



HAINES BOROUGH
Land Department
P.O. Box 1209
Haines, AK 99827-1209
907-766-2231 Ext. 29
907-766-2716 (fax)

April 10, 2015

Ms. Shanah Kinison
HC 60 box 3842
Haines, Alaska 99827

Dear Ms. Kinison,

I have reviewed your heliskiing complaint form of March 18th in which you allege that on 14 March 2015 at 3:50 PM there were violations of The Agreement Regarding Flight Operations and Practices of Commercial Ski Tours (hereafter referred to as "The Agreement") and the Conditional Use Permit (CUP) issued to Big Salmon Ventures (BSV). Specifically, you allege the following violations of the CUP:

1. Violation of A (1) (a) "The Agreement": follow the access route describe below:
 - From the Haines Airport – Fly directly up the Takhin Valley to access area south of the Takhin and Tsirku River. Fly directly across the Chilkat River and up the slope between Haska Creek and Kicking Horse River to access areas south of Mt. Emmerich, including the Rainbow and Davidson Glacier areas. Avoid Haska Creek and Kicking Horse River. Avoid traversing slopes facing Chilkat Inlet to avoid residences.
 - Helicopters transiting between heliports should fly on the opposite side of the valleys from residents.
2. Violation of A (1) (b) "The Agreement": Attain as quickly as practical after takeoff and maintain a minimum elevation of 1,500 feet above ground level (AGL) while in flight.
3. Violation of Point 7 within the CUP: Use a Specific and identified GPS flight path that will create the least amount of noise and impact to nearby residents. Flight paths will not be conducted over any residences and take place over state lands.

In order to address your concerns, the Borough requested assistance from the local heliski companies in providing the GPS logs for the dates specified in your complaint. In conducting my review I consulted Borough Code, "The Agreement", The "Map", and reviewed the GPS flights logs. I was assisted in my review by the Borough Planning Technician Ms. "Tracy" Cui who processed GPS data using the Borough Geographic Information System (GIS) and produced graphics to support the review. Further, in the conduct of this investigation, the Borough will make a determination whether or not the allegations have merit using the preponderance of the evidence standard as a threshold for burden of proof. Individuals shall be considered innocent unless a "preponderance of the evidence" supports a finding of the misconduct. This "preponderance of the evidence" standard requires that the evidence supporting each finding is more convincing than the evidence offered in opposition to it.

The Borough contacted all organizations that hold Commercial Ski Tour Permits or Special Ski Competition Event Permits to determine if they were conducting operations on that date and time. For those entities operating under these permits the Borough collected statements and GPS data to review. The Borough can only collect information from organizations that it permits for Ski Tours or Ski Competitions and has no enforcement authority over, or the ability to collect information from, organizations with which it does not have an agreement. Additionally, only the Federal Aviation Administration is

authorized to direct flight-paths for aircraft and any questions related to organizations outside the scope of the Borough's remit will need to be addressed to the Federal Aviation Administration.

GPS Data Review: The GPS data was received as a csv. file enabling it to be processed into a graphic for review. The data also provided information relating to the following fields: aircraft, point number, date time group in universal and local time, latitude, longitude, altitude, speed, and bearing.

Given the GPS data available it was possible to determine if the flight paths were adhere to "The agreement" A (1) (a). The attached Graphic 1 displays all the GPS points collected in 2 minute intervals on March 14. The review of the GPS reveals actions consistence with adherence to "The agreement" A (1) (a).

The complaint alleges that "a dark black and grey helicopter flew directly over my property very low". Given the requirements for safe take off and landing profiles on either end of the trip and the requirement to gain elevation to get to the ski areas it is likely not possible to gain and maintain an altitude of 1,500 feet at all points of the flight as most of the trip involves take off and landing approaches. The attached Graphic 2 displays the GPS points with "altitude < 1,500 feet" on March 14. All of those GPS points were in the vicinity of the Haines Airport and the CUP Landing Zone (LZ).

An element of the complaint alleges that the flight paths were conducted over residence. I have conducted a review of the GPS logs reveals flight paths on 14 March, and produced the attached Graphic 3. The following are the findings:

- According to the flight GPS logs, no flight paths were conducted over Kinison's property;
- The nearest GPS point was collected within the CUP LZ. It was approximately 3,000 feet from Kinison's property;
- The helicopter made one trip from the CUP LZ to ski areas between 15:24 and 16:18 (labeled blue dots in Graphic 3). None of the blue dots were over Kinison's property.

Additionally, the Borough verified the landings occurred on March 14. It was assumed that Air Speed of 0 and a Heading of 0 (0/0) was an indication that the aircraft was on the ground. The attached Graphic 4 displays the GPS points with "speed = 0" on March 14. Obviously, it indicates the landings were either at designated heliports or within the boundaries as approved on "The Map".

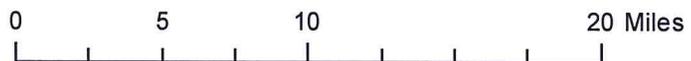
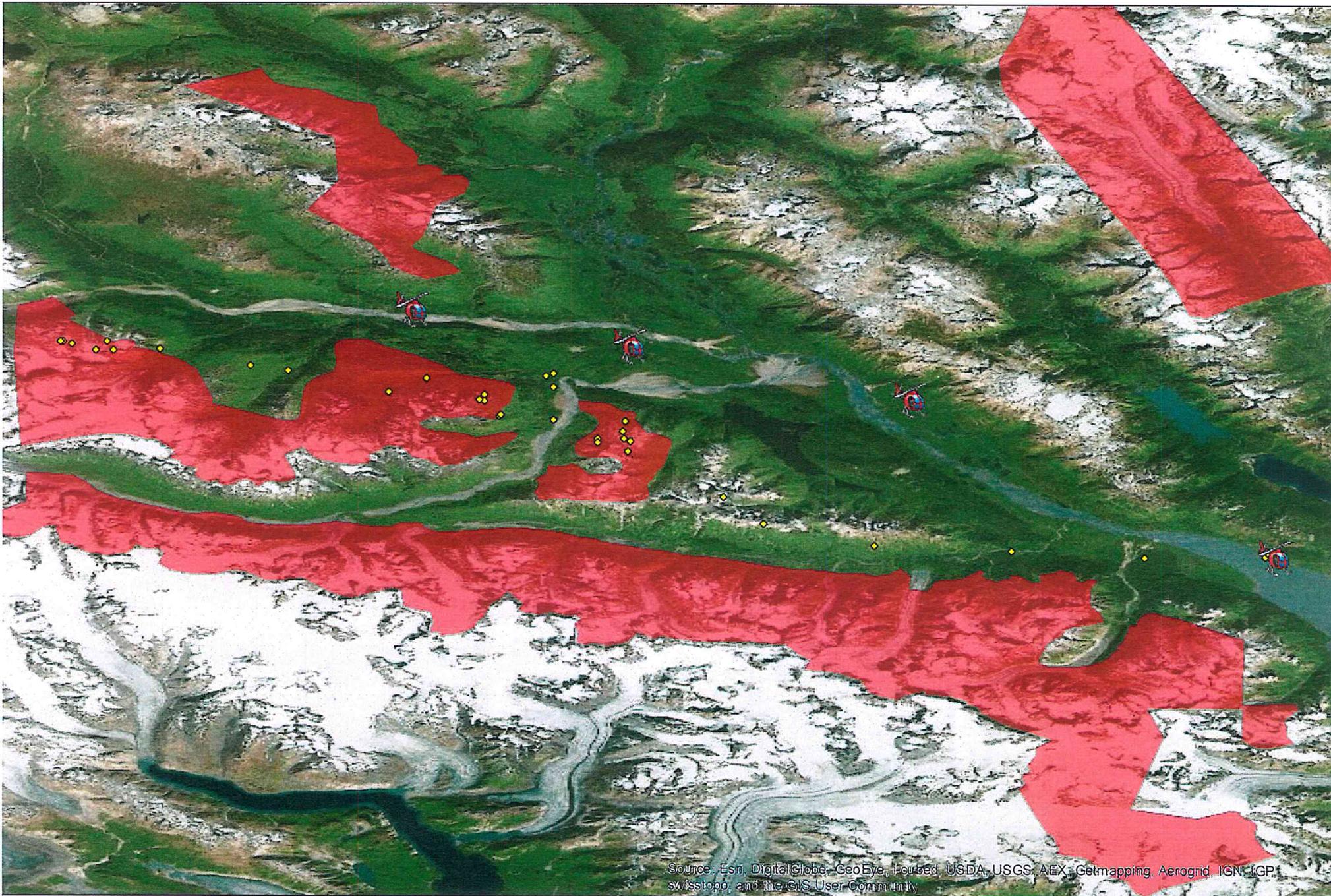
Findings: With respect to the violations alleged by the complainant the Borough finds after thorough review of the facts that:

1. Violation of A (1) (a) "The Agreement": follow the access route describe below:
 - From the Haines Airport – Fly directly up the Takhin Valley to access area south of the Takhin and Tsirku River. Fly directly across the Chilkat River and up the slope between Haska Creek and Kicking Horse River to access areas south of Mt. Emmerich, including the Rainbow and Davidson Glacier areas. Avoid Haska Creek and Kicking Horse River. Avoid traversing slopes facing Chilkat Inlet to avoid residences: This allegation is not substantiated.
2. Violation of A (1) (b) "The Agreement"- Attain as quickly as practical after takeoff and maintain a minimum elevation of 1,500 feet above ground level (AGL) while in flight: The review of the GPS reveals actions consistent with adherence to the stipulations of the agreement. This allegation is not substantiated.
3. Violation of Point 7 within the CUP: Use a Specific and identified GPS flight path that will create the least amount of noise and impact to nearby residents. Flight paths will not be conducted over any residences and take place over state lands: The review of the GPS reveals actions consistent with adherence to the stipulations of the agreement. This allegation is not substantiated.

Respectfully,



David Sosa
Borough Manager



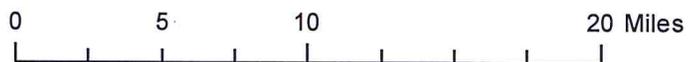
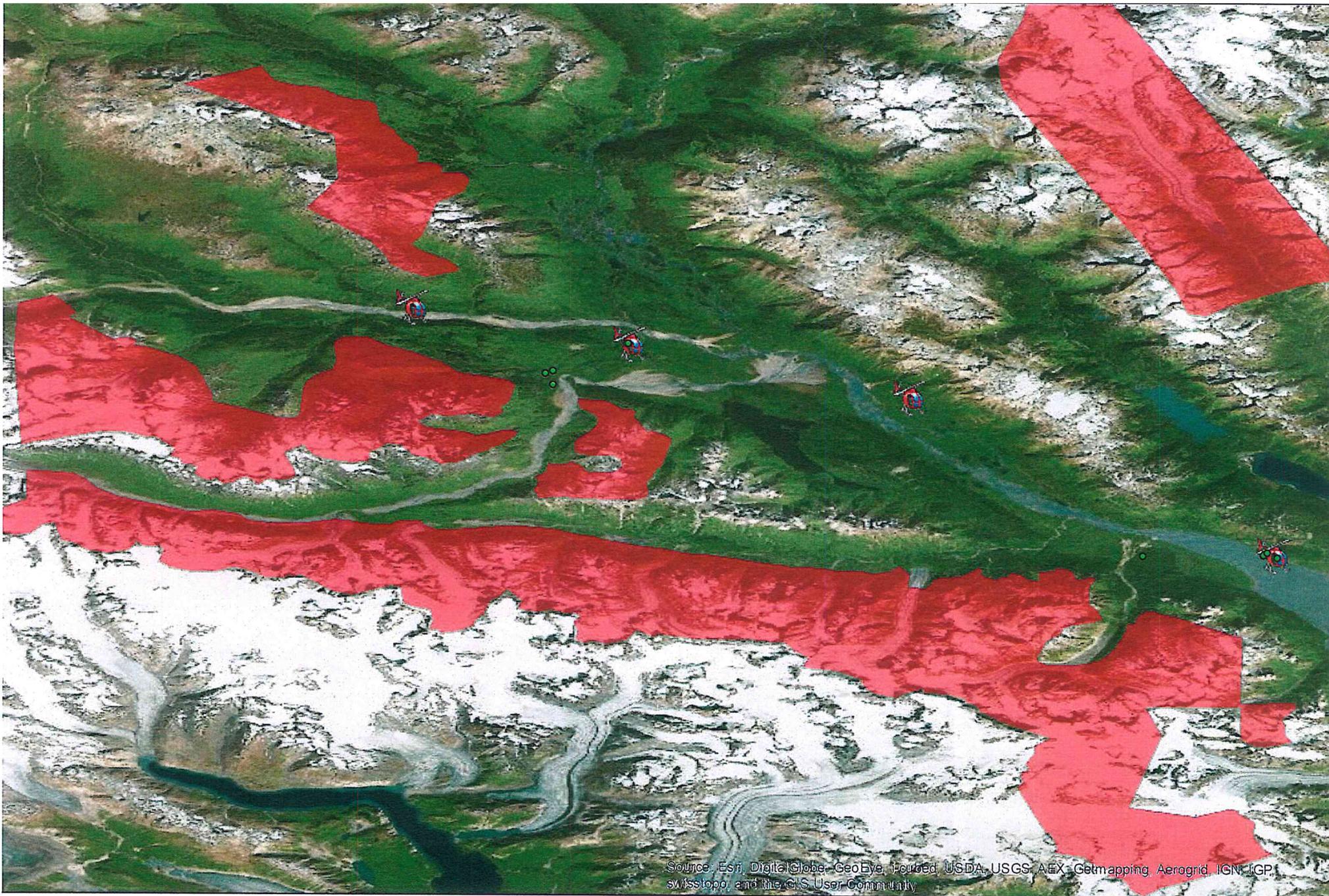
● March14CSV



Heliport

■ HeliskiApprovedArea_2014

Graphic 1



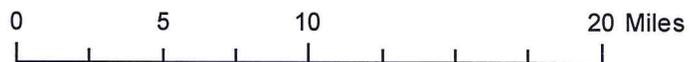
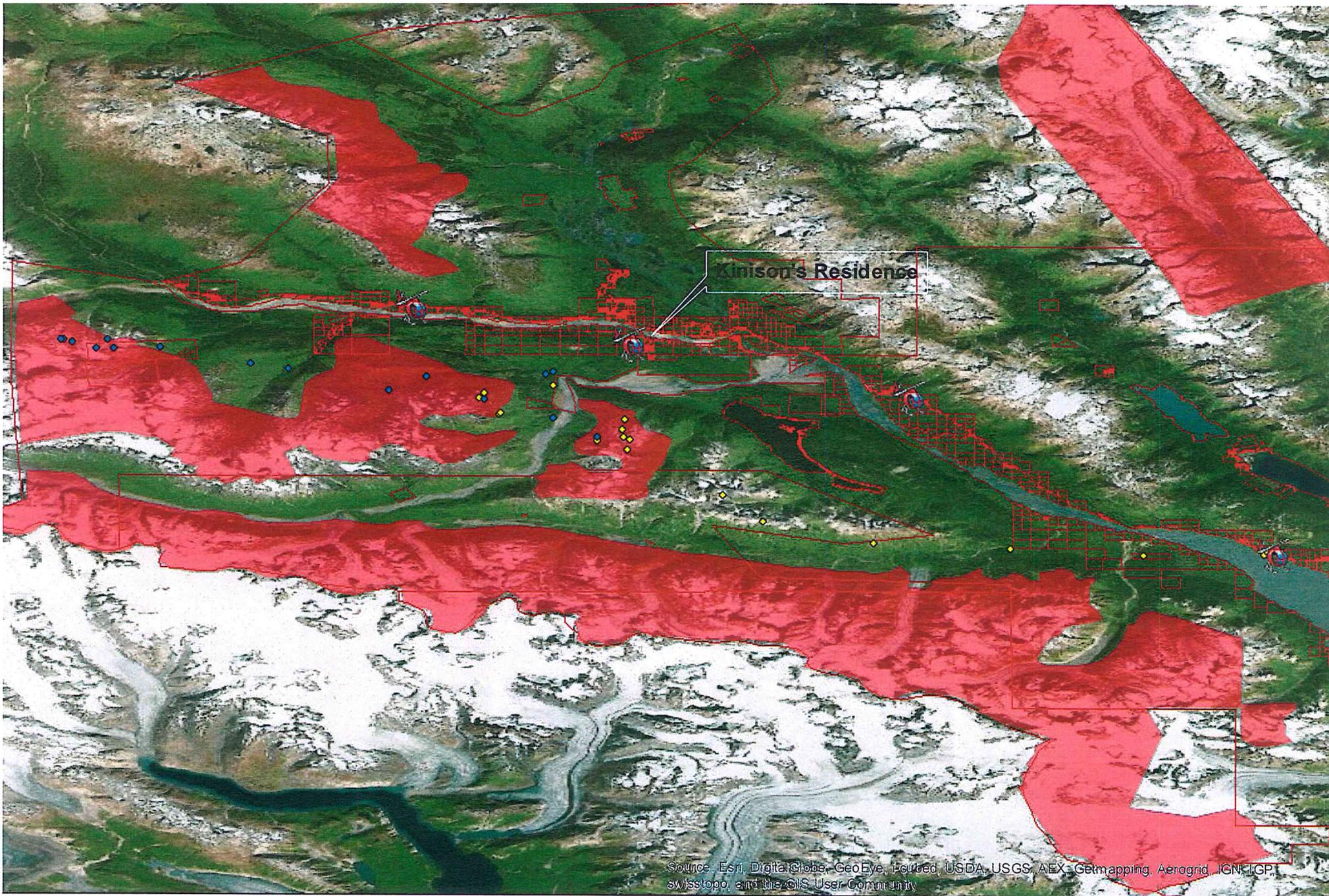
● Altitude < 1500 Feet



Heliport

■ HeliskiApprovedArea_2014

Graphic 2



● 15:24PM-16:18PM

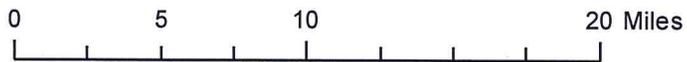
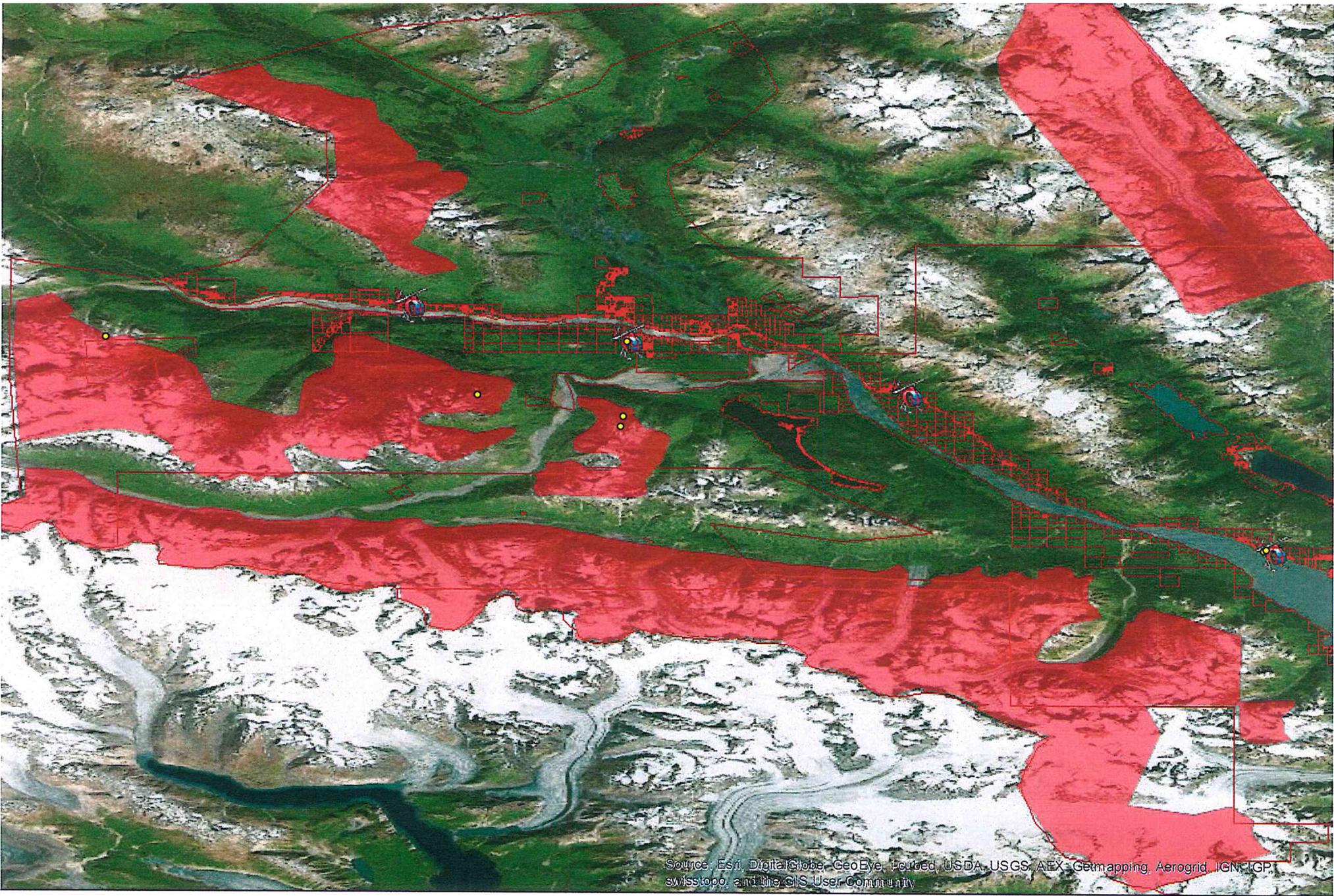
● March14CSV



Heliport

■ HeliskiApprovedArea_2014

Graphic 3



● March14_Landings



Heliport

■ HeliskiApprovedArea_2014

Graphic 4

HAINES BOROUGH HELISKIING COMPLAINT FORM

P.O. Box 1209 ♦ 103 Third Avenue S.
Haines, Alaska 99827
Ph: 907-766-2231 ♦ Fax: 907-766-2716
www.hainesborough.us

RECEIVED
MAR 18 2015
HAINES BOROUGH

Today's Date: 3-18-15

Your Contact Information		
Name: (first, middle initial, last) Shanah E. Kinison		
Mailing Address: (address, city, state, zip code) HC60 Box 3842 Haines, AK 99827	Physical Address: (address, city, state, zip code) Lot 5 Eagle Bluff Dr. Haines, AK 99827	
Home Phone: (include area code) (907) 767-5687	Work Phone: (include area code)	Email: fveventide@gmail

Complaint: Please describe the alleged or suspected violation in detail, including who, what, when, where and why. **Helpful details include helicopter color and tail numbers, exact location, number of skiers, date, and time.** (Attach additional pages or use the backside of this form, if necessary.) If you have photos, please email them to info@haines.ak.us or bring them to the Haines Borough Administration Building.

On Saturday 3/14/2015 at 3:50 PM a dark (Black and grey) helicopter flew directly over my property very low. I was standing outside right next to my porch with a friend and we heard a helicopter really loud. Too loud to be normal. It was flying so low that we could not see it until it popped right through a break in the trees and came right over my garden. Flying very low skimming the trees flew across my entire yard and over Eagle Bluff drive. It was flying so low that it quickly disappeared from my view.

For Borough Use Only	
Date Received by Borough Manager:	Forwarded for Response or Investigation to: Date:
Copy given to: Date:	
Results of Investigation: _____ _____ _____	

Action Taken			
<ul style="list-style-type: none"> ♦ Complainant Contacted regarding Results of Investigation: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border-bottom: 1px solid black; text-align: center;">Contacted by</td> <td style="width: 40%; border-bottom: 1px solid black; text-align: center;">Date</td> </tr> </table> ♦ Action: (attach additional pages, as needed) 	Contacted by	Date	Form Received by: <u>K. Kielsmeier</u> Date Stamp: RECEIVED Haines Borough MAR 18 2015 Clerk's office <input checked="" type="checkbox"/> Date-stamped copy given to complainant
Contacted by	Date		