

# **CHUGACH NATIONAL FOREST**

**Region 10, Alaska**

Order No. 10-04-00-04-01

## **FOREST ORDER**

# **MOTOR VEHICLE CLOSURE**

## **Power Creek**

This closure order implements the direction for motorized access contained in the Chugach National Forest Revised Land and Resource Management Plan and Record of Decision (Chugach Plan), signed May 31, 2002. The Chugach Plan analyzed public uses of the forest and provides for a balance of the lands available to fulfill the needs of different user groups with different values and desires for recreational experiences. The Chugach Plan identifies the areas of the forest that are closed to meet the needs of all forest users and to manage and protect forest resources.

For purposes of this order, the definition of "subsistence uses" in Section 803 of the Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. § 3113, applies. Public Hearings held in Cordova, Alaska on October 10, 2002, revealed that motorized subsistence uses in the proposed closure area are minimal largely because motorized access to the area has never been available to the public. Public access is available only by a Forest Service trail easement and a foot trail that is impassible by motor vehicles. Therefore, no reductions of subsistence opportunities will occur. By letter of February 11, 2003, the Regional Forester concurred with the District Ranger and the Chugach Forest Supervisor that no reasonably foreseeable and significant decrease in the abundance of harvestable resources, no reasonably foreseeable alteration in the distribution of harvestable resources and no reasonably foreseeable limitations on harvester access have been forecast to emerge as a function of the motorized access closure.

This order closes federal lands comprising the Power Creek drainage, as described below and identified on each area map attached to this order, to all motor vehicle use, including subsistence uses. A motor vehicle means any vehicle that is self-propelled or any vehicle that is propelled by electric power obtained from batteries, but not operated on rails. 36 C.F.R. § 261.2. A vehicle means any device in, upon, or by which any person or property is or may be transported. 36 C.F.R. § 261.2.

This order may be modified by a subsequent order of an authorized Forest Officer. This order, and any modifications, will remain in effect until terminated by an authorized

Forest Officer. Administration of this closure order is under 36 C.F.R. § 261.54(a), 36 C.F.R. § 261.55(b), 36 C.F.R. § 261.56, and 36 C.F.R. § 261.58(y).

Pursuant to 36 C.F.R. § 261.50(a), the following act is prohibited on the designated area of the Chugach National Forest:

**USE OF MOTOR VEHICLES FOR RECREATION OR  
SUBSISTENCE USES:**

The following area is closed to all motor vehicle use, including subsistence uses, and the landing of, or the dropping or picking up of any materials, supplies, or persons by means of, helicopters that are utilized for recreational activities, or all terrain vehicles:

**Power Creek**

All National Forest System land and waters comprising the Power Creek Drainage as shown on the attached Power Creek map. This area is in or partially within Sections 31, 32, T13S, R1W; Section 36, T13S, R2W; Sections 5 thru 8, 17 thru 20, 30, T14S, R1W; Sections 1, 11 thru 14, 22 thru 28, 32 thru 36, T14S, R2W; Sections 1, 2, 11, T15S, R2W; CRM.

Pursuant to 36 C.F.R. § 261.50(e), the following persons are exempt from this Order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission.
2. Any Federal, State or Local Law Enforcement Officer or member of an organized rescue or fire fighting force in the performance of an official duty.
3. Any Forest Service contractors or permittees in the performance of their contract or permit.

These prohibitions are in addition to the general prohibitions in 36 C.F.R. Part 261, Subpart A.

Executed in Anchorage, Alaska, this 2<sup>nd</sup> day of March 2004.

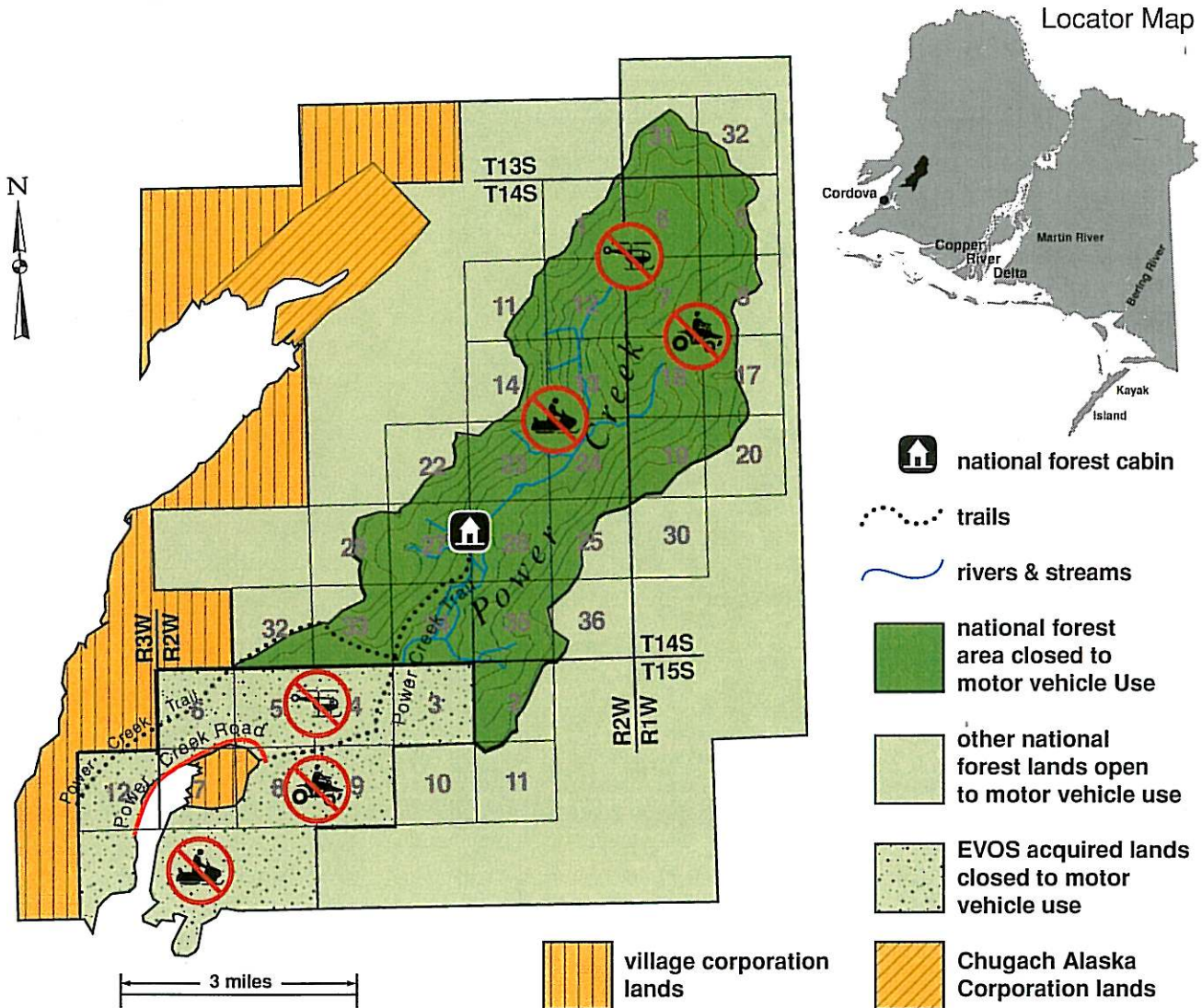
Susan Rutherford, Acting  
Forest Supervisor  
Chugach National Forest

Violation of these prohibitions is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six months, or both. (16 U.S.C. § 551 and 18 U.S.C. § 3559 and § 3571)

Violation of these prohibitions is punishable by a fine of not more than \$5,000 for an individual and \$10,000 for an organization, or imprisonment for not more than six months, or both. (16 U.S.C. § 551 and 18 U.S.C. § 3559 and § 3571)

# Motor Vehicle Closure CLOSED TO MOTOR VEHICLE USE Power Creek

The following area is closed to all motor vehicle use, including subsistence uses. Administration of this closure order is under 36 C.F.R. 261.54(a), 36 C.F.R. 261.55(b), 36 C.F.R. 261.56, and 36 C.F.R. 261.58(y).



**Power Creek.** All National Forest System land and waters comprising the Power Creek Drainage as shown on the attached Power Creek map. This area is in or partially within Sections 31, 32, T13S, R1W; Section 36, T13S, R2W; Sections 5 thru 8, 17 thru 20, 30, T14S, R1W; Sections 1, 11 thru 14, 22 thru 28, 32 thru 36, T14S, R2W; Sections 1, 2, 11, T15S, R2W; CRM.

# POWER CREEK

## ORDER CHECKLIST

<u>Action</u>	<u>Responsible Official(s)</u>	<u>Initials/Date</u>
Prepare proposed Order	Appropriate staff(s) with LEI input	<u>SAR 11/21/03</u>
NEPA requirements completed	Appropriate staff Forest Plan R00	<u>RF 5/31/02</u>
CRIA requirements completed	Appropriate staff Forest Plan R00	<u>RF 5/31/02</u>
Prepare enforcement plan	LEI with appropriate staff input	<u>SAR 11/21/03</u>
Review proposed Order & approve enforcement plan	Patrol Captain or SAC <i>Edits verified 01-16-04</i>	<u>GJM 11-24-03</u> <u>BFM 01-16-04</u>
Review by OGC	OGC - approved with edits	<u>ml 12/23/03</u>
Approve proposed Order	Forest Supervisor or Regional Forester	<u>SK 3/2/04</u>
Post Order (36 CFR 261.51)	District Ranger/Forest Supervisor	<u>sent to districts 12/2</u>
Prepare news releases for Order	District Ranger/PAO	<u>MO 12/14/04</u>

**WINTER MOTORIZED VEHICLE  
IMPLEMENTATION PLAN  
Power Creek**

**I. News Release:** To be issued by the Forest Supervisor. Paid ads to appear as funding allows.

1. Newspapers: Seward Phoenix Log, Peninsula Clarion, Anchorage Daily News (to Craig Medred and Elizabeth Manning), Cordova Times, Turnagain Times (Ken Osuna)
2. Radio Stations: Seward, Soldotna, Kenai, Anchorage, Wasilla, Big Lake, Homer, Girdwood and Cordova.
3. Cable TV Scanners in Cordova and Seward.
4. REI Store
5. AMH Sporting Goods
6. Mountain View Sports
7. Snowmobile Dealers in Anchorage, Seward, Wasilla, Big Lake, Kenai/Soldotna, Eagle River, Fairbanks
8. Send news release to Congressional Delegation (Anchorage Offices)
9. Send news release to Governor's office in Juneau
10. Post News Release on internet
11. Send news release to Tongass PAOs, RO, WO
12. Send news release to Alaska State Parks, USFWS, NPS and BLM offices
13. Send news release to AK State Troopers in Anchorage, Seward, Girdwood
14. Send copy to associated press (Anchorage)
15. Send copy to Anchorage Borough and Kenai Peninsula Borough
16. Send copy of news release to each Chugach LEO
17. Send a copy of the closure order and maps to Tatitlek Village Corporation
18. Provide additional copies as requested by Tatitlek Village Corporation
19. Send a copy of the closure order and maps to Eyak Village Corporation
20. Provide additional copies as requested by Eyak Village Corporation

**II. Closure Availability in Offices:** Booklets of the Closure Order and all maps will be available at all Chugach National Forest Offices open to the public, Department of Natural Resources, National Park Service in Seward, Cordova Public Information Office and interagency information centers in Anchorage and on the Kenai Peninsula. Districts will post in community libraries, community centers and schools in Anchorage, Seward, Kenai/Soldotna, Moose Pass, Hope and Cooper Landing. Also place copies in post offices in Moose Pass, Seward, Cooper Landing, Hope and Girdwood. Also consider providing copies to gas stations at Girdwood, Seward and Cooper Landing.

**III. Closure Postings on the Forest Web Page:** The Forest Closure will be posted on the Chugach National Forest Web Page with links to maps of individual areas that can be downloaded and printed on home computers. Check to see if Alaska State Parks will add a link to for the closure.

**IV. Forest Publications:** The Forest Closure Order will be presented in the appropriate place and format in the following publications

1. Recreation Opportunity Guide
2. Cabin Opportunity Guide
3. Trail Opportunity Guide

**V. Field Postings:**

1. **Trailheads and parking areas:** Maps of appropriate closed areas will be posted at the following locations by December 1st of each year:

Valdez Kiosk  
Eyak Boat Launch  
Eight Mile Copper River Highway  
22 Mile Kiosk  
Alaganik Road Jct.

**VII. Post Card Mail Outs:** Annually on November first the Forest Supervisors Office will mail the following special interest and user groups a reminder of the Winter Motorized Vehicle Closure and any updates or modifications that have been made.

Alaska State Snowmobilers Association  
Nordic Ski Association  
Past years winter cabin users  
Congressional Delegation's Anchorage Offices

**VIII. Information booths and displays:** The Closure materials will be available at the annual Sportsman Show and presented to the annual Alaska State Snowmobilers Association Convention, and any similar public displays presenting Forest information.

**IX. Forest Protection Officer patrols:** Patrol activity will be accomplished in compliance with FSM 5304.42, 5304.6 and 5304.61, and coordinated with LEI's patrol activities. FPO's and all other forest employees shall report all observed violations to LEI per FSM 5342, to accurately track violation and compliance activities in relation to the Forest Management Plan.

**X. Forest Leadership Team Followup:** A summary of reported data will be available from the LEIMARS database for possible policy adjustments by the Forest Leadership Team, upon request.

## **ENFORCEMENT PLAN CHUGACH NF SUBPART B ORDERS**

**Law Enforcement action associated with this closure order will consist of 4 components, which will be integrated with other staffs' involvement and interaction with LEI efforts.**

**1) Law Enforcement Officer's patrols:** Patrol activities will be accomplished in compliance with FSM 5304.42, 5304.51, and 5342. A variety of equipment and patrol methods will be utilized, including truck, airplane, boats, airboats, snowmobile, ATV, mountain bike and foot access. Both proactive and reactive enforcement techniques will be utilized. This will include: gathering information from witnesses to violations who have reported them to forest or LEI staffs and following up by investigating those reports; looking for violators caught in the act during proactive patrols; building rapport with elements of the public and encouraging them to report suspected violations to LEI for follow up; and by working cooperatively and creatively with others to maximize productivity.

Many vast areas of remote forest lands are either completely inaccessible, or complicated and difficult to reach, by both the LEI Staff and the general public. In many cases, the general public is much better equipped and funded to access these remote areas on a more regular basis than LEI is funded or equipped for.

LEI Staff will attempt to maximize their patrol coverage of all forest areas, within the limits of their budgets, equipment and manpower in any given fiscal year. Effectiveness will be enhanced through cooperative efforts with cooperating departments and agencies and forest staffs and their equipment. Joint patrols and mutual assists will be incorporated whenever feasible, to maximize effectiveness.

**2) Forest Protection Officer patrols:** Patrol activities will be accomplished in compliance with FSM 5304.6, 5304.61 and 5342. FPO's are an integral part of the resource protection enforcement of this closure. FPO patrol activity will be coordinated with LEI's patrol activities and priorities. FPO's and all other forest employees shall report all observed violations to LEI per FSM 5304.7, to accurately track violation and compliance activities in relation to the Forest Management Plan.



**3) Cooperative Law Enforcement:** The LEI Staff will encourage, support and oversee mutual aid and cooperative agreements with Alaska State Troopers and local police departments. Funding is provided to cooperators to assist Forest Service Officers in patrol activities, radio dispatch services and investigations with a nexus to the forest. It provides for increased patrol coverages during periods of heavy use and provides services to LEO's, which would not be possible under LEI's budget and manpower constraints.

**4) Forest Leadership Team Support and Follow up:** Through close interaction with the Forest Patrol Captain and LEOs, the Forest Leadership Team and district line and staff officers will fully support the enforcement of this closure by making FPOs, District personnel, and District equipment available, as needed, to meet the goals of the this Enforcement Plan.

A summary of reported data will be available from the LEIMARS database for possible policy adjustments by the Forest Leadership Team, upon their request, or as recommended by LEI Staff.

Signed:

*Barry Majjala*

Barry Majjala  
Patrol Captain  
Chugach NF

Date: 11-24-03