by the State of Alaska, excluding lands owned by the University of Alaska, the Mental Health Trust Authority, or by state agencies acquiring land through deed.

State-owned land: Land that is patented or will be patented to the state, including uplands, tidelands, shorelands, and submerged lands.

State-selected land: Federally owned land that is selected by the State of Alaska, but not yet patented.

Subsistence: From the Alaska National Interest Land Conservation Act (ANILCA) [PL 96-486, Sec. 803]. The customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal or family consumption; for barter or sharing of personal or family consumption; and for customary trade.

Suitable: Land that is physically capable of supporting a particular type of resource development.

Structures: Same as 'Improvements'.

Traditional Use: Refers to those traditional and natural based lifestyles of the people living in the general areas described as the Bald Eagle Preserve in AS 41.21.610 (b) (5). A related section of statute (AS 41.21.618) provides that "continued opportunities for traditional uses of the Bald Eagle Preserve at levels and by methods and means that are compatible with the protection of the bald eagle population are guaranteed". Continuing, "These historically compatible uses include but are not limited to hunting, fishing, berry picking, other subsistence and recreation uses, operation of motorized vehicles, and the harvesting of personal-use firewood." Further, "The level and method or means of traditional use may continue subject to reasonable regulation ...."

Wetlands: Wetlands include both freshwater and saltwater wetlands. 'Freshwater wetlands' means those environments characterized by rooted vegetation which is partially submerged either continuously or periodically by surface freshwater with less than 0.5 parts per thousand salt content and not exceeding 3 meters in depth. 'Saltwater wetlands' means those coastal areas along sheltered shorelines characterized by salt tolerant, marshy plants and large algae extending from extreme low tide.

Will: 'Will' requires a course of action or a set of conditions to be achieved. A guideline modified by the word 'will' must be followed by DNR land managers. If such a guideline is not complied with, a written decision justifying the noncompliance is required.

## APPENDIX C

### PRESERVE PERMITTING REQUIREMENTS COMMERCIAL OPERATIONS ON STATE LANDS AND WATERS

#### GENERAL AND SPECIFIC STANDARDS

All commercial entities operating within the lands and waters of the Chilkat Bald Eagle Preserve (Preserve) are required to obtain a permit from the Division of Parks and Outdoor Recreation (DPOR) prior to commencing operation. The standards identified herein apply to commercial entities operating on the lands and waters of the Preserve. They do not apply to commercial entities operating within private uplands, Native allotments, or uplands of the University of Alaska or the Alaska Mental Health Trust Authority.

Commercial activities<sup>1</sup> operating within the waters of the Preserve are, for ease of management, divided into two kinds: those operating commercial tours and those that do not provide tours. Commercial tour operators are further subdivided into those providing a relatively low level of operation (10 or less clients per day<sup>2</sup>) and those providing a higher level of such service. The former are described as 'Small-scale Commercial Tours' and the latter, 'Large-scale Commercial Tour Operators.' In turn, these are subdivided by means of transportation: that is, into those that are 'motorized' and those that are 'non-motorized'. Commercial Outfitters and Guides perform the third type of commercial activity. This type of commercial use provides commercial services that are dissimilar from commercial tours.

Commercial activities operating within the Preserve are subject to the *General Operating Standards* that follow.

Additional requirements pertain to those commercial activities described as Large-scale Commercial Tours. These requirements are described at length in Chapter 3 of the Preserve Plan. Uses of this type are subject to the *Specific Operating Standards* that follow.

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<sup>1</sup> Under 11 AAC 12.340.19, "Commercial activity" means the sale of, delivery of, or soliciting to provide, goods, wares, edibles, or services in exchange for valuable consideration through barter, trade, or other commercial means; a service offered in conjunction with another sale of goods, wares, edibles, or services, which service involves the use of preserve land or water, is a commercial activity whether or not it is incidental to, advertised with, or specifically offered in the original sale; all guide, outfitter, and transportation services are commercial activities if any payment or valuable consideration through barter, trade, cash, or other commercial means is required, expected, or received beyond the normal and customary equally shared costs for food and fuel for any portion of the stay in the preserve .

<sup>2</sup> This level is not an average; it is the maximum daily passenger load that can be expected to occur on one or more days during the operating season.

All entities operating in the waters of the Preserve must provide a Plan of Operation that describes the time, location, duration (diurnal), and kind of activity to be provided, and identifies the expected daily passenger level.

For a fuller explanation of commercial tour operators, the intention of the DNR permitting process, and other aspects of the permitting system, see the 'Recreation' section of Chapter 2 and the sections titled 'Commercial Recreation Management' and 'Specific Management Requirements: Commercial Recreation' in the first part of Chapter 3. The description that is provided above is meant to be a summary of these sections. The sections mentioned in the Plan should be consulted for additional specificity.

Nothing in these procedures is meant or intended to be inconsistent with or limiting to the standards contained in Alaska Administration Code or Alaska Statute. Additional requirements can be imposed, if necessary.

Additional or different requirements can be imposed by DPOR in its annual permitting of commercial operations if necessary to meet the management objectives of the Preserve Plan. These differing requirements are intended to be refinements of the standards identified in Chapter 3 and Appendix C. A Plan Amendment is not required in instances where future specific permitting requirements differ from the standards stated here if they are consistent with the overall management intent and guidelines of the Preserve Plan and with the intent and guidelines pertinent to specific Management Units. Standards that depart from the management intent or management guidelines in a substantive way shall require a Plan Amendment prior to use. Questions on whether a revision is substantive and requires a Plan Amendment are to be resolved by the Park Superintendent or, if necessary, the Director of DPOR.



## GENERAL OPERATING STANDARDS

General Operating standards are those requirements that apply throughout the Preserve in areas of state lands and waters to commercial operators.

Commercial Operators shall not:

- Remove, cut, or otherwise damage areas of riverine or lacustrine wetlands or riverbank vegetation without specific permission from DPOR.
- 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. Boat operations should use sand and gravel areas for embarking and disembarking.
- Depart from a main river channel to encroach within any wetland area containing an occupied Trumpeter Swan nest or brood-rearing site.
- Operate within the areas of sensitive spawning beds of anadromous fish streams in a manner that damages or otherwise adversely affects these areas.
- Harass or otherwise disturb bald eagles as described in the Bald Eagle Protection Act.
- Operate in a manner inconsistent with DPOR Director Orders or other Orders of the Department of Natural Resources.

Commercial Operators shall:

- Conduct their operations in such a way as to be consistent with the purposes of the Preserve and cause no damage to the resources of the Preserve or to other lawful users of the Preserve.
- 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.
- 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.
- 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 devegetation 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.

- 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).
- 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. Note: DPOR shall modify this list from time to time in order to include those other tributaries that may be identified.

## SPECIFIC OPERATING STANDARDS

**Specific Standards.** Specific standards are those standards that apply to Large-scale Commercial Tour Operators (LCTO) on state waters of and within particular areas of the Preserve. These standards also apply to Small Scale Commercial Tour Operators in the Upper Chilkat Management Unit. They are identified as Management Guidelines in the management units of the Preserve Plan and are repeated here in order to provide a cross reference between the listing of specific standards and the Preserve Plan. See Chapter 3 for a more specific description of these standards as they apply to particular Management Units. The Specific Standards are *in addition* to the General Standards. The following list is keyed to the Management Units of the Preserve Plan. All map references are to Plan Map 3-2a, 'Route and Use Area Restrictions'.

### Upper Chilkat Management Unit

#### *Stipulations for Large scale Commercial Tour Operators – Motorized*

Large-scale Commercial Tour Operators (motorized) are considered appropriate within this Management Unit in the area of the 'Primary Route' under certain conditions of operation. These conditions of Operations are expressed as 'stipulations', and are identified below.

Large-scale Commercial Tour Operators (motorized) are not, however, authorized to use the area included within the 'Secondary Route'. This area contains sensitive habitat for coho, sockeye, and chinook salmon. Until further information becomes available or ADF&G and DNR determine otherwise, the Secondary Route may not be used by Large-scale Commercial Tour Operators (motorized). This action is considered necessary as a precautionary step by DNR and ADF&G. While both agencies recognize that there is relatively little data documenting impacts to fish habitat by commercial operations for this area, it is known that the Kelsall Delta and the mainstem Chilkat River contain sensitive and highly productive salmon habitat, and it is not clear as to what extent boat wakes are affecting these areas. DNR and ADF&G have taken this precautionary step (to close the Secondary Route) until further research or other information indicates that the effect from boat wakes are of little significant to this resource or until the agencies determine that changes to this policy are necessary.

1. LCT Operators shall not enter into areas designated on the Plan Map 3-2 as 'Non-Use areas – Habitat' or 'Non-Use areas – Other Than Habitat'. The former includes Mosquito Lake, areas known locally as Mule Meadows, Bear Flats and Goose Lake, areas that have been historically used for the nesting by Trumpeter Swans, and especially sensitive anadromous stream spawning and rearing areas. The latter includes all remaining areas not within the prescribed route pattern or the habitat sensitive areas.

2. LCT Operators shall operate upstream of the confluence of the Chilkat and Klehini Rivers on the Chilkat River system. Further, they shall operate within the main part of the channel of the Chilkat River between Wells Bridge and the confluence of the Klehini River. A minimum distance of 100 feet from the east bank of the river and 50 feet from set nets and drift nets shall be maintained in this area. They shall not operate adjacent to the Village of Klukwan.
3. LCT Operators shall operate within the area of the Primary Route depicted on Plan Map 3-2A, including the access routes to Sheep Canyon Lake, Stump Lake, and Bear Lake. Operations on the Secondary Route are not authorized unless and until ADF&G and DNR determine that use of this area is not likely to cause adverse impacts to spawning areas. Given this determination by the agencies, the Secondary Route may be operated if there is sufficient water for operation to ensure protection of active spawning and rearing areas in the vicinity of the Kelsall Delta and if such operations would be consistent with the General Standards that apply to anadromous streams. Activities within the Secondary Route may be limited or terminated when such conditions do not exist, as determined by ADF&G and DNR.
4. LCT Operators shall avoid drift and set net sites, including those depicted on Plan Map 3-2A.
5. 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 edge of bank wherever possible. Distances less than 50 feet are only to be authorized for the purposes of safety or if the channel width is insufficiently wide.
6. LCT Operators shall coordinate their operations with all other LCT operators to ensure that their operations do not conflict with each other.
7. 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 operating season. All LCT Operators for the purpose of carrying passengers may use a total of five boats. Three of the five allowed boats can be up to 32 feet in length and the other two can be up to 24 feet in length. Vessels of lengths less than those specified may be determined to be necessary in the state permitting process.<sup>3</sup>

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<sup>3</sup> The upper capacity level for LCT Operators (motorized) may be reevaluated periodically once every five years (from the date of adoption of this plan). Increases in this level may only be permitted if the proposed level of activity is consistent with the requirements stated in these standards for LCT Operators and if it can be demonstrated that the proposed level of activity meets the Preserve management standards identified as

*Stipulations for Large-scale Commercial Tour Operators – Non-Motorized.*

The following specific standards apply to all Large-scale Commercial Tour Operators (non-motorized) operating within this management unit.

1. LCT Operators shall not enter into areas designated on the Plan Map 3-2 as 'Non-Use areas – Habitat' or 'Non-Use areas – Other Than Habitat'. The former includes Mosquito Lake, the areas known locally as Mule Meadows, Bear Flats, and Goose Lake, areas that have been historically used for the nesting by Trumpeter Swans, and especially sensitive anadromous stream spawning and rearing areas. The latter includes all remaining areas not within the prescribed route pattern or the Habitat Sensitive Areas.
2. LCT Operators shall avoid known drift and set net sites, including those depicted on the Plan Map 3-2.
3. LCT Operators shall coordinate their operations with all other LCT Operators to ensure that their operations do not conflict with each other.

*Stipulations for Small-scale Commercial Tour Operators – Motorized*

Small-scale Commercial Tour Operators (motorized) may use the area of the Primary Route. These operators are subject to the same restrictions as the Large-scale Commercial Tour Operators would reasonably apply to their operations in this route (specifically, items #1-6 of previous listing). Small-scale Commercial Tour Operators may, however, use the area of the Secondary Route. Small-scale Commercial Tour Operators are subject to the following stipulations in the use of this route: they shall not enter into areas designated as 'Non-Use areas – Habitat' or 'Non-Use areas – Other Than Habitat', and they shall meet requirements #4, #5 and #6 for Large-scale Commercial Tour Operators (motorized). Further, all boats (not air boats) shall not exceed a length of 24' and 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. (Note: these restrictions do not apply to Outfitter/Guide Commercial Operators.) The ability of Small-scale Commercial Tour Operators (motorized) to use the Secondary Route may continue unless new research or other information indicates that adverse impacts to the sensitive habitat areas are occurring within the Secondary Route, particularly within the area of the Chilkat mainstem adjacent to and downstream of the Kelsall Delta.

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'Common Management Requirements' in Chapter 3. A study to make this determination will be required. A maximum of ten boats may be operated by LCT Operators (motorized) within the Upper Chilkat Management Unit.

Tsirku Management Unit

*Stipulations for Large-scale Commercial Tour Operators – Non-Motorized.*

Large-scale Commercial Tour Operators (non-motorized) may be permitted, subject to the Common Management Requirements, General Management Requirements for Commercial Operation, and the following specific management requirements:

1. LCT operators (non-motorized) may not commence operations on the Tsirku River below the Chilkat Lake landing earlier than 8:00 a.m. and must terminate operations by 10:30 p.m. All operators shall use the deepest channels within the Tsirku Fan. DPOR may authorize a 7 a.m. start time, but generally not more often than once per week.
2. Note: LCT Operators (motorized) are not authorized.

Bald Eagle Council Grounds Management Unit

*Stipulations for Large-scale Commercial Tour Operators – Non-Motorized.*

Large-scale Commercial Tour Operators (non-motorized) may be permitted, subject to the Common Management Requirements, General Management Requirements for Commercial Operation, and the following specific management requirements:

1. LCT Operators (non-motorized) may not commence operations on the Tsirku Fan earlier than 8:00 a.m. and must terminate operations by 10:30 p.m. DPOR may authorize a 7 a.m. start time, but generally not more often than once per week. All Operators shall use the deepest possible channel within the Tsirku Fan.
2. LCT Operators (non-motorized), not on the Haines Highway, are prohibited within this management unit during the winter period of October 1<sup>st</sup> to February 15<sup>th</sup> unless DPOR, in consultation with ADF&G, determines that such operations can occur without harm to the winter concentration of bald eagles. Note: this timing prohibition only applies to areas of state water within the Preserve. It does not apply to either motorized or non-motorized operators within the Haines Highway right-of-way.
3. Note: LCT Operators (motorized) are not permitted within this unit.

Haines Highway and Adjacent Lands Management Unit

*Stipulations for Large-scale Commercial Tour Operators – Non-Motorized.*

Large-scale Commercial Tour Operators (non-motorized) may be permitted, subject to the Common Management Requirements, General Management Requirements for Commercial Operation, and the following specific management requirements:

1. Operations within the Upper Haines Highway Unit are not permitted between October 1<sup>st</sup> and November 30<sup>th</sup>.
2. Large-scale Commercial Tour Operators (motorized) are not permitted in either the Upper or Lower Haines Highway Unit.

Chilkoot River/Chilkoot Lake Management Unit

*Stipulations for Large-scale Commercial Tour Operators*

Large-scale Commercial Tour Operators (motorized and non-motorized) may be permitted in Chilkoot Lake subject to the Common and General Management Requirements for Commercial Operation. Such operations are not permitted within the Chilkoot River portion of this management unit except that part of the northeast shoreline composed of sand and gravel may be used as a rest stop and for picnicking.





## **APPENDIX D**

### **PERMITTING PROCEDURES PERMIT MATRIX AND STRUCTURE AND USE PERMIT CONDITIONS**

The Permit Matrix and Structure and Use Permit Conditions list are designed to interpret the statutory responsibilities of the permitting agencies within the Chilkat Bald Eagle Preserve while bringing consistency and predictability to the permitting process. DPOR, ADF&G and other state agencies are to use the accompanying matrix and permit conditions list when adjudicating permit applications. Federal regulatory agencies should also refer to the matrix and permit conditions list. The public and permit applicants can also use the permit matrix to determine what the requirements are for a specific use or structure, permitted construction methods, materials than can be used in construction, and other restrictions that are placed on some uses and structures. The 'General Conditions' and 'Specific Conditions' referred to in the matrix are based on Alaska Statute, Alaska Administrative Code and on agency permitting policies.

Permitting agencies may authorize deviations to the stated requirements of the Permit Matrix for habitat, safety, river water quality, and if the deviation is consistent with the Management Intent for the specific management unit affecting the project or use. A more detailed description of the requirements for such deviation is contained in item #15 of the 'Structure and Use Permit Conditions'.

It is the intent that the agencies, in applying the Permit Matrix to subsequent permitting decisions, will act in a fair, equitable way in approving permits of a similar type; that their decisions will be based on the best available information and professional judgment; that they will attempt to follow the requirements of the Permit Matrix in the application of their regulatory authorities in a consistent, predictable fashion; and that they will exercise discretionary judgment, varying from these standards where reasonable, appropriate and consistent with item #15 of the 'Structure and Use Permit Conditions'

#### **USE OF PERMIT MATRIX AND 'STRUCTURE AND USE PERMIT CONDITIONS'**

The Permit Matrix is separated into the five Management Units of the Preserve Plan, with the Haines Highway Unit further separated into an Upper and a Lower portion. The units are, in turn, cross-referenced to 27 specific structures or uses. The intersection of a use or structure with a management unit in the matrix indicates whether a use or structure is not allowed ('not applicable' or 'not compatible' in matrix) or is conditionally allowed ('conditionally compatible' in matrix). If the use or structure is conditionally allowed, the requirements termed 'Special Conditions', that affect the use or structure, are listed. Note that, in addition to the Special Conditions, there are also standards or requirements that are included under 'General Conditions'. The latter apply to all uses and structures within the land and waters of the Preserve, public and private.

CBEP Unit	Haines Highway and Adjacent Lands																	
	Upper Chilkat			Tsirku River			Council Grounds			Haines Hwy (Upper)			Haines Hwy (Lower)			Chilkoot River		
	Not Applicable	Not Compatible	Conditionally Compatible (Conditions)	Not Applicable	Not Compatible	Conditionally Compatible (Conditions)	Not Applicable	Not Compatible	Conditionally Compatible (Conditions)	Not Applicable	Not Compatible	Conditionally Compatible (Conditions)	Not Applicable	Not Compatible	Conditionally Compatible (Conditions)	Not Applicable	Not Compatible	Conditionally Compatible (Conditions)
(1) FLOATING DOCK			12, 14, 15, 16, 17, 18, 20, 21, 22, 32, 33, 34, 39, 40, 42, 43, 44	X				12, 14, 15, 16, 17, 18, 20, 21, 22, 32, 33, 34, 39, 40, 42, 43, 44			12, 14, 15, 16, 17, 18, 20, 21, 22, 32, 33, 34, 39, 40, 42, 43, 44			12, 14, 15, 16, 17, 18, 20, 21, 22, 32, 33, 34, 39, 40, 42, 43, 44	X			
(2) PILE SUPPORTED DOCK	X			X			X			X			X			X		
(3) REMOVABLE PILE SUPPORTED DOCK	X			X			X			X			X			X		
(4) CANTILEVERED DOCKS			12, 13, 15, 16, 20, 21, 22, 32, 33, 39, 40, 42, 43	X				12, 13, 15, 16, 20, 21, 22, 32, 39, 40, 42, 43			12, 13, 15, 16, 20, 21, 22, 32, 39, 40, 42, 43			12, 13, 15, 16, 20, 21, 22, 32, 39, 40, 42, 43	X			
(5) LADDERS/STAIRS/ BOARDWALK			12, 13, 16, 19, 20, 32, 40	X				12, 13, 16, 19, 20, 32, 40			12, 13, 16, 19, 20, 32, 40			12, 13, 16, 19, 20, 32, 40	X			
(6) PRIVATE RAMPS <sup>(a)</sup>	X			X			X			X				9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 47	X			
(7) PUBLIC RAMPS <sup>(b)</sup>	X				9, 10, 11, 12, 32, 37, 38, 39, 40, 42, 43, 44, 47		X			X				9, 10, 11, 12, 32, 37, 38, 39, 40, 42, 43, 44, 47	X			
(8) GRAVEL REMOVAL			8, 9, 10, 11, 12, 32, 40		8, 9, 10, 11, 12, 32, 40			8, 9, 10, 11, 12, 32, 40			8, 9, 10, 11, 12, 32, 40			8, 9, 10, 11, 12, 32, 40			8, 9, 10, 11, 12, 32, 40	
(9) RIPRAP <sup>(c)(1)</sup>			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48	X				9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48	X			
(10) BULKHEADS	X			X			X			X			X			X		
(11) OTHER BANK PROTECTION/ RESTORATION <sup>(c)</sup>			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48		9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48			9, 10, 11, 12, 32, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48	

(12) ROADS (public)		9, 10, 11, 12, 23, 24, 32, 38, 39, 40		9, 10, 11, 12, 23, 24, 32, 38, 39, 40		9, 10, 11, 12, 23, 24, 32, 38, 39, 40		9, 10, 11, 12, 23, 24, 32, 38, 39, 40		9, 10, 11, 12, 23, 24, 32, 38, 39, 40		9, 10, 11, 12, 23, 24, 32, 38, 39, 40
(13) SANITARY FACILITIES AND REST AREAS		13, 32, 38, 40		13, 32, 38, 40		13, 32, 38, 40		13, 32, 38, 40		13, 32, 38, 40		13, 32, 38, 40
(14) PUBLIC VIEWING PLATFORMS		9, 10, 11, 12		9, 10, 11, 12		9, 10, 11, 12		9, 10, 11, 12		9, 10, 11, 12		9, 10, 11, 12
(15) TURNOUTS	X		X			9, 10, 11, 12, 24		9, 10, 11, 12, 24		9, 10, 11, 12, 24	X	
(16) ATV USE <sup>(2)</sup>		5, 6		5, 6		5, 6		5, 6		5, 6		5, 6
(17) WATER RELATED ACTIVITIES <sup>(3)</sup>		40		40		40		40		40		40
(18) COMMERCIAL FACILITIES <sup>(4)</sup>	X		X		X		X		X		X	
(19) INDUSTRIAL FACILITIES <sup>(5)</sup>	X		X		X		X		X		X	
(20) PARKING LOTS	X			7, 9, 10, 11, 12, 24, 38, 40	X			7, 9, 10, 11, 12, 24, 38, 40		7, 9, 10, 11, 12, 24, 38, 40	X	
(21) FIXED WING AIRCRAFT LANDINGS		49		49	X			49		49		49
(22) HELICOPTER USE: LANDINGS	X		X		X		X		X		X	
(23) SEPTIC SYSTEMS		3, 4, 9, 10, 11, 12, 38, 40		3, 4, 9, 10, 11, 12, 38, 40		3, 4, 9, 10, 11, 12, 38, 40		3, 4, 9, 10, 11, 12, 38, 40		3, 4, 9, 10, 11, 12, 38, 40		3, 4, 9, 10, 11, 12, 38, 40
(24) DREDGE AND FILL <sup>(6)</sup>		1, 2, 9, 10, 11, 12, 32, 38, 39, 40		1, 2, 9, 10, 11, 12, 32, 38, 39, 40		1, 2, 9, 10, 11, 12, 32, 38, 39, 40		1, 2, 9, 10, 11, 12, 32, 38, 39, 40		1, 2, 9, 10, 11, 12, 32, 38, 39, 40		1, 2, 9, 10, 11, 12, 32, 38, 39, 40
(25) INTAKE STRUCTURES		25, 26, 27, 28, 29, 30, 31, 39, 40	X			25, 26, 27, 28, 29, 30, 31, 39, 40		25, 26, 27, 28, 29, 30, 31, 39, 40		25, 26, 27, 28, 29, 30, 31, 39, 40	X	
(26) DISCHARGE STRUCTURES	X		X		X		X		X		X	
(27) CLEARED AREAS USED BY AIRCRAFT	X			9,10,12,13, 23,,37,39, 43, 45	X		X		X		X	

**Footnotes:**

- a) Mile 19 private ramp does not require a permit unless hardening or other development is requested in the Preserve.
- b) Mile 10 public ramp is in the process of being purchased for public use. Hardening of the ramp is not expected at this time.
- c) Projects proposed to protect riparian uplands, either private or public property, adjacent to Preserve water bodies, must conform to the requirement in statute that the natural salmon spawning and rearing habitats be protected and sustained in perpetuity. Riparian vegetation is essential for maintaining and sustaining critical rearing and spawning salmon habitat, and all projects will be required to protect and/or sustain existing vegetation through protection, replication, or substitution of like materials and substrates. Failure to obey these stipulations in permit, or to cause damage to salmon rearing or spawning habitat, is a misdemeanor crime under AS 16.05.870 and AS 41(11 AAC 21.025).
- d) Fixed wing aircraft shall not land within the Chilkat River Critical Habitat Area (Council Grounds Unit).
- e) Helicopters providing commercial services shall not land within the Preserve and must maintain a minimum overflight altitude of 1,500 feet. Helicopters (whether or not providing a commercial service) shall not land within the Critical Habitat Area of the Preserve without authorization from the DPOR Director.

**General Provisions:**

- 1) Use of riprap may be appropriate for large-scale public projects which are primarily transportation related. The use of riprap for small-scale private projects may not be appropriate. Permittee is directed to contact ADF&G staff to discuss possible alternatives to riprap placement as may be permitted under "Other Bank Protection/Restoration" in the Permit Matrix. Bank protection/restoration structures shall be designed to withstand a 100-year flood.
- 2) Water related activities are more specifically managed under the "General and Specific Standards for Commercial Operations", dated January 2002 and contained in this plan.
- 3) Commercial facilities may not be placed on uplands within the Preserve.
- 4) Industrial facilities may not be placed on uplands within the Preserve.
- 5) Dredging and filling activities are not permitted except for public transportation projects and other public recreation projects as otherwise authorized.

**DEFINITIONS**

Definitions of terms used within the permit matrix:

- ATV:                                 ATV's (all terrain vehicles) are defined as those vehicles commonly called four wheelers, three wheelers, motorbikes, and some small tracked vehicles and designed for off-road travel.
- ATV use:                            The use of an ATV for its designed purpose.
- Bulkhead:                          A vertical wall structure that is usually constructed parallel to the waterfront.
- Cantilever dock:                 Is a type of dock that extends from an abutment on the shore over the water body at a height above the water body that will allow access to the water body or vessel. No portion of this type of dock is in contact with the water.

Cleared Areas Used By Aircraft	An area that has been cleared for the purpose of landing aircraft.
Discharge structure:	A structure that is designed to discharge materials including but not limited to water, waste products, and effluent into a water body.
Dredge and fill:	Activities that include removal of sediment, soil, or other material and the subsequent deposition of the same.
Dock:	A structure that is placed on or over a body of water for the purpose of gaining access to a water body or a vessel that is in the water body.
Floating dock:	A dock that floats on the water. A floating dock is connected to the shore and does not have supporting structures that extend to or in the bed of the water body.
Intake structure:	A structure that is designed for the intake of water from a water body for many purposes including but not limited to: personal use; irrigation; public and private facilities and businesses.
Other bank protection/restoration:	Any bank protection/restoration technique other than a bulkhead.
Pile dock:	A dock that is constructed of vertical columns of material (piles) that extend from the dock to the bed of the water body for the purpose of supporting the dock. It is a dock that has supporting structures that are placed into, or rest on, the bed of the water body.
Private ramp:	A ramp that is constructed and used by an individual or group of individuals on privately owned property.
Public ramp:	A ramp that is used by the general public and is constructed on public property.
Ramp:	A sloped area that aids in the launching of boats from a vehicle or trailer.
Riprap:	Riprap is defined as large rock material that is typically placed at the toe or on the slope of an eroding bank or slope in order to stop current erosion and to prevent future erosion.
Structure:	Something that is constructed (built).
Water related activities:	Water related activities are defined as those occurring in and on the waters of the State of Alaska within the Preserve, and are authorized to operate under permit from DPOR.

## STRUCTURE AND USE PERMIT CONDITIONS

### A. General Conditions

General conditions apply to all allowable uses and structures identified in the Structure and Use Permit Matrix.

1. This permit does not obviate the need for applicable permits from other state, federal, or local agencies that have jurisdiction.
2. All structures and uses shall conform to all applicable federal, state, and local permits.
3. The structure or use shall be located at least 330 feet from a bald eagle nest, feeding area, or overwintering area. The distance can be reviewed and adjusted on a case-by-case basis.
4. Structures and uses shall be located, designed and maintained so that natural water circulation patterns are not interrupted unless the changes are an integral part of the project purpose.
5. Structures and uses shall be evaluated in consideration of the public need, overall number, density and proximity of similar structures.
6. Other than those activities that are traditionally allowed within the Preserve, all other commercial and industrial activities shall be conducted on private uplands, not within the Preserve.
7. Subdivisions shall be constructed on private uplands only.
8. Structures or uses shall not be allowed if they are contrary to the laws governing the Preserve or if inconsistent with the management guidelines of the Management Plan.
9. All uses and structures are to be sited so as to avoid or preclude adverse impacts to the wildlife (including critical and sensitive habitats), resources, and lawful uses within the Preserve.
10. All material to be placed below the Ordinary High Water Mark (OHWM) of Preserve waters shall be free of pollutants.
11. All permitted structures shall be properly maintained.

12. If a structure is no longer used by a permittee or falls into a state of disrepair, the structure shall be removed in its entirety by the permittee, their successor, or the successive owner of the affected property. The site shall be returned as nearly as possible to prior grade and contour. This may include regrading and revegetation of the shoreline or stream bank.
13. All temporary fills must be removed in their entirety and the site revegetated if appropriate.
14. Permitting agencies may vary from the stated requirements of the Preserve Plan if habitat, public safety, and river water quality are protected, and if the management intent of the management unit within which the permit is to be issued is maintained. The revisions must be in the best interest of the Preserve management objectives, meet the underlying requirements of the permit guidelines and not impact sensitive or critical habitats. Also, effect of this action must be consistent with the management intent for the management unit within which the proposed structure is to be permitted. In no instance shall the permitted project vary from a stipulated plan requirement unless a plan amendment is authorized. All proposed changes to permitted uses or structures shall be reviewed by the ADF&G and DNR before the proposed changes occur.
15. Commercial mining and mineral extraction shall not be authorized within the Preserve.

## **B. Special Conditions**

The following conditions shall be employed as indicated in the Use and Structure Permit Matrix.

1. Dredging and filling of wetlands is not authorized within the Preserve except for large-scale DOT/PF public transportation projects and other public transportation or recreational projects as otherwise authorized. All such projects must be reviewed and authorized by DNR and ADF&G.
2. Dredging and filling operations for private purposes are not authorized within the Preserve.
3. Septic system setbacks for public projects and other public recreation projects must meet state water quality standards administered by ADEC and any local ordinance requirements.
4. Uses and structures related to public projects or other public recreation projects shall conform to the ADEC regulations concerning waste disposal sites.

5. ATV use off the established road system is restricted in and across anadromous streams and within the Chilkat River Critical Habitat Area (Council Grounds) by ADF&G within the Preserve as per AS 16.05.870 and AS 16.20.585.
6. Winter use of snowmobiles (when there is adequate snow cover of at least one (1) foot) is allowed on public lands unless otherwise restricted under 11 AAC 21.020 and authorities related to the Chilkat River Critical Habitat Area. This does not affect vehicle use on private property or on designated trails and access routes.
7. Parking lots are incidental to other public facilities that are authorized in the Preserve. Private parking lots are not authorized in the Preserve.
8. Gravel removal is only allowed for public transportation projects or public recreation projects. All such projects must be authorized by DNR, ADF&G, and other permitting agencies with jurisdiction.
9. Appropriate erosion control measures shall be implemented between all excavation or fill areas and any water body.
10. Surface disturbance including disturbance to wetland areas shall be minimized.
11. All disturbed slopes shall be stabilized to prevent soil erosion and sedimentation of any water body.
12. Construction equipment shall be limited to the construction site or permitted area only.
13. Vegetation below the OHWM shall not be disturbed or altered except for that necessary for the construction of the dock and walkway structures.
14. All floating docks shall be seasonal temporary structures.
15. Floating and cantilever docks shall not be installed before April 15, and shall be removed by October 1.
16. Docks and other structures shall not infringe on important recreational areas of the river, critical or sensitive habitats, or conflict with the lawful uses of other private properties. A structure will not be permitted if it causes significant impacts to the resource or it increases water velocities greater than 5 fps (feet per second).
17. Styrofoam or other floatable, non-toxic material may be used for floating docks providing the flotation materials are contained in some manner to protect the material from breaking up and being released into the waters of the Preserve.
18. Barrels used in the construction of floating docks shall be cleaned and sealed to prevent the escape of hazardous material into the waters of the Preserve.



19. No pilings or walkway supports shall be placed below the OHWM or in the bed of the river or stream on Preserve land.
20. Floating docks, landings, gangways, steps and ladders, and similar structures, with at least 75 percent light penetration, must be constructed so that no part other than the supporting posts, are within 8 inches of the ground. Structures with less than 75 percent but a minimum of 25 percent light penetration must be constructed so that no parts, other than the supporting posts, are less than 18 inches off the ground.
21. Structures shall be designed to effectively secure moored vessels and avoid creating hazards to river or air navigation.
22. Non-treated or pressure treated building materials are required. Creosote-treated material shall not be used in contact with the waters of the Preserve. If treated with wood preservatives, the dimensional lumber shall not be treated with products containing creosote or pentachlorophenol.
23. Ditches shall not connect to any natural body of water.
24. Settling ponds and vegetated swales shall be used to maintain water quality on public projects if deemed necessary to protect Preserve resources. A strict maintenance schedule shall be planned and undertaken.
25. Use of water below a significant amount, as defined by 11 AAC 93.970 (14), for use is allowed without a permit from the DNR. All significant water uses are subject to permit review and authorization by the DNR, Division of Mining Land and Water.
26. Water withdrawal shall not reduce the stream flow or lake level below the level necessary to support anadromous and resident fish, and the watercourse must not be blocked to impede fish passage.
27. Any water intake structure in fish bearing waters, including a screened enclosure, well point, sump, or infiltration gallery, must be designed, operated, and maintained to prevent fish entrainment, or injury at the maximum diversion rate and permitted by ADF&G.
28. Water bodies shall not be altered to facilitate water diversion or distributed in any way unless specifically authorized by ADF&G and the appropriate land manager for placement of well points, sumps, or infiltration galleries. ADF&G and DNR (or the applicable land manager) will be notified at least three working days prior to any disturbance. Additional correctable measures may be stipulated under agency statutory and regulatory authorities.

29. In-water activity will be limited to placement and removal of the intake structure only.
30. The suction hose at the water extraction site must be clean and free from contamination at all times to prevent introducing contaminants to the water body, and should be in water of sufficient depth so that the stream sediments are not disturbed during the extraction process.
31. Water shall not be discharged at a rate resulting in erosion, sedimentation, or other distributions to the bed of the Preserve waters. Discharge to Preserve waters is not authorized.
32. All disturbed areas below the OHWM shall be revegetated within the next growing season. Natural revegetation of the site is acceptable if the site is suitable and will revegetate itself within the next growing season, this will be determined by the DNR and ADF&G.
33. Vessels may be refueled from the permitted dock as needed. The storage of petroleum products on the dock is not permitted.
34. Fuel, oil and other petrochemical products shall not be stored within 100 feet of the river for permitted dock structures and other authorized uses.
35. Culverts shall be installed to maintain natural surface drainage, and shall not pose an impediment to fish passage. Stream velocities within the culvert shall not exceed 5 fps.
36. All fill material for private permitted structures shall be obtained from an upland source or other approved site.
37. Only those materials authorized as part of a permitted structure may be used in the construction of the structure. Those materials adjacent to the permitted structure may not be used unless otherwise authorized by DPOR.
38. All excess material from the permitted structure shall be placed on an upland site and stabilized to prevent erosion and sedimentation of Preserve waters.
39. No equipment shall be operated within the waters of the Preserve without proper authorization from ADF&G (AS 16.05.870) and DNR (11 AAC 21.025).
40. The Alaska Historic Preservation Act (AS 41.35.200) prohibits the appropriation, excavation, removal, injury, or destruction of any state-owned historic, prehistoric or archeological resources of the state. Should any sites be discovered during the course of field operations, activities that may damage the site will cease and the Office of History and Archeology in the Division of Parks and Outdoor Recreation [(907) 762-2622] and the appropriate coastal district shall be notified immediately.

41. Other public rest areas may be approved after review and authorization by the ADF&G and the DNR.
42. The use or structure shall not be located in an important spawning or rearing area, or in the Chilkat River Critical Habitat Area.
43. Bank disturbance (of soil and vegetation) shall be minimized to the greatest extent possible.
44. A structure will not be permitted if it causes significant impacts to the resource or it increases water velocities greater than 5 fps.
45. Bank protection/restoration measures may be used in areas where active bank erosion is occurring or where potential erosion may occur and jeopardize land or structures. Such stabilization methods may be authorized by DPOR and are subject to the permit conditions as outlined in the permit matrix. Applicant is directed to contact the ADF&G office for guidance on selecting the appropriate stabilization/restoration method(s).
46. The bank protection/restoration measures shall not be designed so as to reclaim land from the waters of the Preserve.
47. No material shall be removed from the waters of the Preserve, except for that which is necessary to provide a flat base for the toe of the structure.
48. The structure shall not impede bank access under the bridge.
49. Aircraft (fixed wing or helicopter) landings in the Chilkat River Critical Habitat Area (Council Grounds Unit) are prohibited unless authorized by the director under 11 AAC 21.120 (11 AAC 21.020).
50. Reserved.



**RESULTS OF COMMUNITY RECREATION SURVEY  
HAINES AREA – SPRING, 2001**

Community residents were asked (Spring, 2001) to complete a survey on community recreation and perceptions related to commercial recreation. The survey was sent to each of the communities within the planning boundary of the Northern Southeast Area Plan.

The level of response varied by community, with the response level for Haines being especially high. Some 248 surveys were received. Surveys were sent to each Post Office box-holder in Haines. It should not be inferred that the results of this survey are statistically relevant since rules of sampling and survey quality were not observed in their entirety. However, the results do give an indication of community recreation patterns and perceptions.

Note: the survey also went to Skagway residents and results are included in these totals.

Q1. Where do you recreate. (Respondents were given a map and asked to indicate the location. To expedite understanding the surveys were grouped into general geographic units, which follow). The number of respondents using each area is given.

- Chilkat River Systems (89)
- Chilkat Inlet (23)
- Chilkoot River/Inlet/Lake (62)
- Taiya Inlet/Skagway (8)
- Chilkat Peninsula (59)
- Lynn Canal (7)

Q2. What is the primary recreation use broken down to general area. Keep in mind that each respondent identified up to three sites, so the figures for each use are going to be considerably higher than the number of surveys.

<b>Chilkat River System</b>	<b>Use Total</b>	<b>Chilkat Peninsula</b>	<b>Use Total</b>
Public Cabins/Campgrounds	16	Public Cabins/Campgrounds	18
Private Cabin	46	Private Cabin	11
Wildlife Viewing	166	Wildlife Viewing	112
Scenic Viewing	157	Scenic Viewing	135
Saltwater Fishing	16	Saltwater Fishing	41
Freshwater Fishing	145	Freshwater Fishing	11
Boating: non-motorized (kayak, etc.)	69	Boating: non-motorized (kayak, etc.)	46
Boating: motorized	90	Boating: motorized	36
Photography	135	Photography	84
Cross Country Skiing	69	Cross Country Skiing	25
Snowshoeing	54	Snowshoeing	38
Bicycling	36	Bicycling	20
Camping	103	Camping	50
Hunting	125	Hunting	13
Hiking/Backpacking	91	Hiking/Backpacking	105
Picnicking	106	Picnicking	110
Cultural/Historical Sites or Centers	21	Cultural/Historical Sites or Centers	6

**Chilkat Inlet**

**Chilkoot River/Inlet**

Public Cabins/Campgrounds	2	Public Cabins/Campgrounds	25
Private Cabin	6	Private Cabin	11
Wildlife Viewing	50	Wildlife Viewing	127
Scenic Viewing	52	Scenic Viewing	126
Saltwater Fishing	43	Saltwater Fishing	58
Freshwater Fishing	4	Freshwater Fishing	108
Boating: non-motorized (kayak, etc.)	35	Boating: non-motorized (kayak, etc.)	70
Boating: motorized	31	Boating: motorized	77
Photography	36	Photography	95
Cross Country Skiing	11	Cross Country Skiing	40
Snowshoeing	6	Snowshoeing	29
Bicycling	5	Bicycling	48
Camping	30	Camping	53
Hunting	16	Hunting	42
Hiking/Backing	33	Hiking/Backing	65
Picnicking	35	Picnicking	94
Cultural/Historical Sites or Centers	4	Cultural/Historical Sites or Centers	34

*(It should be noted that Glacier Point constituted only 35% of the sites identified within the Chilkat Inlet as a place for residential recreation.)*

Q4. Is commercial recreation present in the area(s) where community recreation occurs?

- Yes, 205
- No, 41

Q5. Are these commercial recreation activities intrusive?

- Yes, 110 (45%)
- No, 136 (55%)

Q6. Identify three primary areas where commercial recreation activities that are intrusive occur. The number of responses for each site is given. *(It should be noted that 90% of the responses for Chilkat Inlet/Lynn Canal refer to Glacier Point as being an area with intrusive activity).*

- Chilkat River System (89)
- Chilkat Inlet/Lynn Canal (49)
- Chilkoot River/Inlet (80)
- Taiya Inlet/Skagway River (10)
  
- Don't know, 7      • Occurs throughout the area, 49  
*(It should be noted that these figures are low because many people did not respond to this part of the question).*

Q7. Identify the primary commercial recreation activities that are taking place.

<b>Chilkat River System</b>		<b>Chilkat Inlet/Lynn Canal</b>	
<b>-- Primary Intrusive Activities</b>		<b>-- Primary Intrusive Activities</b>	
Kayaking, Canoeing, Rafting	33	Kayaking, Canoeing, Rafting	21
Hunting	3	Hunting	9
Wildlife/Scenic Viewing	26	Wildlife/Scenic Viewing	17
Saltwater Fishing Charters	1	Saltwater Fishing Charters	11
Freshwater Fishing Charters	8	Freshwater Fishing Charters	7
Motorized Use (ATV's)	11	Motorized Use (ATV's)	17
Motorized Use on Water	28	Motorized Use on Water	23
Flight Seeing/Transportation	19	Flight Seeing/Transportation	52
<b>Chilkoot River System</b>		<b>Chilkat Peninsula</b>	
<b>-- Primary Intrusive Activities</b>		<b>-- Primary Intrusive Activities</b>	
Kayaking, Canoeing, Rafting	32	Kayaking, Canoeing, Rafting	8
Hunting	5	Hunting	0
Wildlife/Scenic Viewing	40	Wildlife/Scenic Viewing	13
Saltwater Fishing Charters	1	Saltwater Fishing Charters	0
Freshwater Fishing Charters	14	Freshwater Fishing Charters	0
Motorized Use (ATV's)	17	Motorized Use (ATV's)	9
Motorized Use on Water	35	Motorized Use on Water	5
Flight Seeing/Transportation	26	Flight Seeing/Transportation	18

Q8. What is the overall severity? (On a scale 1 to 10, with 10 being most severe)

- Chilkat River System, 7
- Chilkat Inlet, 8
- Chilkoot River/Inlet, 8
- Chilkat Peninsula, 6

Q9. What were the principal problems associated with the commercial recreation activity?

<b>Chilkat River System</b>		<b>Chilkat Inlet/Lynn Canal</b>	
<b>-- Principal Problems</b>		<b>-- Principal Problems</b>	
Noise	49	Noise	52
Anchorage Capacity	2	Anchorage Capacity	10
Displacement of Previous Activities	37	Displacement of Previous Activities	35
Safety	26	Safety	14
Scenic Degradation	30	Scenic Degradation	34
Overcrowding	40	Overcrowding	29
Depletion of Resources	16	Depletion of Resources	13
Disturbance of wildlife	49	Disturbance of wildlife	41
Level of Use Too High	41	Level of Use Too High	46

**Chilkoot River/Inlet**  
**-- Principal Problems**

Noise	44
Anchorage Capacity	8
Displacement of Previous Activities	47
Safety	34
Scenic Degradation	47
Overcrowding	67
Depletion of Resources	15
Disturbance of wildlife	65
Level of Use Too High	68
Other	

**Chilkat Peninsula**  
**-- Principal Problems**

Noise	26
Anchorage Capacity	0
Displacement of Previous Activities	19
Safety	4
Scenic Degradation	12
Overcrowding	16
Depletion of Resources	1
Disturbance of wildlife	15
Level of Use Too High	14
Other	

Q10. Is increased management of commercial recreation warranted/appropriate?

- Yes, 131 (53%)
- No, 115 (47%)