

Adopted

HAINES BOROUGH, ALASKA
ORDINANCE No. 22-02-608

An Ordinance of the Haines Borough Amending Haines Borough Code Title 5 Regulation of Commercial Helicopter Ski Tour Permits

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Section 5.01.020. Section 5.01.020 of the Haines Borough Code is hereby amended, as follows:

5.01.020 Definitions.

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"Permittee" or "permit holder" means an entity that has been issued a permit.

...

Section 5. Amendment of Section 5.01.060. Section 5.01.060 of the Haines Borough Code is hereby amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

5.01.060 Revocation or suspension – Procedure.

A. The manager may at any time revoke or suspend a permit issued under this title for the following reasons:

1. ~~Substantial~~ **Willful** noncompliance with any term, condition or provision of the permit;

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Section 6. Amendment of Section 5.18.025(C). Section 5.18.025(C) of the Haines Borough Code is hereby amended, as follows:

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5.18.025 Fee designation.

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C. ~~Helicopter Permit~~ Fee. For 2022, 2023 and 2024 only, each commercial helicopter ski tour operator **permit holder** shall pay an annual nonrefundable fee of \$3000 per helicopter for **the first** regular usage **helicopter** prior to January 15th. **To qualify for a second helicopter or additional helicopter usage during the season, a permit holder must pay a refundable fee of \$5000** Any permittee **holder** requesting a second helicopter must submit a written proposal to the borough manager demonstrating need and willingness to pay an additional \$5000 nonrefundable fee **on or prior to January 15th, or upon the Manager's allocation of a second helicopter or additional useage or with the subcontracting, sharing or transferring of a second helicopter. The fee is not refundable once a second helicopter has been allocated, subcontracted, shared or transferred.**

Section 7. Amendment of Section 5.24.020. Section 5.24.020 of the Haines Borough Code is hereby amended, as follows:

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5.24.020 Permit required.

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B. *Number of Permits.*

1. For 2022, 2023 and 2024 only, up to four commercial ski tour permits may be issued for any one calendar year. Ski tour permits will be issued to allow up to 6 helicopters in Regular Season Usage per day with a maximum of 8 helicopters for ~~Special Events~~ **Additional Usage.**
2. No more than two permits for a special ski competition event and/or commercial ski productions may be issued for any one calendar year.
3. A permit does not create an exclusive right of use of an area by the permittee **holder**. However, the borough may specify areas of the map in which a permittee **holder** may operate.
4. When more than three applicants apply for a commercial ski tour permit in any calendar year and/or the number of applicant requests exceeds 6 helicopters in any Regular Season, preference shall be given to existing permit holders in good standing in the grant of a permit. **The Manager may consider previous permit use, conditions, and compliance in the determination of good standing including willful noncompliance with any term, condition or provision of the permit; and**

any violations of any provisions of Haines Borough code or other applicable local, state or federal law, policy or regulation.

C. ~~Permit Revocation **or** Suspension ~~or~~ Reduction in Skier Day Allocation.~~ A commercial tour permit may be revoked or suspended ~~or the number of skier days allocated pursuant to HBC 5.24.030 may be reduced~~ for the reasons identified and procedures set forth in HBC 5.01.060.

Section 8. Amendment of Section 5.24.030. Section 5.24.030 of the Haines Borough Code is hereby amended as follows:

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5.24.030 Helicopter Usage and Fees

A. Regular Season Usage allows a maximum of 6 helicopters per day in the Approved Commercial Ski Tour Areas Map as described in HBC 5.24.050(D). **Each permit holder has the right to use at least one helicopter during the season.** No more than two (2) helicopters may be used by any commercial helicopter ski tour permittee **holder** on any single day during the permitted helicopter ski tour season, or special ski competition event, except as provided in section (B) below.

B. Additional Usage, including Special **Ski** events **Competitions or commercial ski productions,** shall not exceed 8 helicopters at any time in the approved Commercial Ski Tour Areas Map as described in HBC 5.24.050(D). **Additional Usage is granted by the Manager exclusively to permit holders who have paid \$5,000 on or prior to January 15.**

1. ~~Access to Additional Usage is allowable as follows: Notify the Borough Manager via telephone or email at least 1 day prior to additional usage. The Borough Manager must approve~~ **a permit holder's request** for the request prior to utilizing additional helicopters **use**. ~~Access to~~ **The permit holder must request the additional usage via email at least one (1) working day prior to the proposed use.**

2. Additional Usage is limited to a 2-week period.

C. **Permit holders may subcontract, share or transfer authority for helicopter use to another qualified permit holder as described in section 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.**

D. Helicopter fees are designated in section 5.18.025(c).

Section 9. Amendment of Section 5.24.040(E). Section 5.24.040(E) of the Haines Borough Code is hereby amended, as follows:

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E. Every permit holder shall submit to the borough clerk, on forms provided by the borough, ~~bi-weekly~~ use reports, **due by 5:00 pm each Monday during the season, detailing the following information:**

- 1) Number of skier days used during each day of the reporting period**
- 2) Any** deviations from the flight guidelines, ~~and~~
- 3) Incident report (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,**
- 4) Any** accidents,
- 5) Mountain goat and other wildlife sightings.**

~~Such reports shall be due within seven days of the end of the reporting period.~~

Section 10. Repeal of Section 5.24.040(K). Section 5.24.040(K) of the Haines Borough Code is hereby repealed.

Section 11. Amendment of Section 5.24.040(L). Section 5.24.040(L) shall be relettered to 5.24.040(K), and shall be amended as follows:

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~~E.K.~~ The permittee **holder** is responsible for obtaining authorizations required by other agencies for the permitted activity. Each permittee **holder** will provide a copy of any other authorizations to the borough clerk.

Section 12. Amendment of Section 5.24.040(M). Section 5.24.040(M) of the Haines Borough Code is hereby amended, as follows:

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M. Every permit holder shall submit to the borough clerk a copy of a signed ~~mutual aid~~ agreement requiring all permittees **holders** 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.~~ **heliski permit holder's staff or customers.** **Such agreement shall also require heliski permit holders to maintain open lines of**

communication with other permit holders to promote safety and share terrain use planning.

Section 13. Amendment of Section 5.24.040(N). Section 5.24.040(N) of the Haines Borough Code is hereby amended, as follows:

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N. Every permit holder shall use **an authorized/permitted** ~~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.~~

Section 14. Amendment of Section 5.24.040(O). Section 5.24.040(O) of the Haines Borough Code is hereby amended, as follows:

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O. ~~Special Ski Event Competition~~ **Event**. Special ski ~~event~~ competitions **events** and productions must take place with ~~one of the three permitted operators~~ **a permit holder** and are considered a part of the operator's skier day allocation. Special ski **competition** events may not last longer than seven days in any three-week period of time.

Section 15. Amendment of Section 5.24.050. Section 5.24.050 of the Haines Borough Code is hereby amended, as follows:

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5.24.050 Approved commercial ski tour areas.

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B. *Temporary Additions to Approved Commercial Ski Tour Areas.*

1. A ~~permittee or an~~ applicant for a special helicopter ski competition event or commercial ski production permit may request the addition of territory to the "Haines Borough Approved Commercial Ski Tour Areas" map for a special ski event, not to exceed seven days of competition.

C. *Shared Use Policy.*

1. All commercial ski tour permittees **holders** shall yield to nonmotorized, 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 **holder** by phone **and** or email 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 **holder** 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 **holder** 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 **holder** to confirm a request, or to yield an area to recreational users, shall be reported to the borough clerk and recorded for future review.

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Section 16. Addition of Section 5.24.060. Section 5.24.060 of the Haines Borough Code is hereby amended, as follows:

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5.24.060 Penalties.


Unless otherwise specifically provided, any person violating a provision of this chapter shall be guilty of a minor offense and punished by a fine in the amount set forth in HBC 1.24.040, or if no fine is there established, a fine of not more than \$500.00.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 22nd DAY OF MARCH, 2022.

ATTEST:


Alekka Fullerton, CMC, Borough Clerk




Douglas Olerud, Mayor

Date Introduced: 2/22/22
Date of First Public Hearing: 03/08/22
Date of Second Public Hearing: 03/22/22