

Permit Number: HSK 23-02  
Permittee Name: Southeast Alaska Backcountry Adventures (SEABA)  
Expiration Date: 5/3/2024  
Authority: HBC Title 5



## COMMERCIAL HELICOPTER/SKI TOUR PERMIT

**Southeast Alaska Backcountry Adventures (SEABA)** of PO Box 160874, Big Sky, MT 59716 (hereinafter "permittee"), is hereby authorized to conduct **2023 and 2024** commercial helicopter/ski tour operations, subject to the terms and conditions of this permit.

*Commercial helicopter ski tour operations* as defined in Haines Borough Code Title 5 means a commercial tour which includes downhill skiing or snowboarding as the primary experience; professionally guided skiing and snowboarding; and daily transportation of customers by helicopter to and from the skiing or snowboarding area.

In 2023, SEABA is allocated the use of one helicopter for the period from February 15 - April 15, and a second helicopter from March 1 – May 3. 2024 helicopter usage is to be determined.

This permit is subject to HBC Title 5, including but not limited to the following permit conditions and regulations:

1. PERIODS OF OPERATION. The commercial ski tours shall be conducted only from February 1 through May 3 unless a different period is noted on the "Haines Borough Approved Commercial Ski Tour Areas" map and only between the hours of 8:00 a.m. and 6:00 p.m., unless the borough has authorized additional hours.
2. PERMITS. A permit does not create an exclusive right of use of an area by the permit holder. However, the borough may specify areas of the map in which a permit holder may operate.
3. LOCATIONS OF OPERATION:
  - A. MAP. The commercial ski tours shall be conducted only in areas identified on the "Haines Borough Approved Commercial Ski Tour Areas" map, 3/22/22 revision. The map is available on the borough's website: [www.hainesalaska.gov/administration/heliskiing-information](http://www.hainesalaska.gov/administration/heliskiing-information). The Haines Borough shall make available digital versions of the current Haines Borough Heliski Map boundaries. You may also request a courtesy hard copy by contacting the borough's Lands Department.
  - B. HELIPOINTS. Commercial ski tour operators transporting participants in a commercial ski tour or a special ski competition event or commercial ski production by helicopter shall use one of the following heliports;
    1. Haines Airport;
    2. The Stewart landing strip at 18 Mile Haines Highway;
    3. The heliport adjacent to the 33 Mile Roadhouse;
    4. Any heliport authorized by the Haines Borough planning commission as a conditional use including 35-Mile heliport.
  - C. SHARED USE POLICY.
    1. Commercial ski tour permittees shall yield to non-motorized, recreational backcountry users, within the boundaries of the area known as Telemark Ridge at the head of the Haska Creek drainage, on a by-request basis.
    2. Recreational backcountry users may contact a permittee by phone or e-mail at least 48 hours in advance of the activity and request to use a specific area on a specific day.
    3. Confirmation shall be given by the permittee within 24 hours of the request.
    4. The person making the request shall notify the borough clerk of the request.
    5. Cancellation of the request shall be communicated to the permittee before 9:00 a.m. on the day of the activity.
    6. Failure by recreational users to communicate a cancellation of the activity may result in the loss of request privileges.
    7. Failure by a permittee to confirm a request, or to yield an area to recreational users, shall be reported to the borough clerk and recorded for future review.
    8. The duration of a recreational activity in any specific area shall be for a maximum of three days consecutively, and for no more than 10 days per month.

4. GPS DATA REPORTING. Commercial ski tour operators shall use global positioning system ("GPS") equipment capable of tracking and preserving information establishing the route taken by the helicopter to and from the skiing and snowboarding area and all landings. This information shall be cataloged in a manner requested by the borough (see A-C below for the current policy) and provided when requested by the borough during the season. The permittee is responsible for notifying the helicopter operator of these requirements.

- A. TYPE OF GPS. GPS units will be part of the helicopter, operating with flight following or tracking software and be submitted directly through the helicopter operator, e.g. Temsco or Coastal Helicopter. The term "part of the helicopter" means: installed into the helicopter, using power from the helicopter, and managed by the pilot.
- B. FORMAT FOR GPS DATA SUBMISSION. When GPS data is requested by the Haines Borough, the operator will provide the borough with un-edited helicopter flight data which includes the duration of each commercial ski tour for each day requested. The raw data will be submitted in a common GPS data format, such as .JSON, .KML, .KMZ, .GPX, .GPS OR .CSV.
- C. DATA. GPS data points will be taken in two-minute intervals at minimum, and data submitted to the Haines Borough will include latitude, longitude, altitude, airspeed, date, and time. Latitude and longitude will be submitted in decimal degrees. GPS data is a public record and available upon request.

#### 5. COMPLIANCE

- A. INVESTIGATION OF NON-COMPLIANCE. Any failure by a Permittee to follow Haines Borough Code, Flight Rules, the Mutual Aid Agreement or the Shared Use Policy may be reported to the Borough Manager. Upon Receipt of a complaint, the Borough Manager shall investigate the matter and make a determination regarding whether a violation occurred. The results of this investigation shall be provided to the operator and preserved in writing.
- B. GPS SPOT CHECKS. To insure compliance with the approved *Haines Borough Approved Commercial Ski Tour Areas Map*, the Borough Administration will perform a minimum of three (3) GPS spot checks, per company, per season. Additional spot checks may be made as needed. Complaints may trigger GPS checks of both the day before and day after. If unjustified infractions are found, additional penalties will be enforced. Results will be posted on the borough's website. GPS data is a public record and available upon request.
- C. INFRACTIONS. Heliskiing operators found to be operating out of bounds without acceptable explanation will be fined up to \$500 per infraction. Repeat infractions may constitute a doubling of fine amount.
- D. OPERATIONS OUT OF BOUNDS. It is the policy of the Haines Borough to have low tolerance for operating out of bounds. If a heliskiing company is forced to operate out of bounds for any reason, they are required to notify the Borough Clerk in writing within 7 days of their out-of-bounds flight. Reports should include date and time, location, pilot name, and explanation. If an infraction is found that was not notified, the minimum fine will start at \$500.
- E. CONSEQUENCES OF VIOLATION.
  - 1. Any violation may be considered by the Borough Assembly when acting on future permit requests of an operator.
  - 2. Any violation may be considered by the Borough Manager when making future helicopter allocations to an operator.
  - 3. The parties recognize that some damages resulting from any permit holder failure violations are not capable of being measured in economic terms and include, among other things, a perceived reduction in the general quality of life of Haines residents, possible reductions in wildlife populations, reduced opportunity for quiet recreation and general inconvenience to the public. For this reason, the parties agree that a Permittee shall pay to the Borough as damages for any violation and upon the Borough's demand a sum of two-hundred dollars (\$200) for each violation.

#### 6. AGREEMENTS

- A. MUTUAL AID AGREEMENT. Commercial ski tour operators shall submit to the borough clerk a copy of a signed mutual aid agreement requiring all commercial ski tour operators to come to

each other's aid in the event of an accident or a mechanical problem that strands a helicopter used to transport participants in a commercial ski tour away from a heliport.

**B. FLIGHT GUIDELINES. Unless weather, safety conditions, mechanical difficulties or Federal Aviation Administration requirements dictate otherwise, Heliski Operators shall:**

1. Follow the access routes described below:

- From the 33-Mile or 35-Mile heliport - Use Porcupine Creek, McKinley Creek or Glacier Creek to access Porcupine Peak and Flower Mountain areas. Avoid Jarvis Creek, and the Klehini River to keep noise away from residences. Access the Mt. Jonathan Ward area from the Porcupine Peak area. Use a route directly behind 33-Mile to access Four Winds area.
- From the 18-Mile heliport - Take off and approach should be down river to avoid residences. Routes to skiing areas should go directly across the Chilkat River and into the mountains. Avoid flying parallel to the Chilkat or Klehini Rivers. When flying to and from the Ferebee Glacier area, avoid Chilkoot Lake and Lutak residents.
- From the Haines Airport- Fly directly up the Takhin Valley to access areas south of the Takhin and Tsirku Rivers. Fly directly across the Chilkat River and up the slope between Haska Creek and the 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 residences.

2. Attain as quickly as practicable after takeoff and maintain a minimum elevation of 1,500 feet above ground level ("AGL") while in flight.
3. Maintain a minimum distance of one-half mile from visible wildlife on public lands while in flight and shall not hover over, circle or harass wildlife.
4. Maintain a distance of 1/2 mile above the valley floors except when (1) shuttling production crew and talent from the bottom to the top of a run, or (2) during landings and takeoffs.

C. HELISKI ACTIVITY WEEKLY USE REPORTS. Commercial ski tour operators shall submit to the borough clerk, on forms provided by the borough, weekly use reports due by 5:00 pm each Monday during the season, detailing the number of skier days used during each day of the reporting period, any deviations from the flight guidelines, incident reports (date, time, location) reflecting each time when two different permit holders are working in the same drainage and how they shared/managed use of the space, any accidents and any mountain goat or other wildlife sighting.

D. SAFETY AND OPERATING PLAN. Every permit holder shall submit to the borough clerk annually a safety and operating plan that, at a minimum, will include avalanche safety (addressing client safety, as well as safety of other backcountry users in the area), helicopter safety, emergency rescue procedures and guide requirements.

7. HELICOPTER USEAGE AND FEES. Regular season usage allows a maximum of six helicopters per day in the approved commercial ski tour areas map. Each permit holder has the right to use at least one helicopter during the season. No more than two helicopters may be used by any commercial helicopter ski tour permit holder on any single day during the permitted helicopter ski tour season, or special ski competition event, except as provided under Additional Usage. Additional usage, including special ski events, competitions or commercial ski productions, shall not exceed eight helicopters at any time in the approved commercial ski tour areas map. Additional usage is granted by the manager as provided in HBC 5.24.030B and is limited to a two-week period. Permit holders may subcontract, share or transfer authority for helicopter use to another qualified permit holder as described in HBC 5.18.025(C) for a specified time. The permit holder receiving such helicopter use

shall report in writing to the manager the registration number of that helicopter and the specified time of use, prior to its subcontract, share or transfer.

8. EXPLOSIVES. Explosives shall not be used for avalanche control.
9. HELICOPTER REGISTRATION. Commercial ski tour operators shall register contracted helicopters, their N number, color scheme, and pilot's name with the borough by February 1 of each year.
10. OTHER AUTHORIZATIONS. Commercial ski tour operators are responsible for obtaining authorizations required by other local, state, and federal agencies for the permitted activities and shall provide copies to the borough clerk.
11. COMPLIANCE. A permittee is responsible for complying with all municipal, state, and federal ordinances, statutes, and regulations applicable to the permittee's activities.
12. INSURANCE. A permittee is required to maintain a minimum of \$500,000 of current commercial general liability insurance naming the borough as additional insured. The policy shall not contain any self-insured retention or deductible in excess of \$1,000 and shall include a provision requiring written notification to be given to the borough by the insurance company not less than 30 days before the policy is canceled, modified, or terminated for any reason. Worker's compensation insurance is also required, where applicable by law.
13. LIABILITY. A permittee shall reimburse the borough for any damage to municipal property caused by the permittee or any of the permittee's employees, agents, representatives, contractors, or customers during the course of the permittee's activities under the permit.
14. INDEMNIFICATION. Acceptance of a permit by the permittee shall constitute an agreement and acknowledgment by such permittee that the permittee shall indemnify and hold the borough and its elected and appointed officers and employees harmless from and against any and all loss, damage, or expense for any injury to or death of any person or persons or for damage to property, resulting from or arising out of any act or omission of such permittee or of any of the permittee's employees, agents, representatives, or customers. The borough and its elected and appointed officers and employees make no representations concerning and assume no responsibility for or regarding any goods or activities sold by any permittee or by any of permittee's employees, agents, representatives, or contractors.
15. TRANSFERABILITY. This permit, and any rights or privileges thereunder, may be assigned or transferred by the permittee, together with any right of renewal; provided, that such transfer includes the permittee's entire business interest in activities conducted under the permit. The person to whom the permit was transferred shall be subject to permit renewal requirements. The permit may not be leased or rented to, nor may a permittee allow the permit to be used by, any person who is not an employee or contracted agent of the permittee. A transferred permit shall not be valid, and the new permittee may not conduct any activities under the permit, until the permit has been reissued by the clerk under the applicable provisions of HBC Title 5.
16. FRAUD. Unfair competitive practices are strictly prohibited. A permittee who commits any act of fraud, misrepresentation, or cheating that would constitute an unlawful act or practice under AS 45.50.471, either through the permittee's own act or through the acts of the permittee's employee, agent, or representative, in relation to an activity authorized under the permit shall, upon conviction, be punished as provided in Haines Borough Code.
17. REVOCATION OR SUSPENSION. This permit may be revoked or suspended for the reasons identified in Haines Borough Code Title 5 and in accordance with the procedures set forth therein.

The following are on file and associated with this permit:

Southeast Alaska Backcountry Adventures 2023 permit application documents  
Haines Heliski Operators Mutual Aid Agreement

Issued by: Alekka Fullerton, Haines Borough Clerk



Issued: 1/26/23

Acknowledgment of Permit Conditions:



01/30/2023

Date Signed