

ALYESKA SKI RESORT
SPECIAL USE AREA DESIGNATION
ADL 226208

Requested Action:

Pursuant to 11 AAC 96.010(B), the Division of Land requests a "Special Use Area Designation" be placed on the Alyeska Ski Resort Lease area. The "Special Use Area Designation" will be to establish the site as a recreation area and allow the Department of Natural Resources to enforce limited public safety measures under the authority of AS 41.21.955.

Authority:

The Department of Natural Resources may establish "Special Use Area Designations" pursuant to 11 AAC 96.010(b), AS 38.05.020, AS 38.05.035, AS 38.05.850, and AS 41.21.020.

Legal Description:

The Alyeska Ski Resort Lease area is located at Girdwood, Alaska and is shown on the attached map. The permit area includes the areas presently being used for downhill skiing. The area comprises approximately 1,180 acres and is located within Secs. 9,10,14,15,21,22 T.10N.,R.2E., S.M.

Discussion:

On April 1, 1993 the State of Alaska received title to the land comprising the Alyeska Ski Resort permit area pursuant to a land selection made under Section 6(a) of the Alaska Statehood Act. Previous to the state receiving title the land was owned and managed by the Department of Agriculture, United States Forest Service.

Under Forest Service management, the Alyeska Ski Resort held a permit allowing it to use the area for a downhill ski resort. Under the terms of the permit the Forest Service was responsible for supervision of avalanche control and enforcement of public safety, specifically enforcing provisions that do not allow skiers to enter or ski in designated closed areas or in an unsafe manner for safety reasons. Once the land was conveyed these functions became the responsibility of the state.

Presently, the Department of Natural Resources has enforcement authority under AS 41.21.955 only within parks and recreational facilities. A "Special Use Designation" can establish the Alyeska Ski Resort Lease area as a recreational facility. Enforcement to prevent skiing in closed areas or in an unsafe manner is needed to protect public safety and limit liability to the state. Without enforcement the entire downhill ski area would have to be closed when there are unsafe conditions on any slope.

Monitoring and Enforcement:

Under AS 41.21.950, an employee of the department authorized by the commissioner, a police officer of the state, or any other person authorized by the commissioner may enforce laws

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and regulations within recreation areas. It is expected that a limited number of employees of the department will be assigned to monitor the Alyeska Ski Resort Lease and Permit Area. They will also be responsible for the enforcement of 11 AAC 20.956, dealing with skiing in closed areas or in an unsafe manner.

Review of Special Use Area Designation:

The special use area designation should be reviewed whenever the Turnagain Arm Management Plan is reviewed. Other reviews may take place periodically to evaluate the effectiveness of the special use area designation.

Decision:

The Division of Land along with the Alyeska Ski Resort recognizes that the Alyeska Ski Resort lease area is open to multiple use and receives a high amount of recreational use and that some basic enforcement for public safety reason is necessary. This same concern has been expressed by the U.S. Forest Service, the former permit manager.

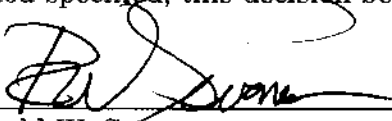
Under 11 AAC 96.010(a)(2) and 11 AAC 96.010(b), the lands described herein and shown on the attached map are hereby designated as special use lands for recreational purposes. The area will be known as the Alyeska Ski Resort Recreational Facility. I find that this designation is consistent with the Department of Natural Resources' management authority and that it is in the best interest of the state.

On February 1, 1994 or by written notice of the designation before that day, the activities described herein will be managed according to the terms of this special use land designation.

A person adversely affected by this decision may appeal this decision, in accordance with 11 AAC 02 to:

Harry Noah, Commissioner
Department of Natural Resources
400 Willoughby Avenue
Juneau, Alaska 99801

Any appeal must be received at the above address within 30 calendar days after the date of "delivery" of the decision, as defined in 11 AAC 02.040. A copy of 11 AAC 02 may be obtained from any Department of Natural Resources office. If no appeal is filed before the end of the period specified, this decision becomes final and goes into effect.



Ronald W. Swanson



Date