



United States Department of Agriculture

# Chugach National Forest Land Management Plan Final Environmental Impact Statement Volume 2: Appendix C and D



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# **Appendix C. Responses to Comments on the Draft Environmental Impact Statement and Draft Land Management Plan**

## **Comment Period and Response**

The draft environmental impact statement (draft EIS) and draft land management plan (draft plan) comment period opened on Friday, August 3, 2018 and closed on Thursday, November 1, 2018. The Chugach National Forest enlisted the assistance of the Forest Service Enterprise Program to manage comment letters within the Forest Service's Comment Analysis and Response Application (CARA). Comments were received via fax, the CARA web-based comment form, U.S. Postal Service, and hand deliveries. All the comment letters were entered into CARA, which automatically assigned each letter a unique number.

A total of 4,074 letters were received within the comment period. Of these, 2,457 were designated as unique letters, and 110 were designated as duplicate submissions. Twenty-two sets of form letters were received, reflecting a total of 1,507 form letters received. To view comment letters online, go to <https://cara.ecosystem-management.org/Public/ReadingRoom?Project=40816>.

## **Content Analysis Process**

Enterprise employees reviewed each unique and master form letter, and identified individual comments within each letter. A total of 4,451 comments were identified and each comment was assigned a subject code, in a process referred to as coding. All coding occurred within CARA. During the coding process, CARA assigns a unique number to each comment identified by the team. This comment number consists of the letter number, a dash, and sequential comment numbers (for example, 1354-3 would indicate that the comment is the third comment within the letter with the unique identifier 1354).

The interdisciplinary planning team reviewed coded comments and wrote concern statements to capture the essence of similar comments and group them for response. These concern statements were assigned to specialists on the interdisciplinary team according to their specialty, and the specialists wrote responses. A list of comments assigned to each concern statement is available in the planning record.

During this process, the interdisciplinary team tracked changes to be made in the environmental impact statement and land management plan. In addition to the changes in response to public comments, changes to the land management plan were also made in response to comments from Chugach National Forest employees who reviewed the plan during the comment period.

## **Concern Statements and Responses Organized by Topic**

Each concern statement was assigned a unique tracking number by the interdisciplinary team. The numbering sequence is not related to the content of the concern statements, but is an artifact of the process; concern statements were drafted as needed during the process of reviewing the comments. As the team responded to the concern statements, they occasionally combined duplicate or very similar statements, which resulted in gaps in the numbering sequence. In addition, a few concern statements were added during the response process. All original comments and tracking numbers are available upon request from the planning record.

Concern statements, and associated comments and responses, are organized by topic. See the Contents section at the beginning of this document for a list of topics.

## Comment Period

Concern Statement 229: The Forest Service should explain what happened with the comments during the comment period

**Sample comment:** *This is me formally submitting a comment to protest the legitimacy of this process. The fs knows there has been a hack with a massive number of fraudulent letters being submitted in support of shutting down the forest. This process must be paused, fixed, verified that it is legitimate and then continued. People I know that are Alaskan motorized users have had fraudulent letters swapped in for their legitimate personal letters.*

*This is the second letter I have drafted as my first letter was hacked somehow and shows up as supporting land closure in very generic wording.*

*Please have staff check that the system is properly attributing the correct letters to the author's names. Or if others out there are stealing names and wrongly attributing opposing views to the comment board. In the public viewing page of this project, I have read many letters that are written by one person, but bring up another author's letter about a completely different forest area project, submitted months ago. This happened to a letter written by my wife. Please have your IT staff look into this. If this is intentional, it is a direct violation of citizens' rights to be heard on this important matter. If the process has indeed been corrupted, it needs to be fixed, and the proper letters associated to the correct authors. If this cannot be done, then the commenting process needs to be secured, and restarted with additional time for the working people to resubmit their comments.*

**Response:** While the comment database was not hacked, there was a problem with comments from a different land management plan revision effort being attached to people's names in the reading room for a period of several days. On October 25, 2018, members of the public started notifying the Chugach National Forest about a problem with comment letters being posted incorrectly to the public reading room associated with the Comment and Analysis Response Application. The problem was confined to the reading room and the comments database was not affected. We posted the following response on our planning webpage:

“On October 30, 2018 at 3:00 p.m. we were notified by the developers of the U.S. Forest Service Comment and Analysis Response Application (CARA) database that due to a software update, the Chugach National Forest, as well as other forests, experienced some comment submissions appearing incorrectly in the reading room. Thus, commenters checking to confirm the receipt of their comments on or around October 24th to the 26th may not have seen their comments accurately in the reading room (many saw a 2016 letter related to the Sierra, Sequoia, and Inyo National Forests).

The software problem has been corrected and all comments submitted to date are associated with the Chugach National Forest Draft Land Management Plan. If you submitted comments during this timeframe, you can check the reading room for your submission. To view comments in the reading room [click here](#).

Thank you for your patience as we worked with our national office to correct this problem. We value your input and can confirm comments received in the CARA database were never changed or lost in this software update.”

**Concern Statement 254: The Forest Service should extend the comment period**

**Sample comment:** *I would like to see the public comment period be extended 1 month due to the fact that it was not advertised very thoroughly. I have attended ~5 meetings on this since 2015 and followed it very closely and was not made aware of the comment period until a friend informed me 2 weeks ago.*

**Sample comment:** *I'm glad to hear things are working again on the CARA system, but I respectfully request that the USFS issue an extension on the comment period, because of the confusion this technical problem has caused.*

**Response:** Some commenters asked for an extension of the draft land management plan and draft EIS comment period, which started on August 3, 2018 and ended on November 1, 2018. Reasons for requesting an extension to the 90-day public comment period included public outreach failure and a problem with the public reading room associated with the Content Analysis and Response Application.

The Forest Service's public engagement opportunities for the draft plan and draft EIS meet the requirements for public participation listed in Code of Federal Regulations 36, part 219, paragraph 219.4, and the requirements of the National Environmental Policy Act at title 40: Protection of the Environment, part 1506, paragraph 1506.6 Public Involvement.

The Forest Service began formally advertising release of the draft plan and draft EIS on August 3, 2018 with the publishing of a notice of availability in the Federal Register.

The Federal Register notice provided the start and end dates, August 3, 2018 through November 1, 2018, for the 90-day comment period related to the release of the draft plan and draft EIS documents.

Also, on August 3, 2018 the Forest Service:

- Published legal notices in the Anchorage Daily News (planning record) and Cordova Times (planning record).
  - ◆ The legal notices referred to the start of the 90-day comment period, website information related to a public meeting schedule, a web link, telephone number, FAX number, and a mailing address, for submitting comments.
  - ◆ The legal notices also provided information about a follow-on 60-day objection period, mandated by the Forest Service's 2012 Planning Rule, 36 Code of Federal Regulations part 219.

Other public outreach activity continued on August 3, 2018 and included:

- Posting of news releases on the Chugach National Forest's webpage and Twitter account.
  - ◆ Press releases included information related to a schedule and locations for nine public meetings, a web link to the Chugach National Forest mailing list, and a web link for requesting more information.
- Letters were emailed and mailed to all members of the public who signed up for our information mailing lists.
  - ◆ Mailing lists were started in February 2013 as a part of the Chugach National Forest's public outreach, which began with early engagement and publication of the Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends in November 2014.

On September 7, 2018, the Forest Service published a news release through the Associated Press that provided dates and locations of public meetings to discuss the draft plan.

Between September 12, 2018 and October 11, 2018, the Forest Service conducted nine public open house meetings to discuss the draft plan and answer questions related to public concerns about the draft plan.

All members of the public who attended meetings between the start of our early engagement outreach in 2013 and our most recent public meeting in 2018 were provided an opportunity to sign-up for the Chugach National Forest's information mailing lists.

#### Concern Statement 201: The Forest Service should allow comment submission by email

**Sample comment:** *Submission of comments. We hope the Forest Service is not deliberately trying to discourage comments, but the effect of its failure to include an email address as a means of submission is likely to have that effect. Not only is submission by email the most popular way to comment, but there are going to be those of us who want to include an attachment but don't know how to use the method provided on the web. The Chugach should be fair and encouraging and provide an email address the next time comments are solicited.*

**Response:** We were most definitely not attempting to limit the submission of comments. As noted in the introduction to this appendix, 4,074 letters were received within the comment period. We provided several ways to submit comments: in the online comments database, by fax, by U.S. Postal Service mail, and by hand delivery to our office. Of the 4,074 letters received during the comment period, 138 of those included attachments. For most projects, we provide an email address for comment submission, but due to the large volume of comments expected, we chose not to do so for this comment period. We apologize for any inconvenience this may have caused.

#### Concern Statement 8: Comments of support and photos submitted

**Sample comment:** *The promotion of the Avalanche Information Center has been an invaluable tool in accessing the backcountry safely. I appreciate their outreach and inclusion to the motorized users, as I know it has helped save many from having to experience a tragic event.*

**Response:** A number of comments simply expressed support for certain aspects of national forest management or specific parts of the draft plan. We appreciate your support.

We also received many excellent photos of people recreating on Chugach National Forest lands, which we also appreciated. Thank you for sharing your photos with us.

## Public Outreach

#### Concern Statement 259: The Forest Service should increase its use of Facebook

**Sample comment:** *The Forest Service should increase its use of Facebook to respond to questions and concerns from the public.*

**Response:** We appreciate the comment and are always looking for ways to improve our communication, engagement, and service to the public. Our social media platforms (Facebook and Twitter) are just some of the ways we communicate with our many audiences. We regularly post (sharing fun information as well as important information) and we do the best we can to ensure we are sharing information in a timely manner. When we receive questions or concerns via our social media platforms, we typically answer the questions directly or refer the comments to subject matter experts. Social media platforms cannot be used to solicit comments or used for the submission of comments on rulemaking actions or to petition agencies on public policy issues. Our goals of using social media include providing and sharing information about the national forest with our partners and the public.



Concern Statement 253: The Forest Service should improve the public outreach process for plan revision

**Sample comment:** *It should also be recognized that in anyone one comment period for public comment should necessarily determine all public input for said plan. Local community user groups should be contacted for input and guidance in plan development. The government is there to serve the people.*

**Response:** The Forest Service’s outreach for public comment included local community user groups. The Forest Service received public comments from people representing 86 local community user groups. Public involvement will continue through the revision process, which includes a process for objections that is subject to 36 Code of Federal Regulations part 219, subpart B.

The Chugach National Forest website: [www.fs.usda.gov/chugach](http://www.fs.usda.gov/chugach) provides planning information for all interested individuals and groups.

Concern Statement 260: The Forest Service should not hold public meetings during hunting season

**Sample comment:** *I find it difficult to weigh in when the public meetings are held during hunting season. Many of us are unavailable.*

**Response:** For this action, it was not possible to schedule public meetings for a time that did not conflict with hunting season or other activities that occur on the Chugach National Forest, such as subsistence use, guiding, or recreation.

## Planning and Environmental Analysis

Concern Statement 82: The Forest Service should give more weight to comments from Alaskans

**Sample comment:** *Please stop catering to the groups from other places that have a small army of lawyers to push their agenda's. Please listen to those of us who live, work and raise families here. We don't need them to "save us from ourselves" we need you to support our responsible use. These out of state groups aren't going to show up and volunteer hours to help you, but if you work with them I'll bet local motorsports clubs will.*

**Response:** Some commenters expressed concern related to the influence of comments from Americans outside the state of Alaska. The Forest Service is a federal agency within the U.S. Department of Agriculture and is not authorized to exclude members of the American public from participating in the planning process for national forests. The Forest Service’s 2012 Planning Rule, 36 Code of Federal Regulations 219, paragraph 219.4, provides requirements for public participation in the national forest planning process. Among other requirements for public participation, the rule states in paragraph 219.4 (a) (1) “In providing opportunities for engagement, the responsible official shall encourage participation by: (i) Interested individuals and entities, including those interested at the local, regional, and national levels.”

The Chugach National Forest did reach out to local individuals and groups throughout the planning process as shown in the Public Participation section of the draft EIS (page 5). Public participation started with an announcement of the revision process in March 2012 and continues throughout the planning process. In addition to public comment notices, the Chugach held many open house meetings and conducted a series of targeted outreach efforts to federally recognized Alaska Native Tribes and Corporations, youth, new audiences, permittees, and neighboring landowners, including the state of Alaska, to capture stakeholder input for the Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends published in November 2014. These efforts lead to the development of issues and alternatives analyzed in the draft EIS.

Concern Statement 249: The Forest Service should invite and consider comments from throughout the United States, and not just Alaska

**Sample comment:** CHUGACH IS NATIONAL LAND OWNED BY 328 MILLION AMERICAN CITIZENS. IT IS NOT STATE OF AK OR MUNICIPAL LAND. YOU HAV PURPOSELY ASKED LOCALS ONLY IN ALL OF YOUR MANY MEETINGS TO SEE WHAT THEY CAN GET OUT OF IT. BUT THIS IS NATIONAL LAND AND THE CONCEPTION OF PROTECTION FOR NATIONAL CITIZENS IS COMPLETELY MISSING FROM YOUR ANALYSIS.

**Response:** A commenter was concerned that the Forest Service was not considering comments from the public outside of the state of Alaska. The Forest Service’s 2012 Planning Rule, 36 Code of Federal Regulations 219, paragraph 219.4, provides requirements for public participation in the national forest planning process. Among other requirements for public participation, the rule states in paragraph 219.4 (a) (1) “In providing opportunities for engagement, the responsible official shall encourage participation by: (i) Interested individuals and entities, including those interested at the local, regional, and national levels.” A notice of availability for public comment related to the draft plan and draft EIS was filed on August 3, 2018 in the Federal Register (planning record). The Federal Register is the official journal of the U.S. government that contains government agency rules, proposed rules, and public notices. Filing a notice of availability in the Federal Register meets the requirements of the National Environmental Policy Act, through title 40, chapter 5, part 1506, paragraph 1506.6, Public Involvement.

The Chugach National Forest received over 4,000 comment letters during public comment on the draft land management plan and draft EIS. Comments were received from people interested in the management of the Chugach National Forest from all over the country and throughout Alaska. Of the more than 4,000 comment letters, 1,656 were from residents of Alaska. The Chugach National Forest received comment letters from people in all 50 states and received comment letters from American Samoa and Puerto Rico.

Concern Statement 252: The Forest Service should consider form letters differently than unique letters

**Sample comment:** Wildness Watch asked their 17,000 plus followers for help to submit comments to Chugach Forest Revision Plan and most if not, all have no vested interest in using or visiting this area are flooding the comments with these copy/paste letters. Please just take the mass amount of these comments at their face value of ONE organization that wants to shut anything possible down for public use and doesn’t care of the consequence of the people that live here and love and experience the land.

**Response:** Some commenters expressed a concern that form letters would be considered differently than individual comment letters. The responsible official’s decision as a part of the planning process regarding the alternative to select is not based on a vote by the number of people that sent in comments, either original or form letters. Regardless of the volume or type, comment letters with substantive rationale are considered based on content.

Concern Statement 176: The Forest Service should explain how projects will be determined consistent with the land management plan

**Sample comment:** The EIS assumes that implementation of site-specific projects would be consistent with plan components such as desired conditions (p. 46). But as we have noted, it is difficult to determine how projects would be deemed in compliance with desired conditions that are difficult to measure, including key direction for ecosystem integrity and resiliency.

**Response:** The 2012 Planning Rule describes how to determine whether projects and activities are consistent with the land management plan, including with plan components such as desired

conditions. At the project level, it is the responsible official's duty to determine whether a project is consistent with all plan components.

**Concern Statement 20:** The Forest Service should change the planning approach to give more control to citizens

**Sample comment:** *I feel the general land trading and acre counting approach in regards to recreational allocation is the wrong approach for sustainable recreation. Identify the area's that are acceptable for human use and give groups the opportunities to build, adopt, and maintain trails. Areas that need to be set as non-motorized can be done at the local level.*

**Response:** Some commenters expressed concerns about the Forest Service's process for public participation in planning. Public involvement for the draft land management plan is based on Code of Federal Regulations title 40, chapter 5, part 1506, paragraph 1506.6, Public Involvement and 36 Code of Federal Regulations part 219, paragraph 219.4, Requirements for Public Participation. The draft EIS, starting on page 5, shows the ways that the public was encouraged to participate in the planning process. This public involvement will continue through the planning effort.

We note that you do not like the "general land trading and acre counting approach" to national forest management. To complete a comparison of alternatives and analyze the effects of the alternatives presented, we need to express effects using acres. The building, adoption, and maintenance of trails are project-level decisions and outside the scope of the land management plan.

**Concern Statement 183:** The Forest Service should provide a description of the changes between the 2002 and revised plan

**Sample comment:** *Please provide a section in the Plan Introduction that outlines a Summary of the Changes Made between the previous Forest Plan and this 2018 Forest Plan.*

**Response:** The overall management intent for the Chugach National Forest does not change significantly between the 2002 land management plan and the revised 2019 land management plan, and the effects of the changes are described in the final environmental impact statement. The 2002 plan is very different from the revised plan both in structure and in the planning concepts and regulations that govern plan revision. The planning team attempted a comparison similar to what has been requested here, but was unable to complete one, due to these differences. You can find a comparison of the 1982 and 2012 Planning Rules online: <https://www.fs.fed.us/emc/nfma/index1.html>.

**Concern Statement 124:** The Forest Service should review and assess ecological, social, and economic conditions every 15 years

**Sample comment:** *I believe the assessment / evaluation of Ecological, Economic and Social conditions should be reviewed every 10 to 15 years as the National Forest Management (NFMA) intended.*

**Response:** This concern supports the current planning process. The Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends was published in 2014.

**Concern Statement 130:** The Forest Service should define some of the terms used in plan components

**Sample comment:** *Page 13, Goal 2 Contribute to Social and Economic Sustainability, Desired Condition 2. Also, please define what the terms "wellness" and "societal well-being" refer to and describe how it is measured. If the terms are undefinable in relationship to this plan, please delete them.*

**Response:** There was a concern that the Forest Service did not define some terms used in draft land management plan components. Terms that could not be defined in the context they were written have been deleted and replaced with terms from the draft plan's glossary.

**Concern Statement 146: The Forest Service should draft additional plan components for goal 1 to meet the requirements of the 2012 Planning Rule**

**Sample comment:** *A brief overview of the 2012 Planning Rule's requirements is helpful to understanding how the Draft Plan comes up short in this area. The 2012 Planning Rule requires forest plans to contain "Desired Conditions," "Objectives," "Standards," and "Guidelines" (6 36 C.F.R. § 219.7(e)). An Objective is a time-specific statement of a Desired Condition, and Standards and Guidelines are constraints on projects or decision-making established to achieve Desired Conditions. (Standards are mandatory while Guidelines are subject to some discretion.) The Draft Plan is divided into three main parts; Vision, Strategy, and Design Criteria. The Vision part describes the Desired Conditions for the CNF. The Strategy part explains the Objectives and "management approaches" for the Desired Conditions. The Design Criteria part lists the Standards and Guidelines for achieving the Desired Conditions. The Draft Plan subdivides the Vision (Desired Conditions) part into several sections, one of which is "Goal 1 Collaborative Relationships Strategy." Within that section, is a Desired Condition that "statutory rights and interests of Alaska Native Corporations are acknowledged and supported, including access to their private lands, while adhering to legislative guidelines and prior agreements." (Draft Plan at 11.) The Strategy section describes a single "management approach" for that Desired Condition: "Throughout the life of the forest plan, consultation with Alaska Native Corporations is documented and acknowledges access needs across NFS lands to projects on private lands and within privately owned subsurface estates." (Draft Plan at 40) The Design Criteria part, however, contains no Standards and Guidelines for achieving that Desired Condition. In fact, the Draft Plan contains no Standards and Guidelines for any Desired Conditions under "Goal 1 Collaborative Relationships Strategy." The Forest Service should recognize that the Draft Plan fails to follow the 2012 Planning Rule's conceptual framework: Desired Conditions are to be achieved through specific Standards and Guidelines.*

**Response:** The commenter is correct. The 2012 Planning Rule does state that standards and guidelines "help achieve or maintain the desired condition or conditions" [paragraph 219.7 (e)(1)(iii)(iv)]. The sample comment provides a specific description of how the draft land management plan does not provide supporting standards and/or guidelines related to desired condition 3 in goal 1. There are no standards or guidelines written for goal 1 in the draft plan. The 2012 Planning Rule also states, "Plans should not repeat laws, regulations, or program management policies, practices and procedures that are in the Forest Service Directive System" (36 CFR, section 219.2). Adopting standards and/or guidelines specifically designed for Goal 1 Foster Collaborative Relationships, is not required, as the intent of the goal will be met by adhering to Alaska Native Claims Settlement Act (ANCSA) and Alaska National Interest Lands Conservation Act (ANILCA).

**Concern Statement 202: The Forest Service should reword goal 1**

**Sample comment:** *Pages 11-12 - Under Part 1 Vision - Forestwide Desired Conditions and Goals - Goal 1 Foster Collaborative Relationships - there is initial recognition of collaboration with agencies and organizations including non-governmental organizations for the purposes of developing shared land stewardship options and strategies, yet under Desired Conditions Associated With Goal 1 no relationship building opportunities with non-governmental organizations are noted under this section. Only the following statement could possibly address this opportunity "Relationships with new entities are established in a manner that attracts nontraditional visitors..." yet this does not recognize any of the multitudes of conservation or education-oriented non-governmental organizations that have membership composed of Chugach National Forest users, many of which could offer significant value to the USFS through future partnerships. Under bullet #7, the second sentence should be re-worded "Relationships with new entities, including non-governmental organizations are established in a manner that benefits traditional and non-traditional Chugach National Forest users and resources. New relationships will strengthen connections between surrounding communities and the National Forest."*

**Response:** There was a concern that by not adding non-governmental organizations to goal 1, desired condition 7, the Forest Service is missing an opportunity to recognize important partners. The reason for not specifying non-governmental organizations under a description of new entities is related to a reluctance to identify one group without mentioning all organizations that contribute so greatly to the variety of connections people have to the national forest. The importance of the Chugach National Forest's collaborations and partnerships is understood and recognized daily.

**Concern Statement 138: The Forest Service should organize the plan differently**

**Sample comment:** *We want to suggest that you consider re-organizing how the various elements of the plan are presented. As drafted, desired conditions and the plan components that support them are not easy to connect for any given management area. Although we can see why the Chugach chose to describe desired conditions for all management areas first and then go into standards, guidelines, suitability, and other plan components for each later, it is difficult to track what exactly is being proposed for any given management area and how the plan components support, or don't support, the desired conditions. It would be much easier to comprehend what the Forest Service is proposing for each Management Area if all of the plan components and discussion for any given Management Area were grouped together. Finally, we found it odd that none of the plan components have numerical values or identifying nomenclature. In other forest plans that we have read the Forest Service identifies components by first, whether it's for a specific area (ex: MA1) or forest-wide, then their type (DC - desired condition, OB - objective, ST - standard, etc), the resource (ex: REC for recreation), and then a number. For example, from the recently finalized Flathead plan, forestwide desired conditions for watersheds are indicated as FW-DC-WTR 01-17. This type of organization makes it much easier for the public to comment on specific plan components and it is much more clear as to what specifically the final plan requires during implementation. We suggest that the Chugach review the Flathead, Inyo, or other early adopter plans and consider applying the same organizational principals that those forests have utilized in their revised plans.*

**Response:** The land management plan structure was changed during the period between draft and final versions.

**Concern Statement 132: The Forest Service should clearly recognize rights conveyed by the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act**

**Sample comment:** *Currently approximately 99 percent of the Chugach is roadless. Roadless areas, as well as Wilderness and Wild and Scenic River designations, make access permits more difficult, thereby resulting in greater restrictions. Despite future needs, Wilderness designations would prevent the Forest Service from providing additional access, whether for resource extraction, forest health, recreation, or tourism. Less access to the public lands essentially means fewer multiple uses for the public and industries that provide products for consumers and jobs for local residents. Access to timber, mining, renewable energy, recreation, and inholdings should not be precluded. The revised forest plan must explicitly acknowledge congressionally guaranteed rights of access to surface and subsurface lands conveyed to Alaska Native Corporations within the forest boundaries. The revised forest plan should be abundantly clear that the Alaska Native Claims Settlement Act (ANCSA) and ANILCA guarantee access to these lands to achieve the goals of ANCSA, a fair and just land settlement that addresses the real economic and social needs of Alaska Natives.*

**Response:** Some commenters expressed concerns that the draft land management plan lacks clarity in relation to rights guaranteed by the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA). Regarding duplication of existing laws, the land management plan is aligned with guidance provided by the 2012 Planning Rule, which states: "Plans should not repeat laws, regulations, or program management policies, practices, and procedures that are in the Forest Service Directive System" (36 CFR, section 219.2(b)(2)). As with any law that affects national forest management, whether specifically mentioned in the land management plan or not, The Forest Service must, within the plan area, assure the rights guaranteed

by such laws, including ANCSA and ANILCA. Recognition of rights, including access, associated with ANCSA and/or ANILCA are discussed in several parts of the draft plan within the following sections: Roles and Contributions of the Chugach National Forest (pages 3–6), Goal 1 Foster Collaborative Relationships (pages 11–12), Goal 2 Contribute to Social and Economic Sustainability (pages 13–14), Management Area 1 Desired Conditions (pages 24–25), Management Area 1 Standards and Guidelines (pages 72–73). ANCSA is also discussed in the following sections of the draft EIS: Land Status and Ownership (draft EIS pages 64–67), Tribal Relations (draft EIS pages 95–98), and Cultural Resources (draft EIS pages 98–101). Discussions related to ANILCA rights are included in the following sections of the draft EIS: Subsistence Resources (pages 102–109) and Wilderness (pages 159–174).

Designations for wild and scenic rivers and for wilderness are not within the scope of this land management plan nor within the authority of the responsible official. These designations require an act of congress. Recommendations for wild and scenic river designations and a recommendation for a wilderness designation are within the scope of this plan and are required by the Forest Service’s 2012 Planning Rule. Recommendations for wild and scenic river designations and a wilderness designation are made in the plan and approved by the responsible official in order to comply with the 2012 Planning Rule, 36 Code of Federal Regulations part 219. In paragraph 219.7, under requirements for new land management plan development or plan revision, subparagraph (2) states: “In developing a proposed new plan or proposed plan revision, the responsible official shall: (v) Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation; (vi) Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented and there are no changed circumstances that warrant additional review.”

**Concern Statement 87:** The Forest Service should improve the maps in the land management plan

**Sample comment:** *The maps are very difficult to understand.*

**Response:** The Chugach National Forest is over 5.4 million acres. Creating forestwide maps at that scale for a publication can create cartographic challenges. In order to provide greater detail, digital interactive maps are available on the Chugach National Forest planning page. These maps allow the public to zoom in on areas of interest and thereby gain a greater level of detail and nuance than they would on paper maps alone. Map colors will be standardized to ensure ease of interpretation.

**Concern Statement 72:** The Forest Service should identify state lands on the map showing lands open to mineral entry

**Sample comment:** *We request that State land be identified separately on map 11; Acres open to mineral entry, versus withdrawn/segregated from mineral entry (page 189, DEIS). Currently, the map reflects portions of the planning area owned by the State as “Areas withdrawn/segregated from Mineral Entry or Private Lands.” We feel this would support the scope of review as the Forest has included mineral entry on State Land in the cumulative impact (spatial scale) analysis described on page 187.*

**Response:** We agree that the legend on the map in question was inaccurate. The legend on map 11 in the Minerals section of the final environmental impact statement has been changed to be consistent with other maps in the environmental impact statement.

The intent of map 11 is to portray the difference between areas of the national forest that are open to mineral entry and areas of the national forest that are withdrawn or segregated from mineral entry.

All non-National Forest System lands, regardless of ownership within the national forest boundary, are depicted separately because they are not subject to Forest Service management.

## General Management Concerns

### Concern Statement 165: The Forest Service should enforce motor vehicle closures

**Sample comment:** *On one hand, I hike, bike, and ski. I also hunt, fish, and trap. I will use my feet as much as I use motorized vehicles (ATVs, Snowmachines, and boats) to aide me in pursuing these endeavors. As much time as I have spent outdoors, there are negligent individuals in both user groups. Identifying and prosecuting these users is the solution to the problem, not restricting access.*

**Response:** Enforcement of current regulations is outside the scope of the land management plan analysis. The revised land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The plan is strategic in nature and does not have project-level direction. The plan guides and constrains Forest Service personnel, not the public (page 1 of draft land management plan).

### Concern Statement 227: The Forest Service should ensure that National Forest System lands and resources are conserved for current and future generations

**Sample comment:** *My time in the wilderness of Prince William Sound and the Chugach National Forest has changed my life. I believe we must care for this rare, ecological treasure, protect and preserve it for what it offers us now, in the 21st century, and for future generations. Our planet is changing at a rapid rate. Humans have drastically altered ecosystems and the flora and fauna that depend on healthy habitats. We have the chance to be responsible stewards of this wilderness, of the myriad gifts it offers us, both intrinsic and extrinsic. We have the chance, here in the Chugach National Forest, to preserve and protect an extraordinary place on our planet. We must.*

**Sample comment:** *To borrow from Mark Twain: "Protect and guard our national wildlands, parks, forests and monuments. They are not being made anymore."*

**Response:** Some commenters expressed concern about the Forest Service's obligation to manage lands and resources for the use of current and future generations. The Forest Service's 2012 Planning Rule, 36 Code of Federal Regulations part 219, requires the land management plan to, "provide for social, economic, and ecological sustainability within Forest Service authority and consistent with the inherent capability of the plan area," (2012 Planning Rule, paragraph 219.8). Paragraph 219.8 also requires, "the plan must include plan components, including standards or guidelines, to maintain or restore ecological integrity of terrestrial and aquatic ecosystems and watersheds in the plan area, including plan components to maintain or restore structure, function, composition and connectivity," (2012 Planning Rule, paragraph 219.8(a)). The 2012 Planning Rule also requires the plan to provide, "for the diversity of plant and animal communities, within Forest Service authority and consistent within the inherent capability of the plan area" (2012 Planning Rule, paragraph 219.9(b)). Desired conditions related to ecological sustainability and diversity of plant and animal communities are listed under goal 3 of the draft land management plan. Standards and guidelines related to ecological sustainability and the diversity of plant and animal communities are listed in Part 3 Design Criteria, of the draft plan.

## Alternatives

Concern Statement 180: The Forest Service should include alternatives that propose to remove recommended designations not acted upon by Congress, to allow for other uses to occur

**Sample comment:** *Congress' failure to act has resulted in forest multiple-use lands now being managed more restrictively as de facto CSUs for decades, a factor that should be taken into consideration in both planning and Service policies. Instead of maintaining the status quo, Forest Plans should include alternatives that propose to remove recommended designations not acted upon by Congress, to allow for other uses to occur on Forest lands consistent with the National Forest Management Act of 1976. For example, the previously conducted WSR studies can be used for other purposes, such as a further indicator of the suitability of the Chugach Forest for recreation. Every eligible or suitable river, but the Snow River, is deemed to have outstandingly remarkable recreational value and four of the rivers are deemed suitable for designation solely because of their recreational values. Support and management for a wide variety of recreational opportunities should be a focus of the Forest Service and not simply limited use under Wild and Scenic River management actions.*

**Response:** The Forest Service manages recreational and other opportunities within the constraints of law and policy. It is beyond the scope of the land management plan to propose the removal of any recommended designations, as the Chugach National Forest does not have the authority to do so. If Congress makes a decision regarding recommendations put forth by the Forest Service, the Forest Service will respond as appropriate.

Concern Statement 230: The Forest Service should select alternative A or alternative B

**Sample comment:** *Plans A and B are fair deals but i think the original design and plan that became back in 2002 is perfect, why fix something that's not broken.*

**Sample comment:** *I am in favor of plan A and B – I am strongly opposed to plan C and D.*

**Sample comment:** *Please move forward with Alternate A or B. They are the most balanced solutions for all user groups.*

**Response:** Your preference for the selection of alternative A or alternative B is noted. The draft EIS analyzed a range of alternatives. The Forest Supervisor may choose any one of these alternatives in the record of decision.

## Alternative A No Action

Concern Statement 168: The Forest Service should select alternative A

**Sample comment:** *This is to offer my comments on the US Forest Service Plan regarding the Chugach forest, mountains and rivers. Alaska, in all of its beauty and "wildness," is vast and very difficult to access. Alaskans, US citizens and our guests NEED to maintain the ability to access the back country by aircraft, snow machine, boat and ATVs. Regulatory changes that would limit motorized access would impact thousands of people and businesses, and essentially result in very little visitation to these public lands. The vast majority of motorized users care deeply about the beauty and health of our forests and need to be protected in your process. I personally favor Alternative A given my first hand knowledge of extremely low back country impacts. Thank you for taking these thoughts into account.*

**Response:** Some commenters expressed support for alternative A. The draft EIS analyzed a range of alternatives for a wilderness recommendation. Recreation opportunity spectrum classes and in some cases management areas vary by alternative.

Regarding motorized access, alternative C recommends the most acres available for semi-primitive non-motorized (winter motorized allowed) access, (draft EIS page 26, table 3).



Alternative A recommends the most acres available for semi-primitive motorized access (draft EIS page 26, table 3). According to the information in table 2 (draft EIS page 25), alternative C recommends more backcountry acres than alternative A. Proposed constraints, standards and guidelines, for Management Area 4 Backcountry are provided in the draft land management plan on page 76.

The standards and guidelines for Management Area 4 Backcountry (draft plan page 76) apply to Forest Service personnel and Forest Service permittees and contractors, not the public. “Constraints on the public are imposed by law and regulation, or through the issuance of an order by the responsible official under 36 Code of Federal Regulations part 261, subpart B” (draft plan page 1). Changes to public access are outside the scope of the land management plan.

The current condition for public access to the backcountry will remain the same unless changed in accordance with 36 Code of Federal Regulations part 261. Graphic depictions of the differences between the alternatives are in the draft EIS, maps 40 through 51. The Forest Supervisor may choose any one of the alternatives in the record of decision.

#### Concern Statement 216: The Forest Service should not select alternative A

**Sample comment:** *I am concerned that Alternative A, which is described by many as the “no action” plan, retains the 2002 rules, rather than the current 2007 ones. This results in the closures of some areas that are open to riders currently. My sister and my mom are new to snowmobiling, so when planning a snowmobiling trip with my entire family it is very important to have a beginner area. From speaking to my friends who frequent the Chugach area, one of the best, beginner friendly spots to ride is in the area surrounding Crescent and Crater lakes. From my understanding, this area has been open to riding for many years. However, the “no action” Alternative A appears to close this area. I don’t understand all the rules and policies behind how each district is allowed to manage an area, but since this area has been open to riding for many years I believe that that Alternative A should reflect that and leave it open. Closing one of the best beginner riding areas to snowmobilers would severely limit recreators, such as my family, who need a beginner area to snowmobile.*

**Response:** Your concerns with alternative A regarding snowmobile use in the Carter and Crescent lakes area are noted.

The recreation opportunity spectrum class for the Carter and Crescent lakes area in alternative A is semi-primitive non-motorized.

Currently, the Carter and Crescent lakes area of the Kenai Peninsula is open to winter-motorized access, which is consistent with the 2007 Kenai Winter Access Record of Decision.

If the responsible official selected alternative A, winter motorized access would remain consistent with the current travel management reflected in the 2007 Kenai Winter Access decision and would remain open to winter-motorized access.

The recreation opportunity spectrum differences between alternatives are discussed in chapter 2 of the draft EIS and are depicted in the Maps section of the draft EIS.

## Alternative B

#### Concern Statement 12: The Forest Service should select alternative B

**Sample comment:** *In my opinion, any choice other than Option B would severally impact many forest users that choose motorized recreation. Options C & D increase the amount of wilderness area and restrict access to those that choose to recreate with mechanical equipment. Option B can be beneficial to all forest users if managed properly.*

**Response:** Some commenters expressed support for alternative B. The draft EIS analyzed a range of alternatives for wilderness recommendation and other management options, such as moving to eight management areas from twenty-one. The Forest Supervisor may choose any one of these alternatives in the record of decision.

**Concern Statement 215: The Forest Service should select a modified version of alternative B**

**Sample comment:** *Of the plan revision maps, option B is my preferred option, although I would like to submit the following for amendments to option B for consideration: 1). Include a motorized corridor up the 20mile river. 2). Ensure the ice fields surrounding Whittier and Blackstone bay are accessible from the town of Whittier, into ANILCA acreage. 3). Consider including the Valdez/Cordova as motorized access in option B. This would potentially allow heli-ski operations to increase permit areas allowing for more, and potentially safer options, depending on the snow conditions.*

**Sample comment:** *Of the 4 recreation options given, i would like to see option B with some additions. As I stated above, I would like to see Mills Creek and Center Creek opened for motorized use. Additionally, why can't the land north of Cordova that is open to motorized use in options C and D be open in B as well? I would also hate to see the areas east of Seward closed.*

**Sample comment:** *I propose what I will call a Modified Alternative B. This will be Alternative B as proposed by the Forest Service, with the following changes: 1) Keep the big piece of land east of Valdez/northeast of Cordova open to winter motorized use (brown) as shown in Alternative C. This is an amazing, scenic, and huge area for world class snowmachining and heli-skiing. It is remote, but it can be accessed via snowmachine on a good weather day in April with some determination. 2) Provide a motorized corridor (brown) from Whittier to the Spencer/Blackstone Glacier Icefield area as shown in Alternative C. This will protect traditional snowmachine access to this amazing area that is within reach of the majority of snowmachiners in Alaska. 3) Show the existing motorized corridor (brown) up the Twentymile river on the Recreation Opportunity Spectrum map. I have attached maps that show this proposed option.*

**Sample comment:** *If a change must be adopted I would recommend Alternative B with the following modifications: 1) A motorized access corridor be established to access the Center Creek area of Johnson Pass, 2) All of the other Kenai recreational class changes from the Kenai Winter Access Project findings be modified to alternate between Motorized to Non-Motorized every year (ideally opposite of the Resurrection Pass usage).*

**Response:** The draft EIS analyzed a range of alternatives for desired recreation opportunity spectrum settings across the Chugach National Forest. These range from alternative A which represents the 2002 land management plan recreation opportunity spectrum settings; alternative B which is the 2002 recreation opportunity spectrum settings with changes to align with 2007 Kenai Winter Access Record of Decision; alternative C which incorporates alternative B changes in addition to other recreation opportunity spectrum setting changes across the national forest; and alternative D which included all of the alternative C changes in addition to changing the wilderness study area to primitive recreation opportunity spectrum. The Forest Supervisor may choose any one of these alternatives in the record of decision. The record of decision will not include any site-specific travel management decisions. The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access decision. Decisions on whether to open additional areas to motorized use will be made on a project-level basis and will include a public involvement process: Twentymile River has a winter motorized corridor identified in our current forest orders that implement travel management decisions made in the 2002 land management plan

forest planning process. This travel corridor is part of travel management and is not changing in the revised 2019 land management plan.

In alternative C and D, part of Whittier Glacier area located outside the wilderness study area boundary was changed to a semi-primitive non-motorized (winter motorized allowed) setting to respond to members of the public who desire opportunities for snowmachine access to the upper Whittier Glacier area within the wilderness study area. A future project-level travel management analysis and decision would need to be completed prior to this area being open for winter motorized use if alternative C is chosen by the Forest Supervisor.

**Sample comment:** *I would prefer to see the Blackstone glacier area and the Nellie Juan Lake areas shown open to winter motorized use (brown), as shown on the ROS (Recreation Opportunity Spectrum) map for Alternative B.*

**Response:** Blackstone Glacier area and Nellie Juan Lake area are shown as semi-primitive non-motorized (winter motorized allowed) in alternatives A and B. For alternatives C and D, these areas were changed to primitive recreation class with the recognition that all recreation opportunity spectrum classes are subject to Alaska National Interest Lands Conservation Act provisions including Section 1110(a), which allows snowmachine use for traditional activities. This note was on all the recreation opportunity spectrum maps in the draft EIS and in table 8 in the draft land management plan. This point will be clarified and more readily apparent in the final documents. The Forest Supervisor may choose any one of these alternatives in the record of decision.

## Alternative C

Concern Statement 231: The Forest Service should select alternative C

**Sample comment:** *My recommendation is to incorporate Alternative C into the FEIS.*

**Sample comment:** *In general I agree with the use designations in Plan C.*

**Response:** The Forest Supervisor may select any one of the alternatives analyzed in the draft EIS in the record of decision, or may combine elements from two or more alternatives to create the selected alternative.

Concern Statement 19: The Forest Service should modify alternatives C and D to maintain winter and summer motorized access

**Sample comment:** *Please include the areas open to winter motorized access in plans C&D such as Goat Mountain and the area open to summer time motorized access across the road from Summit Lake.*

**Sample comment:** *I would prefer to see a winter motorized access corridor to the Blackstone/Spencer Icefield area as shown in Alternative C. This will protect traditional snowmachine access to this amazing area.*

**Sample comment:** *I would like to see the large area of land east of Valdez and northeast of Cordova open to winter motorized use (brown), as shown on the ROS map for Alternative C. This is another amazing, scenic, and huge area for snowmachining and heliskiing.*

**Response:** The Forest Supervisor may select any one of the alternatives analyzed in the draft EIS in the record of decision, or may combine elements from two or more alternatives to create the selected alternative.

## Alternative D

### Concern Statement 63: The Forest Service should select alternative D

**Sample comment:** *I strongly support Alternative D which recommends that 97% of the Nellie Juan College Fjord Wilderness Study Area be formally designated as Wilderness. After spending five summers exploring this remarkable place, it clearly deserves lasting protection for future generations.*

*Alternative D from the DEIS best represents the bulk of public comment received in 2016. It also best serves the businesses, families and others who have been accustomed to over 30 years of WSA management to maintain the area's wilderness character (1984 and 2002 Forest Plans).*

**Response:** The draft EIS analyzed a range of alternatives for wilderness recommendation (the 2002 Chugach National Forest Land and Resource Management Plan acreage of 1.4 million acres and two other alternatives that increase the acreage up to 1.8 million acres). The Forest Supervisor may choose any one of these alternatives in the record of decision.

### Concern Statement 194: The Forest Service should select a modified version of alternative D

**Sample comment:** *Please support a modified Alternative D wilderness recommendation that also includes Lake Nellie Juan and the lands within the WSA boundary that were purchased for restoration of wilderness resources following the oil spill.*

*I agree with excluding from wilderness recommendation the lands around Blackstone Bay; they are appropriate for higher-amenity-based developed camping experiences-which could even reduce visitor-use pressure on some of the more distant lands, like on Knight Island. But Alt. D should be modified to INCLUDE in the WSA wilderness recommendation lands acquired by the Forest during the Exxon-Valdez Oil Spill Restoration Plan (EVOS).*

**Response:** The draft EIS analyzed a range of alternatives for wilderness recommendation (the 2002 Chugach National Forest Land and Resource Management Plan acreage of 1.4 million acres and two other alternatives that increase the acreage up to 1.8 million acres). During the wilderness area recommendation process required by 36 Code of Federal Regulations 219.7(c)(2)(v) and defined in Forest Service directives (Forest Service Handbook 1909.12, chapter 70), the Forest Supervisor exercised her discretion in determining that lands acquired through the *Exxon Valdez* oil spill settlement process were not to be included in areas recommended for wilderness. These lands are split estate lands where the Chugach Alaska Corporation has the dominant ownership of the subsurface. Split estate lands were excluded from all alternatives due to the potential development of the subsurface lands and the difficulty in managing for wilderness character during and after such development.

**Sample comment:** *While Alternative D is preferred, it has two flaws that should be corrected. It fails to recommend the EVOS-acquired Lands represented in the Chenega Purchase Agreement (Jackpot, Paddy, Hogan, Junction Island). The Alternative D Recommendation should be modified to include these lands. As the discussion above (MA1 Management Intent), they were purchased specifically to restore wilderness services damaged by the oil spill and for their location within the boundaries of the WSA. Consistent with this goal, the Chenega Purchase Agreement mandates that the lands be managed "in perpetuity for conservation and wilderness purposes." It is counter to this goal not to recommend the areas as wilderness.*

*Some will say the Chenega Purchase Agreement lands should not be recommended wilderness because their subsurface is privately owned. But this ignores precedent for other federal wilderness areas where portions of the subsurface are privately owned, including approximately 100,000 acres in the Boundary Waters Canoe Area Wilderness of Minnesota, established by the 1964 Wilderness Act itself.*

**Response:** The draft land management plan identifies plan components and other plan direction specifically addressing *Exxon Valdez* oil spill (EVOS) restoration objectives. These include desired conditions (pages 12, 13, 25), management area 6 plan components (pages 29–30, 51, 77–78), and management approaches (pages 49, 50). When considered together, the draft plan provides direction for achieving EVOS restoration objectives.

The management requirements under the conservation easements of EVOS-acquired lands are different from the management direction we have for the broader wilderness study area. It is possible that some activities normally allowed in the wilderness study area would be contrary to the terms of the conservation easements and therefore not permitted on EVOS-acquired lands. The terms of the EVOS conservation easements are attached to these lands in perpetuity, and Forest Service management must not violate these conservation easements. This is true regardless of whether EVOS-acquired lands are or are not recommended for wilderness designation.

During the wilderness area recommendation process required by 36 Code of Federal Regulations 219.7(c)(2)(v) and defined in Forest Service directives (Forest Service Handbook 1909.12, chapter 70), the Forest Supervisor exercised her discretion in determining that lands acquired through the *Exxon Valdez* oil spill settlement process were not to be included in areas recommended for wilderness. Differential management categories within the wilderness study area boundaries (i.e., management area 1 and management area 6) allow the Chugach National Forest to more effectively maintain the entire area’s potential for inclusion in the National Wilderness Preservation System while simultaneously honoring the conservation easements that direct management of EVOS-acquired lands.

#### Concern Statement 219: The Forest Service should not select alternative D

**Sample comment:** *Alternative D: Alternative D has all the failings of Alternative C, but it’s even worse. It has the Blackstone Glacier area included in the Area Analyzed for Wilderness Recommendation. This is totally unreasonable because it almost guarantees that snowmachiners will be banned from this area in the future. I have no faith that our pleas to be allowed access to Blackstone under the traditional use provision in ANILCA will stand if this area is marked as Wilderness. For this reason, along with all the reasons noted in my discussion of Alternative C, Alternative D is totally unacceptable to me.*

**Response:** Your concerns with alternative D regarding snowmobile use in the Blackstone Glacier area are noted. The draft EIS discussed your specific concerns on page 20: “In alternative C, nearly all of the wilderness study area would have a primitive recreation class, with the exception of narrow fringes along Blackstone Bay, Pigot Bay, Harriman Fiord, Cochrane Bay, Culross Passages, and Coghill Lake... This change also more closely aligns with the management objective of retaining the wilderness study area’s existing character and potential for inclusion in the National Wilderness Preservation System. While the desired recreation setting would change, areas and routes open to motor vehicle use would not change. Motor vehicle use would still be consistent with the new recreation settings in the area immediately south of Whittier and around Blackstone Bay, as shown in alternative B and as provided for by the Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a).” Alternative D would include Whittier and Blackstone Bay as part of the wilderness study area: “This change would address public comments that indicated a desire to see the entire wilderness study area managed in a primitive recreation class. While winter snowmachine use would still be allowed within the wilderness study area as provided for by ANILCA Section 1110(a), a subsequent travel management decision would be needed to implement an authorized motor vehicle use closure around Whittier and Blackstone Bay to prohibit snowmachine use not allowed by ANILCA” (draft EIS page 22). Until a travel management decision changes the access, the area would remain open to snowmachine use in alternative D.

The draft EIS analyzed a range of alternatives for wilderness recommendation. The Forest Supervisor may choose any one of these alternatives in the record of decision.

## Wilderness Recommendation

Concern Statement 2: The Forest Service should recommend the entire wilderness study area for wilderness designation

**Sample comment:** *Please, keep all WSA, Montague Island and EVOS-acquired lands as wilderness!!!!*

**Response:** During the wilderness area recommendation process required by 36 Code of Federal Regulations 219.7(c)(2)(v) and defined in Forest Service directives (Forest Service Handbook 1909.12, chapter 70), the Forest Supervisor exercised her discretion in determining that lands acquired through the *Exxon Valdez* oil spill settlement process were not to be included in areas recommended for wilderness. These lands are split estate lands where the Chugach Alaska Corporation has the dominant ownership of the subsurface. Split estate lands were excluded from all alternatives due to the potential development of the subsurface lands and the difficulty in managing for wilderness character during and after such development.

**Sample comment:** *The Forest Service should recommend all of the 1.9 million eligible acres of the WSA for designation as Wilderness.*

**Response:** The draft EIS analyzed a range of alternatives for wilderness recommendation (the 2002 Chugach National Forest Land and Resource Management Plan acreage of 1.4 million acres and two other alternatives that increase the acreage up to 1.8 million acres). The Forest Supervisor may choose any one of these alternatives in the record of decision. The Forest Supervisor exercised her discretion and excluded some areas of the wilderness study area from all alternatives due to these areas either being split estate lands (surface owned by the federal government, subsurface owned by Chugach Alaska Corporation) or areas being adjacent to Chugach Alaska Corporation lands where use of National Forest System lands may be needed to enable Chugach Alaska Corporation to access their private lands for long-term development.

**Sample comment:** *The Forest Service must not abandon protection for the nearly 600,000 acres that the agency proposes to eliminate from the WSA. Do not recommend elimination of these acres from the WSA.*

**Response:** Congress designated the Nellie Juan-College Fiord Wilderness Study Area through the passage of the Alaska National Interest Lands Conservation Act in 1980 and only Congress can remove the wilderness study area designation from these lands. The draft land management plan provides the same management direction management area 1 for the entire wilderness study area whether lands within the wilderness study area are recommend for wilderness designation or not. If areas were not recommended for wilderness, these lands would still be managed as part of the wilderness study area.

**Sample comment:** *This wilderness study area should be adopted as wilderness. Please do nothing that would impair that designation. There is so little of earth left that we haven't trammed. We need all of the remaining wild areas left to remain wild to help mankind endure the oncoming disaster of global warming.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. The authority to designate lands as wilderness is reserved to Congress. The entire wilderness study area is included in management area 1 regardless of whether it is recommended for wilderness designation. If adopted, this management area direction in combination with the forestwide direction, would maintain the area's potential for inclusion in the National Wilderness Preservation System until such

time that Congress acts on a recommendation for wilderness or removes the wilderness study area designation. Congress could choose to designate none, all, a portion, or several parts of the wilderness study area as wilderness.

**Sample comment:** *Alternative C's exclusion of Elrington Island, Glacier Island, and EVOS-acquired areas within the boundaries of the WSA would disrupt the continuity of the proposed wilderness, adversely affecting its manageability. Overall wilderness character on adjacent lands would also be degraded, as these excluded areas would act like gaps or inholdings in the recommended wilderness. Subsistence activities on Elrington and Glacier could also suffer under Alternative C. Also, both Elrington and Glacier represent unique scenery and habitat not common in the WSA. Examples include the outer coast environment on Elrington and the mixed geology of Glacier Island, which are both unique PWS features worthy of continued protection.*

**Response:** The draft EIS analyzed a range of alternatives for wilderness recommendation (the 2002 Chugach National Forest Land and Resource Management Plan acreage of 1.4 million acres and two other alternatives that increase the acreage up to 1.8 million acres). During the wilderness area recommendation process required by 36 Code of Federal Regulations 219.7(c)(2)(v) and defined in Forest Service directives (Forest Service Handbook 1909.12, chapter 70), the Forest Supervisor exercised her discretion in determining that lands acquired through the *Exxon Valdez* oil spill settlement process were not to be included in areas recommended for wilderness. These lands are split estate lands where the Chugach Alaska Corporation has the dominant ownership of the subsurface. Split estate lands were excluded from all alternatives due to the potential development of the subsurface lands and the difficulty in managing for wilderness character during and after such development. Alternative D does include Erlington Island and Glacier Island in the areas recommended for wilderness. The Forest Supervisor may choose any of the alternatives in the record of decision.

Concern Statement 169: The Forest Service should recommend the maximum amount of land for wilderness designation

**Sample comment:** *I strongly urge the USFS to provide an Alternative E Maximum Wilderness Recommendations for public review as a Supplemental EIS.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. Forest Service directives (Forest Service Handbook 1909.12, section 73) state that not all lands in the inventory and subsequent evaluations are required to be carried forward in an alternative. The Forest Supervisor determined which lands were to be carried forward in the range of alternatives. Appendix A of the draft EIS documents rationale for excluding lands from further analysis and recommendation for wilderness in an alternative.

**Sample comment:** *My family strongly, absolutely, urges establishment of Wilderness classification of the current Wilderness Study Area and the greatest Wilderness extension possible.*

**Response:** The authority to designate lands as wilderness is reserved to Congress. The Forest Service can recommend areas for wilderness designation, but does not have the authority to designate wilderness.

**Concern Statement 128: The Forest Service should not recommend additional acres for wilderness designation**

**Sample comment:** *I don't think it appropriate to recommend additional acres (beyond the 1.4M acres recommended in 2002) suitable for Wilderness designation in this Forest plan. Any further acres designated as "Wilderness" will limit winter recreation opportunities and displace motorized users.*

**Response:** Winter recreation is diverse, and under all alternatives, the wilderness study area would continue to provide diverse motorized and non-motorized winter recreation opportunities. The Alaska National Interest Lands Conservation Act provides for access of snowmachines and float planes for traditional activities across the entire wilderness study area, whether recommended for wilderness designation or not. Heli-skiing and other winter recreation opportunities dependent on the landing of helicopters is not currently supported in the wilderness study area, and none of the alternatives would provide for such use in the wilderness study area. The draft EIS analyzes two alternatives with the same areas recommended for wilderness in 2002 Chugach National Forest Land and Resource Management Plan and two alternatives where the acreage has increased. The Forest Supervisor may choose any one of these alternatives in the record of decision. Designation of wilderness is reserved to U.S. Congress. Until Congress acts, the areas recommended for wilderness would be managed to protect the social and ecological characteristics that form the basis for their potential inclusion in the National Wilderness Preservation System.

**Sample comment:** *Please do not create any new or expand previous wilderness areas.*

**Response:** There is currently no designated wilderness on the Chugach National Forest, and designating wilderness is outside the scope of the analysis. The authority to designate lands as wilderness is reserved to Congress. In accordance with Forest Service planning directives (Forest Service Handbook 1909.12, chapter 70), the draft EIS analyzes a range of alternatives for recommended wilderness. The Forest Supervisor may choose any one of these alternatives and will explain the rationale for the choice in the record of decision.

**Sample comment:** *The second paragraph from the bottom [page 531 of DEIS] speaks to the opportunities for solitude and the activities that occur in marine waters that may impact that solitude. The USFS manages the land of the Chugach National Forest and not the marine waters or lands outside of the National forest boundaries. It is irrelevant to complain about activities that might impact solitude in areas outside of the jurisdiction of the USFS. This paragraph needs to be re-written to indicate where a person can go to find solitude other rather than complain about these active areas. The best option would be to reduce the amount of area being considered in the Wilderness Study Area so that the areas south of Whittier are excluded. Rewrite or eliminate this paragraph.*

**Response:** This comment is responding to the information provided in the draft EIS for evaluation of lands in the Prince William Sound Islands Inventoried Roadless Area for suitability for inclusion in National Wilderness Preservation System. The Forest Service planning directives (Forest Service Handbook 1909.12, chapter 70) provides policy on what characteristics to evaluate, in this case, evaluating the degree to which the area has outstanding opportunities for solitude or primitive and unconfined type of recreation. This is but one of several factors considered in the evaluation. The direction in the policy is to consider factors that may affect a visitor's opportunity for solitude including the degree of permanent intrusions and pervasive sights and sounds from outside the area and effects that may be due to legal activities beyond Forest Service jurisdiction. The information is presented not as a judgment that anything is wrong, but rather as a factual statement as to the nature of opportunities for solitude in this particular location. The evaluation process is not a decision to include or not include areas for wilderness recommendation. The Forest Supervisor utilizes the evaluation information and public input to make the decision on which areas to analyze as recommended wilderness in one or more alternatives.



**Sample comment:** *Alternative C also increases the size of the current wilderness recommendation by over 31 percent- making a new recommendation of 1,819,700 acres. According to the DEIS, “opportunities for solitude and primitive, unconfined recreation would be maintained over a larger area than in Alternatives A and B and would include popular destinations, such as Harriman Fiord, small bays along Port Wells, Esther Island and Passage, Cochrane Bay, and Culross Passage.” (DEIS, page 172.) As discussed in further detail below, the Forest Service does not explain why a larger wilderness recommendation is necessary or analyze whether the wilderness recommendation will negatively affect other uses of the CNF, including opportunities for economic development and valid existing rights.*

**Response:** The Purpose of and Need for Revising the Forest Plan section in the draft EIS (pages 6–7) identifies the amount of land to be recommended for wilderness area designation as a significant issue. Most people who commented during scoping would like to see more of the wilderness study area recommended for wilderness than was recommended by the 2002 land management plan revision. Alternatives C and D were created to analyze the effects of recommending more acreage within the wilderness study area. The Forest Supervisor may choose any one of the four alternatives for recommended wilderness and will explain the rationale for the choice in the record of decision.

Recommending wilderness would not change the management of the land because the draft land management plan provides the same management direction (management area 1) for the entire wilderness study area whether lands within the wilderness study area are recommend for wilderness designation or not. If areas within the wilderness study area were not recommended for wilderness, these lands would still be managed as part of the wilderness study area.

The Forest Supervisor did consider effects on valid existing rights from recommending areas for wilderness designation and exercised her discretion and excluded some areas of the wilderness study area from all alternatives due to these areas either being split estate lands (surface owned by the federal government, subsurface owned by Chugach Alaska Corporation) or areas being adjacent to Chugach Alaska Corporation lands where use of National Forest System lands may be required in order for Chugach Alaska Corporation to access their private lands for long-term development. This rationale is documented in appendix A of the draft EIS (pages 529 and 534).

The effects of varying amounts of wilderness designation on other uses and resource areas was included in the draft EIS. The analysis included the assumptions that recommended wilderness would be designated and that congressional designation would include provisions consistent with the Alaska National Interest Lands Conservation Act, similar to other wilderness areas in Alaska. Effects would be different if Congress does not act on the recommendation. The analysis of effects is found in various resource sections of the draft EIS (Minerals, pages 195–203; Subsistence, page 109; Forest Products, pages 122–130; Recreation, pages 145–157, etc.).

**Concern Statement 198: The Forest Service should recommend additional wilderness areas**

**Sample comment:** *There are other areas in the Chugach beyond the present WSA that could merit review for potential wilderness designation. For example, most Forest Service lands on the Kenai Peninsula above 2,000 feet in elevation provide a pretty pristine alpine to subalpine environment. The high valleys and ridge lines offer refuge to wildlife from increasing human activity along trails and wilderness trekking at its best.*

**Sample comment:** *Growler Island, Heather Island, and mainland holdings would be excellent additions to CNF, and we encourage managers to pursue these lands before development projects are initiated.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. Forest Service directives (Forest Service Handbook 1909.12, section 73) state that not all lands in the

inventory and subsequent evaluations are required to be carried forward in an alternative. The Forest Supervisor determined which lands were to be carried forward in the range of alternatives. Appendix A of the draft EIS documents rationale for excluding lands from further analysis for recommended wilderness.

**Concern Statement 290: The Forest Service should not recommend any lands for wilderness designation**

**Sample comment:** *We do not need any additional wilderness designated areas.*

**Response:** Designating wilderness is outside the scope of the analysis. The authority to designate lands as wilderness is reserved to Congress. With regards to recommending lands for wilderness designation, the Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. The Forest Supervisor utilizes the evaluation information of the areas across the national forest and public input to make the decision on which areas to analyze as recommended wilderness in one or more alternatives. The Forest Supervisor can choose any of the alternatives for wilderness recommendation and will identify this decision in the record of decision.

**Sample comment:** *Any move to limit motorized access by designating “Wilderness” areas is unacceptable.*

**Response:** Winter recreation is diverse, and under all alternatives, the wilderness study area would continue to provide diverse motorized and non-motorized winter recreation opportunities. The Alaska National Interest Lands Conservation Act provides for access of snowmachines and float planes for traditional activities across the entire wilderness study area, whether recommended for wilderness designation or not. Heli-skiing and other winter recreation opportunities dependent on the landing of helicopters is not currently supported in the wilderness study area, and none of the alternatives would provide for such use in the wilderness study area. Designating wilderness is outside the scope of the analysis. The authority to designate lands as wilderness is reserved to Congress.

**Concern Statement 148: The Forest Service should not recommend areas for wilderness that are near or adjacent to Chugach Alaska Corporation lands, or have been identified as possible land exchanges**

**Sample comment:** *Wilderness should not be recommended for areas near or adjacent to CAC lands, or for areas identified as possible land exchanges. Under ANCSA, CAC owns or has valid selection rights to over 625,000 acres of full fee estate or subsurface state within the boundaries of the CNF. CAC has an obligation to use or realize economic benefits from those lands and the legal right of access across CNF lands to accomplish that obligation. But often, CAC’s access and development rights are at odds with wilderness management. Motorized access, construction of permanent structures, road-building, and helicopter surveying are all necessary to realizing the economic potential of lands Congress guaranteed to CAC.*

**Response:** As documented in the appendix A of the draft EIS, the Forest Supervisor excluded several inventoried areas from being recommended for wilderness (page 529):

Nellie Juan inventoried lands:

- “Split estate lands where Chugach Alaska Corporation has the dominate ownership of the subsurface (includes the area around Jackpot Bay and Ewan Bay near Chenega Island and the small island just north of Chenega Island). These lands were excluded due to the potential for development of the subsurface lands and the difficulty in preserving wilderness characteristics during and after such development.”

Prince William Sound Islands inventoried lands:

- “Split estate lands where Chugach Alaska Corporation has the dominant ownership of the subsurface (includes the area surrounding Hogan Bay on southern tip of Knight Island and the southeast side of Drier Bay on Knight Island). These lands were excluded due to the potential development of the subsurface lands and the difficulty in preserving wilderness characteristics during and after such development.
- A small parcel at the head of Marsha Bay on the eastern side of Knight Island that is surrounded by Chugach Alaska Corporation lands. It would be difficult to preserve wilderness characteristics on this parcel because it is surrounded by lands of other ownership.”

**Sample comment:** *The Forest Service should acknowledge that many of CAC’s land claims and interests have not yet been resolved. The Draft Plan’s wilderness recommendation sets a management approach that could negatively affect CAC’s ability to resolve those claims-or at least complicate and delay the process. Some CAC lands have high potential to be exchanged for CNF lands in other parts of the planning area. But if the Forest Service recommends those areas for wilderness designation, it will be less likely that the area would be considered in a land exchange, frustrating the implementation of ANCSA.*

**Response:** The draft land management plan acknowledges and supports the statutory rights and interests of Chugach Alaska Corporation in the desired conditions under goal 1 and goal 2, forestwide management approaches, and specific plan components for management area 6. Alaska Native Claims Settlement Act entitlements, including land exchanges, can be resolved in the wilderness study area regardless of whether lands are recommended for wilderness. Once land is transferred to Chugach Alaska Corporation, the lands are no longer Forest Service-managed lands and the plan components for the wilderness study area would not apply. Further, the Alaska National Interest Lands Conservation Act 1110(b) guarantees private landowners adequate and feasible access for economic and other purposes, including to those lands surrounded by the wilderness study area.

Concern Statement 149: The Forest Service should not recommend areas for wilderness in proximity to conveyed section 14(h)(l) sites and should exclude recognized historic sites from wilderness recommendations

**Sample comment:** *Wilderness should not be recommended for areas in proximity to conveyed section 14(h)(1) sites. The Forest Service should also exclude recognized historic sites and CNF lands adjacent to section 14(h)(1) sites from the wilderness recommendation.21 (21 ANCSA, 43 U.S.C. § 1613(h)(1) (granting Regional Corporations the right to historical places and cemetery sites).) CAC has access rights to section 14(h)(1) sites, making those sites and the surrounding areas unsuitable for wilderness recommendation. Likely modes of transportation to section 14(h)(1) sites, including motorized vehicles, helicopters, and airplanes, and projected increased future use of those sites contribute to the conclusion that the sites and surrounding areas do not have the wilderness characteristics required for recommendation or designation. The Forest Service should specifically consider areas in proximity to section 14(h)(1) sites not yet conveyed to CAC as unsuitable for wilderness designation.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(b) grants rights to adequate and feasible access for economic and other purposes for private lands within or surrounded by the wilderness study area. ANILCA Section 1323(a) directs that the Secretary shall provide access to non-federally owned lands within the National Forest System that is deemed adequate to secure to the owner the reasonable use and enjoyment the lands. Chugach Alaska Corporation shared a map with the Forest Service that outlined potential access needs to various Chugach Alaska Corporation private parcels. The information on this map was used to exclude areas near Nellie Juan Lake and Nellie Juan River from wilderness recommendation. The map did not show any access needs for the 14(h)(1) sites. Adequate access described under these ANILCA provisions

would be granted regardless if the adjacent lands were recommended for wilderness or not. The areas adjacent to the 14(h)(1) conveyed parcels and those 14(h)(1) parcels that have not been conveyed were included in the wilderness inventory and found suitable for recommendation for wilderness.

The Forest Supervisor excluded some areas of the wilderness study area from all alternatives due to these areas either being split estate lands (surface owned by the federal government, subsurface owned by Chugach Alaska Corporation) or areas being adjacent to Chugach Alaska Corporation lands where use of National Forest System lands to access their private lands for long term development was identified by Chugach Alaska Corporation.

**Concern Statement 182: The Forest Service should not recommend wilderness designation for state-selected lands**

**Sample comment:** *The State supports efforts to ensure consistency with State plans and allowed uses in this planning process, however, in addition to the legal issues regarding wilderness and wild and scenic river studies identified above, we are opposed to any wilderness designations on State selections. The Glacier Island selection was reinstated as part of the Alaska Land Transfer Acceleration Act. The management intent for this selection within the Prince William Sound Area Plan provides for commercial recreation and access to private lands, which places it in direct conflict with a Wilderness management designation. Therefore, we request the wilderness recommendations on State selections, particularly Glacier Island, are removed in the final plan.*

**Response:** The draft EIS has four alternatives for recommended wilderness. Alternatives A, B, and C all exclude Glacier Island from the wilderness recommendation. The Forest Supervisor can choose any of the alternatives for wilderness recommendation and will identify this decision in the record of decision.

**Concern Statement 243: The Forest Service should release wilderness study areas for which Congress has not made a decision**

**Sample comment:** *We also need to release WSAs that have been locked up for over 5 years, and WSAs which are not found to be worthy of Wilderness Designation.*

**Response:** Releasing a wilderness study area is not within the authority of the Forest Service. Congress designated the Nellie Juan-College Fiord Wilderness Study Area through the passage of the Alaska National Interest Lands Conservation Act in 1980 and only Congress can remove the wilderness study area designation from these lands.

**Concern Statement 247: The Forest Service should not prohibit existing authorized uses through wilderness recommendation**

**Sample comment:** *On page 528 under land use authorization it again appears that the EIS is trying to justify the wilderness study area by disparaging and authorized use under ANILCA. The USFS seems to be very willing to try to eliminate an approved use with an estimated annual ex-vessel value of \$5 million and an highly popular sport fishery to allow for a few people to have a solitude experience when 2 million acres of area are available elsewhere on the forest for them to have that experience.*

**Response:** This comment is responding to the information provided in the draft EIS for evaluation of lands in the Nellie Juan Inventoried Area for suitability for inclusion in National Wilderness Preservation System. Forest Service directives (Forest Service Handbook 1909.12, chapter 70) provide policy on what characteristics to evaluate, in this case, evaluating the degree to which the area may be managed to preserve its wilderness characteristics. The section quoted in the comment is about legally established rights or uses. This is but one of several factors considered in the evaluation.

The evaluation process is not a decision that determines which uses to include or eliminate in an area; nor does the evaluation itself recommend areas for wilderness designation. Information is presented

not as a judgment that anything is wrong, but rather as a factual statement as to the nature of the legal rights and uses that currently exist in the area and how those uses affect the area's wilderness characteristics. The Forest Supervisor utilizes the evaluation information and public input to make the decision on which areas to analyze as recommended wilderness in one or more alternatives.

**Concern Statement 286: The Forest Service should not exclude areas from wilderness recommendation because of existing uses**

**Sample comment:** *If some of the WSA lands are excluded because of use challenges, such as increased boat traffic since the opening of the Whittier Tunnel to private automobiles, and anticipated new uses such as drones, helicopter flights, commercial filming efforts, or other, these challenges should actually lead to stricter protection to guard against unsustainable uses and future degradation of wilderness suitability.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to follow a four-step process to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. Forest Service policy (Forest Service Handbook 1909.12, chapter 70) provide direction on the criteria we are to use to inventory lands and determine if an area should be evaluated for suitability for wilderness recommendation. For example, areas with National Forest System roads that have a higher level of maintenance are excluded from inventory and evaluation and are not suitable for wilderness recommendation. Areas with uses such as helicopter landings and commercial filming efforts referenced in the comment were identified as needing to be evaluated to determine if the uses are substantially noticeable in the area as a whole and if they affect wilderness characteristics. The entire wilderness study area would be managed to maintain potential for inclusion in the National Wilderness Preservation System until Congress acts on the recommendation, regardless of whether areas are recommended for wilderness or not recommended.

**Concern Statement 293: The Forest Service should exclude areas from wilderness recommendation because of past and existing uses**

**Sample comment:** *A lot of this area has seen use in the past and present from different industries, exploration, and recreation. Some of the proposed areas for inclusion as proposed wilderness lands don't meet the definition of wilderness lands. Some examples are Glacier Island, Unakwik Inlet, Ester Island, Ester Passage. Glacier Island has been used as a fox farm and mining area with man made things left behind such as fox feeding hutches, cabin remains, marine railway, and rail and carts for mining. These are just examples of were areas have been used in the past and still show the character of those uses and the diverse history of the area. While they are all still very beautiful and scenic with the history of the area still attached to them, they do not meet the definition of wilderness per part C-1 of the Wilderness Act.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to follow a four-step process to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. Forest Service policy (Forest Service Handbook 1909.12, chapter 70) provide direction on the criteria used to determine if an area should be included in an inventory and evaluated for suitability for wilderness recommendation. The policy directs the Forest Service to include lands in the inventory where improvements or evidence of past human activities are not substantially noticeable in the area as a whole, including areas that contains structures, dwellings, and other relics of past occupation when they are considered part of the historical and cultural landscape of the area. Glacier Island is only included as recommended wilderness in alternative D.

**Concern Statement 294: The Forest Service should retain the wilderness study area classification and manage the area in a manner that protects its wilderness values**

**Sample comment:** *The Chugach forest still doesn't have one single acre of wilderness. How long do the people of Alaska have to wait for this to happen. PWS is within a hours drive of the majority of Alaskans residents. As you know it is extremely popular. Since the opening of the tunnel use has increased enough to seriously impact the over hunting of black bears. I urge you to retain the WSA classification for 100% of the existing roadless area, and to continue to manage the area in a manner to protect its wilderness values.*

**Response:** Congress designated the Nellie Juan-College Fiord Wilderness Study Area through the passage of the Alaska National Interest Lands Conservation Act in 1980. Only Congress can designate wilderness and only Congress can remove or modify the wilderness study area designation from these lands. Under all the alternatives, the entire wilderness study area would be managed to maintain potential for inclusion in the National Wilderness Preservation System until Congress acts, regardless of whether areas are recommended for wilderness or not recommended.

**Concern Statement 147: The Forest Service should expand and clarify the rationale for wilderness recommendation**

**Sample comment:** *The DEIS fails to explain the change in wilderness recommendation area. The Forest Service has not met that obligation here. Forest Service policies require consideration of multiple factors in the wilderness inventory, evaluation, and recommendation. The Forest Service must determine whether management of the area as wilderness is feasible, including whether the presence and amount of human activities in the area and surrounding the area are incompatible with the legal definition of wilderness. 16 (16 DEIS at 484; see also FSH 1909.12, chapter 70.) Two factors are particularly important in determining whether to recommend areas on the CNF as wilderness: “[t]he presence and amount of non-Federal land in the area; and [m]anagement of adjacent lands.” 17 (17 FSH 1909.12, chapter 70 at 72. 1.) The DEIS increases the amount of recommended wilderness in several regions of the CNF. In the Nellie Juan inventoried roadless area (IRA), the recommended wilderness area increased from 543,969 to 636,845 acres. 18 (DEIS at 529) In the Prince William Sound IRA, the Forest Service added portions of Knight, Bainbridge, and other large islands within the western portion of the Sound, increasing the recommended wilderness from 46,900 to 104,976 acres. 19 (DEIS at 530) In the College Fiord IRA, the wilderness recommendation increased from 796,642 to 1,077,796 acres. 20 (DEIS at 539). The DEIS failed to consider and adequately explain the Forest Service's decision to increase the recommended wilderness area.*

**Sample comment:** *The wilderness recommendation in Alternative C is unacceptable and insufficiently explained. In 1984, the Forest Service conducted its first wilderness inventory on the CNF, recommending approximately 1.7 million acres for congressional designation under the Wilderness Act. In 2002, the Forest Service reduced that recommendation to 1,387,509 acres. As part of the 2002 recommendation, the Forest Service acknowledged that “subsistence needs, potential mineral values, and private land interests and concerns” made some areas within CNF unsuitable for wilderness designation. Now, the Forest Service has changed course and expanded the wilderness recommendation to 1,819,700 acres- an area even larger than the initial 1984 recommendation. CAC has serious concerns about the wilderness recommendation process and the Forest Service's lack of explanation for expanding the recommendation. The Forest Service should not be making a new wilderness recommendation.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. For those areas that are included in one or more alternatives, Forest Service directives (Forest Service Handbook 1909.12, chapter 70) require including the following information in the rationale: 1) Name of the area and number of acres, 2) location and summarized description of a recommended boundary, 3) description of the general geography, topography, and vegetation, 4) current uses and management of the area, 5) wilderness characteristics and ability to protect and manage the area so as to preserve its wilderness characteristics, 6) summary of the factors considered and process used in evaluating the

area and developing the alternatives, and 7) a summary of the ecological and social characteristics that provide the basis for the area's suitability for inclusion in the National Wilderness Preservation System. This rationale is documented in each inventory area in appendix A of the draft EIS.

The Forest Supervisor utilized the evaluation information of the areas across the national forest and public input to make the decision on which areas to analyze as recommended wilderness in one or more alternatives. The Forest Supervisor exercised her discretion in determining that all split estate lands (those acquired through the *Exxon Valdez* oil spill settlement process and one other parcel on Knight Island) were not to be included in areas recommended for wilderness for any alternative. Additionally the National Forest System lands in the Nellie Juan Lake and Nellie Juan River where Chugach Alaska Corporation identified future access needs were also not to be included in any alternative for recommended wilderness. A small parcel on the east side of Knight Island surrounded by Chugach Alaska Corporation lands was also excluded in all alternatives for recommended wilderness. In three of the four alternatives, Glacier Island and Erlington Island were not included in areas recommended for wilderness. No other lands were identified by Chugach Alaska Corporation or other entities for needing access in either of the Nellie Juan inventory area or the Prince William Sound islands inventory area. The Forest Supervisor can choose any of the alternatives for wilderness recommendation and will identify this decision and rationale in the record of decision.

**Concern Statement 31: The Forest Service should provide an unbiased analysis related to wilderness recommendations**

**Sample comment:** *On page 526 the first paragraph says that Main Bay hatchery and set net camps provide the most persistent impacts on solitude. What is not mentioned is the very popular sport fishery that occurs in front of Main Bay Hatchery. If someone is looking for solitude they have several million acres to explore instead of at a location where an intense sport fishery is occurring. So, does the USFS wish to eliminate a popular sport fishery so a few individuals can have a wilderness experience on 10 acres of land when they have 2 million acres elsewhere they can go? The EIS seems to be trying to justify a wilderness area designation at the expense of recreation and commercial fishing activities.*

**Response:** This comment is responding to the information provided in the draft EIS for evaluation of lands in the Nellie Juan Inventoried Area for suitability for inclusion in National Wilderness Preservation System. The Forest Service directives (Forest Service Handbook 1909.12, chapter 70) provides policy on what characteristics to evaluate; in this case, evaluating the degree to which the area has outstanding opportunities for solitude or primitive and unconfined type of recreation. The direction in the policy is to consider factors that may affect a visitor's opportunity for solitudes including the degree of permanent intrusions and pervasive sights and sounds from outside the area. While the popular sport fishery that occurs in front of Main Bay Hatchery referenced in the comment is not mentioned specifically in the evaluation, the presence of boats on adjacent marine waters is mentioned as a common impact to solitude in the inventoried area. Information on the Main Bay Hatchery, nearby boats, and airplane overflights is presented not as a judgment that anything is wrong, but rather as a factual statement as to the nature of solitude opportunities in this particular location.

Opportunities for solitude are one of several factors considered in the evaluation. The evaluation process includes analysis of other characteristics and does not determine what activities can or cannot occur in the area. Nor does the evaluation itself recommend areas for wilderness designation. The Forest Supervisor utilizes the evaluation information and public input to identify those areas, or portions of areas, to carry forward as recommended wilderness in one or more alternatives. The environmental impact statement does not designate wilderness—only Congress can do that.

## Wild and Scenic Rivers Recommendation

Concern Statement 181: The Forest Service should clarify rights and management associated with navigable waters in recommended and eligible wild and scenic rivers

**Sample comment:** *The nine rivers that are considered “suitable” and recommended in the Forest Plan for inclusion in the National Wild and Scenic River System includes rivers that were navigable-in-fact at the time of statehood. Unless Congress clearly intended to withhold title to rivers that were navigable-in-fact from the future state, title vested in the State at statehood. As written, the Plan appears to repudiate the State’s claims of ownership or that the conflicting ownership claims are of no significance for management. For example, the objectives on page 51 include filing in stream flow reservations and mineral withdrawals on at least one recommended wild and scenic river within ten years of the plan approval. Those navigable waters vested to the State should be identified and the plan must clearly state that the management intent applies only to the federally managed uplands. Otherwise the State must conclude its title to those navigable waters has been repudiated.*

**Response:** Thank you for your comment. The recommendation or designation of rivers as part of the National Wild and Scenic River System does not affect either title to or jurisdiction over submerged land beneath navigable waters. The management guidance for National Wild or Scenic Rivers applies only to designated National Forest System lands. The objective of filing for a mineral withdrawal has been removed.

The filing of applications for instream flow reservations does not affect ownership or jurisdiction. In the draft plan, the purpose of the objectives on page 51—filing for instream flow reservations—is to ensure there will be enough flow within these reaches to preserve and protect the rivers preliminary classification and outstandingly remarkable values. The state of Alaska legislature amended the Alaska Water Use Act in 1980 to allow instream flows to be legally reserved by a private individual, group, or governmental agency in order to maintain specific flow rates in a river or volumes and water levels in a lake during specified time periods for one or a combination of four types of uses:

- protection of fish and wildlife habitat, migration, and propagation;
- recreation and parks purposes;
- navigation and transportation purposes; and
- sanitary and water quality purposes.

**Sample comment:** *Page 169, fourth paragraph, last sentence. Thank you for noting that the marine waters and navigable waters are not under the jurisdiction of the Service and are not included in management direction. While maintaining our previous objections to the wild and scenic river studies, we request that state ownership of navigable waters be recognized and factored into any WSR recommendations and proposed interim management decisions.*

**Response:** The recommendation or designation of rivers as part of the National Wild and Scenic River System does not affect either title to or jurisdiction over submerged land beneath navigable waters. The management guidance for National Wild or Scenic Rivers applies only to National Forest System lands.

**Sample comment:** *The Chugach Draft Management Plan does little to explain navigability and waterway ownership disputes with the State of Alaska; the public needs to properly understand river jurisdiction boundaries to comment on Wild and Scenic River status. Navigability disputes on waterways like the Twentymile River where I operate mean it should not be considered for Wild and Scenic or Prince William Sound Wilderness. Will you please have your office contact me if the Forest is seeking a navigability determination on Twentymile, Portage or Placer Rivers?*

**Response:** The land management plan is strategic in nature, providing broad guidance and information for subsequent project and activity level decisions. Addressing specific jurisdictional boundaries is outside the scope of the land management plan. The extent of navigability for purposes



of federal title has not been determined for the nine rivers recommended for inclusion in the National Wild and Scenic River System. Legal navigability determinations for purposes of federal title are made through either a quiet title action in the federal courts or an administrative recordable disclaimer of interest. The recommendation or designation of rivers as part of the National Wild and Scenic River System does not affect either title to or jurisdiction over submerged land beneath navigable waters. The management guidance for National Wild or Scenic Rivers applies only to designated National Forest System lands.

**Concern Statement 192:** The Forest Service should explain how the buffers for recommended and eligible wild and scenic river corridors were defined

**Sample comment:** *Page 114 and 115 Twentymile WSR Suitability. Why is the Twentymile WSR suitability boundary excessively wide? The Alaska withdrawal standard found in Sec. 606 of ANILCA extends to a ½ mile of the bank of a wild and scenic river. The boundary should be reduced to reflect this.*

**Response:** Appendix D of the final environmental impact statement for the 2002 land management plan describes the process that was used to determine eligibility of various rivers on the Chugach National Forest (pages D-1 through D-3). The minimum area considered as river corridor boundary was the area within one-quarter mile of either side of the high water mark of the river. However, features outside this minimum corridor were also considered if their inclusion was essential for protection of the outstandingly remarkable values of the river. Twentymile River is described as a complex (page D-27-28). This complex is 14.2 miles long and includes the entire valley bottom, which encompasses a large, remarkably diverse and dynamic wetland complex. The outstandingly remarkable values associated with Twentymile River are the synergistic effects of the wetland, lake, and river complex within the Twentymile Valley. The revised 2019 land management plan describes the process followed in 2015 for evaluation of river eligibility and suitability, and for Twentymile River the outstandingly remarkable values have not changed.

## Management Areas – MA 1 Wilderness Study Area

**Concern Statement 156:** The Forest Service should revise the management area 1 desired conditions

**Sample comment:** *Existing DCs adequately address the other qualities of wilderness character, but come up short on the non-motorized component of undeveloped quality by only referring to “authorized” uses. The suggested edit resolves this problem. Some might say the forest plan is limited to only discussing authorized motorized uses, as expressed in the proposed DC. But the Forest Order objective on page 50 clearly shows an appropriate attempt to address unauthorized motorized uses in the WSA. Other DCs on page 25 also show appropriate attempts to influence activities the Forest Service cannot directly control through the Forest Plan, including evidence of recreational use and opportunities for solitude.*

**Response:** One commenter was concerned about the adequacy of desired conditions associated with Management Area 1 Wilderness Study Area. Management area 1 desired conditions were reviewed and revised with minor edits to ensure alignment with Forest Service jurisdiction applicable laws and policies.

**Concern Statement 158:** The Forest Service should revise the standards and guidelines for management area 1

**Sample comment:** *Order of standards and guidelines may be confusing to some readers. Several standards and guidelines conflict with Alaska Region policy by not allowing for activities found to be necessary to meet minimum requirements for the administration of the WSA for the purposes referenced in Alaska Region policy.*

**Response:** Standards and guidelines have been revised to align with Alaska Region policy.

Concern Statement 38: The Forest Service should prohibit chainsaw use in the wilderness study area

**Sample comment:** *Illegal damage being done with chainsaws needs to be prevented for the future, with strong deterrents.*

**Response:** Closure orders are tools available to the Forest Supervisor to support resource protection, provide for public health and safety, fully implement certain provisions in land management plans, and allow for the enforcement of certain activities or prohibitions across the Chugach National Forest, including in the wilderness study area. However, at this time there are no closure categories in 36 Code of Federal Regulations 261, subpart B or other regulations that would allow the full extent of the wilderness study area to be closed to the use of chainsaws. Law enforcement cannot cite a land management plan component when addressing chainsaw use in the wilderness study area; law enforcement needs either a regulation or a closure order. Without a forest order any standard or guideline that would be included in the land management plan cannot be fully implemented.

**Sample comment:** *Please limit the people who are damaging the forest by cutting wood and taking other destructive actions in the forest. This is important for our future!*

**Response:** In accordance with 36 Code of Federal Regulations section 223.10, Alaskan settlers, miners, residents, and mineral prospectors may harvest green or dried timber from the Chugach National Forest for personal use, but not for sale. This legal subsistence use of wood applies to the entire Chugach National Forest, including in the wilderness study area, and chainsaws may be used for this activity.

There are limits on the amount of material any one person can take in a year (no more than 10,000 board feet of sawtimber and 25 cords of wood). Green sawtimber can only be taken if the Forest Service grants the individual a permit for such collection, and the Forest Service has discretion to deny issuance of such a permit. This regulation applies to the entire forest unless an area has been closed to such use by forest order. [See draft plan appendix F, Suitability of Lands, for more information.]

Concern Statement 55: The Forest Service should prohibit recreational chainsaw use in the wilderness study area

**Sample comment:** *We support legal use of chainsaws for ANILCA purposes such as subsistence, but we urge the Forest Service to address the ongoing and unnecessary chainsaw vandalism that is becoming widespread along beaches in the western Sound.*

**Sample comment:** *The Chugach NF must address ongoing recreational use of chainsaws in the WSA. Every year this activity results in senseless damage to picturesque beaches through the removal of live trees and the historic "ghost trees" left behind by the 1964 Great Alaska Earthquake.*

**Response:** Closure orders are tools available to the Forest Supervisor to support resource protection, provide for public health and safety, fully implement certain provisions in land management plans, and allow for the enforcement of certain activities or prohibitions across the Chugach National Forest, including in the wilderness study area. However, at this time there are no closure categories in 36 Code of Federal Regulations 261, subpart B or other regulations that would allow the full extent of the wilderness study area to be closed to the public use of chainsaws.

**Sample comment:** *Monitoring and reports from the public and outfitter/guides indicate damage from recreational chainsaw use is more widespread and long-lasting than the helicopter and drone activities addressed in the current objective. It leads to removal of both green trees and the non-renewable resource of "earthquake trees" left standing after the 1964 earthquake, harming both natural and heritage resources integral to the character of the WSA. Recreational use of chainsaws in the WSA is not authorized by*

*ANILCA or Alaska Region policy. Addressing it in the Forest Plan is well within the 2012 Planning Rule Sec. 74.1 direction that “all plan components applicable to a recommended area must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation,” and may “eliminate existing uses, except those uses subject to valid existing rights.”*

**Response:** Recreation use of chainsaws in the wilderness study area is not authorized by the Alaska National Interest Lands Conservation Act (ANILCA) or regional policy, but neither is such use prohibited by law, regulation, or policy. At this time there are no closure categories in 36 Code of Federal Regulations 261, subpart B, or other regulations that would allow the full extent of the wilderness study area to be closed to the public use of chainsaws. Law enforcement cannot cite a land management plan component when addressing chainsaw use in the wilderness study area; law enforcement needs either a regulation or a closure order. Without a forest order, any standard or guideline that would be included in the land management plan cannot be fully implemented.

**Sample comment:** *...2012 Planning Rule 74.1 gives discretion for curbing activities that affect the social or physical character of an area recommended as wilderness. Recreational use of chainsaws in the WSA is not authorized by ANILCA or Alaska Region policy. Addressing it in the Forest Plan is well within the 2012 Planning Rule Sec. 74.1 direction that “all plan components applicable to a recommended area must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation,” and may “eliminate existing uses, except those uses subject to valid existing rights.”*

**Response:** The commenter is correct that section 74.1 of the 2012 Planning Rule gives the responsible official broad discretion for the development of plan components for the management of areas recommended for wilderness designation. The responsible official may continue, alter, or eliminate existing uses provided the social and ecological characteristics that provide the basis for the wilderness recommendation are protected and maintained. This section of the planning directives also references planning policy (Forest Service Manual 1923.03) and the requirement that “Any area recommended for wilderness or wilderness study designation is not available for any use or activity that may reduce the wilderness potential of an area.”

While the responsible official does indeed have broad discretion to alter or eliminate existing uses, the responsible official must also consider the realities of implementing such management. How would a plan component eliminating the recreational use of chainsaws in the wilderness study area be enforced? Unlike designated wilderness areas, there is no law, regulation, or policy that requires the elimination of the chainsaw use in the Nellie Juan-College Fiord Wilderness Study Area. Law enforcement cannot cite a land management plan component; they need either a regulation or a closure order. At this time there are no closure categories in 36 Code of Federal Regulations 261, subpart B or other regulations that would allow the full extent of the wilderness study area, or those areas within the wilderness study area recommended for wilderness designation, to be closed to the public use of chainsaws. Without regulation or order, a standard or guideline closing an area to a particular use cannot be fully implemented.

The Forest Service does not believe that the current level of use is such that the social and ecological characteristics across the full extent of recommended wilderness are not being maintained. Nor do we believe chainsaw use precludes the potential of the Nellie Juan-College Fiord Wilderness Study Area from being designated as wilderness. Even without a standard eliminating recreational chainsaw use, plan components as a whole provide a high degree of protection to the wild condition of the wilderness study area, its ecological integrity, its primarily undeveloped nature, and the social qualities so highly valued by the public.

**Concern Statement 39: The Forest Service should not prohibit chainsaw use**

**Sample comment:** *I fully support chain saw use in the entire Chugach National Forest as we cut firewood and this heats our home through the winter. People outside of Alaska should have no say in closing areas to chainsaw or motorized use as they do not live here, may never visit here and do not understand the way of life in Alaska.*

**Response:** In accordance with 36 Code of Federal Regulations section 223.10, Alaskan settlers, miners, residents, and mineral prospectors may harvest green or dried timber from the Chugach National Forest for personal use, but not for sale. There are limits on the amount of material any one person can take in a year (no more than 10,000 board feet of sawtimber and 25 cords of wood). Green sawtimber can only be taken if the Forest Service grants the individual a permit for such collection, and the Forest Service has discretion to deny issuance of such a permit. This regulation does not address how timber and fuel wood is taken (e.g., chainsaw, crosscut, axe), but it does apply to the entire forest, including the wilderness study area, unless an area has been closed to such use by forest order. [See draft plan appendix F, Suitability of Lands, for more information.]

The wilderness study area was established in 1980 by the Alaska National Interest Lands Conservation Act (ANILCA). ANILCA itself recognizes there is a national interest in the lands in Alaska. The legislation strikes a balance between the “national interest in the scenic, natural, cultural and environmental values” and in “the national interest in the proper regulation, protection and conservation of fish and wildlife on the public lands in Alaska” with “the continuation of the opportunity for a subsistence way of life by residents of rural Alaska” and “adequate opportunity for satisfaction of the economic and social needs of the state of Alaska and its people.” [See ANILCA Sections 101(d) and 801(5).]

**Concern Statement 61: The land management plan language in management area 1 should read “maintain wilderness character” as opposed to “maintain presently existing character”**

**Sample comment:** *Do not backtrack on over thirty years of clear policy to protect the wilderness character of the WSA by promising only to protect its “existing character.” Protecting the area’s wilderness character is vital to maintaining healthy ecosystems and today’s quiet, undeveloped conditions in western Prince William Sound.*

**Sample comment:** *The Plan must protect the “wilderness character” of the WSA, not the Forest Service’s weak proposal to protect just its “existing character.”*

**Sample comment:** *The Forest Service is responsible for managing some of Alaska’s most treasured wild lands in the Nellie Juan-College Fiord WSA. Allowing residential timber harvests, expanded motorized uses, manipulation of habitats, mining, and helicopter-assisted skiing and hiking would harm this beautiful Wilderness. You must protect the “wilderness character” of the WSA. It must have permanent protection now and forever!*

**Response:** Taken as a whole, proposed plan components for the wilderness study area provide a high degree of protection to the wild condition of the area, its ecological integrity, its primarily undeveloped nature, and the social qualities so highly valued by the public. The wording change between the 2002 land management plan and the revised draft land management plan was intended to be a more accurate representation of existing management direction for the wilderness study area and not a watering down of protections.

“Wilderness character” is a term used in the Wilderness Act (Public Law 88-557 (16 United States Code 1131-1136)) to describe qualities within a congressionally designated wilderness area that are protected by law. The term is foundational to the primary mandate for the administration of designated wilderness areas, specifically “to preserve wilderness character.” This is a legal requirement in designated wilderness.

The Nellie Juan-College Fiord Wilderness Study Area is not designated wilderness and therefore the term “wilderness character” does not apply to this area. This is not to say that the area does not offer wilderness-like qualities, but there is no legal mandate to protect “wilderness character” in the wilderness study area. In the Alaska National Interest Lands Conservation Act of 1980, Congress merely directed the Forest Service to review the lands within the wilderness study area and report a recommendation to the President and Congress as to the suitability of the lands for wilderness designation. Congress was silent as to whether the Forest Service is obligated to maintain the wilderness study area so as to preserve its potential for wilderness designation, and current national Forest Service policy (Forest Service Manual 2320) is similarly silent as to the management of wilderness study areas. Therefore, we are reliant upon Regional Supplement R-10 2300-2008-2 for management intent. The supplement uses the phrase “presently existing character” and directs us to maintain the area’s “potential for inclusion in the National Wilderness Preservation System.”

**Sample comment:** *Changing to “existing character” is a much looser standard with no obvious definition. It can easily be inferred by future managers to accept constant change in conditions, including increasing development in the western Sound. This would, over time, degrade the wilderness character within the WSA, which would be in conflict how the Forest Service must manage the WSA. The Forest Service, and the Chugach, have the discretion to preserve wilderness character on lands it recommends for Wilderness or WSA lands. This discretion was recently affirmed with two court cases in Montana. In both cases the Court upheld the Forest Service’s decision to manage for, and take action to restore, wilderness character on lands not formally designated as Wilderness. The final plan should restore the 1984 and 2002 Forest Plan language to maintain the “wilderness character” of the WSA. This change would neatly tie together MA1 Management Intent, Objectives, Standards, and Guidelines and eliminate the potential for confusion and disagreement that may result from the proposed “existing character” language.*

**Response:** It is important to manage wilderness study areas consistent with the legislation that establishes such areas. Wilderness study areas in Montana have different designating legislation, different special provisions, and different regional management direction than that provided by the Alaska National Interest Lands Conservation Act and the Alaska Region of the Forest Service for the Nellie Juan-College Fiord Wilderness Study Area. We agree that forest supervisors have some discretion in how to manage wilderness study areas, and it is through land management plans that management direction and discretion is established, with public input.

The Chugach National Forest developed monitoring components for the wilderness study area in 2011 and has been collecting data on the character of the area since 2012. Some data sets go back further than 2012 and help us understand how the area’s character has or has not changed over time for particular resource areas or monitoring indicators. Continued data collection and analysis allow us to see trends in area character over five year increments—by indicator, by resource quality, and across the area as a whole.

Because the area is a dynamic system, it is true that the area’s “existing character” is in constant change. However, we disagree that use of the phrase “existing character” means that the qualities that provide the wilderness study area with potential for inclusion in the National Wilderness Preservation System would necessarily degrade over time. It is through monitoring and stewardship, as presented in the revised land management plan, that we can ensure the area retains its potential for inclusion in the National Wilderness Preservation System.

**Sample comment:** *It is important that the emphasis not just be on “maintaining existing character” but to work to enhance it so the future generation will have the opportunity to experience this beautiful area.*

**Response:** Plan components do not preclude enhancement actions. For example, project proposals and permit applications in the wilderness study area are reviewed on a case-by-case basis and offer

opportunities for the Forest Service to consider stipulations that would reduce impacts on the area or require mitigation. Additionally, part of the work of area managers is to clean up and naturalize areas that show recreational impacts. Thus, enhancement of the area does occur, and the revised land management plan would allow such enhancement to continue.

**Sample comment:** *It is also helpful to consider that ANILCA Sec. 1315b requires some level of protection for the Chugach NF WSA's "wilderness character" when considering aquaculture projects and fisheries research and management. Applying "existing character" to a number of activities in the WSA conflicts with this section of ANILCA.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1315(b) is one provision under a section of ANILCA specific to wilderness management. Congress makes clear that Section 1315(b), which concerns aquaculture, applies to not just designated wilderness on the national forests but also to Forest Service wilderness study areas.

While the text of this provision uses the phrase "wilderness character," it is our interpretation that the phrase is used in the context of designated wilderness and does not bestow the legal definition of "wilderness character" per the 1964 Wilderness Act on lands within wilderness study areas, which Congress did not designate as wilderness. It is reasonable to apply 1315(b) to the Nellie Juan-College Fiord Wilderness Study Area by permitting fishery research, management, enhancement, and rehabilitation activities while also requiring their construction, management, and operation be conducted in a manner that minimizes adverse impacts to the area. Such conditions are added to individual permits authorizing aquaculture activities. Plan components are fully consistent with ANILCA 1315(b) and other provisions of ANILCA.

**Sample comment:** *I support Alternative D, but it is important that the emphasis not just be on "maintaining existing character" but to work to enhance it so the future generation will have the opportunity to experience this beautiful area.*

**Response:** "Wilderness character" is a term used in the Wilderness Act (Public Law 88-557 (16 United States Code 1131-1136)) to describe qualities within a congressionally designated wilderness area that are protected by law. The term is foundational to the primary mandate for the administration of designated wilderness areas, specifically "to preserve wilderness character." This is a legal requirement in designated wilderness. The Nellie Juan-College Fiord Wilderness Study Area is not designated wilderness and therefore the term "wilderness character" does not apply to this area. This is not to say that the area does not offer wilderness-like qualities, but there is no legal mandate to preserve or enhance "wilderness character" in the wilderness study area.

That being said, plan components for the wilderness study area not only provide a high degree of protection to the wild condition of the area, its ecological integrity, its primarily undeveloped nature, and the social qualities so highly valued by the public, the plan components also do not preclude enhancement actions. For example, project proposals and permit applications in the wilderness study area are reviewed on a case-by-case basis and offer opportunities for the Forest Service to consider stipulations that would reduce impacts on the area or require mitigation. Additionally, the plan includes management approaches to develop and conduct recreation site inventories and to restore degraded camping sites (draft land management plan page 50).

**Sample comment:** *Throughout the proposed plan, readers are assured the WSA will be managed to maintain its "potential for inclusion in the National Wilderness Preservation System" (NWPS). This phrase establishes almost no standard for area management when one considers the landscape conditions that Congress has commonly accepted into the NWPS over the past half century. They include logged over lands, extirpated species, altered water courses, altered forest composition, dams, airstrips, structures, lodges, and millions of acres affected by invasive species, livestock grazing, and both fire suppression and*

*pre-suppression activities. Protecting the WSA for “potential inclusion in the NWPS” means any of these conditions could develop over large parts of western Prince William Sound. Thus the strength of area management comes from a clear and grounded definition of the area's present condition, which is only appropriately achieved through use of the term “wilderness character,” as was used in the 1984 and 2002 Forest Plan.*

**Response:** It is Congress’s prerogative to designate lands as wilderness, whether those lands are pristine, completely altered by human activity, or somewhere in between. However, just because Congress has designated such areas as wilderness in the past does not mean that we have no obligation to protect the College Fiord-Wilderness Study Area from indiscriminate use and development or that we are necessarily headed in that direction. It is through plan components in the land management plan and regional policy that we strive to maintain the high ecological integrity and vast and diverse recreational and subsistence opportunities for which the area is renowned. Our regional policy’s direction to maintain the presently existing character and potential for inclusion in the National Wilderness Preservation System works in concert with plan components to create a functional standard for area management.

Included in revised land management plan is a management approach to “develop and use an interdisciplinary based wilderness study area stewardship plan that addresses activities to maintain the wilderness study area’s presently existing character.” Also included is a monitoring question and associated indicators to monitor the presently existing character of the Nellie Juan-College Fiord Wilderness Study Area and to determine whether plan components are sufficient to maintain the social and ecological characteristics of the wilderness study area (appendix A of the land management plan). It is through the stewardship plan that a “clear and grounded definition of the areas present condition” is established, and it is through monitoring data we can determine whether we are meeting those conditions over time.

**Sample comment:** *It is also relevant to consider that courts have supported USFS discretion to preserve “wilderness character” on lands not protected by the 1964 Wilderness Act, including WSAs and Recommended Wilderness Areas. See Ten Lakes Snowmobile Club v US Forest Service, 2017, p. 33-34...or Bitterroot Ridge Runners Snowmobile Club v. US Forest Service, 2018, p. 18-21.*

**Response:** We agree that courts have recognized and supported management discretion when it comes to lands in wilderness study areas and recommended wilderness areas. In Ten Lakes Snowmobile Club v. U.S. Forest Service, the court found “the Forest Service has broad authority to manage and protect” recommended wilderness areas that fall outside of designated wilderness areas. It should be noted that this court decision does not require specific protections be put in place. This “broad authority” to manage and protect allows the responsible official to be more restrictive or more permissive as he or she believes is necessary given management issues specific to lands being recommended for wilderness designation or for those that are in a congressionally designated wilderness study area.

Taken as a whole, proposed plan components for the wilderness study area provide a high degree of protection to the wild condition of the area, its ecological integrity, its primarily undeveloped nature, and the social qualities so highly valued by the public. The 2019 Chugach National Forest Land Management Plan is consistent with direction in the 2012 Planning Rule to “to protect and maintain the ecological and social characteristics that provide the basis for each area’s suitability for wilderness recommendation.” We are choosing to apply the same plan components to all lands managed under management area 1 whether or not they are recommended as wilderness. This will result in the protection and maintenance of the area’s social and ecological characteristics, its presently existing character, and its potential for inclusion in the National Wilderness Preservation System.

Note: Bitterroot Ridge Runners Snowmobile Club v. U.S. Forest Service is specific to a travel management decision, not a land management plan decision. The Chugach National Forest is not conducting travel management as part of the current land management plan revision.

**Sample comment:** *Emphasizing “existing character” throughout the proposed plan while continually pointing managers toward a tool [MRAs] that is defined by “wilderness character” may create confusion, debate and an eventual weakening of WSA management.... Such debate would further undermine the proposed plan’s management intent, and the goal of the 2012 CNF Plan Assessment to reduce confusion surrounding WSA management.*

**Response:** The 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends does not have a goal as stated in the above comment. The land management plan contains components that include language directing authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area and the need to maintain the presently existing character and potential for inclusion in the National Wilderness Preservation System.

**Concern Statement 296: The wilderness study area must be managed to meet 1987 character**

**Sample comment:** *As per the 1987 Wilderness Study Report and EIS, the WSA must be managed to retain its presently (1987) existing wilderness character until Congress acts upon the Forest Service’s recommendations.*

**Response:** The 1984 Wilderness Study Report for the Chugach National Forest describes the capability of the lands within the wilderness study area: “While evidence of human activity exists...these activities have had little effect on the natural integrity of the area.... [O]pportunity for solitude is great, except for the shoreline areas adjacent to saltwater, which is used as a travel corridor for recreation motor boats, tour boats, and commercial fishermen. Approximately 80 percent of the recreation use reported in this area occurs on saltwater. Existing developed recreation facilities are limited to Forest Service cabins...in a few select locations that are accessible by boat kayak or float plane. There are no recreational trails, campgrounds, picnic areas, resorts, lodges, or marinas in the area.” We believe these words describe the condition of the Nellie Juan-College Fiord Wilderness Study Area today. We believe it is possible to maintain the area’s character and potential for inclusion in the National Wilderness Preservation System without pinning the area’s character to a particular date, such as 1987, which could be considered arbitrary.

In 2011, the Chugach National Forest developed monitoring components for the wilderness study area and has been collecting data on the character of the area since 2012. Some data sets go back further than 2012 and help us understand how the area’s character has or has not changed over time for particular resource areas or monitoring indicators. Continued data collection and analysis allow us to see trends in area character over five year increments—by indicator, by resource quality, and across the area as a whole. It is through monitoring and stewardship, as described in the management area 1 plan content of the revised land management plan, that we can ensure the area retains its potential for inclusion in the National Wilderness Preservation System.

**Concern Statement 189: The land management plan direction for management area 1 should be consistent with Regional Supplement No. R-10 2300-2008-2**

**Sample comment:** *The proposed plan’s change from “wilderness character” to “existing character” appears based on one sentence in R10 FSM 2320.3 that instructs the Forest Service to maintain the WSA’s “existing character.” However, basing the entirety of the proposed plan’s MA1 direction on this phrase ignores the next sentence in R10 FSM 2320.3, which specifically refers to the Wilderness Act as the model for management. The preponderance of legal and scholarly literature shows it is simply*



*impossible to direct that an area's management "will follow the same direction provided for wildernesses established by ANILCA" without committing to preserving the area's "wilderness character."*

**Response:** The full text of the section 2320.3 of Regional Supplement R-10 2300-2008-2 to which the commenter refers is, "Management of the study area will follow the same direction provided for wildernesses established by ANILCA, *to the extent consistent with law*" [emphasis added]. The Nellie Juan-College Fiord Wilderness Study Area is not designated wilderness and therefore applying the terms and conditions of the 1964 Wilderness Act to wilderness study area is not consistent with law.

"Wilderness character" is a term used in the Wilderness Act (Public Law 88-557 (16 United States Code 1131-1136)) to describe qualities within a congressionally designated wilderness area that are protected by law. The term is foundational to the primary mandate for the administration of designated wilderness areas, specifically "to preserve wilderness character." This is a legal requirement in designated wilderness.

The Nellie Juan-College Fiord Wilderness Study Area is not designated wilderness and therefore the term "wilderness character" does not apply to this area. This is not to say that the area does not offer wilderness-like qualities, but there is no legal mandate to protect "wilderness character" in the wilderness study area. In the Alaska National Interest Lands Conservation Act (ANILCA), Congress merely directed the Forest Service to review the lands within the wilderness study area and report a recommendation to the President and Congress as to the suitability of the lands for wilderness designation. Congress was silent as to whether the Forest Service is obligated to maintain the wilderness study area so as to preserve its potential for wilderness designation, and current national Forest Service policy (Forest Service Manual 2320) is similarly silent as to the management of wilderness study areas. Therefore, we are reliant upon Regional Supplement R-10 2300-2008-2, which uses the phrase "presently existing character" and directs us to maintain the area's "potential for inclusion in the National Wilderness Preservation System."

Regional Supplement section 2320.2 also directs us to, "Manage designated wilderness and the wilderness study area to meet the spirit and intent of the 1964 Wilderness Act, while recognizing and allowing for specific exceptions authorized in ANILCA." One of those exceptions is that Congress designated a wilderness study area on the Chugach National Forest and not designated wilderness. However, taken as a whole, proposed plan components for the wilderness study area provide a high degree of protection to the wild condition of the area, its ecological integrity, its primarily undeveloped nature, and the social qualities so highly valued by the public. We believe the management approach included in the revised land management plan meets "the spirit and intent of the 1964 Wilderness Act, while recognizing and allowing for specific exceptions authorized in ANILCA."

**Sample comment:** *Wilderness Management, Regional Supplement No.: R-10 2300-2008-2, requires a number of topics to be addressed through the Forest Plan and subsequently developed Wilderness Implementation Schedules. Some of these are addressed; however, please ensure all items such as subsistence and other activities occurring within the wilderness are included within the plan.*

**Response:** When the Forest Service adopted new forest planning directives in 2015, the new directives superseded all prior planning direction, including that in regional supplements. Per Forest Service policy (Forest Service Manual 1920.12 – Regulations), plan development and plan revisions initiated after May 9, 2012 must conform to the requirements of the 2012 Planning Rule. Therefore, the list of items in Regional Supplement section 2322.03 and the requirement to develop Wilderness Implementation Schedules is no longer valid in the Alaska Region.

Concern Statement 83: The Forest Service should restore and mitigate all human impacts to the wilderness study area

**Sample comment:** *Restore the WSA back to how it was before human impact.*

**Response:** This is beyond the scope of the land management plan. Humans have been a part of the Prince William Sound landscape for thousands of years. Congress designated the Nellie Juan-College Fiord Wilderness Study Area in 1980. It can be reasonably inferred that Congress recognized that the conditions that existed in the area as recently as 1980 did not preclude the potential suitability of the area for wilderness designation even with the human uses and impacts existing at that time.

Concern Statement 125: The Forest Service should recognize the social and economic benefits of lands with wilderness characteristics

**Sample comment:** *In addition to protecting the WSA, we also hope that this management plan process will maximize sustainable opportunities for recreation, business, traditional activities, and more throughout the forest. At a time when Alaska's economy is at a transition, the Chugach National Forest provides numerous ways for seasonal and year-round employment that can exist in perpetuity with proper management.*

**Sample comment:** *Not recommending areas within the WSA would be a change in long-term management strategy that could disrupt recreation and tourism businesses, subsistence activities, and other long-standing expectations and activities of residents and visitors alike.*

**Response:** Recreation and tourism businesses, subsistence activities, and traditional activities are part of the social characteristics of the Nellie Juan-College Fiord Wilderness Study Area. In accordance with Forest Service national planning directives (Forest Service Handbook 1909.12, section 74), plan components for lands recommended for wilderness designation must protect and maintain the ecological and social characteristics that provide the basis for each area's suitability for wilderness recommendation. For the revised land management plan, the same plan components would apply to all lands under management area 1, whether or not those lands are recommended for wilderness designation in the alternatives. Taken as a whole, the plan components for the wilderness study area (management areas 1 and 3), provide a high degree of protection for the ecological and social characteristics of the area, including recreation and tourism and the seasonal and year-round employment such activities provide.

**Sample comment:** *The Chugach National Forest, Prince William Sound, and in particular the WSA, is in dire need of a strong management plan that will guide managers toward keeping it as wild as possible—for it's that wildness, and the concurrent fish and wildlife and scenery, that people flock to experience, and that we as humans need.*

**Response:** Recreation and tourism businesses, subsistence activities, and traditional activities are part of the social characteristics of Chugach National Forest, including Prince William Sound and the Nellie Juan-College Fiord Wilderness Study Area. We recognize these values across the national forest and developed a management plan that is in line with the uses, activities, and values held by residents and visitors. In accordance with 36 Code of Federal Regulations part 219 and Forest Service Handbook 1909.12, the plan includes a description of specific social, economic, and ecological characteristics in the Chugach National Forest and identifies desired conditions for these characteristics in language specific enough to allow progress toward their achievement.

**Concern Statement 159: The Forest Service should not include recreational use of snowmachines as a traditional activity as defined by the Alaska National Interest Lands Conservation Act**

**Sample comment:** *The Congress never intended, when it acted almost 40 years ago, that Section 1110(a) would sanction recreational snowmachining in Alaska when it is prohibited in designated Wilderness in the entire rest of the country – that is, prohibited on public lands that most people would characterize as considerably less wild than those in Alaska. Recreational snowmachining is not a traditional activity; hunting, fishing, trapping and berry picking presumably are. Congress intended that snowmachines could be used for transportation to engage in those traditional activities – but not for purely recreational riding itself. This is the interpretation the National Park Service adopted for the Wilderness of Old Denali National Park, and it should be adopted by other federal land managing agencies in Alaska as well. If recreation is included in the definition of traditional activities, it leaves virtually no known use of snowmachines restricted, and leaves the qualifier “for traditional activities” without meaning. Recreational snowmachining is hardly a primitive form of recreation; there’s nothing wild about this intrusive, noisy, powerful modern technology.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service Regional Supplement R10-2300-200802, section 2326.1(6), defines our interpretation of traditional activities, which includes recreation activities. Additionally, Senate Report 96-413 (which pertains to ANILCA) states that such access is not guaranteed in parks, wildlife refuges, wild rivers, or wildernesses. However, the Nellie Juan-College Fiord area is a wilderness study area, and wilderness study areas are not included in the list of lands where the Senate states such access is not guaranteed.

**Sample comment:** *Not only should recommended Wilderness have a primitive winter ROS setting, the plan should clearly state that recreational snowmachine use is not suitable within the WSA and include an objective similar to that discussed above, stating that the Chugach will not designate recommended wilderness areas for OSV use when it completes winter travel management planning.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service Regional Supplement R10-2300-2008-02, section 2326.1(6), defines our interpretation of traditional activities, which includes recreation activities. It is outside the scope of land management plan analysis to change this interpretation as it is a Forest Service policy that interprets what is included in traditional activities. Additionally, Senate Report 96-413 (which pertains to ANILCA) states that such access is not guaranteed in parks, wildlife refuges, wild rivers, or wildernesses. However, the Nellie Juan-College Fiord area is a wilderness study area, and wilderness study areas are not included in the list of lands where the Senate states such access is not guaranteed.

The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. The Travel Management Rule and Forest Service policy clearly state that a new environmental analysis is not needed to designate roads, trails, and areas that are already managed for motor vehicle use where the existing use will continue unchanged (Forest Service Handbook 7709.55-10.3). The travel management decisions made during the course of land management plan revision in 2002, which included public involvement as required under the National Environmental Policy Act and the 1982 Planning Rule, and the Kenai Winter Access project in 2007, comprise valid decisions under the Travel Management Rule.

**Sample comment:** *The Forest Service must also acknowledge that the Alaska Region policy interpretation of ANILCA Sec. 1110a erroneously grants snowmachine use in the WSA for broad uses that include recreation and sightseeing. ANILCA Sec. 1110a clearly allows the use of snowmachines in the WSA for subsistence, travel between villages or home sites, and traditional activities. But no part of ANILCA or its legislative history or any other subsequent law indicates that recreation or sightseeing are included in traditional activities as described by ANILCA Sec. 1110a. The Forest Service in Alaska is increasingly an outlier in this policy stance and should revisit its ANILCA Sec. 1110a interpretation to address changes occurring in the WSA.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, and airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service policy (R10-2300-200802, section 2326.1(6) defines Forest Service interpretation of a traditional activity which includes recreation activities. It is outside the scope of land management plan analysis to change this interpretation, as it is a Forest Service policy that interprets what is included in traditional activities.

**Sample comment:** *I urge the Forest to prohibit snowmachining and motorized boating in any Wilderness areas to be designated in the future.*

**Response:** Winter recreation is diverse, and under all alternatives, the wilderness study area would continue to provide winter recreation opportunities. ANILCA provides for access by snowmachine and floatplanes across the entire wilderness study area for traditional activities, whether recommended for wilderness designation or not. Heli-skiing and other winter recreation opportunities dependent on the landing of helicopters is not currently supported in the wilderness study area, and none of the alternatives would provide for such use in the wilderness study area.

**Concern Statement 261:** The Forest Service should include recreational use of snowmachines as a traditional activity as defined by the Alaska National Interest Lands Conservation Act

**Sample comment:** *Purely recreational riding verses traditional activity should be left out of the argument. Congress DID NOT intended this law to delineate between “fun” and “work.” Congress added this provision to insure that Alaskans could continue our on-going activities even if these activities would take place in a newly-created national park or wilderness area. The wisdom of INCLUDING recreational vs traditional use snowmachining has become more important every year, as snowmachine technology improves dramatically and recreational riding increases exponentially and plans should accommodate accordingly. Motorized users are the group your management plan should accommodate and that our state law allows for. We as a group recreate responsibly and respectfully to preserve our opportunities for future adventures.*

**Response:** The Alaska National Interest Lands Conservation Act Section 1110(a) provides for use of snowmachines, motorboats, and airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service policy (R10-2300-2008-02, section 2326.1(6) defines Forest Service interpretation of a traditional activity which includes recreation activities. The definition of traditional activities will be added to the glossary in the plan.

**Concern Statement 278:** The Forest Service should clarify how the Alaska National Interest Lands Conservation Act will be applied related to snowmachine use

**Sample comment:** *I would also like a Clear and decisive answer from the forest service on how ANILCA will be enforced for over snow travel with a snowmobile. I believe that the Closure orders that the FS issues during the 12/1 to 4/30 window for winterized snowmobile access are in violation of ANILCA.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service Regional Supplement R10-2300-200802, section 2326.1(6), defines our interpretation of traditional activities, which includes recreation activities. Section 1110(a) does not apply to other areas of the Chugach National Forest. The winter season is defined in the 2002 land management plan under a standard (pages 3–35). The draft land management plan did not include this standard as an oversight (pages 57–58) and will be revised in the final 2019 land management plan to include a similar standard. The new standard will have similar language that allows flexibility in extending or shortening the season by forest order based on snow conditions. ANILCA Section 1110(a) specifies that the Secretary shall permit snowmachine use during periods of adequate snow cover, which allows the Forest Service discretion to determine when areas can be open for snowmachine use in the wilderness study area. Additionally, the draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. A section that explains the applicability of ANILCA to the management of the Chugach National Forest will be added to the final 2019 land management plan and traditional activities will be defined in the glossary.

Concern Statement 188: The land management plan should include direction for use of minimum requirements analysis in the wilderness study area

**Sample comment:** *We request an additional Management Approach that outlines how the Minimum Requirement Analysis will be conducted.*

**Response:** Section 4(c) of the Wilderness Act states that eight uses are prohibited in designated wilderness areas “except as necessary to meet minimum requirements for the administration of the area.” This phrase is the nexus for minimum requirements analysis. The Nellie Juan-College Fiord Wilderness Study Area is not designated wilderness, and therefore this provision of law does not apply to the wilderness study area. However, Regional Supplement R-10 2300-2008-2 requires that we “apply the minimum requirement concept” to the wilderness study area. The supplement outlines a two-step process for application of the minimum requirements concept, but the policy does not require application of the minimum requirements concept for all management actions with the potential to affect the wilderness study area’s character. Several guidelines in the land management plan regarding authorizing use of motorized equipment and mechanized transport were changed to include language that directs authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area.

**Sample comment:** *Additionally, the proposed plan directs managers to use a Minimum Requirement Analysis (MRA) while considering certain authorizations in the WSA. The MRA process is fundamentally centered on the US Forest Service definition of “wilderness character.” Emphasizing “existing character” throughout the proposed plan while continually pointing managers toward a tool that is defined by “wilderness character” may create confusion, debate and an eventual weakening of WSA management. For instance, it could invite claims that the MRA is an improper tool for WSA management decisions because it demands consideration of “wilderness character” over “existing character.”*

**Response:** Section 4(c) of the Wilderness Act states that eight uses are prohibited in designated wilderness areas “except as necessary to meet minimum requirements for the administration of the area.” This phrase is the nexus for minimum requirements analysis. The commenter is correct that the

minimum requirement analysis process is fundamental to the management of designated wilderness and is therefore not the appropriate management tool for activities in the Nellie Juan-College Fiord Wilderness Study Area. The wilderness study area is not designated wilderness and the provisions of the Wilderness Act do not apply to the wilderness study area. However, Regional Supplement R-10 2300-2008-2 requires that we “apply the minimum requirement concept” to the wilderness study area, and the supplement outlines a two-step process for its application. The supplement does not require application of the minimum requirements concept for all management actions with the potential to affect the area’s character.

A change that was made between the draft and final land management plans eliminates requirements for or references to minimum requirements analysis. Several guidelines in the land management plan regarding authorizing use of motorized equipment and mechanized transport were changed to include language that directs authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area.

**Concern Statement 246:** The land management plan should require a minimum requirements analysis for all activities and uses within management area 1

**Sample comment:** *Assure proper minimum requirements analysis (MRA) of all management actions affecting WSA wilderness character.*

**Response:** Section 4(c) of the Wilderness Act states that eight uses are prohibited in designated wilderness areas “except as necessary to meet minimum requirements for the administration of the area.” This phrase is the nexus for minimum requirements analysis. The Nellie Juan-College Fiord Wilderness Study Area is not designated wilderness, and therefore this provision of law does not apply to the wilderness study area. However, Regional Supplement R-10 2300-2008-2 requires that we “apply the minimum requirement concept” (a two-step process) to the wilderness study area. The supplement does not require application of the minimum requirements concept for all management actions with the potential to affect the area’s character. Several guidelines in the land management plan regarding authorizing use of motorized equipment and mechanized transport were changed to include language that directs authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area.

**Concern Statement 265:** The Forest Service should not permit commercial motorized use in the wilderness study area

**Sample comment:** *Lands designated as semi primitive motorized use should be utilized commercially as much as viable with existing permit holders to maximize public access and use. While simultaneously, places like Nellie Juan-College Fiord Wilderness Study Areas should be strictly maintained as non-motorized for commercial use.*

**Response:** Forest management of commercial motorized use in the wilderness study area is fully consistent with the Alaska National Interest Lands Conservation Act (ANILCA). Commercial uses are not all the same, and different commercial uses are managed differently in the wilderness study area. For example, the Chugach National Forest does not issue permits for motorized activities on lands above the mean high tide (the Forest Service’s area of jurisdiction) for recreational outfitter and guides such as those conducting kayak trips or guided hikes, which aligns with recreation opportunity spectrum settings of primitive, and semi-primitive non-motorized. However, motorized uses associated with commercial set net operations, which are allowed under ANILCA Section 1315, are permitted with certain conditions that minimize impacts. These management activities are not recreation activities and are independent of recreation opportunity spectrum settings. Standard 11 in the draft plan addressing helicopter landings was changed to include language that directs authorizing

officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area.

**Concern Statement 287:** The land management plan should prescribe management to protect the wilderness characteristics of the wilderness study area

**Sample comment:** 2. protect and enhance wilderness characteristics and vigorously respond to illegal destruction of recreational values. 3. keep, defend, and restore strong environmental protections to the entire wilderness.

**Sample comment:** I also recommend that you establish WSA standards and guidelines to protect wilderness characteristics, including undeveloped and non-motorized natural settings.

**Response:** Taken as a whole, proposed plan components for the wilderness study area provide a high degree of protection to the wild condition of the area, its ecological integrity, its primarily undeveloped nature, and the social qualities so highly valued by the public. The land management plan includes a management approach to develop and use an interdisciplinary based wilderness study area stewardship plan to identify activities necessary to maintain the area’s existing character and potential for inclusion in the National Wilderness Preservation System.

**Sample comment:** I support the strongest possible protection for wilderness in Prince William Sound. Wilderness values are becoming increasingly scarce across the globe just as more and more people, most of whom live in cities, come to appreciate these values. The Nellie Juan-College Fjord WSA is a global treasure.

**Response:** There is no designated wilderness on the Chugach National Forest. Congress designated the Nellie Juan-College Fjord area as a wilderness study area. As a wilderness study area, the protections of the Wilderness Act of 1964 do not apply and the area’s management is directed by regional policy and the land management plan. Taken as a whole, proposed plan components for the wilderness study area provide a high degree of protection to the wild condition of the area, its ecological integrity, its primarily undeveloped nature, and the social qualities so highly valued by the public. We believe the management intent included in the revised land management plan meets “the spirit and intent of the 1964 Wilderness Act, while recognizing and allowing for specific exceptions authorized in the Alaska National Interest Lands Conservation Act” as Regional Supplement R-10 2300-2008-2 requires.

**Concern Statement 245:** The Forest Service should adopt a stewardship plan for the wilderness study area

**Sample comment:** I stand aligned with the Prince William Sound Stewardship Foundation and strongly support the proposed adoption of a Wilderness Study Area stewardship plan. It should be integral to the area's upkeep and include goals for invasive species treatment, campsite restoration, protection of sensitive sites, and other on-the-ground measures. Having a stewardship plan in place would increase the effectiveness and ability to leverage funding, new partnerships, and public support for these goals.

**Sample comment:** The Chugach National Forest, Prince William Sound, and in particular the WSA, is in dire need of a strong management plan that will guide managers toward keeping it as wild as possible – for it's that wildness, and the concurrent fish and wildlife and scenery, that people flock to experience, and that we as humans need.

**Response:** We agree that a stewardship plan for the wilderness study area is important for the area’s management. We changed the land management plan management approach to read: “Develop and use an interdisciplinary based wilderness study area stewardship plan that addresses activities to maintain the wilderness study area’s presently existing character.”

**Concern Statement 288: The Forest Service should not manage some parts of the wilderness study area as wilderness**

**Sample comment:** *I strongly object to the inclusion of the WSA near Columbia Glacier being included in the National Wilderness Preservation System.*

**Response:** The revised land management plan does not designate areas as wilderness, as only Congress can do so. However, the plan does include recommendations for wilderness designation. The draft EIS analyzed a range of alternatives for wilderness recommendation (the 2002 Chugach National Forest Land and Resource Management Plan acreage of 1.4 million acres and two other alternatives that increase the acreage up to 1.8 million acres). The Columbia Glacier area is included in two of the alternatives. The Forest Supervisor may choose any one of these alternatives in the record of decision.

**Concern Statement 289: The land management plan should permit helicopter use within the wilderness study area for scientific purposes**

**Sample comment:** *Columbia Glacier is a truly impressive site and unique area, history happening, but unfortunately the scientist that are trying to study this unique site and situation are being hindered. Access to the area is limited to helicopter and boat. Boat travel is only possible some of the time and limits what is accessible for research. Helicopter is much more feasible, quicker, and can better access the areas that will garner the best information. Please reconsider the access to this area for glacial research and the reinstallation of the photographic monitoring site.*

**Sample comment:** *I also support continued scientific studies within the forest; special allowances should be made for these (e.g., helicopters, snowmobiles) as needed, to further our understanding of the issues facing the forest and adjacent wild areas, so we can better adapt to the changing climate and ecosystems.*

**Response:** There is no plan component that provides a blanket prohibition of helicopter landings by scientists conducting research under a Forest Service permit. Rather, our intent is to prohibit recreational landings of helicopters in the wilderness study area. We clarified management area 1 objectives as being for the prohibition of public landings of helicopters and drones, and standard 11 in the draft plan addressing helicopter landings was changed to include language that directs authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area.

**Concern Statement 205: The Forest Service should ensure that helicopter use in the wilderness study area for wildlife management is permitted in a timely manner**

**Sample comment:** *Helicopter landings are an essential component of big game wildlife capture operations in Alaska, and this essential activity should be allowed within Wilderness areas. This could involve a streamlined application and approval process to allow monitoring. If helicopter landings are prohibited in this area for wildlife capture work, wildlife professionals will have no opportunity to quickly assess population die-offs or troubling declines. Only by capturing, handling, sampling and sometimes collaring big game animals with the use of helicopters can wildlife professionals quickly address population health issues.*

**Response:** Because there is no designated wilderness in the Chugach National Forest, we assume this comment is directed at management of the Nellie Juan-College Fiord Wilderness Study Area. There is no plan component that provides a blanket prohibition of helicopter use for administrative purposes, such as use by wildlife professionals with the state of Alaska. Rather, our intent is to prohibit recreational landings of helicopters in the wilderness study area. We clarified management area 1 objectives as being for the prohibition of public landings of helicopters and drones, and standard 11 in the draft plan addressing helicopter landings was changed to include language that directs authorizing officers to weigh the need for the management action with the need to protect and maintain social and



ecological characteristics of the wilderness study area. We appreciate your suggestion of a streamlined application and approval process, and will consider those during implementation of the revised land management plan.

**Concern Statement 295: The Forest Service should not allow commercial developments in the wilderness study area**

**Sample comment:** *In our opinion, PWS should be left untouched and as is. Perhaps a few more discrete cabins would be fine, but no commercial developments should be allowed for they will only detract from this remarkable part of the world.*

**Sample comment:** *With the influx of more powerboat use out of Whittier, it is a matter of time before demands of fuel marinas and services start dictating the character of the Sound.*

**Response:** The 1984 Wilderness Study Report for the Chugach National Forest describes the wilderness study area as having some existing recreation facilities, such as Forest Service cabins, in a few selected locations accessible by boat, kayak, or float plane, and that “there are no campgrounds, picnic areas, resorts, lodges, or marinas in the area.” These words also describe the condition of the Nellie Juan-College Fiord Wilderness Study Area today.

Management area 1 plan components include strong statements of desired conditions. Through these statements, we intend to maintain these lands in a highly undeveloped state with strong ecological integrity while also providing for a variety of unique and important recreation opportunities. Management area 1 includes a guideline that new permanent structures or improvements except as provided for in the Alaska National Interest Lands Conservation Act (Sections 1303, 1315(b), and 1316) or as described elsewhere under management area 1 plan content should not be authorized. The land management plan also includes a guideline limiting new structures and improvements for administrative purposes to those needed for the management, protection, and use of the wilderness study area. To the extent proposals for commercial developments such as fuel marinas or cabins are within Forest Service discretion to approve, we will strive to attain the desired conditions described for management area 1 lands, including desired condition 5: “The landscape is undeveloped and appears primarily influenced by the forces of nature.”

**Concern Statement 163: The Forest Service should allow drone use**

**Sample comment:** *My own interactions with the Chugach National Forest are easier to understand: as a Part 107 Unmanned Aerial Systems (UAS) pilot. The only area that I have flown, for now, has been around Portage Glacier, southwest of Whittier. While the FAA’s Part 107 regulations are enough to ensure safe and responsible flight, I take extra precautions, such as high visibility, limiting my time in the air, and trying to fly where there are no people present, in order to be as respectful of the natural space as possible. Please ensure that responsible drone flights stay allowed within non-wilderness areas.*

**Sample comment:** *The Wilderness Study Area is a great example. To say that chainsaws and snowmobiles and airplanes are allowed in an area, but helicopters and drones are not simply because they did not exist at the time the area was created, is ridiculous and you should not be managing public land policy on the basis of omission. Clearly, when this Study Area was created, technology was understood as being necessary and essential, and the spirit of that decision was that technological operations were and are allowed. In the case of airplanes, helicopters, and drones, an aircraft is an aircraft and of the three, drones are the least invasive by far.*

**Response:** The land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The plan is strategic in nature and does not have project-level direction. The land management plan guides and constrains Forest Service personnel, not the public (draft plan page 1). The Forest Service policy supplement R-10 2300-2008-2 provides direction on allowed uses within the wilderness study area. Drones are considered aircraft and their

use would be permitted only for authorized activities where need to use drones would be weighed with the requirement to protect and maintain social and ecological characteristics of the area. The objective within management area 1 (draft plan page 50) is to address the need to create a forest order to prohibit public use of drones to align with Forest Service policy supplement for the wilderness study area.

**Concern Statement 244:** The Forest Service should prohibit motorized use in the wilderness study area

**Sample comment:** *I support the absence of motorized users in the MA-1 area.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to public use of motor vehicles are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision.

The Alaska National Interest Lands Conservation Act Section 1110(a) provides for use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service Regional Supplement R10-2300-200802, Section 2326.1(6), defines our interpretation of traditional activities, which includes recreation activities.

Additionally, some motorized uses may be authorized within the wilderness study area for various activities such as taking of fish and wildlife, work connected with fish hatcheries, and research. The draft plan components for the wilderness study area (pages 72–74) were revised to reflect direction to weigh the effects to the social and ecological characteristics of the wilderness study area with the need for management action prior to authorizing motorized uses.

**Concern Statement 264:** The Forest Service should limit the group size for camping in certain areas

**Sample comment:** *Group size for camping needs to be addressed: while in Blackstone Bay it was evident that there was a fair amount of day use and overnight camping. Since Blackstone Bay is in close proximity to Whittier it makes sense that this is a good day-use area. However, the Forest Service should consider limiting group size for overnight camping given the nature of Blackstone Bay and available campsites. A group of 15 is acceptable for a day hike, but 15 people camping in one location, repeatedly, will cause damage to the wilderness resources. The Forest Service is commended for providing the toilet bags and food storage containers for campers, and for sending a strong "leave-no-trace" message. But at a certain point the numbers of campers must be addressed and limited for everyone's enjoyment and to protect the land and wilderness experience.*

**Response:** The land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The plan is strategic in nature and does not have project-level direction. The land management plan guides and constrains Forest Service personnel, not the public (draft plan page 1). Draft plan components do include direction for limiting group size for permitted activities such as outfitting and guiding (pages 53, 55). The plan components addressing recreation opportunity spectrum classes have been revised in the 2019 land management plan to align more closely with Forest Service directives. The new guideline addressing constraints of activities within each recreation opportunity spectrum class still includes maximum group size. Monitoring of

the wilderness study area has been included within the 2019 land management plan and will help determine if future project-level decisions are needed to protect wilderness study area resources.

## Management Areas – MA 2 Wild and Scenic Rivers

Concern Statement 75: Management direction for recommended wild and scenic rivers should be clarified and consistent with the Alaska National Interest Lands Conservation Act

**Sample comment:** Page 25, Management Area 2 Wild, Scenic, and Recreational Rivers--We request the title of this section be revised to “Recommended Wild, Scenic, and Recreational Rivers” as it is misleading to call them “Wild, Scenic, and Recreational Rivers” when Congress has failed to act on the 2002 recommendation. The management intent under this section states that: “Until a decision is made, the recommended rivers will be managed under direction described in Forest Service Handbook 1909.12, chapter 84.3 – Interim Protection Measures for Eligible or Suitable Rivers and consistent with the National Wild and Scenic Rivers System designation classes.” chapter 80, Sections 84.2 – Management Direction for Forest Service-identified Study Rivers and Forest Service-identified eligible and suitable rivers should be added to this statement. We point out that 84.3 states that Legislatively mandated study rivers must be protected as directed in sections 7(b), 8(b), 9(b), and 12(a), but Service-identified eligible and suitable rivers (which the rivers in this Forest Plan are) “must be protected sufficiently to maintain free flow and outstandingly remarkable values unless a determination of ineligibility or non-suitability is made.” Such Service-identified rivers should not be managed more restrictively than designated wild and scenic rivers, which are considered CSUs under ANILCA and must be managed consistent with ANILCA as well as the WSR Act. Management prescriptions resulting from the allowances in ANILCA Sec. 1110 – access provisions (which also apply to conservation system units, national recreation areas, national conservation areas, and those public lands designated as wilderness study areas) must be identified and allowed (e.g. recreational and subsistence snow machine use when there is adequate snow cover or frozen river conditions.). Because of the intense interest in increased recreation opportunities, we suggest adding in the allowances under 84.3 6 – Recreation Development and 7 – Motorized Travel, so that people are aware these uses can occur under the current management plan.

**Response:** We considered changing the name of this management area but determined that the clearest way to convey the meaning of the management area was to more clearly explain the management intent and be more consistent with the terminology used in the plan components. It would not be correct to change the name to “Recommended Wild, Scenic, and Recreational Rivers” because Childs Glacier is an eligible river that has not been evaluated for suitability and therefore is not ripe for recommendation. We considered the name “Eligible and Recommended Wild, Scenic, and Recreational Rivers” but determined that this name was too cumbersome and did not add clarity. We modified the text in the management intent section to clarify the status of the rivers included in this management area. Rather than refer to rivers as “recommended” or “eligible and recommended,” we changed the terminology in the desired conditions to match the terminology in the standards and guidelines section, which refers to all river segments included in this management area as “eligible or suitable” for inclusion in the National Wild and Scenic River System. The management intent section further explains that all rivers determined to be suitable have been recommended for inclusion, while Childs Glacier has not been evaluated as suitable and retains its eligible status.

The commenter is correct that the management direction under chapter 80, section 84.2 is applicable to these Forest Service-identified rivers. This reference has been added to the management intent narrative. The allowances from section 84.3, #6 and #7, are included in the existing standard to be consistent with the interim protection measures in section 84.3 and it is not necessary to identify these components separately.

Concern Statement 186: The Forest Service should ensure plan components for recommended and eligible wild and scenic rivers are consistent with the Wild and Scenic Rivers Act

**Sample comment:** *Page 27, Management Area 2 Wild, Recreational, and Scenic Rivers. We recommend changing the word “solitude” to “primitive” to align with the WSR Act. “5. Recommended or designated wild river areas provide opportunities for primitive recreation.”*

**Response:** The desired condition #5 referenced in the sample comment will be changed to reflect the intent of management for rivers found suitable for “wild” classification. The recreation opportunity spectrum governs how recreation use will be managed.

## Management Areas – MA 4 Backcountry

Concern Statement 91: Desired conditions for management area 4 should reflect a more broad range of recreation opportunities

**Sample comment:** *The MA4 Backcountry designation covers the vast majority of the road accessible portion of the forest. Many visitors desire trails and other means of accessing the MA4 portion of the forest. A desired condition should be added to reflect this since Desired Condition 1 only addresses opportunities for cross-country travel, not opportunities for the much more common trail use. We note that this area is not wilderness or a wilderness study area but a valuable recreational area providing recreational opportunities to the most heavily populated area of Alaska.*

**Sample comment:** *We note that the 2002 Chugach plan management of backcountry areas emphasized a variety of recreational backcountry activities in natural appearing landscapes. Instead of managing Backcountry Areas for the four qualities of wilderness character, we recommend retaining the 2002 management intent for Backcountry Areas, as many of these areas are near the road system. The Wilderness Study Area is already managed for the four qualities of wilderness character.*

**Response:** The 2002 revised land management plan stated the social systems desired condition for backcountry management areas would be to provide opportunities for solitude, isolation, and quiet when traveling cross country (pages 4–34). This intent was kept in the draft land management plan. The intent of the first desired condition under Management Area 4 Backcountry is to acknowledge and manage for backcountry type of recreation opportunities while still supporting subsistence and local economic opportunities such as outfitting and guiding, recreation events, and commercial filming. The wording will be changed to reflect the terminology used in recreation opportunity spectrum classes that fits both primitive and semi-primitive settings and to eliminate the specific reference to cross country travel.

## Management Areas – MA 6 EVOS-Acquired Lands

Concern Statement 1: The Forest Service should include all lands within the wilderness study area boundary in management area 1, including lands acquired with Exxon Valdez Oil Spill Trustee Council funds

**Sample comment:** *During my exploration time in Prince William Sound, I visited Jackpot Bay, Paddy Bay and Hogan Bay—these beautiful acquired inholdings have significant habitat and a strong wilderness character. Jackpot Bay is home to four species of salmon and offers great spawning habitat through the rivers, streams and associated lakes that feed into the bay. These three bays are great examples of the acquired lands within the Chenega purchase agreement that should be managed for their conservation and wilderness purposes within the management parameters of the WSA.*

**Response:** All of the Exxon Valdez oil spill (EVOS)-acquired lands are managed according to the specific conservation easement covenants (draft land management plan page 13, Lands and Access #1e; pages 24–25, Management Area 1, Management Intent; page 77 Management Area 6 #1). Keeping the EVOS-acquired lands separate highlights these areas as being different with specific

restrictive covenants on what can and cannot be done on these lands. It is important to highlight these lands for the reason that every Easement is different for the EVOS-acquired lands and land managers need to look at the specific conservation easement for the area of project work for these lands.

The conservation easements and deeds for the EVOS-acquired lands do not mention reference to the values of the wilderness study area or to the 1964 Wilderness Act and they do not state these lands should be managed as wilderness. The documents mention being managed according the restrictive covenants.

Most EVOS lands are split estate where only the surface estate was purchased. The subsurface estate owner still has rights that are noted in the Purchase Agreement, Conservation Easements and Deeds (draft land management plan page 78, Management Area 6 #3)

**Concern Statement 3: The Forest Service should ensure the land management plan is aligned with the Exxon Valdez Oil Spill Restoration Plan**

**Sample comment:** *The Forest Service must honor its twenty-year promise to restore the conservation, recreation, and wilderness values of the Exxon Valdez Oil Spill Restoration Plan. The proposed Forest Plan weakens protections, especially in the Wilderness Study Area.*

**Response:** The Forest Service manages the Exxon Valdez oil spill (EVOS) surface lands transferred to the USDA Forest Service according to the strict conservation easement covenants and not as wilderness study area lands. All EVOS restoration projects conducted on Forest Service land are peer reviewed and approved by the EVOS Trustee Council and, if required, permitted through the Chugach National Forest special use permit program. In the Management Area 1 Wilderness Study Area, Desired Condition 8 on page 25 (draft land management plan) the Forest Service desires the continued recovery of injured resources and services identified in the EVOS Restoration Plan. As one of the three federal trustees on the EVOS Trustee Council, the Forest Service will continue to support and apply the EVOS Restoration Plan as a guide for our management approaches (draft land management plan page 49).

**Concern Statement 90: The Forest Service should revise the management direction for management area 6 to more accurately reflect the purchase agreements**

**Sample comment:** *1. MA6 Management Intent/Desired Conditions, page 29-30, (also comments regarding pp. 51, and 77-78. Issue Language under heading "Lands Acquired by the United States" (page 29) include inconsistencies and errors that conflict with the legally binding purchase agreements. Solutions \* To resolve conflict with purchase agreements, change "conservation and restoration purposes" to "conservation and wilderness purposes" in the following sentence: "Lands where the surface estate has been purchased in fee with the goal of maintaining the land in perpetuity for conservation and restoration purposes by the federal government." (page 29). \* To resolve conflict with purchase agreements, change wording of the following sentence: "Development activities are typically allowed when necessary to protect public safety or natural resources, or for research or management of the area for conservation or wilderness area purposes." (page 29) First, drop the word "area" from "conservation and wilderness area purposes." Second, it is not accurate to say, "Development activities are typically allowed when..." This infers far too general an allowance for development on EVOS-Acquired Lands. Instead, specific development activities related to fish, wildlife and ecosystem research and monitoring may be allowed consistent with maintaining the land in perpetuity for conservation and wilderness purposes, and in accordance with Purchase Agreement Restricted Activities and Prohibited Activities. Also, "such site must be designed in a rustic manner so as to blend into the natural character of the land." \*\*\* (See Chenega, Tatitlek and Eyak purchase agreements under "SELECTIONS," 18(n), and under US Warranty Deed, Section II RESTRICTIVE COVENANTS.) \* To resolve conflict with Purchase Agreements, change language in Desired Conditions #4, page 30: "The Forest Service continues to support projects to improve acquired lands, including projects that will restructure habitat to restore fish and wildlife productivity on lands purchased and acquired with EVOS Trustee Council funds." The language misrepresents the*

*Purchase Agreements. The agreements do not provide blanket allowances to “improve acquired lands” or “restructure habitat.” Instead, certain research, restoration or management activities may occur, but they must be consistent with the Restrictive Covenants and the over-arching goal of managing the lands “in perpetuity for conservation and wilderness purposes.” Discussion... Throughout Management Area 6 EVOS Acquired Lands, the proposed plan’s language incorrectly or inadequately portrays the specific instances or conditions under which activities are allowed, or the overriding principle that all EVOS-Acquired Lands are to be managed first and foremost “in perpetuity for conservation and wilderness purposes.”*

**Response:** Management area 6 was developed to specify management direction for lands or interests acquired with *Exxon Valdez* Oil Spill (EVOS) Trustee Council funds (draft land management plan page 29). The purchase agreement is the initial sales agreement and is not the controlling document. The actual prevailing document is the recorded deed and the conservation easements that both include the restrictive covenants. The land management plan includes a standard for Management Area 6 EVOS-Acquired Lands. All lands shall be managed consistent with their conservation easement covenants [Standard] (draft plan page 77). This section includes other standards and guidelines for the management of EVOS-acquired lands.

**Concern Statement 238: The Forest Service should acquire subsurface rights to *Exxon Valdez* oil spill lands**

**Sample comment:** *Management Area 6 – EVOS acquired lands. Desired Condition number 3 states that “Resources affected by EVOS are restored or enhanced, and intact fish and wildlife habitats are maintained on all lands acquired with EVOS Trustee Council funding, subject to valid existing rights.” The draft Management Plan (EVOS Objectives, p. 51) recognizes that land exchanges or acquisition may be necessary in order to achieve the desired conditions of EVOS acquired lands in the event of subsurface development. However, in the event willing sellers or land exchange is not an option we would like to see compensatory mitigation included in the plan so as to offset temporal ecosystem functional loss due to the anticipated degradation of habitat conditions within the surface estate. Compensatory mitigation may include many forms and we encourage you to look at the Regional Mitigation Manual – MS 1794 – prepared by the Bureau of Land Management to gain insight as to how mitigation should be used to compensate for lost ecosystem function(s) throughout the period of project development, operation, and until recovery is complete.*

**Response:** Purchase of lands by the Exxon Valdez Oil Spill (EVOS) Trustee Council requires unanimous agreement among three state of Alaska and three federal department agencies. The EVOS Trustee Council and the Great Land Trust regularly investigate the availability for purchase of the subsurface rights of EVOS-acquired lands. To date, these have not been available. In this case—where the United States owns the surface, and the subsurface estate (which includes the mineral estate) is in private ownership—the dominant estate is the mineral estate. All deeds, easements, and purchase agreements related to the purchase of the surface estate contain the clause, “Nothing herein shall be deemed to affect, expand, or limit the rights of the subsurface owner to utilize that estate in accordance with applicable law.” This clause protects the rights of the subsurface owner and prevents the Forest Service from requiring compensatory mitigation.

**Concern Statement 242: The land management plan should specify rights and access on *Exxon Valdez* oil spill lands**

**Sample comment:** *1. The Draft Plan should include plan components recognizing Chenega’s rights with respect to the EVOS conveyance lands. The Forest Service should recognize the special legal status of lands conveyed from Chenega to the federal government following the Exxon Valdez Oil Spill (EVOS). In 1998, the EVOS Trustee Council authorized the use of Exxon Valdez settlement funds to purchase ANC lands affected by the oil spill in and around Prince William Sound. Chenega agreed to sell a large part of its ANCSA land entitlement to the federal government and the State. The Purchase and Sale Agreement among Chenega, the federal government, and the State, establish several different land categories that*

*should be explained in the Draft Plan and DEIS. Chenega conveyed certain lands to the federal government (the "Federal Conveyance Lands"), subject to subsistence use easements and other restrictive covenants (the "State Conservation Easement"). Chenega retains contractual rights to enforce the easements and covenants against the Forest Service. The Agreement also granted the Forest Service a conservation easement over lands retained by Chenega (the "Chenega Conservation Easement"). The Chenega Conservation Easement allows public access to Chenega's lands "for sport hunting, sport fishing, camping, hiking, and other natural resource-based recreation, and for other similar purposes, but not for Subsistence Uses." The Forest Service agreed "to control access for Subsistence Uses" and to "utilize its available legal authorities for cooperative management agreements to provide law enforcement and trespass control and assistance to Chenega in connection with the permitted public access and use." Although the Draft Plan recognizes the EVOS-acquired lands as a distinct management area, the Forest Service fails to provide sufficient management direction to fulfill the intent of the Agreement. A desired condition for the EVOS-acquired lands provides that the lands will be "monitored and enforced in coordination with Native village corporations and landowners." But the standards and guidelines in Part 3 of the Draft Plan, beginning on page 77, are superficial and do not provide sufficient recognition of the legal obligations arising under the Agreement. The Forest Service should modify its plan components to address the restrictive covenants and the Forest Service's specific contractual obligations in the Draft Plan. Chenega suggests the Forest Service include the following objective in the final plan: "Within two years of forest plan approval, explore and develop memoranda of agreements between the CNF and affected Alaska Native Village Corporations to provide cooperative management, law enforcement, and trespass control and assistance for EVOS-acquired lands." Furthermore, Chenega suggests the Forest Service revise its EVOS-acquired Lands standards and guidelines as follows: "5. Permits shall not be issued for special uses on Federal lands acquired with EVOS Trustee Council funding [Federal Conveyance Lands] when they conflict with conservation easement restrictive covenants. Permits shall only be issued for special uses on Federal Conveyance Lands in coordination with the Alaska Native Village Corporation or other entities having management or ownership interests in the affected lands. No permits for special uses shall be issued for guided hunting or fishing on Federal Conveyance Lands without the consent of the Alaska Native Village Corporation holding a subsistence use easement on the affected lands. [Standard]"*

**Response:** Each *Exxon Valdez* Oil Spill (EVOS) Trustee Council purchase has its own unique land category with its own unique restrictions for not only Chenega, but for the lands of Tatilek and Eyak purchased with EVOS Trustee Council funds. The land management plan should not explain each different land category established due to the plan specifically requiring project managers to reference the conservation easement covenants for management direction for the varied areas prior to conducting any work on these lands. By placing some of the covenant restrictions in the land management plan and leaving others out, lessens the overall importance of all the restrictions. Therefore, project managers need to reference the restrictive covenants as a whole for management direction. All management actions are required to not conflict with conservation easement restrictive covenants including the mentioned special use permitting. Including requirements specific to permitting and not all management actions again lessens the importance of other management actions that are also required to not conflict with the conservation easement covenant restrictions. It is required per the land management plan for project managers to reference the conservation easement restrictions prior to conducting any work on these lands.

We are required to manage EVOS-acquired lands that were transferred to the Chugach National Forest according to the provisions of the established conservation easement covenants. The standards include the requirement that all lands shall be managed consistent with their conservation easement covenants [Standard] (draft land management plan page 77). This one standard provides sufficient recognition of the legal obligations within the agreements.

## Geographic Areas – Prince William Sound

Concern Statement 185: The Forest Service should clarify desired conditions to ensure they reflect management intent

**Sample comment:** *Page 21, Prince William Sound Geographic Area, Recreation and Tourism, Desired Condition 1. We are concerned the wording of this could unnecessarily restrict shoreline use for hunting, fishing, and camping. Please consider the following edit: "Limited Shoreline areas capable of accommodating dispersed recreation use are maintained in good condition and consistent with desired use levels, including consideration of adjacent public and private lands."*

**Response:** Comment noted. Final environmental impact statement will revise this sentence.

Concern Statement 297: The Forest Service should conduct conservation education to reduce user impacts in Prince William Sound

**Sample comment:** *I would hope that conservation education would play a key role in grooming the newer user groups in how they treat PWS and the Chugach. Even as kayakers who have enjoyed the Sound for the last few decades, we've come to learn that even though we are LOW IMPACT users, we still impact the area we visit. All users need to minimize their impact in this very fragile environment.*

**Response:** Conservation education is identified in the draft land management plan as an important tool for engaging with communities and our visiting and resident publics across the national forest, not just within the wilderness study area. Under Forestwide Desired Conditions and Goals, Goal 2 (draft land management plan pages 12–13), desired condition 2 states, "The diverse ecological, physical, and social characteristics across the Chugach National Forest provide outstanding opportunities for education and connecting people to the outdoors. Through education and interpretive activities, the public is made aware of national forest contributions to providing ecosystem services, including outdoor recreation, wellness, and societal well-being." Desired condition 3 (page 13) also address conservation education: "Through outreach and interpretation the public is informed about the physical and biological attributes, citizen science opportunities, and visitor safety issues of the Chugach National Forest." Additionally, the draft land management plan's Social and Economic Sustainability Strategy includes a management approach under Partnership Opportunities (page 42) specific to conservation education: "Continue to develop, support, and provide interpretation and education services using financial support from partners."

Leave No Trace principles are addressed under management area 1, which includes many of the lands in the wilderness study area. Specifically, the Chugach National Forest is committed to making sure Forest Service employees, contractors, and authorized research permit holders use low impact techniques at their camps. The draft land management plan includes a guideline to use Leave No Trace practices at administrative camps (page 74). Outfitter guide permit stipulations also require actions that minimize impact to the areas in Prince William Sound.

Concern Statement 274: The Forest Service should clarify in the EIS that recreational fishing occurring near fish hatcheries contributes to primitive recreation in Prince William Sound

**Sample comment:** *On page 532 under the opportunity for primitive recreation, there is a comment in the forest paragraph about recreation activities are high, but commercial fishing occurs especially near the hatcheries. Intense recreational fishing occurs near the hatcheries as well as commercial fishing. Commercial fishing activities are regulated to certain days and certain hours, yet recreational fishing can occur at any time. This paragraph fails to mention the recreational fishing aspects and opportunities near the hatcheries.*



**Response:** This concern statement is in reference to a comment responding to the information provided in the draft EIS for evaluation of lands in the Prince William Sound Islands Inventoried Area for suitability of the areas for inclusion in National Wilderness Preservation System. Forest Service directives (Forest Service Handbook 1909.12, chapter 70) provide policy on what characteristics to evaluate, in this case, evaluating the degree to which the inventory area has an opportunity for primitive recreation. The sentence referencing areas near the shore being popular with boat or kayaking recreation activities is inclusive of all recreation activities including fishing.

## Geographic Areas – Copper River Delta

### Concern Statement 210: Editorial change requested

**Sample comment:** Page 21. Copper River Delta Geographic Area. Move paragraph discussing of Rural Recreation classes to Kenai Peninsula Geographic area since no Rural ROS is shown on any of the alternative maps for the Copper River Delta Geographic Area.

**Response:** Edit has been made in the environmental impact statement.

**Sample comment:** Page 552: Opportunity for solitude (Copper R. Wetlands Area) – I disagree with statement “opportunity for solitude is low to moderate due to area’s small size...” the area is 97,180 acres! There are plenty of opportunities for solitude if one wants to get off the road either canoeing, boating, skiing, snowshoeing, hiking etc. Many “Wilderness areas” in the lower 48 are much smaller. I wouldn’t use that as a reason for exclusion for further analysis.

**Response:** Edit has been made in the environmental impact statement.

### Concern Statement 213: The Forest Service should limit the recreational use of jetboats in the Copper River Delta

**Sample comment:** I prefer Alternative B with regards to ROS (Reference Alternative B ROS map). It maintains the semi-primitive non-motorized (winter motorized allowed) for the area south of the Copper River Hwy. By allowing winter use only, it reduces chance for wildlife harassment and habitat degradation and would appear to better meet ANILCA 501(b)-3 provisions. An adequate amount of national forest system lands are currently open to motorized use on the Delta. I would think that the motorized use regulations would only apply to national forest system land. If that is incorrect, the public would have to be informed of type of use allowed and where. It is confusing to see a map that says “semi-primitive motorized” and then discover it only pertains to waterways in one of the areas on the map. I would think that airboat/jet boat use in some of the sloughs and creeks can be detrimental to fish spawning and rearing habitat. If type of use on waterways can be regulated, some suggestions are: 1) If the creek/slough is not 2x as wide as your boat, you should not be able to use a motorized boat on it; 2) You should not be allowed to jump beaver dams with your boat. Maybe the State and the FS can work together to develop a way to maintain fish rearing and spawning habitat in spite of this motorized use. If Alternative C, the modified proposed action, is selected, please include Alternative B’s ROS designation for this area south of the Copper River Hwy.

**Response:** Your preference for alternative B is noted. The draft EIS analyzed a range of alternative management approaches, including a range of alternatives in applying the recreation opportunity spectrum for a variety of recreational activities. This range of alternatives helps to evaluate the differences and any environmental impacts resulting from proposed management actions and balance opportunities. The recreation opportunity spectrum for alternatives A and B reflect direction in the current land management plan on the Cordova Ranger District. Alternative C proposes changes in an effort to accommodate some existing motorized uses occurring in the Cordova area. All alternatives maintain opportunity for recreation in the Cordova area. Alternative C accommodates existing traditional existing uses (motorized boats on waterways for non-subsistence activities). Recreation opportunity spectrum does not authorize uses or open areas to motorized uses (open area to dispersed all-terrain vehicle uses), but rather sets the stage for allowing managing the area with the potential for

authorizing uses/activities including motorized use depending on recreation opportunity spectrum designation. The authorization for restrictions to the use of certain kinds of watercraft in specific locations is accomplished on a project level and requires a separate process outside the scope of this plan.

## Geographic Areas – Kenai Peninsula

Concern Statement 184: The land management plan should support expansion of recreation infrastructure throughout the Kenai Peninsula Geographic Area

**Sample comment:** *Page 19/20, Kenai Peninsula Geographic Area, Recreation and Tourism, Desired Condition 2. Because the Forest is a high use recreation destination for Southcentral Alaska residents, we request the desired conditions for recreation infrastructure, such as boat launches, parking areas, cabins, campgrounds, and trails, also consider areas of high recreational interest across the Forest, not limited to only “along the Alaska Railroad between Moose Pass and Portage.” We request that the last sentence of Desired Condition 2 be re-written to include the entire Kenai Geographic Area, as recreation infrastructure is not limited to the area between Moose Pass and Portage, and a third desired condition be added.*

**Response:** The desired conditions for the geographic areas are intended to be broad in scope and context. The suggestion on desired condition 2 would meet this intent and will be reworded.

The comment suggests adding a third desired condition that would promote new facilities to meet demand. This suggested desired condition does not align with the forestwide desired conditions for recreation, which include intent for sustainability and support from communities and partners for shared infrastructure development and maintenance of recreation infrastructure and services (draft land management plan page 15).

Concern Statement 248: The Forest Service should clarify the intent for vegetation management on the Kenai Peninsula

**Sample comment:** *My main area of concern on the CNF is the Kenai Peninsula Geographic Area, and more specifically, the road corridor—the very small but most intensely managed portion of the CNF due to its concentrated use. The desired condition stated on page 19 of the plan states this area will “contain developed recreation sites and provide access points for a variety of dispersed recreational activities, mining operations, state lands and private inholdings.” Not timber sales, fuelwood collection, or prescribed fires to manipulate vegetation. I like this desired condition but delving further on, I read that the intent is to manage vegetation, as stated in the Fish, Wildlife and Habitats (FWH) section and in the Resource Development and Use (RDU) section. In the FWH section, natural processes are emphasized to maintain the vegetation, while in the RDU section, the first desired condition is that “communities will have opportunities to access and use various forest products, through small scale vegetation management activities such as mechanical vegetation treatments.” And here I thought this area’s desired condition did not include these kinds of activities, since I read that on page 19.*

**Response:** Natural process dominate across the Kenai Peninsula Geographic Area, the road corridor comprises a small fraction of this area. The desired condition for the Kenai Peninsula Geographic Area describes managing for high levels of human use while maintaining the natural-appearing character.

## Designated Areas

Concern Statement 92: The Forest Service should identify proposed and possible actions in the land management plan

**Sample comment:** *Scenic Byways, Desired Condition: This section should mention the possibility of developing multi-use trails along the Seward Highway, since they are currently proposed in the Portage Curve Multimodal Connector Environmental Assessment.*

**Response:** This desired condition states that the Seward Highway should be cooperatively managed consistent with the Seward Highway Corridor Partnership Plan, which may include developing trails along portions of the highway.

Concern Statement 179: The Forest Service should clarify management intent and applicability of Section 102(4) of the Alaska National Interest Lands Conservation Act to trail segments within the highway right-of-way and on state lands that were historically associated with the Iditarod National Historic Trail

**Sample comment:** ...based upon the conveyance of the Seward Highway to the State by an exclusive use highway ROW, the acknowledgements and recommendations in the CMP, and the NTA's recognition that historic trail use may be precluded by subsequent development, any historic connecting segments of the INHT located within the Seward Highway ROW, whether currently identified in the CMP or identified in the future, are not components of the INHT system, nor subject to federal management and therefore, are not managed by the Forest Service or defined by ANILCA as a CSU. In order for the [Portage Curve] project to proceed within the Seward Highway ROW, both the Forest Service's final decision document for the project and the revised Forest Plan must reflect this understanding.

**Response:** The Forest Service has collaborated extensively with the state of Alaska on the issue of conservation system unit status of existing and planned commemorative routes associated with Iditarod National Historic Trail that are within the Seward Highway right-of-way. The Portage Curve Multimodal Connector project prompted this in-depth discussion. The discussion and collaboration has resulted in the need for additional language in the land management plan under management approaches for the Iditarod National Historic Trail to clarify Forest Service intent not to seek inclusion of these trail segments within the Iditarod National Historic Trail system. A new management approach has been added to clarify this intent.

The Forest Service has an easement with the state of Alaska for sections of trail that cross state lands associated with the Iditarod National Historic Trail system. Any future designation of these segments as part of the Iditarod National Historic Trail would require the state to request inclusion of them through the Secretary of Agriculture. This direction is within the National Trails Act (Section 6) and does not need to be repeated in the land management plan.

**Sample comment:** ...the statement on page 137 in the draft revised Chugach National Forest Land Management Plan states: "The Forest Service received a Transportation Alternatives Program grant from the State of Alaska in 2016 for seven miles of proposed trail and associated trailheads along the Seward Highway from Twentymile Creek to Ingram Creek and for a trail segment connecting to the Trail of Blue Ice in Portage Valley. **This proposed recreation infrastructure is part of the INHT Southern Trek project** and would provide a critical link for the Iditarod trail system and to other recreation venues, such as the Alaska Railroad and Whistle Stop recreation areas and the Alaska Wildlife Conservation Center near Portage." The bolded portion of the statement would lead a reader to believe that the project would create an INHT trail segment with a primary purpose of recreation. As written, that bolded statement would make it much more difficult for the State to defend a determination of the inapplicability of Section 4(f). The State requests that the above bolded statement be replaced with a statement worded as close as possible to the accurate statement below, which is from page 32 of the Portage Curve Multimodal Trail Project's EA. "Provision of dedicated multimodal pathways separate from the Seward Highway, as well as grade-separated pathway crossings to connect recreational amenities on either side of the Seward highway should reduce hazards associated with current pedestrian and bicyclist use of the shoulders of a high-speed, high capacity roadway Provision of safe multimodal transport access along the Seward Highway and adjacent areas is the primary purpose of the project."

**Response:** The Forest Service has collaborated extensively with the state of Alaska on the issue of the planned trails within the Portage Curve Multimodal Connector project and management intent regarding the Iditarod National Historic Trail system. The draft EIS has been modified to reflect this collaboration.

Concern Statement 15: The Forest Service should add a management approach for use of department of transportation compliant signage on the Iditarod National Historic Trail

**Sample comment:** P 43 Access and Infrastructure – Add: Install DOT-approved road signs designating INHT along highway through CNF and at trail crossings.

**Response:** The Access and Infrastructure management approach is intended to emphasize a need to protect the public, employees, and vulnerable natural resources at the programmatic level. Signage related to transportation infrastructure, such as the Iditarod National Historic Trail, is left for project-level design and decisions. This comment has been shared with appropriate staff for incorporation into future projects.

Concern Statement 223: Editorial change requested

**Sample comment:** P 5: National Trails. This is a good description of the southern portion of the INHT. Line 5: Correct “Roadhouses and dog barns associated with the trail system are were located about every 20 miles along its route.” Line 6: Correct “The trail was primarily a winter-use trail system traversed with the aid of dogs and sleds sled dogs.” Glossary P 141. Add “Iditarod National Historic Trail” in separate entry under “I.” [Glossary] P 144 Add “National Historic Trail” in separate entry under “N.”

**Response:** Thank-you. We have made the requested editorial corrections and have expanded the glossary entry for National Trail System.

## Inventoried Roadless Areas

Concern Statement 10: The Forest Service should protect inventoried roadless areas to maintain their benefits

**Sample comment:** Incorporate Roadless Rule protections for all Inventoried Roadless Areas in the Management Plan. With a potential state-specific Roadless Rule in the works for Southeast Alaska, this plan should incorporate existing protections from the 2001 Roadless Rule for Inventoried Roadless Areas of the Chugach, as today the Forest and the public greatly benefit from the conservation measures provided by this rule. Specifically, the plan should clarify that exemptions allowing road construction or reconstruction activities should be guided by the standards of the Roadless Area Conservation Rule, and that timber should not be removed unless provided for by the Roadless Area Conservation Rule.

**Response:** In addition to the land management plan, management of the Chugach National Forest is constrained by other law and policy, including the 2001 Roadless Area Conservation Rule (Roadless Rule). The land management plan contains a desired condition to retain the undeveloped character of areas identified as roadless consistent with the Roadless Rule. Inventoried roadless areas factored in to the timber suitability determination (appendix B, land management plan). The land management plan does incorporate protections from the Roadless Rule.

Concern Statement 89: The Forest Service should exempt the Chugach National Forest from the 2001 Roadless Area Conservation Rule

**Sample comment:** As the Draft Plan is finalized, CIRI once again would like to express support for an Alaska-specific exemption from the 2001 Roadless Rule. We note with disappointment that the Chugach is not currently under consideration for exemption. As the Service is aware, the Chugach is the second-largest Forest in the nation. However, present policies including the Roadless Rule and a zero Allowable Sale Quantity (ASQ) of timber under the Draft Plan make development of resources on these lands nearly impossible. Consequently, adjacent landowners like CIRI are precluded from enjoying the economies and support infrastructure of scale which would otherwise arise from multiple-use management of these public lands. The roadless rule limits access to, and across, CIRI lands and minimizes opportunities in timber, mining, renewable energy, and other industries. We request that the Service provide a process to exempt the Chugach from the 2001 Roadless Rule, similar to the one presently underway for the Tongass.

**Response:** This comment and any process associated with an exemption to the 2001 Roadless Rule are outside the scope of the land management plan revision process and cannot be addressed in this analysis or this decision. Page 3 of the draft land management plan recognizes that "...access and development on, across, or adjacent to the national forest consistent with ANILCA and other laws" is expected. Access is guaranteed by the Alaska National Interest Lands Conservation Act (ANILCA).

**Concern Statement 140:** The land management plan should clarify whether access to hydropower sites and their related infrastructure are prohibited by the Roadless Rule

**Sample comment:** *The forest plan should clarify whether access to hydropower sites and their related infrastructure are prohibited by the Roadless Rule. If not, the forest plan should specifically state that access to future renewable energy projects, including hydropower, and their transmission infrastructure is authorized by the plan throughout the forest. Access by road is often required for energy projects, and many hydro projects are major construction projects that require heavy machinery and equipment. In many cases a road for access from tidewater to the hydropower site would be required. If road access is denied where IRAs exist between tidewater and a hydropower site, such facilities will not be able to be built.*

**Response:** The Federal Power Act grants the Federal Energy Regulatory Commission the authority to issue and administer licenses for hydropower projects. For projects located on National Forest System lands, section 4(e) of the Federal Power Act requires the Federal Energy Regulatory Commission to determine whether the project is consistent with the purposes of the forest reservation. Section 4(e) also gives the Forest Service authority to impose mandatory conditions in the Federal Energy Regulatory Commission license to ensure the adequate protection and utilization of a forest reservation.

When an applicant applies to the Federal Energy Regulatory Commission for a preliminary permit in an inventoried roadless area, the Forest Service will work with the applicant and regulatory commission to coordinate terms and conditions necessary to ensure the adequate protection and utilization of the national forest reservation. The Forest Service transmits the terms and conditions to be included in the Federal Energy Regulatory Commission license, in accordance with section 4(e) of the Federal Power Act. As stated in the Alaska District Court's judgment in *Organized Village of Kake, et al. v. USDA*, "nothing in this judgment shall be construed to prohibit any person or entity from seeking, or the USDA from approving, otherwise lawful road construction, road reconstruction, or the cutting or removal of timber for hydroelectric development pursuant to the standards and procedures set forth in the Federal Power Act."

The suitability table in the land management plan makes a suitability determination, by management area, for "energy infrastructure and utilities," which includes hydropower sites. Management area-specific plan components provide additional direction for these areas.

## Suitable Uses

**Concern Statement 157:** The Forest Service should ensure the suitability designations are consistent with law, regulation, and policy

**Sample comment:** *Suitability of EVOS-Acquired Lands, pages 36-37: At least six activities that are listed as "conditional" on EVOS-Acquired Lands do not appear consistent with the legally binding Purchase Agreements. Look at Purchase Agreements and determine whether a mistake has been made that is confusing EVOS-Acquired Lands with lands that were put under conservation easements.*

*Appendix F Suitability Conditional in MA6, p. 132: The whole section appears inaccurate and to conflict with EVOS Purchase Agreements...Re-write to incorporate applicable language from Chenega, Eyak, and Tatitlek Purchase Agreements. The section must include the over-arching requirement to manage the area "in perpetuity for conservation and wilderness purposes," and that activities must be consistent with the Restrictive Covenants described in the Purchase Agreements.*

**Response:** The land management plan directs management of all *Exxon Valdez* oil spill (EVOS) lands shall be managed consistent with their conservation easement covenants. The purchase agreement is the initial sales agreement and is not the controlling document. The actual prevailing documents are the recorded deed and the conservation easements, which include the restrictive covenants. The land management plan does not refer to the purchase agreement but instead refers to the conservation easements and the restrictive covenants that are connected to the land in perpetuity. The EVOS Trustee Council reviewed the suitability table and agrees with the suitability labels for this management area.

**Sample comment:** *The use of fixed-wing aircraft should be suitable (S) on EVOS lands as such use is considered suitable in all other areas of the Forest unless specifically restricted by the individual lands acquisition documents... Regarding helicopters, the appropriate designation should be conditional (C); while EVOS doesn't go into the detail of helicopter use, it is possible that use might be appropriate in specific areas at specific times.*

**Response:** All suitability determinations for *Exxon Valdez* oil spill (EVOS) lands were reviewed by the EVOS Trustee Council. As stated in appendix F of the land management plan, conservation easement covenants are the primary reason for many of the “conditional” determinations on EVOS lands. These covenants are the reason for the conditional ranking for fixed-wing aircraft. There is a Forest order in place that “implements the restrictive covenants contained in the warranty deeds” and closes EVOS lands to motor vehicle use, including helicopters (Forest Order No. 10-04-00-04-03). This order does include certain exemptions to the closure. The EVOS Trustee Council has also advised that, per the restrictive covenant language, commercial helicopter landings on water could be allowable. The determination for helicopters has been changed to conditional and the forest order reference has been added to appendix F of the plan.

**Sample comment:** *In Appendix F, add additional references for MA 1 under “Soil and Watershed Projects” and “Wildlife and Fish—Management and Research” to better incorporate Forest Service regional policy and ANILCA.*

**Response:** All of the references in appendix F of the land management plan were reviewed and revised, if necessary, to incorporate Forest Service policy, the Alaska National Interest Lands Conservation Act (ANILCA), and other relevant items.

**Sample comment:** *Having reviewed Land Management Handbook 1909.12, chapter 80, 84.3, 6 - Recreation Development and based on ANILCA's unique allowances in CSUs, we believe a “Suitable” designation is more appropriate for communication sites, energy related infrastructure and utilities, and campgrounds for the rivers designated for scenic and recreational values.*

**Response:** Based on the management area 2 standard in the draft land management plan on page 75 and the language in Forest Service Handbook 1909.12, section 84.3, a “conditional” determination is appropriate for these uses. Section 84.3 part 5 states that, for all applicable rivers, “new transmission lines such as gas lines, water lines, and similar linear facilities are not compatible and are discouraged.” The direction in part 6, which addresses campgrounds, distinguishes between wild, scenic, and recreational segments in its guidance. Because the suitability determination applies to the management area as a whole and not just one type of river classification, “conditional” is appropriate and the standard on page 75 then guides the reader to the Forest Service Handbook for additional information.

Some adjustments have been made to the suitability table in appendix F of the land management plan. “Commercial helicopter landings” in management area 4 was changed from “suitable” to “conditional” because the use must be consistent with the applicable recreation opportunity spectrum class. Some references in appendix F have been revised for accuracy and/or reordered to be more helpful to the reader.

**Sample comment:** *The Forest Service must abandon the proposal to allow small-scale timber harvests and manipulation of watersheds, soils, and habitats in the Wilderness Study Area.*

**Sample comment:** *In the Chugach National Forest, the Forest Service is entrusted to manage some of Alaska's most treasured wild lands in the Congressionally-designated two million-acre Nellie Juan-College Fiord WSA. Changing that now-by allowing residential timber harvests, expanded motorized uses, manipulation of habitats, mining, and helicopter-assisted skiing and hiking-would harm this beautiful Wilderness Study Area. It defies common sense. Instead, the Forest Service should maintain current protections and recommend to Congress its perpetuation into the future.*

**Response:** In accordance with 36 Code of Federal Regulations section 223.10, Alaskan settlers, miners, residents, and mineral prospectors may harvest green or dried timber from the Chugach National Forest for personal use, but not for sale. There are limits on the amount of material any one person can take in a year (no more than 10,000 board feet of sawtimber and 25 cords of wood). Green sawtimber can only be taken if the Forest Service grants the individual a permit for such collection, and the Forest Service has discretion to deny issuance of such a permit. This regulation does not address how timber and fuel wood is taken (e.g., chainsaw, crosscut, and axe), but it does apply to the entire forest, including the wilderness study area, unless an area has been closed to such use by forest order.

Manipulation of watersheds, soils, and habitat may occur on a conditional basis if the purpose of the activity would restore or protect ecological characteristics of the wilderness study area, maintain the area's presently existing character, and maintain potential for inclusion in the National Wilderness Preservation system. The wilderness study area has not been withdrawn from mineral entry; therefore, mining claims for locatable minerals may be established and developed. Access for these valid existing rights is ensured in Section 1110(b) of the Alaska National Interest Lands Conservation Act. Commercial recreation activities such as heli-skiing and heli-hiking that would require helicopter access are not suitable as shown in table 4 of the draft land management plan and not authorized in the wilderness study area.

#### Concern Statement 239: The Forest Service should not impose new restrictions on helicopter use

**Sample comment:** *It is of some concern to us that the areas we operate in are to be changed. We have been petitioning the Forest Service for 10 years to allow us to land our small helicopter slightly further in to the Godwin basin where we run glacier hiking and ice climbing trips with very small groups during the summer. We have worked amiably with the forest during this last decade and have, to the best of our knowledge, received no public complaints about our limited operation in the area. The alpine area of Godwin that we land in is extremely difficult to access during the summer, and in the decade of operating there, we have never once seen a citizen that accessed the region on their own. Because of the danger and difficulty involved in accessing the area on foot or by any other non-motorized means, we don't believe that it is likely that the area will ever be accessed by the general public with the exception of an extremely rare visit by intrepid explorers and that our activities are unlikely to discourage or alter any future use of the area by the public.*

**Sample comment:** *We'd like to point out that the Forest Service is expanding use of the areas we frequent to allow winter helicopter access by commercial operations. While we are not opposed to this action, it doesn't serve the needs of a vast majority of visitors that come to Alaska. We are local residents of Seward, and we have grown to employ almost 30 people in the summer, many of whom have chosen to become permanent residents of the area and active members of the local outdoor community. Taking away our helicopter access to Godwin or limiting our ability to move our approved landing zone would have a significant financial impact on our operations and on the operation of the local helicopter company we use and would certainly cost the area jobs and limit the unique, low-impact recreation opportunities that we have created in the area in partnership with the Forest Service... please take into consideration the impact*

*that it would have on the diverse, sustainable, and adventurous recreational opportunities that we have worked very hard to continue to create in Seward with our small local business.*

**Response:** Alternatives A and B have semi-primitive motorized recreation opportunity spectrum settings in the Godwin Glacier which would be consistent with summer motorized activities. This area was changed in alternatives C and D to a combination of primitive and semi-primitive non-motorized (winter motorized allowed). The Forest Service recognizes the value of small businesses providing employment opportunities and helping improve the local economy, in addition to providing different recreation experiences that may not be readily available without guided services. The Forest Supervisor may choose any of the alternatives in the final decision.

**Sample comment:** *I do not agree with banning helicopter usage in the Chugach National forest WSA near Columbia Glacier. There are operating mines currently using helicopter access.*

**Response:** There is no plan component that provides a blanket prohibition of helicopter use for access to mining operations. Rather, our intent is to prohibit recreational landings of helicopters in the wilderness study area. We clarified management area 1 objectives as being for the prohibition of public landings of helicopters and drones, and management area 1 standard 11 in the draft land management plan contains language that gives authorized officers direction to approve access that is adequate and feasible for mining operations which may include helicopter access. Standard 11 was changed to a guideline and rewritten to include language that directs authorizing officers to authorize access by helicopters only when found to be necessary for the administration of the area and that impacts would be minimized to maintain the area's presently existing character and potential inclusion in the National Wilderness Preservation System. Both of these plan components provide discretion for authorizing officers to approve helicopter use for access to mining operations.

**Sample comment:** *Forest service policy should be to allow Helicopter landings in the wilderness study area.*

**Response:** The land management plan does not impose changes on Forest Service policy. Rather, the plan provides broad strategic direction for project-level decision making in compliance with policy.

**Sample comment:** *Opportunities are NOT available for helicopter-assisted guided and non-guided recreation activities near Valdez and the Columbia Glacier. These activities should be available in this area.*

**Response:** Forest Service policy (R10 Supplement 2300-2008-2) provides direction that helicopter use for commercial recreation purposes is not to be authorized in the wilderness study area. A new standard has been added that would specifically address our intent not to authorize landings of helicopters within the wilderness study area for the purposes of commercial recreation activities in alignment with Forest Service policy.

**Sample comment:** *I believe that any place in the Nation Forest system a fixed wing airplane is allowed to land, a helicopter should be allowed as well.*

**Response:** The land management plan provides direction that landings of fixed wing aircraft are allowed without permits on suitable lakes, beaches, and ice fields. Forest orders govern where landings of helicopters may take place. The Alaska National Interest Lands Conservation Act Section 1110(a) provides for the use of fixed wing aircraft for traditional activities in the wilderness study area but not helicopters.

**Sample comment:** *Access to the forest via helicopter is one of the top rated tourist activities in Alaska and often the only way people with reduced mobility can experience the Forest. Helicopter access should be maintained at current levels for the next 10 -15 years and drone use studied.*



**Response:** The environmental impact statement has four alternatives and there are differing levels of recreation opportunity spectrum settings where motorized use would be suitable, including helicopter landings. The Forest Supervisor may choose any one of the alternatives. Helicopter use by the public is regulated by forest order and not by direction in the land management plan.

**Concern Statement 240:** The Forest Service should not impose new restrictions on aircraft use

**Sample comment:** *Generally the use of motorized vehicles is prohibited on lands set aside by the Wilderness Act. The Alaska National Interest Lands Act of 1980 has a few Alaska specific provisions that supersedes the Wilderness Act and allow for motorized use in wilderness areas for what are defined as "traditional" activities. Landing airplanes for private, non-commercial, use is one of these traditional activities that are specifically mentioned. The various sections of code that spell this out are as follows: ANILCA 1110a 16 USC 31.70 43 CFR 36.11(f).*

**Response:** The land management plan provides direction that landings of fixed wing aircraft are allowed without permits on suitable lakes, beaches, and ice fields. Forest orders govern where landings of helicopters may take place. The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for the use of fixed wing aircraft for traditional activities in the wilderness study area but not helicopters. The regulation 43 Code of Federal Regulations 36.11(f) referenced in the sample comment applies to public lands managed by the Bureau of Land Management and does not apply to the Chugach National Forest.

**Concern Statement 200:** The Forest Service should restrict or prohibit use of helicopters, airboats, jet skis, and drones

**Sample comment:** *Helicopters, airboats, jet skis, and drones. These four forms of recreational transportation are even more obtrusive than others. Helicopter noise, because of its special character, and the association of these craft with war and death, is eerie and especially disturbing. Helicopter skiing is already allowed on too much of the Chugach, and should not be allowed to increase. Helicopter assisted hiking is much less entrenched, and should be nipped in the bud before the constituency for it grows any greater and its regulation becomes more difficult. Airboats are extremely loud and obtrusive, and can do substantial ecological damage; for both social and ecological reasons they should not be allowed on the Forest. Other types of motorized watercraft are suitable for most legitimate, non-damaging purposes. Jet skis are not only very loud, but their operation often results in frequent changes in pitch, which makes them even more disturbing. Also, like airboats, they can do substantial ecological damage. They should not be allowed on the Forest. Drones, somewhat like helicopters, are not only obtrusive and disturbing, but can be disturbing in an eerie sense: individuals, like Big Brother, spy (presumably not intentionally, with their cameras on recreationists who are seeking, and think they've found, solitude and privacy. Natural and wilderness character are destroyed by this most modern of modern technologies. The recreational use of drones should be prohibited on the Chugach.*

**Sample comment:** *The lands around the Manitoba Cabin must be must be managed to avoid potential recreational user conflicts between winter non-motorized and winter motorized uses. Skiing and snowmachine use cannot share same space and the presence of snowmachines in the area will also disturb our guests' enjoyment of the quiet and solitude that is part of their experience of the Manitoba Cabin. For this same reason, helicopter operations in this area would also negatively impact the qualities we would like to see preserved at Manitoba. While some of our clientele might seek out helicopter skiing opportunities, Manitoba probably would not serve as a convenient access to these operations. Furthermore, our mission is to serve more than those who can afford helicopter skiing and instead serve those who cannot afford helicopter skiing and who are interested in traditional backcountry ski experiences.*

**Response:** The 2005 Travel Management Rule clarified how the Forest Service regulates motorized uses on the national forests. Subpart B of 36 Code of Federal Regulations 212 travel management regulations define what type of motorized use is included in travel management; watercraft and aircraft are exempt from these regulations (36 CFR 212.51(a)). The Chugach National Forest

regulates these uses with forest orders prohibiting uses in certain areas. The revision of the land management plan does not change any current decisions and accompanying forest orders prohibiting use of boats, drones, or jet skis. Decisions on whether to prohibit these uses in additional areas would be made on a project-level basis and would include a public involvement process.

The Forest Service policy (R10 2300-2008-2) provides direction on allowed uses within the wilderness study area. Drones are considered aircraft and their use would be permitted only for authorized activities where use of drones is weighed with the need to protect and maintain social and ecological characteristics of the wilderness study area. The draft plan has an objective for management area 1 to create a forest order to prohibit public use of drones per this Forest Service policy (page 50). Taking off and landings are not currently regulated on the national forest at present.

**Sample comment:** *Jet skis should not be permitted in places such as Blackstone Bay. The problem is not severe yet, but it is only a matter of time before Passage Canal, Blackstone Bay and other close waters resemble Big Lake on a busy summer weekend.*

**Response:** This comment is outside the scope of land management plan environmental analysis. The Forest Service does not have jurisdiction to manage uses on marine waters.

Concern Statement 203: The Forest Service should better define the abbreviations in the suitability table

**Sample comment:** *Part 2 Strategy – Suitability of Lands – Table 4. Suitability determinations for management areas, by use or activity should include a key so that readers clearly understand the abbreviations pertaining to suitability determination without having to refer to previous text.*

**Response:** The title of the suitability table has been modified to include the abbreviations for the three suitability determinations, so the reader will not need to refer to other text.

Concern Statement 102: The Forest Service should add activities to the suitability table

Multiple comments regarding changes to the suitability table, including:

**Sample comment:** *We request that the use of snow machines, much like the use of fixed-wing aircraft, be added as a use or activity to Table 4. This is also in accord with ANILCA 1110(a) and 811. Hunting, Fishing, and other outdoor based recreational and commercial activities. We believe these activities should also be added to Table 4.*

**Sample comment:** *On pp. 36-38, Table 4 Suitability Determinations for Management Areas, by Use or Activity and related definitions: A new row should be added to this table entitled “Subsistence Hunting, Fishing and Gathering and Related Activities” In each column, MA1 - MA8, the uppercase letter “S” should be added. The following definition should be added: “Subsistence means: the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.”*

**Response:** The suitability table does not include all uses or activities that may occur on the Chugach National Forest—36 Code of Federal Regulations 219.7, which is repeated in the plan, states “the suitability of lands need not be identified for every use or activity.” It also states that a project or activity may occur in an area in which the plan is silent with respect to its suitability for that type of project or activity. If an activity is suitable in all management areas, we typically did not include it in the table. We did not feel that adding the Iditarod National Historic Trail to the table would provide meaningful additional guidance beyond what is found elsewhere in the plan.

The land management plan alone does not govern public uses, such as subsistence or snowmachining, as explained on page 35. These types of uses are generally not included in this suitability table. Subsistence uses are defined in the glossary in accordance with the Alaska National Interest Lands Conservation Act Section 803.

## Alaska National Interest Lands Conservation Act (ANILCA)

Concern Statement 178: The land management plan should clearly identify where the Alaska National Interest Lands Conservation Act provisions apply to National Forest System lands

**Sample comment:** *It is important for the Forest Plan to accurately identify where applicable provisions in ANILCA apply on the forest and for management direction in the plan to be consistent with those provisions, both for public awareness and plan implementation purposes.*

*...certain provisions in ANILCA apply to specific areas and others apply forest-wide. For example, Sections 811 and 1110 of ANILCA, which allow specific methods of access for subsistence use and other traditional activities apply to the WSA; whereas, of these two Sections, only Section 811, the subsistence access provision, applies to the Section 501(b) expansion area. ANILCA is very clear that methods of access identified "shall" be authorized, subject to reasonable regulation, which means the Forest is open to these uses unless closed or restricted for site specific reasons. While the Service does not have ANILCA implementing regulations for these specific provisions, they can refer to the public closure processes that have been codified in Department of Interior agency regulations for guidance.*

*Page 11, Part 1 Vision Goal 1 Foster Collaborative Relationships: We request you add a new Desired Condition that reflects the methods of access allowed by ANILCA on applicable lands for both subsistence and non-subsistence uses.*

*Page 22, Resource Development and Use, #1, second sentence: The plan indicates that private inholdings will be provided "reasonable access." Two distinct provisions in ANILCA apply to inholdings in Alaska. Section 1110(b) grants access rights as needed to assure adequate and feasible access for economic and other purposes and applies to state and private inholdings within or effectively surrounded by ANILCA designated CSUs. ANILCA Section 1323 indicates that non-federally owned land within the boundaries of the National Forest (non-CSU lands) shall be provided access the Secretary deems adequate to secure reasonable use and enjoyment. Please ensure the plan clarifies which provision applies where.*

*Page 12, Part 1 Vision, Goal 1 Foster Collaborative Relationships. We request that an additional desired condition be added under Goal 1, Foster Collaborative Relationships: "The Forest Service works cooperatively with the State to further management efforts."*

*The plan revision, at Page 32, misidentifies the Resurrection Pass National Recreation Trail (NRT) and the Williwaw NRT as CSUs as defined by ANILCA. Under ANILCA and the National Trail System Act (NTSA), CSUs may only be established or modified by Congress. Congress did not designate the Resurrection Pass NRT or the Williwaw NRT (both trails were designated by executive action) and, therefore, these trails are not CSUs.*

**Response:** The state of Alaska provided numerous comments pertaining to the Alaska National Interest Lands Conservation Act (ANILCA) and management of the Chugach National Forest. Several comments requested that additional language be added to the plan. Some of this language repeated existing law or policy. While the plan must be consistent with it, 36 Code of Federal Regulations 219.2(b)(2) instructs the Forest Service to "not repeat laws, regulations...or program management policies that are in the Forest Service Directive System", so these additions were not made. We have added an Other Sources of Information section to the land management plan where we reference specific law, policy or other direction that is relevant to land management. This new section will include many references recommended by the state of Alaska, including sections of ANILCA.

Comments from the state of Alaska suggested that we add language clarifying some processes, such as those related to access under ANILCA, that are more appropriately addressed at the project level. This is beyond the scope of plan revision. The state also asked for additional language in the plan that interpreted ANILCA or other laws or policy. It is beyond the scope of the plan to make this interpretation. No changes were made to the plan in these cases.

The state of Alaska stated that the Williwaw and Resurrection Pass national recreation trails are not conservation system units under ANILCA and that the Forest Service should remove such statements from the land management plan. The Forest Service and the state of Alaska disagree on whether these trails are conservation system units; therefore, the references to them as national recreation trails have not been modified.

The state of Alaska requested that we add two desired conditions: one related to working cooperatively with the state in general, and another “reflecting the methods of access allowed by ANILCA on applicable lands.” Desired condition #6 under goal 1 includes language regarding cooperative partnerships with the state. It is not appropriate for a desired condition to interpret law, so no changes were made based on the second item.

**Concern Statement 74: The Forest Service should not analyze additional areas for wilderness recommendation or wild and scenic river recommendation**

**Sample comment:** *Alaskans have already acceded to withdrawals of public lands from more intensive use through legislation such as the Alaska National Interest Lands Conservation Act (ANILCA). One of the clauses in ANILCA was that further attempt to pull public lands away from multiple use into a de jure or de facto wilderness state would cease. This is referred colloquially as the “no more clause.” Alternative C to many of my constituents, and my mind, appears to undermine this intent, and keep what make Alaska special out of reach of ordinary Alaskans.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. The authority to designate lands as wilderness is reserved to Congress. The environmental impact statement analyzes four alternatives including varying levels of recommended wilderness. The draft management plan provides management direction for the entire wilderness study area and, if adopted, this direction would maintain the area’s potential for inclusion in the National Wilderness Preservation System.

**Sample comment:** *ANILCA also amended the Wild and Scenic Rivers Act and designated both wild and scenic rivers and rivers designated for study, none of which were located on Service lands. Congress has provided no further direction to the Service to conduct wild and scenic river studies in Alaska. While we understand the Service is carrying forward wild and scenic river recommendations from a previous study, those recommendations were not the result of a congressionally-directed study and therefore violate ANILCA Section 1326(b). We are aware that the Service stated previously that when wilderness and wild and scenic river reviews are housed within a larger land management plan they are not conducted for the “single purpose of considering the establishment of a CSU” and therefore do not conflict with ANILCA Section 1326(b); however, such justification is inconsistent with the stated purposes and results of the studies. Where they are housed is not relevant.*

**Response:** The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(vi) to Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented, and there are no changed circumstances that warrant additional review. Appendix E of the draft land management plan outlines the process that was followed to determine the status of suitability of rivers for inclusion in the National Wild and Scenic River System.

**Sample comment:** *The effects of a new, significantly larger wilderness recommendation are not purely academic; there are management implications that will continue throughout the forest plan's lifetime. Recommending wilderness subjects those areas to nationwide Forest Service policies that require the areas to be managed to "protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation." In other words, the Forest Service must manage recommended wilderness to maintain the area's wilderness character even if surrounding land use patterns or economic opportunities change. The Draft Plan's larger recommended wilderness area means that more CNF lands will be managed to the exclusion of resource development and access. Consequently, the increased recommended wilderness area will have significant negative effects on CAC, none of which are acknowledged or analyzed in the DEIS.*

**Response:** Land management plan components for wilderness study area (management area 1) were developed to align management direction set forth in the Forest Service policy (R10-2300-2008-02). These plan components apply to all areas within the wilderness study area (except *Exxon Valdez* oil spill-acquired lands that are managed under management area 6 plan direction) regardless of whether the areas recommended for wilderness designation. There are no different plan components for recommended wilderness than for areas that fall outside of the recommended wilderness areas. The ability to develop various resources and access are governed by ANILCA provisions and Forest Service policy, not by whether the area falls within or outside of the area recommended for wilderness.

**Sample comment:** *The Forest Plan should recognize and clearly identify where the Alaska National Interest Lands Conservation Act (ANILCA) provisions apply to public lands and CSUs and the limits ANILCA placed on the Service regarding the study of lands for inclusion in the Wilderness and Wild and Scenic Rivers systems.*

**Response:** Sections of the draft land management plan do identify applicable ANILCA provisions, particularly in the wilderness study area (management area 1). Federal regulations and Forest Service directives direct the need to identify and evaluate areas suitable for inclusion in the National Wilderness Preservation system and rivers suitable for inclusion in the National Wild and Scenic River System.

Concern Statement 190: The Forest Service should ensure that all management area 1 plan components are consistent with the Alaska National Interest Lands Conservation Act

**Sample comment:** *The USFS has incorrectly interpreted ANILCA Sec. 1110(a) to permit recreational snowmachines in the Nellie Juan-College Fiord WSA. Recreational snowmachining is not a "traditional activity" under ANILCA and is not allowed in congressionally designated WSA's. Use of snowmachines for subsistence is a traditional use.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service Regional Supplement R10-2300-200802, section 2326.1(6), defines our interpretation of traditional activities, which includes recreation activities. Additionally, Senate Report 96-413 (which pertains to ANILCA) states that such access is not guaranteed in parks, wildlife refuges, wild rivers, or wildernesses. However, the Nellie Juan-College Fiord area is a wilderness study area, and wilderness study areas are not included in the list of lands where the Senate states such access is not guaranteed.

**Sample comment:** *Many of the activities listed in this Appendix F contain a condition requiring the consideration of the proposed use of motorized equipment and/or mechanical forms of transport. As noted in our comment to Guideline 24, p. 74, please clarify the situations where R10 supplement 2300-2008-2 allows such uses in accordance with ANILCA.*

**Response:** Appendix F is designed to help land management plan users determine how to evaluate specific project proposals when the activity is listed as “conditionally suitable.” Use of motorized equipment and/or mechanical forms of transport is a common reason why an activity is listed as conditionally suitable in the wilderness study and requires the user to research when these uses can be authorized. In the management area 1 standards and guidelines section of the draft land management plan, ANILCA section references have been included to help plan users find the appropriate section in ANILCA that provides information regarding different activities that may be allowed.

**Sample comment:** *Management Area 1 Wilderness Study Area – Management Standard 5. Indicates that a minimum requirement analysis (MRA) is necessary prior to authorizing any use of motorized equipment and mechanical transport related to reconstruction, operation, and maintenance of existing authorized non-federal infrastructure and improvements or prior to authorizing new uses that require use of motorized equipment and mechanical transport. As written it appears to require MRAs for activities the Forest Supervisor is directed to allow for both the public and agency staff (both Service staff and other governmental agency staff) in the R10 supplement FSM 2326.1, please re-write this standard to include direction provided in 2326.1. We also point out that under 2322.03 - Policy, it states, under item 6, 3rd paragraph, line 4: “the minimum requirement concept will be applied to the prohibited uses in Section 4(c) of the Wilderness Act, unless authorized by ANILCA or other authorizing legislation.” ANILCA Section 1315(b) allows fishery research, management, enhancement, and rehabilitation activities within the WSA. This can include fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of maintaining, enhancing, and rehabilitating fish stocks.*

**Response:** Section 4(c) of the Wilderness Act states that eight uses are prohibited in designated wilderness areas “except as necessary to meet minimum requirements for the administration of the area.” This phrase is the nexus for minimum requirements analysis. The Nellie Juan-College Fiord Wilderness Study Area is not designated wilderness, and therefore this provision of law does not apply to the wilderness study area. However, Regional Supplement R-10 2300-2008-2 requires that we “apply the minimum requirement concept” (a two-step process) to the wilderness study area. The supplement does not require application of the minimum requirements concept for all management actions with the potential to affect the area’s character. Several guidelines in the land management plan regarding authorizing use of motorized equipment and mechanical transport were changed to include language that directs authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area.

**Sample comment:** *This section should also acknowledge that the existing regional policy allows administrative access using the 1110(a) methods of access: FSM 2326.1.7 Administrative Use "The administrative use of motorized equipment will be limited to the following: a. Access (1) Airplanes, motorboats, and snow machines as described for public use.*

**Response:** Several guidelines in the land management plan regarding authorizing use of motorized equipment and mechanical transport were changed to include language that directs authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area. Direction provided in Forest Service policy would inform the authorizing officers as to appropriate types of administrative access.

**Sample comment:** *Page 72. Please add the underlined language from R10 Supplement FSM 2324.24 Other Agency Structures, to the paragraph below... “6. Changes to existing permitted facilities for existing air and water navigation aids, communications sites and related facilities, weather, climate, and fisheries research and monitoring should minimize impacts to the wilderness study area’s presently existing character without unreasonably limiting the access, operation, and maintenance of permitted facilities. [Guideline]”*

**Response:** Guideline 6 in management area 1 will be modified to include the language suggested under the sample comment to better align with Forest Service policy (R10-Supplement 2300-2008-2).

**Sample comment:** *Page 73, Management Area 1 Wilderness Study Area, Please revise to note that snow machine use is allowed for traditional activities including recreation, subsistence access, and in holder access unless specifically prohibited under provisions of ANILCA and to clarify when and where it is allowed. "10. Snow machine use will not be authorized, except as provided for by ANILCA (section 811, 1110, 1315(b), 1316). [Standard]"*

**Response:** The land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The plan is strategic in nature and does not have project-level direction. The land management plan guides and constrains Forest Service personnel, not the public (page 1 draft land management plan). The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, and airplanes, and non-motorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service policy (R10-2300-200802, section 2326.1(6)) defines Forest Service interpretation of a traditional activity, which includes recreation activities. The decision allowing public snowmachine access to the wilderness study area, in alignment with ANILCA Section 1110(a), is a travel management decision. The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including allowing snowmachine access within the wilderness study area. Standard #10 in Management Area 1 standards and guidelines section addressed other types of authorized use of snowmachines. This standard has been deleted. The revised #5 standard was changed to a guideline that includes language directing authorizing officers to weigh the need for the management action with the need to protect and maintain social and ecological characteristics of the wilderness study area when authorizing various types of motorized uses and mechanical transport including administrative use of snowmachines.

**Sample comment:** *Page 74, Management Area 1, Wilderness Study Area, Forest Service Administrative Activities and Facilities 24 c. states that the "Proposed use of motorized equipment or mechanical forms of transport should be considered in evaluating the need for aquaculture projects, fish habitat improvements, or wildlife habitat improvement projects." This directive contradicts ANILCA 1315(b) which states that reasonable access solely for the purposes of this subsection, including temporary use of motorized equipment shall be permitted in furtherance of research management, rehabilitation and enhancement activities subject to regulation. Because of this conflict we request deletion of item c.*

**Response:** Several sections of ANILCA Section 1315(b) contain the following language: "Subject to reasonable regulations..." or "...subject to reasonable regulations as the Secretary deems desirable..." This language indicates the Chugach National Forest and Alaska Region have discretion when in authorizing activities including the need to use various motorized equipment and mechanical transport. The Forest Service is directed to allow reasonable access including temporary use of motorized equipment for aquaculture activities but is subject to reasonable regulation per Forest Service policy (section 2323.35(b) of Forest Service policy [R10-Supplement 2300-2008-2]). Guideline 24 has been added to the Non-Forest Service Facilities and Authorized Activities section and gives direction for line officers to consider various factors when authorizing Forest Service aquaculture projects, wildlife habitat projects, and fish habitat projects. Section 2323.35(b) of Forest Service policy (R10-Supplement 2300-2008-2) also describes what needs to be considered when determining the need for new aquaculture projects and fish habitat improvement projects for both Forest Service and non-Forest Service aquaculture projects.

**Sample comment:** *In addition, my understanding is that some of the proposed National Forest Service plans violate the ANILCA agreement as the increase of Wilderness Only areas is strictly prohibited.*

**Response:** The revised land management plan does not designate areas as wilderness, as only Congress can do so. However, the plan does include recommendations for wilderness designation. The Forest Supervisor is required by 36 Code of Federal Regulations 219.7(c)(2)(v) to identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation. The authority to designate lands as wilderness is reserved to Congress.

## Multiple Use

Concern Statement 143: The Forest Service should change the management areas to be more consistent with the Multiple-Use Sustained-Yield Act

**Sample comment:** *A. Multiple Use – As briefly noted in Part I (above), one of the most significant shortcomings of the Draft Plan is its failure to provide adequate multiple use management on the CNF. The Draft Plan proposes eight management areas - none of which has a primary purpose of providing multiple use or resource development on the CNF. The Draft Plan must be revised to include multiple use areas for future resource development or consumptive forest uses in addition to providing current, valid existing rights to access and development. In accordance with the National Forest Management Act and the Multiple Use-Sustained Yield Act, the 2012 Planning Rule requires the Forest Service to provide for “multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish.” The Forest Service must consider “[r]enewable and nonrenewable energy and mineral resources,” “[o]pportunities to] coordinate with neighboring landowners to link open spaces and take into account joint management objectives,” and “[a]ppropriate placement and sustainable management of infrastructure.” (25 36 C.F.R. § 219.10.) The Draft Plan fails to provide adequate opportunities for those multiple use objectives and activities. Contrary to the multiple use goals outlined by Congress, the Draft Plan places consistent emphasis on recreation and preservation. Four of the eight management areas identified in the Draft Plan focus exclusively on preservation or wilderness values (Management Area 1 Wilderness Study Area, Management Area 2 Wild, Scenic, and Recreational Rivers, and Management Area 3 Research Natural Areas, Management Area 4 Backcountry Areas). The remaining four management areas explicitly limit and minimize any potential for new development or infrastructure. The Draft Plan’s focus on preservation and wilderness is inconsistent with the multiple use mandate for national forests. Congress set aside public lands in Alaska both for preservation and resource development; ANILCA struck the balance by specifying which lands should be preserved in their pristine condition and which were available for use and development. The Forest Service has disrupted that balance by administratively deciding that 99 percent of the CNF should be managed for remote recreation and wilderness instead of multiple use. The Draft Plan further erodes any semblance of fair treatment for multiple use areas that was present in the 2002 Plan. The evisceration of multiple use areas is unreasonable, unacceptable, and inconsistent with the Forest Service’s legal obligations. The Forest Service should revise the Draft Plan to include areas specifically for multiple use activities, such as mineral development, infrastructure, and timber production.*

**Response:** Paragraph 219.10 of the Forest Service’s 2012 Planning Rule, 36 Code of Federal Regulations part 219, provides guidance for addressing multiple use in forest planning. The 2012 Planning Rule does not state any requirement for ensuring all multiple uses are available in all management areas as some commenters suggest. Other planning considerations for multiple use within the plan area include Forest Service Handbook 1909-12 – Land Management Planning Handbook Chapter 20 – Land Management Plan. Paragraph 22.15 of the handbook discusses suitability of lands, “Specific lands within a plan area will be identified as suitable for various multiple uses or activities based on the desired conditions applicable to those lands. The plan will also identify lands within the plan area as not suitable for uses that are not compatible with desired conditions for those lands,” (Forest Service Handbook 1909, chapter 20, page 42). Suitability of lands for uses is a primary consideration for multiple use. Suitability of lands is a part of Part 2 Strategy in the draft land management plan and is discussed on pages 35 through 37. Explanations for suitability can be found in appendix F of the plan.



Mineral development is addressed in the draft EIS, starting on page 187. Map 11 on page 189 of the draft EIS depicts acres open to mineral entry versus acres withdrawn/segregated from mineral entry. According to the Minerals section of the draft EIS, “There are currently 4,372,657 acres open to mineral entry within the national forest, which includes 1,940,007 acres in the wilderness study area” (draft EIS page 188). In the plan, several plan components acknowledge the Chugach National Forest’s legal requirements to assure development of mineral resources. Examples include desired conditions for energy and minerals (draft plan page 15), ecosystem services (draft plan page 14), and resource development and use (draft plan pages 20, 21, 22).

The Infrastructure section of the draft EIS, pages 208 through 212, provides information concerning the national forest road system and roads under different jurisdictions within the plan area. Plan components related to infrastructure include desired conditions on page 15, standards and guidelines on page 58, and standards and guidelines for roads and trails start on page 57. Management of the national forest is constrained by the 2001 Roadless Area Conservation Rule. On page 31 of the draft plan, the desired condition for inventoried roadless areas states: “Subject to valid existing rights, the undeveloped character of inventoried roadless areas is retained consistent with the 2001 Roadless Area Conservation Rule.” There are 16 inventoried roadless areas within the boundaries of the Chugach National Forest.

Appendix B provides information related to timber and wood products suitability within the plan area. Reasons for the land management plan’s timber determination include: “The primary reason no lands were determined suitable for commercial timber production is a sustainable flow of timber cannot be planned and scheduled on a reasonably predictable basis on this limited land area,” (draft plan page 93). Other factors related to the determination that a projected timber sale quantity is not suitable within the plan area are discussed throughout appendix B (draft plan pages 97–98).

**Concern Statement 84: The Forest Service should recognize the many values of multiple use management and management should reflect these values**

**Sample comment:** *Page 12, Goal 2 Contribute to Social and Economic Sustainability, Introduction. Please add multiple uses to the following sentence: “The Chugach National Forest contributes to the social and economic sustainability of communities within the planning area by providing multiple use opportunities within the forest, by maintaining intact, resilient ...”*

**Sample comment:** *Page 13, Goal 2 Contribute to Social and Economic Sustainability, Desired Condition 2. Amend to say, “the public is made aware of national forest contributions to providing ecosystems services, including outdoor recreation such as hunting and fishing, subsistence uses, wellness, and societal well-being.”*

**Response:** One commenter sought increased specificity from plan components that were written to provide broad statements of intent. Using specific terms with meanings related to laws, such as multiple-use, would change the intent of Goal 2. There are uses that apply to the national forest that do not fall within the definition of multiple use as defined by the Multiple-Use Sustained-Yield Act of 1960. Mining is such a use.

The commenter also requested that the term “hunting and fishing” be added as an example of outdoor recreation. Within the context of the plan component, outdoor recreation without specification for any of the various activities that can be included would result in a departure from the broad intent of the desired condition. The terms “hunting” and “fishing,” are addressed independently and together throughout the plan for specific reasons. A common example can be found in the desired conditions for Recreation and Tourism listed under the headings for each of the National Forest’s three geographic areas.

**Concern Statement 68: The Forest Service should not restrict recreational access in order to develop resources**

**Sample comment:** *Sustainable commercial eco-tourism operations should be given priority over other land uses, like mining, timber harvest or other resource extraction.*

**Response:** Some commenters were concerned that land uses related to resource development would reduce access or close access to the Chugach National Forest for recreation uses or commercial operations. The Multiple-Use Sustained-Yield Act of 1960, requires: “that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes” (Multiple-Use Sustained-Yield Act, 16 United States Code 528).

The Multiple-Use Sustained-Yield Act continues:

Multiple use means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output (Multiple-Use Sustained-Yield Act, 16 United States Code 531).

Mining is not included in the Multiple-Use Sustained-Yield Act. A general discussion of mining is included in the draft EIS. The applicability and authority of the 1872 Mining Law within the plan area is discussed in the minerals section of chapter 3 in the draft EIS (pages 187–204).

In the draft land management plan, Part 2 Strategy, Suitability of Lands, identifies compatible multiple uses with the desired conditions for lands within the plan area (draft plan page 35).

**Concern Statement 164: The Forest Service should not restrict any kind of recreation use or access**

**Sample comment:** *In 1905 the USDA Forest Service was established within the Department of Agriculture. The mission was to sustain healthy and diverse forests for present and future generations. The greatest difference between National Parks and forests is that OUR forests are managed for many purposes, such as timber, RECREATION, grazing, wildlife, fish and more whereas National Parks are highly vested in preservation, barely altering the existing state. With this in mind, any limiting of access into our Nation Forest lands does not meet the intent of which it was created.*

**Sample comment:** *I strongly oppose any further restriction of access into Chugach. My family and myself spend alot of our off time riding snowmachines and atv on areas of the park. We also spend a large amount of time hunting and fishing. Our hobbies of hunting and fishing and recreational motorsports require access to Chugach, this access and continued participation in our hobbies bring economic growth to surrounding areas of chugach park. I was formally a mechanic at a Anchorage powersports dealership and saw lots of work and new machine sales from many customers that frequented Chugach. I think any further restriction of access to Chugach will be an extreme hindrance of economic opportunity in areas surrounding Chugach, and an unfair decision to residents of Alaska.*

**Response:** Some commenters oppose the management proposed by the draft land management plan and are concerned that the Forest Service is failing to comply with the Multiple-Use Sustained-Yield Act of 1960. There is also a perception that the land management plan will close or restrict public access to the national forest.

The land management plan does stress multiple use and the areas of the national forest where different uses are suitable for different reasons. Suitability of lands is discussed in Part 2 Strategy of the draft land management plan on pages 35–37. Appendix F of the plan addresses criteria for suitability ratings based on the desired conditions for different management areas. The Forest Service is aware of its responsibility to ensure “multiple use and sustained yield of the renewable surface resources of the national forests” (Multiple-Use Sustained-Yield Act, pages 10–3). Revision of the land management plan, as required by the National Forest Management Act of 1976, is accomplished using the Forest Service’s 2012 Planning Rule (36 CFR, part 219) as a reference. Paragraph 219.10 of the 2012 Planning Rule provides requirements for addressing multiple use in land management plans.

The draft EIS analyzed a range of alternatives that allow for different levels of access to the Chugach National Forest. Your preference for not limiting current access has been noted. The Forest Supervisor may choose any one of the alternatives in the record of decision.

**Concern Statement 155: The Forest Service should not impose any further restrictions on public use of National Forest System lands**

**Sample comment:** *I am opposed to any management plan that restricts or decreases the current amount of access. I believe that management style encourages trespass to non-motorized areas, and increases the possibility of environmental damage due to more users confined in fewer access/area.*

**Sample comment:** *Keep all lands open for all to use. This is public land and should not be restricted for anyone’s use.*

**Response:** Some commenters expressed concern that the land management plan would restrict or close public access to areas of the Chugach National Forest. On page 1 of the draft land management plan, the Forest Service states: “A land management plan guides and constrains Forest Service Personnel, not the public. Constraints on the public are imposed by law and regulation or through the issuance of an order by the responsible official under 36 Code of Federal Regulations part 261, subpart B.” Outfitters and guides, contractors and other users that have permits with the Forest Service are subject to the same constraints imposed by the plan on Forest Service personnel. It is outside the scope of the plan to impose restrictions on public use. The plan does however restrict certain uses in some areas, such as helicopter landings in the wilderness study area. This does not close the wilderness study area to public use, just limits the type of access.

**Concern Statement 232: The Forest Service should remove all roads and structures and prohibit all resource removal**

**Sample comment:** *Please extend the highest level of wilderness protection to the Chugach Forest. This means keeping the region free of roads, removing existing roads and structures and preventing removal of all biomass and minerals in the area and beneath the area.*

**Sample comment:** *It should be managed as a recreational forest, first and foremost – no salvage logging, no new mining claims, etc. The Forest Service should also be studying the long-term effects of the Exxon Valdez oil spill on the terrestrial resources of the forest.*

**Response:** Some commenters expressed concerns about the management of the national forest. Management of the Chugach National Forest is subject to the requirements of laws, regulations, and policies, which do not allow for removal of all roads and structures and prohibition of all resource removal. National forests are managed for multiple use and sustained yield within the inherent capability of the plan area.

**Concern Statement 86: Ecosystem management should be the top priority for the Forest Service**

**Sample comment:** *Wilderness needs – All it takes is ONE earthquake, just ONE to ruin all our water, all our land tainted with gas and oil underground pipes. Remember there'll be no one to save with the earth in a grave.*

**Sample comment:** *Managing ecosystems should be on the top of our priority list of government programs. That is clearly not the case, nor has it ever been.*

**Response:** One commenter was concerned about the possibility of oil and gas pipelines rupturing during an earthquake and causing irreparable damage to the ecosystems of the wilderness study area. Currently, there are no active oil or gas pipelines operating within the boundaries of the Chugach National Forest, including within the wilderness study area. The draft plan includes a forestwide guideline that discusses requirements for locating new energy delivery systems, including pipelines, within the plan area (draft plan page 54). Oil and gas leasing and availability are discussed in the Mineral section of the draft EIS on page 192.

The Chugach National Forest's Hazardous Materials Emergency Response Plan provides the responsible official with instructions for hazardous spill responses.

Ecosystem management, as defined in the glossary of the draft land management plan is not exclusive to one resource, one area, or one use, and is an ecological approach intended to achieve multiple-use management of public lands. Ecosystem management is a Forest Service priority, which is guided “by blending the needs of people and environmental values in such a way that lands represent diverse, healthy, productive, and sustainable ecosystems” (draft Plan, p. 138).

Damage caused by any natural or human induced disturbance event, will require implementation of the land management plan's adaptive approach to managing the national forest's ecosystems.

**Concern Statement 233: The Forest Service should prohibit all resource extraction activities on National Forest System lands**

**Sample comment:** *Here we go again. Another request for comments about protecting irreplaceable wilderness lands from those who would destroy what has been for 100's & or 1000's of years. Protection from the extractive industries who only see a \$ sign attached to trees, minerals, fish & other natural resources. U Know I once drove thru a “wilderness” area in central Siberia That was completely blighted by mineral extraction & processing (Smelter). As far as U could see everything was dead. An ugly brown landscape that will take decades & decades to renew. Is that what we want for this forest and the pristine areas surrounding it? I think not.*

**Sample comment:** *Please don't make this area part of humanity's greed. Can't we leave what's beautiful and pristine and natural, to nature? Please protect this area from mankind. Stop letting us spread like plague with our houses and concrete and clear cutting and mining and drilling. Allow this place to remain as it is.*

**Response:** Some commenters are concerned about resource extraction within the boundary of the Chugach National Forest. Prohibiting uses related to the extraction of resources would not comply with the laws, regulations, and policies that govern national forest management. Among other laws, national forests are managed subject to the National Forest Management Act of 1976, the Multiple-Use Sustained-Yield Act of 1960, Mining Law of 1872 and Code of Federal Regulations 36 part 219, all of which allow for the development of resources on National Forest System lands.

Concern Statement 104: The Forest Service should ensure that resource extraction activities such as mining and timber harvest include adequate protections for natural resources

**Sample comment:** *I do say that the public lands should be carefully & fully protected from miners and drillers and loggers and all those selfishly wanting to profit from the land resources, without a thought or care as to the resulting damage to the ecosystem!!*

**Response:** There was a concern about natural resource protection from extractive activities. National forests are managed for multiple use, which includes a mandate for the possibility of production through resource extraction. In section 4 of the Multiple-Use Sustained-Yield Act (16 United States Code 531(a)), Congress defined the meaning of multiple use as: “The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people.” The management of the renewable surface resources includes a requirement to manage those resources for sustained yield, “without impairment of the productivity of the land,” (Multiple-Use Sustained-Yield Act, 16 United States Code 531(b)). The Forest Service must ensure the productivity of National Forest System lands while also ensuring those lands are protected so that they can be productive.

Standards and guidelines, both of which are constraints placed on projects and activity decisionmaking to help achieve desired conditions, are listed under Forestwide and Management Area headings in the draft plan. Forestwide standards related to ecological sustainability and protection of natural resources from extractive activities, including mining, are listed in the draft plan starting on page 59.

The environmental consequences as they affect terrestrial ecosystems are evaluated for the four alternatives, starting on page 312 of the draft EIS. The Minerals section of the draft EIS, starting on page 187, analyzes the effects of the alternatives on mineral resources and the potential for acquiring minerals from the plan area. Leasing availability for oil and gas is discussed in the draft EIS on page 192. Appendix B, starting on page 93 of the draft plan provides information related to timber and wood products suitability within the plan area.

## Monitoring

Concern Statement 27: The Forest Service should include salmon as focal species in the monitoring program

**Sample comment:** *We recommend that salmon and other members of the salmon family be added as focal species for monitoring the ecological integrity of aquatic systems on the forest. Designating them as such would be consistent with the assessment (p. 40): This evaluation is based on using fish as an indicator of aquatic ecosystem character and function. The underlying assumption is that the condition of primary fish species can be informative of the overall condition of the aquatic ecosystem where they occur (Irvine & Riddell, 2007). The primary advantage of using this approach is that data of sufficient detail and scope were readily available making it possible to make these classifications with some confidence for most of the Chugach National Forest. Monitoring salmonids as focal species would contribute to an evaluation of the plan’s effectiveness in having “minimal effects on aquatic” systems (p. 14), sustaining “self-supporting populations of native aquatic” fish (p. 16), retaining aquatic ecosystem adaptive capacity and connectivity (p. 16), and many other aquatic desired conditions. Monitoring salmonids as focal species would also further stated research objectives on the Forest, including the opportunity to study the effects of climate change on aquatic ecosystems (p. 3).*

**Response:** Every plan monitoring program must identify at least one focal species and one or more monitoring questions and associated indicators to examine the status and trend of an important element of ecological integrity and/or diversity. Forest Service Handbook 1909.12, section 32.13c discusses the purpose of focal species and the process for selecting them. Chugach National Forest

staff considered and evaluated numerous species and species groups, including salmon, to identify an effective set of focal species to achieve the intended purpose.

“Focal species are selected because they are believed to be indicative of key characteristics of ecological integrity and are responsive to ecological conditions in a way that can inform plan decisions” (Forest Service Handbook 1909.12, 32.13c). Chugach National Forest staff concluded that salmon were not a good candidate for focal species status based on salmon life history and the weak link between salmon abundance and conditions on the Chugach. The 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends effectively classified streams in the plan area based on understanding of salmon freshwater habitat associations. Furthermore, the 2014 Chugach National Forest Assessment, the 2017 Climate Vulnerability Assessment, and the draft land management plan all acknowledge the role salmon play in the ecology and social/cultural environment of the national forest. However, the 2014 and 2017 assessments also describe the dual role freshwater and marine environments play in salmon ecology (for example, 2014 Chugach National Forest Assessment page 46 and 2017 Climate Vulnerability Assessment pages 109–115). The biophysical conditions associated with quality habitat are well recognized in freshwater systems. That is not the case for marine systems. As described in the 2014 and 2017 assessments, the influence of freshwater conditions and marine conditions on status and trend of Pacific salmon can be opposite. Consequently, the relative influence of freshwater conditions on patterns of Pacific salmon abundance is difficult to infer from monitoring information. Therefore, based on the science disclosed in the 2014 and 2017 assessments, on monitoring theory (e.g., clarity of link between monitoring focus and potential signal from monitoring data), and on the complexity of disentangling the relative influence of conditions in freshwater and marine environments on, Pacific salmon were not chosen as focal species.

Other members of the “salmon family” were not seriously considered as focal species. A strong tie between specific freshwater fish and priority management uncertainties was not identified. Furthermore, Chugach National Forest staff recognized that monitoring must be conducted within the fiscal capabilities of the unit. While multi-agency, collaborative monitoring of Pacific salmon provides significant data on these five species, time-series data on freshwater fish tends to be specific to a limited set of aquatic systems and building a land management plan monitoring system around this collaborative monitoring would not serve the plan.

**Concern Statement 76: The Forest Service should include the wilderness study area in the monitoring program**

**Sample comment:** *We urge the Forest Service to restore its program of monitoring conditions in the Wilderness Study Area to the Forest Monitoring Plan. The draft plan’s omission of this program, which includes monitoring air quality, recreation impacts, visitor numbers, and other basic measures specific to the WSA, would severely undercut informed management. After personally witnessing the changes in Prince William Sound following the 1989 Exxon Valdez oil spill and the 2000 opening of the Whittier tunnel to vehicle traffic, among other changes, we know monitoring is vital to responsible management. We also believe monitoring for change can be cost-effective and that it meets the proposed Plan’s criteria for the monitoring program, specifically bullets 5 and 7 on page 81.*

*On numerous occasions the LMP describes its intent to “maintain presently existing character...and potential for inclusion in the National Wilderness Preservation System.” This begs the very simple question of, “How do we know we are maintaining character if we are not monitoring?” Just two examples of major impacts to the WSA are the Exxon Valdez Oil Spill in 1989 and the opening of the Anton Anderson Memorial Tunnel to vehicle traffic in 2000—in both instances, there were far-reaching effects on the “presently existing character” of the WSA. These are things to keep an eye on and by doing so we can make corrective actions. Only by monitoring can we tell if we are meeting objectives and desired conditions.*

**Response:** We agree that it is important to monitor conditions regularly in the Nellie Juan-College Fiord Wilderness Study Area to ensure we are meeting management intent to maintain the area’s potential for inclusion in the National Wilderness Preservation System. In the desired conditions monitoring category, we added a monitoring question and associated indicators to monitor the presently existing character of the Nellie Juan-College Fiord Wilderness Study Area and to determine whether plan components are sufficient to maintain the social and ecological characteristics of the wilderness study area (appendix A of the land management plan). The associated monitoring protocol has not been finalized and is not a part of the “monitoring program” in the plan but will be included in a separate document with the protocols for other monitoring questions when they are developed.

**Concern Statement 78: The Forest Service should include more specific methods for monitoring recreation use on high use days in the winter**

**Sample comment:** *I would like to see the Forest plan include more specific methods for monitoring recreation use on high use days in the winter. I believe this is needed to maintain the integrity of the Forest as well as improve awareness programs for Forest visitor safety. Winter use has increased significantly in Turnagain Pass, Placer Valley, Lost Lake, Snug Harbor, Carter, Trail Lake, Portage Lake and Byron Glacier Trail, but there is no data to verify this. The more congested these areas become the higher the risk for an accident (avalanche, ice fall, calving glacier, collapsing ice cave) involving a large group of people. Without any data about who uses these areas and how often it is impossible to reach these uninformed visitors. The avalanche center does a good job of targeting snowmachiners and skiers, but many other users are traveling without any idea of the risk.*

**Response:** The 2012 Planning Rule guides the development of the monitoring program associated with the land management plan. Monitoring questions must address certain topics and evaluate effectiveness of the plan. While monitoring of winter recreation use could provide useful data, it was not identified as a priority for monitoring in terms of the criteria in the 2012 Planning Rule and within budgetary constraints. Monitoring associated with the land management plan is not the only type of monitoring, however, and if funding was available and the Chugach National Forest staff determined that this type of monitoring was a priority, it could be done in the future.

**Concern Statement 79: The Forest Service should monitor snowmachine use in the wilderness study area**

**Sample comment:** *A simmering issue not addressed in the Forest Plan is recreational use of snowmachines in the WSA of Prince William Sound. At the time of the 1980 ANILCA designation of the WSA, the use likely existed in limited areas such as the South Fork of the Snow River up to Nellie Juan Lake and possibly out of Whittier. That use has increased over time, with a steep acceleration in recent years. As numbers increased and snowmachine technology improved, the use spread over thousands of acres and continues to spread today within the WSA. The Chugach NF must anticipate that increase in both user numbers and expanse of WSA acres will continue. Monitoring of visitor trends is the first necessary step to understanding the issue. A protocol for monitoring visitor trends in snowmachining should be developed and included in a WSA monitoring plan that is incorporated into the Forest Monitoring Program.*

**Response:** In the desired conditions monitoring category, we added a monitoring question and associated indicators to monitor the presently existing character of the Nellie Juan-College Fiord Wilderness Study Area and to determine whether plan components are sufficient to maintain the social and ecological characteristics of the wilderness study area (appendix A in the 2019 land management plan). The detailed protocol has not yet been developed but will be done in accordance with Forest Service law and policy. It has yet to be determined if monitoring trends in snowmachine use will be part of the protocol, but it will be considered.

**Concern Statement 166: The Forest Service should disclose whether air quality monitoring will be implemented in the future**

**Sample comment:** *Regarding potential regional haze concerns, the document states, “Cruise ships in the College Fiord and Prince William Sound are expected to continue to reduce visibility in the areas and the Nellie Juan-College Fiord wilderness study area and may impede successful implementation of the state regional haze plan (USDA 2014a).” We recommend that the Final EIS discuss whether the Forest Service intends to perform any future monitoring of this concern, similar to that conducted in 2012. We additionally recommend that the Forest Service consider discussing with relevant stakeholders whether any best management practices are available that would reduce visibility impacts from cruise ships.*

*The Draft EIS also discusses previous air quality monitoring conducted in Turnagain Pass to assess whether concentrated snowmobile use was resulting in air quality concerns. We similarly recommend that the Final EIS discuss whether any additional monitoring of air quality in heavily used snowmobile areas is warranted, given proposed changes in winter motorized use designations.*

**Response:** The monitoring program (draft land management plan, appendix A) was developed in accordance with the 2012 Planning Rule. Air quality monitoring is not included in the monitoring program at this time. The 2002 land management plan did include a monitoring question related to air quality. The draft EIS (page 220) disclosed that “this monitoring shows carbon monoxide levels remained below health standard thresholds and the data suggests that exceeding the standard in the future is unlikely based on motor vehicle use trends at Turnagain Pass.” The environmental impact statement states that the environmental consequences on air quality are the same for all alternatives (page 229) and additional air quality monitoring is not recommended.

**Concern Statement 191: The Forest Service should include additional information in the monitoring program**

**Sample comment:** *Please include suggested general methods of monitoring as part of each Table. For example, in Goal 3 Desired Conditions Watersheds, include suggested methods such as monitor water quality at selected locations to provide baseline information and/or ensure stormwater control best management practices are installed at any construction site on Service land, as part of each table.*

**Response:** 36 Code of Federal Regulations 219.12 directs the monitoring program included with the plan to identify monitoring questions and associated indicators. These are described in appendix A of the draft land management plan. Methods for implementing the monitoring program, including more detailed protocols, will be finalized after the plan is approved. These protocols may be included in a separate monitoring guide but are not a part of the land management plan itself.

**Concern Statement 160: The Forest Service should explain how the desired conditions will be evaluated**

**Sample comment:** *For some desired conditions, it is difficult to determine how the condition will be managed/evaluated, which will likely have implications for effective implementation and evaluation of the plan...we assume that the Forest understands how these desired conditions will be evaluated, but the essential question for planning is how the public will understand if the desired conditions are being achieved due to implementation of the plan.*

*There is a desired condition that the wetlands of the Copper River Delta will have sufficient resilience to accommodate climate change stressors (p. 22). The plan assumes that the current condition is resilient and adaptive, but without measurable parameters of climate resiliency, how will we know if the system is suffering from climate stress?*

**Response:** The land management plan monitoring program “measures management effectiveness and progress toward achieving or maintaining the plan’s desired conditions or objectives” (36 CFR 219.12 (a)(2)). Not every plan component needs to have a corresponding monitoring question. The



Chugach National Forest chose monitoring questions and indicators to evaluate select desired conditions as required by the 2012 Planning Rule. A written monitoring evaluation report will inform the public as to whether desired conditions are being achieved and whether new information might warrant a change to management activities or to the plan itself. The report will also be used to inform adaptive management of the plan area. More information about this report is available at 36 Code of Federal Regulations 219.12(d).

The land management plan monitoring program (draft plan page 89) includes a monitoring question and associated indicators to determine whether there are measurable changes in the plan area resulting from climate change and other stressors. The Chugach National Forest is working closely with the Forest Service's Pacific Northwest Research Station, university scientists, and other partners to develop and implement the forest monitoring program to help identify and evaluate measurable changes resulting from climate change.

## Partnerships

Concern Statement 206: The Forest Service should add or modify plan components related to collaborative partners

**Sample comment:** *This management plan should specifically identify OGS companies as collaborators in the vision and strive to collaborate as much as possible with OGS companies. Guide Service companies have a clear understanding of the specific areas that they operate in, more so than most all other users & even USFS rangers, so any opportunities for the forest service to collaborate with OGS companies should occur. More collaboration with OGS companies will provide insights for best management decisions & practices that will enable responsible development & enable more users (both guided and unguided public) the opportunity to explore and recreate in the Chugach National Forest. Fostering Collaborative Relationships is the first Goal of the Vision of the new plan, and nowhere are OGS Companies listed.*

*The Forest Service should add recreational clubs to its list of key stakeholders alongside native corporations and land owners.*

*Collaborative Relationship Strategy, Interagency Relations, Management Approaches (Pages 40-41): Please add the Department of Natural Resources to the first bullet or create an additional bullet. DNR is an important partner dealing with Iditarod National Historic Trail easements, public access, cultural resource management, interpretation, outreach and education.*

**Response:** Goal 1 of the draft land management plan, "Foster Collaborative Relationships," includes desired conditions related to working with partners and communities on events. Goal 2 of the draft plan, "Contribute to Social and Economic Sustainability," includes desired conditions related to the economic value of the national forest for local communities and partners.

Several partners commented that they wished to have additional partnership-related activities, such as local festivals, educational programs, and special events, specifically identified in the land management plan's desired conditions, objectives or management approaches. Rather than identify specific names of all our partners and the important activities they facilitate, we more broadly describe the types of important relationships and activities that the Chugach National Forest continues to support. This provides more flexibility for working with partners in the future.

One commenter asked us to add language to a guideline related to the Iditarod National Historic Trail stating that activities be consistent with state of Alaska easement documents. As stated on page one, the plan "provides management direction for National Forest System lands," and thus the state lands on which the referenced easements apply are not included in this guideline.

In response to comments, we did make factual corrections to some plan components pertaining to partnerships. We added a desired condition to encourage diverse recreation opportunities by

permitting businesses to provide guided recreational activities to national forest visitors. Also in response to a comment, we added a desired condition to the Iditarod National Historic Trail section to recognize the important role the State of Alaska Department of Natural Resources plays in management and interpretation of the trail.

## **Social and Economic Sustainability – Infrastructure and Travel Management**

**Concern Statement 150:** The Forest Service should include additional desired conditions for future infrastructure development and access

**Sample comment:** *On page 15, the Draft Plan provides a cursory and inadequate Desired Condition regarding infrastructure development. The Draft Plan should include a Desired Condition that future infrastructure development is implemented where necessary for the economic benefit of local communities and Alaska Native Corporations and Tribes. The Desired Condition should specifically contemplate future development and improvements to existing infrastructure that will allow increased economic opportunity and be responsive to the needs of residents within the CNF boundaries.*

*On page 15, as a Desired Condition for “Infrastructure,” the Draft Plan should consider and anticipate new public and private road construction within the CNF. New access routes are necessary in many areas of the CNF and can be beneficial to recreation, restoration, and economic development. For example, the Forest Service should consider a new road to Trinity Point, which would reduce access problems in Orca Inlet.*

*On pages 30 and 31, the Desired Conditions for the Front Country Management Area include providing “access to forest products to meet community needs.” The Draft Plan should specify that access to forest products, such as berries and mushrooms, should be provided and prioritized on a forest-wide basis, and not solely in the Front Country Management Area. The tendency to conceptualize “forest products” as being used only in the Front Country Management Area by urban residents is a serious problem with the Draft Plan. Many forest product users reside in rural communities and Native villages-in areas far from the Front Country. Rural residents depend on forest products for their traditional and cultural subsistence livelihoods.*

**Response:** The existing desired conditions speak to the requests of the commenter. Specifically, desired condition #2 under goal 1 speaks to “sustainable quantities of renewable natural forest resources (including culturally significant food resources) on National Forest System lands are available and accessible for traditional use” and #5 under goal 1 describes collaboration “to consider projects that provide mutually beneficial outcomes that contribute to socio-economic sustainability of tribal communities...” The desired conditions under “lands and access” for goal 2 provide for access considerations for various user needs forestwide.

**Concern Statement 17:** The Forest Service should consider developing new access points and parking areas, corrals and related infrastructure for horses and pack stock, and access routes to benefit recreation, restoration, and economic development

Many commenters asked for more motorized use corridors around the national forest, specifically on the Kenai Peninsula. Some commenters also asked for other recreation-related improvements such as more or larger parking areas, new hiking trails, and infrastructure for pack stock.

**Sample comment:** *One thing that the Proposed Alternatives in the EIS do not address are the importance of, use of, and creation of new motorized access corridors such as South Fork of Snow River and 20 mile drainage. This is a modern forest management tool that could be utilized to allow motorized users to access other areas of the forest such as Mills Creek while keeping a “buffer” between other user groups.*

**Sample comment:** *Hire backcountry horsewomen and men (local) to help build corrals and hitching post. Packing stock will haul material into recreational sites.*

**Response:** Comments that suggest changes such as changing trailhead locations, building new recreation infrastructure, or adding additional winter motorized corridors are outside the scope of this analysis. These types of actions would require project-level decisions.

**Concern Statement 250: The Forest Service should provide volunteer opportunities for trail maintenance and improvement**

**Sample comment:** *The Valdez Snowmachine Club has supported non-motorized groups at their Nordic events with rides to checkpoints, provided emergency and communication equipment and worked to raise awareness for areas that are off limits for snowmachines. We have supported search and rescue efforts, avalanche training, beacon training and fostered relationships with other local clubs and organizations. We have an excellent working relationship with the high school ski team and other local stakeholders. Clubs like ours are who will support you to in improving the Chugach. The out of state law firms aren't in the business of helping with anything. They will never pick up trash on a trail, install a sign or add to our economy. I encourage the CNFS to collaborate with clubs and local social organizations. Nothing projects dedication like a volunteer.*

*Our Chapter would also look forward to partnering with your agency on projects related to the maintenance and management of Forest Service lands. We have many ideas for improvements that would expand the use and enjoyment of stock in these back country areas.*

*Fostering collaborative relationships: The Anchorage Snowmobile Club has been working with the CNF for over two decades to work out the conflicts between motorized and non-motorized use. Over the last two years a Facebook group, AK Snow Shredder 2.0, with the backing of several local snowmachine related businesses, has had a volunteer litter cleanup day in Turnagain. Snowmachine users want to work and collaborate with the CNF to find a solution that does not reduce riding areas.*

*Turnagain pass is my primary riding zone. These past couple years us motorized users have realized if we want to keep our zone open for many years to come there is something that needs to be done on our part. We have organized summer clean ups on the motorized side of Turnagain pass that covers main motorized parking lot down to the weather station road cam parking lot, side of the highway and the actual zone of self. We hiked from the main motorized lot all the way up the mountains main trail accumulating 4 trash bags, countless windshields, cell phones Etc. the second year of the clean up there was a lot less trash! I understand it will take a lot more then this on every motorized users part to keep Turnagain pass open but I believe we are all ready to take responsibility and buckle down to do whatever it takes.*

**Response:** Thank you very much for your offers. The collaborative nature of working together that is described in this comment is how we envision public recreation facilities and recreation opportunities will be successfully managed in the future.

**Concern Statement 237: The land management plan should clarify the intent for future roaded access**

**Sample comment:** *Appendix B, p. 96: In the middle of this page's last paragraph, in this sentence "Additional temporary road development across gentle ground could increase the potential harvestable ground access by an additional 2,220 acres." What is "gentle ground"? This sentence implies future, new, temporary road development is anticipated. Can this be stated more directly, so it is included in the desired condition statements of the Kenai Peninsula Geographic Area? Right now I seem to catch hints of future access throughout the plan, even in the sections discussing the IRA's. Road development, regardless if the roads are developed as "temporary roads" can initiate huge effects to the ecological sustainability of an area.*

The Forest Service must comply with the Roadless Area Conservation Rule, which prohibits road construction or reconstruction except for as allowed by exceptions in the Rule. Any temporary road construction would be designed and analyzed for effects at the project level. There is no desired condition for future road construction on the Kenai Peninsula. Appendix B acknowledges that road construction would be necessary to access additional acreage but does not propose such development.

Standards and guidelines provide constraints on mechanized vegetation operations and road construction to protect resources and maintain ecosystem function to maintain or achieve the desired conditions described in the plan.

**Concern Statement 187: The Forest Service should acknowledge the need for dedicated parking adjacent to roads**

**Sample comment:** *Page 43, Access and Infrastructure, Management Approaches. Please consider the following edit to acknowledge the importance of providing public access: "Install barriers, or signs, or provide dedicated parking, to prevent roadside parking wherever necessary for safety and to protect natural resources."*

**Response:** The management approach is intended to emphasize a need to protect the public, employees, and vulnerable natural resources by determining and identifying (with barriers or signs) locations where parking is not appropriate because of a safety or natural resource protection concern. Arbitrarily denying public access to National Forest System lands is not the purpose of the management approach. The purpose of the management approach is to ensure that Forest Service personnel, permittees, or contractors, designing and implementing projects are aware of safety and protection concerns related to the effects of parking in other than appropriate places.

Providing dedicated parking for the public is a complex issue that involves multiple stakeholders including adjacent landowners and road managers, for example, Alaska Department of Transportation and Public Facilities. Dedicated parking for the public is normally a project-level coordination and decision. The Chugach National Forest strives to provide adequate access and dedicated parking facilities for the public in combination with a variety of other factors. Under Goal 2, Contribute to Social and Economic Sustainability, Lands and Access, Desired Condition 3 relates a part of the Chugach National Forest's vision for ensuring public access to National Forest System lands, "A system of roads, trails and areas designated for nonmotorized vehicle and motor vehicle use is identified and is available for public use to access National Forest System lands. Roads and trails are efficiently managed, have minimal effect on aquatic and terrestrial systems, and meet Forest Service national quality standards. Unnecessary National Forest System roads and trails are decommissioned" (draft land management plan page 14).

**Concern Statement 197: The Forest Service should undertake travel management analysis under 36 Code of Federal Regulations 212 Subpart C**

**Sample comment:** *To best implement an approach that places "everything in its right place" within the Chugach, we recommend the following adjustments to the draft plan: 1. Develop a winter-specific Recreation Opportunity Spectrum (ROS), and commit to undertaking winter Travel Management Planning (following Subpart C of the Travel Management Rule) to ensure sustainable winter motorized management. Each year – simply because of technological advances – new areas of the Chugach are becoming accessible to motorized recreational users. A dramatic increase in non-motorized and motorized users alike has taken place in recent years. At the same time, climate change is changing the intensity of winter storms, and altering the location of reliable snow. A winter-specific ROS and a commitment to undertaking Travel Management Planning would allow the Forest Service to respond to changes in technology, use patterns, and climate, while still providing motorized access to areas best suited for such activities.*

**Response:** This concern is outside the scope of analysis. The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. The Travel Management Rule and Forest Service policy clearly state that a new environmental analysis is not needed to designate roads, trails, and areas that are already managed for motor vehicle use where the existing use will continue unchanged (Forest Service Handbook 7709.55-10.3). The travel management decisions made during the course of land management plan revision in 2002,

which included public involvement as required under the National Environmental Policy Act and the 1982 Planning Rule, and the Kenai Winter Access project in 2007, comprise valid decisions under the Travel Management Rule. Specific decisions on routes and areas open and closed to winter motor vehicle use in the future will be made on a project-by-project basis.

**Concern Statement 199: The Forest Service should undertake travel management analysis under 36 Code of Federal Regulations 212 Subpart B**

**Sample comment:** *Decision making. Many, if not most, recommendations on where recreational motorized use should be allowed seem to be based on where existing use occurs (see, e.g., DEIS Table 139). This, as a general rule, does not seem to be an appropriate criterium. The Service should look at all of its lands and consider from both a social and ecological standpoint where recreational motorized use should be allowed. There will be locations where such use exists but shouldn't, either for ecological reasons, or because the general imbalance in favor of motorized use, and questions of fairness, dictate that the area should be managed for quiet recreation.*

**Response:** This concern is outside the scope of analysis. The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. The Travel Management Rule and Forest Service policy clearly state that a new environmental analysis is not needed to designate roads, trails, and areas that are already managed for motor vehicle use where the existing use will continue unchanged (Forest Service Handbook 7709.55-10.3). The travel management decisions made during the course of land management plan revision in 2002, which included public involvement as required under the National Environmental Policy Act and the 1982 Planning Rule, and the Kenai Winter Access project in 2007, comprise valid decisions under the Travel Management Rule. Specific future decisions on routes and areas open and closed to motor vehicle use in the future will be made on a project-by-project basis.

**Concern Statement 167: The Forest Service should designate additional motorized routes**

**Sample comment:** *As a multi-use user (motorized and non motorized) I cannot stress enough the importance of motorized corridors. It provides a means of separation between the user groups while giving access to both. I often tour the non motorized portions of the forest one day and the next use the motorized portion of the forest. This provides a unique perspective on the user groups of the forest and how the effect one another. I strongly support alternative C and would like to see more development of motorized corridors in the future.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Decisions on whether to open additional areas to winter motorized use will be made on a project-level basis and will include a public involvement process. Comments that suggest adding additional winter motorized corridors are outside the scope of this analysis. These types of actions would require project-level decisions.

## **Social and Economic Sustainability – Lands**

**Concern Statement 151: The land management plan should not list “consolidate split estates” and “acquisition of and interest in lands” as a Guideline**

**Sample comment:** *On page 53, the Draft Plan should not list “consolidate split estates” and “acquisition of and interest in lands” as a Guideline. CAC continues to be distressed about the emphasis in the Draft Plan in acquiring private land. As the largest private landowner within the CNF boundaries, CAC is the most*

*likely target for acquisition and exchange of land. CAC received its land under ANCSA as a settlement of Native claims with the United States. Forest Service land acquisition and exchange might be appropriate in some places where CAC or other private landowners are willing and in fair bargaining position. The Draft Plan should recognize potential mutual benefits of land exchanges with CAC and other Alaska Native Corporations. In many cases, the interests of the Forest Service and CAC can best be accomplished by agreeing to exchange land that CAC requires to access its inholdings or subsurface estate. The Forest Service should consider plan components specifically recognizing future land exchanges with CAC. But land acquisition should be a means to an end, not an end itself. The Draft Plan should discuss the goals the Forest Service wishes to achieve through land acquisition or exchanges and recognize the importance to Alaska Natives of Alaska Native Corporation land within the national forests.*

**Response:** The citation above comes from a guideline that helps to prioritize “the acquisition of lands and interests in lands through willing parties.” It relates to desired condition #3 under goal 1, which addresses the rights and interests of Alaska Native Corporations as well as consultation and collaboration efforts between the Forest Service and Alaska Native Corporations. It also relates to desired condition #1 under goal 2—Lands and Access, which addresses land ownership specific to Alaska Native Corporations. The Forest Service is not emphasizing the acquisition of private land or from unwilling parties. We agree that this guidance better fits the definition of “management approach” than “guideline” and it has been moved to the forestwide management approaches section of the land management plan.

#### Concern Statement 258: The Forest Service should clarify the extent of National Forest System land ownership in Prince William Sound

**Sample comment:** *Information needs to be made available to users of the WSA that the WSA does not include the tidelands or waters of Prince William Sound and that these areas are managed by the USCG and the State of Alaska Not the USFS.*

**Response:** One commenter was concerned that users of the wilderness study area are not aware of what agency manages the tidelands and waters abutting National Forest System Lands in the Prince William Sound. The commenter is correct; the boundary of the wilderness study area does not include the tidelands or waters of Prince William Sound. Appendix A of the draft EIS includes information related to boundary descriptions for areas recommended for wilderness (page 529). The mean high tide line is intended to define the coastal boundary for Forest Service Management. There are areas of Prince William Sound where the boundary is unresolved, (draft land management plan page 4) and is managed according to a 1992 memorandum of understanding between the state of Alaska and the Forest Service. The plan does not offer a specific solution for providing public awareness of the Forest Service’s management boundaries in the wilderness study area. It is not within the sole authority of the Forest Service to determine boundaries associated with tidelands. Such determinations will be made in cooperation with the state of Alaska and where appropriate, with the United States Coast Guard. Raising public awareness related to recreation, interpretive, and public safety information is prioritized as a management approach in the draft plan on page 41. In response to the need for providing increased public awareness of Forest Service management, the Chugach National Forest is developing a draft interpretive management plan, which is being done outside of the process for plan revision.

## Social and Economic Sustainability – Minerals

#### Concern Statement 66: The Forest Service should recognize the value of developing mineral resources and should continue permitting resource development

**Sample comment:** *On page 59, the “Minerals” Standards and Guidelines should be moved from the “Ecological Sustainability” section to the “Social and Economic Sustainability” section. Like so many other aspects of the Draft Plan, the “Minerals” Standards and Guidelines give the appearance that the Forest*

*Service disfavors resource development and only reluctantly includes Standards and Guidelines related to mineral development as a way of limiting and prohibiting certain activities. The Draft Plan should recognize "Minerals" and other economic development activities as having equal value to preservation and recreation goals on the CNF. On page 59, the Draft Plan should add descriptive language to specify the effects of mineral development should be "minimized" only to the extent economically feasible and reasonable. Forest Service policies clarify that minimization of environmental effects from mineral development "should be accomplished by imposition of reasonable conditions which do not materially interfere with such operations." 29 (29 FSM 2817.02.) The Draft Plan should emphasize the "reasonableness" of conditions and limit mitigation to economically feasible options to avoid rendering mineral development cost-prohibitive on the CNF. \*On pages 77 and 78, the Draft Plan should explicitly recognize CAC's rights to access and develop its subsurface resources.*

Other comments also expressed concerns regarding recognizing valid existing mineral rights.

**Response:** The Forest Service recognizes the value of developing mineral resources and it is recognized in the draft land management plan as a desired condition for Goal 2: Contribute to Social and Economic Sustainability.

The existing laws, regulations, and policies governing minerals and geology within the national forest can be found in Forest Service Manual 2800 (Minerals and Geology), and Forest Service Handbook 2809.15, and under Title 36 Code of Federal Regulations part 228, subparts A and E, which are independent from direction in the land management plan. However, a few of the standards and guidelines (see 5, 8, and 9 below, from the draft plan) specifically mention, to the extent feasible:

5. Reduce impacts to riparian resources to the extent feasible. Include project design features compatible with the scale of proposed development and commensurate with potential resource impacts. [Guideline]
8. Manage mineral activities to maintain the present and continued productivity of anadromous fish and other resident fish habitat to the maximum extent feasible (ANILCA section 505 [a]). [Guideline]
9. Support facilities and infrastructure should be located outside riparian management areas if reasonable alternatives exist. [Guideline]

The draft land management plan explicitly recognizes Chugach Alaska Corporation's rights to access and develop its subsurface resources in the management area intent for Management Area 6 EVOS-Acquired Lands:

Lands and interests acquired through the EVOS Trustee Council purchase program and managed by the Forest Service include surface estate lands and easements. The state of Alaska holds conservation easements on surface estate lands purchased by the United States. The Chugach Alaska Corporation owns the subsurface estate beneath many EVOS Trustee Council purchased lands and is entitled to access for exploration and development of subsurface resources.

As well as in desired condition 3 on page 11 of the draft plan:

The statutory rights and interests of Alaska Native Corporations are acknowledged and supported, including access rights to their private lands, while adhering to legislative guidelines and prior agreements. Consultation and collaboration efforts are continued with a focus on access to private lands, subsurface holdings, and split estate rights; ANCSA 14(h)(1) site protection responsibilities; and public access and restrictions along ANCSA 17(b) easements.

In addition, the draft land management plan recognizes existing rights in the following areas:

- Introduction, Roles and Contributions of the Chugach National Forest on page 1 and 3.
- Multiple areas where the draft land management plan recognizes that proposed projects, activities, and decisions are subject to valid existing rights on pages 9, 13, 14, 24, 29, 30, 31, and 77.
- The Kenai Peninsula Geographic Area recognizes the need for “access points for a variety of dispersed recreational activities, mining operations, state lands, and private inholdings” page 19. Also discusses access under Resource Development and Use on page 20.
- Prince William Sound Geographic Area includes access under Resource Development and Use on page 21.
- Copper River Delta Geographic Area Resource Development and Use on page 22.
- Management area 1 – “the Forest Service acknowledges the mission, objectives, and authorities of other jurisdictions and ensures adequate and reasonable access to state and private lands, including subsurface rights” on page 24.

**Concern Statement 69:** The Forest Service should not allow access to public lands to facilitate drilling of, or transportation of, crude oil drilled on private land in the Katalla/Bering area

**Sample comment:** *I would also wish to express my objection for the US forest service or state of Alaska to allow access to public lands to facilitate drilling of, or transportation of, crude oil drilled on private land in the Katalla / Bering area. While the drilling / land rig might operate on private land, vital public land / resources would have to be involved in transporting any large amount of crude oil from the area. This would also negatively affect by business and the businesses of other guides who may not even be aware of this potential development. The Katalla area and the Bering river area is a very sensitive environment that could not stand much disturbance.*

**Response:** Since the referenced Katalla/Bering area is on privately held lands, federal surface management regulations do not apply and the Forest Service has no authority. If private land owners pursue development and transportation through National Forest System lands is necessary, it would be administered under a Forest Service special use permit.

The primary direction for authorizing and administering special uses is listed in the draft EIS (page 207). “Special uses would be managed to be consistent with the plan components for other resource areas (e.g., recreation, heritage, wildlife, and the wilderness study area).”

**Concern Statement 71:** The Forest Service should not encourage mining within the wilderness study area

**Sample comment:** *The Forest Service must stop encouraging exploration for mining in the Nellie-Juan and College Fiord WSA. Mining conflicts with the wild character of the WSA and with current human values of western Prince William Sound. Mining would harm the wilderness character, subsistence, commercial fishing, and recreation/tourism that now thrive in the area.*

**Response:** The draft EIS states that currently lands open to mineral entry are in the public domain and have not been appropriated, withdrawn, or segregated from location and entry. All of the Nellie-Juan and College Fiord Wilderness Study Area is currently open to mineral entry until Congress acts to designate all or part of the Nellie Juan College Fiord Wilderness Study Area as wilderness. The existing laws, regulations, and policies governing mineral and geology authorities can be found in Forest Service Manual 2800 (Minerals and Geology).



The draft land management plan proposes a standard regarding minerals within Management Area 1 Wilderness Study Area (page 73), which includes approving mining operations that would include reasonable requirements to protect the social and ecological characteristics of the wilderness study area.

**Concern Statement 88: The Forest Service should not decommission abandoned mines**

**Sample comment:** *Quit blowing up the fimes [mines]! When they destroy the old mines they destroy our heritage.*

**Response:** The Forest Service mitigates safety hazards on abandoned mine lands when abandoned or inactive mine sites or mine workings pose a human safety hazard. Occasionally this can include sealing entrances to potentially hazardous mine workings. Mitigation of physical hazards at abandoned mines is addressed on a case-by-case basis with project-level environmental considerations for other resources (e.g., recreation, heritage, and wildlife).

**Concern Statement 105: The Forest Service should not withdraw any areas from mineral entry**

**Sample comment:** *Furthermore, no additional areas should be withdrawn from mineral entry unless they are closed to mining by the Secretary of Interior under the federal Land Management Policy Act and statutorily closed to mining by the Alaska National Interest Lands Conservation Act (ANILCA). The Forest Service does not have authority to close areas to mineral entry, which is reserved to the Secretary of Interior, that are merely being considered for inclusion into a conservation system unit. Much of the forest has yet to be adequately explored for its mineral values. Closing an area to mineral entry forecloses future exploration and development opportunities.*

**Response:** The draft EIS acknowledges that:

Lands open to mineral entry are in the public domain and have not been appropriated, withdrawn, or segregated from location and entry. There are currently 4,372,657 acres open to mineral entry within the national forest, which includes 1,940,007 acres in the wilderness study area (see map 11). The Nellie-Juan and College Fiord additions are fully within the designated wilderness study area (ANILCA 1980, Section 704) and until Congress acts to designate part or all of the wilderness study area or eliminate the wilderness study area entirely, all of these federal lands are currently open to mineral entry.

The existing laws, regulations, and policies governing minerals and geology within the national forest lands can be found in Forest Service Manual 2800 (Minerals and Geology), and Forest Service Handbook 2809.15, and under title 36 Code of Federal Regulations part 228, subparts A and E, which are independent from direction in the land management plan.

Claimants with claims located in areas withdrawn from mineral entry retain valid existing rights, if such rights are established prior to the withdrawal date.

In the Forestwide Objectives in the draft land management plan, administrative sites and developed recreation sites are identified as areas to complete filings with the Bureau of Land Management for withdrawals. These areas are consistent with Forest Service Manual 2760 – Withdrawals, which states:

2761.03 - Policy

2. Forest officers should consider withdrawals for the National Forest System lands that are occupied by capital improvements in which relocation or replacement would be impractical. These areas would include sites containing major improvements such as offices, work center complexes, and developed recreation areas.

The process for completing these withdrawals will follow existing laws and authorities. Section 204 of the Federal Land Policy and Management Act of 1976 (43 United States Code 1714) gives the Secretary of the Interior general authority to make, modify, extend, or revoke most withdrawals on public or reserved federal lands. The Forest Service must apply to the Secretary of the Interior for withdrawal actions on National Forest System lands.

**Concern Statement 139:** The land management plan should make it clear that road access will be approved anywhere on the Chugach National Forest if the plan of operations meets the requirements under 36 Code of Federal Regulations 228

**Sample comment:** *Mining is an important multiple use in the Chugach. There are many areas within the Chugach National Forest that contain valid, active mining claims, and many more that may have moderate to high mineral potential. Yet mineral entry and mining is insufficiently and inconsistently addressed in the revised plan. The right to “reasonable access” to locatable minerals is authorized by the 1872 Mining Act and recognized in the Preamble to the Roadless Rule (66 Federal Register 3244 at 3253). However, the Preamble states that “reasonable access” includes access by helicopter and non-motorized transport. There are no criteria by which the Forest Service official determines when a road is needed to support mining exploration and development. This leaves “reasonable access” determinations to the discretion of the Forest Supervisor. RDC believes this is subjective and provides uncertainty about whether advanced exploration, which requires road access, will be allowed to move forward. This, in turn, will impact a decision whether or not to spend the money to begin serious exploration of a claim. Because of the cost of helicopter access and the limitations of non-motorized transport in Alaska, road access is needed to actually realize the right to “reasonable access” to locatable minerals in the Chugach. Exploration requires an ever-increasing level of investigation to add certainty to resource/reserve information to support financing in public markets. The Security and Exchange Commission requires greater certainty of resource/reserve estimation than initial exploration can provide. However, without roads, only initial exploration data can be obtained. Helicopter access limits the size of rig and volume of core that can be extracted. While NQ (1.9 inch diameter) core can be obtained with lighter drills, HQ (2.5 inch diameter) or PQ (3.4 inch diameter) core is necessary for higher certainty of assay and structure. These larger drills and cores require road access. Larger core and underground drilling cannot occur without road access to move equipment to the site. Large tonnage metallurgical test mill “bulk” samples require road access to move it to a port. This cannot be accomplished without roads. Exploration budgets would shoot up dramatically—by millions to tens of millions—to fly in large rigs, underground excavation equipment, camps, personnel, infrastructure, emergency response, environmental controls, etc. This deters investment in costly exploration in the Chugach, in particular for costly advanced exploration and the opportunity to develop a mine. The Forest Service uses 36 C.F.R. Part 228 (a) to authorize locatable mineral Plans of Operations (PoO) on non-IRA lands within National Forests. An operator presents a draft PoO, which includes roads if the operator determines the need for road access to the mining claim. The PoO is analyzed through the National Environmental Policy Act (NEPA) process. If an operator meets the Part 228 (a) criteria it will be permitted to access the locatable mineral by road. This is not inconsistent with the Roadless Rule, which states that for all National Forests: Determination of access requirements for exploration or development of locatable minerals is governed by the provisions of 36 C.F.R. Part 228. The difference is that in applying 36 C.F.R. Part 228 to the Chugach the forest plan must recognize that the prohibitive cost of helicopter access and the limitations of non-motorized access for mining on the Chugach. In other terms, failure to approve road access in the Chugach represents a constructive denial of access to locatable minerals. Accordingly, the revised forest plan should make it clear that road access will be approved anywhere in the Chugach if the PoO meets the Part 228 (a) criteria.*

**Response:** Reasonable access is based on the activity being proposed in a plan of operations. Certain exploration activities may be carried out without construction of a road, whereas other activities requiring heavy equipment or specialized equipment may require road access. As referenced above in the commenter letter, reasonable access is assured by the 1872 Mining Law and supported by the Roadless Rule. These activities would be analyzed in a proposed plan of operations, with a site-specific National Environmental Policy Act (environmental analysis) process, in accordance with 36

Code of Federal Regulations 228 subpart A. The land management plan does not change the direction of the 1872 Mining Law or the Roadless Rule.

## Social and Economic Sustainability – Recreation

Concern Statement 5: The Forest Service should not reduce the area open to winter motorized use

**Sample comment:** *Please do not shutdown any areas of riding to snowmachines. The industry has come a long way in EPA regulations and noise compliances. We also bring economic value to many small businesses around the state.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change winter motorized access. These areas are listed in the draft EIS by alternative (pages 29–35).

Concern Statement 4: The Forest Service should increase the area open to winter motorized use

**Sample comment:** *I would like to see additional areas opened up to winter snowmachine use/access across the forest. I have ridden in the Turnagain/Seward/Upper Kenai Peninsula area since 1997, and would love additional areas opened to allow more options for backcountry snowmachining close to Anchorage.*

**Sample comment:** *I've ridden everywhere south of anchorage open to motorized winter use and don't quite agree with a revision to close any zone these mountains give us. If anything we should be expanding the areas open to us snowmachiners.*

**Sample comment:** *I would like to be able to experience more of the Chugach via snowmachine and feel that areas such as Lost Lake could be open for longer duration if the trail at the lower elevation on the Primrose side was widened to allow for snowfall to adequately cover the ground. Often times there is more than adequate snow just a short distance up from the trailhead. Widening the trail would also improve safety by allowing two way traffic.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on areas open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Decisions on whether to open additional areas to winter motorized use will be made on a project-level basis and will include a public involvement process. Comments which suggest changes to specific trails such as increasing trail width, changing trailhead locations, or adding additional winter motorized corridors are outside the scope of this analysis. These types of actions would require project-level decisions.

**Sample comment:** *I would like to emphasize the importance of motorized corridors such as Twenty Mile and Snow River. Please keep those intact and consider adding more in areas such as Whittier.*

**Response:** Alternatives C and D in the draft EIS have a recreation opportunity spectrum class of semi-primitive non-motorized (winter motorized allowed) corridor placed in the Snow River area that

helps align desired recreation opportunity spectrum classes with current travel management  
Twentymile River has a winter motorized corridor identified in our current forest orders that was  
identified in the 2002 land management plan. This travel corridor is part of travel management and is  
not changing in this land management plan revision.

**Sample comment:** ...the warmer winter months we've had the last few years currently limits our access to  
areas that are getting the adequate snowfall coverage to protect the forest. In which makes these other  
popular areas more and more unsafe to others with overcrowding issues and becomes dangerous in the  
best avalanche conditions. Opening a few more specific locations would in turn alleviate these  
overcrowding issues we are seeing in the more recent years. Areas I would suggest are expanding  
Johnson Pass, access to Upper Paradise Lake Cabin through Lake Nellie Juan.

**Response:** Comments which suggest adding additional winter motorized corridors are outside the  
scope of this analysis. This type of action would require a project-level analysis and decision. The  
draft EIS describes how changing snowpack levels were taken into consideration when assessing  
potential changes to the recreation opportunity spectrum classes (pages 143–144, 154). The draft plan  
language on page 57 was modified to clarify how winter motorized use is regulated.

**Concern Statement 267: The Forest Service should not employ rotational use as a  
recreation management strategy**

**Sample comment:** I also believe that the every other year open closed designation for Resurrection pass  
violates the ANILCA law. ANILCA allows the use of motorized transportation (snowmobiles, motorboats,  
and airplanes) for access to traditional activities. Nowhere in the law does it state that the FS can regulate  
my right to access these lands from a snowmobile but that is what the US forest service has done since the  
2002 travel plan was initiated. Does ANILCA supersede A FS closure order for traditional use  
snowmobiling? e.g. The South fork of the Snow River last winter was closed until March even though the  
land management plan says it should open 12/1. ANILCA says I can traditionally access this land, will I get  
a ticket if I don't wait for the open order. Does ANILCA supersede the current Land and Resource  
Management Plan. e.g. My grandfather traditionally snow machined in resurrection pass every winter, if  
snow machining is a traditional use activity as defined by ANICLA how can you legally write me a ticket in  
an odd year closed season?

**Sample comment:** We are again limited by the limited road system, and lack of infrastructure. If anything  
more area needs to be opened up in the Chugach, in fact open up the whole thing to everyone. Reverse  
the segregation of skiers only are in Turnagain pass and open up the area for everyone.

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic,  
and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule  
have separated travel management planning from land management planning. Specific decisions on  
routes and areas open and closed to motor vehicle use are no longer made in land management plans,  
but are instead made on a project-by-project basis. Previous decisions on what areas are open to  
motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of  
Decision. In accordance with the Alaska National Interest Lands Conservation Act (ANILCA) Section  
1110(a), public hearings were conducted during the Kenai Winter Access project in April 2007 to  
elicit testimony on the effects of alternating seasons for winter motorized use for Resurrection Pass  
Trail and prior to issuing the record of decision. Additionally, ANILCA Section 1110(a) specifies that  
the Secretary shall permit snowmachine use during periods of adequate snow cover.

**Concern Statement 235: The Forest Service should not reduce areas open to motorized use**

**Sample comment:** As a lifelong Alaskan, I oppose the closure of any of the listed areas for motorized use.  
My vote is for better access for motorized use.

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Decisions on whether to change areas open to winter motorized use would be made on a project-level basis and would include a public involvement process.

**Concern Statement 6: The Forest Service should not increase the area open to motorized use**

**Sample comment:** *We have plenty of space in this state for snowmachines to run. Many of us appreciate the existing national forest space as it is: virtually untouched, and peaceful. I am not opposed to snowmachining though given all of the existing areas for them, am opposed to a larger component of Chugach being opened to them at this time.*

**Sample comment:** *Climate change is not a valid reason to open up more land for motorized winter vehicle use.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change winter motorized access. These areas are listed in the draft EIS by alternative (pages 29–35). The draft EIS describes how changing snowpack levels were taken into consideration when assessing potential changes to the recreation opportunity spectrum classes (pages 143–144, 154).

**Concern Statement 234: The Forest Service should prohibit motorized use on National Forest System lands**

**Sample comment:** *I'm a fisheries biologist and we need to protect the watershed. I believe most of the damage is coming from ATV in the summer. I have seen pictures and videos of people chasing salmon in creeks with ATV's destroying the vegetation. I have seen the landscape from the air, the ATV's are destroying the areas. I thinks it's time to STOP ATV's in the backcountry.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Decisions on whether to open additional areas to all-terrain vehicle use or prohibit areas currently open to all-terrain vehicle use would be made on a project-level basis and would include a public involvement process.

**Concern Statement 59: The Forest Service should increase the areas open to motorized use**

**Sample comment:** *We, as Alaskans, are vested in this state and care deeply about its resources, including being able to enjoy all aspects of the recreational opportunities it has to offer. Please consider revisiting your current plans for change to allow more areas access with motorized vehicles. Closing down or limiting areas are not the solution.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change motorized access. The areas and types of future travel management project-level analyses that would be needed are listed in the draft EIS in chapter 2 (pages 29–35).

**Concern Statement 271: The Forest Service should reduce the areas open to motorized use**

**Sample comment:** *In addition set aside ample area for quiet recreation and non-motorized recreation. The world is a noisy place these days and the public will be seeking places to appreciate natural quiet where helicopters, snow machines and ATV's are not allowed to go.*

**Sample comment:** *As regards motorized use in particular, I request that the entire Jack Bay watershed including Solomon Gulch from Valdez be placed off limits to motorized use in favor of non-motorized use by skiers, snowshoers and climbers. Such an action would also benefit sensitive wildlife species such as mountain goats. Signage in the area would also help make non-motorized designation clearer to users.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change motorized access. The areas and types of future travel management project-level analyses that would be needed are listed in the draft EIS in chapter 2 (pages 29–35).

**Concern Statement 60: The Forest Service should recognize the benefits of snowmachine use and the relative lack of adverse environmental impacts**

**Sample comment:** *Snowmachines create trails in the winter that are used by many other types of recreation like cross country skiers, snowshoers and people out looking for a nice Christmas tree with their families. Snowmachine tracks disappear when the snow melts and no traces are left. Snowmachines do not have a negative impact on the environment and local South Central Alaska snowmachine groups have come together to spread avalanche awareness and coordinate work parties to pick up trash.*

**Response:** The land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The plan is strategic in nature and does not have project-level direction (draft plan page 1). The draft EIS analyzes the consequences of the four alternatives of broad strategic direction such as recreation opportunities offered with recreation opportunity spectrum classes that vary by alternative. The draft EIS does not analyze effects of one

type of activity versus another type of activity. Project-level analysis would analyze this detailed level of effects such as opening or closing an area to motorized use in the winter months.

**Concern Statement 276: The Forest Service should recognize that snowmachines have few adverse environmental impacts**

**Sample comment:** *I think the greater issues presented by the DEIS are presented by it lacking in almost any scientific data regarding snowmobile impact, and perhaps even more importantly - it appears that winter motorized use/access (snowmobile) is being conflated with all other motorized use. For instance, P42 of the DEIS exemplifies this. It states, speculatively, that "Winter snowmachine use is the most common and widespread motorized use within the Chugach National Forest and may have the greatest effects on sensitive species due to habitat limitations, restricted mobility, and the vulnerability of animals in poor physical condition." The issue presented is highlighted by the following paragraph, "Since information necessary to determine the intensity, patterns, and trends of motorized use are currently unavailable, analyses were limited to acres of land open or potentially open to motorized access as a surrogate to the area of habitat at risk from increased human disturbance."*

**Sample comment:** *Snowmachines are not invasive to the forest, they are the least invasive as they travel over the snow and do not disturb the undergrowth, I see more permanent damage from summer time users like hikers, horses, mountain bikers and 4-wheelers. Winter snowmachine use should not be restricted for this reason.*

**Sample comment:** *This is because snowmobiles have less impact than almost any other form of transportation (including summer foot traffic). Snowmobile tracks literally melt in the spring, and in winter the tracks we leave are used by moose and other wildlife to avoid the stress of walking through deep snow.*

**Response:** Land management plans provide a framework for integrated resource management and for guiding project and activity decisionmaking. Plans themselves do not compel any action, authorize projects or activities, or guarantee specific results. Instead, they provide the vision and strategic direction needed to move the national forest toward ecological, social, and economic sustainability (draft EIS page 3). The draft EIS analyzes effects of several alternatives of how this broad level strategic direction would be applied. The need to provide diverse recreation opportunities was identified by the public as a need for change from the 2002 land management plan. Recreation opportunity spectrum is used to identify desired conditions for recreation management activities and the suitability of areas for access with motor vehicles. The alternatives vary in acreage of various recreation opportunity spectrum classes where motorized access is suitable. Analysis of the effects of snowmachine use on specific resources and potential social conflicts with non-motorized user groups in any one area or route is conducted on a project-level basis and not at this strategic planning level.

The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision.

**Concern Statement 279: The Forest Service should recognize the adverse environmental impacts of snowmachine use**

**Sample comment:** *And there are other adverse impacts from recreational snowmachining besides noise. These include ecological impacts like air and water pollution, snow compaction and damage to vegetation, and the disturbance of wildlife; and social impacts such as the marring of scenic beauty—the tracking, often extensive, of lakes, meadows, and hillsides, on otherwise beautiful snowscapes—and the acrid smell*

*of snowmachine exhaust, lingering for some time at ground level on windless days. The DEIS fails to mention the impact of both winter and summer motorized use on scenic beauty.*

**Response:** The land management plan is strategic in nature, providing broad guidance and information for subsequent project and activity level decisions. However, it does not authorize projects or activities, nor does it establish specific travel management decisions. The draft EIS analyzes effects of several alternatives of how this strategic direction would be applied. The need to provide diverse recreation opportunities was identified by the public as a need for change from the 2002 land management plan. Recreation opportunity spectrum is used to identify desired conditions for recreation management activities and the suitability of areas for access with motor vehicles. The alternatives vary in acreage for the different recreation opportunity spectrum classes. Analysis of the effects of snowmachine use on specific resources and potential social conflicts with non-motorized user groups in any one area or route is conducted on a project-level basis and not at the strategic planning level.

**Concern Statement 11: The Forest Service should promote a balance between motorized and non-motorized recreation opportunities**

**Sample comment:** *I have lived in Alaska for 22 years. One of the things I like about the state is there are so many ways to enjoy the outdoors. I ask that you consider all user groups while making your decision and not let one user group have priority over others when it comes to access and use of public lands.*

**Sample comment:** *We support responsible motorized use on National Forest Lands. We also recognize and support the need for some non-motorized areas for summer and winter recreation. CPG enjoys the many areas where helicopter ski access, other motorized use, and non-motorized use occur together. We support these mixed-use areas and we will continue to do our part to keep these areas sustainable for future use. We have been fortunate to have access to areas, such as the Center Creek area east of Johnson Pass and the Upper Girdwood Valley, where winter helicopter operations are permitted without competition with other general motorized use (snowmachines). These areas without snowmachine tracks play an important role for our operations, to provide a quality product in certain situations. Additionally, our operation is required to maintain significant distance from other backcountry users, which can be difficult in some motorized-use areas. Areas that have experienced moderate to heavy snowmachine use without additional snowfall quickly become undesirable, and in some cases, even unusable for helicopter ski operations due to hard, refrozen snowmachine tracks.*

**Response:** The recreation section of the draft EIS describes how managing recreation settings can provide diverse opportunities for recreation experiences (pages 133–134). The analysis examines current recreation uses, trends, and effects of climate change (pages 135–144). This document also analyzes effects of changing recreation opportunity spectrum classes in some areas across the national forest for different reasons in alternatives B, C, and D (pages 15–35, 145–157). The draft EIS also addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change motorized access.

**Sample comment:** *We are concerned that overall guidance in the plan appears to promote wilderness like recreation experiences throughout most management areas, to the potential detriment of future public recreation via lost opportunities for trails, boat launches, hardened campsites, and cabins, for example. We understand that the plan does not explicitly prohibit recreation infrastructure in most areas; however, neither does the plan support it. We are concerned that when there is a proposal for the Forest Service to*



*accommodate public demand for recreation at a project implementation level, there will not be sufficiently clear support in the Plan. When considered in conjunction with the Wilderness areas managed by other agencies and the Service's multiple-use mandate, we believe that outside of the WSA, the Service should focus on providing less restrictive recreational opportunities.*

**Response:** The recreation section of the draft EIS describes the current nature and characteristics of the Chugach National Forest with regards to recreation opportunity settings (pages 133–134). The type of access generally determines the type of recreation infrastructure and opportunities that may be available. The lack of roads has resulted in most of the Chugach National Forest (99 percent) being within the inventoried roadless areas with 98 percent of the forest currently being managed in either primitive or semi-primitive recreation opportunity spectrum classes which reflects the roadless character of the forest (page 135). The draft EIS analyzes potential changes to these desired recreation opportunity spectrum classes which include changing areas to a more primitive type settings and changing other areas to semi-primitive non-motorized (winter motorized allowed) which would be consistent with more development and motorized uses (pages 145–157). The draft land management plan components describe the appropriate levels of recreation development in each recreation opportunity spectrum (pages 55–56). None of the recreation opportunity spectrum classes restrict building public use cabins or trails (pages 55–56). We have changed the plan language on page 28 and 31 of the draft plan to reflect appropriate language for backcountry and front country management areas for desired conditions with regards to recreation setting characteristics.

**Sample comment:** *ANILCA specifically included sections 811 and 1110 to allow motorized access across similarly remote areas set aside as CSUs, often to allow for the continuation of traditional hunting and fishing activities. We believe the Service should craft language for all areas of the Forest to allow such traditional activities to continue and, in all areas except MA 1, avoid Wilderness Act phraseology that could, in the future, be used to preclude such activities.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) section 811 directs the Secretary to ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on public lands. ANILCA section 1110(a) provides for use of snowmachines, motor boats, airplanes, and non-motorized surface transportation for traditional activities in conservation system units and the wilderness study area on the Chugach National Forest. The recreation opportunity spectrum maps in the draft EIS (Maps, page 595) recognized that ANILCA applies to all recreation opportunity spectrum settings. The draft land management plan has language that recognizes this provision in the management area 1 plan components (pages 24, 50, 72–74) and other plan information (page 24). A new paragraph has been added to the environmental impact statement in the Recreation section that references access provided by ANILCA provisions (page 135 in draft EIS). We have also changed plan language on page 28 and 31 of the draft plan to reflect appropriate language for backcountry and front country management areas for desired conditions with regards to recreation setting characteristics.

**Concern Statement 277: The Forest Service should provide equal opportunities for motorized and non-motorized winter recreation**

**Sample comment:** *It is extremely frustrating for the snow machine parking lot at turnagain to not be plowed out, but the skier side of the highway parking lot is plowed.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of

Decision. The recreation section of the draft EIS describes how managing recreation settings can provide diverse opportunities for recreation experiences (pages 133–134). This document also analyzes effects of changing recreation opportunity spectrum classes in some areas across the national forest for different reasons in alternatives B, C, and D (pages 15–35, 145–157). Operational issues such frequency of plowing of parking lots are not analyzed in this analysis. We added a desired condition that addresses maintain access to winter recreation opportunities by working collaboratively with partners and other agencies to provide plowing of parking lots and trail grooming.

**Concern Statement 251: The Forest Service should promote harmony between motorized and non-motorized groups**

**Sample comment:** *Does the CNFS recognize that user conflict is really social conflict? Is social policing a forest service function? If so the CNFS needs to increase its social presence. If you look at other states with wilderness plans and public recreation areas the segregated approach has simply created more tribalism. The CNFS should avoid this approach. The increased segregation just promotes conflict. Reading about the highly segregated areas down below is crazy, everyone is pointing sharp sticks at everyone else. The hikers hate the trail runners, they both hate the equestrians, all three hate the mountain bikers and all four of them are intolerant of motorized users. The segregated approach for recreation is really just discrimination. The CNFS should be working with all groups at the local level.*

**Response:** The recreation section of the draft EIS describes how managing recreation settings can provide diverse opportunities for recreation experiences (pages 133–134). The analysis examines current recreation uses, trends, and effects of climate change (pages 135–144). This document also analyzes effects of changing recreation opportunity spectrum classes in some areas across the national forest for different reasons in alternatives B, C, and D (pages 15–35, 145–157). Recreation opportunity spectrum classes are broad in scope and do not segregate non-motorized user groups. The 2002 land management plan has road and trails listed in appendix B where non-motorized uses such riding bicycles are listed as either prohibited or allowed. The list of roads and trails are now stored in the Forest Service Infra (infrastructure) database and will not be listed in the revised land management plan. Changes in decisions for non-motorized uses on trails and roads would be made on project-level basis for each route and would involve public outreach and collaboration. In addition, the draft land management plan has plan components that describe how the Forest Service would strengthen relationships with the public, communities, partners, and other agencies in achieving our mission of multiple use, including stewardship of recreation resources including trail systems (pages 12–13, 15, 41–42).

**Concern Statement 263: The Forest Service should separate motorized and non-motorized recreation**

**Sample comment:** *For the most part, there's no such thing as "sharing," or multiple use, of trails or areas. Motorized use dominates, and the quiet user is displaced and will be undercounted in surveys of who's recreating on the Chugach. Do the visitor satisfaction surveys (see draft plan, p. 88) reach the recreationist who would like to use and enjoy the Chugach but has been displaced? Quality quiet recreation requires quiet: areas set aside for quiet recreation that are screened from recreational motorized use either topographically, with ridge separation, or separated in time, with year on, year off, or half year on, half year off, zoning.*

**Response:** The recreation section of the draft EIS describes how managing recreation settings can provide diverse opportunities for recreation experiences (pages 133–134). This document also analyzes effects of changing recreation opportunity spectrum classes in some areas across the national forest for different reasons in Alternatives B, C, and D (pages 15–35, 145–157). The Forest Service conducts surveys of visitors to the national forest every 5 years. The purpose of these surveys are to

seek information of those people recreating on the national forest, and does not include those visitors who have been displaced for one reason or another.

The draft EIS also addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change motorized access. The areas and types of future travel management project-level analyses that would be needed are listed in the draft EIS in chapter 2 (pages 29–35).

**Concern Statement 270: The Forest Service should restrict motorized use to protect natural resources**

**Sample comment:** *Motorized use should be restricted in areas where negative environmental affects have been observed.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. On-site monitoring by Forest Service employees would inform future project-level analyses on whether areas should remain open for motorized use.

**Concern Statement 226: The Forest Service should clarify where motorized use will be expanded**

**Sample comment:** *I would like to know which areas of the Chugach will be expanded for motorized use.*

**Response:** The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Decisions on whether to open additional areas to motorized use will be made on a project-level basis and will include a public involvement process.

**Concern Statement 208: The Forest Service should increase winter motorized recreation activities on the Cordova Ranger District**

**Sample comment:** *I would very much like to see more motorized winter access on the Cordova Ranger District.*

**Response:** The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Decisions on

whether to open additional areas to winter motorized use will be made on a project-level basis and will include a public involvement process.

**Concern Statement 256: The Forest Service should offer educational materials on sustainable and respectful use of public lands**

**Sample comment:** *All the people that use these areas should be educated before they use it in one way or another.*

**Response:** The draft land management plan has plan components that describe how the Forest Service would strengthen relationships with the public, communities, partners, and other agencies in achieving our mission of multiple use, including stewardship of recreation resources including trail systems (pages 12–13, 15, 41–42).

**Concern Statement 14: The Forest Service should manage vegetation to improve motorized access**

**Sample comment:** *Access to areas that are open has become more difficult due to inconsistent snow coverage and the vegetation choking out areas that were accessible a couple of years ago. The mild winters have allowed alder vegetation to grow taller and thicker. Where the snow pack typically knocked the alders down in the past this has not been the case in the past couple of years. The result is the area of access has become restricted which shrinks acreage that is accessible. Most notable in the drainages along Johnson Pass. It makes it difficult for the motorized user group to spread out for those that choose to ride off the trail where it's permitted.*

**Response:** Comments which suggest changes to specific trails such as increasing trail width, changing trailhead locations, removing vegetation to ease access, or adding additional winter motorized corridors are outside the scope of this analysis. These types of actions would require project-level analysis and decisions. The draft EIS describes how changing snowpack levels were taken into consideration when assessing potential changes to the recreation opportunity spectrum classes (pages 143–144; 154).

Forest Service has a limited budget with which to perform ongoing vegetation management activities. As described in the Forest Products section of the draft EIS (pages 111–122), vegetation management priorities include: reducing hazardous fuel loads in the wildland-urban interface, enhancing wildlife habitat, and provide community fuelwood.

**Concern Statement 275: The Forest Service should ensure that recreational stock use (horses and mules) is allowed on National Forest System lands**

**Sample comment:** *It is important that this revision includes in our trail system for mules, horses, etc. be included in any future plans. I am a horse rider and use the trail system a lot during the summer. We would like to continue to ride and camp in this forest system. In your verbiage, please include the "term" horses and or mules to be included for trail use.*

*The Kenai Peninsula Back Country Horsemen Chapter would like to encourage you to add horseback riding to the list of recreational activities in the Chugach National Forest Land Management Plan. Horses have historically been used in the Chugach National Forest to establish many of the existing trails, as well as for recreational hunting and riding activities. Many of our members are avid users of the Chugach National Forest trail systems and spend many days a year exploring the trails and back country on their horses and mules. We would like to ensure that these public lands remain open to recreational stock use.*

**Response:** The 2002 land management plan has road and trails listed in appendix B where non-motorized uses such horseback riding are listed as either prohibited or allowed. The list of roads and trails are now stored in the Forest Service Infra (infrastructure) database and will not be listed in the revised plan. Changes in decisions for non-motorized uses on trails and roads would be made on

project-level basis for each route. The draft land management plan provides strategic direction for many recreation uses. On the Kenai Peninsula geographic area where horse use on trails is most common, wording will be added to the land management plan to indicate horseback riding as a common recreation opportunity.

**Concern Statement 7: The Forest Service should not restrict boating access**

**Sample comment:** *It was brought to my attention that the laws regarding having access to PWS were being questioned and perhaps changed. I'd like to urge you NOT to change them. We own a little boat and we love having access to our beautiful PWS. We fish and explore responsibly it's a big part of our family's Alaskan life and shouldn't be taken away from our or future generations.*

**Response:** This comment is outside the scope of land management plan environmental analysis. The Forest Service does not have jurisdiction to manage uses on marine waters.

**Sample comment:** *I enjoy camping on the shorelines of Prince William Sound via boat access. Semi-Primitive Non-Motorized seems like an appropriate designation for these areas. Primitive would be overly restrictive.*

**Response:** The draft EIS analyzes a range of alternatives for desired recreation opportunity spectrum classes for Prince William Sound. The primitive recreation opportunity spectrum class was placed in areas where the Forest Service would manage for recreation opportunities that include solitude, minimal development, and lower encounters with other recreation visitors. The semi-primitive non-motorized recreation opportunity class was placed in areas where more visitor use is currently occurring with slightly higher densities and encounter rates between groups using shore areas for day use and camping. The areas of primitive and semi-primitive non-motorized recreation opportunity spectrum varied by alternative (maps 44–47 in Maps section of the draft EIS).

**Concern Statement 16: The Forest Service should prohibit motorized boating on Spencer Lake**

**Sample comment:** *I urge this Management Plan to specifically address the Spencer Glacier area and to designate Spencer Lake as non-motorized. The AK Railroad provides access to Spencer Lake and there are many visitors to Spencer Lake each year, approaching 10,000+. Motorized watercraft can and do make it to the lake on many occasions and the disturbance is significant. I urge the Chugach National Forest to put up similar signs as are at Portage Lake at each of the put ins along the Seward Highway, that specifically state Spencer Lake as non-motorized to watercraft.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Closing Spencer Lake to motorized watercraft would require a project-level analysis and decision.

**Concern Statement 57: The Forest Service should prohibit bicycles in natural areas**

**Sample comment:** *Bicycles should not be allowed in any natural area. They are inanimate objects and have no rights. There is also no right to mountain bike.*

**Response:** The 2002 land management plan has road and trails listed in appendix B where non-motorized uses such as bicycles are listed as either prohibited or allowed. The list of roads and trails are now stored in the Forest Service Infra (infrastructure) database and will not be listed in the revised

plan. Changes in decisions for non-motorized uses on trails and roads would be made on project-level basis for each route. A new sentence clarifying information for non-motorized uses will be added to the final environmental impact statement in chapter 2 under Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14 in draft EIS).

**Sample comment:** *Mountain bikers also love to build new trails – legally or illegally. Of course, trail-building destroys wildlife habitat – not just in the trail bed, but in a wide swath to both sides of the trail! E.g. grizzlies can hear a human from one mile away, and smell us from 5 miles away. Thus, a 10-mile trail represents 100 square miles of destroyed or degraded habitat, that animals are inhibited from using. Mountain biking, trail building, and trail maintenance all increase the number of people in the park, thereby preventing the animals’ full use of their habitat.*

**Response:** The land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The land management plan is strategic in nature. It does not authorize projects or activities and does not commit the Forest Service to take action (page 1 of draft plan). Any changes of current decisions on where mountain biking is allowed or new decisions on constructing new trails for mountain biking would be analyzed in project-level environmental analyses which would incorporate various resource specialists input including wildlife biology.

**Concern Statement 236: The Forest Service should not further restrict use of mountain bikes**

**Sample comment:** *As an outdoor enthusiast, I enjoy utilizing the vast trail systems throughout the Chugach forest. I am an avid mountain biker and it would be so disappointing for Alaska to have more trail systems closed off for bikers to use. I hope the new plan can keep the wilderness character and allow the trail system to stay open for more Alaskans to get out and enjoy what our great state has to offer.*

**Response:** The 2002 land management plan has roads and trails listed in appendix B where non-motorized uses, such riding bicycles, are identified as either prohibited or allowed. The list of roads and trails are now stored in the Forest Service Infra (infrastructure) database and will not be listed in the revised plan. Changes in decisions for non-motorized uses on trails and roads would be made on project-level basis for each route.

**Sample comment:** *I urge the Forest Service to update and clarify the access rights for Class 1 Electric Mountain Bikes. These non-motorized classified bicycles will allow a greater number of participants to access the incredible lands within Chugach National Forest. With no throttle or power on demand these bicycles do not cause any additional harm to the trail surface than a classic bicycle (this has been studied by IMBA). If the trails can accommodate horse back riding it seems illogical to limit access for Class 1 eMTBs.*

**Response:** The definition of a motor vehicle is any vehicle which is self-propelled (36 CFR 212.1). The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Decisions on whether to change areas open to motorized use, including electric bicycles, would be made on a project-level basis and would include a public involvement process.

**Concern Statement 9: The Forest Service should clarify access for subsistence use versus recreation use**

**Sample comment:** *I ask that you clearly combine “Subsistence access” and the manner in which access is gained together. Current plan closes Skookum Glacier for motorized access on 1 April but allows for subsistence operations on motorized vehicles. Plans such as these are confusing and hinder your efforts of meeting management objectives.*

**Response:** Motorized access for subsistence activities by qualified rural residents of Alaska would not change under the alternatives. Section 811 of the Alaska National Interest Lands Conservation Act would continue to allow reasonable access for subsistence uses and motorized access subject to reasonable regulation. Areas such as Skookum Glacier which is shown closed in travel management after April 1 may be open for subsistence access by federally qualified rural residents for consumptive uses of fish and wildlife. The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. These existing decisions do not restrict subsistence access.

**Concern Statement 220: The Forest Service should construct a recreational/picnic area on the east shore of Sheridan Lake**

**Sample comment:** *I would like to recommend constructing a sight seeing / picnic area on the east shore of Sheridan lake in Cordova. There are currently trains and easements in place. This would be a great replacement for the area lost by Childs Glacier due to our bridge washing out. It would return to the community some tourism for glacier viewing. Many people use this area to skate on in the winter as well. A well serviced road and facilities would be a great benefit to Cordova.*

*Need a road accessible facility similar to Childs Glacier Campground on the East side of Sheridan Lake at the end of Goat Camp road in front of Sherman and Sheridan Glaciers.*

**Response:** The alternatives presented in the draft land management plan would not preclude an opportunity on existing routes. Many areas beyond existing routes are potentially within a designated roadless area and any site development may need to be considered and approved within the roadless area framework.

**Concern Statement 207: The Forest Service should recognize heli-skiing as an activity that takes place on the national forest**

**Sample comment:** *The forest should recognize Helicopter skiing as an activity on the list of other activities that take place on the forest. Nowhere can you find it listed as an activity yet it’s a multi-million dollar endeavor that takes place across the entire forest during the winter months.*

**Response:** Helicopter skiing is mentioned as an available recreation opportunity in the desired conditions section for the Kenai Peninsula and Copper River Delta geographic areas (pages 19, 20, 22). We added a desired condition that highlights the importance of businesses operating under special use permits in offering a variety of guided recreation activities which can enhance recreation experiences of visitors to the Chugach National Forest (page 15 of draft plan).

**Concern Statement 269: The Forest Service should increase heli-skiing opportunities**

**Sample comment:** *To accommodate increasing pressure, I support authorizing the expansion of Alyeska Resort, and the designation of a few, not many, places for helicopter skiing. The people who want that kind of motorized recreation need to be accommodated, but managed. Multiple use is a good idea, but the uses need to be separated from one another.*

**Response:** Helicopter skiing would be consistent with recreation opportunity spectrum classes that allow winter motorized access. Project-level decisions with public involvement would determine where, if any, future helicopter skiing activities might be permitted.

**Concern Statement 257:** The Forest Service should clarify the effects of the alternatives related to open and closed areas for different kinds of recreation activities

**Sample comment:** *The Plan Revision allows continued use of snow machines in most of the Chugach. Unfortunately, large numbers of responders to the Plan mistakenly assert that the Plan would close areas where snow machine access has been—and will remain—open. The Forest Service is not responsible for this incorrect assumption, but it is extremely important that the Forest Service immediately notify the public that major areas of the Chugach will be open for snow machines under the revised Plan.*

**Response:** The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. This information will be highlighted in the final documents and record of decision.

**Concern Statement 268:** The Forest Service should provide an unbiased analysis of recreation use

**Sample comment:** *I don't see any justifications for reduced winter motorized access in any of the environmental impact statement that is supported with scientific data. The only testing that I read about was carbon monoxide and particulate testing in parking lots and there was nothing found in excess of the EPA limits. I met with the forest service at the public meeting in Valdez and I was really impressed by the knowledgeable and grounded staff. However the tone in these plans don't represent the down to earth, look you in the eye, work to do right by all parties attitude portrayed by the individuals that I met. It reads more like it was written by a lawyer working for the trustees for Alaska or winter wildlands.*

**Response:** Comment about tone of the document has been noted. The draft EIS addresses travel management within Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision.

**Concern Statement 13:** The Forest Service should address the loss of winter motorized recreation opportunities due to climate change

**Sample comment:** *Warmer winters in Alaska are affecting user access. The EIS/Forest plan do not bring solutions forward to address this issue. For example, Lost Lake often is closed to motorized use when there is more than adequate snow cover 500' up the trail.*

**Response:** The draft EIS describes how changing snowpack levels were taken into consideration when assessing potential changes to the recreation opportunity spectrum classes (pages 143–144, 154).

**Sample comment:** *Warmer winters have affected snowpack at lower elevations in the Chugach National Forest. The EIS and proposed plan do not bring solutions forward to address this issue. For example, Lost Lake (via Primrose or Firehouse Trail) is often closed to motorized use when there is adequate snow cover 500' up the trail. Construction of a slightly wider "winter route" trail could solve the issue. At other locations in the forest such as Johnson Pass, motorized use could be restricted to an existing road or trail until a point is reached with adequate snow cover.*



**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision.

Comments which suggest changes to specific trails such as increasing trail width or changing trailhead locations are outside the scope of this analysis. These types of actions would require project-level analysis and decisions.

**Concern Statement 209: The Forest Service should be more flexible in defining the season when winter motorized use is allowed**

**Sample comment:** *Opening and closing dates for snowmobile use should be based on snow coverage, not arbitrary dates. This is especially true in spring when the area typically has sufficient snow coverage to allow the use of snowmobiles.*

**Response:** The winter season is defined in the 2002 land management plan under a standard (page 3-35). The draft land management plan did not include this standard as an oversight and will be revised in the final 2019 land management plan to include a similar standard. The new standard will have similar language that allows flexibility in extending or shortening the season by forest order based on snow conditions.

The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision.

**Concern Statement 134: The Forest Service should assess the existing natural soundscape, and how it would be impacted by the various alternatives**

**Sample comment:** *The Chugach National Forest should seek to protect those values, and where necessary, restore them. And as we also said above, the natural soundscape is just as deserving of analysis and protection as other ecological values that are routinely assessed. Unnatural noise can harm human health, both mental and physical. Natural quiet and natural sounds can be soothing and can benefit human health. We weren't able to find anywhere in the DEIS any mention of the natural soundscape, natural sounds, and natural quiet. This is a glaring and serious omission. The Chugach Forest Plan should assess the existing natural soundscape, and how it would be impacted by the various alternatives. As far as we know, the Chugach does not have a Natural Soundscape plan. If this is true, the Forest Plan should require that one be developed, and the state of the soundscape should be assessed and then closely monitored to not only to protect natural sounds and natural quiet, but to restore them where appropriate.*

**Response:** The Forest Service does not have any requirements within the National Environmental Policy Act, Forest Service planning directives, or Forest Service policy for wilderness study area that direct the Forest Service to address soundscape. The primitive recreation opportunity spectrum class characteristics best provides for natural quiet and natural soundscapes (remoteness from developed areas, lower densities of visitors, little to no recreation infrastructure development, minimal onsite controls) as described in the draft EIS (page 133, 586). The draft EIS analyzes four alternatives which have of varying acreages of primitive recreation opportunity spectrum classes (pages 25–28). The draft land management plan has plan components for management area 1 (Nellie Juan-College Fiord

Wilderness Study Area) that provides standards and guidelines as to when motorized equipment and mechanical transport would be authorized. The Forest Service does not have jurisdiction of airspace and marine waters where aircraft and boats operate and many provisions of the Alaska National Interest Lands Conservation Act allow activities that generate noise.

**Concern Statement 135: The Forest Service should impose a decibel limit on snowmachines used on National Forest System lands**

**Sample comment:** *The best idea I have, to help maintain coexistence in the CNF—Stock dB level muffler/silencers required on all off-highway vehicles operating in CNF. No skier, split boarder, snowshoers, or even snow machiner wants to have their experience tainted by loud vehicles. With modern snow machine technology this can be achieved.*

**Response:** This comment is outside the scope of the analysis for the land management plan. The land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The plan is strategic in nature and does not have project-level direction. The land management plan guides and constrains Forest Service personnel, not the public (page 1 draft plan).

**Concern Statement 195: The Forest Service should include additional plan components for the recreation resource**

**Sample comment:** *We are glad to see that the draft plan includes a guideline stating that “Recreation management activities, including travel management decisions and permitted recreation use, should be consistent with recreation opportunity spectrum classes as mapped. Levels of recreation use and development should be consistent with recreation opportunity spectrum class characteristics shown in table 7.” We are supportive of this guideline. However, the final plan must as include detailed desired conditions for each ROS setting and additional plan components that directly tie future management actions and decisions in with the ROS desired conditions. Such additional plan components help to integrate the ROS with forest management and ensure that the desired conditions outlined in the ROS are achieved over the life of the plan. Tables 7 and 8 provide this information to some extent, but the final plan must include actual plan components—desired conditions, standards, guidelines, etc.—related to the ROS.*

**Response:** The referenced guideline in this comment has been changed to better align with Forest Service planning directives. The map of recreation opportunity spectrum classes across the Chugach National Forest would be referenced to a desired future condition as required in Forest Service directives (Forest Service Handbook 1909.12, section 23.23a). The information regarding social characteristics (i.e. level of encounters) in table 7 (page 55) is now a desired condition. The other characteristics in the original table 7 and table 8 are part of a new guideline and provides specific direction that applies to each recreation opportunity spectrum class for recreation management activities. Additional plan components were added to the land management plan that address this concern statement.

**Sample comment:** *The Draft Forest Plan describes Recreation Opportunity Spectrum characteristics in Table 7 and in the Glossary. The Draft Plan further describes that Wilderness management and ROS class characteristics are subject to ANILCA provisions. I recommend that the Final Plan and FEIS establish modified ROS definitions and plan components that address these Alaska specific provisions. For example, standards or guidelines should address allowances for any cabin and aircraft use in Primitive and Semi-Primitive Non-Motorized ROS settings.*

**Response:** Table 7 of the draft land management plan (page 56) has been modified to better align with Forest Service directives (Forest Service Handbook 1909.12, section 23.23a). A sentence was added to the glossary for the draft plan and draft EIS noting that The Alaska National Interest Lands Conservation Act (ANILCA) provisions apply to non-motorized recreation opportunity spectrum classes.

**Sample comment:** *We appreciate that the draft plan includes plan components and language related to recreation opportunities, settings, special uses, access, and scenery. A full complement of plan components, including measurable objectives that link plan components to monitoring and adaptive management, is necessary for the revised plan to provide a clear path towards achieving the desired conditions.*

**Response:** The draft plan incorporates many management approaches that promote developing collaborative partnerships and involvement of the community and citizens to achieve recreation sustainability and integration with other resource management (pages 40–41). The Visitor Use, Visitor Satisfaction, and Progress toward meeting Recreation Objectives in the draft plan (page 88) outlines a monitoring question concerning achieving desired conditions for recreation and associated indicators. An objective was added referencing aligning travel management decisions with desired recreation settings. A new desired condition and guideline was added to address better integration of management actions with recreation opportunity settings.

**Sample comment:** *The 2012 planning rule requires that revised forest plans integrate sustainable recreation with other multiple use activities. 17 (17 36 C.F.R. § 219.10(a)) To meet this requirement the revised plan must include a full suite of sustainable recreation plan components that are integrated with plan components related to other uses. The final EIS should explain how management direction across each forest, for each use, fits within the ROS setting for any particular area.*

**Response:** To address the concern statement, the draft land management plan has been updated to incorporate new forestwide desired conditions under Recreation.

Concern Statement 262: The Forest Service should correct some information in the recreation analysis

**Sample comment:** *Page 23 of the DEIS notes that the winter motor vehicle corridor used to access the south fork of Snow River is “very popular with snow machine enthusiasts.” I believe that this is an overstatement. In my experience, very few snowmobilers use this area, even when conditions are ideal. For instance, the parking lot used to access this area can only accommodate perhaps 12 vehicles with trailers. It is very rarely full. Moreover, the riding it is used to access is technical and thus not accessible to those without significant experience and skill.*

**Response:** Comment noted. Final environmental impact statement will revise this sentence.

## Social and Economic Sustainability – Recreation Opportunity Spectrum

Concern Statement 193: The Forest Service should ensure the recreation opportunity spectrum maps are correct

**Sample comment:** *MAPS 44-47 Recreation Opportunity Spectrum. We note that there are at least two instances where the Recreational Opportunity Spectrum identified for alternative A, in the current plan, is not correct. These mistakes are then carried forward across all the alternatives. We request that the following currently allowed uses be identified as allowed across all of the alternatives. The western half of the Twentymile River valley is identified as Semi-Primitive Non- Motorized; however, this area should be identified Semi-Primitive Non-Motorized (Winter Motorized Allowed) as a corridor is annually opened to snow machine use when there is adequate snowfall. The Johnson Pass Trail from Turnagain Pass south to Bench River is currently open to ATV use in the summer and should be labeled Semi-Primitive Motorized. We also request that the document be reviewed to correct where the document has carried forward these mistakes across all alternatives.*

**Response:** Twentymile River has a winter motorized corridor identified in our current forest orders that was identified in the 2002 land management plan. This travel corridor is part of travel management and is not changing in this land management plan revision.

The Johnson Pass Trail south of Turnagain Pass is not currently open to all-terrain vehicle use for the public per current travel management regulations shown on the motor vehicle use map (available on the Chugach National Forest website). Mining operators who have all-terrain vehicle access approved in their mining plan of operations may use the mining road that accesses Lynx Creek in this vicinity. This type of motor vehicle access is not recreational in nature and must be approved in a mining plan of operations. Semi-primitive motorized recreation opportunity spectrum class would not be the appropriate setting in the area.

**Concern Statement 56: The Forest Service should integrate recreation management throughout the Chugach National Forest**

**Sample comment:** *Recreation is the path through which most people experience national forests and it is essential that management for, and impacts to, recreation be at the forefront of forest planning. Historically, with the exception of a few focused areas, recreation has been treated as an afterthought—a side benefit of national forest lands after other multiple uses. However, recreation on our national forests doesn't occur in just a few focused areas. The growth in recreation, particularly dispersed recreation, means that the Forest Service must consider how recreation management is integrated into other management activities across the full extent of the national forest.*

**Response:** The recreation section of the draft EIS describes how managing recreation settings can provide diverse opportunities for recreation experiences (pages 133–134). The analysis examines current recreation uses, trends, and effects of climate change (pages 135–144). This document also analyzes effects of changing recreation opportunity spectrum classes in some areas across the national forest for different reasons in alternatives B, C, and D (pages 15–35, 145–157). The draft EIS also addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The draft land management plan has plan components that address how recreation sustainability would be managed through forestwide plan components (pages 12–14, 41–43, 53–59), geographic area desired conditions (pages 18–22), specific management area and special area plan components (pages 24–34, 50–51, 72–79), and suitability of various recreation activities in management areas (pages 35–39). One of the changes between draft and final environmental impact statement would be to associate the recreation opportunity spectrum map with a desired condition rather than a forestwide guideline. This change aligns with the policy direction in Forest Service directives (Forest Service Handbook 1909.12, chapter 20, section 23.23) for integrating sustainable recreation resources. Another change is to add a guideline that would require consideration of effects of management activities and authorized activities on recreation opportunities and minimize effects where possible.

**Concern Statement 266: The Forest Service should change or modify the recreation opportunity spectrum class in certain areas**

**Sample comment:** *Standard ROS setting components include Access, Remoteness, Naturalness, Facilities and Site Management, Social Encounters, Visitor Impacts, and Visitor Management. Appendix A describe ROS classes with supporting plan components. I recommend that the final plan and FEIS adopt these ROS descriptions after being modified by the IDT to address ANILCA specific provisions.*

**Response:** Appendix A of the draft EIS contains the required inventory and evaluation information that forms the supporting documentation for recommending areas suitable for wilderness. The purpose of this section is not tied to recreation opportunity spectrum characteristics which are described in several different areas within the final plan (desired conditions, suitability of activities, and forestwide standards and guideline criteria for recreation). The Alaska National Interest Lands Conservation Act (ANILCA) provisions that apply to various activities will be clarified within the final plan.

**Sample comment:** *I also support backcountry, semi-primitive, winter non-motorized designation for the Jack Bay watershed.*

**Response:** In all four alternatives in the environmental impact statement, Jack Bay watershed has a semi-primitive non-motorized recreation opportunity spectrum class for the area. This is in response to public comments received and input from the District Ranger on the Cordova Ranger District.

**Sample comment:** *The DRC at Spencer Whistle-Stop area should be changed to "Roaded Natural" as this is consistent with existing and historical use.*

**Response:** We interpret the acronym DRC in the comment to mean recreation class or recreation opportunity spectrum (ROS). The Spencer Whistlestop area has been changed to roaded natural recreation opportunity spectrum in alternative C and D to better align with current recreation use and development in the Spencer Lake area. One change between draft and final environmental impact statement is to correct the area that is shown for roaded natural. This roaded natural area was intended to include the proposed location for the public use cabins described in the Whistlestop environmental impact statement and now being considered as the location for an Alaska Mountain and Wilderness Huts Association hut near the Spencer Whistlestop.

Concern Statement 272: The Forest Service should require higher standards of training for permitted outfitters and guides

**Sample comment:** *Higher standards need to be required for guides operating on the Forest. All of Alaska and the United States in general have low standards and minimal guide experience and training requirements.*

**Response:** The land management plan is strategic in nature and does not authorize projects or activities and does not commit the Forest Service to take action. The plan provides broad guidance and information for project and activity decisionmaking. Specific information concerning outfitter guide stipulations are found within the special use permit and are determined on a project-level basis.

Concern Statement 196: The Forest Service should develop winter recreation opportunity spectrum settings

**Sample comment:** *We are very concerned that the Chugach does not have a winter-specific recreation opportunity spectrum and instead simply has a hybrid category "semi-primitive non-motorized winter motorized allowed." Given the distinct differences in use, access, and setting on the Chugach during winter versus summer, the revised plan should include separate recreation opportunity spectrum classifications for summer versus winter.*

**Response:** The Chugach National Forest recognized the need to differentiate between summer and winter recreation opportunity settings during the revision process for the 2002 land management plan. We created the semi-primitive non-motorized (winter motorized allowed) subclass of the setting semi-primitive non-motorized. Use of this subclass defined where areas would be suitable for non-motorized access in the summer months and suitable for motorized access in the winter months. We continued the use of this subclass when creating alternatives for this current forest planning process. This subclass has worked well to define the difference in suitability of access between winter and summer in key areas across the national forest. None of the other recreation opportunity settings needed this seasonal differentiation.

**Sample comment:** *Provide specific standards and guidelines for winter use.*

**Response:** We added a desired condition addressing the desire to improve access to winter parking and opportunities for trail grooming and a guideline addressing needing a written authorization for grooming of trails.

**Concern Statement 54: The Forest Service should not increase the area in the primitive recreation opportunity spectrum class**

**Sample comment:** *We oppose changing the recreation opportunity spectrum to primitive on any additional land.*

**Sample comment:** *NVE has concerns regarding the proposed alternative "C." Specifically the designation of "primitive recreation" for areas in the western end of the Sound that now are multi-purpose use. These areas support commercial fishing, hatcheries, guiding and other commercial and sport uses. The current management system has been, in large part, working well from our perspective. There is no reason to change the designation to a more restrictive model which could have a significant detrimental effect on the Prince William Sound and the State's economy. Managing for recreation and conservation over activities supportive of social and economic sustainability is not what Congress intended for National Forests, especially in Alaska.*

**Response:** The draft EIS analyzes a range of alternatives for desired recreation opportunities in response to public comments during scoping. Some commenters wanted more areas with primitive recreation opportunity settings; several alternatives were analyzed that have additional areas of primitive recreation opportunity spectrum class. These areas would be managed for recreation opportunities that include solitude, minimal development, and lower encounters with other recreation visitors and where these characteristics already exist. Other commenters did not want to see any additional primitive recreation opportunity spectrum class acreage added and several alternatives did not add any primitive recreation opportunity spectrum class acreage.

Recreation and tourism businesses, subsistence activities, and traditional activities are part of the social characteristics of Chugach National Forest, including Prince William Sound and the Nellie Juan-College Fiord Wilderness Study Area. The revised land management plan recognizes these values across the national forest and has developed a management plan that is in line with the uses, activities, and values held by residents and visitors. In accordance with 36 Code of Federal Regulations part 219 and Forest Service Handbook 1909.12, the plan includes a description of specific social, economic, and ecological characteristics in the Chugach National Forest and identifies desired conditions for these characteristics in language specific enough to allow progress toward their achievement.

**Sample comment:** *I understand that ANILCA protects traditional use of land in the Wilderness Study Area, but if these areas are marked "Primitive," then keeping them open to motorized use will depend solely on the Forest Service's definition of recreational snowmachining as "traditional use."*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, and airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service policy (R10-2300-200802, section 2326.1(6)) defines Forest Service interpretation of a traditional activity which includes recreation activities. This type of access will still be allowed under ANILCA and incorporated into travel management regulations regardless of which recreation opportunity spectrum class is placed in the wilderness study area.

Additionally, the draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on areas open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record

of Decision. Decisions on whether to open or close areas to winter motorized use will be made on a project-level basis and will include a public involvement process.

**Concern Statement 106: The Forest Service should classify all lands within the wilderness study area in the primitive recreation opportunity spectrum class**

**Sample comment:** *The Plan must protect the living wilderness of the WSA. Furthermore, the Plan must protect the wilderness character of the lands in the WSA by classifying all of them with the Forest Service's "Primitive" standard, which is the most protective standard in the agency's recreational classification system.*

**Response:** The draft EIS analyzes a range of alternatives for desired recreation opportunity spectrum classes for the wilderness study area. The primitive recreation opportunity spectrum class was placed in areas where the Forest Service would manage for recreation opportunities that include solitude, minimal development, and lower encounters with other recreation visitors. The semi-primitive non-motorized recreation opportunity class was placed in areas where more visitor use is currently occurring with slightly higher densities and encounter rates between groups utilizing shore areas for day use and camping. The areas of desired primitive and semi-primitive non-motorized recreation opportunity spectrum varied by alternative (maps 44–47 in Maps section of the draft EIS).

**Concern Statement 217: The Forest Service should not assign a primitive recreation opportunity spectrum class to the Spencer Blackstone area**

**Sample comment:** *In my conversations with Forest Service Personnel, Alternative C was pitched to me as the most attractive option for the recreational snowmachiner. When I pointed out that the Spencer/Blackstone Icefield area and Nellie Juan Lake area were marked as "Primitive" I was told that ANILCA would save our motorized access rights to those areas. I was told that ANILCA Section 1110 will protect my ability to do recreational snowmachining as a "traditional activity" in areas inside the Wilderness Study Area that have been used for snowmachining, no matter what color those areas are on the ROS. However, this warm and fuzzy feeling is based solely on the assumption that recreational snowmachining qualifies as a "traditional activity." ANILCA generally refers to subsistence uses - not recreational uses. Nowhere in the ANILCA document does it define recreational snowmachining as a "traditional activity." So, the interpretation is left to the Chugach National Forest. But alas, I was told that the lines in the Draft Management Plan that define recreational snowmachining as a "traditional activity" were accidentally deleted. But not to worry, those ever-so important missing lines will be in the final draft. I'm sorry, but that's just not good enough. No number of hand-over-heart earnest promises from Forest Service personnel will convince me that they will not take away our motorized access in the future if they have the opportunity. I need to see it in writing. I need to see these areas marked open for motorized use (brown or blue) on the Recreation Opportunity Spectrum maps.*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a) provides for use of snowmachines, motorboats, and airplanes, and nonmotorized surface transportation methods for traditional activities within wilderness study areas and within conservation system units in Alaska. Forest Service policy (R10-2300-200802, section 2326.1(6)) defines Forest Service interpretation of a traditional activity which includes recreation activities. Blackstone Glacier area and Nellie Juan Lakes area are shown as semi-primitive non-motorized (winter motorized allowed) in alternatives A and B. For alternatives C and D these areas were changed to primitive with the recognition that all recreation opportunity spectrum settings are subject to ANILCA provisions including Section 1110(a) which allows snowmachine use for traditional activities. This note was on all the recreation opportunity spectrum maps in the draft EIS and in table 8 in the draft land management plan. This point will be clarified and more readily apparent in the final documents. The Forest Supervisor may choose any one of these alternatives in the record of decision.

**Concern Statement 137: The Forest Service should incorporate the draft national direction for recreation opportunity spectrum in the land management plan**

**Sample comment:** *The Washington Office is currently working on Chapter 10 of Forest Service Manual 2300 to provide further direction concerning sustainable recreation planning under the 2012 Rule. In this manual the Washington Office outlines ROS settings characteristics so that these settings and characteristics are consistent across the entire Forest Service system. Of particular relevance to these comments are tables in the draft manual outlining ROS settings characteristics, which we have included here as Attachment 2. These tables are consistent with national USFS mapping protocols, which will soon be posted in the Forest Service's corporate system. They have gone through review and testing by recreation planners and GIS specialists within the Forest Service and we recommend that the Chugach refer to these tables and adjust its ROS settings accordingly, to be consistent with agency standards.*

**Response:** The land management plan is based on current official policy and cannot incorporate draft policy.

**Concern Statement 161: The Forest Service should base recreation opportunity spectrum decisions on land capability and characteristics rather than current uses**

**Sample comment:** *Many, if not most, recommendations on where recreational motorized use should be allowed seem to be based on where existing use occurs (see, e.g., DEIS Table 139). This, as a general rule, does not seem to be an appropriate criterium. The Service should look at all of its lands and consider from both a social and ecological standpoint where recreational motorized use should be allowed. There will be locations where such use exists but shouldn't, either for ecological reasons, or because the general imbalance in favor of motorized use, and questions of fairness, dictate that the area should be managed for quiet recreation.*

**Response:** The recreation opportunity spectrum management framework identifies a suite of attributes that define the various recreation opportunity spectrum classes including physical (type of access, remoteness, and size of area), social (user density), and managerial (level of development, regulations and information availability, evidence of visitor use and management activities). The type of access such as motorized uses is only one of the attributes considered when determining which desired recreation opportunity spectrum class is placed in an area. Some of the changes in recreation opportunity spectrum in alternatives B, C, and D in the draft EIS do reflect alignment with earlier travel management decisions. The Kenai Winter Access decision in 2007 allocated which areas are open for winter motorized uses on the Kenai Peninsula after a lengthy, collaborative public process including all users groups; this decision still stands unchanged. The plan revision process updated the recreation opportunity spectrum classes to be consistent with this decision. Other recreation opportunity spectrum changes reflect different ideas for desired level of management for recreation activities than what is identified in the 2002 land management plan (Nellie Juan-College Fiord Wilderness Study Area, Mills Creek drainage, area north of Seward, Whittier Glacier as examples for alternatives C and D). Any new travel management decisions will be made on a project-level basis with public involvement.

## **Social and Economic Sustainability – Social and Economic**

**Concern Statement 131: The Forest Service should clarify the analysis of social and economic contributions in the environmental impact statement**

**Sample comment:** *I'm very surprised to see that AG, Forestry, Fish & Hunting is just 2% of the employment in the study area. This seems very small, representing such a minimal part of the study area's total employment. These are the jobs most directly affected by decisions of this plan, along with a portion of all the other sectors, esp. tourism-related jobs. Am I interpreting Figure 7 correctly?*

**Response:** Yes, it seems the commenter is interpreting the figure correctly. The Social and Economic Contributions section of the draft EIS includes figure 7, which displays local employment distributed



across 20 aggregated sectors as a share of total employment. As the commenter notes, the agriculture, forestry, fishing and hunting sector make up a small percentage of total employment in the study area.

The economic contributions resulting from the management of the Chugach national forest to the study area are addressed in the following section of the EIS. Timber and range programs on National Forest System lands are the primary source of contributions of jobs to the agricultural and forestry sectors. The presented analysis does not address the employment contribution from the timber and range program on the Chugach National Forest due to their minimal activity. The EIS does present the analysis of the economic contribution of recreation, which includes fish and wildlife related recreation. The majority of recreation related job contributions are in the retail trade and accommodation and food services sectors.

Language has been added to the EIS in the Employment, Specialization, and Income section of chapter 3 to address the commenters point. “Retail trade (10 percent) and accommodation and food services (8 percent) are also among the largest sectors in terms of employment, and are associated with the tourism economy, which is supported by the Chugach National Forest and other public and amenity providing lands in the analysis area. The employment profile of individual smaller communities surrounding the Chugach National Forest may show that some communities have less diverse employment profiles and therefore may be more directly affected by management decisions on the national forest.”

**Concern Statement 127: The Forest Service should recognize the social and economic benefits of all types of outdoor recreation**

**Sample comment:** *Going forward in the planning process, NOLS hopes that the Forest will continue to promote both direct and indirect economic contribution of recreation from commercial and non-commercial activities. Specifically, increasing attention must be given to valuing the indirect benefits of recreational activities that the Chugach supports. These are benefits such as induced spending on other goods and services needed to support recreational activities and improved community health outcomes from exposure to recreation and nature. Quantifying these values economically is challenging, yet increasingly important and forward thinking as it becomes clear how significant they are for society. Certainly, making a commitment to think about the benefits of recreation more expansively will help paint a better picture of its true value on the Chugach National Forest.*

**Response:** Economic contribution analysis presented in the Social and Economic section of the draft EIS estimates the role of Chugach National Forest resources, uses, and management activities on employment and income in the communities that surround the national forest. The existing estimates of this economic contribution of recreation presented in the draft EIS (page 77) include the direct, indirect, and induced effects of visitor spending. Additional details will be added to clarify this in the draft EIS Social and Economic section and to better describe the direct, indirect, and induced effects that are included in the estimates (page 77).

The Social and Economic Contributions section of the draft EIS analyzes the ecosystem services that describe the broad suite of goods and services that meet community needs and preferences, including recreational experiences (pages 81–81, 86–87). Indeed, improved health outcomes are an additional benefit provided by forest recreation and natural environment. A statement and supporting citation have been added to the draft EIS Social and Economic section to include this benefit of recreation experiences on the Chugach National Forest (page 86).

**Concern Statement 129: The Forest Service should recognize the social and economic benefits of hunting for purposes other than subsistence**

**Sample comment:** *Under Introduction – Roles and Contributions of the Chugach National Forest – Other Social, Economic, and Ecological Contributions – Recreation the word “hunting” should be added to the list of reasons people visit the National Forest. It is essential to recognize that hunting is an important activity within the National Forest, not only in respect to rural Alaskan residents as a subsistence activity, but also to other Alaskans and non residents as well for a variety of reasons that can largely be categorized as recreation. Hunting beyond subsistence was recognized in the 2002 plan, it should be reflected here as well. Public lands in the United States are increasingly important to hunters for providing wild game for personal consumption as well as a viable and sustainable commercial activity that often brings much needed income to rural communities. The absence of this recognition is concerning. The last line under the Recreation section notes there are 140 permitted commercial outfitters and guides. It is important to recognize that many of these permittees offer commercial services for hunters and anglers. The social and economic impact to Alaskans operating these commercial services within the National Forest is significant and should be recognized as a legitimate component of the National Forest.*

**Response:** The Recreation section of the draft EIS acknowledges guided hunting as an activity that is permitted in both the Prince William Sound and Copper River Delta geographic areas (page 136). The activity of hunting will be added to the roles and contributions described in the land management plan and environmental impact statement, in the Recreation section.

Social and Economic Contributions section of the draft EIS addresses the economic contributions to the local economy of outfitters and guides (pages 78 and 79). These statements have been clarified to better highlight that visitor expenditures related to outfitters and guides are included in the total economic contribution of recreation reported.

**Concern Statement 58: The Forest Service should recognize the social and economic benefits of snowmachine use**

**Sample comment:** *Restricting motorized access would have a wide ranging impact across the state, both on the users of the Forest, the local economy, as well as the Forest Service itself. While the Forest has a wide range and number of users, the motorized portion of this group has by far the greatest impact on the well-being of the park and the Alaskan economy. Economy-wise, we spend thousands of dollars per person at local businesses in town, lodging in towns in the forest, and restaurants in the area. Any reduction in motorized use would have a large impact on many businesses and families that rely on our dollars to keep them thriving.*

**Response:** The Social and Economic Contributions section of the draft EIS analyzes the contribution of Chugach National Forest to the southcentral Alaska economy and specifically how recreation is one of the seven key ecosystem services (pages 77–79, 86–87). These sections are broad in context to include all of the activities of recreation including snowmachining. In the Environmental Consequences section of the draft EIS, snowmachining is acknowledged as having higher spending patterns than other recreation users (pages 91–92).

The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change motorized access. The draft

EIS discloses that proposed changes in recreation opportunity spectrum classes will have a negligible effect on economic contributions (pages 91–93).

**Sample comment:** *Please consider the application of winter motorized backcountry access as a tool that facilitates not only temporary “trails” that provide for skiers, snowshoers and even animals, but also a route for medical evacuation in the event of an injury to persons using the forests for a variety of winter recreation and research purpose.*

**Response:** Non-motorized recreational opportunity spectrum classes and winter travel management forest orders across the Chugach National Forest do not restrict emergency access by motorized vehicles, including snowmachines in the winter months (36 CFR 212.51(a)).

**Sample comment:** *Not only will alternatives C and D affect local economies and jeopardize jobs within the recreational business it will take a toll on many folks mental health and wellbeing, getting into the backcountry gives some an escape from personal issues and our harsh and dark winters, these places have a huge role in hobbies, traditions and culture for many Alaskans and with these changes we could see the end of that for the foreseeable future.*

**Response:** The Social and Economic Contributions section of the draft EIS analyzes the ecosystem services that describe the broad suite of goods and services that meet community needs and preferences, including recreational experiences (pages 81, 86–87). Language has been added to the draft EIS (pages 86, 88) to recognize the diverse range of recreation opportunities that continue to contribute to social, cultural, health and wellbeing resulting from nature-based recreational opportunities.

The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision.

**Sample comment:** *These proposed areas are also locations that are used to host avalanche safety trainings. These trainings promote best practices for riding and the hands-on learning experience provides riders with safety education in regard to avalanches and the use of mountain areas. The hosting of these trainings also economically benefits the Alaska Avalanche School and the financial benefit allows the organization to continue to provide avalanche safety education to all users of recreational mountain areas.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. There is no change as to where avalanche safety trainings can be offered.

**Concern Statement 126:** The Forest Service should not close areas to winter motorized use without first analyzing the economic benefits associated with this use

**Sample comment:** *The 2014 Assessment states there has been no economic impact study done on the snowmachine industry. Without studies on the environmental/ecological, economic, and social impacts of restricting access, any change to the current motorized access conditions would not be a reasonable step to take.*

**Response:** The draft EIS addresses travel management within the Revision Topic 4 Social, Economic, and Cultural Sustainability (page 14). The 2005 Travel Management Rule and the 2012 Planning Rule have separated travel management planning from land management planning. Specific decisions on routes and areas open and closed to motor vehicle use are no longer made in land management plans, but are instead made on a project-by-project basis. Previous decisions on what areas are open to motor vehicle use still stand with no change, including the 2007 Kenai Winter Access Record of Decision. Proposed changes in desired recreation opportunity spectrum class may necessitate a future project-level environmental analysis with public involvement that could change motorized access. Economic benefits of various uses would be disclosed during these project-level decisions. The areas and types of future travel management project-level analyses that would be needed in the future are listed in the draft EIS in chapter 2 (pages 29–35).

The Social and Economic Contributions section of the draft EIS analyzes the contribution of Chugach National Forest to the southcentral Alaska economy and specifically how recreation is one of the seven key ecosystem services (pages 77–79, 86–87). These sections are broad in context to include all of the activities of recreation including snowmachining. The draft EIS acknowledges snowmachining as having higher spending patterns than other recreation users (pages 91–92) and discloses that proposed changes in recreation opportunity spectrum classes will have a negligible effect on economic contributions (pages 91–93).

## **Social and Economic Sustainability – Special Uses**

**Concern Statement 228:** The Forest Service should not support commercial ventures on National Forest System lands

**Sample comment:** *We must protect this forest for the vast environmental, cultural and wildlife resource that it is, and not open it up to destructive business interests that are ultimately at odds with the preservation of this resource.*

**Response:** The Forest Service mission is to sustain the health, diversity, and productivity of the Nation’s national forests and grasslands to meet the needs of present and future generations. Land management planning guides the Forest Service in fulfilling its stewardship responsibilities under the multiple-use management concept, which is to manage forest resources so they are used in a combination that best meets the needs of the American people. The land management plan is strategic in nature and does not authorize projects or activities and does not commit the Forest Service to take action. The plan provides broad guidance and information for project and activity decisionmaking. Commercial ventures may be permitted on the national forest but only after an environmental analysis process has been conducted including public involvement. The land management plan provides a variety of standards and guidelines that are designed to protect resources from damage.

**Concern Statement 67:** The Forest Service should adopt a more proactive approach to renewable energy development on National Forest System lands

**Sample comment:** *Multiple Use – The USFS defines its internal multiple-use mandate as a requirement to, “manage forest resources so they are used in a combination that best meeting the need of the American people.” In the specific case of the State of Alaska, an abundance of water resources exist that have the potential to offset the state’s current reliance on fossil fuel generation. The Kenai Peninsula specifically, contains numerous small watersheds which if explored responsibly and prioritized with respect to limiting the amount of impact related to hydroelectric development, could significantly offset reliance on fossil fuel generation and further promote Alaska’s mandate of having 50% of its energy use come from renewable sources by 2025. Homer Electric Association (HEA) believes strongly that responsible hydroelectric development should be emphasized in the Chugach Forest Land Management Plan (Plan) as a primary multiple-use consideration.*

**Response:** The land management plan is broad in nature and does not authorize specific projects or activities. The Plan recognizes multiple benefits that are derived from forest lands and resources including hydroelectric operations. As stated in the forestwide desired condition for energy and minerals, "...exploration, development, production, and transmission of renewable energy resources contribute social and economic benefits to local communities and to the Nation; and are conducted in a manner that minimizes adverse impacts to natural, cultural, scenic resources, and ecosystem integrity." Multiple uses on the Chugach National Forest are not broadly categorized as a primary use but instead are evaluated and balanced as outlined in the 2012 Planning Rule.

**Sample comment:** *Hydroelectric Designations – Many areas within the Chugach National Forest have been identified as potential hydroelectric development locations. As utilities and cooperatives around the region become more invested in responsible hydro development, the likelihood for other sites within the Forest becoming identified as viable developmental locations increases. HEA urges the USFS to incorporate a process into their Plan that allows for independent reviews of hydroelectric sites identified as having potential viability and an efficient mechanism by which the Plan can be modified to account for these sites within their multiple-use mandate.*

**Response:** The Forest Service encourages hydropower production where it is compatible with National Forest purposes and ensures that the planning, construction, and operation of hydropower projects effectively utilize forest system lands and resources by working with local utility companies and responding and coordinating with the Federal Energy Regulatory Commission. The suitability determinations for management areas table of the draft land management plan identifies seven of the eight management areas as either suitable or conditionally suitable for energy development, including hydroelectric operations. Appendix F in the land management plan goes further to identify the type of restrictions or conditions by management area. The research natural area(s) could be considered through the plan amendment process.

**Sample comment:** *Further, initial effort by the USFS should be placed on evaluating locations on USFS land that have the potential to support renewable energy projects. Areas deemed as having high potential should be identified and documented based on a number of variables including:*

- *Limited impact and/or potential for improved habitat within the natural environment as a result of renewable energy development.*
- *The need for renewable energy near the documented areas or ability to integrate and transmit to larger areas efficiently.*
- *The sites ability to annually produce a consistent amount of power to the region based upon site specific data that has either been collected or would need to be collected in advance of development.*

**Response:** The suitability table of the draft land management plan identifies management areas that have been evaluated and considered as not suitable, conditionally suitable, or suitable for a variety of activities. Energy development was identified as either conditionally suitable or suitable in seven of the eight management areas. The evaluation of exact locations for potential renewable energy projects is outside the scope of the land management planning process. Proponents of specific projects usually complete the analysis of impact, need, transmission capability, and if the site can produce a consistent amount of power annually.

**Sample comment:** *Acknowledgement of the Value of Responsible Hydroelectric Development and Operation – HEA would appreciate the Forest Service's recognition and acknowledgement that renewable forms of power provide a net benefit to the population in Alaska as long as they are developed using a collaborative approach with state and federal agencies, Tribes and the public and subsequently constructed in a responsible manner that minimizes impact to the natural environment. Projects developed in this fashion provide a multitude of benefits locally and state-wide including:*

- *Job creation*
- *Lower long-term power prices; locally and state-wide*
- *Reduced need for fossil fuels*
- *Improved economic conditions as a result of the aforementioned variables*

**Response:** The Forest Service has acknowledged the multiple benefits that people derive from forest lands, including hydroelectric power (on pages 3, 6, and 14 of the draft plan). Additionally, the suitability determinations table of the draft land management plan identifies seven of the eight management areas as either suitable or conditionally suitable for energy-related infrastructure and utilities.

Concern Statement 162: The land management plan should include additional plan components related to renewable energy

**Sample comment:** *Chugach and Tongass Plan Synchronization – To the extent possible, the Chugach and Tongass National Forest Plans should parallel one another with respect to the aforementioned considerations applied to responsible hydroelectric development. A prime example of this are the renewable energy provisions incorporated into the Land and Resource Management Plan for the Tongass National Forest (see attached excerpt). While the regional locations of the forests are different and certain considerations should be applied independently, the entire State of Alaska possesses enormous potential for renewable energy development and this should be recognized consistently in both plans.*

**Response:** The Chugach National Forest and Tongass National Forest land management plans have multiple similarities in regard to renewable energy consideration and development. Although the two plans do not mirror the information within the same format, the content is still reflective of the 2012 Planning Rule direction specific to renewable energy.

**Sample comment:** *A section should be incorporated into the plan recognizing the value of renewable energy projects on Forest Service Land and acknowledging that in areas where suitable conditions exist for their development and/or persistence, they will be considered a priority. This priority status should include provisions for accessing the general site and permitting responsible construction, utilization and maintenance of project infrastructure, access roads and transmission line corridors on Forest Service Land.*

**Response:** The suitability table of the draft land management plan identifies energy-related infrastructure and utilities as suitable or conditionally suitable in seven of the eight management areas within the Chugach National Forest. Multiple uses on the Chugach National Forest are not broadly categorized as a primary use but instead are evaluated and balanced as outlined in the 2012 Planning Rule.

Concern Statement 222: The Forest Service should increase permit opportunities for outfitter guides

**Sample comment:** *I would also like to see language added that emphasizes measurable objectives for increasing authorized special use permits for outfitters and guides that help meet forest goals. Perhaps this could be addressed on page 41 under “Management Approaches” and on page 43 under “Objectives.” Clarity could also be added on page 36 to articulate which areas are suitable for outfitter and guide use (not just assigned sites). There are several outfitters ready to apply that would like to offer tours with relatively small environmental or cultural impacts.*

**Sample comment:** *Need more motorized guided commercial opportunities West and East of the Copper River. Including tours, fishing, bird hunting and other game hunting.*

**Response:** The land management plan is strategic in nature and does not authorize projects or activities and does not commit the Forest Service to take action. The plan provides broad guidance

and information for project and activity decisionmaking. The suitability of areas for outfitting and guiding permits is determined on a project-level basis. Issuing increased numbers of outfitter guide permits is also a project-level decision. We added a desired condition that highlights the importance of businesses operating under special use permits in offering a variety of guided recreation activities which can enhance recreation experiences of visitors to the Chugach National Forest.

**Concern Statement 33: The Forest Service should improve its management processes to facilitate more timely delivery of permits for commercial uses**

**Sample comment:** *Outfitter and Guides – The recognition in the Forest Plan of the value outfitter and guides provide is useful to show their economic standpoint for local communities, as well as for the service they provide in helping more people experience the CNF. We are concerned about a statement in the EIS (page 142) that from January 2014 to present, no new outfitter/guide permit proposals have not been accepted by the Service due to a backlog of applications and a shortage of staffing, and, that at this time it is not known when new proposals will be accepted. Lack of administrative capacity and its effect on future growth for commercial opportunities in local communities limits economic productivity especially in light of the Forest Plan’s stated Goal 2 to contribute to the economic sustainability of communities within the planning area, and limits non-local visitors’ ability to access the forest. We request that a goal be added under Goal 2 Contribute to Social and Economic Sustainability, Recreation, that states the Service will “Achieve adequate staffing to process outfitter/guide permits within Service offices.”*

**Response:** Thank you for your comment supporting the value of outfitter and guides. There is updated information regarding the concern that no new permits have been accepted and the Forest Service updated the Recreation section of the of the environmental impact statement to reflect that information.

The intent of a land management plan is to create a broad and general framework to move toward desired conditions on a landscape. Staffing is a tactical measure with how resources are allocated and is outside the scope of a land management plan due to uncertainty in the annual budget process.

## **Social and Economic Sustainability – Subsistence**

**Concern Statement 94: The Forest Service should ensure subsistence opportunities are maintained**

**Sample comments:** *Since I teach in Kotzebue for 10 months, my largest concern is for those people who are natives and subsistence hunt. If game cannot find food, their way of life will be seriously impacted.*

*Please also be sure that there are appropriate safeguards to allow traditional subsistence use of the land, and traditional/subsistence-related access to the land. Wilderness cannot come at the expense of indigenous cultures.*

*I am concerned by the possible huge increase in sport fishing, which undoubtedly will result in the demise of fish available for the commercial and subsistence sectors. Especially since some sport anglers are fishing the silver salmon spawning beds and that is a big concern.*

*It is perfect the way it is but small improvements for local residents to have access to firewood is not all bad and could reduce potentially wildfires.*

*Denial of access to these lands would be detrimental to my family. As substance hunters and gathers, we understand and respect for lands. Especially when it comes to using motor vehicles in fragile animal habitat.*

*The plans would also affect my way of life to provide for my family. I am a hunter that provides food for my friends and family every year. I use an ATV on trails to go hunting in areas that could be affected by these plans. I also speak for many others when it comes to providing food for family.*

*As true native Alaskans, we use the lands to provide for our families and taking away access will hinder how we can provide our family and friends in the near future.*

*The cost of living is so high here and with little to no access to fresh food (and the price of the “fresh” we get is extremely high) we are forced to gather food for ourselves if we want to provide for our families economically.*

*During the summer months I also frequent the Kenai Peninsula area to hike, bike, and participate in subsistence harvesting of wild berries. I access much of these areas with a motorized vehicle. I do not want access to these areas where I partake in recreational activities further restricted.*

*On pp. 45-47, under Forestwide Objectives and Management Approaches, Terrestrial Ecosystems, Management Approaches, the following new bullets should be added:*

- *“Ensure Forest Service management actions or authorized activities do not impair Alaska Native subsistence rights or the population of subsistence fish or mammals in the terrestrial ecosystems.*
- *Ensure Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within terrestrial ecosystems.”*

**Response:** In the draft EIS, Revision Topic 4 Social, Economic, and Cultural Sustainability, addresses the “need to acknowledge the values and interests in the Chugach National Forest held by Alaska Native Tribes and Corporations” (page 8). In the Tribal Relations section on page 98, the Alaska National Interest Lands Conservation Act (ANILCA) requirement “mandates that the taking of fish and wildlife for subsistence uses by Native and non-native rural residents in the state of Alaska on public lands shall be afforded a priority over the taking of fish and wildlife resources for other purposes, except as otherwise prohibited by other provisions within the act or other federal law.”

The draft land management plan introduction expresses support for Alaska Native Peoples, Tribes, and Corporations (page 3) and the importance of subsistence resources (page 5). Multiple plan components related to subsistence are included throughout the plan. Desired conditions related to subsistence are listed on pages 9 and 15 of the draft land management plan.

ANILCA Title VIII provides a rural preference for the harvest of fish and wildlife on federal lands and while the draft plan does not duplicate existing federal laws, the rural preference provided by ANILCA Title VIII applies to all Chugach National Forest lands. Rural residents of the Chugach National Forest presently have federal seasons and harvest limits that differ from those in state hunting and fishing regulations for many of the most important subsistence resources, including moose, caribou, and salmon in game management unit 7 and for deer, moose, mountain goat, black bear, and salmon in game management unit 6. These regulations are intended to provide a meaningful preference for fish and wildlife. If subsistence needs of qualified rural residents are not being met, they may submit proposals to the Federal Subsistence Board to change these regulations (page 108 of the draft EIS).

Many of these comments come from a concern for access to subsistence resources. None of the alternatives limits access to public lands for the purposes of subsistence gathering activities. No new road construction is proposed in this land management plan or in any of the alternatives (draft EIS page 38). Motorized access for subsistence activities by qualified rural residents of Alaska would not change under the action alternatives. Alternatives C and D recommend wilderness area designation on the eastern Kenai Peninsula/western Prince William Sound; however, until Congress acts on that recommendation, Section 811 of ANILCA would continue to allow reasonable access to these recommended wilderness areas for subsistence uses and motorized access subject to reasonable regulation (draft EIS page 98).



**Concern Statement 95: The Forest Service should expand and promote subsistence opportunities**

**Sample comments:** *On pages 30 and 31, the Desired Conditions for the Front Country Management Area include providing “access to forest products to meet community needs.” The Draft Plan should specify that access to forest products, such as berries and mushrooms, should be provided and prioritized on a forest-wide basis, and not solely in the Front Country Management Area. The tendency to conceptualize “forest products” as being used only in the Front Country Management Area by urban residents is a serious problem with the Draft Plan. Many forest product users reside in rural communities and Native villages-in areas far from the Front Country. Rural residents depend on forest products for their traditional and cultural subsistence livelihoods.*

*Economic Conditions and Subsistence Uses – The Draft Plan should place more emphasis on economic development opportunities for rural Alaskans—residents of villages who depend on the CNF's resources for their traditional livelihoods. The Draft Plan's Goal 2 is to provide. “Social and Economic Sustainability.” But the Draft Plan focuses on “tourism” and “recreational” opportunities—relegating subsistence uses to an afterthought. 27 (27 See Draft Plan at 13; 15; 41-43; 53-59.) Subsistence uses, however, including hunting, fishing, collecting forest products and visiting historic sites are vital to the rural communities located within the CNF boundaries. The Forest Service should re-consider adopting a Traditional Use management area in the Draft Plan. A Traditional Use management area would recognize the subsistence priority guaranteed by ANILCA and facilitate subsistence access and activities that are otherwise inconsistent with the Draft Plan's management direction. Often, subsistence activities are treated as exceptions to the Forest Service's management goals. A Traditional Use management area would make those exceptions the rule on parts of the CNF that Alaska Natives have traditionally used and depended on.*

*Chenega strongly encourages the Forest Service to consider adopting a management area specifically designed to protect subsistence uses in Prince William Sound. A subsistence use management area would enable the Forest Service to implement the subsistence priority and minimize harmful recreation and non-subsistence use effects. Subsistence use management areas would be areas where historic subsistence use of the CNF is high, including areas surrounding rural villages and traditional subsistence hunting and fishing territory. The management approaches for subsistence use areas would allow the Forest Service to prioritize maintaining natural abundance of wildlife populations and minimizing non-traditional human presence, such as recreation and tourism.*

*Options to reduce peoples' access to the National Forest outlined in Alternatives C and D will remove their connection to the working forest, wild harvest, fire wood gathering and log production. The Forest Service is directed to encourage multi- use recreation and forest products like wild berries, mushrooms, tree saps, willow tips, spruce tips, firewood, cabin logs and fish and wildlife harvest so you should select Alternative B to allow access to these forest resources.*

*Motorized use needs to remain open as we snowmachine every year to access areas that we would never be able to access without these motorized tools. In Alaska, motorized vehicles are tools essential to living and people outside of the state do not realize they are more than recreational vehicles. My family goes Christmas tree hunting, snowshoeing, mountain biking, hiking and camping in these areas. We would like to see additional roads to access inaccessible valleys, ridges, rivers and parts of Prince William Sound. This would allow residents and tourists to really experience and enjoy Alaska without spending hundreds of thousands of dollars on planes and boats. Snowmachines do not hurt the environment and all tracks are completely erased each spring when the snow melts. The trails that sleds make also provide access for people that cross country ski, look for Christmas trees, snowshoes, etc.*

*On page 11, paragraph 3, line 3, insert the words “supporting subsistence hunting, fishing, and gathering activities ...”*

*On page 21, under Geographic Area Desired Conditions, the following should be added: “Subsistence 1. Subsistence hunting, fishing, and gathering activities are supported and protected by consulting with ANC's and other Alaska Native groups, identifying and protecting subsistence management areas and subsistence use areas, and actively supporting Alaska Native in their use of the CNF lands and resources.”*

*The Draft Plan and DEIS must do more to consider and ensure Alaska Natives' right to a subsistence priority. The DEIS fails to fully analyze the effects of increased recreation and development on subsistence resources in Prince William Sound, and the Draft Plan fails to emphasize and protect Alaska Natives' subsistence priority*

**Response:** The Alaska National Interest Lands Conservation Act (ANILCA) Title VIII provides a rural preference for the harvest of fish and wildlife on federal lands and while the language of ANILCA Title VIII is not repeated in the draft plan, the rural preference that it provides applies to all Chugach National Forest lands (draft EIS page 2). None of the alternatives limits access to public lands for the purposes of subsistence gathering activities. No new road construction is proposed in this land management plan or in any of the alternatives. Motorized access for subsistence activities by qualified rural residents of Alaska would not change under any of the alternatives (pages 30 and 35). Alternatives C and D recommend wilderness area designation on the eastern Kenai Peninsula/western Prince William Sound; however, Section 811 of ANILCA would continue to allow reasonable access for subsistence uses and motorized access subject to reasonable regulation.

The availability of forest resources for subsistence, however, could be emphasized with the addition of a forestwide desired condition under subsistence (page 15 of the draft plan). The Subsistence Resources analysis starting on page 102 includes a discussion of access starting on page 107:

Access is an important component of subsistence and varies throughout the Chugach National Forest. Section 811 of ANILCA states that “rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands” and “notwithstanding any other provision of this Act or other law the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

Traditional use is a priority in all management areas so a specific management area for traditional use is not needed. The importance of Alaska Native Peoples, Tribes, and Corporations is emphasized throughout the plan, beginning with the first five desired conditions on page 11. The draft land management plan supports subsistence hunting, fishing, and gathering activities forestwide, in all management areas, so additional conditions under each management area are not needed.

The draft plan, in combination with ANILCA Title VIII, emphasizes the importance of subsistence to all rural residents (page 5) and to Alaska Native People’s, Tribes, and Corporations (page 3). While the draft EIS addresses impacts to subsistence on federal lands, much of the increased use of Prince William Sound in the past decade has involved uses on the marine waters (sport fishing, commercial fishing, and sightseeing) which are outside the management jurisdiction of the Forest Service. Recreation use of the land within Prince William Sound has increased but not to the magnitude of use occurring on marine waters. The draft plan has several desired conditions (#3 and #4 on page 15 of the draft plan) which state our intent to manage existing recreation facilities in an economically and socially sustainable way, such that the number and location of recreation facilities reflect current and future public needs and are commensurate with Forest Service financial capabilities. The only desired recreation opportunity spectrum settings for Prince William Sound in all alternatives are either primitive or semi-primitive non-motorized which describes limited facility development, managing for lower densities of visitor use, authorizing smaller group sizes, and primitive or less developed trails. Site-specific development would be a project-level decision, subject to ANILCA 810 (impacts to subsistence) and other analyses, including impacts to fish, wildlife, and other natural resources.

**Concern Statement 96: The land management plan should recognize the role of the state of Alaska in managing wildlife for subsistence uses**

**Sample comment:** *Under bullet #9, “subsistence” should be replaced with the word “natural,” and the last sentence should be reworded ... with the goals of ANILCA Title VIII, the decisions of the Federal Subsistence Board and the Alaska Board of Game. It should be consistently recognized that wildlife and other natural resources in the Chugach National Forest are managed for all user groups, not just subsistence. There are a number of natural resources that the USFS manages for use by subsistence users as well as other forest users. For wildlife populations, it is important to recognize the State of Alaska maintains the authority to manage wildlife populations across federal lands for the benefit of all user groups. The USFS manages “subsistence opportunities.”*

**Response:** The bullet statements referenced here, (including statement #9 regarding subsistence management) represent desired conditions under goal 1, fostering collaborative relationships. This statement is not intended to undermine the prominent role played by the state of Alaska in managing wildlife for subsistence and other uses. Rather, it speaks to the goal of working with the state and other tribes and agencies to meet subsistence needs.

Additionally, The Chugach National Forest manages more than just “subsistence opportunities.” The Secretary of the Interior and Secretary of Agriculture established the Federal Subsistence Board (36 CFR section 242.10), and assigned it responsibility for administering the subsistence taking and uses of fish and wildlife on public lands. The Alaska Regional Forester holds a seat on this board as does the head of the other federal agencies in Alaska. Chugach National Forest staff plays an active role in developing regulatory proposals, analyzing proposals, and informing the regional forester prior to Federal Subsistence Board meetings.

**Concern Statement 99: The Forest Service should clarify the roles of the various agencies managing subsistence resources and opportunities in the land management plan**

**Sample comments:** *Page 12, Part 1 Vision, Goal 1 Foster Collaborative Relationships, Desired Condition 9 We propose rewriting Desired Condition 9 to emphasize the complexity of subsistence management in Alaska and its dependence on collaborative relationships, proposed changes are underlined: Subsistence management in Alaska is a multi-agency effort to provide the opportunity for a subsistence way of life. In the Chugach Forest, the Service manages a broad array of subsistence resources from wood for heating and construction to grass and berries, etc. ADF&G manages the fish and wildlife resources, the Federal Subsistence Board (FSB) (which a Service representative is part of) manages subsistence allocation of fish and wildlife resources. The Service also works in constant The Chugach National Forest manages subsistence resources in partnerships with other federal and state agencies and in consultation with Alaska Native Tribes and Corporations to foster cooperative management, monitoring and stewardship of natural resources consistent with the goals of ANILCA Title VIII and the decisions of the FSB.*

*Page 4 – We support the recognition of the Department’s management responsibilities on this page of the Plan but request that the language be changed to read: The Alaska Department of Fish and Game has primary management responsibility for fish and wildlife in Alaska, while the Chugach National forest manages subsistence resources on federal lands in partnership with other federal and state agencies in consultation with Alaska Native Tribes and Corporations this includes deference to the State’s regulatory process when decisions may affect management of hunting, fishing, trapping, and wildlife viewing opportunities. The Service manages subsistence uses in the Forest in accordance with direction from the Federal Subsistence Board, the decision-making body that oversees Alaska’s unique Federal Subsistence Management Program. We also note and support the stated intent to continue to manage the Copper River Delta Fish and Wildlife Management Area (CRDFWMA) in accord with the 1986 Memorandum of Understanding (MOU). We request inclusion of the CRDFWMA MOU in the Forest Plan Appendices (and a reference noted on this page) since current language does describe the prescriptions followed in managing the CRDFWMA.*

*Page 15, Goal 2 Contribute to Social and Economic Sustainability. Subsistence Desired Condition 1 – Please clarify that these management actions are taking place under the federal subsistence program.*

**Response:** The text of desired condition number 9 on page 12 of the draft plan captures the intent of this comment in a broader, more inclusive statement. The recommended changes are not needed. The statement about the Federal Subsistence Board managing just allocation of subsistence resources is not entirely accurate as they set seasons and harvest limits for species as does the state of Alaska.

The importance of maintaining effective collaborative relationships between the state of Alaska and the Forest Service is discussed in several places within the land management plan (draft land plan pages 4 and 12). The Chugach National Forest staff remains committed to working cooperatively with the state to foster a united approach to fish and wildlife management, land management, and other mutual issues that will support the management objectives and goals of both agencies to the extent possible. The state's regulatory process is only one of multiple factors that must be considered when evaluating subsistence or forest management decisions. The role of the Federal Subsistence Board has been integrated into the discussion on page 4.

In response to a comment under concern statement 96, a clarifying edit specifying respective roles has been made in the EIS.

**Sample comment:** *We also note and support the stated intent to continue to manage the Copper River Delta Fish and Wildlife Management Area (CRDFWMA) in accord with the 1986 Memorandum of Understanding (MOU). We request inclusion of the CRDFWMA MOU in the Forest Plan Appendices (and a reference noted on this page) since current language does describe the prescriptions followed in managing the CRDFWMA.*

**Response:** Reference to the Copper River Delta Fish and Wildlife Management Area memorandum of understanding has been incorporated in the land management plan under the heading Other Sources of Information.

Concern Statement 97: The Forest Service should prepare an analysis consistent with the Alaska National Interest Lands Conservation Act Section 810

**Sample comment:** *Page 108, Section 810 Analysis. While we appreciate that the Service recognizes ANILCA Section 810 and evaluates the effects of various uses of public lands on subsistence uses and needs, an evaluation should be prepared for this Forest Plan to consider how actions being proposed may affect subsistence uses or needs. The subsistence discussion in the Forest Plan appears to have much of the needed information.*

**Response:** A forestwide evaluation and determination is included in chapter 3 of the final environmental impact statement to facilitate future project-level planning and decision making in compliance with the Alaska National Interest Lands Conservation Act (ANILCA) Section 810.

The subsistence analysis of the draft plan was based on three components: 1) the abundance and distribution of resources, 2) access to subsistence resources, and 3) competition for subsistence resources (draft EIS page 109). The alternatives analyzed in the draft EIS would result in little change to the abundance and distribution of resources, no changes to the access of subsistence resources, or any infrastructure changes that might lead to increased competition for subsistence resources (page 109). Additionally, the components of ANILCA Title VIII that safeguard these subsistence rights remain in place.

The analysis of cumulative effects concluded that based on the subsistence analysis in the draft EIS and considering all relevant information in this analysis, the impact of the proposed action combined with the reasonably foreseeable future activities, and activities planned on adjacent lands, would not significantly restrict subsistence uses of wild resources within the Chugach National Forest. Since no such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands that will significantly restrict subsistence will occur under the revised land management plan, no ANILCA 810 hearings are necessary.

**Concern Statement 98: The Forest Service should more thoroughly analyze the effects of the draft land management plan on subsistence opportunities**

**Sample comment:** *Page 162-163, Past Activities in the EIS includes a general description of ANILCA and its allowed activities on pages 162 and 163. We propose the last paragraph on page 162 that carries over onto page 163 be replaced with the following, which more accurately captures ANILCA's intent. Underlined text indicates the proposed changes. When ANILCA was passed by Congress in 1980, it included provisions that allowed activities, such as fisheries enhancement work, subsistence fishing and hunting, specified uses of motorized equipment and mechanical transport, continued use of existing private cabins that were connected to the taking of fish and wildlife, and the right to access State and private lands within the wilderness study area. Activities that result in infrastructure development, motorized noises, and changes to the natural condition are allowed even though they may affect the character of the wilderness study area. All Alaska residents may participate in subsistence activities, in accordance with State hunting regulations. However, on federal public lands, subsistence is additionally regulated under ANILCA Title VIII and regulations set by the Federal Subsistence Board. ANILCA Title VIII grants subsistence priority to federally qualified rural residents. ANILCA Section 811 allows the use by federally qualified subsistence users of snow machines, motorboats, and other means of surface transport traditionally used to access areas for subsistence. The use of motorized equipment is authorized by permit. ANILCA Section 1110(b) allows residents and non-residents to may use snowmobiles, motorboats, and airplanes and non-motorized methods of transportation, such as bicycles and dog teams. Motorized equipment, such as chainsaws, are allowed for activities directly related to the taking of fish and wildlife; however, such activities must be authorized with a permit. ANILCA Section 1316 allows temporary facilities and equipment directly and necessarily related to the taking of fish and wildlife, things such as meat caches and tent platforms and the use of chainsaws, etc. fall under this category.*

**Response:** The environmental impact statement has been edited to incorporate this change.

**Sample comment:** *The Forest Service must adopt standards and guidelines to implement the Draft Plan's current management approaches for subsistence uses on the CNF. The Draft Plan contains a single "standard" related to subsistence: "Subsistence uses by federally qualified rural residents of Alaska shall be the priority consumptive uses of fish and wildlife ... when it is necessary to restrict the taking of such resources to ensure the persistence of a fish or wildlife population." The Forest Service should recognize that "standard" is actually a "guideline" because it does not provide specific direction or management actions the Forest Service is compelled to take. Consequently, the Forest Service should adopt specific standards to implement the legally-required subsistence priority and provide meaningful protections to subsistence resources.*

**Response:** The draft plan includes relatively little management direction for subsistence uses because these are covered in existing law, regulation, and policy. Existing laws are generally not repeated in the land management plan. Relevant law, regulation, and policy references have been added to the Other Sources of Information section.

The existing standard cited in the comment is specific to consumptive uses. This standard will be replaced with a standard that speaks more generally to the roles of the Chugach National Forest in implementing the intentions of the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII. A guideline was added stating that effects to subsistence resources and uses by rural residents should be considered when designing management actions or evaluating authorized activities, and where appropriate, specific measures should be developed to minimize these effects.

Additionally, the subsistence desired conditions listed on page 15 of the draft plan have been adjusted to better reflect the articles of ANILCA Title VIII that pertain to the management of public lands.

**Sample comment:** *Service must take a "hard look" at the likely effects of its proposed actions. The DEIS fails to meet that standard with respect to ongoing and likely continued effects on subsistence. The DEIS briefly and summarily acknowledges the effects recreation have had on subsistence uses in the CNF: "A large non-rural population surrounds the [CNF] and may compete directly for subsistence resources by*

*participating in harvest activities, or indirectly, by displacing rural residents' harvest through recreational activities." But the Forest Service does not analyze its own actions in encouraging the type of "competing" uses for subsistence resources. The Forest Service fails to acknowledge or analyze in the DEIS the fact that the Draft Plan and the Forest Service's management direction for the CNF has been to encourage those competing non-subsistence resource uses. The Forest Service and the Draft Plan encourage increased competition for subsistence resources by designating important subsistence use areas in Prince William Sound as predominantly for recreational uses. The likely effects of the Forest Service's management priorities are left unanalyzed in the DEIS.*

**Response:** The draft plan, in combination with ANILCA Title VIII, emphasizes the importance of subsistence to all rural residents (page 5) and to Alaska Native People's, Tribes, and Corporations (page 3). While the draft EIS addresses impacts to subsistence on federal lands, much of the increased use of Prince William Sound in the past decade has involved uses on the marine waters (sport fishing, commercial fishing, and sightseeing) which are outside the management jurisdiction of the Forest Service. Recreation use of the land within Prince William Sound has increased but not to the magnitude of use occurring on marine waters. The draft plan has several desired conditions (#3 and #4 on page 15 of the draft plan) which state our intent to manage existing recreation facilities in an economically and socially sustainable way, such that the number and location of recreation facilities reflect current and future public needs and are commensurate with Forest Service financial capabilities. The only desired recreation opportunity spectrum settings for Prince William Sound in all alternatives are either primitive or semi-primitive non-motorized which describes limited facility development, managing for lower densities of visitor use, authorizing smaller group sizes, and primitive or less developed trails. Site-specific development would be a project-level decision, subject to ANILCA 810 (impacts to subsistence) and other analyses, including impacts to fish, wildlife, and other natural resources.

**Concern Statement 100:** The Forest Service should maintain the prohibition on hunting and fishing guide permits on unit 6C, West Copper River Delta area

**Sample comment:** *Recreation and Recreation Special Uses – Item 3. I was encouraged to see the continuation of no hunting and fishing guide permits on unit 6C, West Copper River Delta area. The West Copper River Delta is an important area for resident subsistence use. With the increase in non-resident sport fishermen on the delta it is getting more difficult to harvest salmon for subsistence without being edged out by sport fishermen. If guiding were allowed then this problem would be exacerbated 10 fold.*

**Response:** This comment is supportive of Forestwide Recreational and Special Uses Design Criteria 3 found on page 54 of the draft land management plan.

**Recommendation:** See response to concern statement 35 below.

**Concern Statement 35:** The Forest Service should not prohibit outfitter guide permits in the western Copper River Delta

**Sample comment:** *There is almost no opportunity for small scale or low budget entry into the visitor industry. As it stands now no guiding is allowed West of the Copper River and an extremely limited (1 or 2 depending on who you talk to) number of guided fishing operations allowed on the East side of the Copper River. This has resulted in over-crowding of the road accessible streams. Local businesses drop off dozens and dozens of visitors and the road accessible streams defeating the stated purpose of not allowing guiding on those streams, that of preserving them for local use. The streams East of the Copper River have fish populations that dwarf the road accessible streams that are the primary target of visiting fishermen.*

*Waterfowl hunting is primarily done along the road or within short distances of the few cabin leases on the delta. There is no reason that guided bird hunt should not be allowed on the delta.*

*My reason for submitting this comment, I noticed on page 210 (Attachment of referenced page attached) of the Revised Land and Resource Management Plan for Chugach National Forest, It states the following for the Copper River Delta: "Provide for a wide variety of multiple use opportunities, consistent with the conservation of fish and wildlife, within one-quarter mile either side of existing roads." Another section I would like to quote, "Continue the policy to not issue outfitting and guiding special use permits for fishing and hunting in the western Copper River Delta." I absolutely agree with staying consistent with the conservation of fish and wildlife and ADFG laws and practices. My comment is only subject to/regards guide fishing for Coho salmon in the fall (mid August to mid September). I wanted to ask if there could be some extra consideration in granting a special use permit to guide in the freshwater for silver salmon in the western Copper River Delta (Alaganik slough/18 mile creek to be specific).*

*Page 54, Part 3 – Design Criteria, Wildlife Management, Social and Economic Sustainability, Recreation and Recreation Special Uses – Item 3 in this section states: "To maintain the federal rural subsistence priority of fish and wildlife for qualified rural Alaska residents of State Game Management Unit 6C, outfitting and guiding special use permits for fishing and hunting in the western portion of the Copper River Delta (Game Management Unit 6C) shall not be authorized." [Standard] Outfitting and guiding opportunities are extremely important to the economy of Southcentral Alaska. In addition, the State owns and manages the tidal and submerged lands adjacent to Service uplands and is responsible for the sustainability and management of all fish and wildlife, including for subsistence purposes, regardless of land ownership or designation, unless specifically preempted by federal law. Because of the importance of commercial and recreational activities to State interests, we request an opportunity to work with the Forest Service on this issue prior to publication of the Final Forest Plan. The Federal Subsistence Board assures a priority under ANILCA Title VIII for subsistence opportunities among consumptive uses of fish and wildlife by rural residents on federal lands. At times, the state and federal Boards have worked together to address issues of mutual concern. Any unilateral efforts by the Service to minimize user conflicts, based solely on allocation concerns, would circumvent these existing regulatory processes.*

*Page 54 - Part 3 Design Criteria – Forestwide Standards and Guidelines – Social and Economic Sustainability – Recreation and Recreation Special Uses "3. To maintain the federal rural priority of fish and game for qualified rural Alaska residents of State Game Management Unit 6C, outfitting and guiding special use permits for fishing and hunting in the western portion of the Copper River Delta (Game Management Unit 6C) shall not be authorized. [Standard]" This section should be re-worded "To maintain the federal rural priority for the harvest of fish and game by qualified rural Alaska residents, outfitting and guiding special use permits for fishing and hunting may not be authorized in specified areas if necessary for conservation of healthy populations of fish and wildlife resources, or to continue subsistence uses of those populations." As written, this section unnecessarily outlines a specific closure within a portion of the Chugach National Forest. There are numerous examples around the state, including the Upper Copper River region within the Wrangell St. Elias National Preserve in Game Management Unit 11 where commercial use of hunting and angling guides is permitted along-side federally designated local subsistence users. We urge the USFS to remove such a blanket closure in this plan in the absence of any permanent data indicating the closure is necessary for conservation or continuation of subsistence uses.*

**Response:** The 2002 Chugach National Forest Land and Resource Management Plan addresses in the record of decision (at page 25) and in the plan (in appendix A at A-5) the issue of outfitting and guiding on the western Copper River Delta. These documents clarify the decision to "Continue the policy to not issue outfitting and guiding special use permits for fishing and hunting in the western Copper River Delta." This addition to the record of decision was a result of a Cordova community supported "home rule," which existed prior to the 2002 plan, to maintain availability of subsistence fish and game resources to the local residents of Cordova through the prohibition of outfitting and guiding on the western Copper River Delta. This did not include restrictions on outfitting or guiding operations on the western Copper River Delta, not associated with hunting or fishing activities (tours, etc.).

To gauge public interest/concern and or support for the "home rule," the district ranger held a public meeting on April 20, 2015 to discuss the issue. This was one of the district's best-attended public

meetings, with an extensive majority of those in attendance against changing the “home rule” policy. At the end of the meeting, the 41 people in attendance wanted to do a straw poll to understand support or opposition from those in attendance. Of those attending, 37 people supported keeping the rule, three people wanted to change the rule, and one person was uncommitted.

**Recommendation:** The following “Desired Condition” and “Management Approach” have been added to the revised land management plan, recognizing the importance of subsistence harvest opportunities on the west Copper River Delta and giving line officers some flexibility in addressing the public’s concerns:

Desired Condition—Multiple user groups are able to engage in consumptive fish and wildlife activities on the west Copper River Delta with minimal crowding. The Forest Service collaborates with stakeholders, including local communities, federally recognized Alaska Native Tribes and Alaska Native Corporations, and the state of Alaska to manage permitted recreational consumptive uses.

Management Approach—Local line officers will work with stakeholders to manage overcrowding between permitted recreational consumptive uses of fish and wildlife on the west Copper River Delta and federally qualified rural Alaskan residents engaged in subsistence activities.

## Social and Economic Sustainability – Tribal and Cultural

Concern Statement 103: The land management plan should recognize Alaska Native subsistence uses within each management area

**Sample comment:** On pp. 51, under Management Area Objectives and Management Approaches, Management Area 3 Research Natural Areas, Management Approaches, the following new bullets should be added:

- *“Ensure Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within research natural areas. Develop cooperative management strategies that help identify any Forest Service actions which could affect or interfere with subsistence activities within research natural areas and strategies which prevent any impact on or interference with such subsistence activities.”*

**Response:** This suggested bullet was addressed in the draft land management plan on page 12 – Vision; Goal 1: Foster Collaborative Relationships; Desired Conditions associated with Goal 1 (9) “The Chugach National Forest manages subsistence resources in partnerships with other federal and state agencies and in consultation with Alaska Native Tribes and Alaska Native Corporations to foster cooperative management, monitoring and stewardship of natural resources consistent with the goals of ANILCA Title VIII and the decisions of the Federal Subsistence Board.”

- *“Identify in consultation with Alaska Native corporations and other Alaska Native groups subsistence management areas and subsistence use sites within research natural areas. Support and authorize subsistence activities within research natural areas and support and authorize the use and development of subsistence use sites, including the development of subsistence related infrastructure such as fish camps and camp sites.”*

**Response:** This suggested bullet is beyond the scope of the land management plan. As stated on page 1, paragraph 6; the land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The draft land management plan incorporates the following characteristics: it does not authorize projects or activities and does not commit the Forest Service to take action. On page 11 under Desired Conditions associated with Goal 1 it states that The Forest Service cultivates legal and trust relationships with Alaska Native Tribes and Alaska Native



Corporations such that: a. Through consultation, Forest Service decisions having tribal implications are clearly communicated and understood by all parties.

- *“Consult with Alaska Native corporations and other Alaska Native groups regarding subsistence and other historic or cultural activities within research natural areas.”*

**Response:** Consultation with Alaska Native Tribes and Alaska Native Corporations is addressed on page 11 under Desired Conditions associated with Goal 1 it states that The Forest Service cultivates legal and trust relationships with Alaska Native Tribes and Alaska Native Corporations such that: a. Through consultation, Forest Service decisions having tribal implications are clearly communicated and understood by all parties; and page 12 (9) “The Chugach National Forest manages subsistence resources in partnerships with other federal and state agencies and in consultation with Alaska Native Tribes and Alaska Native Corporations to foster cooperative management, monitoring and stewardship of natural resources consistent with the goals of ANILCA Title VIII and the decisions of the Federal Subsistence Board.”

Concern Statement 123: The Forest Service should allow Alaska Native Tribes to submit comments on all proposed activities and uses on National Forest System lands

**Sample comment:** *I feel that Alaska Native Tribes who participate in the above plan should be given the right to submit comments regarding any changes to the National Forests.*

**Response:** Federally recognized Alaska Native Tribes and Alaska Native Corporations retain the right to submit comments regarding changes to national forest planning as provided for in 36 Code of Federal Regulations 219.4.

(a) Providing opportunities for participation.

(1) Outreach.

(v) Interested or affected federally recognized Indian Tribes or Alaska Native Corporations.

Where appropriate, the responsible official shall encourage federally recognized Tribes to seek cooperating agency status in the National Environmental Policy Act process for development, amendment, or revision of a plan. The responsible official may participate in planning efforts of federally recognized Indian Tribes and Alaska Native Corporations, where practicable and appropriate.

(2) Consultation with federally recognized Indian Tribes and Alaska Native Corporations. The Department recognizes the federal government has certain trust responsibilities and a unique legal relationship with federally recognized Indian Tribes. The responsible official shall honor the government-to-government relationship between federally recognized Indian Tribes and the federal government. The responsible official shall provide to federally recognized Indian Tribes and Alaska Native Corporations the opportunity to undertake consultation consistent with Executive Order 13175 of November 6, 2000, and 25 United States Code 450 note.

(3) Native knowledge, indigenous ecological knowledge, and land ethics. As part of tribal participation and consultation as set forth in paragraphs (a)(1)(v) and (a)(2) of this section, the responsible official shall request information about native knowledge, land ethics, cultural issues, and sacred and culturally significant sites.

(b) Coordination with other public planning efforts.

(1) The responsible official shall coordinate land management planning with the equivalent and related planning efforts of federally recognized Indian Tribes, Alaska Native Corporations, other federal agencies, and state and local governments.

- (2) For plan development or revision, the responsible official shall review the planning and land use policies of federally recognized Indian Tribes (43 United States Code 1712(b)), Alaska Native Corporations, other federal agencies, and state and local governments, where relevant to the plan area. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of:
- (i) The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other federal agencies, and state and local governments, as expressed in their plans and policies;
  - (ii) The compatibility and interrelated impacts of these plans and policies;
  - (iii) Opportunities for the plan to address the impacts identified or to contribute to joint objectives; and
  - (iv) Opportunities to resolve or reduce conflicts, within the context of developing the plans desired conditions or objectives.
- (3) Nothing in this section should be read to indicate that the responsible official will seek to direct or control management of lands outside of the plan area, nor will the responsible official conform management to meet non-Forest Service objectives or policies.

**Concern Statement 144: The Forest Service should include specific plan components describing the consultation process**

**Sample comment:** *In all information about Dena'Ina by mail, website, newsletter, pamphlets, brochures, etc., we are consulted to confirm accurateness of the information before it is distributed.*

**Response:** The Forest Service recognizes the importance of tribal input in the development of and distribution of information regarding Alaska Native Tribes. In the draft plan on page 12 under Desired Conditions associated with Goal 2 (1) it is stated, “The public is provided opportunities to learn about Alaska Native cultural history and practices. Educational opportunities regarding Alaska Native culture are developed and reviewed by Alaska Native Tribes and Alaska Native Corporations in partnership with the Forest Service.” Additionally, on page 41 under Social and Economic Strategy, Interagency Relationships, Management Approaches, bullet 1 it is stated, “Protect and maintain the distinct public values of priority heritage assets. Opportunities for interpretation, including the use of Native language, research, stewardship, and enjoyment of the cultural past are available and are considered in management strategies and through consultation and coordination with affected Alaska Native Tribes and Alaska Native Corporations in accordance with Executive Order 13175, so that knowledge about the past is synthesized and made ready available for public interpretation.”

**Sample comment:** *CAC has consistently stressed the importance of consultation between the Forest Service and Alaska Native Corporations and tribes. Consultation is not only important to the social and cultural history of Alaska Natives, it is a legal mandate. The 2012 Planning Rule, 36 C.F.R. § 219.4, requires the Forest Service “to provide to federally recognized Indian Tribes and Alaska Native Corporations the opportunity to undertake consultation.” Executive Order 13175 explains that consultation must be “meaningful and timely.” Unfortunately, it appears those requirements for meaningful and timely consultation were not fully met here. CAC and the Forest Service participated in a formal consultation meeting on January 11, 2017. At that meeting, the Forest Service presented “Proposed Plan Components for Tribal Relations and Cultural Resources.” CAC provided favorable feedback on most of the Forest Service’s proposed plan components in a February 10, 2017 comment letter. The Draft Plan, however did not include many of the specific plan components that were presented and discussed at the consultation. Although it is expected that the Forest Service would make changes to the proposed plan components between consultation and release of the Draft Plan, the Forest Service should have notified CAC and other Alaska Native Corporations and tribes of its intent to entirely eliminate some of the most important and specific plan components that were discussed during consultation. It is not meaningful consultation if the*

*focus of the consultation is on proposed plan components that the Forest Service has either no intention of including in the final plan or decides later to entirely eliminate from further consideration. The Forest Service should have reinitiated consultation with CAC to explain its reasoning before issuing the Draft Plan. The plan revision process demonstrates once again the need to include specific, detailed plan components addressing mutual expectations regarding consultation. CAC continues to believe there is a significant need for agreements between the Forest Service and Alaska Native Corporations and tribes regarding consultation and forest management collaboration. Specific plan components are necessary to supplement the broad consultation goals stated in federal law and Forest Service policies. 3 (3 See Forest Service Handbook (FSH) 1509.13, Chapter 10; Forest Service Manual (FSM) Chapter 1920.32) Specific plan components will ensure CNF staff at all levels appreciate the importance of consultation and know exactly when and how consultation should occur.*

**Response:** Chugach Alaska Corporation is correct in questioning the rationale between the Forest Service’s presentation of specific plan components during consultation, and then either eliminating, rewording, or moving them to another area of the plan. Although the decisions made by Chugach National Forest personnel were warranted, consultation should have occurred before the release of the draft plan. We agree with Chugach Alaska Corporation that there is significant need for agreements between consulting parties, as outlined in Forest Service policy, and that the Chugach National Forest needs to take additional steps in ensuring that the consultation process is followed as outlined on a consistent basis. A formal apology that includes the rationale in planning decisionmaking and the rationale for omitting the presented plan components to affected Alaska Native Tribes and Alaska Native Corporations will be issued by the Forest Service prior to finalization of the land management plan. However, a reiteration of existing policy regarding specific consultation expectations is beyond the scope of the land management plan.

As stated in Forest Service policy, government-to-government consultation is often varying and complex, and the Chugach National Forest recognizes the necessity of ensuring at the initiation of consultation a determination of what the process of consultation will look like between the parties for the action under consideration. We encourage and support development of agreements to support that process.

**Sample comment:** *The following plan components were proposed by the Forest Service in early 2017 but not included in the Draft Plan; they should be included in the final plan:*

- *“Within two years of forest plan approval, explore and develop additional memoranda of agreements between the CNF and Alaska Native Tribes and Corporations, at the request of either party, to guide the consultation process, reflect Alaska Native perspectives and interests, and to identify and meet shared objectives.”*

**Response:** This was a line officer decision to remove from the plan because it is stated under Forest Service policy and was duplicative with presented objective #3.

- *“Projects that may result in economic development for Alaska Native communities are identified and implemented annually on National Forest System lands. Encourage projects in the vicinity of mutually agreed upon communities that are consistent with Forest management practices and of economic interest to affected Alaska Native Tribes.”*

**Response:** This was omitted because it is project direction and beyond the scope of the land management plan, which as stated on page 1, paragraph 6, first bullet; it does not authorize projects or activities and does not commit the Forest Service to take action.

- *“Within five years of forest plan approval, cooperative processes are developed to respond to consultation requests from affected Alaska Native Tribes and Alaska Native Corporations, concerning potential for adverse impacts caused by special use permits and public information products [sic] occurring near and within identified Alaska Native cultural sites within the National*

*Forest. Consultation emphasizes protection for sites which are also eligible for inclusion in the National Register of Historic Places or of other significant interest to the affected Alaska Native Tribe [or Alaska Native Corporation].”*

**Response:** This was omitted, as it was originally duplicative with the next proposed objective.

- *“On an ongoing basis, partnerships are formed with Alaska Native Tribes and Alaska Native Corporations to establish mutually beneficial projects to manage invasive species and prioritize resource projects in Prince William Sound.”*

**Response:** This suggestion was addressed in the draft land management plan on Pg. 12 – Vision; Goal 1: Foster Collaborative Relationships; Desired Conditions associated with Goal 1 (9) “The Chugach National Forest manages subsistence resources in partnerships with other federal and state agencies and in consultation with Alaska Native Tribes and Alaska Native Corporations to foster cooperative management, monitoring and stewardship of natural resources consistent with the goals of ANILCA Title VIII and the decisions of the Federal Subsistence Board.”

**Sample comment:** *In addition to these proposed plan components, the Forest Service should make it clear that consultation should begin as early in the planning process as possible and be reinitiated if significant changes to the plan occur. It would be helpful if the Forest Service recognizes and articulates the underlying principles of consultation and include those in the Draft Plan. For example, the Forest Service should include a Standard that all projects requiring Supervisor or District Ranger approval be subject to formal consultation procedures, including in-person meetings with willing and interested Alaska Native Corporations and tribes.*

**Response:** This comment is addressed in Forest Service policy Forest Service Manual 1509, which outlines the consultation process. As stated on page 1, paragraph 4, sentence 2, “... management of National Forest System lands is guided and constrained by laws, regulations, and executive orders, in addition to policies, practices, and procedures in the Forest Service Directory System (Forest Service Manual and Forest Service Handbook).

**Sample comment:** *The Forest Service should adopt plan components for consultation with Alaska Native Corporations. Alaska Natives continue to endure an historic struggle rooted in colonialism to have their voices heard in matters affecting their lives and livelihoods. One of the most important ways the Forest Service can ensure Alaska Natives' voices are heard in every significant decision is through a more proactive consultation process. Consultation is often treated as a mere formality, but it is a vitally important part way of showing mutual respect between the federal government and the Alaska Native Corporations (ANCs) and tribes Congress has specifically identified as representatives of Alaska Native interests. While consultation may sometimes go overlooked, it should never be undervalued. The Forest Service's obligations to consult with ANCs and tribes during this plan revision are prescribed by the 2012 Planning Rule, 36 C.F.R. § 219.4; however, procedures for consulting on the Forest Service's management activities conducted during the life of the plan are inadequately defined. The Forest Service's obligations to consult are guided by Executive Order 13175, which mandates federal agencies solicit “meaningful and timely input by tribal officials [including ANCs] in the development of regulatory policies that have tribal implications.”<sup>1</sup> U.S. Department of Agriculture (USDA) policies require the Forest Service to “maintain an accountable process to ensure regular and meaningful consultation with Tribal officials in the development of policies that may have Tribal implications.”<sup>2</sup> The USDA policies further provide: “If there is any potential for an effect, consultation may be required, depending on the extent (significance) of the effect. If the agency does not know the significance of the effect, or even whether there will be an effect, the agency should inquire of potentially affected Tribes whether the Tribe thinks there would be an effect, how significant such an effect may be, and whether they would like to consult.” Forest Service directives implementing Executive Order 13175 and the USDA policies suggest, but do not require, face-to-face consultation, including “listening sessions, roundtables, focus groups, sessions at conferences, or even web-based forums to identify issues, interest, rights, and desired outcomes.”<sup>3</sup> The Forest Service directives also advise agency staff to schedule consultations at “places and at times that are convenient for the tribe's members,” and to consider paying travel expenses or reimbursing other costs incurred by Alaska*

*Natives due to the consultation. The past experiences of ANCs and tribes consulting with federal agencies demonstrate the need for the CNF land management plan to include specific, detailed plan components for such consultation. In 2017, the Forest Service circulated "Proposed Plan Components for Tribal Relations and Cultural Resources," which contained several proposed plan components addressing consultation. Those proposed plan components were not included in the Draft Plan, but should have been. Specifically, the final plan should include the following standards and guidelines: 1. "Within two years of forest plan approval, explore and develop additional memoranda of agreements between the CNF and Alaska Native Tribes and Corporations, at the request of either party, to guide the consultation process, reflect Alaska Native perspectives and interests, and to identify and meet shared objectives." "Within five years of forest plan approval, cooperative policies are developed to respond to consultation requests from affected Alaska Native Tribes and Alaska Native Corporations, concerning potential adverse impacts caused by special use permits and public information products occurring near and within identified Alaska Native cultural sites within the National Forest. Consultation emphasizes protection for sites which are also eligible for inclusion in the National Register of Historic Places or of other significant interest to the affected Alaska Native Tribe [or Alaska Native Corporation]."*

**Sample comment:** *For Chenega and its shareholders, it is particularly important that the final plan recognize an opportunity to consult with the Forest Service on management activities affecting culturally important historical sites-many of which are not designated as National Register historic sites or ANCSA section 14(h)(l) sites. Indeed, many of those culturally important historical sites have not been documented on maps or had their precise locations made known, and Chenega intends to keep their locations confidential. In such circumstances, it is incumbent on the Forest Service to proactively seek out consultation with Chenega on any management activities that may affect cultural or historic sites. Chenega also urges the Forest Service to engage rural Alaska Native residents in management decisions early and often. It is important that consultation occur in villages and local affected communities in Prince William Sound whenever possible. Forest Service staff should be available to address concerns and explain management activities on the ground in affected communities before decisions are made at the line officer level.*

**Response:** Consultation with Alaska Native Tribes and Alaska Native Corporations is addressed on page 11 under Desired Conditions associated with Goal 1 it states that The Forest Service cultivates legal and trust relationships with Alaska Native Tribes and Alaska Native Corporations such that: a. Through consultation, Forest Service decisions having tribal implications are clearly communicated and understood by all parties.

**Sample comment:** *Adopting plan components for consultation is also one way the Forest Service can address the Draft Plan's failure to meet the 2012 Planning Rule's requirements for standards and guidelines for the "protection of cultural and historic resources."*

**Response:** Guidelines and Standards for the "protection of cultural and historic resources" have been omitted from the plan because they are provided for in existing law, regulation, and policy. As stated on page 1 of the draft land management plan, paragraph 4, sentence 3, "... management of National Forest System lands is guided and constrained by laws, regulations, and executive orders, in addition to policies, practices, and procedures in the Forest Service Directive System" (Forest Service Manual and Forest Service Handbook). Additionally, as stated on page 59 of the draft land management plan under the heading Cultural Resources, it is stated that the Forest Service shall implement stipulations and guidelines set forth in the Programmatic Agreement among the USDA Forest Service, Alaska Region, The Advisory Council on Historic Preservation, and the Alaska State Historic Preservation Officer Regarding Heritage Program Management on National Forests in the state of Alaska when taking into account the effects of its actions on historic properties in satisfying the Forest Service's Section 106 responsibilities, which provides guidelines and standards and reiterates existing law, regulation, and policy.

**Sample comment:** *Although the Draft Plan provides three overarching goals upon which the plan is structured, Goal 1 Collaborative Relationships Strategy, has no corresponding forestwide standards and guidelines. There is a single “management approach” for achieving the desired condition under that goal that the “statutory rights and interests of Alaska Native Corporations are acknowledge and supported.” 5 The Forest Service should adopt meaningful standards and guidelines for that desired condition, and the Forest Service must adopt standards and guidelines specifically designed for the Collaborative Relationships Strategy.*

**Response:** In some cases, it is more appropriate to support the achievement of desired conditions with existing laws, regulations, or program management policies, practices, and procedures that are in the Forest Service Directive System. Since the 2012 Planning Rule discourages repetition of existing legal and otherwise established policy and program requirements (36 CFR part 219, section 219.2), standards and guidelines that would only repeat laws are not included in the draft plan unless there is a specific need for clarification. The draft land management plan, on page 3, does recognize that while “many federal laws influence the roles and contributions of the national forest, the Alaska Native Claims Settlement Act of 1971 (ANCSA) and Alaska National Interest Lands Conservation Act of 1980 (ANILCA) continue to affect the day-to-day management of resources...”

According to the 2012 Planning Rule, goals are optional plan components that are defined as follows: “Goals are broad statements of intent, other than desired conditions, usually related to process or interaction with the public. Goals are expressed in, broad general terms, but do not include completion dates,” (36 CFR part 219, §219.7). The intent of the goal will be met by adhering to ANCSA and ANILCA.

While the 2012 Planning Rule, defines standards and guidelines as plan components that must be included in every plan (36 CFR part 219, section 219.7) it does not require standards and guidelines for every desired condition.

The Tribal Relations program for the Chugach National Forest is summarized in the draft EIS (pages 95–102). Laws that guide the Tribal Relations Program are listed on page 96 of the draft EIS.

Concern Statement 145: The land management plan should include additional plan components related to cultural resources and tribal interests

**Sample comment:** *The Forest Service must include standards and guidelines specifically for the “protection of cultural and historic resources.” Clarifying consultation procedures and including plan components for consultation and cooperative management with Chenega in the Draft Plan would be a good starting point to ensure the Forest Service protects cultural and historic resources important to Chenega’s shareholders.*

**Response:** Guidelines and Standards for the “protection of cultural and historic resources” have been omitted from the plan because they are provided for in existing law, regulation, and policy. As stated on page 1 of the draft land management plan, paragraph 4, sentence 3, “... management of National Forest System lands is guided and constrained by laws, regulations, and executive orders, in addition to policies, practices, and procedures in the Forest Service Directive System” (Forest Service Manual and Forest Service Handbook). Additionally, as stated on page 59 of the draft land management plan under the heading Cultural Resources, it is stated that the Forest Service shall implement stipulations and guidelines set forth in the Programmatic Agreement among the USDA Forest Service, Alaska Region, The Advisory Council on Historic Preservation, and the Alaska State Historic Preservation Officer Regarding Heritage Program Management on National Forests in the state of Alaska when taking into account the effects of its actions on historic properties in satisfying the Forest Service’s Section 106 responsibilities, which provides guidelines and standards and reiterates existing law, regulation, and policy.

Additionally, government-to-government consultation with federally recognized tribes and Alaska Native Corporations is outlined in 36 Code of Federal Regulations 219.4. Consultation with Alaska Native Tribes and Alaska Native Corporations is addressed on page 11 under Desired Conditions associated with Goal 1 it states that The Forest Service cultivates legal and trust relationships with Alaska Native Tribes and Alaska Native Corporations such that: a. Through consultation, Forest Service decisions having tribal implications are clearly communicated and understood by all parties.

**Concern Statement 152:** The Forest Service should add more specific plan components to promote both historical and current traditions of the Dena'ina culture

**Sample comment:** *In naming any new places, streams, mountains, paths, roads, etc., the Tribe is consulted in naming the place with a Dena'Ina name.*

**Response:** The Forest Service does not create legal place names with regards to natural features. The United States Geological Society is responsible for the naming of geographical place names. However, the Forest Service does actively provide recommendations to the United States Geological Society and through consultation with federally recognized tribes' attempts to incorporate traditional Native place names where available and appropriate.

The naming of man-made features such as paths and roads is at the discretion of the Forest Service on National Forest System lands. When engaged in tribal consultation for the projects that create these features, the consulting tribe is encouraged to provide a recommendation of a traditional Native name to be applied to that feature.

The comment is outside the scope of the land management plan.

**Sample comment:** *Work with Forest Service to identify other areas, besides K'Beq, for culturally appropriate activities or camps for youth and adults.*

**Response:** Federally recognized tribes have the right to request consultation, propose projects, and to provide recommendations for joint national forest and tribal projects and activities at any time. However, the identification of resource areas for culturally appropriate activities or camps is beyond the scope of this plan.

**Concern Statement 154:** The land management plan should specifically list all the federally recognized tribes and corporations, and village corporations

**Sample comment:** *On page three of the draft, under Alaska Native Peoples, Tribes and Corporations, we want the thirteen federally recognized tribes to be spelled out in the first paragraph. For example, Kenaitze Indian Tribe, etc. On the second paragraph we want the village corporations spelled out, for example, Kenai Natives Association, etc.*

**Response:** Your comment was considered and incorporated into the land management plan.

**Concern Statement 225:** Editorial change requests

**Sample comment:** *In the first paragraph on page 4 of the Draft Plan, the following language should be added to the last sentence: "and other sites of cultural and historic significance."*

**Response:** Although somewhat redundant to the original paragraph, your comment was considered and incorporated into the land management plan by rewording the paragraph to include your suggestion.

**Sample comment:** On page 6 in the paragraph under the heading “Wilderness Study Area,” the following new sentence should be added after the second sentence: “The wilderness study area continues to be an essential area for subsistence hunting, fishing, and gathering by Alaska Native people. It also contains sites of historic and cultural significance for Alaska Natives.”

**Response:** Your comment was considered and the suggested wording was included in the paragraph in the land management plan.

**Sample comment:** On page 13, paragraph 1.a., should be revised to read as follows: “Alaska Native subsistence use areas and areas of cultural and historic significance to Alaska Natives, including (but not limited to) the Sqilantnu Archaeological District and other areas, are identified and protected against trespass, use and degradation by recreational and commercial users.”

**Response:** Areas of cultural and historic significance to Alaska Natives are identified and protected under existing laws, regulations, and Forest Service policy. Although sites of historic and cultural significance (i.e., eligible for, or listed in the National Register of Historic Places) are afforded certain protections, these may or may not include “trespass” dependent on the nature of the historic property under protection. Damage and degradation of historic sites eligible for inclusion or listed in the National Register of Historic Places are afforded protections under the Archeological Resources Protection Act, the Antiquities Act, and other existing federal regulations and policies.

The desired condition to protect against degradation may or may not include protections of site use by varying public and/or commercial groups. Special protections for these site types are developed through government-to-government consultation. Goal 1 on page 11 (2) addresses the recognition of the Chugach National Forest as ancestral lands and the necessity of the Forest Service and Alaska Native Tribes and Alaska Native Corporations jointly through consultation identify and achieve common desired conditions across shared boundaries. Further in goal 2, page 13 (1)(c) states; “The Forest Service works collaboratively to identify and prioritize posting of boundaries of National Forest System lands and interests in lands...”

**Sample comment:** On p. 40, under Forest wide Objectives and Management Approaches, Collaborative Relationships Strategy, Tribal Relations, Management Approaches, bullet 3 should be deleted and replaced with the following:

- “Notify and consult with Alaska Native Corporations and tribal organizations on Forest Service actions which could potentially affect subsistence hunting, fishing, or gathering and related uses or which could potentially affect areas of subsistence, cultural and historic significance to Alaska Natives, including (but not limited to) ANCSA 14(h)(1) historic sites. For actions on NFS lands that may affect subsistence activities or subsistence, cultural or historical sites, the Forest Service and Alaska Native groups should develop cooperative management strategies: (i) that help identify such actions; (ii) that prevent any uses which interfere with subsistence activities; and (iii) that guard against trespass, use or degradation of areas of subsistence, cultural or historic significance to Alaska Natives by recreational or commercial users. Consult with Alaska Native Corporations and tribal organizations on efforts to identify and protect cultural and historic sites within the CNF and consult with Alaska Native Corporations and tribal organizations on implementation of Forest Service efforts regarding historic preservation within the CNF, including actions under the 2017 Programmatic Agreement, among the Forest Service, the Advisory Council on Historic Preservation, the Alaska State Historic Preservation Officer.”

**Response:** Consultation with federally recognized tribes and Alaska Native Corporations is required under existing law, regulation, and policy. The management approach in bullet 3 of the reference comment is a desire to develop cooperative agreements in the management of historic sites of cultural and historic importance through government-to-government consultation that may or may not address the suggested bullet revision. Additionally, under Goal 1 – Foster Collaborative Relationships, Desired Conditions associated with Goal 1 (1)(b) Communication between Forest Service personnel



(heritage staff, tribal liaisons, resources specialists) and representatives from Alaska Native Tribes and Alaska Native Corporations occurs at each other's request and results in a spirit of shared stewardship.

**Sample comment:** *On p. 421, under Forest wide Objectives and Management Approaches, Social and Economic Sustainability Strategy, Subsistence Resources, Management Approaches, the following new bullets should be added:*

- *“Provide Alaska Natives with information about subsistence opportunities within the CNF and information about how Alaska Natives can learn more about their subsistence rights.”*

**Response:** Qualified rural residents of Alaska are eligible to participate in the subsistence harvest of berries, mushrooms, plants, roots, fish, mammals, and birds through federal regulations. The land management plan includes plan components for subsistence, such as, continuing to support abundant wild renewable resources important for subsistence uses by rural Alaska residents and providing Alaska residents with information about subsistence uses on National Forest System lands.

- *“Work with Alaska Native Corporations, Alaska native tribes and other Alaska Native groups or individual to identify subsistence management areas and subsistence use sites.”*

**Response:** This suggested bullet is beyond the scope of the land management plan. As stated on page 1, paragraph 6: the land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The draft land management plan incorporates the following characteristics: it does not authorize projects or activities and does not commit the Forest Service to take action. On page 11 under Desired Conditions associated with Goal 1 it states that the Forest Service cultivates legal and trust relationships with Alaska Native Tribes and Alaska Native Corporations such that: a. Through consultation, Forest Service decisions having tribal implications are clearly communicated and understood by all parties.

- *“Develop cooperative management strategies that assist Alaska Natives in accessing and using subsistence management and subsistence use sites.”*

**Response:** This has been addressed in the draft land management plan on Page 12 – Vision; Goal 1: Foster Collaborative Relationships; Desired Conditions associated with Goal 1 (9) The Chugach National Forest manages subsistence resources in partnerships with other federal and state agencies and in consultation with Alaska Native Tribes and Alaska Native Corporations to foster cooperative management, monitoring and stewardship of natural resources consistent with the goals of ANILCA Title VIII and the decisions of the Federal Subsistence Board.

- *“Work with Alaska Native corporations to develop infrastructure related to subsistence activities (e.g., fish camps, docks, moorings, and camp sites). Ensure that non-subsistence users such as recreational or commercial users are aware Alaska Natives' historic home in the CNF and Alaska Natives' essential economic and cultural rights to pursue subsistence activities.”*

**Response:** Development of infrastructure related to subsistence activities is outside the scope of the land management plan. As stated on page 1, paragraph 6; the land management plan provides broad guidance and information for project and activity decisionmaking for the next 10 to 15 years. The plan does not authorize projects or activities and does not commit the Forest Service to take action. On page 11 under Desired Conditions associated with Goal 1 it states that The Forest Service cultivates legal and trust relationships with Alaska Native Tribes and Alaska Native Corporations such that: a. Through consultation, Forest Service decisions having tribal implications are clearly communicated and understood by all parties.

- “Develop cooperative management strategies (i) that help identify any Forest Service actions which could affect or interfere with subsistence activities; (ii) that prevent any uses which interfere with subsistence activities; and (iii) that guard against excessive use or degradation of subsistence management areas or subsistence use sites.”

**Response:** The draft EIS associated with this draft land management plan states on page 38, under Subsistence Resources, paragraph 2; None of the alternatives limit access to public lands for the purposes of subsistence gathering activities. No new road construction is proposed in the land management plan or any of the alternatives. Motorized access for subsistence activities by rural residents of Alaska would not change under the alternatives.

## Ecological Sustainability – Aquatic Habitats and Fish

Concern Statement 21: The Forest Service should protect salmon runs from the effects of dams and pollution

**Sample comment:** *Salmon runs must be protected from dams and pollution.*

**Response:** The Forest Service concurs and protects salmon runs through fish habitat restoration projects (pages 17, 57); the development of inventories of bridges, dams and major culverts; the replacement of culverts that do not allow for aquatic organism passage (page 44); and authorization of acceptable development of hydroelectric facilities, water and flood control dams, and water resource development projects (page 60) that meet aquatic organism passage standards (U.S. Department of Agriculture Forest Service 2008, U.S. Department of Transportation – Federal Highway Administration 2010).

Concern Statement 23: The Forest Service should provide an unbiased analysis related to hatchery fish

**Sample comment:** *VFDA is very concerned about the inferences contained within the document in the Environmental Consequences section that lead the reader to conclude without evidence that hatchery salmon negatively impact natural salmon stocks in Prince William Sound. The draft EIS implies that hatchery salmon have a deleterious effect on natural salmon stocks. While there is ongoing research to document the interactions of hatchery pink and chum salmon on natural salmon stocks in Prince William Sound and Southeast Alaska, there is no scientific evidence that strongly supports this theory. We find the statement, “A number of studies on coho salmon, Chinook salmon, and steelhead trout have demonstrated that hatchery and wild fish spawning under natural conditions differ considerably in their relative ability to produce surviving offspring (Araki et al. 2008; Buhle et al. 2009; Chilcote, Leider et al. 1990). Chilcote et al. (2011) estimated that a naturally spawning population composed entirely of hatchery fish would have approximately one-tenth the reproduction rate as a population composed entirely of wild fish,” particularly troubling as it has little relevance to current hatchery programs in Prince William Sound or species currently being propagated in significant amounts for fisheries enhancement. The EIS cites work conducted by Hilborn & Eggers (2000) that claims that hatchery fish have largely replaced rather than supported wild pink salmon populations reproductively in Prince William Sound. This leads the reader to the conclusion that hatchery pink salmon are outcompeting natural pink salmon stocks even though there is no empirical evidence to conclude that as fact. Returns of natural pink salmon to PWS have reached record production in recent years. Also, an analysis conducted by Wertheimer et al (2001) largely concluded, to the contrary, that hatchery pink salmon have actually increased wild pink salmon production in Prince William Sound. We find that the statements made in this EIS are largely biased, offer no opposing scientific study or provide the reader with proper scientific context. Thank you for the opportunity to comment on the draft EIS.*

**Response:** The Forest Service did not intend to state or imply that hatchery salmon negatively impact wild salmon stocks in Prince William Sound or that there is not support for aquaculture and hatcheries. There was no bias in the original analysis against hatcheries and the Forest Service supports the continued investigations into these and other studies that provide information and data

supporting current recreation, resource and habitat management activities or resulting in changes in management practices to meet a scientifically based need. The data and literature cited in the draft EIS are based on peer reviewed and published data that presented evidence to support what was being observed at the time of the analysis. The abstract in Brenner et al. 2012 study entitled, “Straying of hatchery salmon in Prince William Sound, Alaska” begins, “The straying of hatchery salmon may harm wild salmon populations through a variety of ecological and genetic mechanisms.” This publication as well as future studies and data may change both the observations and the actions available to manage lands supporting the resources of interest. Some of the most recent reports of productivity and escapements were not available when the analysis was prepared but will certainly be evaluated.

The Forest Service continues to adhere to all of the Alaska National Interest Lands Conservation Act (ANILCA) Title XIII provisions related to fish hatcheries. The Chugach National Forest authorizes special use permits for hatcheries located on national forest lands. Those special use permits in the wilderness study area ensure the fish hatcheries that are authorized meet the appropriate ANILCA provisions.

**Concern Statement 24:** The Forest Service should provide references to support the statistics on salmon presented in the Introduction to the land management plan

**Sample comment:** *Page 6, Salmon – Please provide citations for the numbers and statistics cited in the summary.*

**Response:** The commenter is correct; the Salmon section of the Introduction on page 6 does not provide references. Numbers (values) have been updated in the final environmental impact statement chapter 3, Social and Economic Contributions section, under Commercial Fishing to reflect current information and the discussion in the land management plan reflects these updates.

**Concern Statement 26:** The Forest Service should clarify its analysis of the effects of wildfire on fish habitat

**Sample comment:** *The discussion of “large catastrophic wildfire” effects on fish habitat needs some explanation. Are these fires outside of the natural range of variation?*

**Response:** The use of the term “large catastrophic fire” is changed to “high-severity fire” in the final environmental impact statement. A high-severity fire can have unwanted consequences even if it occurs in the natural range of variation. A high-severity fire is capable of completely burning all the fuels available denuding the riparian/shore vegetation to such an extent that could lead to severe erosion of the bank and shoreline, high sedimentation in the streams and potentially higher stream temperatures during critical nesting times, to mention a few concerns.

**Concern Statement 291:** In determining management actions, the Forest Service should consider the effects of climate change on salmon

**Sample comment:** *I am concerned with the watershed area and how it will effect fish and plants.*

**Sample comment:** *I am not sure how we can change this but firmly believe that if we clean up our oceans and plant trees we can reverse this process.*

**Response:** The potential effects of climate change were discussed in several areas in the draft EIS for example in Agents of Change, pages 59 – 64; Social and Economic Contributions, starting on page 67; Carbon Sequestration and Impacts of Climate Change, page 86; and other resources.

Related to trees and carbon sequestration efforts on the national forest, management of the Chugach represents an approach that preserves options for climate change adaptation in the future, retains

ecological resilience, actively addresses climate change adaptation, and facilitates a high level of carbon sequestration. The Chugach National Forest's commitment to continued carbon sequestration is also discussed in the Air Quality and Carbon section page 40.

The marine events and condition are beyond the scope of our management and mission.

**Concern Statement 28: The Forest Service should support fish hatchery production**

**Sample comment:** *The EIS speaks to climate change and management to preserve streams and fish populations. To this end the Forest Plan should support hatchery production as another means of fish population enhancement. Restricting development to the Forest Service's interpretation of ANILCA and gaining the right to regulate commercial activity occurring on State tidelands will have negative consequences on the ability of hatcheries to carry out their mission. This would have a huge negative effect upon State, local, and Tribal economy.*

**Response:** The Forest Service does not intend to regulate commercial activities or to convey any decision as to positive or negative support for fish hatcheries. The special use permits for fish hatcheries support, in part, the fishing industry both commercial and recreational. This in turn provides economic benefits to the region.

As stated in the Analysis Methods and Assumptions section on page 160 of the draft EIS, the Chugach National Forest's decisions pertaining to provisions in the Alaska National Interest Lands Conservation Act (ANILCA), including fish hatcheries, also influence the area's character and potential for inclusion in the National Wilderness Preservation System but the activities do not vary between the alternatives proposed. The discussion is provided on pages 162–165 of the draft EIS and clearly provides the Forest Service's interpretation of ANILCA as required. There are no statements supporting the commenter's implication that the Forest Service is non-supportive, restrictive or regulating commercial activities.

Commercial activities on state tidelands are beyond the scope of the draft EIS and land management plan. However, as outlined in the State of Alaska section of the draft land management plan page 4, “[c]oordination between the Forest Service and the state of Alaska is critical, especially in the coastal areas of Prince William Sound (primarily the Copper River Delta) where the boundary is unresolved in the tide and submerged lands as a result of the 1964 Good Friday earthquake. This earthquake caused some tidelands to be avulsed to uplands and others submerged. Without a defined boundary, the Forest Service and state have been operating under a 1992 memorandum of understanding.”

**Concern Statement 29: The Forest Service should make factual corrections related to fisheries**

**Sample comment:** *Further, the authors represent trends for other wild salmon abundances in the vicinity of the Chugach National Forest that are not verified in credible peer-reviewed literature. For example, Ruggerone and Irvine (2018) report that total abundance (harvest plus escapement) of natural-origin sockeye salmon returning to the South Peninsula, Kodiak, Cook Inlet, PWS, and Southeast Alaska regions has increased in recent years from an average of 2.2 million fish per year for the years 1952-2005, to an annual average of 3 million fish for the years 2006-2015. This increasing trend is consistent for the entirety of natural-origin sockeye salmon stocks returning to Asia and North America, with total abundance averaging 85.2 million fish annually for the years 2006-2015, versus an average annual abundance of 65.4 million fish for the years 1952-2015 (Ruggerone and Irvine 2018). Closer to home in the Chugach National Forest, this trend holds true for Kenai River sockeye salmon runs as well, where eight of the river's top ten spawning escapements have been achieved since 2004 (Shields and Frothingham 2018). Likewise for the Copper River, Botz and Somerville (2014) report that the inriver runs of sockeye salmon in 2012-2014 were the three largest on record. Finally, Sheridan et al. (2013) report that the two largest sockeye salmon escapements at Coghill Lake in PWS on record since the 1980s have occurred as recently as 2011 and*

2012, thereby calling into question the draft Plan's many assertions that sockeye salmon populations within the Chugach National Forest are trending downwards since the Plan's last iteration in 2002.

**Response:** The Forest Service clarified sections regarding commenter concerns regarding fisheries. For example, clarifications were added in the Salmon Species section, Consequences Common to All Alternatives section, under Fisheries and Hatchery Influence on Wild Salmon; and clarification was added in the Prince William Sound Geographic Area section under Fish Resource.

The Forest Service disagrees with the commenter regarding the discussion of trends with respect to verified and credible peer reviewed literature. The commenter cites data for wild salmon abundances and most of the literature cited discusses commercial fishing trends and were the best available data when the assessment was conducted.

The trends reflecting wild salmon escapement and abundances are variable at best and the commenter provided several references unavailable during the assessment. To recognize some of the recent data published, we provided clarification in the Aquatic Ecosystems and Habitats – Introduction section and in the three geographic areas to acknowledge the information provided, while recognizing that these data published in 2018 reflect data only through 2015. The Chugach National Forest expects these values to continue to fluctuate and will evaluate the data as it become available.

**Concern Statement 30:** The Forest Service should not analyze the interactions between wild and hatchery salmon

**Sample comment:** *On page 525 under Fish Resource at the top of the page fails to mention that the donor stocks for these hatcheries came from the local wild stock systems. It also fails to mention that the stray salmon are pink salmon. A previous discussion regarding the survival mechanism for pink salmon is to stray was mentioned above. It fails to mention that ADF&G along with funding from processors and aquaculture associations are currently conducting studies to determine hatchery straying rates and if they are having any genetic effects on wild pink salmon populations. Again, that is a fish population issue which is a State of Alaska responsibility and has no place in this EIS. Finally, if marine derived nutrients are an issue as in the preceding paragraph then hatchery strays maybe an alternate way to achieve the desired condition.*

**Response:** The interactions between wild and hatchery salmon are of interest to the Forest Service's management of lands providing resources and habitat to salmon. These interactions may affect the management goals and practices in the future. Summaries of fish resources are provided for each geographic area to emphasize the value of these resources to the forest. The section Fish Resource on page 525, in addition to the summaries in all the fish resource sections of the various geographic areas (draft EIS pages 531, 536, 540, 544, and 547), provide a qualitative current status of the "natural character" at the time of the analysis. These conditions and the changes they undergo with time are of significant interest to the Forest Service management of resources and habitat available to and used by the fish.

As discussed in the peer reviewed publication by Brenner et al. 2012 (authored by three employees of the Alaska Department of Fish and Game), the question of donor stock selection and natal spawning fidelity and their effects on wild populations are not completely clear. Detailed discussions of population dynamics, hatchery and wild salmon interactions, and marine derived nutrients are not cogent to the draft EIS or the land management plan but will be considered at the project level. The Forest Service supports the current research efforts and recognizes that although there are some published data, the current studies mentioned by the commenter may provide more understanding of the interactions in question. The studies mentioned were not published at the time of the analysis.

**Concern Statement 32: The Forest Service should consider the work of the Alaska Hatchery Research Project (AHRP) in its analysis**

**Sample comment:** *Although the draft Plan correctly represents a concern that stray hatchery fish \*may\* be harmful to the productivity and fitness of wild salmon in PWS, it is important to point out that no research to date has found evidence of such impacts. In fact, the AHRP is the first project involving Alaskan pink and chum salmon to attempt to identify potential fitness differences between hatchery- and wild-origin fish. Thus, the assertion on page 494 (and elsewhere) of the draft Plan that “indirect effects of hatchery fish” have “impacted the condition of fish populations” in PWS is not a factual statement and should be clarified and corroborated with credible and relevant citations or removed from the document altogether.*

**Response:** The Forest Service refers the commenter to the peer reviewed publication by Brenner et al. (2012) for a discussion of some hypotheses addressing these questions. Detailed discussions of the effects of hatchery fish on wild stocks are beyond the scope of the draft EIS and land management plan but the Forest Service supports the current research efforts and recognizes that these interactions and their effects are of interest to the management of the resources and habitats used by the fish.

As discussed in the peer reviewed publication by Brenner et al. 2012 (authored by three employees of the Alaska Department of Fish and Game), the question of donor stock selection and natal spawning fidelity and their effects on wild populations are not completely clear and we await further data and analyses.

The Forest Service management of resources and habitats on forest lands adheres to all of ANILCA Title XIII provisions related to fish hatcheries. The Chugach National Forest authorizes special use permits for hatcheries located on national forest lands.

**Concern Statement 34: The Forest Service should provide a more in depth analysis of the interactions between wild and hatchery salmon**

**Sample comment:** *We recommend considering a more in-depth analysis of the effects of continuing to authorize the use of Chugach National Forest lands for the Main Bay and Cannery Creek salmon hatcheries. Hatchery reared pink salmon straying into streams inhabited by wild salmon stocks may have an indirect effect on wild salmon stocks, and these effects were not adequately analyzed in the Draft Forest Plan.*

**Response:** The interactions between wild and hatchery salmon are of interest to the Forest Service’s management of lands providing resources and habitat to salmon. These interactions may affect the management goals and practices in the future.

The Forest Service addressed the interactions of wild and hatchery salmon in the draft EIS in Hatchery Influence on Wild Salmon section on pages 300 and 301 and in appendix A. Current and future studies analyzing the interactions between wild and hatchery salmon will be evaluated as the data become available.

**Concern Statement 153: The Forest Service should protect salmon breeding grounds in a way that is culturally appropriate**

**Sample comment:** *The Chugach Forest Service provide a plan in corporation with the Kenaitze Indian Tribe on protecting the salmon breeding grounds that is culturally appropriate.*

**Response:** The Kenaitze Indian Tribe would like to develop an agreement document through government-to-government consultation that results in actions that protect salmon breeding grounds as stated while incorporating their beliefs and management ideas. It is beyond the scope of the plan. Federally recognized tribes have the right to request government-to-government consultation, as well as the right to propose projects (such as development of an agreement leading to the protection of

salmon breeding grounds) to the national forest under existing law and regulation. Forest Service policy further recognizes and supports these rights. Consultation with Alaska Native Tribes and Alaska Native Corporations is addressed on page 12 of the draft land management plan: “The Chugach National Forest manages subsistence resources in partnerships with other federal and state agencies and in consultation with Alaska Native Tribes and Alaska Native Corporations to foster cooperative management, monitoring and stewardship of natural resources consistent with the goals of ANILCA Title VIII and the decisions of the Federal Subsistence Board.”

## Ecological Sustainability – Climate Change

**Concern Statement 40:** The Forest Service should manage its land to mitigate or minimize the effects of climate change on human and non-human species

Several commenters stated that climate change is negatively influencing the lands of the Chugach National Forest such as “by the Spruce Bark Beetle outbreaks as one prominent example” and negatively influencing people in the region, including people in “villages, some of which had existed for a thousand years and some more.” Commenters urged the Forest Service to mitigate climate change:

**Sample comment:** *the USFS has recognized climate change as a threat to the Chugach but has yet to recognize that it must also change its management priorities to protect the future of Chugach’s natural values. To protect those values and give the Chugach a chance of attaining ecological sustainability, the Chugach should remain a wilderness forest.*

**Sample comment:** *We need to protect our temperate rainforest to help limit greenhouse gas emissions.*

**Response:** The draft EIS (e.g., pages 42, 59–64, 254, ), 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends (e.g., pages 38, 39, 48), and 2017 Climate Vulnerability Assessment each disclose current trends and potential consequences of the changing climate on the ecosystems, the physical environment, and associated social/economic systems of the Chugach and neighboring lands. The draft land management plan includes plan components that address the stresses of climate change. The draft plan (page 2) discloses, “Nearly 99 percent (5,363,539 acres) of the national forest will be managed to allow natural ecological processes to occur with limited human influence.”

Coastal rainforest, one of nine major vegetation types on the Chugach National Forest, is the dominant forest type and plays a significant role in carbon sequestration (see 2017 Climate Vulnerability Assessment). This forest type is expected to be resilient to climate change and maintain its high ecological integrity (2017 Climate Vulnerability Assessment page ix). Under all alternatives, carbon sequestration will continue on the vast majority of forested lands on the Chugach as disclosed in the draft EIS (pages 40, 67, especially 86, 89, 94, 224, 225, 238) and described in the 2017 Climate Vulnerability Assessment (pages 191–194).

The draft land management plan (page 45, Watershed Objective) and draft EIS disclose that management will retain and improve watershed integrity, contributing to climate change adaptation. On page 38, the draft plan states, “Because 99 percent of Chugach National Forest watersheds are in Class 1 (good, functioning properly), they are considered to have good integrity and are more likely to recover to the desired condition when disturbed by large natural disturbances or land management activities.” Draft land management plan components associated with invasive species management further address climate change adaptation.

In summary, management of the Chugach represents an approach that preserves options for climate change adaptation in the future, retains ecological resilience, actively addresses climate change adaptation, and facilitates a high level of carbon sequestration.

**Concern Statement 41: The Forest Service should consider the effects of climate change on outfitter/guides and other tourism oriented businesses**

**Sample comment:** *All tourism businesses should have contingencies in place and an understanding of climate change effects and retreating glaciers. Alaska is very dynamic & the effects of retreating glaciers, climate change, and extreme weather events all play a factor in how outfitter guide service companies operate successfully. Management decisions with regards to all of these environmental challenges are much appreciated & needed by OGS companies to maintain viability & success.*

**Response:** The Forest Service appreciates recognition and the expression of appreciation that the draft EIS, 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends, and the 2017 Climate Vulnerability Assessment each disclosed potential consequences of climate change, and the draft land management plan considered the potential consequences of climate change related to recreation, viewscapes, ecosystems, and the social/economic environment associated with the national forest.

**Concern Statement 174: The Forest Service should clarify management direction related to climate change**

**Sample comment:** *The EIS states that “there is a need to manage or maintain key ecosystem elements” and “promote ecosystem resilience in a changing climate” (implying that the plan will have affirmative effects on ecosystems) which supports the notion that desired conditions for integrity be measurable and subject to evaluation. In order to promote resilience, there should be affirmative resiliency and adaptation objectives in the plan.*

*What is not clear is what effect the Forest’s resiliency management will have on powerful climate effects. The Forest Service should clarify how plan components relate to maintaining or restoring ecological integrity and resilience particularly as it relates to climate change.*

**Response:** In addition to the response below, see response to concern statement 40.

The draft land management plan and draft EIS, the 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends, and the 2017 Climate Change Assessment disclose the potential role of climate change in the plan area and the plan components that together form a fabric of response to climate change and other stressors. These documents disclose that the Chugach National Forest has high ecological integrity resulting, in part, from the continued dominance of intact, unmanaged ecosystems (wilderness, wilderness study area) that are resilient to climate change under all plan alternatives. In particular, the draft plan (page 2) discloses, “Nearly 99 percent (5,363,539 acres) of the national forest will be managed to allow natural ecological processes to occur with limited human influence.” In addition, on page 38, the draft plan discloses that “Because 99 percent of Chugach National Forest watersheds are in Class 1 (good, functioning properly), they are considered to have good integrity and are more likely to recover to the desired condition when disturbed by large natural disturbances or land management activities.” The draft EIS discloses the high level of ecological integrity (e.g., pages 259–263) and the resilience of those intact systems (e.g., pages 263–264 and 284, 314, 341). The draft EIS further discloses that the high level of ecological integrity is expected to continue in watersheds (pages 263–270) and for terrestrial ecosystems (draft EIS page 341, 343) despite expected changes outlined in the 2017 Climate Vulnerability Assessment. The draft EIS (page 341) discloses that climate change may exacerbate the negative consequences of invasive species. The draft land management plan includes specific plan components to reduce or eliminate invasive species. The 2017 Climate Vulnerability Assessment



(page 128) and draft EIS disclose that hydrologic conditions in about 8 percent of watersheds are likely to change in the coming decades as a result of climate change but the intact nature of most streams will provide resilience. The draft plan further discloses (page 45) objectives for watersheds responding to the combination of stressors including climate change. The level of analysis disclosed in the draft EIS and associated documents was guided by the rule of reason and is commensurate with the level of risk for a planning unit where “Nearly 99 percent (5,363,539 acres) of the national forest is managed to allow natural ecological processes to occur with limited human influence” (page 2, draft land management plan).

**Concern Statement 43: The Forest Service should incorporate additional plan components that address climate change**

**Sample comment:** *To investigate climate change impacts on habitat productivity and resiliency, there should be measurable conditions for those values.*

*We strongly encourage the Chugach National Forest to use the forest planning process as a way to explore various options to respond to climate change, which, as described in the publication “Responding to Climate Change in National Forests: A Guidebook for Developing Adaptation Options” (Peterson et al. 2011. PNW-GTR-855. [https://www.fs.fed.us/pnw/pubs/pnw\\_gtr855.pdf](https://www.fs.fed.us/pnw/pubs/pnw_gtr855.pdf)) include promoting resistance, developing resilience, assisting response, and realigning highly disturbed ecosystems. We recommend that the Chugach develop a similar set of adaptation options and to incorporate these into plan components.*

**Response:** The 2017 Chugach Climate Vulnerability Assessment provides extensive documentation of potential ecological, physical, and social/economic consequences of climate change. The Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends published in 2014 documents the high level of ecological integrity of watersheds and ecological systems on the Chugach and the relationship to directional climate change. The draft EIS (referencing the 2014 Chugach National Forest Assessment) discloses the intact nature and high level of ecological integrity of Chugach National Forest ecosystems, and the resulting resilience to climate change. These documents together provide the context employed in developing plan components related to climate change.

The draft land management plan includes extensive climate adaptation management direction associated with maintaining ecological and watershed integrity. The draft plan (page 2) indicates, “Nearly 99 percent (5,363,539 acres) of the national forest is managed to allow natural ecological processes to occur with limited human influence.” Consequently, given the low level of human stressors imposed on a system that has relatively high ecological integrity (2014 Chugach National Forest Assessment) the management status provides extensive, albeit passive, climate adaptation for the plan area—potentially the highest form of adaptation.

The draft land management plan identifies several additional plan components focused on climate change adaptation. For example, desired conditions for ecological sustainability (Ecological Processes and Conditions #1-6, page 16) and desired conditions for watersheds (page 16), along with objectives for watersheds (page 45) and invasive species (page 48), each represent adaptation for climate change integrated with consideration for other stressors and drivers (as intended 36 CFR 219.8). Finally, several plan components were revised for the land management plan to more clearly respond to changing climate and promote ecological and infrastructure resilience.

**Concern Statement 177: The Forest Service should develop and implement a climate adaptation strategy**

**Sample comment:** *There is a very important management approach on p. 47 of the draft plan: Support science-based land management by identifying and coordinating research proposals with Forest Service research stations and others to help inform actions about species of conservation concern, management activities, and potential climate change impacts to habitat productivity and resiliency, public use patterns, and infrastructure assets within the national forest. This is good plan direction, but the plan should be built so that those research questions can be answered to inform land management.*

*We strongly encourage the Chugach National Forest to use the forest planning process as a way to explore various options to respond to climate change, which, as described in the publication “Responding to Climate Change in National Forests: A Guidebook for Developing Adaptation Options” (Peterson et al. 2011. PNW-GTR-855. [https://www.fs.fed.us/pnw/pubs/pnw\\_gtr855.pdf](https://www.fs.fed.us/pnw/pubs/pnw_gtr855.pdf)) include promoting resistance, developing resilience, assisting response, and realigning highly disturbed ecosystems.*

**Response:** Assessments, including both the 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends and the 2017 Climate Vulnerability Assessment, informed the draft EIS and draft land management plan regarding the pattern of climate change and potential ecological and social/cultural consequences. These assessments indicated that ecosystems and watersheds in the plan area generally have high ecological integrity and the assessments highlighted those areas where ecological or watershed integrity is compromised (e.g., a small number of watersheds; see page 37 of 2014 Chugach National Forest Assessment).

The draft land management plan includes plan components designed to promote management actions that respond to threats from stressors including climate change. Large portions of the Chugach National Forest would remain in management status where disturbance processes and ecological patterns are driven by natural disturbance and retain a high level of resilience. Watershed objectives and objectives for invasive species are representative of plan components that directly respond to threats to integrity, including climate change, to retain resilience.

The monitoring program (draft plan appendix A, page 81) identifies and addresses management uncertainties. Table 15, table 16, table 17, and table 21 outline monitoring associated with watershed conditions, invasive species, stream barriers, and hydrographs. Each of these relate directly to system response to climate change as well as other drivers and stressors. It is unclear what adaptation measures outlined in Peterson et al. (2011), Halofsky et al. (2011), or Swanston and Janowiak (2012) would be more effective in the context of the Chugach National Forest, than the measures outlined in the draft land management plan. Similarly, the monitoring program is designed to examine a set of dominant uncertainties that can be addressed through monitoring and are within the fiscal capability of the Chugach. While additional monitoring questions could be identified, these represented the set identified as most responsive to management uncertainties. Specific monitoring protocols will be developed following plan revision and appropriate collaborators sought at that time.

## **Ecological Sustainability – Fire and Fuels**

**Concern Statement 173: The Forest Service should clarify protection and resource management objectives for wildfire**

**Sample comment:** *For wildfire, there is a standard to manage wildfire to meet protection and resource management objectives. What objectives is this referring to?*

**Response:** Objectives for management of wildfires are not plan components; the word ‘objectives’ has a different context and meaning for wildland fire management.

Objectives for wildland fires may be developed based on fuel conditions, current and expected weather, current and expected fire behavior, topography, tactical firefighting resource availability, values at risk and ecological resource components. Social understanding and tolerance may also affect objectives, as well as adjoining governmental jurisdictions having similar or differing missions and directives.

Wildfires may be concurrently managed for one or more objectives. Objectives can change as the fire spreads across the landscape; parts of a fire may be managed to meet protection objectives such as in the wildland-urban interface, while other parts may be managed to maintain fires ecological presence on the landscape. Protection objectives may relate to immediate direct suppression when assets, such as infrastructure, are at risk to wildfire. A resource or ecological objective often related to appropriate ecosystem function may be considered to move towards or achieve objectives and desired conditions contained in the land management plan through allowing fire to play its natural role on the landscape.

The standard (draft land management plan page 71, #2) referenced in the comment has been changed to a Guideline. Standards are typically not appropriate in emergency responses such as wildfire. The inherent nature of wildfire response, as with any emergency, creates a need for flexibility not appropriate for a land management plan standard.

## **Ecological Sustainability – Invasive Species**

### **Concern Statement 22: The Forest Service should work to control invasive species**

**Sample comment:** *Elodea and other invasives: On another 2014 research project, the Forest Service sampled a number of different lakes in the WSA for the invasive Elodea, which clogs and destroys the healthy growth of native lake plants. Fortunately, there was no sign of Elodea in the sampled lakes. European slugs were another invasive pest that the Forest Service worked to control with the help of other volunteers. These are important studies and I support this Forest Service work in maintaining the wilderness character.*

**Response:** Comment is in support of current monitoring, no action required.

### **Concern Statement 77: The Forest Service should manage Elodea infestations**

**Sample comment:** *In an era of increasingly rapid environmental change, continuation of the Forest Monitoring Program is essential for informing management decisions on the ground. That said, it is absolutely critical that the Forest starts managing the Elodea infestations around Cordova. Valuable time has been wasted by trying to duplicate the science we already know and following a piecemeal approach to management. The Forest has been largely following the management advice of just one expert (opinion leader and long-time FS researcher) on this issue while ignoring the scientific evidence and the input from a large group of local, national, and international experts. Highest priority should be given to cleaning up Eyak Lake which serves as the primary long-distance pathway for elodea through floatplane traffic.*

**Response:** The draft land management plan has specific language and management direction regarding Elodea regarding monitoring and management. This represents a significant increase in focus for this specific invasive species compared to the 2002 land management plan. The draft land management plan does not prevent line officer from taking more aggressive management action.

The draft EIS (Aquatic Invasive Species section) describes the Copper River Delta Elodea treatment study which was initiated to determine the feasibility of eradicating Elodea across the Copper River Delta and to evaluate the impact of Elodea and the herbicide fluridone on fish, native aquatic plants, and macroinvertebrates. This study will help fill the current knowledge gaps pertaining to the effects of Elodea on salmon and the effects of the herbicide fluridone on salmon. The results of this study will inform the future management approach. Concurrently, the Forest Service is focused on containment of the Elodea infestation on the Copper River Delta, and preventing the spread of this

invasive species to other waterbodies. Guidelines to prevent spread of invasive species are outlined in the Ecological Sustainability Strategy section of the draft plan.

**Concern Statement 285: The Forest Service should reconsider plan components related to invasive species**

**Sample comment:** *Forest Standards and Guidelines – Invasive Species – Item 2. This Guideline states all equipment (contractors, permittees etc.) will be cleaned before leaving area of known invasive species. Without knowing what the definition of area is it is difficult to address the economic and complexity impact of this guideline. If area means Forest Plan definition of geographic area this will be somewhat complex and add to cost. If area is defined as immediate vicinity this will be extremely difficult if not impossible to implement because of the remoteness of Alaska.*

**Response:** This invasive species guideline has been revised to include more specificity.

**Concern Statement 212: Editorial change requested**

**Sample comment:** *Page 551: Wildlife Resource (Copper River Wetlands Area), 1st para. Change paragraph on european black slug to "...and has expanded into this area." They are found all over the Delta. Changes are needed in descriptions of wildlife resources for other inventoried areas on the delta, such as Sheridan since european black slugs are found on McKinley cabin trail and Pipeline Lake loop trail to name a few.*

**Response:** Thank you. This correction has been made in the Wilderness Inventory and Evaluation appendix in the environmental impact statement.

## **Ecological Sustainability – Species of Conservation Concern**

**Concern Statement 73: The Forest Service should consider identifying additional species of conservation concern**

**Sample comment:** *Kittlitz's murrelets have a G2 ranking and are threatened by ground contamination such as oil spills and by receding glacial habitat – these threats are very present on the Chugach. The Regional Forester should add Kittlitz's murrelets to the SCC list and the Forest Service should add plan components to ensure the continued viability of this species on the forest. Alternatively, the FEIS and Record of Decision should explain how these known threats are not present or relevant on the Chugach.*

*Similarly, the plant Sessileleaf scurvygrass have G2/S2 ranking and there is no documentation that the threats facing this species are not present on the Chugach. The habitat for this species – intertidal areas, gravel bars and spits – is very vulnerable to the effects of subsidence or uplift resulting from tectonics and tidal waves. It may also be affected by activities such as construction, invasive species and recreational use of intertidal areas, which can all be influenced by Forest Service management actions.*

**Response:** The 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends and at-risk species analysis (and supporting planning record) provides rationale for inclusion or omission of species as species of conservation concern.

Kittlitz's murrelet was a candidate species in 2012. In October 2013, U.S. Fish and Wildlife Service published a "not-warranted" 12-month finding in the Federal Register. Due to the "solitary and secretive nesting behavior of this species, population size and trend are estimated by conducting surveys at sea" (U.S. Fish and Wildlife Service fact sheet), which is outside the management authority or influence of U.S. Forest Service. Since 2004, new information has been obtained relative to the population status and trend as well as threats to individuals, demonstrating populations seem to have stabilized or the rate of decline has diminished substantially since about 2000. As a result of these and other efforts, current science supports the finding that the best available scientific information indicates **there is not substantial concern** about the species' capability to persist over the long-term in the plan area. Therefore, this species does not meet the requirements as a species of conservation concern under the 2012 Planning Rule.

The decision not to designate sessileleaf scurvygrass was clearly articulated in the December 2015 letter to the Forest Supervisor:

Sessileleaf Scurvygrass (*Cochlearia sessilifolia*): The taxonomic status of sessileleaf scurvygrass is currently in question. The risk factors identified in the assessment are poorly defined, hypothetical, or outside the control of the agency. Furthermore, the low-tidal habitat (or estuarine) that this species occupies may be within the regulatory control of the state of Alaska, and not the Chugach National Forest. Because of questions about the taxonomy of this species and the lack of tangible threats, Species of Conservation Concern Status is not warranted (Forest Service Handbook 1909.12 chapter 10 section 12.52c).

**Concern Statement 65:** The Forest Service should ensure that all the requirements for species of conservation concern have been met during the planning process

**Sample comment:** *The development of the SCC list should include the opportunity for the public to provide input on a proposed list.*

*It does not appear that the Forest Service complied with the letter or spirit of the public participation component cited above. There was no public circulation of any proposed list of SCCs for public comment, for example.*

**Response:** a) The regional forester shall identify the species of conservation concern for the plan area in coordination with the responsible official (2012 Planning Rule; 36 CFR 219). Identification of additional species of conservation concern is outside the scope of this decision. b) A June 2016 letter of clarification recognizes the responsibility to identify species of conservation concern early enough to expedite the planning process. The letter for public participation requirements cites the planning directives, which were not published until February 2015, after the publication of the 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends. (Forest Service Manual 1920.3, paragraph 9.)

Ensure changes in service-wide planning direction (Forest Service Manual 1920 and Forest Service Handbook 1909.12) are carried out as follows:

b. For plan amendments and revisions initiated prior to the issuance of an amended directive. If a plan amendment or a revision has been initiated prior to issuance of the amended directive, the Responsible Official should use the amended directive in any new step or phase of the planning process, but is not required to revise past steps or phases within the process: for example, a completed assessment would not need to be revised to comply with the amended directives.

The development of the assessment and the associated species of conservation concern list preceded the letter of direction referenced above. The list was developed with input from U.S. Fish and Wildlife Service and Alaska Department of Fish and Game. Public participation was part of the development of the assessment and some comments were received relative to the species of conservation concern list, but these species were found not to meet the established criteria for species of conservation concern.

## **Ecological Sustainability – Vegetation Management and Timber Suitability**

**Concern Statement 120:** The Forest Service should develop a small timber industry through a timber harvest program on the Chugach National Forest

**Sample comment:** *The plan states on page 39 that “the Forest does not currently have a commercial timber program, and is not proposing one because the land that is available for timber production is inadequate to provide a flow of timber on a reasonably predictable basis...” We ask that you establish lands suitable for timber production at a level greater than 0 acres. While the plan states that only a few*

*thousand acres are suitable for commercial timber harvest and that roughly 99 percent of the forest is subject to the roadless rule, as the nation's second largest national forest, the Service could be doing more to foster a productive commercial timber harvest program on the Forest.*

**Response:** While the Chugach National Forest is the second-largest national forest in the Nation, 45 percent of the area is non-vegetated rock and ice (see Terrestrial Ecosystems section of the draft EIS). As described in the Forest Products section of the draft EIS, approximately 20 percent of the Chugach National Forest is forested, and of that area, 11,170 acres are reasonably accessible from the road system and available for wood products management. Commercial sales are not allowed several of the management areas, leaving 9,840 acres in which wood products can be sold. Of this area, 6,060 acres support productive forest and were identified as potentially suitable for timber production. The timber suitability assessment conducted for the draft land management plan is described in appendix B. This assessment followed guidance outlined in section 219.11 (a)(1) of the 2012 Planning Rule and Forest Service Handbook 1909.12 chapter 60 section 61.2. Following this guidance, land within the wilderness study area, inventoried roadless areas, and other lands restricted for legal or technical reasons were removed from consideration for timber production.

Alternative A (2002 land management plan) lists 282,600 acres as potentially suitable land, however the 2002 land management plan allocated all of this acreage for uses other than commercial timber production. The main difference between the analysis for alternative A and the other three alternatives was the inclusion of productive land within the wilderness study area and inventoried roadless areas in the estimate. Ultimately, these lands were not designated for timber production in the 2002 plan.

Though the Chugach National Forest does not provide for a projected timber sale quantity (formerly allowable sale quantity), the national forest does provide opportunities for local contractors to bid on small timber sales. Wood products harvested are associated with management activities such as wildlife enhancement, hazardous fuel reduction, or land use conversions (such as highway realignment). Past experience gained from these treatments shows that only a very small portion of the volume harvested meets the desired specification for local sawmills.

Low quality, low volume, and long distances to market make commercial profitability difficult for both landowners and commercial harvesting interests. Much of the accessible forest land was salvaged after the spruce beetle outbreak of the 1990s. Commercial harvests were offered where viable, otherwise trees were removed as part of hazardous fuel reduction projects in the wildland-urban interface. Most land treatments on the Chugach National Forest in the past 10 years have been at a cost plus basis (cost of implementation exceeds the value of the product removed).

The draft land management plan is consistent with the 2012 Planning Rule and associated directives for implementing the rule. According to the process outlined in Forest Service Handbook 1909.12 chapter 60 section 61.2, the Chugach National Forest developed a sustained-yield limit for the harvest of wood products using the 11,170 acres available for wood products management (see appendix C of the draft plan). This area could potentially produce 2,180 cords of fuelwood per year based on annual growth rates, but because the forest is still recovering from the spruce beetle outbreak of the 1990s, recommended harvest levels are below the sustained limit for both the first and second decades.

The Chugach National Forest balances the demand for community fuelwood (available according to CFR 223.10) with the demand for commercial sales of wood products.

**Sample comment:** *The revised forest plan should also allow for specific actions to restore forest health and reduce the risk of wild fire. It should include measures for ecological restoration on the Chugach, which has seen forest ecosystems convert to grass and sedge ecosystems in the wake of beetle outbreaks.*

**Response:** The land management plan is designed to provide broad scale management direction and does not prescribe specific actions. Current management direction allows activities to restore forest health and reduce the risk of wild fire. As described in the draft EIS (Terrestrial Ecosystems section) the spruce beetle infestation of the 1990s killed much of the mature spruce within the Kenai Peninsula Geographic Area of the Chugach National Forest, and resulted in a shift in basal area dominance from white and Lutz spruce in 1987 to mountain hemlock in 2000. It should be noted that forests within the Chugach National Forest did not experience a conversion from spruce to grass-dominated ecosystems in the wake of the spruce beetle outbreak of the 1990s; this shift occurred within the Kenai Lowlands on the western portion of the peninsula, not on the Chugach National Forest as suggested by the commenter.

**Concern Statement 119: The Forest Service should limit the scope of timber harvests**

**Sample comment:** *I also support a plan that limits large scale logging and harvests, particularly in the Prince William Sound portion, as logging is not sustainable there and has a lasting impact on the landscape.*

**Response:** Current plan direction limits large-scale logging across the Chugach National Forest. Commercial harvest is not allowed in the wilderness study area, Alaska National Interest Lands Conservation Act 501b areas, *Exxon Valdez* oil spill-acquired lands, and in inventoried roadless areas. Appendix C of the draft land management plan describes proposed and possible actions, which do not include large-scale logging.

**Concern Statement 281: The Forest Service should clarify the status of land ownership in relation to the suitability for vegetation management**

**Sample comment:** *On page 119, in the Forest Products section, Affected Environment, the 2nd to last paragraph should acknowledge that the non-national forest lands within the CNF are almost all within the 1.5 mile wide road corridors, as compared to only a small percentage of all CNF lands. Maybe the plan needs a chart that shows the amounts/percentage of ownership within the 1.5 mile wide road corridor to help communicate this.*

**Response:** Non-National Forest System lands are displayed in relation to the road system in several maps in the draft EIS and draft plan, including the map of inventoried roadless areas and also the maps of recreation facilities by geographic area.

**Concern Statement 117: The Forest Service should explain why “killing trees” is not an adverse environmental impact**

**Sample comment:** *The next comment is related to trees. On pages 88, 91, 92, 93 the first sentence in the paragraphs labeled “Animals and Plants as Food and Resources” reads “None of the alternatives propose activities that would negatively affect fish, wildlife or plant populations.” Apparently killing trees is not considered a negative affect since all alternatives include similar amounts of tree killing, an affect I consider negative to vegetation populations. If the plan proposed to kill just 0.1% of the people living within it’s proclaimed boundaries, we’d consider that a negative affect to the human population, yes? Why not then to its most dominant component, it’s trees? I looked in the glossary for a definition of “population,” none is included, nor specifically fish, wildlife, or plant population.*

**Response:** The analysis is based on populations—not individual plants, fish, or animals. The concept of ecological integrity (CFR 36 section 219.8 Sustainability) includes disturbance that often removes individual trees from the population. As described in the draft EIS, disturbance processes within the Chugach National Forest include stand-replacing fire (within the subboreal zone), insect outbreaks, windthrow, and avalanche, all of which result in tree mortality, and all of which are integral to the functioning of forest ecosystems. Most of the national forest is not managed (99 percent roadless) and natural processes are the primary driver of ecosystem change. Where mechanical treatments occur,

prescriptions are designed with the natural disturbance cycle in mind. No lands on the Chugach National Forest are designated for timber production.

**Concern Statement 118: The Forest Service should expand and clarify the analysis of the effects of tree removal**

**Sample comment:** *On page 121 in the Fuelwood section of the Affected Environment, Table 27 lists estimated use of fuelwood in communities within or adjacent to the CNF. The communities of Whittier, Portage, Bird and Indian, as well as Anchorage need to be included in this table.*

**Response:** Although the communities mentioned above may obtain some fuelwood from the Chugach National Forest, they also have access to fuelwood from areas outside the national forest, and therefore it is not possible to segregate the demand from the Chugach National Forest vs. demand from non-Forest Service lands. Including those communities would create an inflated estimate of the demand for fuelwood from the national forest.

**Sample comment:** *Also, in the paragraph immediately preceding this table, the last sentence should be modified to include access to fuelwood and other wood product harvest from the “navigable” waters (navigable, in this case meaning any waterway that a small boat capable of carrying a person, a saw and some wood, including floating the wood.).*

**Response:** Because much of the free-use wood is generated from vegetation treatments and available in log decks on the road system, the amount that is gathered off the road system is assumed minimal.

**Sample comment:** *On page 124, in the Environmental Consequences, Indirect Effects, Commercial, Personal Use and Alaska Free Use Accessibility section, first paragraph acknowledges that fuel wood will continue to grow more scarce and difficult to access from existing road, encouraging “readily harvested fuel wood and wood products from along roadways and access areas. These types of impacts are largely low impact and isolated.” First of all, what does that sentence mean? I disagree that removal of green trees in the road corridor is isolated and low impact. This impact will continue to worsen.*

**Response:** As described in the draft EIS and draft land management plan, 11,170 acres of forested land are available for wood products management out of a total of over 1 million acres of forested land on the Chugach National Forest. Ninety-nine percent of the Chugach National Forest is in inventoried roadless area and will not be managed for timber production. Appendix B and C of the draft plan describe sustained yield and proposed and possible actions for forest vegetation management over the next two decades. The purpose of these appendices is to ensure sustainable harvest levels are not exceeded within the area available for wood products management.

**Sample comment:** *And finally, on page 130, in the Analytical Conclusions section, 3rd paragraph, 2nd sentence: “This would be accomplished by continuing to provide fuelwood on limited areas, and providing opportunities in areas currently inaccessible by roads and trails” This seems to me to be another somewhat veiled or indirect way of saying new access roads or trails will be constructed. If my interpretation is correct, please make this more apparent and direct in the final version of the EIS. If my assumption is not correct, then how will these opportunities be provided in areas currently inaccessible?*

**Response:** Vegetation management will occur within the area available for wood projects management (see previous response).

The following edit was made to the Forest Products section of the environmental impact statement under Analytical Conclusions, third paragraph, second sentence: added “within the 11,170 acres available for wood products management” after “currently inaccessible by roads and trails.”



**Concern Statement 121: The Forest Service should utilize natural regeneration to promote resilient forest stands**

**Sample comment:** *The revision should also provide for modern silviculture practices to encourage natural regeneration. Forested portions of the Chugach should be managed toward a varied species composition and different age classes to reduce the risk of large beetle infestations in the future and help restore long-term forest health.*

**Response:** Lack of road access to most of the forested areas on the Chugach National Forest limits the feasibility of using mechanical treatments to achieve desired conditions. Within the Kenai Peninsula Geographic Area, where natural disturbance cycles include fire and beetle outbreaks, maintaining a range of seral stages consistent with the expected range of variability is a stated desired condition. Mechanical treatments are used in the roaded corridor, and prescribed fire may be used in more remote areas to accomplish desired objectives. The preferred regeneration method is via natural regeneration (Silviculture Guidelines #7 and #12).

As new mapping data become available, managers will be able to better define the desired conditions for forest types and age classes.

**Concern Statement 122: The Forest Service should review the analysis of suitable timber lands to ensure it is complete and accurate**

**Sample comment:** *On page 39 and Appendix B, the Timber Suitability description states that 6,600 acres of the CNF may be suitable for timber production. After applying criteria in the Forest Service Handbook 1909.12-61.2, the Draft Plan concludes “no lands were determined suitable for timber production” because “a sustainable flow of timber cannot be planned and scheduled on a reasonably predictable basis.” The Forest Service based that conclusion on the fact that the Draft Plan contains no management areas in which timber harvest is a primary or secondary Desired Condition.<sup>28</sup> (28 See Draft Plan at 94, Table 24.) The Forest Service’s proposed decision is arbitrary and capricious because the analysis is circular: First the Forest Service decided not to prioritize timber harvest in any management area. Second, the Forest Service decided there were no areas where timber harvest is suitable because none of the management areas prioritized timber harvest. The Timber Suitability analysis clearly reaches a preordained decision but it fails to justify that decision by taking a hard look at the relevant evidence. The Forest Service ignores the economic potential of commercial timber harvest on the CNF when combined with private lands, such as CAC’s. The Forest Service also ignores the potential for commercial timber harvests to engage in forest restoration and wildfire prevention in beetle-killed areas.*

**Response:** The timber suitability assessment conducted for the draft land management plan is described in appendix B. This assessment followed guidance outlined in section 219.11 (a)(1) of the 2012 Planning Rule and Forest Service Handbook 1909.12 chapter 60 section 61.2. Following this guidance, land within the wilderness study area, inventoried roadless areas, and other lands restricted for legal or technical reasons were removed from consideration for timber production. Other management areas in which commercial harvest of wood products is not suitable include wild and scenic rivers, research natural areas, Alaska National Interest Lands Conservation Act 501b, Exxon Valdez oil spill-acquired lands, and municipal watersheds.

As described in the Forest Products section of the draft EIS and appendix B of the draft land management plan, approximately 20 percent of the Chugach National Forest is forested, and of that area, 11,170 acres are reasonably accessible from the road system and available for wood products management. Commercial sales are not allowed on specific management areas, leaving 9,840 acres available for commercial harvest activities. Of this area, 6,060 acres support productive forest, and these acres were identified as potentially suitable for timber production. The process for determining whether or not the 6,060 acres are suited for timber production is outlined in the criteria listed in 1909.12 chapter 60 section 61.2. Criterion 3 states, “A flow of timber can be planned and scheduled

on a reasonably predictable basis.” The 6,060 acres were determined not suited for timber production because the acreage is insufficient to plan and schedule a predictable flow of timber; this is the reason the Chugach National Forest does not have a projected timber sale quantity (formerly allowable sale quantity). The 9,840 acres described above are available for commercial harvest of wood products, which include tree species and size classes that do not have a utilization standard (including birch and all species used for fuelwood). The harvest and sale of sawtimber is allowed within the 9,840 acres, but lands are not dedicated to timber production. Primary and secondary uses of these lands are for recreation, wildlife habitat management, and fuelwood for local communities.

**Concern Statement 171:** The Forest Service should include measurable desired conditions for forest types to support the development of forest management projects

**Sample comment:** *For silviculture, there is a guideline to produce cover types consistent with desired conditions for forest stands and landscapes. Given the nature of the desired conditions for ecosystems, we are curious how this guideline will be interpreted and implemented at the project level.*

**Response:** The desired conditions for all three of the Chugach national Forest’s geographic areas state that forest conditions are largely the result of natural ecological processes. Natural disturbance regimes vary across the forest depending on climatic and physiographic factors which are described in the draft EIS (Terrestrial Ecosystems section). Site-specific silvicultural prescriptions are developed with consideration of the natural disturbance regime for the area. Site selection of activities and project-level implementation are outside of the scope of the draft land management plan, however, we can provide an example of how the guideline to produce cover types consistent with desired conditions for forest stands and landscapes is implemented: silvicultural treatments on *Exxon Valdez* oil spill-acquired lands involve thinning of previously logged forest to promote late-seral forest structure for habitat improvement purposes. The treatment is consistent with the desired condition for the geographic area and will produce cover types consistent with natural ecological processes.

**Sample comment:** *There should be measurable desired conditions for forest types to support the development of forest management projects.*

**Response:** Sufficiently detailed vegetation data is not currently available forestwide to develop measurable desired conditions for forest types, but as higher resolution spatial data become available (such as the Kenai Vegetation Map), vegetation managers will be able to develop estimates of the desired area for each forest type and structural class based on expected natural disturbance regime patterns. We agree that it is essential to develop this information to facilitate planning and implementing vegetation management projects.

**Sample comment:** *For clearcutting, the plan should describe the at-risk species that will benefit from this condition. Also, if clearcutting is going to be used to “rehabilitate lands adversely impacted by events that include fires, windstorms, insect or disease infestations, or other factors affecting forest health” it will be necessary to evaluate and determine departures from desired reference conditions for those areas. We are not convinced that the existing desired condition framework allows these determinations to be made. How will the forest plan support determinations of which stands require rehabilitation? What is the rationale, based on ecological integrity, to rehabilitate via clearcutting a stand that is “poorly stocked” due to natural events?*

**Response:** This comment refers to Silviculture Guideline #5, which has been recommended for removal from the plan for the following reasons: 1) Guideline #5 is from a rescinded Alaska Region handbook that was specific to the Tongass; and 2) the selection of an appropriate silvicultural system is covered in other guidelines, specifically Guideline #4 of the draft land management plan.

Currently, there are no at-risk species in areas where clearcutting is the recommended silvicultural system.

The use of clearcutting as a silvicultural system is consistent with the natural disturbance regime of the boreal forest portion of the Chugach National Forest (Kenai Peninsula Geographic Area). As described in both the Forest Products and Terrestrial Ecosystems sections of the draft EIS, fire is an integral part of the natural disturbance regime, and stand replacement events are the norm for boreal ecosystems. Boreal tree species including white and Lutz spruce, birch, and aspen are adapted to fire, and successful regeneration requires mineral soil and adequate sunlight. These conditions are best achieved through one of the even-aged harvest methods described in the draft land management plan.

**Sample comment:** *Effects analysis for the plan should reflect effects to integrity of fewer snags and down wood being retained in the WUI.*

**Response:** As described in the Forest Products section of the draft EIS, vegetation treatments such as hazardous fuel reduction, occur along the road system and in the wildland-urban interface. The draft land management plan includes guidelines for snags and coarse woody debris retention and site-specific prescriptions are developed for each treatment. Wood harvested as a part of these treatments is made available to the public according to the Alaska free use policy (CFR 36 223.10). This policy also allows fuelwood gathering outside of prescribed treatments. Because the roaded corridor makes up only 1 percent of the area of the Chugach National Forest and free use fuelwood is available to residents through vegetation treatments, the impact to the forest of downed wood and snag removal near the road is minor.

**Sample comment:** *Retaining 10 percent of treatment units to “maintain an ecological and genetic imprint of the former stand” sounds like a desired condition for integrity. Will the forest plan define “sensitive areas and features” desired for retention for ecological purposes, or will those decisions be made at a later date?*

**Response:** Defining sensitive areas and features are project-level decisions that will be identified during analysis and incorporated into the prescription for the stand. After a review of the silviculture standards and guidelines, it was determined that standard #8 in the draft land management plan was not sufficiently specific and was recommended for removal from the final plan. Riparian area protections are covered in the Aquatic Habitat Management Handbook and the draft plan includes additional standards and guidelines for riparian areas under Watersheds and Aquatic Ecosystems, and Terrestrial Ecosystems.

**Sample comment:** *What is the relationship between bark beetle disturbance and ecological integrity?*

**Response:** The concept of ecological integrity, as described in the 2012 Planning Rule section 219.8 (iv), encompasses system drivers, including dominant ecological processes and disturbance regimes, such as insect outbreaks.

The beetle infestation that began in 1987 on the Kenai Peninsula killed over 1.3 million acres of spruce, but, while the damage was extensive, this level of outbreak appears to be representative of past mortality events and indicates that beetles represent an important part of the ecological history of this region (draft EIS, Terrestrial Ecosystems section). Spruce mortality within the forests of the Kenai Mountains resulted in a reduction in basal area and a transition in basal area dominance from white and Lutz spruce in 1987 to mountain hemlock in 2000 (draft EIS, Terrestrial Ecosystems section). The draft land management plan recognizes this change in forest composition and structure by recommending harvest levels below the sustained yield limit in order to allow the forest volume to continue to recover from this outbreak (appendix C of the draft plan).

**Sample comment:** *What desired conditions will salvage harvest fulfill? Are there implications for ecological integrity?*

**Response:** Several desired conditions can be fulfilled when implementing a salvage harvest, primarily providing fuelwood for community use (Desired Conditions associated with Goal 2) and reducing hazardous fuels (Desired Conditions associated with Goal 3). Site-specific prescriptions will be developed for each treatment identifying the desired condition for the stand.

Concern Statement 175: The Forest Service should clarify the relationship between forest management, natural processes, and ecosystem resiliency

**Sample comment:** *There is no clear discussion of the effects of the plan on terrestrial ecosystem integrity despite plan direction intended to influence that integrity, including forest management actions.*

**Sample comment:** *It would be helpful to see a discussion in the FEIS of the future integrity of forest ecosystems on the Kenai under the implementation of the forest plan.*

**Sample comment:** *The forest management section of the EIS includes the following (p. 125). This seems to have implications for forest ecosystem integrity: Forest stand structure would be expected to experience a decline in tree diameter size with repeat harvesting in highly accessible areas, resulting in a decline in the amount of larger trees. Total standing volume could continue to increase over time, but the distribution of the biomass would be distributed over a larger amount of trees. The forest would have smaller diameter trees, resulting in fewer opportunities for regeneration type harvests (clearcutting, seedtree, and shelterwood) in the future.*

**Response:** The Chugach National Forest and the adjoining state and federally managed conservation lands support a very large and dynamic landscape, which is continually reshaped by fire, insects, glaciers, tectonic action, weather, succession, flooding and climate effects. The Chugach has high ecological integrity resulting, in part, from the continued dominance of intact, unmanaged ecosystems that are resilient to natural disturbance regimes under all plan alternatives. The draft land management plan discloses, “Nearly 99 percent (5,363,539 acres) of the national forest will be managed to allow natural ecological processes to occur with limited human influence.” Appendix C of the draft plan describes potential levels of wood harvest from the 11,170 acres available for wood products management—this area comprises just 1 percent of the National Forest System lands within the Chugach National Forest.

**Sample comment:** *There is also this statement that “coarse and fine-scale landscape patterns will become more homogenous as succession advances” (p. 432). Does that assume achievement of desired conditions? Will desired conditions for terrestrial ecosystem integrity have effects?*

**Sample comment:** *For wildfire, the EIS states that areas not treated “will continue to advance toward climate successional stages” and that “coarse and fine-scale landscape patterns will become more homogenous as succession advances” (p. 43). This seems to imply that natural disturbance processes are a barrier to ecological integrity. This type of assumption is important to clarify in the EIS. Similarly, the EIS (same page) states that ecosystems express reduced “resilience against insects and disease” and contain/will contain undesirable fuel loadings and undesirable fire conditions. These statements, which justify interventions in ecosystems to restore resiliency, stand in some contrast to other overarching statements concerning the existing resiliency of the Forest’s ecosystems.*

**Response:** The Wildland Fire and Fuels section of the draft EIS (page 43) has been modified to reflect that fire is recognized as a natural disturbance process that will continue under all alternatives. This change is reflected in the final environmental impact statement.

## Ecological Sustainability – Watershed

Concern Statement 25: The Forest Service should explain how watershed values will be protected from the potential impacts of road construction and timber harvest

**Sample comment:** *For aquatic ecosystems, the EIS determines that road construction and timber harvest will have no effect on those ecosystems and resources (pp. 303-304). Can the EIS point to the plan direction that is providing those protections? There is no mention of designated riparian management zones. Why is it not possible to develop plan components to protect essential fish habitat?*

**Response:** Plan components on pages 57–74 were developed with the intent to minimize effects on aquatic ecosystems and protect watershed values from potential effects of management actions, including road construction and timber harvest. The riparian management zones in the draft land management plan are based on the Alaska Region Stream Class and Channel Process Groups (page 60 of draft plan); however, they were not specified in the draft plan. The land management plan has been updated to specify the established riparian management zone widths based on the Alaska Region Stream Class and Channel Process Groups.

Current fisheries habitat conditions of the Chugach National Forest are at or near levels of natural productivity. Management actions that could have been detrimental to site-specific fish habitat have occurred only on a limited number of streams affecting habitat mostly associated with roads and near communities.

Section 305(b)(2) of the Magnuson-Stevens Act requires all federal agencies to consult with the Secretary of Commerce (National Marine Fisheries Service) on all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect essential fish habitat. This consultation is completed for site-specific projects with ground-disturbing activity. The land management plan does not authorize any site-specific projects or actions that would reduce quality and/or quantity of essential fish habitat or contribute to any effects that may include direct or indirect physical, chemical, or biological alterations of the waters or substrate and loss of, or injury to, benthic organisms, prey species and their habitat, and other ecosystem components. Therefore, the revised land management plan will have no adverse effect on essential fish habitat. Future project activities designed to implement the 2019 land management plan will be assessed for their potential impact to essential fish habitat during project planning for land management plan implementation. The application of forest wide standards and guidelines and best management practices developed to meet soil protection, water quality standards, and fish habitat protection will help protect essential fish habitat within the national forest and adjacent estuarine and marine waters.

Concern Statement 170: The Forest Service should clarify which best management practices are to be used and should clarify how riparian areas are defined

**Sample comment:** *For watersheds and aquatics, there is a standard to apply BMPs, but it is not clear what these are. There is also a standard to identify and delineate riparian management areas. The planning rule requires the establishment of widths for riparian management zones within which required plan components apply (36 CFR 219.8(a)(3)). Have those zones been delineated within the plan? There is also a guideline to design riparian management activities consistent with a Forest Service handbook. What is the implication for forest planning and effects analysis if that handbook is changed? There is a guideline to consult with an aquatic biologist to prescribe measures to ensure a natural range and frequency of aquatic habitat conditions – can those desired conditions be found in the plan or will they be determined at a later date via a different planning process?*

**Response:** Best management practices are based on project-level determinations and vary project-by-project. Site-specific best management practices applications will vary since no single practice, method or technique is best in all circumstances. Best management practices are selected to fit local

conditions, resource values, and designated uses of water. Site-specific best management practices prescriptions are developed based on the proposed activity, water quality objectives, soils, topography, geology, vegetation, climate, and other site-specific factors. The National Best Management Practices Program provides core best management practices in the “National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1: National Core Best Management Practices Technical Guide.” This document, as well as the Alaska Region Soil and Water Conservation Handbook (Forest Service Handbook 2509.22), provide guidance on applicable best management practices. We will reference these in the plan.

The 2012 Planning Rule does require the establishment of widths for riparian management zones within which required plan components apply. The land management plan delineates riparian management zones according to direction in the Alaska Region Stream Class and Channel Process Group (page 60 of draft plan). The width of riparian management zones would vary according to the handbook direction: therefore, specific widths are not specified in the land management plan and would be determined on a site-specific basis, as needed.

**Concern Statement 283: The Forest Service should expand the analysis of effects to water quality**

**Sample comment:** *We recommend that the Final EIS include additional detail regarding existing water quality issues resulting from Forest uses, and how these water quality concerns are likely to change due to the proposed revisions to the LMP. Although existing water quality in the Chugach National Forest is generally good, the Draft EIS discusses several sensitive areas, including watersheds with a water quality Class 2 (Fair - Functioning at Risk) rating, Clean Water Act Section 303(d) listed waterbodies, priority watersheds identified by the Forest Service for restoration actions, and localized impact areas resulting from recreational uses. We recommend that the Final EIS identify and discuss the existing areas of localized water quality impact concerns. We also recommend including additional detail regarding the existing water resource concerns within the Priority Watersheds identified in Table 80.*

**Response:** The Watershed and Water Resources section in chapter 3 (pages 247–270 draft EIS) provides detail on current water quality drivers, stressors, issues and trends, resulting from natural disturbances and from forest uses, as well as the potential changes related to the proposed alternatives in the land management plan. The Water Quality section (pages 255–259) specifically discusses existing areas of localized water quality impact concerns. The draft EIS on page 258 also refers the reader to the 2014 Assessment of Ecological and Socio-Economic Conditions and Trends (USDA 2014a) and the Watershed Condition Classification Framework 5-Year Reassessment for the Chugach National Forest (Coleman et al. 2016) for more details on the water quality condition ratings for each of the 6<sup>th</sup> level (12-digit) hydrologic unit code watersheds. Page 263 of the draft EIS and page 105 of the draft land management plan (appendix D) reference that more detailed information on Priority Watersheds can be found in each of the Watershed Restoration Action Plans found on the Forest Service’s watershed condition class map viewer (<https://apps.fs.usda.gov/wcatt/>).

Table 78 has also been updated to reflect changed conditions since publication of the draft EIS.

**Sample comment:** *Some of the major sources of existing human impact to water quality identified in the Draft EIS include bank trampling from recreational fishing use, off highway vehicles and other trail use, and placer mining. While the document states that no major water quality impacts are anticipated from the proposed land management changes, it notes that changes in the recreation opportunity spectrum could result in localized impacts “at points of concentrated use,” and that “proper management and use of BMPs and standards and guidelines would reduce these impacts.” We recommend that the Final EIS include analysis and discussion regarding whether existing water quality issues resulting from Forest uses are likely to change with potential revisions to the LMP, including whether existing water quality concerns in heavily used areas will persist or be exacerbated, and whether any additional points of concentrated use are anticipated to result in water quality concerns. Given the proposed changes in winter motorized use, we recommend that the analysis address whether any potential water quality concerns, including elevated levels of hydrocarbons, may result in areas of heavy snowmobile use.*

**Response:** The Watershed and Water Resources section in chapter 3 (pages 247–270 draft EIS) provides detail on current water quality drivers, stressors, issues and trends, resulting from natural disturbances and from forest uses, as well as the potential changes related to the proposed alternatives in the draft land management plan. The Water Quality section (pages 255–259) specifically discusses existing areas of localized water quality impact concerns. The draft EIS on page 258 also refers the reader to the Assessment of Ecological and Socio-Economic Conditions and the Trends (USDA 2014a) and Watershed Condition Classification Framework 5-Year Reassessment for the Chugach National Forest (Coleman et al. 2016) for more details on the water quality condition ratings for each of the 6<sup>th</sup> level (12-digit) hydrologic unit code watersheds.

Existing water quality issues would likely remain the same under all of the alternatives. As stated under all Alternatives, implementation of best management practices for the prevention of sediment delivery to stream channels and other non-point source pollution sources would continue to be a priority for all management activities, as would improvement of aquatic habitat conditions as resources are available (page 264, paragraphs 2, 4, and 5; page 265, paragraph 4; page 266, paragraph 4; page 269, paragraph 2).

The draft EIS also addresses the potential changes, including water quality concerns which includes elevated levels of hydrocarbons, associated with winter motorized use, related to the proposed alternatives (page 264, paragraph 4; page 265, paragraph 3; page 266, paragraphs 1 and 3; page 267, page 269, paragraphs 3 and 5). The potential recreation opportunity class spectrum class changes in the land management plan are just the objectives that guide recreation management. The classes depict, in broad terms, the level of recreation development and the amount and kind of recreation use that is appropriate for any given area. They guide project-level decisions regarding recreation management. Since only travel management decisions determine the specific areas and travel routes open to winter motorized use recreation (page 133 of the draft EIS) it is still unknown as to what the actual level of use will be. Thus the water quality analysis for these changes was more qualitative than quantitative (pages 263–270 draft EIS).

**Sample comment:** *We also recommend that the Final ECS discuss whether any points of concentrated use that may result in water quality concerns would be located within identified sensitive watersheds, and how they may impact those sensitive resources. Sensitive watersheds include those with existing water quality concerns discussed above, as well as Source Water Protection Areas for drinking water. According to the Draft EIS, the Forest supplies water for more than 150 public water systems; therefore, protection of public drinking water supplies is a critical function of the LMP. Finally, we recommend that the Final EIS include additional detail regarding specific best management practices, standards and guidelines, and other tools available to reduce any anticipated impacts.*

**Response:** The potential recreation opportunity class spectrum class changes in the land management plan are just the objectives that guide recreation management. The classes depict, in broad terms, the

level of recreation development and the amount and kind of recreation use that is appropriate for any given area. They guide project-level decisions regarding recreation management. Thus, it is unknown where these locations of potential concentrated use may occur.

The Chugach National Forest is required by law to protect and maintain water quality consistent with Alaska Water Quality Standards (18 AAC 70) and protect source watersheds consistent with the federal Safe Drinking Water Act and the Alaska Drinking Water Regulations (18 AAC 80). This would remain consistent across all of the alternatives.

Best management practices are developed based on project-level determinations and vary. Site-specific best management practice applications will vary since no single practice, method or technique is best in all circumstances. Best management practices are selected to fit local conditions, resource values, and designated uses of water. Site-specific best management practice prescriptions are developed based on the proposed activity, water quality objectives, soils, topography, geology, vegetation, climate, and other site-specific factors. The National Best Management Practices Program provides core best management practices in the “National Best Management Practices for Water Quality Management on National Forest System Lands, Volume 1: National Core Best Management Practices Technical Guide.” This document as well as the Alaska Region Soil and Water Conservation Handbook (Forest Service Handbook 2509.22) provide guidance on applicable best management practices. We will reference these in the plan.

**Concern Statement 70: The Forest Service should use plan components to ensure resources are adequately protected from mining activities**

**Sample comment:** *For minerals, there is a guideline to “reduce impacts to riparian resources to the extent feasible.” That, and the requirement that projects will include design features “commensurate with potential resources impacts” does not offer very much clarity on how this guideline will protect riparian resources. The effectiveness of other guidelines for mineral development, such as requiring “compatibility” with the Region 10 Aquatic Ecosystem Handbook and maintaining the productivity of anadromous fish habitat “to the maximum extent feasible” are also difficult to interpret.*

**Response:** The land management plan outlines a set of guidelines and standards that align with our regulatory responsibility, with regards to mining activities, to ensure the effects on resources are minimized where feasible. The Organic Administration Act requires the Forest Service, as the land manager, to minimize environmental impacts without materially interfering with a mining claimant’s rights under the General Mining Laws. The 1872 Mining Law, as amended, confers a statutory right upon a mining claimant to enter upon public lands to prospect, develop, and mine valuable minerals. Mineral activities are subject to applicable federal and state laws and regulations, including 36 Code of Federal Regulations (CFR) 228 subpart A and the 1955 Multiple Use Mining Act (30 United States Code 612)—[All] operations shall be conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources (36 CFR section 228.8). In addition, the 1955 Multiple Use Mining Act restricts mining operators to using reasonable methods of surface disturbance that are appropriate to their stage of operation (see Forest Service Handbook 2809.15, Section 10.1).

To be compliant with our regulatory authority, updates to plan components have been made; these standards and guidelines are outlined in the Minerals (MINE) section and Watersheds and Aquatic Ecosystems (WAE) section of the 2019 land management plan.



**Sample comment:** *The EIS states that mining operations are “carefully monitored to ensure compliance with the terms of the mine operating plan.” This is not the same as plan components ensuring no effects on resources. For recreation, the EIS states that under Alternative B “Fish resources should not be affected” (p. 308). This is troubling. The EIS acknowledges impacts to fish and water resources, and even high impacts at points of concentrated use, but presumes “proper management” will reduce impacts.*

**Response:** The land management plan outlines a set of guidelines and standards that align with our regulatory responsibility, with regards to mining activities, to ensure the effects on resources are minimized where feasible. The Organic Administration Act requires the Forest Service, as the land manager, to minimize environmental impacts without materially interfering with a mining claimant’s rights under the General Mining Laws. The 1872 Mining Law, as amended, confers a statutory right upon a mining claimant to enter upon public lands to prospect, develop, and mine valuable minerals. Mineral activities are subject to applicable federal and state laws and regulations, including 36 Code of Federal Regulations (CFR) 228 subpart A and the 1955 Multiple Use Mining Act (30 United States Code 612)—[All] operations shall be conducted so as, where feasible, to minimize adverse environmental impacts on National Forest surface resources (36 CFR section 228.8). In addition, the 1955 Multiple Use Mining Act restricts mining operators to using reasonable methods of surface disturbance that are appropriate to their stage of operation (see Forest Service Handbook 2809.15, Section 10.1).

To be compliant with our regulatory authority, updates to plan components have been made; these standards and guidelines are outlined in the Minerals (MINE) section and the Watersheds and Aquatic Ecosystems (WAE) section of the 2019 land management plan.

In further review of our draft EIS we made the following change to be compliant with our regulatory authority:

- Page 305, paragraph 3 in the Minerals section of the draft plan has been revised in the 2019 plan to read: “These activities are inspected to ensure mining operations are consistent with their plan of operations.”

## **Ecological Sustainability – Wildlife**

**Concern Statement 44:** The Forest Service should not regulate livestock on private lands

**Sample comment:** *I want to make it clear that I am against any plan that will limit property owners from having the legal right to raise domesticated animals on their lands whether within the plans designated boundaries or not.*

**Response:** National forests have a proclaimed boundary that surrounds the entire Forest and often includes lands and waters that are not owned or managed by the Forest Service. The standard prohibiting domestic goats, sheep, and llamas applies only to National Forest System lands within the Chugach National Forest as stated in the original language (draft land management plan page 69, #14). It does not apply to any other federal, state, tribal, or private lands located within or outside the boundaries of the Chugach National Forest.

**Concern Statement 45:** The Forest service should provide analysis that demonstrates the need to ban domestic sheep and goats on National Forest System lands

**Sample comment:** *There has been no environmental impact statement, or any other analysis done according to NEPA rules that would indicate the need for CNF to ban domestic sheep & goats.*

**Sample comment:** *This proposed ban is a knee jerk reaction to fears of spreading Movi from domestic to wild sheep/goats. Current studies are showing that movi may be endemic in wild populations and it takes more than contact with a domestic animal to have a pneumonia outbreak in wild populations.*

**Response:** The threat of disease transmission from domestic livestock to mountain goats and Dall sheep, and the potential consequences for native wild sheep and goat populations is discussed in chapter 3 of the draft EIS (pages 385–388).

**Concern Statement 46: The Forest Service should not prohibit domestic sheep and goats on National Forest System lands**

**Sample comment:** *Controlled groups of grazing goats have proven to be a “green” alternative to using machinery in controlling invasive weeds and reducing fuel loads that feed hazardous wildfires. Banning sheep & goats eliminates any potential future use of this resource by the Forest Service.*

**Response:** The Chugach National Forest has a variety of tools and techniques available for managing forest vegetation and does not currently use or need to use domestic livestock to achieve forest management objectives.

**Sample comment:** *With a mission to sustain the health, diversity and productivity of these forests to meet the needs of present and future generation, the forest service should not be considering banning an entire user group without a science-based justification.*

**Sample comment:** *There is no basis in fact for this concern. The science is just starting to be learned in regards to domestics and wild goat and sheep populations. Do not ban something preemptively, with no basis in fact, that allows real Alaskans to live in remote regions and feed their family meat and dairy, clear brush, pack weight, and give fiber. These people need these resources. Let’s wait and learn from the tests and studies before we have a knee jerk reaction. Please and thank you!*

**Response:** The threat of disease transmission from domestic livestock to mountain goats and Dall sheep, and the potential consequences for native wild sheep and goat populations is discussed in chapter 3 of the draft EIS (pages 385–388). Native wildlife populations including Dall sheep and mountain goats are an important component of national forests, and sustaining those populations for present and future generations is part of the Forest Service mission.

**Concern Statement 47: The Forest Service should only allow certified disease-free domestic sheep and goats on National Forest System lands**

**Sample comment:** *Many Alaskan sheep and goat breeders have already invested a great deal of time and money to participate in the state’s M.ovt study. Please consider implementing a pack goat certification program such as has been done quite effectively in the lower 48 with NAPgA.*

**Response:** The land management plan guideline prohibiting domestic goats, sheep, and lamas on National Forest System lands applies only to activities authorized by the Forest Service through special use permits, contracts or agreements, and actions conducted by Forest Service personnel (draft land management plan page 1, line 23). Any limitations on the public’s use of domestic goats, sheep or lamas on National Forest System lands, and the manner in such limitations would be implemented will be addressed at a later time through development of a forest order (draft land management plan page 69, #14).

**Concern Statement 48: The Forest Service should prohibit domestic sheep and goats on National Forest System lands**

**Sample comment:** *Published, peer-reviewed scientific literature to date clearly indicates adverse impacts to wild sheep from respiratory pathogens commonly carried and transmitted from domestic sheep and goats to wild sheep and mountain goats. WSF believes the significant body of peer-reviewed, published scientific literature, along with internal direction from the USFS Washington Office, provides sufficient basis and justification for the CNF to implement this strategy (as a Forest Plan Standard) in the CNF Plan Revision.*

**Sample comment:** *We fully support the intent behind this prohibition, to ensure Mountain goats and Dall sheep do not come in contact with domestic sheep or goats that carry devastating pathogens such as *Mycoplasma ovipneumoniae* (M.ovi). It is imperative that pathogens such as M.ovi not be transferred from domestic sheep or goats to wild sheep or goats in the Chugach National Forest. In the absence of any State Regulations requiring domestic sheep and goats to be tested and certified as M.ovi Free the only responsible approach is to prohibit domestic Caprinae (sheep, goats, muskoxen) from entering the Chugach National Forest.*

**Response:** We understand you support our efforts to avoid disease transfer between domestic livestock and native mountain goats and Dall sheep.

**Concern Statement 49:** The Forest Service should minimize disturbance to Dall sheep and mountain goats during critical lifecycle periods

**Sample comment:** *Page 62 – Part 3 Design Criteria – Forestwide Standards and Guidelines – Ecological Sustainability – Wildlife Management – Mountain Goat and Dall Sheep Habitat Management 1. Management actions and authorized uses should minimize human disturbance to mountain goats and Dall sheep, especially near important wintering, kidding, and lambing habitats. We agree minimizing human disturbance in these areas during critical periods including wintering and kidding/lambing. Regular/daily helicopter flights must be restricted in these areas particularly during the critical spring months of kidding/lambing to ensure ewes/nannies are not disturbed to ensure adequate survival of young. It is imperative that commercially permitted helicopters maintain a 1,500ft minimum vertical distance from all observed Mountain goats and Dall sheep.*

**Response:** We understand you support our efforts to minimize disturbance to mountain goats and Dall sheep.

**Concern Statement 50:** The Forest Service should add a desired condition related to habitat management

**Sample comment:** *Page 16, Desired Conditions Associated With Goal 3 Ecosystem Processes and Conditions Please add an additional Desired Condition 7 to also reflect site specific needs for habitat management programs, such as hydroaxe. “7. Specific, identified fish and wildlife habitat needs are addressed through localized habitat management.”*

**Response:** The land management plan is strategic in nature, providing broad guidance and information for subsequent project and activity level decisions. Planning and implementation of site specific or localized habitat management projects is outside the scope of the land management plan.

**Sample comment:** *“Management actions and authorized activities using the Twentymile River are considered by NMFS not likely to adversely affect the Cook Inlet beluga whale.” Why is this limited to just the Twentymile River? I have personally seen beluga’s at the mouth’s of Placer, Portage and Ingram creeks as well as Twentymile river. Numerous other streams flow through CNF lands to Turnagain Arm providing nutrients and pollutants to the waters of the arm, affecting the whale’s environment.*

**Response:** The National Marine Fisheries Services has determined that the Twentymile River provides seasonally important foraging habitat for beluga whales (draft EIS page 395–396). The use of motorboats on this river has the potential to disturb beluga whales and affect their use of the waterway. Aside from managing guide permits, which include motor boat use on the Twentymile River, Forest Service management has very little influence on beluga whales or their habitat.

**Concern Statement 51:** The Forest Service should explain why wildlife habitat management may not always be suitable in some management areas

**Sample comment:** *Page 36, Table 4, Wildlife and fish management and research – Please explain why wildlife and fish management and research is considered “conditional” for MAI, MA2 and MA3. We believe “suitable” is the appropriate designation.*

**Response:** Federal laws, in combination with various national and regional policies establish frameworks for managing management area 1, management area 2, and management area 3. Specific wildlife and fish management and research activities proposed for these areas need to be evaluated to ensure they are compatible with the area specific management requirements. For management area 1 proposed activities should be designed and implemented in a manner that maintains presently existing character and potential for inclusion into the National Wilderness Preservation System. Designation as conditional makes clear the need to evaluate the compatibility of proposed actions. Draft plan, appendix F, under Wildlife and Fish – Management and Research provides the rationale for determination of these actions as conditional with regard to management area 1.

**Concern Statement 52: The Forest Service should adjust or add standards and guidelines to increase protection for certain wildlife species**

**Sample comment:** *Page 68, Marine Mammal Habitat Management – Based on input from our staff biologists, we request that the following underlined changes be made to the distance restrictions outlined as a management action related to separation distances from marine mammals. These changes are requested because, under the Marine Mammal Protection Act marine mammals are protected from disturbances (including changing behavior) period, with no set distance given: Actions or activities within 750 feet, or at greater distances if causing a disturbance, of any sea lion or seal hauled out on land should be delayed until the animal(s) depart the area. Any actions or activities conducted within 750, or at greater distances if causing a disturbance. feet of any sea lion or seal hauled out on land must be designed and implemented to prevent the animal from flushing. [Guideline]*

**Response:** The guideline has been substantially modified to address two different situations: 1) incidental disturbance associated with necessary travel where seals or sea lions may be hauled out along important confined access corridors such as the Copper River, and 2) activities planned to be conducted in proximity to hauled out animals. Where activities are conducted in proximity to hauled out seals or sea lions, we have incorporated the recommendation to delay activities at occurring a distances greater than 750 feet if these activities are disturbing hauled out animals.

**Sample comment:** *Page 70 Waterfowl and Shorebird Habitat Management – Based on input from our staff biologists, we request that Management Standard 19 be re-written, as shown below: Management actions and authorized activities should be designed to minimize disturbance within 330 feet of designated key nesting areas or intertidal concentration areas used by waterfowl, especially dusky Canada geese (March 15 through May 30, July 1 through August 15 and September 1 through October 31) and shorebirds (April 20 through May 30 and July 15 through October 10).*

**Response:** The guideline has been modified to incorporate recommended date changes.

**Sample comment:** *The draft plan contains no Standards and Guidelines for Caribou Management. Given the precipitous population decline and stated conservation concern for the Kenai Mountains Caribou Herd, the FEIS should further assess and document known or potential causes for this decline. The Forest Service should adopt appropriate Standards and Guidelines.*

**Response:** Standards and guidelines function as constraints on Forest Service actions. The Chugach National Forest is not regularly planning or implementing management actions that effect the alpine habitat inhabited by caribou, and therefore no specific standards or guidelines are appropriate. The Affected Environment and Environmental Consequences sections of chapter 3 of the draft EIS (pages 384–385 and pages 407–409), describe the origin, status and trends of the present caribou populations. These sections also discuss the status, trend, and limitations to manipulating the alpine habitats on which this population depends. The state of Alaska and the Federal Subsistence Board are responsible for managing caribou harvest, and these topics are outside the scope of the land management plan.

**Sample comment:** *The forest plan should provide a desired condition for recreational activity and resulting impacts to belugas in the Twentymile area.*

**Response:** The Forest Service does not have jurisdiction over the marine and fresh waters inhabited by beluga whales, and has a very limited management responsibility for actions that may affect this species. The land management plan includes a standard that addresses this limited management responsibility (draft plan pages 66–67). Additional plan components are not necessary.

**Sample comment:** *Regarding Steller sea lions, which are listed as threatened under the Endangered Species Act, it is appropriate for the plan to provide conditions that support the recovery of the species. To that end, Prince William Sound Geographic Area; Fish, Wildlife, and Habitats Desired Condition 4 should specify those necessary conditions.*

**Response:** Chugach National Forest administers the lands supporting two Steller sea lion rookeries identified as critical habitat, along with other coastal lands used as haulouts. Specific plan components address implementation of actions and activities under Forest Service jurisdiction that could influence Steller sea lion recovery (draft land management plan page 66). The existing desired condition acknowledges the Chugach National Forest’s responsibility and commitment to support recovery of this species through management of critical habitat in cooperation with National Marine Fisheries Service, and compliance with established regulations (draft land management plan page 20). The conditions necessary to support recovery of this species are described by National Marine Fisheries Service, and subject to change. Incorporating the text of dynamic external agency guidance into land management plan components is not recommended.

**Concern Statement 53: The Forest Service should explain why there is no longer a conservation concern for certain species**

**Sample comment:** *The 2002 Forest Plan identified the following species as having “potential concerns for viability or distribution” on the Chugach National Forest (15 2002 Forest Plan at 2-11.). Montague Island hoary marmot Dusky Canada goose, Wolverine, Brown bear, Steller sea lion, Black oystercatcher, Gray wolf, Northern red-backed vole, Montague Island tundra vole. The draft plan identifies no viability or distribution concern for these species except dusky Canada goose and Steller sea lion.*

**Response:** The Alaska Region has reviewed the status of native plant and animal species inhabiting Chugach National Forest several times since the publication of the 2002 land management plan, and revised the list of species for which there are special conservation concerns. The publication of the 2012 Planning Rule established a new process, the designation of species of conservation concern, as the Forest Service mechanism for identifying species requiring special consideration due to concerns of persistence (draft EIS page 13). The draft EIS addressed the species of conservation concern and those species on the most current 2009 Regional Forester’s Sensitive Species List. The 2014 Chugach National Forest Assessment of Ecological and Socio-Economic Conditions and Trends and the at-risk species analysis (and supporting planning record) provides rationale for inclusion or omission of species as species of conservation concern.

**Concern Statement 62: The Forest Service should work with the state to ensure the wilderness study area management is compatible with Alaska Department of Fish and Game responsibilities**

**Sample comment:** *References to two other documents we believe are formative to Service wilderness management policies for activities ADF&G needs to conduct in the Nellie Juan WSA seem to be missing from the Forest Plan; the Service document “Expectations Regarding State of Alaska Administrative Activities in National Forest Wilderness,” December 3, 2009 and the Association of Fish and Wildlife Agencies (AFWA) “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” (as amended June, 2006). We request the Service review both*

documents and work with ADF&G before the plan is finalized to identify any needed changes to management standards and guidelines for the WSA. As described in detail below, there are places where the Forest Plan's management of uses within the WSA could be interpreted as conflicting with the existing guidance.

**Response:** Reference to both documents “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” (as amended June, 2006) and “Expectations Regarding State of Alaska Administrative Activities in National Forest Wilderness,” December 3, 2009 have been incorporated in the land management plan under the heading Other Information Sources. This guidance will be considered when evaluating activities for consistency with the minimum requirement concept as directed by Regional Policy (R-10 2300-2008-2).

**Sample comment:** *We request that an additional Management Approach, similar to the approach for EVOS surveys, be added to MA1. Support and authorize ADF&G fish and wildlife management and research, which may include, among other activities, helicopter landings, counts and observations of fish and wildlife, capturing and marking of animals, radio telemetry and GPS tracking, genetic sampling, and occasional installations such as cameras or scientific apparatus, through special use permits if permits are required.*

**Response:** The land management plan acknowledges the state of Alaska's responsibility for fish and wildlife management, and identifies the collaborative relationship between the state and the Forest Service (draft land management plan page 4). However, federal law and policy establish the framework for the management of management area 1. The Forest Service must ensure any proposed activities for management area 1, including wildlife and fish management and research, if authorized are designed and implemented in a manner that maintains presently existing character and potential for inclusion into the National Wilderness Preservation System. The proposed management approach would not comply with these responsibilities.

**Concern Statement 64: The Forest Service should include stronger protections for bears in the land management plan**

**Sample comment:** *The draft revised plan removes the teeth from the protective measures afforded to Kenai brown bears in the current plan. These include measures protecting 750-foot buffers around important feeding areas from both road construction and vegetation management actions (unless those were intended to maintain or improve ecological conditions for brown bears).<sup>2</sup> (2 2002 Forest Plan at 3-29.) We urge the Forest Service to retain these provisions at the very minimum, and to consider strengthening them.*

**Sample comment:** *Draft plan direction for ecosystem and habitat connectivity that could benefit brown bears suffers from several weaknesses that should be improved in the final plan.*

**Sample comment:** *The FEIS should quantify and explain the loss and fragmentation of habitat, connectivity implications, displacement of bears and/or prey from desired areas, noise and other impacts on Kenai brown bear habitat that have occurred since 2002.*

**Sample comment:** *Increased hunting pressure is another reason to retain existing protective measures for brown bears.*

**Sample comment:** *Finally, human-caused mortality of Kenai brown bears not related to legal hunting is an additional consideration counseling in favor of retaining or expanding brown bear conservation measures. These sources of mortality, which include reported and unreported illegal hunting (poaching), car collisions and other accidents, and “Defense of Life and Property” (DLP) killings, naturally vary in number and sometimes make a significant contribution to overall mortality.<sup>8</sup> (8 81 Fed. Reg. 27037.) While many of these incidents would also be outside Forest Service authority to regulate, they are among the cumulative impacts to brown bears that the Forest Service should consider in the FEIS before deciding whether to reduce, maintain or increase protections for Kenai brown bears.*

**Response:** Maintaining the quality, quantity, and availability of brown bear habitat remains an important component of wildlife management on the Chugach National Forest. Much of the management area specific guidance found the 2002 land management plan has been consolidated into forestwide integrated resource guidance in the revised plan. Numerous plan components establish guidelines for protecting and managing aquatic and riparian habitats that support resident and anadromous fish species, and serve as key brown bear foraging habitat (draft land management plan pages 60–61). Specific forestwide plan components also provide guidance to minimize disturbance to habitats supporting high concentrations of brown bears, and provide management direction designed to minimize the potential for adverse interactions between humans and bears (draft plan pages 68–69).

The 2002 land management plan placed a strong emphasis on brown bear habitat management, due in part to the lack of an objective population estimate for brown bears, and concern for high mortality on the Kenai Peninsula. Our knowledge of brown bear populations and the circumstances surrounding brown bear management on the Kenai Peninsula have evolved during the intervening years (see draft EIS page 380). In 2015, an improved population estimate indicated the brown bear population inhabiting the Kenai Peninsula was larger than previously thought, and more resilient. Additionally, the Forest Service along with other government and non-government partners have implemented a variety of measures to reduce the prevalence of adverse human and bear interactions, and the number of bears killed in defense of life and property.

As noted in the comments, the Chugach National Forest recently completed a plan amendment to accommodate realignment of a short section of the Sterling Highway. The effects of that decision were discussed in the associated environmental analysis and are outside the scope of the land management plan.

Sustaining long-term habitat connectivity for wildlife species including brown bears is an important goal. Fortunately the lands of the Chugach National Forest, in combination with the adjacent Kenai National Wildlife Refuge, Kenai Fjords National Park, Chugach State Park and the Wrangell-Saint Elias National Park and Preserve function as a well-connected, ecologically intact and extremely large geographic area. Brown bear habitat quality, quantity and availability on these interconnected lands remains high, and the habitats on Chugach National Forest lands are not threatened by ongoing or proposed FS management activities (draft EIS page 403).

In recent years, liberalized state of Alaska hunting regulations have increased the brown bear harvest, and currently human-caused mortality is considered the primary factor influencing brown bear abundance on the Kenai Peninsula. However, the implication that the Forest Service, through implementing additional unspecified brown bear habitat protection measures on National Forest System lands, could effectively offset the effects of increased brown bear mortality due to hunting mortality or private land development on the Kenai Peninsula is not supportable. The revised land management plan retains guidelines for maintaining important brown bear habitat, minimizing disturbance during key seasons, and working to reduce negative human and bear interactions, aspects of brown bear management for which the Forest Service has authority (draft land management plan pages 68–69). While the Chugach National Forest remains ready to partner with state, federal, tribal, local, and non-governmental organizations to address other brown bear management issues and concerns, these issues are outside the scope of specific land management plan components.

**Concern Statement 298: The Forest Service should modify management around Jack Bay to protect brown and black bears and improve bear viewing opportunities**

**Sample comment:** *We remain concerned about the long-term decline of brown bears and the more recent and precipitous decline of black bears in Jack Bay. We suggest that CNF public use cabins which are sited close to critical spring time bear habitat be closed to public use during the spring (and possibly fall) bear hunt, so as to reduce the pressure on this important wildlife species, and balance non-consumptive uses with hunting. The current trend does not provide for sustainable wildlife viewing or conserve the natural/historical biodiversity of these apex predators. One approach as the demand for both hunting and wildlife viewing increases with increasing visitation would be to work with ADF&G to disperse hunting into more remote parts of PWS and protect bears in popular, accessible viewing areas where the public can reasonably expect to see bears in near-natural numbers in their preferred habitat.*

**Response:** The land management plan is designed to provide broad scale management direction. Site-specific issues and recommendations such as altering the availability of a specific public use cabin, or coordinating with the state of Alaska on a specific hunting area closure are fine-scale management issues that should be addressed outside the plan development process.

**Concern Statement 108: The Forest Service should take actions to reduce bear baiting**

**Sample comment:** *There are limited areas to camp in the Sound and I feel that it is unsafe and inappropriate to allow bear baiting on beaches that will later be camped on by kayakers.*

**Sample comment:** *A very serious concern is the baiting of black bears that has sharply increased since the Whittier tunnel was completed.*

**Response:** The management of bear baiting is outside the scope of the land management plan. The state of Alaska regulates bear hunting and bear baiting.

**Concern Statement 109: The Forest Service should ensure that effects analysis related to wildlife is well-supported by scientific literature**

**Sample comment:** *If an argument such as the animals in the area are harmed by snowmobiles is used, you must ask for certified research to prove it.*

**Response:** Discussions in the EIS regarding the effects of human activities on wildlife contain specific references to peer reviewed scientific studies. For example, specific scientific references addressing mountain goat sensitivity to human disturbance are found in chapter 3 of the draft EIS (page 386).

**Concern Statement 110: The Forest Service should not add areas for the protection of wildlife**

**Sample comment:** *I do not want to see any wildlife areas added as well.*

**Sample comment:** *I do not support restricting public land use for the purpose of wildlife studies.*

**Response:** The Forest Service is a multiple-use agency directed to manage for a variety of resources, including both recreation and wildlife. The land management plan does not establish new wildlife areas on the Chugach National Forest. However, in certain situations it may be necessary to limit timing or distribution of certain activities to achieve other resource management objectives including wildlife or habitat protection. This is discussed in detail for certain species in the draft EIS (Affected Environment and the Environmental Consequences sections beginning on page 390).



**Concern Statement 111: The Forest Service guidelines for marine mammal habitat management should be less restrictive and more consistent with NOAA guidelines**

**Sample comment:** *While reading the Marine Mammal Habitat Management on page 68, item 7, the 750-foot distance from a seal or sea lion is in contradiction to NOAA guidelines... your guidelines should match National Marine Fisheries guidelines.*

**Response:** The NOAA guidelines are intended to address marine mammal viewing, an activity that is focused on the animal(s) in question, which can be terminated immediately if animal behavior changes. The land management plan guidelines address a wide variety of Forest Service actions and authorized activities that could occur in proximity to hauled out marine mammals. The guidelines published in the draft land management plan have been modified to provide specific direction to be implemented when traveling through confined routes such as the Copper River if hauled out seals or sea lions are present, and separate guidance for activities that are to be conducted in proximity to locations where hauled out animals are present. Land management plan guidelines establish a specific reference distance, beyond which most Forest Service actions or authorized activities are considered unlikely to disturb hauled out marine mammals.

**Concern Statement 112: The Forest Service should ensure that seabird nesting habitat is protected**

**Sample comment:** *Prince William Sound is a very special place and deserves all the protection we can give it. It has still not entirely recovered from the 1989 spill so this document should incorporate protections that give it a chance to recover fully. Freedom from logging is especially important for those seabirds who nest in old growth trees who were almost wiped out during the spill and its aftermath. Yellow billed loons are also deserving of our best efforts to preserve their habitat.*

**Response:** For forest nesting seabirds such as the Kittlitz's murrelet, the availability of suitable nesting habitat is not a limiting factor in Prince William Sound (draft EIS pages 377 and 400). Additionally, the majority of the Forest Service lands in Prince William Sound are located within the wilderness study area, and are not available for commercial timber harvest.

**Concern Statement 113: The land management plan should recognize and clarify the role of the state of Alaska in managing wildlife**

**Sample comment:** *We realize that the Master Memorandum of Understanding (MMOU) between the U.S. Forest Service Alaska Region and ADF&G has expired; however, many of the Forest Plan's goals, desired conditions and objectives relate to resident fish and wildlife, for which ADF&G has primary management responsibility, regardless of land ownership. We request that the MMOU be placed in the Appendix to provide guidance for the manner in which the Service and ADF&G cooperate.*

**Response:** The guidance found in any memorandum of understanding is subject to change, usually by any party at any time. Referencing a memorandum of understanding as a component of the collaborative management process may be beneficial; however including the text of a memorandum of understanding that expired in 2014 would not serve to clarify the collaborative relationship. The land management plan already acknowledges and the state of Alaska's role in managing fish and wildlife in detail in the plan introduction (draft land management plan page 4).

**Sample comment:** *Page 18, Goal 3, Ecosystem Processes and Conditions, Terrestrial Ecosystems, Desired Conditions 3 and 4. Please clarify that the management activities and authorized activities are Service management activities and Service authorized activities. As currently written, these two conditions sound as if the Service manages wildlife rather than ADF&G.*

**Response:** The text of desired conditions 3 and 4 has been clarified.

**Concern Statement 114: The Forest Service should reword plan components to better reflect the roles of and the relationship with the state of Alaska**

**Sample comment:** *We request that Desired Condition 6 under Goal 1, Foster Collaborative Relationships, be rewritten and moved up in the Desired Condition list to No. 4 (not to negate the importance of youth camps, but as a fellow land and resource manager we believe a higher priority should be accorded to the State), to say: The Forest Service seeks a collaborative relationship with the State of Alaska (e.g., Alaska Departments of Fish and Game, Natural Resources, Environmental Conservation, and Transportation) to deal with, and resolve, the inevitable land and resource management challenges that emerge due to each entity's respective management authorities. The Service seeks to acknowledge other agencies' management responsibilities and authorities and work in cooperative partnership with them to achieve sustainable land stewardship for the Forest area.*

**Response:** The desired conditions listed in the plan are not prioritized. Desired condition 2 represents an aspiration to achieve mutually beneficial collaborative relationships between the Forest Service and various state and federal resource management agencies. The revised language describes the type of balanced interagency relationships, supported by mutual acknowledgement for respective authorities and responsibilities, and a shared commitment to cooperation that the Chugach National Forest considers critical for effective collaborative partnerships with our state and federal partners.

**Sample comment:** *Page 33, Key Coastal Wetlands, Desired Condition #2 – The State should be mentioned within this Desired Condition because of the MOU (Copper River) specific to this area. “Other states” are mentioned, but not Alaska.*

**Response:** The state of Alaska has been included as one of the partners in desired condition 2.

**Sample comment:** *We request that the following item recommend identifying desired conditions on a project specific basis: “Plan and implement habitat enhancement, prescribed fire, hazardous fuel reduction, and other treatments on a project specific basis, as well as in an integrated landscape context, identifying desired conditions and the expected range of seral stages.”*

**Response:** The land management plan provides a broad, integrated resource management context, expressed in the form of desired conditions and other plan components, which guide the development and implementation of specific resource management actions, including habitat enhancement. Site-specific management actions including habitat enhancement projects are outside the scope of the land management plan but they tier to the direction provided in the plan.

**Concern Statement 116: The Forest Service should adjust plan components for dusky Canada goose**

**Sample comment:** *Based on input from our staff biologists, we request that the following underlined changes be made to the timing restrictions outlined as a management action related to the dusky Canada goose. Management actions and authorized activities should incorporate measures, such as seasonal or daily activity restrictions, low impact operational methods, and vehicle restrictions to minimize human disturbance to nesting habitat (March 15 through May 30), molting and brood rearing habitat (July 1 through August 15), and high-use staging areas (September 1 through October 31) for dusky Canada geese.*

**Response:** The recommended date changes have been incorporated into the land management plan.

**Concern Statement 172: The Forest Service should ensure that plan components are adequate to protect wildlife habitat**

**Sample comment:** *For wildlife, there is a guideline to minimize disturbance to important habitats, including animal movement corridors, breeding areas, and winter range. Can the plan help in identifying these important areas? A guideline for dusky Canada goose requires low impact operational methods; how will this be interpreted and implemented for this and other plan components? Should there be desired conditions and objectives to support management activities “to promote the conservation of migratory bird species”?*

**Response:** The Chugach National Forest and the adjoining state and federally managed conservation lands support a very large and dynamic landscape, which is continually reshaped by fire, insects, glaciers, tectonic action, weather, succession, flooding and climate effects. Consequently, the quality, abundance, and distribution of important wildlife habitats are also dynamic. The identification, mapping and tracking of important wildlife habitats is designed to be an ongoing and iterative process accounting for changing habitat and environmental conditions.

The guidelines focused on minimizing disturbance to wildlife (draft land management plan pages 67–70) provide direction to line officers and staff to evaluate proposed actions to identify disturbance factors, consider options and alternatives to minimize any disturbance, and incorporate the appropriate measures during implementation. Due to the variety of management actions and authorized activities, habitats, logistics, site-specific circumstances and affected species, establishing standard measures is ineffective.

The land management plan contains components addressing migratory birds as a group, as well as additional components that address a number of species or groups more specifically (draft plan pages 68–70). A desired condition addressing such a broad and diverse group of species would by necessity be extremely general and not provide additional clarity.

**Concern Statement 204: The Forest Service should modify plan components related to pathogens**

**Sample comment:** *Page 62 – Part 3 Design Criteria – Forestwide Standards and Guidelines – Ecological Sustainability – Pathogens – 1. Incorporate specific prevention and control measures into management activities and authorized activities to prevent or minimize human-caused spread of environmental pathogens, such as white nose syndrome, Mycoplasma ovipneumoniae, and whirling disease, to NFS lands and waters. [Guideline] We fully support this statement, with the specific addition of the words “wildlife and fish stocks” at the end. It appears this section may have been written with whirling disease and invasive aquatic vegetation in mind. It should be recognized that in some cases such as Mycoplasma ovipneumoniae, the pathogen cannot live long outside the host animal. In this case, eliminating pathogen transmission between carrier animals is the key to prevention.*

**Response:** The text of the guideline has been revised to clarify guidance, removing the reference to National Forest System lands and waters, because the measures should be designed to prevent or minimize any human caused spread of these organisms. The revised guideline recognizes the need to use specific methods to address specific pathogens.

**Concern Statement 211: Editorial change requested**

**Sample comment:** *Page 544: Wildlife Resource (Montague Island), 2nd paragraph – Rewrite the first sentence to read “Montague Island is a popular destination for hunting deer and brown bear.” DELETE mountain goat. If you look at the ADF&G mountain goat range map, Montague Island is not shown as being part of any mountain goat range. Also mountain goat hunting is not permitted on Montague Island (Refer to ADF&G hunting area maps). If people say it is a popular place to hunt goats, they are hunting goats illegally. I haven’t checked hunting and wildlife descriptions for other areas, but you may want to be sure the information and species listed are correct.*

**Response:** The description of Montague Island has been updated.

**Concern Statement 214: The Forest Service should consider managing vegetation to support trumpeter swan nesting habitat**

**Sample comment:** *The Trumpeter Swan population has been relatively stable for the last 30 years of monitoring. However, the pond complexes that define the swan nesting territory have been going through a rapid succession rate for the last 20 years as a result of the uplift. I have observed swan pairs building new*

nests within their pond territory as succession makes their nest site unsuitable. It appears the population is occupying all suitable nesting territories but as the individual nest site becomes surrounded by emergent vegetation and floating mat the nest site becomes unsuitable and they move the nest site to a more open area within their nest territory. This indicates to me that as these pond successional trends continue we will see a significant decrease in nesting swans on the Copper River Delta. I think it will be important during this planning period to understand this pond succession and develop habitat management strategies for this species.

**Response:** Habitat shifts on the Copper River Delta and the effects on certain wildlife species such as the trumpeter swan are important factors to be considered in the Chugach National Forest's habitat management program. However, these are site-specific project-level issues addressed at a finer scale than the land management plan.

**Concern Statement 273: The Forest Service should prohibit kayaking and rafting**

**Sample comment:** *Even kayaking and rafting, which give humans access to the entirety of a water body, prevent the wildlife that live there from making full use of their habitat, and should not be allowed.*

**Response:** Although rafting, kayaking, hiking, and other human activities can all influence wildlife use of particular areas, the effects of disturbance vary greatly depending on the species, habitat, timing, frequency, seasonality, and many other factors. The vast size, rugged and remote character, and the challenges of accessing many parts of the Chugach National Forest substantially limit the amount and extent of human disturbance across the landscape, including the rivers and lakes. The land management plan includes a number of guidelines designed to address human disturbance to various wildlife species using key habitats or during important life stages (draft plan pages 67–70).

**Concern Statement 280: The Forest Service should improve the analysis related to wildlife and snowmachine use**

**Sample comment:** *The draft EIS is fundamentally flawed otherwise. It does not distinguish snowmobile use from other motorized use, when snowmobile use is distinct from other motorized uses, which are often year-round and different by nature. Likewise, proposed restrictions on snowmobile use are not evidence-based and instead reliant on unsupported speculation.*

**Response:** The land management plan is strategic in nature, providing broad guidance and information for subsequent project and activity level decisions. However, it does not authorize projects or activities, nor does it establish specific travel management decisions. The analysis of Lands Open to Motorized Access (beginning on page 391 of the draft EIS) provides a simple comparison between four management alternatives of lands potentially subject to motorized use, using a consistent criteria. As noted in the draft EIS, "Winter snowmachine use is the most common and widespread motorized use of National Forest System lands," but the primary concern as described in the analysis is the extent and distribution of human activities creating disturbance to wildlife species, so the mode of transportation is not a critical factor.

**Concern Statement 282: The Forest Service should not restrict permitted boating on the Twentymile River**

**Sample comment:** *The Twentymile River is likely State of Alaska waters so I kindly ask how closing the river March 1st to June 1st to me and the other commercial boat operators who take less than 1200 clients per year will help the Beluga? The National Marine Fisheries on page 19 item 4 says authorized activities on the river are not likely to adversely affect Beluga. Commercial allocation of 1200 clients per year is well below 50% of total general public use of the Twentymile River so should be considered the same as general public use. Please understand protecting the Beluga is especially important to me since they are federally protected; there is much that I do to avoid them and I should be treated with the same rules as the general public or the general public should be restricted as well.*

**Response:** Although the Forest Service does not have jurisdiction over the tidally influenced waters of the Twentymile River, any activities authorized by the agency must comply with Section 7 of the Endangered Species Act. The limitation on early season use of motor boats on the Twentymile River is a condition established through consultation with the National Marine Fisheries Service for authorizing special use permits for commercial operations on this river.

Concern Statement 284: The Forest Service should make adjustments to table 6 in the land management plan

**Sample comment:** *I think table 6 needs another review and discussion with the Forest biologists. Waterfowl concentrations are listed as sensitivity for feeding. The Copper River Delta currently has airboat restriction for nesting/molting season. I would also recommend discussion of salmon rearing and the chart in general.*

**Response:** Table 6 (page 46 of the draft land management plan) originally part of the management approaches serves simply as supporting information which is subject to frequent revision. This information has been removed from the plan, and incorporated into a dynamic digital wildlife management reference directory for Chugach National Forest biologists and resource specialists. This will ensure the information can be easily appended or updated as new monitoring and research improves our understanding. The information from table 6 is undergoing detailed review and modification before posting to the reference directory.

## **Appendix D: Comment Letters Received from Alaska Native Tribes and Alaska Native Corporations, State of Alaska, Local Governments, and Federal Agencies**

The following letters received from Alaska Native Tribes and Alaska Native Corporations, the state of Alaska, legislators, local governments, and federal agencies, are reproduced in this appendix in their entirety. Several were paper letters that we scanned and converted to readable text. Where letters used footnotes, the numbering may not be the same as the numbering in the original letters because they follow the automated numbering order of this document. Copies of the original letters are available upon request from the administrative record.

## Letter from the Kenaitze Indian Tribe

Chugach National Forests Supervisors Office

October 31, 2018

Attn: Terri Marceron  
Draft Land Management Plan  
161 East 1st Street, Door 8  
Anchorage, AK 99501

Dear Terri,

Thank you for the Tribal Consultation on October 18th in regards to the Draft Land Management Plan.

Below are our comments and clarification that we want to have implemented in the plan;

1. We appreciate that it is a one of the priorities of the Chugach Forest Service to promote and implement into the plan the Denaina culture both historical and current traditions.
2. In making new signage or replacing old signs we ask out of respect for our historical use of the land, to use Denaina words along with English.
3. In naming any new places, streams, mountains, paths, roads, etc., the Tribe is consulted in naming the place with a Denaina name.
4. In all information about Denaina by mail, website, newsletter, pamphlets, brochures, etc., we are consulted to confirm accurateness of the information before it is distributed.
5. The Chugach Forest Service and Kenaitze Indian Tribe continue to plan and create a culturally appropriate educational plan for KBeq, which could include (moveable) cabins or opportunities for educational camps to benefit Tribal cultural programs for both youth and adults.
6. Work with Forest Service to identify other areas, besides KBeq, for culturally appropriate activities or camps for youth and adults.
7. Food Security-The Kenaitze Indian Tribe has used since time immemorial the Chugach Forest as a means of food security. The areas that we want to identify, as those types of food are all berries, plants, roots, trees, fish, mammals, and birds.
8. The Chugach Forest Service provide a plan in corporation with the Kenaitze Indian Tribe on protecting the salmon breeding grounds that is culturally appropriate.
9. On page three of the draft, under Alaska Native Peoples, Tribes and Corporations, we want the thirteen federally recognized tribes to be spelled out in the first paragraph. For example, Kenaitze Indian Tribe, etc. On the second paragraph we want the village corporations spelled out, for example, Kenai Natives Association, etc.

Thank you for the opportunity for input on the 15 year plan and Tribal consultation.

Duk'idli, Respectfully

Wayne D. Wilson, Jr.  
Tribal Council Chair  
P.O. Box 988  
Kenai, Alaska 99611

## Letter from the Native Village of Eyak

Native Village of Eyak  
P.O. Boxes 1388  
Cordova, AK 99574

November 1, 2018

Dear Ms. Marceron:

The Native Village of Eyak appreciates the time spent in Tribal Consultation and the opportunity to comment on the draft Land Management Plan and draft Environmental Impact Statement (EIS) for the Chugach National Forest.

As a Tribe with historic and cultural ties to the Copper River Delta and Prince William Sound, we are impacted by any land use within the Chugach National Forest, and so this Draft Environmental Impact Statement and Land Management Plan is of enormous interest.

NVE has concerns regarding the proposed alternative “C.” Specifically the designation of “primitive recreation” for areas in the western end of the Sound that now are multi-purpose use. These areas support commercial fishing, hatcheries, guiding and other commercial and sport uses. The current management system has been, in large part, working well from our perspective. There is no reason to change the designation to a more restrictive model which could have a significant detrimental effect on the Prince William Sound and the States economy. Managing for recreation and conservation over activities supportive of social and economic sustainability is not what Congress intended for National Forests, especially in Alaska.

The EIS speaks to climate change and management to preserve streams and fish populations. To this end the land management plan should support hatchery production as another means of fish population enhancement. Restricting development to the Forest Services interpretation of ANILCA and gaining the right to regulate commercial activity occurring on State tidelands will have negative consequences on the ability of hatcheries to carry out their mission. This would have a huge negative effect upon State, local, and Tribal economy.

The documents mention hatcheries over 100 times, with numerous assertions that are troubling regarding the straying of hatchery fish and impacts strays may be causing. At present, The Alaska Hatchery Research Project (AHRP), initiated several years ago by the State of Alaska, has yet to determine any negative impacts or substantial genetic intrusion of hatchery fish into wild stocks. The language in this document suggests that the state of this research is much farther along than it actually is, going so far as to make fairly conclusive and indicting statements about hatchery issues the AHRP was intended to illuminate, but citing much smaller studies that merely suggest correlations and demonstrate no impacts. These types of statements are very concerning, considering the enormous economic contribution this hatchery infrastructure provides in Prince William Sound. The document provides very generalized data on commercial fisheries harvest and intercept that suggest impacts that evidence does not support. Because these issues are so numerous we will submit a letter detailing each specific issue we have regarding hatcheries and commercial fisheries, and simply state our broad concerns with how these two issues are treated throughout the documents.

We also think that the Forest Service may have misinterpreted ANILCA in its decision to expand the roadless and wilderness designated areas. We realize that the Forest Service considers such expansions part of the planning process and so not violated ANILCA. We disagree, even though this alternative is undertaken as part of the planning process, its application effectively recommends new areas for wilderness designation, which is counter to the language in ANILCA.



Again, we appreciate the opportunity to comment on these issues and look forward to continuing the discussion.

John Whissel, Director  
Department of the Environment and Natural Resources

## Letter from the Chenega Corporation

December 3, 2018

Forest Supervisor, Terri Marceron  
Chugach National Forest  
U.S. Forest Service  
Attn: Draft Land Management Plan  
161 East 1st Street, Door 8  
Anchorage, AK 99501

Re: Comments on the Draft Land Management Plan and Draft Environmental Impact Statement

Dear Supervisor Marceron,

Thank you for the opportunity to consult with your staff on November 13, 2018, and extending the deadline to November 30 for written comments on the Chugach National Forest Draft Land Management Plan (the “Draft Plan”) and Draft Environmental Impact Statement (“DEIS”). The Chenega Corporation (“Chenega”) submits the following comments on the Draft Plan and DEIS.

Given the earthquake on the morning of Friday November 30, 2018 and the fact that all business was dosed in Anchorage that day, we are submitting these comments on Monday December 3, 2018, the next business day.

### **Introduction**

Chenega is the Alaska Native Village Corporation for the western Prince William Sound area formed pursuant to the Alaska Native Claims Settlement Act (“ANCSA”). In 1971, Congress granted Chenega 70,000 acres of land in western Prince William Sound as a settlement in recognition of Alaska Natives land claims from time immemorial. Today, the land Chenega received from the federal government is completely surrounded by the Chugach National Forest (“CNF”) and State lands.

Chenega and its shareholders are uniquely affected by the Draft Plan and day-to-day decisions made by the U.S. Forest Service (the “Forest Service”). Chenegas shareholders continue to reside and use their land in western Prince William Sound as they have done for countless generations. But increasing development and recreation pressures are contributing to existential threats to their traditional, subsistence way of life. The Draft Plan represents an important opportunity for the Forest Service to fulfill its federal trust obligations to Alaska Natives by considering and prioritizing issues affecting rural, subsistence cultures and traditions. The Draft Plan will affect Chenega, its current shareholders, and future generations of shareholders by setting the management direction for the CNF for the foreseeable future. Thus, it is vital the Forest Service hear and consider Chenegas perspectives in a way that is distinct from general public comments.

Although the Draft Plan and DEIS are on the right track, Chenega has serious concerns that must be analyzed and addressed before the plan is finalized. First, the Forest Service must include standards and guidelines specifically for the “protection of cultural and historic resources.” Clarifying consultation procedures and including plan components for consultation and cooperative management with Chenega in the Draft Plan would be a good starting point to ensure the Forest Service protects cultural and historic resources important to Chenegas shareholders. Second, the Draft Plan and DEIS must do more to consider and ensure Alaska Natives right to a subsistence priority. The DEIS fails to fully analyze the effects of increased recreation and development on subsistence resources in Prince

William Sound, and the Draft Plan fails to emphasize and protect Alaska Natives subsistence priority. Third, the Forest Service should include plan components specifically designed to recognize and implement Chenegas contractual rights to lands conveyed pursuant to the *Exxon Valdez* Oil Spill (“EVOS”) Settlement. Chenega and the Forest Service hold reciprocal conservation easements on lands in Prince William Sound, creating mutual rights and obligations that should be included in the final plan; and the Forest Service should take steps to implement the all obligations under the conservation easements.

## **General Comments**

### **A. The Forest Service should adopt plan components for consultation with Alaska Native Corporations**

Alaska Natives continue to endure an historic struggle rooted in colonialism to have their voices heard in matters affecting their lives and livelihoods. One of the most important ways the Forest Service can ensure Alaska Natives voices are heard in every significant decision is through a more proactive consultation process.

Consultation is often treated as a mere formality, but it is a vitally important part way of showing mutual respect between the federal government and the Alaska Native Corporations (“ANCs”) and tribes Congress has specifically identified as representatives of Alaska Native interests. While consultation may sometimes go overlooked, it should never be undervalued. The Forest Services obligations to consult with ANCs and tribes during this plan revision are prescribed by the 2012 Planning Rule, 36 C.F.R. § 219.4; however, procedures for consulting on the Forest Services management activities conducted during the life of the plan are inadequately defined.

The Forest Services obligations to consult are guided by Executive Order 13175, which mandates federal agencies solicit meaningful and timely input by tribal officials [including ANCs] in the development of regulatory policies that have tribal implications.”<sup>1</sup> U.S. Department of Agriculture (“USDA”) policies require the Forest Service to “maintain an accountable process to ensure regular and meaningful consultation with Tribal officials in the development of policies that may have Tribal implications.”<sup>2</sup> The USDA policies further provide:

- “If there is any potential for an effect, consultation may be required, depending on the extent (significance) of the effect. If the agency does not know the significance of the effect, or even whether there will be an effect, the agency should inquire of potentially affected Tribes whether the Tribe thinks there would be an affect, how significant such an effect may be, and whether they would like to consult.”

Forest Service directives implementing Executive Order 13175 and the USDA policies suggest, but do not require, face-to-face consultation, including “listening sessions, roundtables, focus groups, sessions at conferences, or even web-based forums . . . to identify issues, interest, rights, and desired outcomes.”<sup>3</sup> The Forest Service directives also advise agency staff to schedule consultations at places and at times that are convenient for the tribes members,” and to consider paying travel expenses or reimbursing other costs incurred by Alaska Natives due to the consultation.

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<sup>1</sup> Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, 65 Fed. Reg. 67, 249, 67, 250 (Nov. 9, 2000).

<sup>2</sup> USDA Departmental Regulations on Tribal Consultation, Cooperation, and Collaboration (DR 1350-002).

<sup>3</sup> FSH 1509, 13, Ch. 10, 11.42.

The past experiences of ANCs and tribes consulting with federal agencies demonstrate the need for the CNF land management plan to include specific, detailed plan components for such consultation. In 2017, the Forest Service circulated “Proposed Plan Components for Tribal Relations and Cultural Resources,” which contained several proposed plan components addressing consultation. Those proposed plan components were not included in the Draft Plan, but should have been. Specifically, the final plan should include the following standards and guidelines:

- “Within two years of forest plan approval, explore and develop additional memoranda of agreements between the CNF and Alaska Native Tribes and Corporations, at the request of either party, to guide the consultation process, reflect Alaska Native perspectives and interests, and to identify and meet shared objectives.”
- “Within five years of forest plan approval, cooperative policies are developed to respond to consultation requests from affected Alaska Native Tribes and Alaska Native Corporations, concerning potential adverse impacts caused by special use permits and public information products occurring near and within identified Alaska Native cultural sites within the National Forest. Consultation emphasizes protection for sites which are also eligible for inclusion in the National Register of Historic Places or of other significant interest to the affected Alaska Native Tribe [or Alaska Native Corporation.]”

For Chenega and its shareholders, it is particularly important that the final plan recognize an opportunity to consult with the Forest Service on management activities affecting culturally important historical sites-many of which are not designated as National Register historic sites or ANCSA section 14(h)(1) sites. Indeed, many of those culturally important historical sites have not been documented on maps or had their precise locations made known, and Chenega intends to keep their locations confidential. In such circumstances, it is incumbent on the Forest Service to proactively seek out consultation with Chenega on any management activities that may affect cultural or historic sites.

Chenega also urges the Forest Service to engage rural Alaska Native residents in management decisions early and often. It is important that consultation occur in villages and local affected communities in Prince William Sound whenever possible. Forest Service staff should be available to address concerns and explain management activities on the ground in affected communities before decisions are made at the line officer level.

Adopting plan components for consultation is also one way the Forest Service can address the Draft Plans failure to meet the 2012 Planning Rules requirements for standards and guidelines for the “protection of cultural and historic resources.”<sup>4</sup> Although the Draft Plan provides three overarching goals upon which the plan is structured, Goal 1 Collaborative Relationships Strategy, has no corresponding forestwide standards and guidelines. There is a single “management approach” for achieving the desired condition under that goal that the statutory rights and interests of Alaska Native Corporations are acknowledge and supported.”<sup>5</sup> The Forest Service should adopt meaningful standards and guidelines for that desired condition, and the Forest Service must adopt standards and guidelines specifically designed for the Collaborative Relationships Strategy.

Once again, Chenega thanks the CNP staff for the November 13, 2018 consultation, providing an overview of the Draft Plan and hearing some of Chenegas initial concerns. Consultation depends a

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<sup>4</sup> 36 C.F.R. § 219.10(b)(1)(ii)-(iii)

<sup>5</sup> Draft Plan at 7

large amount on the willingness of the CNF staff to engage with Alaska Native perspectives and concerns. Olenega has confidence that its voice is being heard under the current Forest Service leadership; however, future leadership and staff may not be as open-minded. Thus, it is critical that the CNF land management plan incorporate specific provisions for consultation.

**B. The Forest Service must consider the Draft Plans effects on Alaska Natives subsistence priority.**

Chenegas shareholders and their families depend on the CNF for their subsistence livelihoods. In recognition of the land claims Alaska Natives relinquished, the federal government ensured that subsistence uses on federal lands, including the CNF would be protected and prioritized. Unfortunately, the issues focused on and the tone of the Draft Plan and DEIS make it clear that Alaska Natives subsistence needs were not a priority for the Forest Service.

The Draft Plan and DEIS focus almost exclusively on providing recreation and economic development opportunities for out-of-state residents and non-rural Alaskans, to the detriment of subsistence opportunities. The Draft Plan and DEIS mention rural Alaska Native traditional livelihoods, subsistence ways of life, and dependence on CNF resources as an afterthought. For example, in the discussion of the CNFs “Social, Economic, and Ecological Contributions” –an opportunity to discuss in detail the importance of the CNF to subsistence users–the Draft Plan simply and cursorily concludes subsistence is important because the CNF provides on average more pounds of wild harvested food per person per year than the state average.<sup>6</sup> Furthermore, the Draft Plan states that Alaska Natives “statutory rights and interests” are acknowledged and supported,<sup>7</sup> but the Draft Plan does not provide any specifics or explanation for how the CNF will accomplish that goal.

Under the National Environmental Policy Act, the Forest Service must take a hard look at the likely effects of its proposed actions. The DEIS fails to meet that standard with respect to ongoing and likely continued effects on subsistence. The DEIS briefly and summarily acknowledges the effects recreation have had on subsistence uses in the CNF: “A large non-rural population surrounds the [CNF] and may compete directly for subsistence resources by participating in harvest activities, or indirectly, by displacing rural residents harvest through recreational activities.”<sup>8</sup> But the Forest Service does not analyze its own actions in encouraging the type of “competing uses for subsistence resources. The Forest Service fails to acknowledge or analyze in the DEIS the fact that the Draft Plan and the Forest Services management direction for the CNF has been to encourage those competing non-subsistence resource uses. The Forest Service and the Draft Plan encourage increased competition for subsistence resources by designating important subsistence use areas in Prince William Sound as predominantly for recreational uses. The likely effects of the Forest Services management priorities are left unanalyzed in the DEIS.

Chenega strongly encourages the Forest Service to consider adopting a management area specifically designed to protect subsistence uses in Prince William Sound. A subsistence use management area would enable the Forest Service to implement the subsistence priority and minimize harmful recreation and non-subsistence use effects. Subsistence use management areas would be areas where historic subsistence use of the CNF is high, including areas surrounding rural villages and traditional subsistence hunting and fishing territory. The management approaches for subsistence use areas

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<sup>6</sup> Draft Plan at 5.

<sup>7</sup> Draft Plan at 11

<sup>8</sup> DEIS at 108.

would allow the Forest Service to prioritize maintaining natural abundance of wildlife populations and minimizing non-traditional human presence, such as recreation and tourism.

In addition to a subsistence use management area, the Forest Service must adopt standards and guidelines to implement the Draft Plans current management approaches for subsistence uses on the CNF. The Draft Plan contains a single “standard” related to subsistence: “Subsistence uses by federally qualified rural residents of Alaska shall be the priority consumptive uses of fish and wildlife . . . when it is necessary to restrict the taking of such resources to ensure the persistence of a fish or wildlife population.”<sup>9</sup> The Forest Service should recognize that “standard” is actually a “guideline” because it does not provide specific direction or management actions the Forest Service is compelled to take. Consequently, the Forest Service should adopt specific standards to implement the legally-required subsistence priority and provide meaningful protections to subsistence resources.

**C. The Draft Plan should include plan components recognizing Chenega rights with respect to the EVOS conveyance lands.**

The Forest Service should recognize the special legal status of lands conveyed from Chenega to the federal government following the Exxon Valdez Oil Spill (EVOS). In 1998, the EVOS Trustee Council authorized the use of Exxon Valdez settlement funds to purchase ANC lands affected by the oil spill in and around Prince William Sound. Chenega agreed to sell a large part of its ANCSA land entitlement to the federal government and the State.

The Purchase and Sale Agreement among Chenega, the federal government, and the State, establish several different land categories that should be explained in the Draft Plan and DEIS. Chenega conveyed certain lands to the federal government (the “Federal Conveyance Lands”), subject to subsistence use easements and other restrictive covenants (the “State Conservation Easement”). Chenega retains contractual rights to enforce the easements and covenants against the Forest Service.

The Agreement also granted the Forest Service a conservation easement over lands retained by Chenega (the “Chenega Conservation Easement”). The Chenega Conservation Easement allows public access to Chenega’s lands “for sport hunting, sport fishing, camping, hiking, and other natural resource-based recreation, and for other similar purposes, but not for Subsistence Uses.” The Forest Service agreed “to control access for Subsistence Uses” and to “utilize its available legal authorities for cooperative management agreements to provide law enforcement and trespass control and assistance to Chenega in connection with the permitted public access and use.”

Although the Draft Plan recognizes the EVOS-acquired lands as a distinct management area, the Forest Service fails to provide sufficient management direction to fulfill the intent of the Agreement. A desired condition for the EVOS-acquired lands provides that the lands will be “monitored and enforced in coordination with Native village corporations and landowners.”<sup>10</sup> But the standards and guidelines in Part 3 of the Draft Plan, beginning on page 77, are superficial and do not provide sufficient recognition of the legal obligations arising under the Agreement. The Forest Service should modify its plan components to address the restrictive covenants and the Forest Service’s specific contractual obligations in the Draft Plan. Chenega suggests the Forest Service include the following objective in the final plan:

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<sup>9</sup> Draft Plan at 57.

“Within two years of forest plan approval, explore and develop memoranda of agreements between the CNF and affected Alaska Native Village Corporations to provide cooperative management, law enforcement, and trespass control and assistance for EVOS-acquired lands.”

Furthermore, Chenega suggests the Forest Service revise its EVOS-acquired Lands standards and guidelines as follows:

“5. Permits shall not be issued for special uses on Federal lands acquired with EVOS Trustee Council funding [Federal Conveyance Lands] when they conflict with conservation easement restrictive covenants. Permits shall only be issued for special uses on Federal Conveyance Lands in coordination with the Alaska Native Village Corporation or other entities having management or ownership interests in the affected lands. No permits for special uses shall be issued for guided hunting or fishing on Federal Conveyance Lands without the consent of the Alaska Native Village Corporation holding a subsistence use easement on the affected lands. [Standard]”

### Specific Comments

- In the first paragraph on page 4 of the Draft Plan, the following language should be added to the last sentence: ” and other sites of cultural and historic significance.”
- On page 6 in the paragraph under the heading “Wilderness Study Area,” the following new sentence should be added after the second sentence:

“The wilderness study area continues to be an essential area for subsistence hunting, fishing, and gathering by Alaska Native people. It also contains sites of historic and cultural significance for Alaska Natives.”
- On page 6 in the paragraph under the heading Salmon 1 the following new sentences should be added after the third sentence;

“Salmon are an essential source of food for Alaska Native residents of Prince William Sound, and native fish are central to the culture, health and well-being of Alaska Native people.
- On page 11, paragraph 3, line 3, insert the words “supporting subsistence hunting, fishing, and gathering activities ... “
- On page 13, paragraph 1.a., should be revised to read as follows:

“Alaska Native subsistence use areas and areas of cultural and historic significance to Alaska Natives, including (but not limited to) the Sqilantnu Archaeological District and other areas, are identified and protected against trespass, use and degradation by recreational and commercial users.”
- On page 14, the following new paragraph should be added as “Desired Condition” under Ecosystem Services:

“Alaska Native residents are able to continue their subsistence lifestyle with access to areas of the national forest for subsistence hunting, fishing, and gathering.”
- On page 15 under “Recreation,” the following language should be added at the end of sentence 4:

“and are not in conflict with historic subsistence hunting, fishing, and gathering practices of Alaska Natives.”

- On page 15 under “Recreation,” the following new sentence should be added as Desired Condition 6:

“National forest visitors are aware that the national forest has been the home of Alaska Native people for thousands of years and visitors are aware of the culture and lifestyle of Alaska Native people in the national forest. Visitors are informed of appropriate behavior to respect Alaska Native lands and Alaska Native culture, and visitors are afforded opportunities for interpretation, including use of Native language, research, stewardship, and enjoyment of the cultural past.”
- On page 15 under “Subsistence” the following language should be added under Desired Condition 1

“and consulting with Alaska Native users and responding to their requests and concerns regarding access to NFS lands for subsistence purposes and availability of subsistence resources.”
- On page 21, under Geographic Area Desired Conditions, the following should be added:

“Subsistence

  1. Subsistence hunting, fishing, and gathering activities are supported and protected by consulting with ANCs and other Alaska Native groups, identifying and protecting subsistence management areas and subsistence use areas, and actively supporting Alaska Native in their use of the CNF lands and resources.”
- On p. 25, under Management Area 1 Wilderness Study Area Desired Conditions, the following Desired Conditions should be added:
  1. “Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within the wilderness study area, including use of the tidewater, shoreline, and upland areas for subsistence and related activities, including seasonal camping and other traditional uses.”
- On pp. 26-27, under Management Area 2 Wild, Scenic, and Recreational Rivers Desired Conditions, the following Desired Conditions should be added:
  1. “Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities at, among, or adjacent to rivers designated as wild, scenic or recreational.”
- On pp. 27-28, under Management Area 3 Research Natural Areas Desired Conditions, the following Desired Conditions should be added:
  1. “Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within research natural areas.”
- On p. 28, under Management Area 4 Backcountry Areas, the following language should be added at the end of the paragraph entitled “Management Intent”:
  1. “Notwithstanding, the rights of Alaska Natives to pursue subsistence hunting, fishing, and gathering activities and other cultural activities in backcountry areas are paramount to other uses, and backcountry areas will be managed in a manner compatible with the uses of Alaska Natives.”



- The following Desired Condition should be added:
  1. “Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within backcountry areas.”
- On pp. 30-311 under Management Area 8 Front Country, the following language should be added at the end of the section entitled “Management Intent”:

“Notwithstanding the relatively high density of human activity, the Management Area 8 Front Country is an important area for subsistence hunting, fishing, and gathering activities and other cultural activities of Alaska Natives.”

The following Desired Condition should be added:

  2. “Front country management areas continue to provide Alaska Natives with the opportunity to pursue subsistence hunting, fishing, and gathering activities and oilier cultural activities.”
  3. “Front Country visitors are aware that the national forest has been the home of Alaska Native people for thousands of years and visitors are aware of the culture and lifestyle of Alaska Native people in the national forest. Visitors are informed of appropriate behavior to respect Alaska Native lands and Alaska Native culture, and visitors are afforded opportunities for interpretation, including use of Native language, research, stewardship, and enjoyment of the cultural past.”
- On pp. 36-38, Table 4 Suitability Determinations for Management Areas, by Use or Activity and related definitions:
  - ◆ A new row should be added to this table entitled “Subsistence Hunting, Fishing and Gathering and Related Activities”
  - ◆ In each column, MA1 – MA8, the uppercase letter “S” should be added.
  - ◆ The following definition should be added:

“Subsistence means: the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.”
- On p. 40, under Forestwide Objectives and Management Approaches, Collaborative Relationships Strategy, Tribal Relations, Management Approaches, bullet 3 should be deleted and replaced with the following:
  - ◆ “Notify and consult with Alaska Native Corporations and tribal organizations on Forest Service actions which could potentially affect subsistence hunting, fishing, or gathering and related uses or which could potentially affect areas of subsistence, cultural and historic significance to Alaska Natives, including (but not limited to) ANCSA 14(h)(1) historic sites. For actions on NFS lands that may affect subsistence activities or subsistence, cultural or historical sites, the Forest Service and Alaska Native groups should develop cooperative management strategies: (i) that help identify such actions; (ii) that prevent any uses which interfere with subsistence activities; and (iii) that guard against trespass, use or degradation of areas of subsistence, cultural or historic significance to Alaska Natives by recreational or commercial users. Consult with Alaska Native Corporations and tribal organizations on

efforts to identify and protect cultural and historic sites within the CNF and consult with Alaska Native Corporations and tribal organizations on implementation of Forest Service efforts regarding historic preservation within the CNF, including actions under the 2017 Programmatic Agreement, among the Forest Service, the Advisory Council on Historic Preservation, the Alaska State Historic Preservation Officer.”

- On p. 42, under Forestwide Objectives and Management Approaches, Social and Economic Sustainability Strategy, Partnership Opportunities, Management Approaches, the following new bullet should be added:
  - ◆ “Work with Alaska Native Corporation and Alaska native tribes to develop infrastructure, recreation activities, and businesses related to recreation and tourism and other activities. Ensure that Alaska Native groups are supported in their efforts to develop sustainable business opportunities on their lands within the CNF. Upon request, consult with and assist Alaska Natives in developing recreation and tourism and other business within the CNF.”
- On p. 421 under Forestwide Objectives and Management Approaches, Social and Economic Sustainability Strategy, Subsistence Resources, Management Approaches, the following new bullets should be added:
  - ◆ “Provide Alaska Natives with information about subsistence opportunities within the CNF and information about how Alaska Natives can learn more about their subsistence rights.”
  - ◆ “Work with Alaska Native Corporations, Alaska native tribes and other Alaska Native groups or individual to identify subsistence management areas and subsistence use sites.”
  - ◆ “Develop cooperative management strategies that assist Alaska Natives in accessing and using subsistence management and subsistence use sites.”
  - ◆ “Work with Alaska Native corporations to develop infrastructure related to subsistence activities (e.g., fish camps, docks, moorings, and camp sites). Ensure that non-subsistence users such as recreational or commercial users are aware Alaska Natives historic home in the CNF and Alaska Natives essential economic and cultural rights to pursue subsistence activities.”
  - ◆ “Develop cooperative management strategies (i) that help identify any Forest Service actions which could affect or interfere with subsistence activities; (ii) that prevent any uses which interfere with subsistence activities; and (iii) that guard against excessive use or degradation of subsistence management areas or subsistence use sites.”
- On p. 42, under Forestwide Objectives and Management Approaches, Social and Economic Sustainability Strategy, Access and Infrastructure, Management Approaches, the following new bullets should be added:
  - ◆ “Develop cooperative management strategies that help identify any Forest Service actions which could affect or interfere with roads or rights-of-way or rights of access belonging to Alaska Natives and that prevent trespass or any uses which interfere with such the rights Alaska Natives.”
  - ◆ “Seek opportunities to work with Alaska Native Corporations and other Alaska Native groups to cooperatively develop and build infrastructure for recreation, tourism, commercial fishing, subsistence, and other activities. Consult with Alaska Native Corporations and other Alaska Native groups on opportunities to leverage recreation

facility project funds from the Federal Lands Transportation Program and the Federal Lands Access Program and other funding sources to complete large, multi-year projects.”

- On pp. 45-47, under Forestwide Objectives and Management Approaches, Terrestrial Ecosystems, Management Approaches, the following new bullets should be added:
  - ◆ “Ensure Forest Service management actions or authorized activities do not impair Alaska Native subsistence rights or the population of subsistence fish or mammals in the terrestrial ecosystems.”
  - ◆ “Ensure Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within terrestrial ecosystems.”
- On pp. 50, under Management Area Objectives and Management Approaches, Management Area 1 Wilderness Study Area, Management Approaches, the following new bullets should be added:
  - ◆ “Ensure Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within wilderness study area.
  - ◆ “Consider the impact of communication sites and related facilities and the impact of scientific, recreational or commercial users on subsistence activities by Alaska Natives within the wilderness study area, including, specifically, the impact of any use authorized by any special use permits. Develop cooperative management strategies that help identify any Forest Service actions which could affect or interfere with subsistence activities within the wilderness study area and strategies which prevent any impact on or interference with subsistence activities.”
  - ◆ “As part of the wilderness study area stewardship plan, identify in consultation with Alaska Native corporations and other Alaska Native groups subsistence management areas and subsistence use sites within and adjacent to the wilderness study area, including the area known as Shipyard. ”
  - ◆ “Support and authorize subsistence activities within the wilderness study area and support and authorize the use and development of subsistence use sites, including the development of subsistence related infrastructure such as fish camps and camp sites.”
  - ◆ “Consult with Alaska Native corporations and other Alaska Native groups regarding subsistence and other historic or cultural activities or sites within the wilderness study area.
- On pp. 51, under Management Area Objectives and Management Approaches, Management Area 2 Wild, Scenic and Recreational Rivers, a new section Management Approaches should be added with the following new bullets:
  - ◆ “Ensure Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities on and adjacent to any wild, scenic or recreational river. Develop cooperative management strategies that help identify any Forest Service actions which could affect or interfere with subsistence activities on any wild, scenic or recreational river and strategies which prevent any impact on or interference with such subsistence activities.”
  - ◆ “Identify in consultation with Alaska Native corporations and other Alaska Native groups subsistence management areas and subsistence use sites within or adjacent to any wild, scenic, or recreational river. Support and authorize subsistence activities within or adjacent

to any wild, scenic, or recreational river and support and authorize the use and development of subsistence use sites, including the development of subsistence related infrastructure such as fish camps and camp sites.”

- ◆ “Consult with Alaska Native corporations and other Alaska Native groups regarding subsistence and other historic or cultural activities or sites adjacent to or in the vicinity of any wild, scenic, or recreational river.”
- On pp. 51, under Management Area Objectives and Management Approaches, Management Area 3 Research Natural Areas, Management Approaches, the following new bullets should be added:
  - ◆ “Ensure Alaska Natives are able to pursue subsistence hunting, fishing and gathering activities and other cultural activities within research natural areas. Develop cooperative management strategies that help identify any Forest Service actions which could affect or interfere with subsistence activities within research natural areas and strategies which prevent any impact on or interference with such subsistence activities.”
  - ◆ “Identify in consultation with Alaska Native corporations and other Alaska Native groups subsistence management areas and subsistence use sites within research natural areas. Support and authorize subsistence activities within research natural areas and support and authorize the use and development of subsistence use sites, including the development of subsistence related infrastructure such as fish camps and camp sites.”
  - ◆ Consult with Alaska Native corporations and other Alaska Native groups regarding subsistence and other historic or cultural activities within research natural areas.”
- On pp. 51, under Management Area Objectives and Management Approaches, Management Area 4 Backcountry, Management Approaches, the following new bullets should be added:
  - ◆ Ensure Alaska Natives are able to pursue subsistence hunting, fishing, and gathering activities and other cultural activities within the backcountry. Develop cooperative management strategies that help identify any Forest Service actions which could affect or interfere with subsistence activities within the backcountry and strategies which prevent any impact on or interference with such subsistence activities.”
  - ◆ “Identify in consultation with Alaska Native corporations and other Alaska Native groups subsistence management areas and subsistence use sites within the backcountry. Support and authorize subsistence activities the backcountry and support and authorize the use and development of subsistence use sites, including the development of subsistence related infrastructure such as fish camps and camp sites.”
  - ◆ “Consult with Alaska Native corporations and other Alaska Native groups regarding subsistence and other historic or cultural activities within the backcountry.”

Thank you for the opportunity to comment on the Draft Plan and DEIS.

Yours truly,

CHENEGA CORPORATION

Charles W. Totemoff  
President & Chief Executive Officer

3000C Street, Suite 301  
Anchorage, Alaska 99503

## Letter from the Chugach Alaska Corporation

Forest Supervisor Terri Marceron  
Chugach National Forest  
U.S. Forest Service  
Attn: Draft Land Management Plan  
161 East 1st Street, Door 8  
Anchorage, AK 99501

Re: Comments on the Chugach National Forest Draft Land Management Plan and Draft  
Environmental Impact Statement

Dear Supervisor Marceron,

Chugach Alaska Corporation (“CAC”) submits the following comments on the Chugach National Forest (“CNF”) Draft Land Management Plan and draft environmental impact statement (“DEIS”).

CAC is the Alaska Native Regional Corporation for the Chugach Region established pursuant to the Alaska Native Claims Settlement Act (“ANCSA”). CAC is the largest private landowner within the boundaries of the CNF. CAC owns or has valid selection rights to over 625,000 acres of surface and subsurface estate within the CNF planning area. CAC and its shareholders are uniquely affected by the CNFs land management direction and have important historical, cultural, and economic interests that must be considered in the forest planning process.

At the outset, CAC is grateful to the CNF planning staff and Supervisor Marceron for the consultation meeting held on January 11, 2017. As you know, the 2012 Planning Rule, 36 C.F.R. part 219, and Executive Order 13175 require a formal consultation process with Alaska Native Corporations as part of the forest plan revision process. CAC appreciates that CNF collaborated as part of the plan development and provided an opportunity for CAC to offer its perspectives on proposed plan components for tribal relations and cultural resources.

CAC also recognizes that the CNF was an “early adopter” of the 2012 Planning Rule. CNF was selected to be one of the first national forests to undertake plan revision under the new planning rule. The CNF staff have done an admirable job applying the 2012 Planning Rule and developing plan components to meet the rules requirements.

The following comments on the draft plan and DEIS build on CACs February 19, 2016 comment letter on the CNFs Proposed Revised Land Management Plan released in December 2015, and on CACs February 10, 2017 comment letter on proposed plan components for tribal relations and cultural resources. In its February 2016 letter, CAC made detailed recommendations for the proposed plan. The Forest Service has not addressed many of CACs specific comments. CAC hopes the Forest Service will reconsider its approach to the concerns raised below in the final plan and record of decision. As always, CAC looks forward to building a collaborative, mutually-beneficial relationship with the CNF. CAC is optimistic that the final forest plan will help facilitate that relationship for the foreseeable future.

## **I. CAC DOES NOT SUPPORT “ALTERNATIVE C” OR THE DRAFT PLAN IN ITS CURRENT FORM**

As part of the CNF plan revision process the Forest Service has prepared a DEIS pursuant to the National Environmental Policy Act. The DEIS identifies and analyzes several alternatives for the revised forest plan. Alternative A is the “no action” alternative representing a continued management approach under the current forest plan adopted in 2002 (“2002 Plan). The 2002 Plan contained 21 management areas, including several management areas that emphasized multiple uses of CNF, including timber, mineral resources, and forest restoration. The 2002 Plan also included a recommendation for wilderness designation, totaling 1,387,509 acres-all within the Nellie Juan-College Fiord Wilderness Study Area.

Alternative C (the draft land management plan) makes significant changes to the status quo, including reducing the number of management areas on the CNF and increasing the size of the wilderness recommendation. The Draft Plan consolidated and eliminated some of the 2002 Plans management areas. Importantly, the Draft Plan proposes only 8 management areas, none of which recognize the principle of multiple use. For example, the 2002 Plan included a Minerals Management Area and Forest Restoration Area. Although small in geographic area, those management areas recognized other important uses of the CNF besides recreation and preservation. None of the 8 management areas in the Draft Plan provide the same opportunities for mineral development or restoration. Ultimately, the Draft Plan does not provide adequate recognition of the multiple use mandate that is legally required to guide all national forest plans.<sup>10</sup>

Alternative C also increases the size of the current wilderness recommendation by over 31 percent-making a new recommendation of 1,819,700 acres. According to the draft EIS, “[o]pportunities for solitude and primitive, unconfined recreation would be maintained over a larger area than in Alternatives A and B and would include popular destinations, such as Harriman Fiord, small bays along Port Wells, Esther Island and Passage, Cochrane Bay, and Culross Passage.”<sup>11</sup> As discussed in further detail below, the Forest Service does not explain why a larger wilderness recommendation is necessary or analyze whether the wilderness recommendation will negatively affect other uses of the CNF, including opportunities for economic development and valid existing rights.

CAC cannot support alternative C or the Draft Plan in its current form. The Forest Service should consider significant modifications to the Draft Plan, including adopting a multiple use management area and reverting to the 2002 Plans wilderness recommendation-at a maximum. The following sections provide additional recommendations for improving the flawed Draft Plan.

## **II. TRIBAL RELATIONS AND CULTURAL RESOURCES**

CAC has consistently stressed the importance of consultation between the Forest Service and Alaska Native Corporations and tribes. Consultation is not only important to the social and cultural history of Alaska Natives, it is a legal mandate. The 2012 Planning Rule, 36 C.F.R. § 219.4, requires the Forest Service “to provide to federally recognized Indian Tribes and Alaska Native Corporations the opportunity to undertake consultation.” Executive Order 13175 explains that consultation must be

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<sup>10</sup> See National Forest Management Act (“NFMA”), 16 U.S.C. § 1604(e) (“[T]he Secretary shall assure that such plans ... (1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use, Sustained Yield Act of 1960, and in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness. . .”).

<sup>11</sup> DEIS at 172.

“meaningful and timely.” Unfortunately, it appears those requirements for meaningful and timely consultation were not fully met here.

CAC and the Forest Service participated in a formal consultation meeting on January 11, 2017. At that meeting, the Forest Service presented “Proposed Plan Components for Tribal Relations and Cultural Resources.” CAC provided favorable feedback on most of the Forest Services proposed plan components in a February 10, 2017 comment letter. The Draft Plan, however did not include many of the specific plan components that were presented and discussed at the consultation. Although it is expected that the Forest Service would make changes to the proposed plan components between consultation and release of the Draft Plan, the Forest Service should have notified CAC and other Alaska Native Corporations and tribes of its intent to entirely eliminate some of the most important and specific plan components that were discussed during consultation. It is not meaningful consultation if the focus of the consultation is on proposed plan components that the Forest Service has either no intention of including in the final plan or decides later to entirely eliminate from further consideration. The Forest Service should have reinitiated consultation with CAC to explain its reasoning before issuing the Draft Plan.

The plan revision process demonstrates once again the need to include specific, detailed plan components addressing mutual expectations regarding consultation. CAC continues to believe there is a significant need for agreements between the Forest Service and Alaska Native Corporations and tribes regarding consultation and forest management collaboration. Specific plan components are necessary to supplement the broad consultation goals stated in federal law and Forest Service policies.<sup>12</sup> Specific plan components will ensure CNF staff at all levels appreciate the importance of consultation and know exactly when and how consultation should occur.

The following plan components were proposed by the Forest Service in early 2017 but not included in the Draft Plan; *they should be included in the final plan*:

- “Within two years of forest plan approval, explore and develop additional memoranda of agreements between the CNF and Alaska Native Tribes and Corporations, at the request of either party, to guide the consultation process, reflect Alaska Native perspectives and interests, and to identify and meet shared objectives.”
- “Projects that may result in economic development for Alaska Native communities are identified and implemented annually on National Forest System lands. Encourage projects in the vicinity of mutually agreed upon communities that are consistent with Forest management practices and of economic interest to affective Alaska Native Tribes.”
- “Within five years of forest plan approval, cooperative processes are developed to respond to consultation requests from affected Alaska Native Tribes and Alaska Native Corporations, concerning potential for adverse impacts caused by special use permits and public information products [sic] occurring near and within identified Alaska Native cultural sites within the National Forest. Consultation emphasizes protection for sites which are also eligible for inclusion in the National Register of Historic Places or of other significant interest to the affected Alaska Native Tribe [or Alaska Native Corporation].”

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<sup>12</sup> See Forest Service Handbook (“FSH”) 1509.13, Chapter 10; Forest Service Manual (“FSM”) Chapter 1920.32.

- “On an ongoing basis, partnerships are formed with Alaska Native Tribes and Alaska Native Corporations to establish mutually beneficial projects to manage invasive species and prioritize resource projects in Prince William Sound.”

In addition to these proposed plan components, the Forest Service should make it clear that consultation should begin as early in the planning process as possible and be reinitiated if significant changes to the plan occur. It would be helpful if the Forest Service recognizes and articulates the underlying principles of consultation and include those in the Draft Plan. For example, the Forest Service should include a Standard that all projects requiring Supervisor or District Ranger approval be subject to formal consultation procedures, including in-person meetings with willing and interested Alaska Native Corporations and tribes.

Finally, the Forest Service should remedy the Draft Plans failure to include any standards and guidelines related to the interests of Alaska Native Corporations or tribes as required by the 2012 Planning Rule. The Forest Service is required to provide plan components, including standards and guidelines for “protection of cultural and historic resources” and “management of areas of tribal importance.”<sup>13</sup> The Draft Plan contains only one relevant standard, regarding protection of properties listed or eligible for listing under the National Historic Preservation Act.<sup>14</sup> The lack of any standards or guidelines related to Alaska Native Corporations and tribes is inexplicable and unacceptable.

A brief overview of the 2012 Planning Rules requirements is helpful to understanding how the Draft Plan comes up short in this area. The 2012 Planning Rule requires forest plans to contain “Desired Conditions,” “Objectives,” “Standards,” and “Guidelines.”<sup>15</sup> An Objective is a time-specific statement of a Desired Condition, and Standards and Guidelines are constraints on projects or decision-making established to achieve Desired Conditions. (Standards are mandatory while Guidelines are subject to some discretion.)

The Draft Plan is divided into three main parts; Vision, Strategy, and Design Criteria. The Vision part describes the Desired Conditions for the CNF. The Strategy part explains the Objectives and “management approaches” for the Desired Conditions. The Design Criteria part lists the Standards and Guidelines for achieving the Desired Conditions.

The Draft Plan subdivides the Vision (Desired Conditions) part into several sections, one of which is “Goal 1 Collaborative Relationships Strategy.” Within that section, is a Desired Condition that “statutory rights and interests of Alaska Native Corporations are acknowledged and supported, including access to their private lands, while adhering to legislative guidelines and prior agreements.”<sup>16</sup> The Strategy section describes a single “management approach” for that Desired Condition: “Throughout the life of the forest plan, consultation with Alaska Native Corporations is documented and acknowledges access needs across NFS lands to projects on private lands and within privately owned subsurface estates.”<sup>17</sup>

The Design Criteria part, however, contains no Standards and Guidelines for achieving that Desired Condition. In fact, the Draft Plan contains no Standards and Guidelines for any Desired Conditions under “Goal 1 Collaborative Relationships Strategy. The Forest Service should recognize that the

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<sup>13</sup> 36 C.F.R. § 219.10(b)(1)(ii)-(iii).

<sup>14</sup> Draft Plan at 59.

<sup>15</sup> 36 C.F.R. § 219.7 (e)

<sup>16</sup> Draft plan at 11

<sup>17</sup> Draft plan at 40



Draft Plan fails to follow the 2012 Planning Rules conceptual framework: Desired Conditions are to be achieved through specific Standards and Guidelines.

Importantly, the Draft Plan fails to provide required Standards and Guidelines for protecting “cultural and historic resources” and “management of areas of tribal importance.”<sup>18</sup> The Forest Service should add Standards and Guidelines to achieve the Desired Condition that “statutory rights and interests of Alaska Native Corporations are acknowledged and supported.

The Forest Service must change the Draft Plan to include Standards and Guidelines that constrain projects or decision-making when Alaska Native Corporation or tribal interests are affected.

### **III. WILDERNESS RECOMMENDATION, ROADLESS AREAS, AND WSA**

CAC has serious concerns about the Draft Plans unnecessarily narrow focus on remote recreation and wilderness preservation. CACs concerns are not new; it has repeatedly raised legal and policy issues with the Forest Services management direction for the CNF. The DEIS and Draft Plan demonstrate the Forest Service has not taken those concerns seriously. The following comments address three distinct but interrelated management issues: recommended wilderness, inventoried roadless areas, and the WSA.

#### **A. The wilderness recommendation in Alternative C is unacceptable and insufficiently explained.**

In 1984, the Forest Service conducted its first wilderness inventory on the CNF, recommending approximately 1.7 million acres for congressional designation under the Wilderness Act. In 2002, the Forest Service reduced that recommendation to 1,387,509 acres. As part of the 2002 recommendation, the Forest Service acknowledged that “subsistence needs,” “potential mineral values,” and private land interests and concerns” made some areas within CNF unsuitable for wilderness designation.

Now, the Forest Service has changed course and expanded the wilderness recommendation to 1,819,700 acres-an area even larger than the initial 1984 recommendation. CAC has serious concerns about the wilderness recommendation process and the Forest Services lack of explanation for expanding the recommendation.

#### **1. The Forest Service should not be making a new wilderness recommendation**

CAC acknowledges Forest Service policies and procedures require a wilderness inventory and evaluation as part of the forest planning process. The 2012 Planning Rule provides “[i]n developing a proposed plan or proposed plan revision, the responsible official shall ... (v) Identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation.”<sup>19</sup>

But Alaskas two national forests are different. The Alaska National Interest Lands Conservation Act (“ANILCA”) directs national forests in Alaska to be managed differently than national forests in other parts of the country.<sup>20</sup> For example, ANILCA requires the Forest Service to authorize motorized access for traditional and subsistence uses of the CNF within areas that are otherwise managed as

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<sup>18</sup> 36 C.F. R. § 219.10(b)(1)(ii)-(111).

<sup>19</sup> 36 C.F.R. § 219.7(c)(2).

<sup>20</sup> See *Sturgeon v. Frost*, 139 S. Ct. 1061, 1070 (2016)(“ANILCA repeatedly recognizes that Alaska is different.”)

wilderness. Consequently, the Forest Service cannot apply nationwide regulations to national forests in Alaska unless those regulations are consistent with ANILCA.

Here, the 2012 Planning Rules requirement for a wilderness inventory and evaluation is inconsistent with ANILCA's prohibition on further studies aimed at identifying and recommending lands for wilderness. Section 1326(b) of ANILCA provides:

No further studies of the Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

Thus, Congress explicitly prohibited the Forest Service from engaging in further studies that would recommend additional areas for wilderness designation.

The Forest Service has taken the position that the wilderness inventory, evaluation, and recommendation process does not violate ANILCA because the recommendation is not for the single purpose of considering wilderness but instead part of the national forest planning process, encapsulated in the 2012 Planning Rule. The Forest Service's rationale is inconsistent with ANILCA in which Congress clearly and unambiguously struck the balance it intended between providing "sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska" and securing "adequate opportunity for satisfaction of economic and social needs of the State of Alaska and its people."<sup>21</sup> The Forest Service has no authority to alter that balance by deciding that some areas of the CNF should be managed as wilderness simply because the 2012 Planning Rule requires wilderness review during the planning process. The 2012 Planning Rule makes sense in the context of national forests in the Lower 48, but it ignores "the simple truth that Alaska is often the exception, not the rule."<sup>22</sup>

The effects of a new, significantly larger wilderness recommendation are not purely academic; there are management implications that will continue throughout the forest plan's lifetime. Recommending wilderness subjects those areas to nationwide Forest Service policies that require the areas to be managed to "protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation."<sup>23</sup> In other words, the Forest Service must manage recommended wilderness to maintain the areas' wilderness character even if surrounding land use patterns or economic opportunities change. The Draft Plans' larger recommended wilderness areas mean that more CNF lands will be managed to the exclusion of resource development and access. Consequently, the increased recommended wilderness area will have significant negative effects on CAC, none of which are acknowledged or analyzed in the DEIS.

## **2. The DEIS fails to explain the change in wilderness recommendation area.**

When a federal agency changes a policy decision, it must adequately explain its reasoning and take into consideration the factors that were important for the original decision.<sup>24</sup> The Forest Service has not met that obligation here.

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<sup>21</sup> ANILCA, 16 U.S.C. § 3101(d).

<sup>22</sup> *Sturgeon*, 136 S. Ct. at 1071.

<sup>23</sup> FSH 1909.12, Chapter 70 at 70.4.1

<sup>24</sup> See, e.g., *Native Vill. of Kake v. U.S. Dep't of Agriculture*, 795 F.3d 956, 971 (9<sup>th</sup> Cir. 2015) (en banc) (Christen, J. concurring) (invalidating rulemaking because "the [Forest Service] was unable to defend its flip flop").

Forest Service policies require consideration of multiple factors in the wilderness inventory, evaluation, and recommendation. The Forest Service must determine whether management of the area as wilderness is feasible, including whether the presence and amount of human activities in the area and surrounding the area are incompatible with the legal definition of wilderness.<sup>25</sup> Two factors are particularly important in determining whether to recommend areas on the CNF as wilderness: “[t]he presence and amount of non-Federal land in the area; and [m]anagement of adjacent lands.”<sup>26</sup>

The DEIS increases the amount of recommended wilderness in several regions of the CNF.

In the Nellie Juan inventoried roadless area (“IRA”), the recommended wilderness area increased from 543,969 to 636,845 acres.<sup>27</sup> In the Prince William Sound IRA, the Forest Service added portions of Knight, Bainbridge, and other large islands within the western portion of the Sound, increasing the recommended wilderness from 46,900 to 104,976 acres.<sup>28</sup> In the College Fiord IRA, the wilderness recommendation increased from 796,642 to 1,077,796 acres.<sup>29</sup>

The DEIS failed to consider and adequately explain the Forest Services decision to increase the recommended wilderness area. The DEIS did not explain why adding new areas on Knight, Bainbridge, and other islands in Prince William Sound was necessary, other than suggesting that there has been increased use of those areas since the 2002 recommendation. But increased use does not explain the need for wilderness recommendation. On the contrary, increased use (primarily motorized use) suggests the areas have become increasingly *incompatible* with wilderness designation.

DEIS also failed to consider:

- Private landowner activities on and near proposed recommended wilderness areas, including CAC access and development of its subsurface estate adjacent to recommended wilderness;
- Potential land exchanges between CAC and the Forest Service; and
- Increased access and use consistent with ANILCA within recommended wilderness areas.

The DEIS should contemplate future development activities on adjacent private lands, and analyze whether those development activities affect the wilderness character of CNF lands. The DEIS should also consider the fact that future use, including motorized access for traditional subsistence uses, throughout the CNF, and in particular, the WSA, is likely to increase. Activities that are incompatible with wilderness characteristics cannot be ignored in the wilderness inventory, evaluation, and recommendation. Times are changing on the CNF, and increasing the recommended wilderness area simply ignores the fact that greater access and use of the CNF has decreased, not increased, the wilderness characteristics. The new wilderness recommendations make clear that the Forest Service is seeking to use its discretion not to preserve areas of the CNF that meet wilderness standards but to limit the access and use of public and private lands by Alaskans that is guaranteed in ANILCA.

### **3. Wilderness should not be recommended for areas near or adjacent to CAC lands, or for areas identified as possible land exchanges.**

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<sup>25</sup> DEIS at 484; see also FSH 1909.12, Chapter 70.

<sup>26</sup> FSH 1909.12, Chapter 70 at 72.1.

<sup>27</sup> DEIS at 529.

<sup>28</sup> DEIS at 530.

<sup>29</sup> DEIS at 539.

Under ANCSA, CAC owns or has valid selection rights to over 625,000 acres of full fee estate or subsurface state within the boundaries of the CNF. CAC has an obligation to use or realize economic benefits from those lands and the legal right of access across CNF lands to accomplish that obligation. But often, CACs access and development rights are at odds with wilderness management. Motorized access, construction of permanent structures, road-building, and helicopter surveying are all necessary to realizing the economic potential of lands Congress guaranteed to CAC.

Although ANILCA and Forest Service regulations make exceptions for ANILCA-authorized activities in wilderness areas and recommended wilderness, wilderness management conflicts with CACs development rights. First, the additional regulatory hurdles imposed by wilderness management complicate CACs efforts to access and develop its own property. Second, public perceptions of how wilderness should be managed and the legal requirements of wilderness areas are at odds with CACs rights under ANILCA. Because CAC will continue to develop and access its existing landholdings, wilderness should not be recommended for any areas that might be affected by the development or access to CAC lands.

Many areas of the CNF have been proposed or discussed as suitable for land exchanges between the Forest Service and CAC. Those areas should be excluded from the wilderness recommendation based on their potential or projected uses as private lands. The Forest Service should acknowledge that many of CACs land claims and interests have not yet been resolved. The Draft Plans wilderness recommendation sets a management approach that could negatively affect CACs ability to resolve those claims-or at least complicate and delay the process. Some CAC lands have high potential to be exchanged for CNF lands in other parts of the planning area. But if the Forest Service recommends those areas for wilderness designation, it will be less likely that the area would be considered in a land exchange, frustrating the implementation of ANCSA.

The Forest Service should also not recommend CNF inholdings that are surrounded by private lands for wilderness designation. The wilderness character of the inholding could not be guaranteed because of the development interests on the surrounding private lands. Wilderness recommendation would unnecessarily frustrate the surrounding landholders development interests, on both practical and perceptual levels. Thus, the Forest Service should carefully consider adjacent or proximate land uses and exclude areas from the wilderness recommendation where development or incompatible uses are likely. The Forest Service should exclude areas adjacent to or near CAC lands.

#### **4. Wilderness should not be recommended for areas in proximity to conveyed section 14(h)(l) sites.**

The Forest Service should also exclude recognized historic sites and CNF lands adjacent to section 14(h)(l) sites from the wilderness recommendation.<sup>30</sup> CAC has access rights to section 14(h)(l) sites, making those sites and the surrounding areas unsuitable for wilderness recommendation. Likely modes of transportation to section 14(h)(l) sites, including motorized vehicles, helicopters, and airplanes, and projected increased future use of those sites contribute to the conclusion that the sites and surrounding areas do not have the wilderness characteristics required for recommendation or designation. The Forest Service should specifically consider areas in proximity to section 14(h)(l) sites not yet conveyed to CAC as unsuitable for wilderness designation.

#### **B. Roadless area management on the CNF is inconsistent with ANILCA.**

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<sup>30</sup> ANCSA, 43 U.S.C. § 1613(h)(l) (granting Regional Corporations the right to historical places and cemetery sites).

The Forest Services management of roadless areas on the CNF is inconsistent with its legal obligations to CAC under ANILCA. Ninety-nine percent of the CNF is classified as roadless. Under the nationwide Roadless Rule commercial timber, road construction, and other development are prohibited, despite Congress's intent to provide an "adequate opportunity for satisfaction of economic and social needs of the State of Alaska and its people."<sup>31</sup>

Recently, the U.S. Department of Agriculture and the State of Alaska announced a proposed rulemaking for an Alaska-specific roadless rule. On October 15, 2018, CAC submitted public comments supporting the proposed rule and requesting the CNF be included along with the Tongass National Forest. The Roadless Rule should not be applied in Alaska because it alters the balance Congress struck in ANILCA between preservation and economic opportunity on federal lands in the state.

### **C. The current management of the Nellie Juan-College Fiord WSA violates ANILCA.**

The Forest Service manages the Nellie Juan-College Fiord WSA as de facto wilderness akin to the strictest protection for public land in the United States. According to the Forest Services Alaska Region policies,

[s]ubject to valid existing rights, the wilderness study area shall, until Congress determines otherwise, be administered to maintain presently existing character and potential for inclusion into the National Wilderness Preservation System. Management of the study area will follow the same direction provided for wildernesses established by ANILCA, to the extent consistent with law.

CAC believes the Forest Services continued management of the WSA as de facto wilderness violates ANILCA. Congress had the opportunity to designate portions of the WSA as wilderness after the Forest Service transmitted its 1984 recommendations to the president according to ANILCA. In the intervening 35 years, Congress did not act. Yet, according to the Forest Service, in the context of ANILCA, merely by designating the WSA, Congress intended to create approximately 2 million acres of statutory wilderness on the CNF. In fact, the WSA should be managed for multiple use, not as de facto wilderness.

According to the Forest Service, ANILCA section 704—the provision establishing the Nellie Juan-College Fiord WSA—compels the Forest Service to manage the WSA as de facto wilderness until Congress acts to designate or release the area from wilderness consideration. The Forest Services reliance on ANILCA section 704 is misplaced. Section 704 provides that the Forest Service shall review areas within the WSA and within three years report to the president its recommendations as to the suitability or non-suitability for wilderness designation. No language in ANILCA requires the WSA be managed to maintain the areas wilderness character until Congress determines otherwise. It is clear Congress intended the Forest Service to conduct an initial wilderness review but left the question of subsequent management direction purposefully undecided.

The historical context of section 704 demonstrates Congress did not intend for the entire WSA to be managed as de facto wilderness indefinitely. In the years after the Wilderness Act of 1964 was enacted, the Forest Service began a nationwide process of roadless area review and evaluation ("RARE"), in which the agency determined which roadless areas should be recommended for wilderness designation and which should be released to multiple use management. In 1979, the Forest Service finalized an environmental impact statement for its second evaluation (RARE IQ,

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<sup>31</sup> ANILCA, 16 U.S.C. § 3101(d).

recommending 37 out of 62 million acres of national forest roadless areas be released to multiple use management.

But the 1979 RARE II study did not consider most of the CNF because at the time, many of the roadless areas in the Nellie Juan-College Fiord area were not part of the CNF. ANILCA section 501 added 1.9 million acres to the CNF, including the roadless area called the Nellie Juan. Congress intended to ensure the Forest Service conducted an adequate study of the newly acquired national forest lands' wilderness potential.

In a 1979 congressional report on the House version of ANILCA (H.R. 39), the House Committee on the Interior and Insular Affairs noted "[t]he lack of comprehensive planning in the Chugach National Forest at this time makes it difficult . . . to take action until a plan which carefully examines significant public interests is completed." The House Committee recognized the new additions to the CNF required a study aimed at examining wilderness potential. In a November 1980 floor statement, one of ANILCA's primary supporters, Representative Morris Udall explained,

[b]y establishment of this wilderness study area, Congress intends that the Forest Service give special consideration to the outstanding wilderness values of western Prince William Sound. Review of this area during development of the current forest plan under the National Forest Management Act will not be adequate to fulfill the intent of this section. Congress intends that a separate study be made of the wilderness potential of the area.

Congress' intent in enacting section 704 was to ensure the new additions to the CNF received adequate consideration as wilderness, not to mandate the WSA be managed as de facto wilderness forever.

The Forest Service conducted the required wilderness review in 1984--and a second review in 2002 as part of the forest plan revision. Each of those studies was accompanied by an environmental assessment. Thus, the Forest Service has met all of its obligations under ANILCA section 704. The non-recommended areas within the WSA should be released to multiple-use decision-making--Le., the Forest Service should decide on an area-by-area basis whether to continue managing the non-recommended areas primarily for wilderness use.

The Forest Service's failure to acknowledge and apply the Alaska-specific requirements of ANILCA in light of the U.S. Supreme Court's admonishments to another federal land manager in Sturgeon is glaring and indefensible. Under the Forest Service's interpretation of ANILCA, the agency may administratively manage the entire CNF as de facto wilderness despite the plain

language of ANILCA that Congress reserved this very decision to itself.<sup>32</sup> Both by managing the WSA as statutory wilderness indefinitely and by recommending enormous additional areas for wilderness recommendation, which will result in the additional areas being managed as statutory wilderness, the Forest Service essentially turns ANILCA upside down.<sup>33</sup>

#### **IV. GENERAL COMMENTS**

##### **A. Multiple Use**

As briefly noted in Part I (above), one of the most significant shortcomings of the Draft Plan is its failure to provide adequate multiple use management on the CNF. The Draft Plan proposes eight

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<sup>32</sup> ANILCA, 16 U.S.C. § 1132.

<sup>33</sup> See ANILCA, 16 U.S.C. § 3101(d) ("This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska ....").

management areas-none of which has a primary purpose of providing multiple use or resource development on the CNF. The Draft Plan must be revised to include multiple use areas for future resource development or consumptive forest uses in addition to providing current, valid existing rights to access and development.

In accordance with the National Forest Management Act and the Multiple Use-Sustained Yield Act, the 2012 Planning Rule requires the Forest Service to provide for “multiple uses, including outdoor recreation, range, timber, watershed, wildlife, and fish.”<sup>34</sup> The Forest Service must consider “(r)enewable and nonrenewable energy and mineral resources,” “[o]pportunities to coordinate with neighboring landowners to link open spaces and take into account joint management objectives,” and “[a]ppropriate placement and sustainable management of infrastructure.”<sup>35</sup> The Draft Plan fails to provide adequate opportunities for those multiple use objectives and activities.

Contrary to the multiple use goals outlined by Congress, the Draft Plan places consistent emphasis on recreation and preservation. Four of the eight management areas identified in the Draft Plan focus exclusively on preservation or wilderness values (Management Area 1 Wilderness Study Area, Management Area 2 Wild, Scenic, and Recreational Rivers, and Management Area 3 Research Natural Areas, Management Area 4 Backcountry Areas). The remaining four management areas explicitly limit and minimize any potential for new development or infrastructure.

The Draft Plans focus on preservation and wilderness is inconsistent with the multiple use mandate for national forests. Congress set aside public lands in Alaska both for preservation and resource development; ANILCA struck the balance by specifying which lands should be preserved in their pristine condition and which were available for use and development. The Forest Service has disrupted that balance by administratively deciding that 99 percent of the CNF should be managed for remote recreation and wilderness instead of multiple use. The Draft Plan further erodes any semblance of fair treatment for multiple use areas that was present in the 2002 Plan. The evisceration of multiple use areas is unreasonable, unacceptable, and inconsistent with the Forest Services legal obligations. The Forest Service should revise the Draft Plan to include areas specifically for multiple use activities, such as mineral development, infrastructure, and timber production.

### **B. Economic Conditions and Subsistence Uses**

The Draft Plan should place more emphasis on economic development opportunities for rural Alaskans-residents of villages who depend on the CNFs resources for their traditional livelihoods. The Draft Plans Goal 2 is to provide “Social and Economic Sustainability.” But the Draft Plan focuses on “tourism” and “recreational” opportunities-relegating subsistence uses to an afterthought.<sup>36</sup> Subsistence uses, however, including hunting, fishing, collecting forest products and visiting historic sites are vital to the rural communities located within the CNF boundaries.

The Forest Service should re-consider adopting a Traditional Use management area in the Draft Plan. A Traditional Use management area would recognize the subsistence priority guaranteed by ANILCA and facilitate subsistence access and activities that are otherwise inconsistent with the Draft Plans management direction. Often, subsistence activities are treated as exceptions to the Forest Services management goals. A Traditional Use management are would make those exceptions the rule on parts of the CNF that Alaska Natives have traditionally used and depended on.

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<sup>34</sup> 36 C.F.R. § 219.10

<sup>35</sup> Id. at § 219.10(a).

<sup>36</sup> See Draft Plan at 13; 15; 41-43; 53-59.

## V. SPECIFIC COMMENTS

- On page 15, the Draft Plan acknowledges the Desired Condition that “Development of mineral resources contributes to local, regional, or national markets for valuable commodities and adds social benefits to local communities.” The Draft Plan should specifically recognize many of the local benefits from those activities will be to Alaska residents who live within or near to the CNF. The Draft Plan should recognize and support opportunities for collaborative management on split-estate lands-where CAC owns the subsurface estate-and CAC lands adjacent to the CNF.
- On page 15, the Draft Plan provides a cursory and inadequate Desired Condition regarding infrastructure development. The Draft Plan should include a Desired Condition that future infrastructure development is implemented where necessary for the economic benefit of local communities and Alaska Native Corporations and tribes. The Desired Condition should specifically contemplate future development and improvements to existing infrastructure that will allow increased economic opportunity and be responsive to the needs of residents within the CNF boundaries.
- On page 15, as a Desired Condition for “Infrastructure,” the Draft Plan should consider and anticipate new public and private road construction within the CNF. New access routes are necessary in many areas of the CNF and can be beneficial to recreation, restoration, and economic development. For example, the Forest Service should consider a new road to Trinity Point, which would reduce access problems in Orea Inlet.
- On pages 30 and 31, the Desired Conditions for the Front Country Management Area include providing “access to forest products to meet community needs.” The Draft Plan should specify that access to forest products, such as berries and mushrooms, should be provided and prioritized on a forest-wide basis, and not solely in the Front Country Management Area. The tendency to conceptualize “forest products” as being used only in the Front Country Management Area by urban residents is a serious problem with the Draft Plan. Many forest product users reside in rural communities and Native villages-in areas far from the Front Country. Rural residents depend on forest products for their traditional and cultural subsistence livelihoods.
- On page 39 and Appendix B, the Timber Suitability description states that 6,600 acres of the CNF may be suitable for timber production. After applying criteria in the Forest Service Handbook 1909.12-61.2, the Draft Plan concludes “no lands were determined suitable for timber production” because “a sustainable flow of timber cannot be planned and scheduled on a reasonably predictable basis.” The Forest Service based that conclusion on the fact that the Draft Plan contains no management areas in which timber harvest is a primary or secondary Desired Condition.<sup>37</sup> The Forest Services proposed decision is arbitrary and capricious because the analysis is circular: First the Forest Service decided not to prioritize timber harvest in any management area. Second, the Forest Service decided there were no areas where timber harvest is suitable because none of the management areas prioritized timber harvest. The Timber Suitability analysis clearly reaches a preordained decision but it fails to justify that decision by taking a hard look at the relevant evidence. The Forest Service ignores the economic potential of commercial timber harvest on the CNF when combined with private lands, such as CACs.

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<sup>37</sup> See Draft Plan at 94, Table 24.



The Forest Service also ignores the potential for commercial timber harvests to engage in forest restoration and wildfire prevention in beetle-killed areas.

- On page 53, the Draft Plan should not list “consolidate split estates,, and “acquisition of and interest in lands;, as a Guideline. CAC continues to be distressed about the emphasis in the Draft Plan in acquiring private land. As the largest private landowner within the CNF boundaries, CAC is the most likely target for acquisition and exchange of land. CAC received its land under ANCSA as a settlement of Native claims with the United States. Forest Service land acquisition and exchange might be appropriate in some places where CAC or other private landowners are willing and in fair bargaining position. The Draft Plan should recognize potential mutual benefits of land exchanges with CAC and other Alaska Native Corporations. In many cases, the interests of the Forest Service and CAC can best be accomplished by agreeing to exchange land that CAC requires to access its inholdings or subsurface estate. The Forest Service should consider plan components specifically recognizing future land exchanges with CAC. But land acquisition should be a means to an end, not an end itself. The Draft Plan should discuss the goals the Forest Service wishes to achieve through land acquisition or exchanges and recognize the importance to Alaska Natives of Alaska Native Corporation land within the national forests.
- On page 59, the “Minerals” Standards and Guidelines should be moved from the “Ecological Sustainability” section to the “Social and Economic Sustainability” section. Like so many other aspects of the Draft Plan, the “Minerals” Standards and Guidelines give the appearance that the Forest Service disfavors resource development and only reluctantly includes Standards and Guidelines related to mineral development as a way of limiting and prohibiting certain activities. The Draft Plan should recognize “Minerals” and other economic development activities as having equal value to preservation and recreation goals on the CNF.
- On page 59, the Draft Plan should add descriptive language to specify the effects of mineral development should be “minimized” only to the extent *economically feasible and reasonable*. Forest Service policies clarify that minimization of environmental effects from mineral development “should be accomplished by imposition of reasonable conditions which do not materially interfere with such operations.”<sup>38</sup> The Draft Plan should emphasize the “reasonableness” of conditions and limit mitigation to economically feasible options to avoid rendering mineral development cost-prohibitive on the CNF.
- On pages 77 and 78, the Draft Plan should explicitly recognize CACs rights to *access and develop* its subsurface resources.

## VI. CONCLUSION

The CNF is the second largest national forest in the country; its management challenges, governing laws, and cultural history make it truly unique. The Forest Service has the opportunity through this Draft Plan to chart the course for the CNFs management over the next 15 to 20 years-or more. CAC is committed to a mutually respectful and beneficial relationship with the Forest Service. As the Draft Plan undergoes revisions and further analysis is completed, CAC hopes to be a resource and to work closely with the Forest Service in adopting a forest plan that accomplishes the goals set forth in the 2012 Planning Rule, as well as upholding the federal responsibility to honor obligations to Alaska Native Corporations and tribes.

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<sup>38</sup> FSM 2817.02.

Thank you for the opportunity to comment on the Draft Plan and DEIS.

Sincerely,

Sheri Buretta, Chairman of the Board

Chugach Alaska Corporation  
3800 Centerpoint Dr., Suite 1200  
Anchorage, AK 99503

## Letter from the Cook Inlet Region, Inc.

November 1, 2018

Ms. Terri Marceron, Forest Supervisor  
U.S. Dept. of Agriculture, US Forest Service, Chugach National Forest  
161 East 1st Avenue, Door 8  
Anchorage, AK 99501

Re: Chugach National Forest, Draft Land Management Plan and EIS

Dear Ms. Marceron:

The following comments are submitted on behalf of Cook Inlet Region, Inc. (CIRI), an Alaska Native Regional Corporation formed under the Alaska Native Claims Settlement Act of 1971 (ANCSA) to benefit Alaska Natives with ties to the Cook Inlet region. CIRI, which is comprised of approximately 9,000 Alaska Native shareholders, is the largest private landowner in Southcentral Alaska, with more than 1.6 million acres of subsurface estate and large surface estates shared between CIRI and its seven village corporations.

The CIRI surface estate includes land immediately adjacent to, and at times surrounded by, the Chugach National Forest. As the US Forest Service (Service) is aware, CIRI also holds special interest in the Forest in the greater Kenai-Russian Rivers Complex as noted in the Sqiilantnu Archeological District Memorandum of Understanding, as affirmed by the Russian River Land Act (RRLA), and with other rights established under the Alaska National Interest Lands Conservation Act (ANILCA), and ANCSA.

As the Draft Plan is finalized, CIRI once again would like to express support for an Alaska-specific exemption from the 2001 Roadless Rule. We note with disappointment that the Chugach is not currently under consideration for exemption. As the Service is aware, the Chugach is the second-largest Forest in the nation. However, present policies including the Roadless Rule and a zero Allowable Sale Quantity (ASQ) of timber under the Draft Plan make development of resources on these lands nearly impossible. Consequently, adjacent landowners like CIRI are precluded from enjoying the economies and support infrastructure of scale which would otherwise arise from multiple-use management of these public lands. The roadless rule limits access to, and across, CIRI lands and minimizes opportunities in timber, mining, renewable energy, and other industries. We request that the Service provide a process to exempt the Chugach from the 2001 Roadless Rule, similar to the one presently underway for the Tongass.

Timber production is a statutory mission of the National Forest System, and the Chugach is the largest national forest in the nation with no ASQ and with no Forest Service timber program. This is unacceptable and inappropriate. The Chugach provides no timber for local wood product businesses, even though it is a fully capable of doing so. The lands CIRI selected to benefit its shareholders are therefore of decreased economic value. CIRI would like to urge the Service to reconsider, as it requested during its formal consultation, implementing an ASQ that would provide economies of scale for the responsible development of CIRI's lands. Further, as the Service recently closed its comment period for improving management of mineral, oil, and gas resources within national forests, CIRI would like to request that the Service incorporate associated changes that would positively encourage responsible development of natural resources within the Chugach into the final Plan.

In conclusion, CIRI would like to express support for the comments provided to the Service by Chugach Alaska Corporation and the Resource Development Council. We appreciate the opportunity to provide feedback during this important process.

Sincerely,

COOK INLET REGION, INC.

Jason Brune, Senior Director

Land and Resources

P.O. Box 93330

Anchorage, AK 99509-3330

## Letter from the State of Alaska Department of Natural Resources

November 1, 2018

Terri Marceron  
Forest Supervisor, Chugach National Forest  
161 East 1st Street, Door 8  
Anchorage, Alaska 99501

Re: Chugach National Forest Draft Land Management Plan

Dear Ms. Marceron,

The State of Alaska (State) supports the Forest Services (Service) commitment to involve state agencies as partners in addressing issues affecting management of the forest and the considerable effort of forest planning staff to develop a planning document that addresses a variety of management issues identified through the planning process. A close working relationship allows agencies to identify areas of management concern as well as possible solutions. Having reviewed the Chugach National Forest Draft Land Management Plan / Environmental Impact Statement (Forest Plan), the State provides the following consolidated comments where changes or clarifications are needed to accurately reflect the implementation of existing federal laws and policies as they relate to federally managed public lands and Conservation System Units (CSUs) in Alaska and where page specific changes are either necessary, or suggested, for clarity and accuracy.

In general, the Forest Plan should recognize and clearly identify where the Alaska National Interest Lands Conservation Act (ANILCA) provisions apply to public lands and CSUs and the limits ANILCA placed on the Service regarding the study of lands for inclusion in the Wilderness and Wild and Scenic Rivers systems. The Forest Plan should accurately identify the segments of the Iditarod National Historic Trail (INHT) that are not a federally managed CSU because they are on State lands and/or within existing State Rights-of-ways. Similarly, only Congressionally designated trails are CSUs in Alaska, and the text should reflect this important fact. Further comments center on state ownership of navigable waters, State management of fish and wildlife resources, public and commercial use of resources, land selections, travel management, and recreation and commercial uses. These comments are detailed below and are followed by a number of page specific comments.

### **ANILCA Allowances**

The Chugach National Forest (CNF or Forest) is not a CSU under ANILCA. However, ANILCA expanded the forest and designated the Nellie Juan-College Fiord Wilderness Study Area (WSA) and provided specific management direction for the Copper/Rude River area (the 501(b) area). While these areas are not CSUs, certain provisions in ANILCA apply to specific areas and others apply forestwide. For example, Sections 811 and 1110 of ANILCA, which allow specific methods of access for subsistence use and other traditional activities apply to the WSA; whereas, of these two Sections, only Section 811, the subsistence access provision, applies to the Section 501 (b) expansion area. ANILCA is very clear that methods of access identified “shall” be authorized, subject to reasonable regulation, which means the Forest is open to these uses unless closed or restricted for site-specific reasons. While the Service does not have ANILCA implementing regulations for these specific provisions, they can refer to the public closure processes that have been codified in Department of Interior agency regulations for guidance.

It is important for the Forest Plan to accurately identify where applicable provisions in ANILCA apply on the forest and for management direction in the plan to be consistent with those provisions, both for public awareness and plan implementation purposes. For example, the following page specific comment identifies a statement in the Forest Plan that needs to be corrected or clarified. Several other statements that need clarification are identified in the page specific section of this letter.

- Page 22, Resource Development and Use, #1, second sentence: The plan indicates that private inholdings will be provided “reasonable access.” Two distinct provisions in ANILCA apply to inholdings in Alaska. Section 111 0(b) grants access *rights* as needed to assure *adequate and feasible access for economic and other purposes* and applies to state and private inholdings within or effectively surrounded by ANILCA designated CSUs. ANILCA Section 1323 indicates that non-federally owned land within the boundaries of the National Forest (non-CSU lands) shall be provided access the Secretary deems adequate to secure reasonable use and enjoyment. Please ensure the plan clarifies which provision applies where.

### **Wilderness and Wild and Scenic River Study Recommendations**

The revised Forest Plan includes a new wilderness study for the purpose of forwarding new wilderness recommendations to Congress for the WSA and carries forward the 2002 Chugach Forest Plans recommendations for new wild and scenic rivers. As provided in earlier comments during the planning process, the State does not support the studies conducted during this planning process or the previous 2002 planning process because they violate provisions in ANILCA, listed below, that preclude the study or creation of new CSUs in Alaska, absent explicit direction from Congress.

The Forest Service indicated they conducted these studies because they are a requirement of the current planning rule; however, the planning rule does not override ANILCA or other governing statutes or the Forest Services own planning regulations that state: “Plans must comply with all applicable laws and regulations ... “ (36 CFR 219 .1 (f)). ANILCA preempts the rules requirement to conduct studies in Alaska for the purposes of recommending new CSUs or for other similar purposes, including:

ANILCA Section 101(d):

This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people ... ***Congress believes that the need/or future legislation designating new conservation system units ... has been obviated thereby.*** [emphasis added]

Section 708( 4):

Unless expressly authorized by Congress the Department of Agriculture shall not conduct ***any further statewide roadless area review and the evaluation of National Forest System Lands in the State of Alaska/or the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.*** [emphasis added].

ANILCA Section 1326(b):

***No further studies*** of Federal lands in the ***State of Alaska*** for the single purpose of ***considering the establishment of a conservation system unit***, national recreation area, national conservation area, ***or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.*** [emphasis added]

ANILCA defines designated wilderness and wild and scenic rivers as CSU's and the Forest Services recommendations would result in the designation of new CSUs located within the national forest. These recommendations stem from new studies not authorized by ANILCA or a subsequent Act of Congress and thus violate ANILCA Section 1326(b) and the overall intent of Congress expressed in ANILCA Section 101 (d), which show that Congress clearly retained for itself the sole authority for future studies or reviews for the purpose of creating additional CSUs in Alaska.

ANILCA Section 704 provides the only direction from Congress to study Forest Service lands in Alaska for consideration as designated wilderness. Specifically, Section 704 designated the WSA and directed a review of the designated lands in accordance with section 3(c) and (d) of the Wilderness Act. ANILCA explicitly directed the Forest Service to issue a report on the areas suitability or non-suitability to the President and Congress within three years of the passage of the Act (1980). Congress has provided no further direction to conduct additional studies on Service lands in Alaska for potential wilderness designation; therefore, including a new wilderness study in the plan revision (i.e. wilderness inventory and evaluation) violates ANILCA Section 1326(b).

ANILCA also amended the Wild and Scenic Rivers Act and designated both wild and scenic rivers and rivers designated for study, none of which were located on Service lands. Congress has provided no further direction to the Service to conduct wild and scenic river studies in Alaska. While we understand the Service is carrying forward wild and scenic river recommendations from a previous study, those recommendations were not the result of a congressionally-directed study and therefore violate ANILCA Section 1326(b).

We are aware that the Service stated previously that when wilderness and wild and scenic river reviews are housed within a larger land management plan they are not conducted for the "*single purpose of considering the establishment of a CSU*" and therefore do not conflict with ANILCA Section 1326(b); however, such justification is inconsistent with the stated purposes and results of the studies. Where they are housed is not relevant.

ANILCA's legislative history also emphasized the importance of including Section 1326 in the Act:

Title XII - Administrative Provisions<sup>39</sup>

"No More" The Committee bill contains two provisions which I think are absolutely necessary to reassert Congress' authorities in the matter of land designations: (1) the revocation of the monuments and the other FLPMA withdrawals which were made last year by the Administration to put pressure on the legislative process, and (2) the exemption of Alaska from the wilderness study provisions of FLPMA in the just belief that with passage of this bill "enough is enough".

However, one further critical provision is lacking. With the designation of over 100 million acres by this bill, coupled with the 50 million acres of units already existing in Alaska, nearly 40 percent of the land mass of the State would be within conservation systems. Surely that sufficiently meets even the most generous allocation of land for this specific purpose to the exclusion of most other land uses. Should this bill become law, we in Alaska must have some assurance that this represents a final settlement of the nation's conservation interests. We cannot continue to be exposed to the threats and intimidation of a zealous Executive which may feel in the future that the Congress did not meet the Administrations desires for land designations in Alaska.

Thus, absent from this bill is a provision barring further conservation system designations through administration the arbitrary permanent removal of federal lands from the public

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<sup>39</sup> This text in the letter was in a long footnote that we put into the main letter content.

domain can no longer be left to the Executive in Alaska. Deletion of such a provision in this bill is a serious deficiency which must be corrected prior to any final action.” (Senate Report No. 96-4 I 3, pg. 446, Senator Gravel)

A later version of the Alaska lands legislation, the so-called Tsongas Substitute for H.R. 39, was amended to include the language now found in ANILCA Section 1326. During the August 18, 1980 Senate floor debate on the Tsongas Substitute, Senator Stevens explained that the Alaska State Legislature had asked the Alaska delegation to address seven consensus points that were not originally contained in the bill:

“I have uniformly responded to questions in those areas [Alaska communities] concerning the revised Tsongas substitute. This substitute now is a version of the Senate Energy Committee bill, but it does not satisfy the seven points that our State legislature asked us to address in connections with this legislation.

I have told Alaskans that while I cannot vote for the Tsongas substitute, I think it has to be judged as being a compromise that is better than the existing situation under the national monuments and certainly better than those the President has indicated he will impose if a bill does not pass. Our State legislature asked us to address seven points. We call them the consensus points . . .

The fifth injunction of the legislature was to be sure that there is what we call a no-more provision. This was a provision I insisted on in 1978. It was in the so-called Huckaby bill. It was in the bill that almost was approved in 1978. That clause is not in the committee bill. It is in the revised Tsongas substitute because the agreement we had in committee that when the bill had reached its final version on the floor of the Senate, the committee would agree to the no more clause. Realizing that the Tsongas revised substitute may be final version, the Senator from Massachusetts, at my request, has included that.” (Congressional Record - Senate August 18, 1980, pg. S 11047) Senator Stevens later in the floor debate formally introduced Amendment No. 1967 to H.R. 39 for the following purpose:

“To provide congressional oversight for major modifications of areas established or expanded by this Act and to require congressional approval for future major executive withdrawals of certain public lands in Alaska.”

The amendment containing the essential wording of Section 1326 was adopted and became part of the Tsongas substitute. That bill was approved by the Senate on August 19, 1980 and by the House on November 12, 1980.

We therefore request the Forest Plan defer to the wilderness recommendation that was submitted to Congress by the Service within the 3-year timeframe required in ANILCA and remove all wild and scenic river recommendations in the final revised plan.

Further, Congress failure to act has resulted in forest multiple-use lands now being managed more restrictively as defacto CSUs for decades, a factor that should be taken into consideration in both planning and Service policies. Instead of maintaining the status quo, Forest Plans should include alternatives that propose to remove recommended designations not acted upon by Congress, to allow for other uses to occur on Forest lands consistent with the National Forest Management Act of 1976.

For example, the previously conducted WSR studies can be used for other purposes, such as a further indicator of the suitability of the Chugach Forest for recreation. Every eligible or suitable river, but the Snow River, is deemed to have outstandingly remarkable recreational value and four of the rivers are deemed suitable for designation solely because of their recreational values. Support and management for a wide variety of recreational opportunities should be a focus of the Forest Service and not simply limited use under Wild and Scenic River management actions.



## **State Navigable Waters**

The nine rivers that are considered “suitable” and recommended in the Forest Plan for inclusion in the National Wild and Scenic River System includes rivers that were navigable-in-fact at the time of statehood. Unless Congress clearly intended to withhold title to rivers that were navigable-in-fact from the future state, title vested in the State at statehood. As written, the Plan appears to repudiate the States claims of ownership or that the conflicting ownership claims are of no significance for management. For example, the objectives on page 51 include filing in stream flow reservations and mineral withdrawals on at least one recommended wild and scenic river within ten years of the plan approval. Those navigable waters vested to the State should be identified and the plan must clearly state that the management intent applies only to the federally managed uplands. Otherwise the State must conclude its title to those navigable waters has been repudiated.

## **Portage Curve Multimodal Trail Project**

The Alaska Department of Transportation and Public Facilities (ADOT&PF) has been working cooperatively with the Service for the past several years to develop workable, cost-effective solutions for this project to incorporate into the design concept for the Seward Highway Milepost 75-90 Road and Bridge Rehabilitation Project. The proposed trail provides a safer transportation alternative for foot and bicycle traffic within the highway right-of way (ROW) and also provides a connection to other recreation facilities and segments of the INHT located outside of the highway ROW.

The trail was initially identified in the Services project scoping notice as a connecting link to historic segments of the INHT, implying that once constructed it will be a segment of the INHT, a congressionally designated unit of the National Trails System (NTS). As such, it could also be considered an ANILCA CSU. We have found other statements with similar implications in the draft revised plan for the CNF. For example:

- Page 41: Consistent with statutory and regulatory requirements, continue to coordinate with State of Alaska Department of Transportation and Public Facilities and the Federal Highway Administration to support highway right-of-way adjustments that provide for public safety, maintain public access to the national forest, implement sections of the Iditarod National Historic Trail system, and protect national and cultural resources.
- Page 32, #4: The remaining segments of Iditarod National Historic Trail to be completed are prioritized, have potential funding sources identified, and are constructed as funding becomes available.
- Page 137: The Forest Service received a Transportation Alternatives Program grant from the State of Alaska in 2016 for seven miles of proposed trail and associated trailheads along the Seward Highway from Twentymile Creek to Ingram Creek and for a trail segment connecting to the Trail of Blue Ice in Portage Valley. This proposed recreation infrastructure is part of the INHT Southern Trek project and would provide a critical link for the Iditarod trail system and to other recreation venues, such as the Alaska Railroad and Whistle Stop recreation areas and the Alaska Wildlife Conservation Center near Portage. This proposed project is within the roaded natural class along the Seward Highway and Portage Valley Highway.

While the EA for the trail includes the Services commitment to not consider any portion of the proposed project for inclusion in the national historic trail system in the future, any indication that the boundaries of the INHT are or could be located within the Seward Highway ROW would present unique management challenges for both the Service and ADOT &PF, and present additional unintended consequences associated with funding for current and future highway projects and

restrictions associated with Section 4(f) of the Department of Transportation Act. Therefore, it is critical that the final decision document for the project and the revised Forest Plan provide additional clarification about the status of the proposed trail and other historic segments of the INHT located within the Seward Highway and Alaska Railroad Rights-of-Way (ROW). Specifically, neither the proposed trail nor the historic segments within these ROWs are segments of the INHT, units of the NTS, or CSUs under ANILCA.

The National Trails System Act designated the INHT as a “route of approximately two thousand miles extending from Seward Alaska to Nome Alaska ... , following the routes as depicted on maps identified as “Seward-Nome Trail” in the Bureau of Outdoor Recreations September 1977 study report. The route is actually a trail system made up of a primary trail route connecting Seward and Nome, and over thirteen hundred miles of other trails which connect the Alaska Road Commissions Seward to Nome Route with gold strikes, communities, and access points.” (Page 4-5, Iditarod Comprehensive Management Plan (CMP)) These primary and connecting routes cross federal, state, local, and private lands; however, only segments on federal lands were considered part of the initial INHT system. Segments on non-federal lands can only become components of the system if requested by the landowner and through cooperative agreements (Page 61 CMP).

As a congressionally-designated unit of the NTS, in 1980 ANILCA designated the INHT as a CSU. The definition of CSU in ANILCA also includes any unit established, designated, or expanded into the future. Numerous provisions in ANILCA address use and access in CSUs, which apply to federally-managed portions of the INHT. However, only federally managed segments of the INHT are considered CSUs under ANILCA; federal agencies can only manage segments of the INHT located on non-federal lands by way of a cooperative agreement with the non-federal land manager.

The CMP indicates the Seward Highway overlays the historic Granite Creek/Ingram Creek connecting trail segment, which is located within the project area and is managed by the State of Alaska (Page 91 CMP); likewise, the CMP indicates the Alaska Railroad overlays the historic primary trail segments from Moose Pass to Girdwood, which is located within the project area and managed by the States Alaska Railroad Corporation (Page 78, CMP). The only management recommendations in the plan for these segments are to “mark highway segments with the appropriate symbol” (Page 78), and to “construct a parallel recreational trail between Seward and Portage adjacent to, but outside of, existing railroad and highway rights-of-way”

(Page 87). The plan does not recommend establishing rights-of way for segments that correspond to existing highways and secondary roads, including the Seward Highway, “because use is established, and public access is assured” (Page 78). The Seward Highway was conveyed to the State of Alaska in 1959 pursuant to Section 21 of the Alaska Omnibus Act, which preceded the designation of the INHT as part of the National Trail System in 1978. Conveyance was secured by an exclusive use highway ROW.

The NTSA recognizes that due to subsequent development as motorized transportation routes, many trail segments may no longer be available for travel as a trail and as such, can be identified as segments which link to the historic trail (NTSA, Section S(b)(1)(a)). Section 7(c) of the NTSA states “When a national historic trail follows existing public roads, developed rights-of-way or waters, and similar features of mans non -historically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where national historic trail parallels an existing public road, such road may be marked to commemorate the historic route.” In a Memorandum of Agreement (MOA) between the Bureau of Land Management and the State of Alaska (1987), the State agreed to protect continued public use of

the INHT segments located outside the highway ROW by allowing public use of highway ROW to access such segments (MOA Page 3). The MOA also provides a procedure by which a State agency can formally request the designation of an INHT segment on State managed land (MOA Page 2); the State has not requested INHT designation for any portion of the Seward Highway.

Therefore, based upon the conveyance of the Seward Highway to the State by an exclusive use highway ROW, the acknowledgements and recommendations in the CMP, and the NTAs recognition that historic trail use may be precluded by subsequent development, any historic connecting segments of the INHT located within the Seward Highway ROW, whether currently identified in the CMP or identified in the future, are not components of the INHT system, nor subject to federal management and therefore, are not managed by the Forest Service or defined by ANILCA as a CSU. In order for the project to proceed within the Seward Highway ROW, both the Forest Services final decision document for the project and the revised Forest Plan must reflect this understanding.

Further, because the project is jointly planned by the Service and the State, and the primary purpose of the project is for safe transportation along the Seward Highway and adjacent areas, the State is sufficiently comfortable that Section 4(f) restrictions will not be applicable to future uses of the pathway. However, the statement on page 137 in the draft revised Chugach National Forest Land Management Plan states:

The Forest Service received a Transportation Alternatives Program grant from the State of Alaska in 2016 for **seven miles of proposed trail and associated trailheads along the Seward Highway from Twentymile Creek to Ingram Creek and for a trail segment connecting to the Trail of Blue Ice in Portage Valley. This proposed recreation infrastructure is part of the INHT Southern Trek project and would provide a critical link for the Iditarod trail system and to other recreation venues, such as the Alaska Railroad and Whistle Stop recreation areas and the Alaska Wildlife Conservation Center near Portage.**

The bolded portion of the statement would lead a reader to believe that the project would create an INHT trail segment with a primary purpose of recreation. As written, that bolded statement would make it much more difficult for the State to defend a determination of the inapplicability of Section 4(f). The State requests that the above bolded statement be replaced with a statement worded as close as possible to the accurate statement below, which is from page 32 of the Portage Curve Multimodal Trail Projects EA

Provision of dedicated multimodal pathways separate from the Seward Highway, as well as grade-separated pathway crossings to connect recreational amenities on either side of the Seward highway should reduce hazards associated with current pedestrian and bicyclist use of the shoulders of a high-speed, high capacity roadway .... Provision of safe multimodal transport access along the Seward Highway and adjacent areas is the primary purpose of the project.

### **National Recreation Trails**

The plan revision, at Page 32, misidentifies the Resurrection Pass National Recreation Trail (NRT) and the Williwaw NRT as CSUs as defined by ANILCA. Under ANILCA and the National Trail System Act (NTSA), CSUs may only be established or modified by Congress. Congress did not designate the Resurrection Pass NRT or the Williwaw NRT (both trails were designated by executive action) and, therefore, these trails are not CSUs.

The 2002 Chugach Forest Plan states that “consistent with ANILCA, the following areas on the Chugach National Forest shall be managed as if they were Conservation System Units (CSUs): the wilderness study area; areas recommended for wilderness designation: rivers recommended for Wild,

Scenic and Recreational River designation: and, National Recreation Trails (including Resurrection Pass National Recreation Trail and Williwaw National Recreation Trail).” Page 3-42 (italics added). Where legally allowed (see above wilderness and wild and scenic river study comments), preserving select National Forest System properties characteristics and qualities for possible future designation by Congress is understandable, and managing those properties as if they were CSUs is a non-objectionable management directive to fulfill the temporary preservation goal. The State requests that the plan revision, at Page 32, be corrected to explain that the Resurrection Pass NRT and Williwaw NRT are *not* CSUs.

If the Service is attempting to establish new CSUs by executive action, which would be contrary to the requirements of ANILCA and the NTSA, then the plan revision and its EIS will need to detail the legal authorities for the proposed action and the administrative and public processes undertaken by the Service to complete the executive action.

### **Commercial Timber Harvest**

The plan states on page 39 that “the Forest does not currently have a commercial timber program, and is not proposing one because the land that is available for timber production is inadequate to provide a flow of timber on a reasonably predictable basis ... “We ask that you establish lands suitable for timber production at a level greater than 0 acres. While the plan states that only a few thousand acres are suitable for commercial timber harvest and that roughly 99 percent of the forest is subject to the roadless rule, as the nation's second largest national forest, the Service could be doing more to foster a productive commercial timber harvest program on the Forest.

We are pleased that the Service and Division of Forestry (DOF) have begun working together on a Good Neighbor Authority project in the Forest in the Granite Creek area. The Service is funding DOFs work to thin the forest for improved forest health. While we appreciate the chance for our fire crews to work in their slow season on forestry projects to improve forest health, this same work could perhaps instead be accomplished at a gain to the Service, by holding a timber sale. Working to develop a small timber industry within the Forest would provide opportunities in the future for a variety of positive outcomes, including hazardous fuels mitigation, forest health projects, and probably most important in the coming years, the removal of spruce beetle-killed hazard trees. Such an industry would also support the Service in reaching Forest Plan Goals 2 -- Contribute to Social and Economic Sustainability, and Goal 3 -- Provide for Ecological Sustainability. The hazards posed by beetle-kill include falling trees that can damage utilities, infrastructure, property, and people in public use areas, as well as creating falling hazards for wildland fire-fighters and increasing jack-strawed conditions that increase resistance to control of wildfires.

Fire suppression around communities in the Forest have eliminated some of the natural disturbance that would normally create opportunities for new growth and a variety of stand ages. In the absence of a natural fire regime, forest management (whether it is called “timber harvest,” “fuels management,” “forest health projects,” or “thinning”) can help create both ecological sustainability and a healthy forest. Most national forests allow for commercial timber harvest to help them complete management objectives.

### **Travel Management**

The plan appears to indicate that as a result of the 2005 Travel Management Rule (36 CFR 212), Forest plans will no longer contain travel management direction; therefore, previous travel management decisions will remain in effect, but any future decisions will be made in a separate public process pursuant to 36 CFR 212 (pages 8, 210-212). While the Plan indicates it is strategic in

nature and does not authorize projects or activities and does not commit the Service to take action (page 1), it also states “All projects and activities must be consistent with the Forest Plan.” (page 8). We are therefore concerned with the potential effect of the parameters established with this plan on future travel management decisions. The final plan needs to succinctly clarify the intent for travel management, including public access that is authorized by ANILCA. We remind the Service, that access restrictions authorized by ANILCA, can only be restricted through a separate public process that involves notice and hearings to ensure the Services decisions are informed by the affected public.

Additionally, there are numerous known access routes, including RS 2477s, and known navigable waters within the planning area. To ensure current planning decisions and future travel management decisions recognize and do not curtail existing legal access absent a subsequent public process, we request the following language be included when discussing RS 2477 routes:

The State of Alaska asserts numerous claims to roads, trails, and paths across Federal lands under Revised Statute 2477 (RS 2477), a section in the Mining Act of 1866 that states, “The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted.” RS 2477 was repealed by the Federal Land Policy and Management Act of 1976, subject to valid existing claims.

Assertion and identification of potential rights-of-way does not establish the validity of these claims nor the public's right to use them. The validity of all RS 2477 rights-of-way will be determined on a case-by-case basis, either through the courts or by other legally binding document. The State of Alaska has identified routes on the Forest it asserts may be claimed as rights-of-way under RS 2477.

### **Management of State Selections**

The State supports efforts to ensure consistency with State plans and allowed uses in this planning process, however, in addition to the legal issues regarding wilderness and wild and scenic river studies identified above, we are opposed to any wilderness designations on State selections. The Glacier Island selection was reinstated as part of the Alaska Land Transfer Acceleration Act. The management intent for this selection within the Prince William Sound Area Plan provides for commercial recreation and access to private lands, which places it in direct conflict with a Wilderness management designation. Therefore, we request the wilderness recommendations on State selections, particularly Glacier Island, are removed in the final plan.

### **Mining**

The plan does not adequately recognize and consider valid existing mining claims, both Federally and State owned, as well as claims located on State selected lands, including approved mining activities, and their existing legal access routes. More specifically, the plan needs:

- broader discussion concerning how existing mineral rights are considered in planning decisions, including the potential for recommending wilderness area designations in areas of high mineral potential.
- further evaluation of the direct and indirect effects that proposed management will have on access to and development of locatable, leasable and salable mineral deposits on both Federal, State and State-Selected parcels.
- further evaluation of potential direct and indirect effects that management decisions will have on existing legal access to existing or prior Federal Mining Claims under State Selection. The Mining Section advocates for the preservation of these legal access routes in the event the Selection area is conveyed to the State.

- more emphasis on the significance of mining in the planning area from a cultural and economic potential perspective. Additionally, the potential for State Selection, or where State Selection exists, should be heavily weighed when considering wilderness area designations.

We request that State land be identified separately on map 11; Acres open to mineral entry, versus withdrawn/segregated from mineral entry (page 189, DEIS). Currently, the map reflects portions of the planning area owned by the State as “Areas withdrawn/segregated from Mineral Entry or Private Lands”. We feel this would support the scope of review as the Forest has included mineral entry on State Land in the cumulative impact (spatial scale) analysis described on page 187.

### **Fish and Wildlife Management and Recreation Opportunities**

The Alaska Department of Fish and Game (ADF&G) is the state agency responsible for the management of fish and wildlife across the State and its mission includes a commitment to ensuring that people have opportunities to use and enjoy Alaskas fish and wildlife resources. The following comments primarily focus on issues reflecting those missions.

We note the Forest Plan includes extensive desired conditions, standards, and guidelines related to fish and wildlife habitat under Goal 3 Provide for Ecological Sustainability, and we support the CNFs commitment to maintaining fish and wildlife habitat.

The discussion on page 4 of the Forest Plan is informative in its description of the State of Alaska and its authorities and interests on Service administered areas, including the recognition of ADF&G as the primary manager of fish and wildlife on the Forest (as well as all other lands within the State). We also appreciate the recognition and intent of the Service to continue to support ADF&Gs research and monitoring programs on Service lands, which are often done in collaboration.

We realize that the Master Memorandum of Understanding (MMOU) between the U.S. Forest Service Alaska Region and ADF&G has expired; however, many of the Forest Plans goals, desired conditions and objectives relate to resident fish and wildlife, for which ADF&G has primary management responsibility, regardless of land ownership. We request that the MMOU be placed in the Appendix to provide guidance for the manner in which the Service and ADF&G cooperate.

We request that Desired Condition 6 under Goal 1, Foster Collaborative Relationships, be rewritten and moved up in the Desired Condition list to No. 4 (not to negate the importance of youth camps, but as a fellow land and resource manager we believe a higher priority should be accorded to the State), to say:

The Forest Service seeks a collaborative relationship with the State of Alaska (e.g., Alaska Departments of Fish and Game, Natural Resources, Environmental Conservation, and Transportation) to deal with, and resolve, the inevitable land and resource management challenges that emerge due to each entitys respective management authorities. The Service seeks to acknowledge other agencies management responsibilities and authorities and work in cooperative partnership with them to achieve sustainable land stewardship for the Forest area.

ADF&G routinely conducts fish and wildlife management and research on the Forest, often in collaboration with the Service, and other times independently. ADF&G and the Forest share many of the same goals, and we value the positive working relationship ADF&G has with Forest staff. The WSA sometimes presents special challenges in conducting management and research because of restrictions related to access, equipment, and disturbance. The existing guidance in the Region 10 Supplement to Service Manual 2320 has been clear and helpful in this regard, and we request the Service ensure the Forest Plan is consistent with this existing guidance. References to two other

documents we believe are formative to Service wilderness management policies for activities ADF&G needs to conduct in the Nellie Juan WSA seem to be missing from the Forest Plan; the Service document “Expectations Regarding State of Alaska Administrative Activities in National Forest Wilderness”, December 3, 2009 and the Association of Fish and Wildlife Agencies (AFWA) “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” (as amended June, 2006). We request the Service review both documents and work with ADF&G before the plan is finalized to identify any needed changes to management standards and guidelines for the WSA. As described in detail below, there are places where the Forest Plans management of uses within the WSA could be interpreted as conflicting with the existing guidance.

### **Recreation**

Because of our commitment to ensuring the public has the opportunity to use and enjoy Alaskas fish and wildlife, we are very concerned with the publics ability to access recreation locations within the State; the CNF being one of the primary recreation areas in Southcentral Alaska. Our comments below reflect our concerns with the recreation aspects of the Forest Plan.

We support the focus of the EISs Revision Topic 2, ensuring that the publics desire for outdoor recreation opportunities is met. We point out that outdoor recreation, as documented in the EIS, has been a driving cultural force in Alaskas population (ADNR, Statewide Outdoor Comprehensive Recreation Plan, 2009; Outdoor recreation by Alaskans: projections for 2000 through 2020, Bowker, 2001) aligning it with helping the Service to meet Goal 2 Contribute to Social and Economic Sustain.

We are concerned that overall guidance in the plan appears to promote wilderness like recreation experiences throughout most management areas, to the potential detriment of future public recreation via lost opportunities for trails, boat launches, hardened campsites, and cabins, for example. We understand that the plan does not explicitly prohibit recreation infrastructure in most areas; however, neither does the plan support it. We are concerned that when there is a proposal for the Forest Service to accommodate public demand for recreation at a project implementation level, there will not be sufficiently clear support in the Plan. When considered in conjunction with the wilderness areas managed by other agencies and the Services multiple -use mandate, we believe that outside of the wilderness study area, the Service should focus on providing less restrictive recreational opportunities. As examples, Management Area 2 Wild, Scenic, and Recreational Rivers – desired condition 5 states that “recommended or designated wild river areas provide opportunities for solitude” despite the fact that the Wild and Scenic River Act states that “wild river areas are characterized by rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted,” without mentioning solitude; Management Area 4 Backcountry – desired condition 1 is to “provide opportunities for solitude and isolation when traveling cross-country” and the overall management approach is to provide opportunities for solitude and isolation when traveling cross country; and Management Area 8 Front Country, while saying such opportunities may be limited, touches on opportunities for solitude and quiet travel.

We are concerned by this approach for several reasons, including:

- Beyond management area 8, specialized skills will be required for people accessing the areas and will result in self-imposed limits, keeping use numbers low. However, ANILCA specifically included sections 811 and 1110 to allow motorized access across similarly remote areas set aside as CSUs, often to allow for the continuation of traditional hunting and fishing activities. We believe the Service should craft language for all areas of the Forest to allow such

traditional activities to continue and, in all areas except management area 1, avoid Wilderness Act phraseology that could, in the future, be used to preclude such activities. In regard to hunting and Management Area 2 Wild, Scenic, and Recreation Rivers, we point to Section 13(a) of the Wild and Scenic Rivers Act which states that: “Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument.”

- Numerous people want to have wilderness like experiences but are unable to physically manage the demands of a true wilderness experience, lands providing motorized access and trails, nonmotorized trails, and campgrounds are needed.

The emphasis on solitude and isolation as the primary recreational values the Service desires for the Forest is a major change from the 2002 plan, which not only emphasized that the area would “provide outstanding opportunities for solitude, quiet and isolation”, but also recognized both non-motorized and motorized recreation use (both summer and winter) and more opportunities for hardened, dispersed camping sites, etc. From the Revised Land Management Plan, Chugach Forest, 2002:

*Demand for recreation opportunities on the Forest is now greater than ever. Increased tourism, an increased state population and the proximity to Anchorage have combined to make the Forest the place where many people seek a variety of experiences from road accessible areas to wild and remote recreation opportunities. (p. 2-11)*

We believe it is important for the Service, in its role as the primary multiple use agency in the Southcentral Region, to spell out how the various Management Areas will serve the broad array of user groups, not just those seeking solitude and isolation. As currently proposed, Management Area 8 Front Country, which provides a “wide variety of recreation opportunities” (p. 31) only makes up 1% of the Forest. We ask that the Service look at ways to broaden some of the recreational opportunities in other MAs.

While we understand that greater detail on management actions will be provided in forthcoming step-down plans, we believe that it is important for the Forest Plan to spell out basic tenets that will guide the development of these step-down plans in a manner the public can readily understand. For example, there are numerous references to ANILCA, with relevant citations, within the Forest Plan, but no clarification as to what is being allowed by ANILCA.

### **Outfitter and Guides**

The recognition in the Forest Plan of the value outfitter and guides provide is useful to show their economic standpoint for local communities, as well as for the service they provide in helping more people experience the CNF. We are concerned about a statement in the EIS (page 142) that from January 2014 to present, no new outfitter/guide permit proposals have not been accepted by the Service due to a backlog of applications and a shortage of staffing, and, that at this time it is not known when new proposals will be accepted. Lack of administrative capacity and its effect on future growth for commercial opportunities in local communities limits economic productivity especially in light of the Forest Plans stated Goal 2 to contribute to the economic sustainability of communities within the planning area, and limits non-local visitors ability to access the forest.

We request that a goal be added under Goal 2 Contribute to Social and Economic Sustainability, Recreation, that states the Service will “Achieve adequate staffing to process outfitter/guide permits within Service offices.”



## Introduction

Please provide a section in the Plan Introduction that outlines a Summary of the Changes Made between the previous Forest Plan and this 2018 Forest Plan.

## Page Specific Comments

Page 4

We support the recognition of the Departments management responsibilities on this page of the Plan but request that the language be changed to read:

The Alaska Department of Fish and Game has primary management responsibility for fish and wildlife in Alaska, **[delete the following text]** while the Chugach National Forest manages subsistence resources on federal lands in partnership with other federal and state agencies in consultation with Alaska Native Tribes and Corporations. **[add the following text]** this includes deference to the States regulatory process when decisions may affect management of hunting, fishing, trapping, and wildlife viewing opportunities. The Service manages subsistence uses in the Forest in accordance with direction from the Federal Subsistence Board, the decision-making body that oversees Alaskas unique Federal Subsistence Management Program.

We also note and support the stated intent to continue to manage the Copper River Delta Fish and Wildlife Management Area (CRDFWMA) in accord with the 1986 Memorandum of Understanding (MOU).

We request inclusion of the CRDFWMA MOU in the Forest Plan Appendices (and a reference noted on this page) since current language does describe the prescriptions followed in managing the CRDFWMA.

Page 6, Salmon:

Please provide citations for the numbers and statistics cited in the summary.

Page 6, Watersheds and Wetlands and Page 14, Ecosystem Services, 7.

The first paragraph under the above section on page 6 states that: “The Forest Service issues large numbers of outfitter and guide permits each year to companies that use national forest watersheds and wetland resources.” Page 14 under Ecosystem Services, 7 states that: a desired condition is sustainable levels of goods and services such as recreation and tourism opportunities ... outfitter and guide services.” Yet, as mentioned earlier, in the Draft EIS (Pg. 142) the following statement indicates that “from January 2014 to present, new outfitter/guide permit proposals have not been accepted by the Forest Service due to a backlog of applications and a shortage of staffing. It is not known at this time when new proposals will be accepted.”

Because of the economic gains seen from outfitter guide operations and the Plan Goal 2 -Contribute to Social and Economic Sustainability as well as the need to provide public access to the forest, we request a new goal 7 under desired conditions associated with Goal 2.

7. Achieve adequate staffing to process outfitter/guide permits within Service offices.

Page 11, Part 1 Vision, Goal 1 Foster Collaborative Relationships, Desired Condition 2.b.

This desired condition could imply that the Service is the primary authority related to management of fish and wildlife in National Forests. We request re-writing Desired Condition 2.b. to state the following:

The Service will work with Alaska Native Tribes and Corporations and ADF&G to ensure that renewable national forest resources (including culturally significant food resources) are maintained in a sustainable manner on Service administered lands, and are available and accessible for traditional use.

Page 11, Part 1 Vision, Goal 1 Foster Collaborative Relationships

We request you add a new Desired Condition that reflects the methods of access allowed by ANILCA on applicable lands for both subsistence and non-subsistence uses.

Page 12, Part 1 Vision, Goal 1 Foster Collaborative Relationships, Desired Condition 9

We propose rewriting Desired Condition 9 to emphasize the complexity of subsistence management in Alaska and its dependence on collaborative relationships, proposed changes are:

**[Add the following text]** Subsistence management in Alaska is a multi-agency effort to provide the opportunity for a subsistence way of life. In the Chugach Forest, the Service manages a broad array of subsistence resources from wood for heating and construction to grass and berries, etc. ADF&G manages the fish and wildlife resources, the Federal Subsistence Board (FSB) (which a Service representative is part of) manages subsistence allocation of fish and wildlife resources. The Service also works in constant **[delete the following text]** The Chugach National Forest manages subsistence resources in partnerships with other federal and state agencies and **[add the following text]** in consultation with Alaska Native Tribes and Corporations to foster cooperative management, monitoring and stewardship of natural resources consistent with the goals of ANILCA Title VIII and the decisions of the FSB.”

Page 12, Part 1 Vision, Goal 1 Foster Collaborative Relationships.

We request that an additional desired condition 11 Be added under Goal 1, Foster Collaborative Relationships: “The Forest Service works cooperatively with the State to further management efforts.”

Page 12, Goal 2 Contribute to Social and Economic Sustainability, Introduction.

Please add multiple uses to the following sentence:

“The Chugach National Forest contributes to the social and economic sustainability of communities within the planning area by providing **[add the following text]** multiple use opportunities within the forest, **[resume original text]** by maintaining intact, resilient ... “

Page 13, Goal 2 Contribute to Social and Economic Sustainability, Desired Condition 2.

Amend to say, “. . .the public is made aware of national forest contributions to providing ecosystems services, including outdoor recreation **[add the following text]** such as hunting and fishing, **[resume original text]** subsistence uses, wellness, and societal well-being.”

Page 13, Goal 2 Contribute to Social and Economic Sustainability, Desired Condition 2.

Also, please define what the terms “wellness” and “societal well-being” refer to and describe how it is measured. If the terms are undefinable in relationship to this plan, please delete them.

Page 15. Goal 2 Contribute to Social and Economic Sustainability. Subsistence Desired Condition 1

Please clarify that these management actions are taking place under the federal subsistence program.

Page 16, Desired Conditions Associated With Goal 3 Ecosystem Processes and Conditions

Please add an additional Desired Condition 7 to also reflect site specific needs for habitat management programs, such as hydroaxe.

“1. Natural disturbance regimes (e.g., glacial action, snow avalanches, earthquakes, floods, native insects and pathogens, windthrow, lightning-caused fire, and climatic variations) remain the primary mechanisms shaping the landscape and ecological communities of the plan area. 2. Natural ecological patterns and processes **[add the following]** (including succession) **[resume original text]** dominate the landscape of the plan area. Composition of ecological communities (plant and animal), distribution (patch size, density, shape, and connectivity), relative proportion of seral stage, and key habitat components reflect spatial and temporal patterns expected in a landscape predominantly shaped by natural disturbance processes. 3. National Forest System lands support the ecological processes and conditions necessary to maintain habitat quantity, quality, and distributions to sustain self-supporting populations of native aquatic, riparian and terrestrial plants, fish, and wildlife. 4. Terrestrial and aquatic ecosystems retain their inherent capacity to adapt effectively to shifting climatic conditions and other stressors while maintaining key ecosystem functions. 5. Native plants, fish, and wildlife are the dominant species inhabiting NFS lands, while the establishment and spread of invasive species is prevented or minimized and does not threaten ecosystem function. 6. Existing habitat connectivity is maintained to promote conservation of native aquatic, riparian, and terrestrial plants; fish; and wildlife. **[add the following text]** 7. Specific, identified fish and wildlife habitat needs are addressed through localized habitat management.”

Page 18, Goal 3, Ecosystem Processes and Conditions, Terrestrial Ecosystems, Desired Conditions 3 and 4.

Please clarify that the management activities and authorized activities are Service management activities and Service authorized activities. As currently written, these two conditions sound as if the Service manages wildlife rather than ADF&G.

Page 19/20, Kenai Peninsula Geographic Area, Recreation and Tourism, Desired Condition 2.

Because the Forest is a high use recreation destination for Southcentral Alaska residents, we request the desired conditions for recreation infrastructure, such as boat launches, parking areas, cabins, campgrounds, and trails, also consider areas of high recreational interest across the Forest, not limited to only “along the Alaska Railroad between Moose Pass and Portage.”

We request that the last sentence of Desired Condition 2 be re-written to include the entire Kenai Geographic Area, as recreation infrastructure is not limited to the area between Moose Pass and Portage, and a third desired condition be added:

2. During the summer season (May 1 through November 30), nonmotorized uses predominate across the area. These opportunities include hiking, camping, mountain biking, fishing, hunting, and mountaineering, with opportunities for canoeing, rafting, and other forms of boating on lakes and rivers. Opportunities for off-highway vehicle use are provided on several trails designated for such use. Opportunities are available for helicopter-assisted guided and non-guided recreation activities near Girdwood and east of the Alaska Railroad from Portage to Grandview. Recreation infrastructure, such as cabins, campgrounds, and trails, is available **[add the following text]** in many areas of the Kenai Geographic Area, **[resume original text]** including along the Alaska Railroad between Moose Pass and Portage.

**[add the following text]** 3. Well-developed recreation infrastructure, such as cabins, parking areas, campgrounds and trails, will be planned for and developed in response to public interest, while balanced with resource conservation, to help the public access fish and wildlife resources for fishing, wildlife viewing, and hunting.

Page 21. Prince William Sound Geographic Area, Recreation and Tourism. Desired Condition 1.  
We are concerned the wording of this could unnecessarily restrict shoreline use for hunting, fishing,  
and camping. Please consider the following edit:

“~~[delete the following text]~~ Limited **[resume original text]** Shoreline areas capable of  
accommodating dispersed recreation use are maintained in good condition and consistent with  
desired use levels, including consideration of adjacent public and private lands.”

Page 21, Copper River Delta Geographic Area

We recommend the full context of ANILCA section 501(b) be included here, as it mentions the take  
of fish and wildlife, as well as multiple use management, in relation to the primary purpose of the  
conservation of fish and wildlife and their habitat.

“The Copper River Delta Geographic Area of the Chugach National Forest is managed in accord  
with ANILCA 501(b), which reads: “(b) Subject to valid existing rights, lands added to the  
Tongass and Chugach National Forests by this section shall be administered by the Secretary in  
accordance with the applicable provisions of this Act and the laws, rules, and regulations  
applicable to the national forest system: Provided, That the conservation of fish and wildlife and  
their habitat shall be the primary purpose for the management of the Copper/Rude River addition  
and the Copper River-Bering River portion of the existing Chugach National Forest, as generally  
depicted on the map appropriately referenced and dated October 1978: Provided, That the taking  
of fish and wildlife shall be permitted within zones established by this subsection pursuant to the  
provisions of this Act and other applicable State and Federal law. Multiple use activities shall be  
permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set  
forth in special regulations which shall be promulgated by the Secretary.”

Page 24, Management Area 1 Wilderness Study Area, Management Intent.

The Region 10 Supplement to Forest Service Manual (FSM) 2322.03 directs that plans address the  
specific activities allowed by ANILCA within the wilderness. We request that these allowed activities  
be described in enough detail for the public to understand what is allowed, without having to look up  
statute citations separately. To better describe management of the WSA, this section needs to discuss  
Services Alaska Wilderness Policy Supplement, R-10 2300-2008-2, to the Forest Service Manual  
(FSM) 23000, “Expectations Regarding State of Alaska Administrative Activities in National Forest  
Wilderness”, December 3, 2009 and the Association of Fish and Wildlife Agencies (AFWA) “Policies  
and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land  
Management Wilderness” (as amended June, 2006).

ANILCA allows the following activities to occur in Wilderness:

- **Reasonable access to subsistence resources:** Section 811 ensures that rural residents engaged  
in subsistence uses “shall” have reasonable access to subsistence resources on all federal public  
lands in Alaska by use of snowmobiles, motorboats, and other means of surface transportation  
traditionally employed for subsistence purposes. Such access includes off-highway vehicles  
where such methods were used generally in the area prior to ANILCA. Such access is subject to  
“reasonable regulations” (which have not been adopted for Forest Service lands).
- **Existing rights of access remain valid:** Section 1109 ensures continuation of any valid right of  
access which existed prior to ANILCA.
- **Special Access:** Section 1110(a) ensures the use of snow machines (during periods with  
adequate snow cover, or frozen river conditions in the case of wild and scenic rivers),  
motorboats, airplanes, and nonmotorized surface transportation methods (such as skis, bicycles,

dog teams, horses, and pack animals) for traditional activities “shall” be allowed on conservation system units, national recreation areas, and national conservation areas, **and those public lands designated as wilderness study.** Traditional activities include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking. (R-10 Supplement FSM 2326.1.6)

- **Access to inholdings:** Section 1110(b) ensures adequate and feasible access shall ” be allowed to inholdings and other valid occupiers within or effectively surrounded by conservation system units (e.g. designated monuments and Wilderness areas) and wilderness study areas in Alaska, including valid mining claims and subsurface rights.
- **Access for surveys to inholdings/adjacent lands:** Section 1111 allows access across conservation system units and wilderness study areas to adjacent State or private lands for the purposes of survey, geophysical, exploratory, or other temporary uses.
- **Access for communication sites, weather facilities, fisheries research, etc.:** Section 1310 allows the use of reasonable access (including off-highway vehicles) for operation and maintenance of new and existing air and water navigation aids, communication sites and related facilities, and facilities for weather, climate, and fisheries research.
- **Allows State of Alaska to conduct fishery research, management, enhancement and rehabilitation in wilderness/wilderness study areas:** Section 1315(b) authorizes the State of Alaska to conduct fishery research, management, enhancement, and rehabilitation in Forest Service wilderness and wilderness study areas. This allowance includes reasonable access including temporary use of motorized equipment for “furtherance of research, management, rehabilitation, and enhancement activities subject to reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area.”
- **Access for in holders:** Section 1323(a) states that “the Secretary [of Agriculture] shall provide such access to non-federally owned lands within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: Provided, that such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.” This access may include off-highway vehicles.
- **Temporary facilities for the take of fish and wildlife.** Section 1316 allows all equipment directly and necessarily related as a practical necessity to the taking of fish and wildlife.

Page 25. Management Area 2 Wild, Scenic, and Recreational Rivers

We request the title of this section be revised to “Recommended Wild, Scenic, and Recreational Rivers” as it is misleading to call them “Wild, Scenic, and Recreational Rivers” when Congress has failed to act on the 2002 recommendation.

The management intent under this section states that: “Until a decision is made, the recommended rivers will be managed under direction described in Forest Service Handbook 1909.12, chapter 84.3 - Interim Protection Measures for Eligible or Suitable Rivers and consistent with the National Wild and Scenic Rivers System designation classes. Chapter 80, Sections 84.2 -Management Direction for Forest Service-identified Study Rivers and Forest Service-identified eligible and suitable rivers should be added to this statement.

We point out that 84.3 states that Legislatively mandated study rivers must be protected as directed in sections 7(b), 8(b), 9(b), and 12(a), but Service-identified eligible and suitable rivers (which the rivers in this Forest Plan are) “must be protected sufficiently to maintain free flow and outstandingly

remarkable values unless a determination of ineligibility or non-suitability is made.” Such Service-identified rivers should not be managed more restrictively than designated wild and scenic rivers, which are considered CSUs under ANILCA and must be managed consistent with ANILCA as well as the WSR Act. Management prescriptions resulting from the allowances in ANILCA Sec. 1110 -- access provisions (which also apply to conservation system units, national recreation areas, national conservation areas, and those public lands designated as wilderness study areas) must be identified and allowed (e.g. recreational and subsistence snow machine use when there is adequate snow cover or frozen river conditions.).

Because of the intense interest in increased recreation opportunities, we suggest adding in the allowances under 84.3 6 --Recreation Development and 7 --Motorized Travel, so that people are aware these uses can occur under the current management plan.

Page 27. Management Area 2 Wild. Recreational, and Scenic Rivers

We recommend changing the word “solitude” to “primitive” to align with the WSR Act:

“5. Recommended or designated wild river areas provide opportunities for *primitive* recreation.”

Page 28, Management Area 4 Backcountry Areas, Desired Conditions,

1. The MA4 Backcountry designation covers the vast majority of the road accessible portion of the forest. Many visitors desire trails and other means of accessing the MA4 portion of the forest. A desired condition should be added to reflect this since Desired Condition 1 only addresses opportunities for cross-country travel, not opportunities for the much more common trail use. We note that this area is not wilderness or a wilderness study area but a valuable recreational area providing recreational opportunities to the most heavily populated area of Alaska.

Page 28, Management Area 4 Backcountry Areas

We are disappointed that the Backcountry Groups Management Area has been eliminated in this Forest Plan revision. We believe that designation provided a recreational opportunity not presented in the current plan.

We note the Management Intent, Desired Conditions identified for Backcountry areas is essentially the four qualities of wilderness character from the Services report Keeping It Wild ( ).

#### *Desired Conditions*

1. *Backcountry areas provide opportunities for **solitude** and isolation when traveling cross-country and support subsistence uses and tourism based economic opportunities.*
2. *Scenery is **natural** in appearance and exemplifies the rugged beauty of southcentral Alaska.*
3. *Natural ecological processes continue to operate **largely unaffected by human activities**, supporting the full diversity of **natural** habitats.*
4. *Native wildlife species are not displaced or **significantly affected by human disturbance** (motorized or nonmotorized) and can make effective use of important or limited habitats such as, kidding or lambing areas, concentrated nesting sites or foraging areas, and winter range.*  
[Emphasis added]

Is this management intent for Backcountry Areas supported by a new Service manual or policy? We note that the 2002 Chugach plan management of backcountry areas emphasized a variety of recreational backcountry activities in natural appearing landscapes.

Instead of managing Backcountry Areas for the four qualities of wilderness character, we recommend retaining the 2002 management intent for Backcountry Areas, as many of these areas are near the road system. The wilderness study area is already managed for the four qualities of wilderness character.

Page 28, Management Area 5 ANILCA 501(b) Areas, Management Intent.

This section should also include the direction in ANILCA Section 501(b) regarding the consideration of multiple uses in relation to the primary purpose of the area, conservation of fish and wildlife and their habitat.

We request deletion of multiple use activities “in a natural appearing landscape” and replace it with “in a manner consistent with the conservation of fish and wildlife and their habitat.”

Also, in reference to desired condition number 3, “National Forest System lands continue to provide national forest users opportunities for hunting and fishing and other outdoor based recreational and commercial activities.” This desired condition applies to all management areas except Management Area 7 Municipal Watershed, and is conditional (c) in Management Area 3 Research Natural Area and Management Area 8 Front Country.

Page 32, Scenic Byways, Desired Condition

This section should mention the possibility of developing multi-use trails along the Seward Highway, since they are currently proposed in the Portage Curve Multimodal Connector Environmental Assessment.

Page 33, Key Coastal Wetlands, Desired Conditions,

2. The State should be mentioned within this Desired Condition because of the MOU (Copper River . . .) specific to this area. “Other states” are mentioned, but not Alaska.

Page 36, Table 4, Wildlife and fish management and research

Please explain why wildlife and fish management and research is considered “conditional” for MA1, MA2 and MA3. We believe “suitable” is the appropriate designation.

- Developed Structures  
Having reviewed Land Management Handbook 1909.12, Chapter 80, 84.3, 6-Recreation Development and based on ANILCA's unique allowances in CSUs, we believe a “Suitable” designation is more appropriate for communication sites, energy related infrastructure and utilities, and campgrounds for the rivers designated for scenic and recreational values.
- Snow machines  
We request that the use of snow machines, much like the use of fixed-wing aircraft, be added as a use or activity to Table 4. This is also in accord with ANILCA 11 10(a) and 811.
- Hunting, Fishing, and other outdoor based recreational and commercial activities.  
We believe these activities should also be added to Table 4.

Page 37 Aircraft on EVOS acquired lands

Recognizing that EVOS lands are managed to conserve habitat and fish and wildlife and provides for public uses that do not adversely affect habitat, we believe that the use of fixed-wing aircraft should be suitable (S) on EVOS lands as such use is considered suitable in all other areas of the Forest unless specifically restricted by the individual lands acquisition documents. Regarding helicopters, we believe the appropriate designation should be conditional (C); while EVOS doesn't go into the detail of helicopter use, it is possible that use might be appropriate in specific areas at specific times.

Page 43, Access and Infrastructure, Management Approaches.

Please consider the following edit to acknowledge the importance of providing public access:

“Install barriers, or signs, **[add the following text]** or provide dedicated parking, **[resume original text]** to prevent roadside parking wherever necessary for safety and to protect natural resources.”

Page 45, Forestwide Objectives and Management Approaches, Ecological Sustainability Strategy, Terrestrial Ecosystems, Management Approaches

Regarding wildlife habitat projects, including hydroaxe projects, we support the identification of desired conditions in advance and monitoring to determine when desired conditions are achieved. ADF&G staff are available to cooperate on identification of wildlife habitat project needs and should be consulted to maintain consistency between Service habitat interests and ADF&G wildlife goals and objectives.

We request that the following item recommend identifying desired conditions on a project specific basis:

“Plan and implement habitat enhancement, prescribed fire, hazardous fuel reduction, and other treatments **[add the following text]** on a project specific basis, as well as in an integrated landscape context, identifying **[resume original text]** desired conditions and the expected range of seral stages.

Page 50, Management Objectives and Management Approaches, Management Area 1 Wilderness Study Area

Please include reference to ANILCA 1310 which provides for the construction, operation and maintenance of facilities for navigation, communications, climate and fisheries management for Management Approaches 1 and 2 and reference the following guidance documents for fisheries -- “Expectations Regarding State of Alaska Administrative Activities in National Forest Wilderness”, December 3, 2009 and the Association of Fish and Wildlife Agencies (AFW A) “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” (as amended June, 2006).

Page 50, Management Objectives and Management Approaches, Management Area 1 Wilderness Study Area

In regards to Management Approach 6, which states that national protocols for designated wilderness areas will be used as a guide in selecting recreation site and recreational opportunity inventory protocols for the wilderness study area, we request that national protocols be used in conjunction with the R10 Supplement FSM 2300 - Recreation, Wilderness and Related Resource Management, R-10 2300-2008-2 and the following guidance documents, “Expectations Regarding State of Alaska Administrative Activities in National Forest Wilderness”, December 3, 2009 and the Association of Fish and Wildlife Agencies (AFWA) “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” (as amended June, 2006).

Page 50, Management Objectives and Management Approaches, Management Area 1 Wilderness Study Area

We request that an additional Management Approach, similar to the approach for EVOS surveys, be added to management area 1,

Support and authorize ADF&G fish and wildlife management and research, which may include, among other activities, helicopter landings, counts and observations of fish and wildlife, capturing and marking of animals, radio telemetry and GPS tracking, genetic sampling, and



occasional installations such as cameras or scientific apparatus, through special use permits if permits are required.

Page 50, Management Objectives and Management Approaches, Management Area 1 Wilderness Study Area

We request an additional Management Approach that outlines how the Minimum Requirement Analysis will be conducted, we propose the language below.

The minimum requirement concept will be applied to the prohibited uses in Section 4( c) of the Wilderness Act, including proposals for temporary roads, motorized equipment, forms of mechanical transport, use of helicopters, etc, unless authorized under ANILCA. When determining the minimum requirement, the potential disruption of wilderness character and resources will be considered and given priority over convenience. If a compromise of wilderness resources or character is unavoidable, actions that preserve wilderness character and/or have localized, short-term adverse impacts will have priority.

The minimum requirement concept is to be applied as a two-step process that determines:

- a. whether a proposed management action is necessary for the administration of the area as wilderness and does not pose a significant impact to the wilderness resources and character; and
- b. if the project is necessary in wilderness, the selection of the management method (tool) that causes the least amount of impact to the physical resources and experiential qualities ( character) of wilderness.

Page 54, Part 3 -Design Criteria, Wildlife Management, Social and Economic Sustainability, Recreation and Recreation Special Uses

Item 3 in this section states: “To maintain the federal rural subsistence priority of fish and wildlife for qualified rural Alaska residents of State Game Management Unit 6C, outfitting and guiding special use permits for fishing and hunting in the western portion of the Copper River Delta (Game Management Unit 6C) shall not be authorized.” [Standard]

Outfitting and guiding opportunities are extremely important to the economy of Southcentral Alaska. In addition, the State owns and manages the tidal and submerged lands adjacent to Service uplands and is responsible for the sustainability and management of all fish and wildlife, including for subsistence purposes, regardless of land ownership or designation, unless specifically preempted by federal law. Because of the importance of commercial and recreational activities to State interests, we request an opportunity to work with the Forest Service on this issue prior to publication of the Final Forest Plan.

The Federal Subsistence Board assures a priority under ANILCA Title VIII for subsistence opportunities among consumptive uses of fish and wildlife by rural residents on federal lands. At times, the state and federal Boards have worked together to address issues of mutual concern. Any unilateral efforts by the Service to minimize user conflicts, based solely on allocation concerns, would circumvent these existing regulatory processes.

Page 68, At-risk Species Habitat Management

Based on input from our staff biologists, we request that the following underlined changes be made to the timing restrictions outlined as a management action related to the dusky Canada Goose.

“6. Management actions and authorized activities should incorporate measures, such as seasonal or daily activity restrictions, low impact operational methods, and vehicle restrictions to minimize

human disturbance to nesting habitat (March 15 through May 30). **[add the following text]** molting and brood rearing habitat (July 1 through August 15), and high-use staging areas (September 1 through October 31) for dusky Canada geese. [Guideline]”

Page 68, Marine Mammal Habitat Management

Based on input from our staff biologists, we request that the following changes be made to the distance restrictions outlined as a management action related to separation distances from marine mammals. These changes are requested because, under the Marine Mammal Protection Act marine mammals are protected from disturbances (including changing behavior) period, with no set distance given:

- a. Actions or activities within 750 feet, **[add the following text]** or at greater distances if causing a disturbance, **[resume original text]** of any sea lion or seal hauled out on land should be delayed until the animal(s) depart the area.
- b. Any actions or activities conducted within 750, **[add the following text]** or at greater distances if causing a disturbance, **[resume original text]** feet of any sea lion or seal hauled out on land must be designed and implemented to prevent the animal from flushing.  
[Guideline]

Page 70 Waterfowl and Shorebird Habitat Management

Based on input from our staff biologists, we request that Management Standard 19 be re-written, as shown below:

Management actions and authorized activities should be designed to minimize disturbance within 330 feet of designated key nesting areas or intertidal concentration areas used by waterfowl, **[add the following text]** especially dusky Canada geese **[resume original text]** (March 15 through May 30, **[add the following text]** July 1 through August 15 and September 1 through October 31) **[resume original text]** and shorebirds (April 20 through May 30 and July 15 through October 10).

Page 72, Management Area Standards and Guidelines, Management Area 1 WSA.

FSM2300 Recreation, Wilderness and Related Resource Management, Chapter 2320- Wilderness Management, Regional Supplement No.: R-10 2300-2008-2, requires a number of topics to be addressed through the Forest Plan and subsequently developed Wilderness Implementation Schedules. Some of these are addressed; however, please ensure all items such as subsistence and other activities occurring within the wilderness are included within the plan, we noted the following items did not appear to be addressed.

- (2) Recreation use.
- (4) Cultural Resources including inventory, evaluation, protection of sites and areas, treatment, and appropriate interpretation.
- (10) Temporary facilities related to the taking of fish and wildlife. Identify the locations and levels of existing use of temporary facilities, provide standards and guidelines for the administration of them, and address the authorization or denial of new temporary facilities.
- (11) Scientific/geological/ecological study activities and uses.
- (12) Minerals exploration and management of valid claims.
- (13) Fire protection and use of prescribed fire to accomplish wilderness management objectives.
- (15) Visual resource management.

(16) Recreation facilities.

(17) Commercial visitor services within wilderness. Include an inventory of pre-ANILCA visitor services that qualify under the “grandfather” provisions of Section 1307 of ANILCA. The allocation of new outfitting and guiding permits shall be addressed.

(18) Recreation places. Inventory popular beaches, lakes, recreational boat anchorages, and other special recreation places.

(19) Trails.

(20) Wilderness boundary survey and marking.

Item 2. Please include either a brief description of the ANILCA allowances (summarized below) when they are mentioned or add a section in the plan where people can easily refer to descriptions of what ANILCA allows, e.g., sections 1303 (protections for existing cabins and other structures existing prior to December 18, 1973 ), 1310 ( construction of navigation aids and other facilities), 1314 (taking offish and wildlife), 1315 (Wilderness Allowances [aquaculture and cabins]), 1316 (Allowed Uses, taking offish and wildlife), and 1323 (Access)

Please add 1310 -which allows for the construction, operation and maintenance of both existing facilities (1310(a)), and new facilities (1310(b)), for navigation, communications, climate and fisheries management.

Please add 1315(b) -allows fisheries research, management, enhancement, and rehabilitation activities within national forest wilderness and national forest wilderness study areas designated by ANILCA. Subject to reasonable regulations permanent improvements and facilities such as fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of maintaining, enhancing, and rehabilitating fish stocks may be permitted.

Please add 1315( c) --Previously existing public use cabins within wilderness designated by this Act, may be permitted to continue and may be maintained or replaced subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area

Please add 1315( d) --construct and maintain a limited number of new public use cabins and shelters if such cabins and shelters are necessary for the protection of the public health and safety. In addition, the Secretary of Agriculture shall notify the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources of his intention to remove an existing or construct a new public use cabin or shelter.

Please add 1316 --which permits the taking of fish and wildlife in accordance with the provisions of ANILCA or other applicable State and Federal law subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities.

Please add 1323 (Access)-which ensures that adequate access is provided to non-federally owned land within the boundaries of the Forest.

d. Please state what these other activities are so readers do not have to hunt through the document.

Item 3. Please outline when new permanent structures and improvements will be authorized.

a.1303(b)-are there any 1303(b) cabins in the Nellie Juan WSA?

Item 4. Please word this to acknowledge when the use of chainsaws, generators, etc. will be allowed.

Item 4. In addition, we note that Item 4 states that: “The use of chainsaws, generators, and other motorized equipment, mechanized equipment or mechanical transport . . .” We point out that mechanized equipment is not prohibited by the Wilderness Act. Also, nonmotorized transport, which includes mechanized transport, is allowed for access for traditional activities under ANILCA Section 1110(a). Is it the intent of the Service to not authorize mechanized transport, such as bicycles in the WSA? If so, we do not believe this exclusion has been made clear to the general public during this public review process and the Service should make its intentions known.

Item 8. Please clarify that shore ties, shore caches, waterlines or other onshore facilities associated with fisheries, including commercial fisheries, are allowed according by ANILCA Section 1316.

9. Please state what the applicable ANILCA provisions cover.

10. and 11. We request that this section be revised to note that snow machine use, as authorized by ANILCA, is allowed for subsistence (ANILCA 811), access for traditional activities including recreation (1110), fisheries research, management, enhancement, and rehabilitation activities (1315(b)), and hunting and fishing activities (1316).

Page 72, Management Area 1 Wilderness Study Area

Management Standard 5. Indicates that a minimum requirement analysis (MRA) is necessary prior to authorizing any use of motorized equipment and mechanical transport related to reconstruction, operation, and maintenance of existing authorized non-federal infrastructure and improvements or prior to authorizing new uses that require use of motorized equipment and mechanical transport. As written it appears to require MRAs for activities the Forest Supervisor is directed to allow for both the public and agency staff (both Service staff and other governmental agency staff) in the R10 supplement FSM 2326.1, please re-write this standard to include direction provided in 2326.1. We also point out that under 2322.03 -Policy, it states, under item 6, 3rd paragraph, line 4: “the minimum requirement concept will be applied to the prohibited uses in Section 4(c) of the Wilderness Act, . . . unless authorized by ANILCA or other authorizing legislation.”

ANILCA Section 1315(b) allows fishery research, management, enhancement, and rehabilitation activities within the WSA. This can include fishways, fish weirs, fish ladders, fish hatcheries, spawning channels, stream clearance, egg planting, and other accepted means of maintaining, enhancing, and rehabilitating fish stocks. The regional supplement to FSM 2320 further describes the implementation of 1315(b) and directs how the Service will exercise its discretionary authority to allow such activities. Both ANILCA 1315(b) and the regional supplement FSM 2323.35b should be included in the suitability guidance for Soil and Watershed Projects. Additionally, the AFWA document “Policies and Guidelines for Fish and Wildlife Management in the National Forest and Bureau of Land Management Wilderness” includes agreed upon guidance for bow fisheries and wildlife habitat projects can be implemented in wilderness. This section should also acknowledge that the existing regional policy allows administrative access using the 1110(a) methods of access: FSM 2326.1.7 Administrative Use “The administrative use of motorized equipment will be limited to the following:

a. Access

(1) Airplanes, motorboats, and snow machines as described for public use.”

Page 72.

Please add the underlined language from R10 Supplement FSM 2324.24 Other Agency Structures, to the paragraph below . . .

“6. Changes to existing permitted facilities for existing air and water navigation aids, communications sites and related facilities, weather, climate, and fisheries research and monitoring should minimize impacts to the wilderness study areas presently existing character **[add the following text]** without unreasonably limiting the access, operation, and maintenance of permitted facilities. [Guideline]”

Page 73, Management Area 1 Wilderness Study Area,

Please revise to note that snow machine use is allowed for traditional activities including recreation, subsistence access, and in holder access unless specifically prohibited under provisions of ANILCA and to clarify when and where it is allowed.

“10. Snow machine use will not be authorized, except as provided for by ANILCA (section 811, 1110, 1315(b), 1316). [Standard]”

Page 74, Management Area 1, Wilderness Study Area, Forest Service Administrative Activities and Facilities

24 c. states that the “Proposed use of motorized equipment or mechanical forms of transport should be considered in evaluating the need for aquaculture projects, fish habitat improvements, or wildlife habitat improvement projects.” This directive contradicts ANILCA 1315(b) which states that reasonable access solely for the purposes of this subsection, including temporary use of motorized equipment shall be permitted in furtherance of research management, rehabilitation and enhancement activities subject to regulation. Because of this conflict we request deletion of item c.

Page 83, Appendix A, Tables 15-23 Monitoring questions and associated indicators

Please include suggested general methods of monitoring as part of each Table. For example, in Goal 3 Desired Conditions Watersheds, include suggested methods such as monitor water quality at selected locations to provide baseline information and/or ensure stormwater control best management practices are installed at any construction site on Service land, as part of each table.

Page 108, Section 810 Analysis.

While we appreciate that the Service recognizes ANILCA Section 810 and evaluates the effects of various uses of public lands on subsistence uses and needs, an evaluation should be prepared for this Forest Plan to consider how actions being proposed may affect subsistence uses or needs. The subsistence discussion in the Forest Plan appears to have much of the needed information.

Page 114 and 115 Twentymile WSR Suitability

Why is the Twentymile WSR suitability boundary excessively wide? The Alaska withdrawal standard found in Sec. 606 of ANILCA extends to a ½ mile of the bank of a wild and scenic river. The boundary should be reduced to reflect this.

Appendix F - General Comment

Many of the activities listed in this Appendix F contain a condition requiring the consideration of the proposed use of motorized equipment and/or mechanical forms of transport. As noted in our comment to Guideline 24, p. 74, please clarify the situations where RIO supplement 2300-2008-2 allows such uses in accordance with ANILCA.

Page 125, Conditional in MAL Soil and Watershed Projects.

Regional policy FSM 2320 allows for uses specified in ANILCA. Please list these uses so that people

are aware of what is allowed. Also, the existing regional policy allows administrative access using the 11 IO(a) methods of access: FSM 2326.1.7 Administrative Use “The administrative use of motorized equipment will be limited to the following:

a. Access

(1) Airplanes, motorboats, and snow machines as described for public use.”

p.125. Wildlife and Fish-Management and Research.

ANILCA 1315(b) states that the Secretary of Agriculture may permit fisheries research, management, enhancement, and rehabilitation activities within the WSA; and, subject to reasonable regulation permanent improvements and facilities. Fixed-wing aircraft, motorboats, and snow machines may be used for administrative uses, other motorized transportation modes (e.g., helicopters) and equipment may be authorized after a minimum requirements analysis. This section also allows temporary use for motorized equipment for these activities. Please incorporate these policies into this use/activity bullet.

We request this section be revised to incorporate what ANILCA and RIO Supplemental FSM 2323.35b specifically allows for fisheries work.

Page 162-163, Past Activities

The EIS includes a general description of ANILCA and its allowed activities on pages 162 and 163. We propose the last paragraph on page 162 that carries over onto page 163 be replaced with the following, which more accurately captures ANILCA's intent. Underlined text indicates the proposed changes.

When ANILCA was passed by Congress in 1980, it included provisions that allowed activities, such as fisheries enhancement work, subsistence fishing and hunting, specified uses of motorized equipment and mechanical transport, continued use of existing private cabins that were connected to the taking of fish and wildlife, and the right to access State and private lands within the wilderness study area. Activities that result in infrastructure development, motorized noises, and changes to the natural condition **[add the following text]** are allowed even though they may **[resume original text]** affect the character of the wilderness study area.

All Alaska residents may participate in subsistence **[add the following text]** activities, in accordance with State hunting regulations. However, on federal public lands, subsistence is additionally regulated **[resume original text]** under ANILCA Title VIII and **[add the following text]** regulations set by the Federal Subsistence Board. ANILCA Title VIII grants subsistence priority to **[resume original text]** federally qualified rural residents. **[Add the following text]** ANILCA Section 811 allows the **[resume original text]** use **[add the following text]** by federally qualified subsistence users **[resume original text]** of snow machines, motorboats, and other means of surface transport traditionally used to access areas **[add the following text]** for subsistence. **[Resume original text]** The use of motorized equipment is authorized by permit.

**[Add the following text]** ANILCA Section 1110(b) allows residents **[resume original text]** and non-residents **[add the following text]** to **[delete the following text]** may **[resume original text]** use snowmobiles, motorboats, and airplanes and **[add the following text]** non-motorized methods of transportation, such as bicycles and dog teams. Motorized **[resume original text]** equipment, such as chainsaws, **[add the following text]** are allowed **[resume original text]** for activities directly related to the taking of fish and wildlife; however, such activities must be authorized with a permit.

**[Add the following text]** ANILCA Section 1316 allows temporary facilities and equipment directly and necessarily related to the taking of fish and wildlife, things such as meat caches and tent platforms and the use of chainsaws, etc. fall under this category.

Page 169, fourth paragraph, last sentence.

Thank you for noting that the marine waters and navigable waters are not under the jurisdiction of the Service and are not included in management direction. While maintaining our previous objections to the wild and scenic river studies, we request that state ownership of navigable waters be recognized and factored into any WSR recommendations and proposed interim management decisions.

#### MAPS 44-47 Recreation Opportunity Spectrum

We note that there are at least two instances where the Recreational Opportunity Spectrum identified for alternative A, in the current plan, is not correct. These mistakes are then carried forward across all the alternatives. We request that the following currently allowed uses be identified as allowed across all of the alternatives.

1. The western half of the Twentymile River valley is identified as Semi-Primitive Non-Motorized; however, this area should be identified Semi-Primitive Non-Motorized (Winter Motorized Allowed) as a corridor is annually opened to snow machine use when there is adequate snowfall.
2. The Johnson Pass Trail from Turnagain Pass south to Bench River is currently open to ATV use in the summer and should be labeled Semi-Primitive Motorized.

We also request that the document be reviewed to correct where the document has carried forward these mistakes across all alternatives.

We appreciate the opportunity to review and comment on the draft Forest Plan. We are available for follow-up discussions with the Service on the issues raised in these comments.

Sincerely,

Charles Pinckney  
Natural Resource Specialist III

Department of Natural Resources  
Division of Mining, Land and Water  
Resource Assessment & Development  
550 West 7<sup>th</sup> Avenue, Suite 1050  
Anchorage, AK 99501-3579

## Letter from the Alaska State Legislature, Senate Resources Committee

October 31, 2018

Chugach National Forest's Supervisor's Office  
Attn: Draft Land Management Plan  
161 East 1st Ave., Door 8  
Anchorage, AK 99501

Re: Comment on the Draft Environmental Impact Statement for the Revision of the Chugach National Forest Land Management Plan

Honorable Sir or Madam:

I write you in my capacity as the Chair of the Alaska Senate Resources Committee. This Committee for the past six years engaged in deep deliberations on the subject of Alaska's state and federal public lands, the access to those lands, and the uses allowed on those lands. How our federal public lands are managed, and which groups receive access and which groups are restricted or denied access, is important to my colleagues and myself. It is from that vantage that I offer comments on the Chugach National Forest Land Management Plan's Draft Environmental Impact Statement.

The Chugach National Forest (CNF) is this country's second largest national forest in the country. As the Draft Environmental Impact Statement (DEIS) states, nearly 99% of the CNF's land limits human interaction with the environment. A national forest of over 5 million acres with tracts abutting Alaska's major population centers has a significantly limited amount of frontcountry management designated.

Additionally, the CNF has significant mineral and other mining potential, along with the prospect of commercial timber opportunities. These other allowable uses have been significantly curtailed through past actions, not least of which was the inclusion of the CNF into the Forest Service's Inventoried Roadless Areas.

The proposed Land Management Plan and accompanying DEIS determined further study of timber harvests did not rise to the level of being a significant issue, warranting further review. However, I respectfully suggest that reviewing the inventory of the CNF again, and in particular the tracts in the Seward and Glacier Ranger Districts, as potential for commercial opportunities. Alaska has a unique role to contribute in promoting sustainable forest products, particularly with the state's location vis-à-vis the Pacific Rim markets.

Regarding the alternatives in the DEIS, I respectfully take exception with Alternative C, which would reduce the access to the CNF by motorized conveyance. Alaska has a vibrant and enthusiastic snowmachine community, and for many, motorized conveyance is the only means of experiencing the countryside in the wintertime. As previously noted, virtually the entire CNF is roadless and essentially impassable to motorized travel.

The majority of motorized transportation occurs in the Seward and Glacier Districts, from the communities within and near the CNF. Moreover, the transportation corridors in the Seward and Glacier Districts contain old mining and prospector trails, including RS2477 easements in dispute with the State of Alaska. Whereas the eastern side of Prince William Sound has limited to no legacy trails,



the western side of the sound has a historical presence of motorized and commercial conveyance through the lands. Any restriction on these portions of the CNF would be new restrictions of access by the public.

I have received communications from constituents concerned about their access to national forest lands being curtailed. Alternative B, which builds upon the status quo and attempts to balance the interest of stakeholder groups, is a comparatively more acceptable option.

Alaskans have already acceded to withdrawals of public lands from more intensive use through legislation such as the Alaska National Interest Lands Conservation Act (ANILCA). One of the clauses in ANILCA was that further attempt to pull public lands away from multiple use into a de jure or de facto wilderness state would cease. This is referred colloquially as the 'no more clause.' Alternative C to many of my constituents, and my mind, appears to undermine this intent, and keep what make Alaska special out of reach of ordinary Alaskans.

Respectfully

Senator Cathy Giessel, Chair  
Alaska Senate Resources Committee  
Alaska State Legislature  
1500 W. Benson Boulevard  
Anchorage, AK 99503

## Letter from Alaska Senator Peter Micciche

Honorable Senator Peter Micciche  
Alaska Legislature District O  
145 Main Street Loop  
Kenai, AK 99611

To whom it may concern,

My constituents, as well as my family here in District O, greatly value our right to enjoy public lands. The positive impacts full access to National Forests have on the lives of Alaskans include everything from viewing to harvest, but the activities help keep families together and promote health and wellness. For these and many other reasons, I strongly discourage the trend toward any further use restrictions on the Chugach National Forest or any other public lands.

Thank you,

Senator Peter Micciche

## Letter from the Kenai Peninsula Borough Land Management Division

Re: Iditarod National Historic Trail (INHT)

The Kenai Peninsula Borough Land Management Division encourages CNF, through the plan revision process, to prioritize investment of resources into the design and construction of the Iditarod National Historic Trail from Seward to Girdwood. The INHT should include the use of high-character adventure bridges and other destination features that would serve as assets for forest users as well as economic draws for the forest communities that serve as gateways, connection points, and are in other ways tied to the historic trail and its story. The Trail Blazers of Seward and Girdwood have provided examples of model features through commemorative walkways, art installations, interpretative signs and logos, and the Winner Creek hand tram. The Kenai Peninsula Borough Land Management Division looks forward to opportunities to work with CNF and our communities to accomplish the build-out of the Iditarod National Historic Trail from Seward to Girdwood at its full potential.

Marcus Mueller  
Land Management Officer  
44 N Binkley St  
Soldotna, AK 99611

## Letter from the City of Whittier, Alaska

October 26, 2018

Terri Marceron  
Chugach National Forest Supervisor

Re: Chugach Forest Plan Revision #40816 / Whittier, Alaska Comments

Dear Ms. Marceron,

I am writing of behalf of the City of Whittier to endorse Alternative B for the plan. Whittier is unique in that this small but busy community depends on the winter economic bump it receives in winter. Over the years winter sports of all types have grown in popularity in Whittier and we have become a destination for outdoor enthusiasts year-round.

What has been remarkable is the monitoring and self-policing of our resources by the visitors themselves. As an example, not too many years ago snow machiners and others would leave burned debris and other material in the wake of their visit. These days, thanks to regional businesses using various social mediums and email, Whittier and the Forest areas are left in great condition even after the busiest of days. There is great appreciation for outdoor / forest access here. Continued access encourages local businesses to plan for longer shoulder seasons and for others to remain open when they could easily close.

Thank you for the opportunity to provide input and share the importance of the Chugach Forest to us in Whittier and our Alaskan neighbors,

Sincerely,

Jim Hunt  
Interim City Manager  
Whittier, Alaska

## Letter from the U.S. Department of the Interior

October 31, 2018

9043.1  
ER 18/0352  
PEP/ANC

Terri Marceron  
Forest Supervisor  
U.S. Forest Service  
Chugach National Forest  
161 East 1st Street, Door 8,  
Anchorage, AK 99501

Subject: Draft Chugach National Forest Land Management Plan and Draft Environmental Impact Statement, Alaska

Dear Ms. Marceron:

The U.S. Department of the Interior (DOI) has reviewed the U.S. Forest Service's (USFS) Chugach National Forest Draft Land Management Plan (Draft Forest Plan) and associated Draft Environmental Impact Statement (DEIS). We understand that the plan, once finalized, will revise the 2002 Chugach National Forest Land and Resource Management Plan. Our comments and recommendations are provided in accordance with the Organic Act of 1916, Alaska National Interest Lands Conservation Act of 1980 (ANILCA), and National Environmental Policy Act of 1970.

Kenai Fjords National Park (Kenai Fjords NP) is located adjacent to the Chugach National Forest near Seward, Alaska. The park is managed by the DOI's National Park Service (NPS) under the Organic Act "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 USC 1).

The park was established by ANILCA (16 USC 51, § 3101). The legislative purposes specific to Kenai Fjords NP are "to maintain unimpaired the scenic and environmental integrity of the Harding Icefield, its outflowing glaciers, and coastal fjords and islands in their natural state; and to protect seals, sea lions, other marine mammals, and marine and other birds and to maintain their hauling and breeding areas in their natural state, free of human activity which is disruptive to their natural processes" (ANILCA § 201(5)).

In this context of park purpose, we offer the following comments:

- The Draft Forest Plan recognizes the role of the Kenai Mountain-Turnagain Arm National Heritage Area in working with local communities to protect cultural resources with the National Historic Area. The NPS looks forward to continuing to partner with the USFS in working with this non-profit organization to accomplish mutual goals.
- The Draft Forest Plan recommends building upon the accomplishments of the Exxon Valdez Oil Spill Trustees Council (EVOSTC). The EVOTC has achieved similar accomplishments within the Kenai Fjords NP, and building upon these achievements supports our shared objectives.
- We would like to highlight that the Draft Forest Plan addresses our shared objectives in managing the spread of invasive species, particularly Elodea, the management of mountain

goats, visitation and access from the Herman-Leirer road near Seward, Alaska, and management of the Resurrection Pass Trail. Visitors to the eastern side of the Kenai Peninsula often seek trails and other facilities while visiting lands managed by either the Chugach National Forest or Kenai Fjords NP.

- We recommend considering a more in-depth analysis of the effects of continuing to authorize the use of Chugach National Forest lands for the Main Bay and Cannery Creek salmon hatcheries. Hatchery reared pink salmon straying into streams inhabited by wild salmon stocks may have an indirect effect on wild salmon stocks, and these effects were not adequately analyzed in the Draft Forest Plan.

Thank you for considering these comments to the Draft Forest Plan and DEIS. If you have any questions, please contact Eric Veach, Superintendent with the Kenai Fjords NP, at (907) 422-0518 or [eric\\_veach@nps.gov](mailto:eric_veach@nps.gov).

Sincerely,

Philip Johnson  
Regional Environmental Officer – Alaska  
Office of the Secretary  
Office of Environmental Policy and Compliance  
1689 C Street, Suite 119  
Anchorage, Alaska 99501-5126

## Letter from the U.S. Environmental Protection Agency

Terri Marceron, Forest Supervisor  
Chugach National Forests Supervisors Office  
Attn: Draft Land Management Plan  
161 East 1st Street, Door 8  
Anchorage, Alaska 99501

Dear Ms. Marceron:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement prepared by the U.S. Department of Agriculture Forest Service for revision of the Chugach National Forest Land Management Plan (CEQ No. 20180171; EPA Project Number 15-0066-AFS). Our review was conducted in accordance with the EPA's responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.

The Forest Service proposes to revise the 2002 Chugach National Forest Land and Resource Management Plan, to guide management of approximately 5.4 million acres of National Forest System lands in southcentral Alaska for the next 15 years. The Draft EIS considers four alternative management scenarios, including no action, which would continue management under the 2002 plan. Action alternatives include changes in the recreation opportunity spectrum, recreation class, travel management, and recommended wilderness area boundaries.

Overall, we find the Draft EIS to be a comprehensive document and the format to be helpful for understanding the context and basis for the proposed revisions to the land management plan. The discussion of how needs and issues were used to develop revision topics, as well as the discussion of agents of change as part of the description of the affected environment were very informative. Based on our review, we are providing recommendations below regarding water resources and air quality, which will help to bolster understanding of how existing resource concerns may persist or be altered in the future as a result of the proposed changes.

### **Water Quality and Water Resource Protection**

We recommend that the Final EIS include additional detail regarding existing water quality issues resulting from Forest uses, and how these water quality concerns are likely to change due to the proposed revisions to the land management plan. Although existing water quality in the Chugach National Forest is generally good, the Draft EIS discusses several sensitive areas, including watersheds with a water quality Class 2 (Fair - Functioning at Risk) rating, Clean Water Act Section 303(d) listed waterbodies, priority watersheds identified by the Forest Service for restoration actions, and localized impact areas resulting from recreational uses. We recommend that the Final EIS identify and discuss the existing areas of localized water quality impact concerns. We also recommend including additional detail regarding the existing water resource concerns within the Priority Watersheds identified in Table 80.

Some of the major sources of existing human impact to water quality identified in the Draft EIS include bank trampling from recreational fishing use, off highway vehicles and other trail use, and placer mining. While the document states that no major water quality impacts are anticipated from the proposed land management changes, it notes that changes in the recreation opportunity spectrum could result in localized impacts "at points of concentrated use," and that "proper management and use of best management practices and standards and guidelines would reduce these impacts." We recommend that the Final EIS include analysis and discussion regarding whether existing water

quality issues resulting from Forest uses are likely to change with potential revisions to the land management plan, including whether existing water quality concerns in heavily used areas will persist or be exacerbated, and whether any additional points of concentrated use are anticipated to result in water quality concerns. Given the proposed changes in winter motorized use, we recommend that the analysis address whether any potential water quality concerns, including elevated levels of hydrocarbons, may result in areas of heavy snowmobile use.

We also recommend that the Final EIS discuss whether any points of concentrated use that may result in water quality concerns would be located within identified sensitive watersheds, and how they may impact those sensitive resources. Sensitive watersheds include those with existing water quality concerns discussed above, as well as Source Water Protection Areas for drinking water. According to the Draft EIS, the Forest supplies water for more than 150 public water systems; therefore, protection of public drinking water supplies is a critical function of the land management plan. Finally, we recommend that the Final EIS include additional detail regarding specific best management practices, standards and guidelines, and other tools available to reduce any anticipated impacts.

### **Air Quality**

Regarding potential regional haze concerns, the document states, “Cruise ships in the College Fiord and Prince William Sound are expected to continue to reduce visibility in the areas and the Nellie Juan-College Fiord wilderness study area and may impede successful implementation of the state regional haze plan (USDA 2014a).” We recommend that the Final EIS discuss whether the Forest Service intends to perform any future monitoring of this concern, similar to that conducted in 2012. We additionally recommend that the Forest Service consider discussing with relevant stakeholders whether any best management practices are available that would reduce visibility impacts from cruise ships.

The Draft EIS also discusses previous air quality monitoring conducted in Turnagain Pass to assess whether concentrated snowmobile use was resulting in air quality concerns. We similarly recommend that the Final EIS discuss whether any additional monitoring of air quality in heavily used snowmobile areas is warranted, given proposed changes in winter motorized use designations.

Effective October 22, 2018, EPA will no longer include ratings in our comment letters. Information about this change and EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

We appreciate the opportunity to review the Draft EIS for the Chugach National Forest Land Management Plan. We hope that our recommendations for the Final EIS help to ensure a robust NEPA analysis, and clear understanding of anticipated future air quality and water quality conditions. If you have questions concerning our comments, please contact Molly Vaughan of my staff in Anchorage, at (907) 271-1215 or [vaughan.molly@epa.gov](mailto:vaughan.molly@epa.gov), or you may contact me at (206) 553-1841 or [nogi.jill@epa.gov](mailto:nogi.jill@epa.gov).

Sincerely,

Jill A. Nogi, Manager  
United States Environmental Protection Agency  
Office of Environmental Review and Assessment  
Environmental Review and Sediment Management Unit  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123