Hatcher Pass Special Use Area

Authorized: November 21, 1986
Amended: May 13, 1987

Legend

- Hatcher Pass SUA

Map Created On October 16, 2002

Alaska Department of Natural Resources
Division of Mining, Land & Water
Hatcher Pass Special Use Area

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Alaska Department of Natural Resources
Division of Mining, Land & Water
Pursuant to 11 AAC 96.010(2) and 11 AAC 96.010(3)(b) of the miscellaneous Land Use Regulations, the areas listed below and illustrated on map 11 (except for Bald Mountain Special Habitat area) of the Draft Hatcher Pass Management Plan (May, 1986) and map 12 of the final plan (Sept. 30, 1986) are designated as special use areas where motorized use is allowed only under the conditions outlined below.

I. UPPER LITTLE SUSITNA VALLEY, REED VALLEYS AND LAKES

A. Rationale for Creation of Special Use Area

Non-motorized areas have been created to resolve conflicts between motorized and non-motorized recreationalists. The final plan designated non-motorized use areas are based on extensive user involvement both in Anchorage and the Mat-Su Valley and compromises reached between motorized and non-motorized users and user groups in work sessions.

There was strong public support for establishment of larger non-motorized areas; the compromise reached represents the minimum level acceptable to the non-motorized users and was generally accepted as "fair" by motorized users.

The management intent for Reed Valleys/Lakes and the upper Little Susitna Valley to provide opportunities for a quiet, backcountry recreational experience accessible from a road system. Thus non-motorized, back-country users from the region can continue to utilize the area for day and weekend trips with relatively low transportation costs.

B. Motorized Use Restrictions

These areas are closed to motorized use including aircraft landing.

C. Motorized Uses Allowed by Permit

Permits for motorized use may be issued only for the following economic uses:

1. Access to a valid, existing mining claim (most of these special use areas are closed to mineral entry) for purposes of development or production.

2. Access for mineral development & production in adjacent areas which are open to mineral entry on public land or patented mineral claim land.
3. In the Little Susitna Valley only, a permit for access for grazing leasee purposes may be granted conditional on the grazing leasee replacing the Archangel Bridge over the Gold Mint trail to a safe standard for motor vehicle access. Such access will be kept to the minimum necessary for herd management purposes.

D. In the Little Susitna Valley only, snowmachine access may be authorized by Letter of Entry for the following purposes:

1. Maintenance of a ski trail with trail grooming equipment for free use by the general public.

2. Snowmachine access to the known existing, established trapline will be grandfathered in if the trapper can provide evidence of regular use for economic purposes rather than for occasional recreational-type trapping.

3. Access by approved State, Borough or non-profit groups for trail construction or maintenance work.

E. Exceptions

Exceptions to the provisions itemized above include:

1. No permit or letter of entry is required for motorized access for emergency rescue.

2. A permit or letter of entry may be issued for special uses where there is a clear public interest to be served, provided a brief, written finding is made that establishes the proposed activity as being in the State's best interest. Opportunity for interagency review of the finding will be provided prior to issuing the authorization.

II. INDEPENDENCE MINE STATE HISTORIC PARK ADDITION

A. Rationale for Creation of Special Use Area

The management intent for the addition to Independence Mine State Historic Park (IMSHP) is for use for non-motorized summer and winter trails and maintenance of scenic and historic qualities. This received strong public support. It is already a defacto non-motorized use area due to heavy use for cross-country skiing.
B. Motorized Use Restrictions

This area is closed to off-road, motorized use including aircraft landing.

C. Motorized Uses Allowed by Permit

1. Access for mineral development and production in adjacent areas which are open to mineral entry.

D. Motorized Uses Allowed by Letter of Entry:

1. Ski trail grooming with a snowmachine.

2. Access by approved State, Borough or private sector groups for trail construction and maintenance work if such work can be accomplished without leaving ruts and/or scars on the open tundra.

E. Exceptions

1. No permit or letter of entry is required for motorized access for emergency rescue.

2. A permit or letter of entry may be issued for special uses where there is a clear public interest to be served, provided a brief, written finding is made that establishes the proposed activity as being in the State's best interest. Opportunity for interagency review of the finding will be provided prior to issuing the authorization.

III. HATCHER PASS STATE RECREATION SITE

A. Rationale for Creation of Special Use Area

This 360-acre site has been designated as a developed recreation site for scenic viewing in the popular summer visitor use areas in the Hatcher Pass and Summit Lake area. Summer off-road vehicle use is in conflict with the fragile alpine tundra characteristics of this site. Trail-making and destruction of vegetation is increasing each year.
B. Motorized Use Restrictions

Winter/Spring motorized use during periods of sufficient snow cover to protect the soil and vegetation from damage is an allowed use. During periods of inadequate snow cover, off-the-road motorized use is not allowed. A determination of adequate snow cover will be made by the Division of Land and Water Management and the Division of Parks and Outdoor Recreation.

C. Motorized Uses Allowed by Permit

Permits for motorized use during periods of inadequate snow cover may be issued only for access for mineral development and production in adjacent areas which are open to mineral entry. Such a permit will only be issued if no other feasible and prudent alternative access exists.

D. Motorized Uses Allowed by Letter of Entry

Access by approved State, Borough or private sector groups for trail construction and maintenance work or repair of damaged areas if such work can be accomplished without leaving ruts and unwanted trail on the open tundra.

Exceptions

1. A permit or letter of entry may be issued for special uses where there is a clear public interest to be served, provided a brief, written finding is made that establishes the proposed activity as being in the State's best interest. Opportunity for interagency review of the finding will be provided prior to issuing the authorization.

IV. BALD MOUNTAIN RIDGE HABITAT AREA

A. Rationale for Creation of Special Use Area

The Alaska Department of Fish and Game (ADF&G) has identified several breeding tundra bird nesting areas on Bald Mountain Ridge. These populations are of significance due to the fact that they are at the southern limits of their known range and that they occur so near to population centers. Off road vehicle use during nesting season may destroy nests and/or drive the birds out of this habitat.
B. Motorized use Restrictions

Off-road vehicle use including aircraft will generally not be allowed during the nesting season (May 1 to August 1). Roads and trails will be designated in consultation with ADF&G to avoid key nesting areas.

C. Motorized Uses Allowed by Permit

1. Permits for off-road or off-designated trail motorized use from May - August 1 will only be granted if a compelling economic reason exists, no feasible prudent alternative exists and if it does not disturb the nesting birds.

2. Permits for roads for mineral access or recreational trails will require that ADF&G be consulted on the design and that such roads or trails avoid key nesting areas. Maintenance and construction will occur after the August 1 date unless no reasonable or prudent alternative exists. Minimization of human disturbance during nesting season is a key guideline for any proposed uses in this area.

3. Other special uses where there is a clear public interest to be served may be allowed provided a brief written finding is made that establishes the proposed activity as being in the State's best interest. Opportunity for interagency review of the finding will be provided prior to issuing the authorization.

V. Permit Process

Permits will be issued pursuant to:

11 AAC 96.040
11 AAC 96.060
11 AAC 96.070
11 AAC 96.090
11 AAC 96.100
11 AAC 96.110
11 AAC 96.120
11 AAC 96.130
11 AAC 96.140
Permits or letters of authorization for these special use areas will be issued according to conditions described above through the following procedure:

<table>
<thead>
<tr>
<th>SPECIAL USE AREA</th>
<th>AUTHORIZING AGENCY</th>
<th>CONDITIONS/PROVISIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Little Susitna Valley, Reed Valleys and Lakes</td>
<td>Division of Land &amp; Water Management</td>
<td>Subject to consultation with; or terms of management agreement with DPOR as recommended by Hatcher Pass Management Plan upon its completion</td>
</tr>
<tr>
<td>Independence Mine State Historic Park Addition and Hatcher Pass State Recreation Site</td>
<td>Division of Parks &amp; Outdoor Recreation</td>
<td>Subject to terms of the ILMA, with Division of Land &amp; Water Management which is recommended in the Hatcher Pass Management Plan</td>
</tr>
<tr>
<td>Bald Mountain Ridge Special Habitat Area</td>
<td>Division of Land &amp; Water Management</td>
<td>Subject to consultation with ADF&amp;G to prevent or minimize disturbance to nesting tundra birds.</td>
</tr>
</tbody>
</table>
LEGAL DESCRIPTIONS

Reed Lakes/Upper Little Susitna

T20N, R2E, S.M.

Section 3: E1/2 W1/2, E1/2 W1/2
Section 5: W1/2 SW1/4
Section 6: SE1/4, S1/2 SW1/4
Section 7: All
Section 9: E1/2 SE1/4, E1/2 SW1/4 SE1/4, SE1/4 SE1/4 NE1/4
Section 10: W1/2 SW1/4, E1/2 NW1/4, SW1/4 NW1/4, E1/2 NW1/4 NW1/4, W1/2 NE1/4 SW1/4, NW1/4 NE1/4, NW1/4 SW1/4 NE1/4
Section 15: W1/2 W1/2 NW1/4
Section 16: SE1/4, E1/2 NE1/4, E1/2 W1/2 NE1/4
Section 18: N1/2 NW1/4, SW1/4 NW1/4
Section 21: E1/2 SW1/4, E1/2 SW1/4 SW1/4, SW1/4SW1/4 SW1/4, SE1/4 NW1/4 SW1/4, NW1/4 SE1/4, W1/2 SW1/4 SE1/4, NE1/4 SW1/4 SE1/4, W1/2 NE1/4, W1/2 NE1/4 NE1/4, NW1/4 SE1/4 NE1/4, SE1/4 NW1/4, E1/2 NE1/4 NW1/4, SW1/4 NE1/4 NW1/4
Section 28: NW1/4, W1/2 NW1/4 NE1/4, NW1/4 SW1/4, NW1/4 NW1/4 SW1/4, NW1/4 NE1/4 SW1/4
Section 29: E1/2 SE1/4, SE1/4 NE1/4, SW1/4 SE1/4, S1/2 NW1/4 SE1/4, NE1/4 NW1/4 SE1/4, S1/2 SW1/4, S1/2 NE1/4 SW1/4
Section 30: S1/2 S1/2 S1/2, S1/2 SE1/4
Section 31: NW1/4, N1/2 NE1/4, N1/2 S1/2 NE1/4
Section 32: N1/2 NW1/4, N1/2 SW1/4 NW1/4, NW1/4 NW1/4 NE1/4
Reed Lakes/Upper Little Susitna Cont'd

T20N, R1E, S.M.

Section 13: NE1/4, N1/2 SE1/4 excluding USMS 1468, SW1/4 SE1/4, S1/2 SW1/4 excluding USMS 1468 S1/2 NE1/4 SW1/4 excluding USMS 1468

Section 24: NW1/4, E1/2 SW1/4, W1/2 SW1/2 only those lands lying east of right-of-way permit ADL 52374

Section 25: W1/2 NE1/4, E1/2 NW1/4 only those lands lying east of right-of-way permit ADL 52374.
E1/2 SW1/4 only those lands lying east of right-of-way permit ADL 52374.
E1/2 SW1/4 SW1/4 only those lands lying east of right-of-way permit ADL 52374.

Section 36: N1/2, NW1/4 SE1/4, NE1/4 SW1/4 only those lands north of the Willow-Fishhook Road and patented land.

T21N, R2E, S.M.

Section 34: All

Section 27: SE1/4, E1/2 E1/2 SW1/4

Section 35: SW1/4

Bald Mountain Special Habitat Area

T19N, R1W, S.M.

Section 16: W1/2

Section 17: All

Section 18: All

Section 19: N1/2

Section 20: N1/2

Section 21: All

Section 22: W1/2 W1/2
Bald Mountain Special Habitat Area Cont'd.

T19N, R2W, S.M.

Section 13: All
Section 24: N1/2

Independence

T20N, R1E, S.M.

Section 27: S1/2 NW1/4 NW1/4, N1/2 SW1/4 NW1/4, S1/2 SW1/4 SW1/4, SW1/4 SE1/4 SW1/4

Section 28: E1/2 excluding USMS 2092, 1093, 2045, 2090, 2041, 2038, 987.

Section 33: NE1/4 excluding USMS 987, 2038, NE1/4 SE1/4, N1/2 NW1/4 SE1/4 excluding USMS 2038, N1/2 SE1/4 NW1/4 SE1/4 excluding USMS 2038, SE1/4 SE1/4 NW1/4 SE1/4 only those lands lying east of the Independence Mine and Willow Fishhook Roads, NE1/4 NE1/4 SW1/4 SE1/4 only those lands lying east of the Willow Fishhook Road, SE1/4 SE1/4 SE1/4 only those lands lying east of the Willow Fishhook Road.

Section 34: NW1/4 NW1/4, W1/2 NE1/4 NW1/4

Hatcher Pass/Summit Lake

T19N, R1E, S.M.

Section 5: NW1/4, W1/2 NE1/4, NW1/4 SE1/4, N1/2 SW1/4
Pursuant to 11 AAC 96.010 (2) and 11 AAC 96.010 (3)(b) of the Miscellaneous Land Use Regulations, the following subunits (see attached map and legal description) located within the eastern portions of the Hatcher Pass Management Unit are designated as special use areas for the activities described in this addendum:

Independence
Archangel
Reed Lakes
Little Susitna
Government Peak

The areas within Independence, Little Susitna Valley and Reed Creeks/Lakes described in the November 21, 1986, Document of Intent where motorized use is allowed by permit only is included within these subunits.

I. PURPOSE

The purpose of this addendum is to provide for implementation of the recreation management policies in the Hatcher Pass Management Plan. The plan recognizes that intensive public recreational activities are occurring and that there is a high demand for commercial recreational activities. To achieve a balance between development and protection and to provide for public safety, the activities outlined in this addendum, many of which are generally permitted activities on State lands in other areas, will be restricted or require permits in this intensive recreational use area.

II. ACTIVITIES COVERED BY SPECIAL USE AREA

A. WINTER COMMERCIAL ACTIVITIES

1. Snow Safety Plan Required

A snow safety plan will be required for winter commercial operations such as fly-in skiing, snowcat skiing and guided back country skiing/mountaineering.

2. Purpose of Permit

These commercial activities attract people to the area who may be unprepared for the hazardous conditions which exist. Additionally the plan has identified the hazard potential and the State should take steps to reduce its liability. Further, a snow safety plan may be a condition for obtaining liability insurance.
3. **Liability Insurance and Indemnification Required**

Liability insurance may be required of operations. The amount of insurance required will be dependent upon the type and scale of the proposed operation. The insurance requirements provide the State with the assurance that a commercial operator has the financial resources to cover the liability for his/her business operations on State land. The State will be listed as co-insured. The permittee will provide a copy of the certificate of insurance as proof. In the event the insurance is cancelled, the State will be served with a 30-day notice.

The permittee will indemnify and hold the State harmless from all demands, claims, legal actions, loss, liability and expense from injury to or death of persons and damage to or loss of property arising out of or in connection with the exercise of the privileges covered by this permit.

4. **Roles and Responsibilities**

**Division of Land and Water Management:** In consultation with the Division of Parks and Outdoor Recreation (DPOR) DLWM will be responsible for the review and the processing of the permits and will monitor compliance (until a different arrangement may be made via implementation of the cooperative management agreement between DLWM and DPOR according to the Hatcher Pass Management Plan).

**Permittee:** The Permittee will make responsible consistent efforts to comply with provisions of the safety and operations plan, to determine the extent of safety hazards, and take steps to reduce these hazards. Some risk is always present in a back-country ski operation, however, and the customer must also assume a part of the risk.
5. Avalanche Hazard Evaluation Required

Prior to beginning operations, the permittee should have an avalanche hazard evaluation performed if such an evaluation is not already available from private or public sources. It is recommended that the operator use an expert with several seasons of paid, full-time experience in one or more of these areas: hazard evaluation, mitigation and control, forecasting with snow specialist background. The study should identify the runs to be used and degree of hazard.

If the applicant proposes to use areas identified as "high potential" avalanche hazard in the Hatcher Pass Management Plan, the hazard evaluation and snow safety plan must be completed and approved prior to obtaining a permit.

6. Operation and Safety Plan

Once the runs and degrees of hazard are identified, a plan should be put in effect which delineates how the operation will proceed in low, moderate and high avalanche hazard periods. Listed below are the basic elements that should be included in the operation and safety plan. Requirements may vary depending on location and degree of hazard associated with the operation.

a. Mobilization plan in case of accident or avalanche, including a contingency plan.

b. Radio and dispatch ability including mobile radio, if guides are on the mountain; and radio contact at a base station near a telephone to call for emergency rescue.

c. Contacts with weather service and qualified personnel that checks weather and snow conditions during operations.

d. Guide(s) or ski safety patrollers at a minimum should have Emergency Trauma Training as well as knowledge and training of avalanche safety precautions and rescue techniques.

e. Permittee provides lecture/demonstration on use of avalanche beacons and/or other safety procedures and clients are outfitted with a beacon. Additionally guides should carry a shovel and other rescue gear.
f. Clients sign release form saying they have been apprised of safety procedures and recognizing risks inherent in the activity, indemnifying the operator and State from future claims.

B. COMMERCIAL OPERATIONS OCCURRING OFF THE ROAD SYSTEM

1. Definition of "Commercial"

Commercial means engaging, soliciting, and selling or peddling goods, wares, services or merchandise. Activities sponsored by non-profit groups are included in the definition of commercial.

2. Permits Required

A permit will be required for commercial activities occurring off of the road system for the following reasons:

a. Provide for environmental protection.

b. Record of use level and areas of operation. To maintain a balance between public use, economic development and environmental protection, commercial activities will have to be monitored. It may become necessary to limit the number of operators to achieve the balance of uses outlined in the Hatcher Pass Management Plan.

c. Ensure compatibility with mining, grazing and public recreational activities.

3. Permit Authorization

Division of Land and Water Management in consultation with the Division of Parks and Outdoor Recreation will issue the permits until such time as the proposed cooperative management agreement between Division of Land and Water Management and Division of Parks and Outdoor Recreation is implemented. This cooperative management agreement will spell out the long term permitting responsibilities of the respective agencies.
C. SUMMER OFF ROAD VEHICLE USE

1. Motorized Use on Designated Trails Only

In areas outside those designated as non-motorized in the attached November 21, 1986, document of intent off-road motor vehicle use will occur on designated trails only.

2. Rationale for Plan Decision

Essentially, there are limited opportunities for off-road vehicle use due to the steepness of the terrain, narrow valleys, presence of boulders and the fact that areas are accessible, mostly occur above treeline where scars and erosion occur easily from motorized use and are slow to revegetate.

3. Procedure for Establishing a Motorized Route

If a new trail is proposed, the applicant must submit a map and a written description which includes:

a. Intended uses of trail.

b. Plan for prevention of rutting and damage to fragile alpine tundra areas.

c. Compatibility with other uses.

The Division of Land and Water Management in consultation with DPOR, DOMG, and ADF&G will review such trail applications and make a finding on the need for and suitability of proposed route and its compatibility with other recreation uses and management policies.

D. DESIGNATION OF TRAILS

1. Special Purpose Trails May be Designated

The Division of Land and Water Management in consultation with the Division of Parks and Outdoor Recreation may designate special purpose trails to provide new recreational opportunities or to resolve conflicts between uses. Where possible, consultation with affected user groups will be conducted prior to designation of such trails and users will be encouraged to construct and maintain such special purpose trails.
2. If necessary, an annual public meeting will be held with representatives of a variety of user groups to evaluate activities occurring, public safety and to recommend any needed modifications to the motorized, non-motorized and special-purpose trails. Commercial back country operators should participate in this evaluation session to ensure compatibility of private sector commercial operations with public recreational use of the area.

E. REMOVAL OF PLANTS

1. Permit Required

A permit will be required from the Division of Land and Management for digging and/or removal of total plants in this Special Use Area. The proposed Hatcher Pass/Summit Lake Recreational site as described on page 9 of the attached Nov. 21 Document of Intent is included under provisions of this section until such time as the Division of Parks and Outdoor Recreation assumes management authority for the site.

Such an authorization will be granted only for scientific or educational purposes. Picking flowers or harvesting ferns for personal use does not require a permit. Permit fees for this non-commercial activity may be waived if it imposes a hardship on the Permittee.

A setback of 200 feet from roads and trails is required within which no digging, picking of flowers or harvesting of ferns may occur.

2. Purpose of Permit

The east side of Hatcher Pass has a high diversity of accessible alpine and subalpine flora. In addition to aesthetic values, this floral diversity attracts botanists, classes and plant harvesters - both private and commercial. Knowledgeable naturalists, botanists and State Park personnel have reported increases in plant digging which may lead to loss of species diversity and aesthetic values. To conserve this resource for increasing numbers of future visitors the the area, restrictions on harvest are necessary.

III. MODIFICATION OF NOVEMBER 21, 1986, DOCUMENT OF INTENT

A. Permits to be Used for Authorization

Permits, rather than letters of entry or authorization, will be issued for all motorized uses covered by this special use area document. Fees may be waived in some cases where it would constitute an undue hardship on the permittee and/or act to discourage compliance with the permit requirement.
B. CORRECTION ON LEGAL DESCRIPTION FOR INDEPENDENCE VALLEY

The original document showed only the addition to Independence Mine State Historic Park as non-motorized; the management plan policy is that the entire subunit is non-motorized as per the corrected legal description below which replaces in its entirety the legal shown on the November 21, 1986 Document of Intent:

Seward Meridian;

T19N, R1E
Section 3, NW1/4 except the portion south of the Fishhook Willow Road

T20N, R1E
Section 20, SE1/4 SE1/4 SE1/4
Section 21, S1/2 S1/2 N1/2
Section 22, SE1/4 except the portion north of the 5,000 foot line contour
Section 27, W1/2, SE1/4 that portion west of drainage divide
Section 28, all
Section 29, E1/2 E1/2, that portion east of the drainage divide
Section 32, SE1/4 that portion east of the drainage divide
Section 33, all except that portion south of Fishhook Willow Road
Section 34, all except that portion east of drainage divide

IV. PERMIT PROCESS

Permits or letters of authorization will be issued by the Division of Land and Water Management in consultation with the Division of Parks and Outdoor Recreation and other affected agencies. This procedure may be modified upon completion of the management agreement with the Division of Parks and Outdoor Recreation which is recommended in the Hatcher Pass Management Plan.
V. LEGAL DESCRIPTION

SUBJECT TO VALID EXISTING RIGHTS

Seward Meridian;

T19N, R1E
Sections 1-4
Section 5, E1/4
Section 8, E1/2
Sections 9-12
Sections 14-16
Section 17, E1/4E1/4
Section 21, NW1/4NE1/4, NE1/4
Section 22, N1/2, SW1/4NE1/4, SE1/4N1/2, SE1/4SE1/4
Section 23

T19N, R2E
Section 2, W1/2
Sections 3-9
Section 10, N1/2
Sections 17-20

T20N, R1E
Section 1
Section 2, NW1/4E1/2, NE1/4, S1/2
Section 3, SE1/4SE1/4, SE1/4SW1/4S1/2
Section 10, E1/2, SW1/4, NW1/4E1/2, NW1/4SW1/4E1/2
Section 11-15
Section 16, NE1/4SE1/4, SE1/4
Section 21-28
Section 29, E1/2E1/2
Section 32, SE1/4E1/2
Section 33-36

T20N, R2E
Sections 2-11
Sections 14-23
Sections 26-35

T21N, R2E
Section 26, SW1/4
Section 27, S1/2
Section 33, E1/2
Section 34
Section 35, W1/2
ORDER
ADDENDUM "A"

TO DESIGNATION OF SPECIAL USE LANDS WITHIN THE HATCHER PASS MANAGEMENT UNIT
DATED NOVEMBER 21, 1986
ADL 223585

Pursuant to 11 AAC 96.010(2) and 11 AAC 96.010(3)(b), the lands shown on
the attached map comprising the Management subunits on the east side of
Hatcher Pass are hereby designated as Special Use Lands.

I find that this is consistent with the Department of Natural Resources' policy as set forth in the Hatcher Pass Management Plan and that it is in the best interest of the State.

The thirty (30) day public notice period ended on January 19, 1987 and beginning ninety (90) days thereafter or by written notice of the designation prior to April 19, 1987, the activities described herein will be managed according to the terms of this Addendum.

S/s Tom Hawkins, Director
Division of Land and Water Management

5/13/87 Date