



HAINES BOROUGH
Land Department
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April 10, 2015

Ms. Lauren McPhun
PO Box 1773
Haines, Alaska 99827

Dear Ms. McPhun,

I have reviewed your heliskiing complaint form of March 22nd in which you allege that on 14 March 2015 between noon and 3:00 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 "...we saw a dark blue helicopter with white tail numbers flying low over the tree tops south of our property line down river...I am completely positive this helicopter was flying much lower than 1500 ft...". 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 McPhun's property;
- The nearest GPS point was collected within the CUP LZ. It was approximately 4,000 feet from McPhun's property;
- The helicopter was not in operation between noon and 3:00 PM.

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".

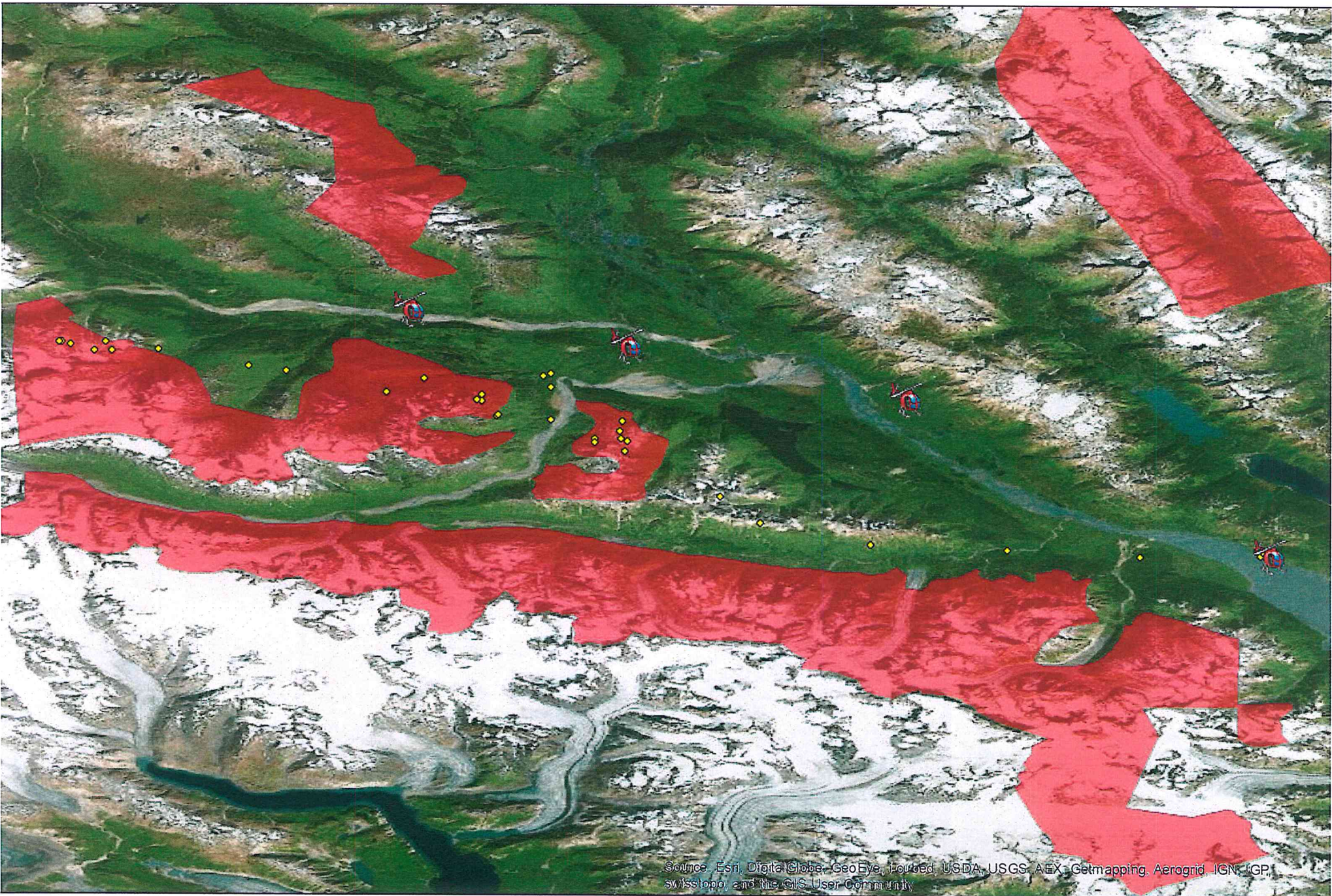
Findings: With respect to the violations alleged by the complainant the Borough finds after thorough review of the facts that:

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.

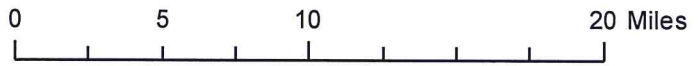
Respectfully,



David Sosa
Borough Manager

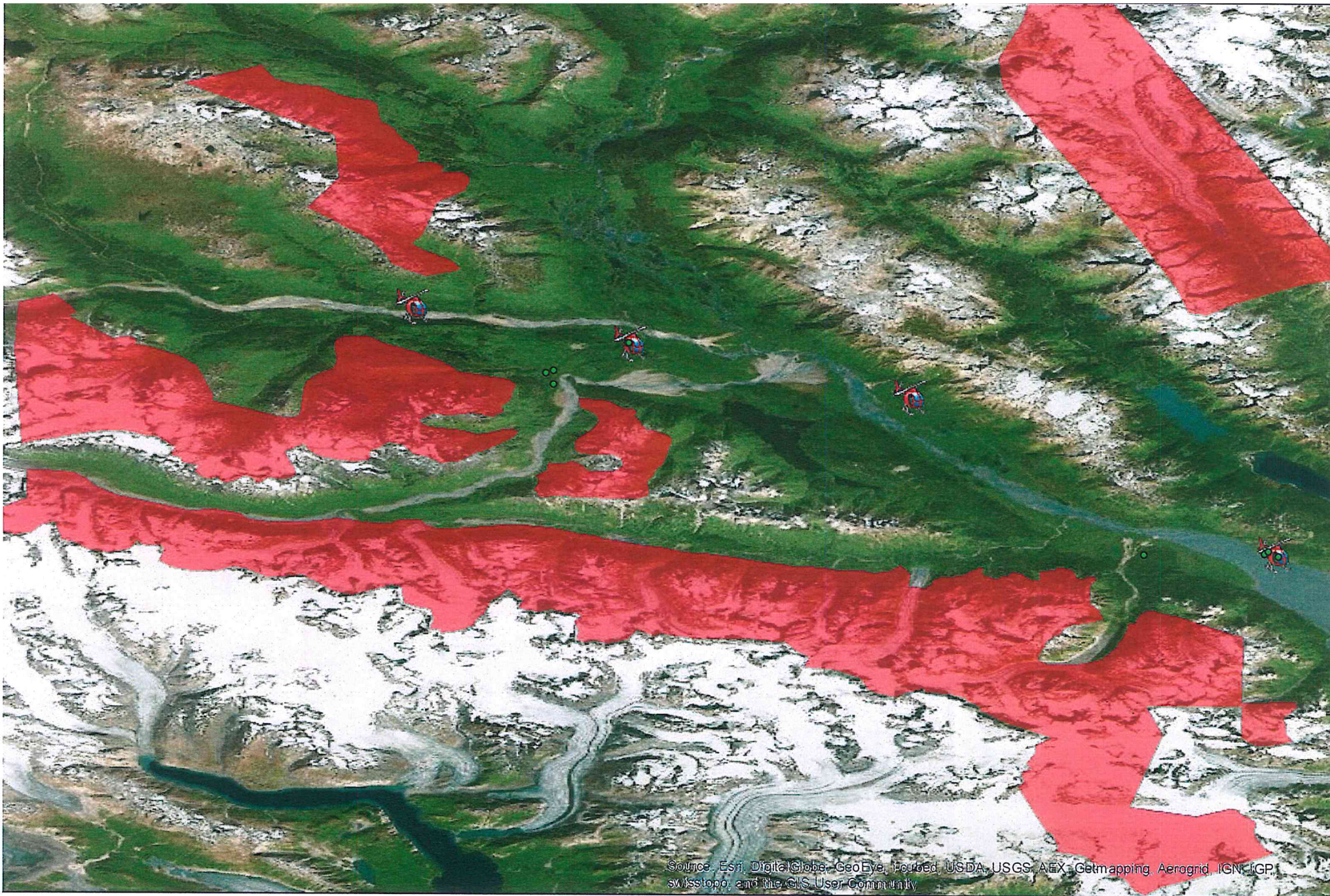


Source: Esri, DigitalGlobe, GeoEye, Earthstar (United States), USDA, USGS, AeroGRID, IGN, IGP, Swisstopo, and the GIS User Community



- March14CSV
-  Heliport
-  HeliskiApprovedArea_2014

Graphic 1



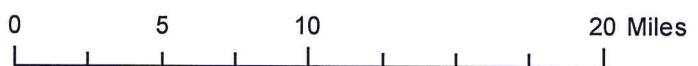
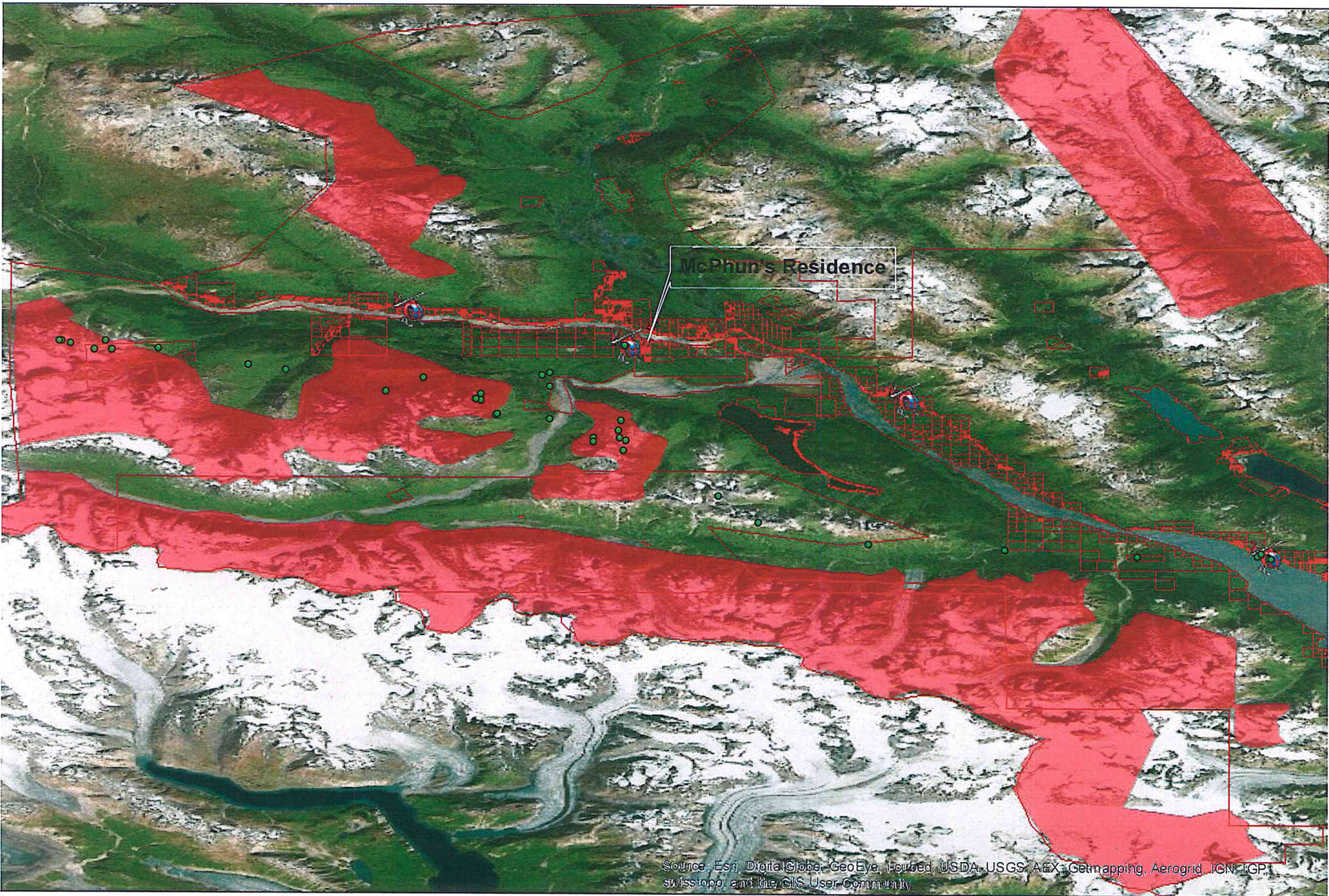
● Altitude < 1500 Feet





Heliport

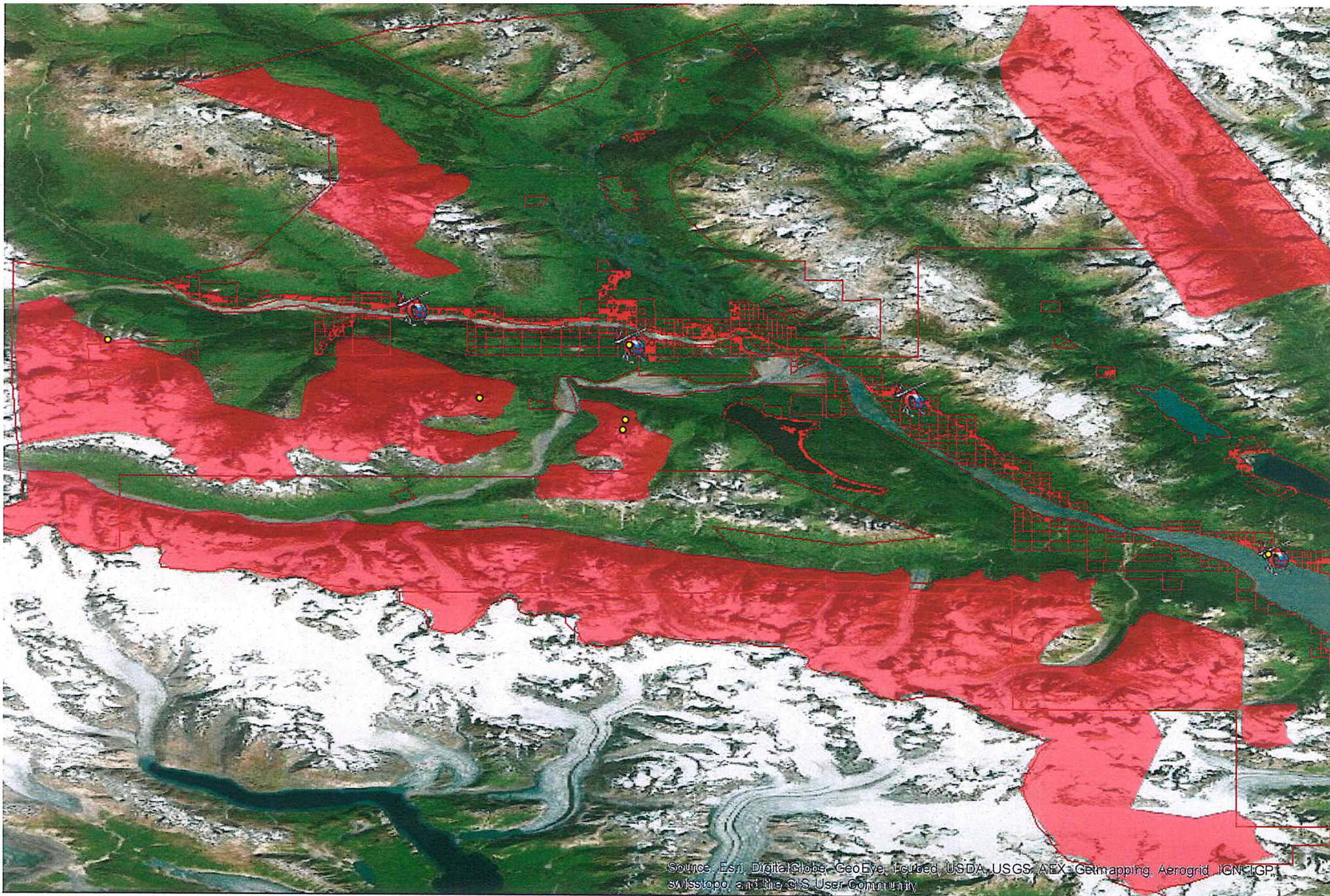
■ HeliskiApprovedArea_2014

Graphic 2



- March14CSV
-  Heliport
-  HeliskiApprovedArea_2014

Graphic 3



Source: Esri, DigitalGlobe, GeoEye, Earthstar (USA), USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



● March14_Landings



Heliport

■ HeliskiApprovedArea_2014

Graphic 4

