

# **CHUGACH NATIONAL FOREST**

**Region 10, Alaska**

**Order No. 10-04-00-04-02**

## **FOREST ORDER**

# **WINTER MOTOR VEHICLE CLOSURE**

## **COPPER RIVER DELTA**

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.

The purpose of this order is to identify the areas of the Chugach National Forest that are closed to certain types of winter motor vehicle use as determined in the Chugach Plan and to identify the effective dates that these areas are closed. 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). The closed areas are described below and identified on each area map attached to this order. The type of motor vehicle use prohibited and the effective closure dates are identified.

This order does not prohibit the use and operation of motor vehicles, including snowmachines (snowmobiles and all motorized over snow vehicles, including off highway vehicles) within a highway right-of-way granted to the State of Alaska. The applicable laws of the State of Alaska govern the use and operation of motor vehicles, including snowmachines, within such highway rights-of-way. 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.

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 CFR 261.50(a), the following acts are prohibited on the Chugach National Forest:

## **I. CLOSED TO CERTAIN MOTOR VEHICLE USE EXCEPT FOR SUBSISTENCE USES**

As directed in the Chugach Plan, the following areas are dedicated to nonmotorized winter recreation. The use of snowmachines (snowmobiles and all motorized over snow vehicles, including off highway vehicles) and the landing of, or the dropping or picking up of any materials, supplies, or persons by means of, helicopters that are utilized for winter recreational activities is prohibited in the following areas from December 1<sup>st</sup> of each year through April 30th of each year. The use of snowmachines by a rural Alaska resident for subsistence uses is allowed provided the individual is lawfully engaged in an authorized subsistence activity, during permitted dates, is in compliance with all public safety regulations, and such individual can readily identify himself as a qualified subsistence user.

### **1. EAST COPPER RIVER DELTA**

All National Forest System land and waters within the area beginning at the east bank of the Copper River on the west, the south bank of the Martin River on the north, the base of the Ragged Mountains and Little Russian Slough on the east, and the mean high tide line of the Gulf of Alaska on the south as shown on the attached East Copper River Delta map. This area is in or partially within Section 36, T17S, R2E; Sections 20 thru 36, T17S, R3E; Sections 17, 19, 20, 29 thru 33, T17S, R4E; Sections 1, 11 thru 15, 22 thru 27, T18S, R2E, Sections 1 thru 30, T18S, R3E, Sections 4 thru 9, 16 thru 21, 29, 30, T18S, R4E; CRM.

### **2. ALAGANIK SLOUGH**

All National Forest System land within a line beginning at a point on the Alaganik Slough 100 feet west of the junction of the Alaganik road and boat launch, thence westerly along the northern edge of Alaganik Slough, to the junction with the Gulf of Alaska, thence continuing along the mean high tide line of the Gulf of Alaska to the junction with the eastern edge of Glacier River, thence northerly up the eastern bank of the Glacier River to the junction with the Sheridan River, thence northerly up the eastern bank of the Sheridan River to the boundary with Eyak Village Corporation land, which is 1,000 feet south of the Copper River Highway, thence easterly along the boundary with Eyak Corporation to a point 100 feet west of Alaganik Road, thence southerly at a distance of 100 feet west of Alaganik Road to the point of beginning, as shown on the attached Alaganik Slough map. This area is in or partially within Section 31, T16S, R1E; Sections 19 thru 23, 25 thru 36, T16S, R1W; Sections 25, 35, 36, T16S, R2W; Section 6, T17S, R1E; Sections 1 thru 8, T17S, R1W; Sections 1, 2, T17S, R2W; CRM.

### **3. COPPER SANDS**

All islands and sandbars south of the mainland, west of Grass Island and east of Egg Island Channel as shown on the attached Copper Sands map. This area is in or partially within Sections 28, 29, 32, T17S, R2W; Sections 2, 4, 5, 8 thru 16, 21 thru 23, T18S, R2W; CRM.

## **II. CLOSED TO CERTAIN HELICOPTER USE:**

As directed in the Chugach Plan, the following area is dedicated to non-helicopter oriented winter recreation. The landing of helicopters or dropping or picking up of any materials, supplies or person by means of a helicopter for purposes of engaging in winter recreation activities is prohibited in this area from December 1<sup>st</sup> of each year through April 30<sup>th</sup> of each year.

### **1. COPPER RIVER/BERING RIVER**

All National Forest System land forming the Copper River and Bering River deltas within a boundary beginning with the eastern national forest boundary line then following the coastline from Cape Suckling to Little Russian Slough, thence up Little Russian Slough to the toe of the slope of the Ragged Mountains, following the toe of the slope of the Ragged Mountains to the junction with Little Martin River, thence following the Little Martin River to the eastern bank of the Copper River, thence following the eastern bank of the Copper River to the cleared center line for the Copper River/Kushtaka Lake road, thence along the northern road right-of-way line back to the eastern national forest boundary as shown on the attached Copper River/Bering River map. This area is in or partially within Sections 31 thru 33, T15S, R4E; Sections 1, 2, 12, 13, 23 thru 27, 34 thru 36, T16S, R3E; Sections 1 thru 36, T16S, R4E; Sections 5, 6, 18 thru 23, 25 thru 36, T16S, R5E; Sections 20 thru 22, 25 thru 36, T16S, R6E; Sections 30 thru 33, T16S, R7E; Sections 1 thru 4, 9 thru 17, 20 thru 24, 27 thru 32, T17S, R3E; Sections 1 thru 36, T17S, R4E; Sections 1 thru 36, T17S, R5E; Sections 1 thru 36, T17S, R6E; Sections 3 thru 9, 13, 14, 18 thru 20, 22 thru 36, T17S, R7E; Sections 18 thru 36, T17S, R8E; Sections 30, 31, T17S, R9E; Sections 1, 10, 11, 12, 14, 15, 21, 22, 27, 28, T18S, R2E; Sections 1 thru 4, 9 thru 17, 19 thru 36, T18S, R4E; Sections 1 thru 36, T18S, R5E; Sections 1 thru 36, T18S, R6E; Sections 1 thru 36, T18S, R7E; Sections 1 thru 36, T18S, R8E; Sections 6, 7, 18, 19, 30, 31, T18S, R9E; Sections 1 thru 4, 10 thru 18, 20 thru 26, 36, T19S, R4E; Sections 1 thru 27, 29 thru 31, 33 thru 36, T19S, R9E; Sections 1 thru 36, T19S, R6E; Sections 1 thru 36, T19S, R7E; Sections 1 thru 36, T19S, R8E; Sections 6, 7, 18, 19, 30, 31, T19S, R9E; Sections 1, 2, T20S, R5E; Sections 1, 4, 5, 6, 11 thru 14, T20S, R6E; Sections 1 thru 28, 35, 36, T20S, R7E; Sections 1 thru 36, T20S, R8E; Sections 6, 7, 18, 19, 30, 31, T20S, R9E; Sections 1, 19 thru 30, T21S, R7E; Sections 1 thru 30, 33 thru 36, T21S, R8E; Sections 6, 7, 18, 19, 30, 31, T21S, R9E; Sections 1, 2, T22S, R8E; Sections 6, 7, T22S, R9E; 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.

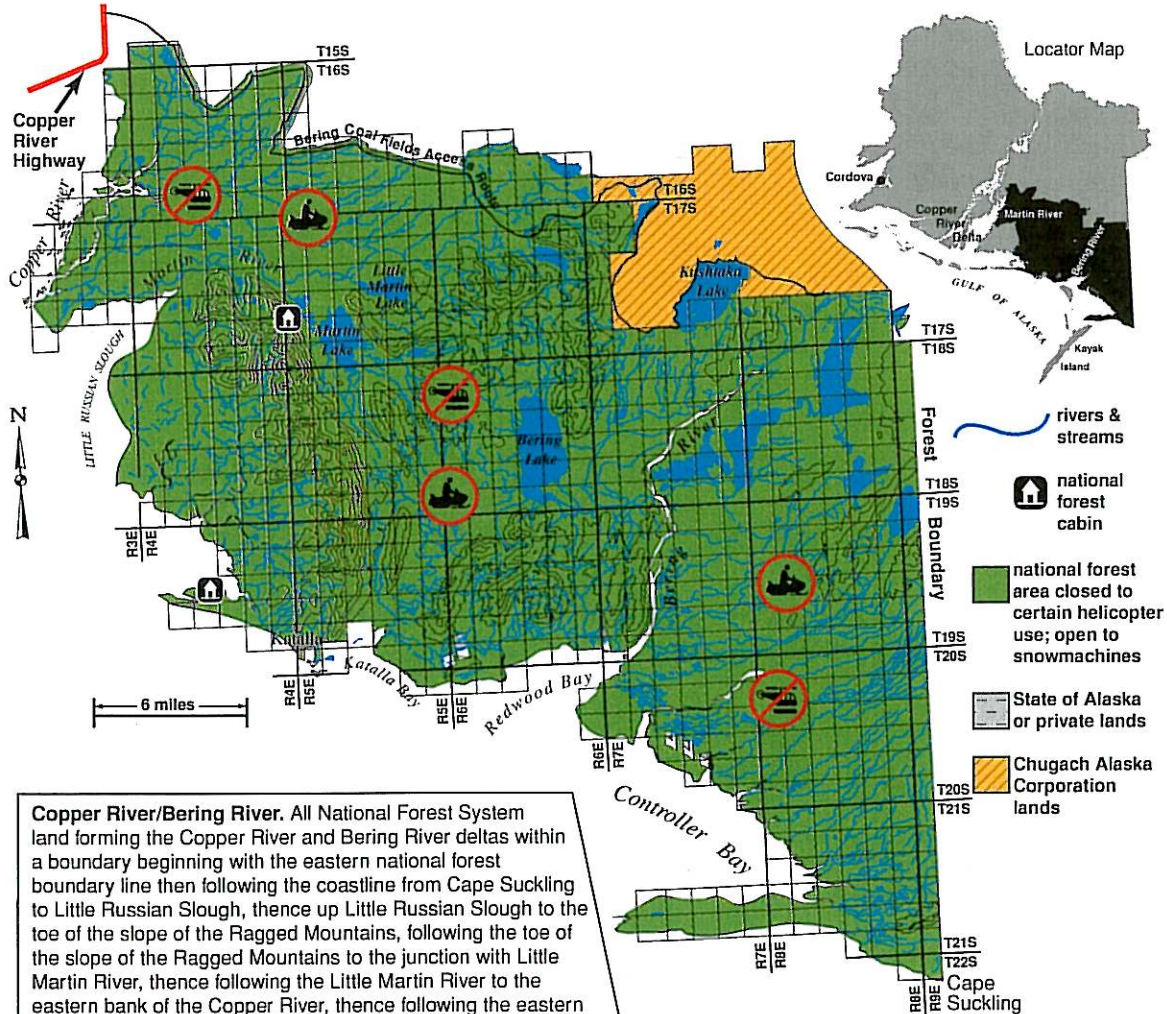
Executed in Anchorage, Alaska, this 2<sup>nd</sup> day of March, 2004.

Susan Petherford, 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)

# Winter Motor Vehicle Closure CLOSED TO CERTAIN HELICOPTER USE Copper River/Bering River

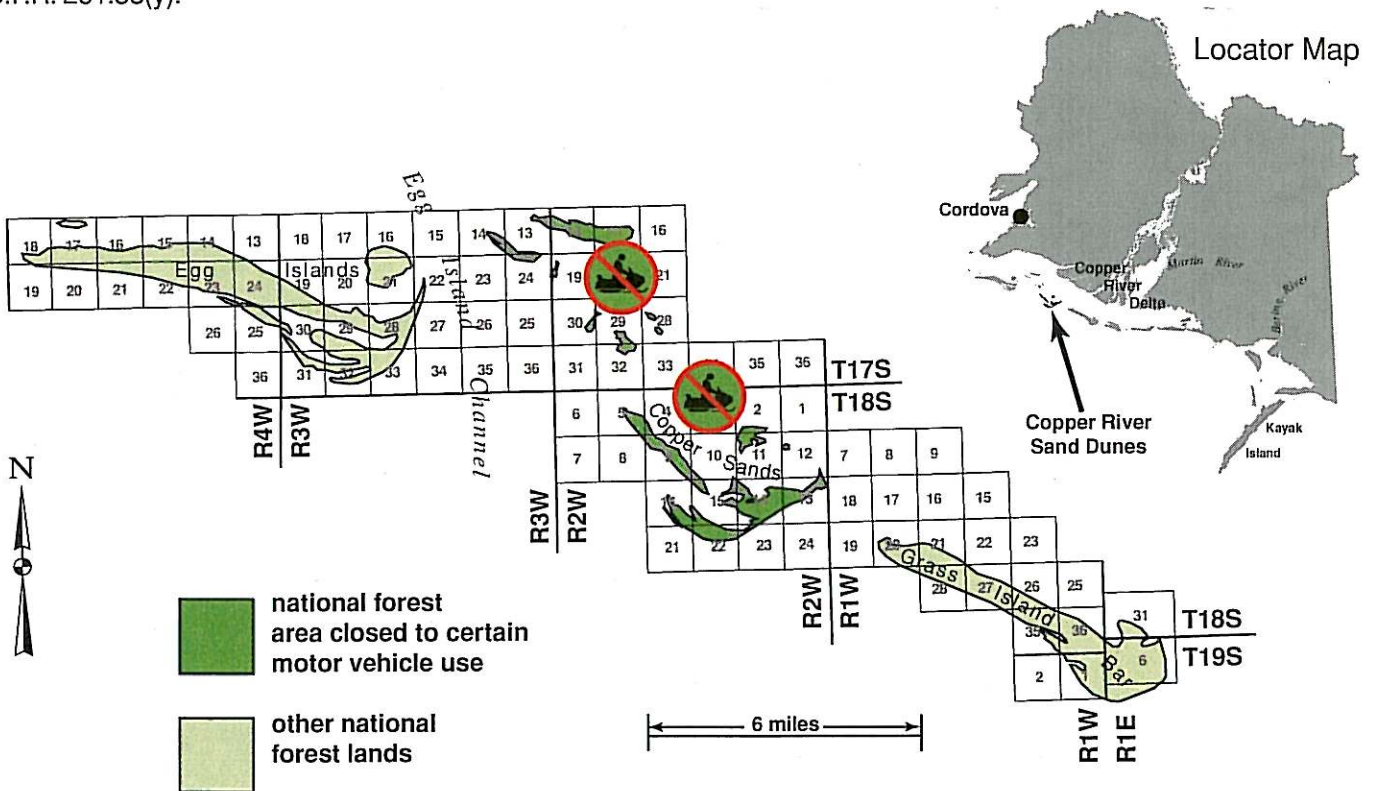
As directed in the Chugach Plan, the following area is dedicated to non-helicopter oriented winter recreation. The landing of helicopters or dropping or picking of any materials, supplies, or person by means of a helicopter for purposes of engaging in winter recreation activities is prohibited in this area from December 1st of each year through April 30th of each year. 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).



**Copper River/Bering River.** All National Forest System land forming the Copper River and Bering River deltas within a boundary beginning with the eastern national forest boundary line then following the coastline from Cape Suckling to Little Russian Slough, thence up Little Russian Slough to the toe of the slope of the Ragged Mountains, following the toe of the slope of the Ragged Mountains to the junction with Little Martin River, thence following the Little Martin River to the eastern bank of the Copper River, thence following the eastern bank of the Copper River to the cleared center line for the Copper River/Kushtaka Lake road, thence along the northern road right-of-way line back to the eastern national forest boundary as shown on the attached Copper River/Bering River map. This area is in or partially within Sections 31 thru 33, T15S, R4E; Sections 1, 2, 12, 13, 23 thru 27, 34 thru 36, T16S, R3E; Sections 1 thru 36, T16S, R4E; Sections 5, 6, 18 thru 23, 25 thru 36, T16S, R5E; Sections 20 thru 22, 25 thru 36, T16S, R6E; Sections 30 thru 33, T16S, R7E; Sections 1 thru 4, 9 thru 17, 20 thru 24, 27 thru 32, T17S, R3E; Sections 1 thru 36, T17S, R4E; Sections 1 thru 36, T17S, R5E; Sections 1 thru 36, T17S, R6E; Sections 3 thru 9, 13, 14, 18 thru 20, 22 thru 36, T17S, R7E; Sections 18 thru 36, T17S, R8E; Sections 30, 31, T17S, R9E; Sections 1, 10, 11, 12, 14, 15, 21, 22, 27, 28, T18S, R2E; Sections 1 thru 4, 9 thru 17, 19 thru 36, T18S, R4E; Sections 1 thru 36, T18S, R5E; Sections 1 thru 36, T18S, R6E; Sections 1 thru 36, T18S, R7E; Sections 1 thru 36, T18S, R8E; Sections 6, 7, 18, 19, 30, 31, T18S, R9E; Sections 1 thru 4, 10 thru 18, 20 thru 26, 36, T19S, R4E; Sections 1 thru 27, 29 thru 31, 33 thru 36, T19S, R9E; Sections 1 thru 36, T19S, R6E; Sections 1 thru 36, T19S, R7E; Sections 1 thru 36, T19S, R8E; Sections 6, 7, 18, 19, 30, 31, T19S, R9E; Sections 1, 2, T20S, R5E; Sections 1, 4, 5, 6, 11 thru 14, T20S, R6E; Sections 1 thru 28, 35, 36, T20S, R7E; Sections 1 thru 36, T20S, R8E; Sections 6, 7, 18, 19, 30, 31, T20S, R9E; Sections 1, 19 thru 30, T21S, R7E; Sections 1 thru 30, 33 thru 36, T21S, R8E; Sections 6, 7, 18, 19, 30, 31, T21S, R9E; Sections 1, 2, T22S, R8E; Sections 6, 7, T22S, R9E; CRM.

# Winter Motor Vehicle Closure CLOSED TO CERTAIN MOTOR VEHICLE USE EXCEPT FOR SUBSISTENCE USES Copper Sands

As directed in the Chugach Plan, the following areas are dedicated to nonmotorized winter recreation. The use of snowmachines (snowmobiles and all motorized over snow vehicles, including off highway vehicles) and the landing of, or the dropping or picking up of any materials, supplies, or persons by means of, helicopters that are utilized for winter recreational activities is prohibited in the following areas from December 1st of each year through April 30th of each year. The use of snowmachines by a rural Alaska resident for subsistence uses is allowed provided the individual is lawfully engaged in an authorized subsistence activity during permitted dates, is in compliance with all public safety regulations, and such individual can readily identify himself as a qualified subsistence user. 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).



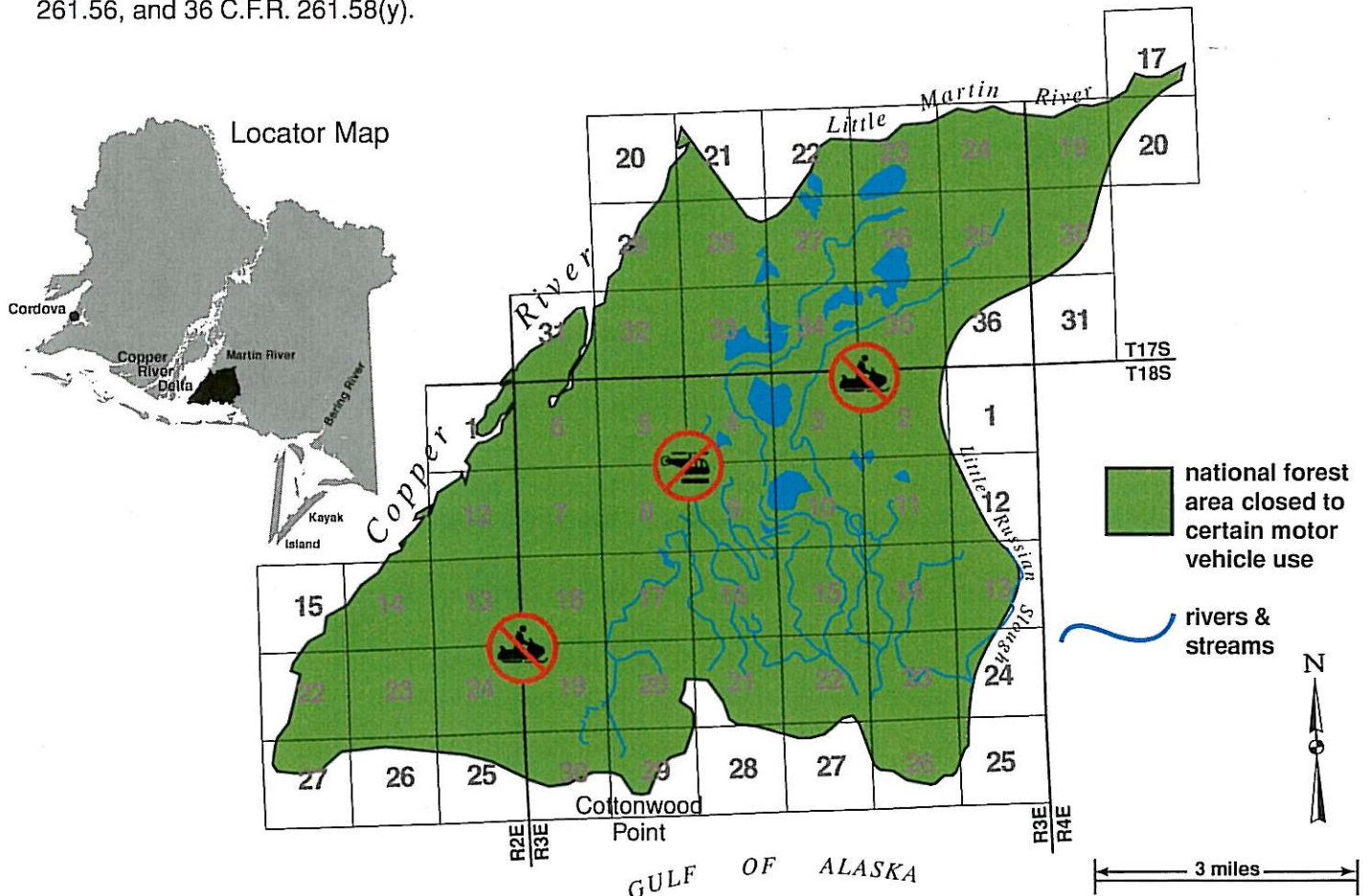
**Copper Sands.** All islands and sandbars south of the mainland, west of Grass Island and east of Egg Island Channel as shown on the attached Copper Sands map. This area is in or partially within Sections 28, 29, 32, T17S, R2W; Sections 2, 4, 5, 8 thru 16, 21 thru 23, T18S, R2W; CRM.

# Winter Motor Vehicle Closure

## CLOSED TO CERTAIN MOTOR VEHICLE USE EXCEPT FOR SUBSISTENCE USES

### East Copper River Delta

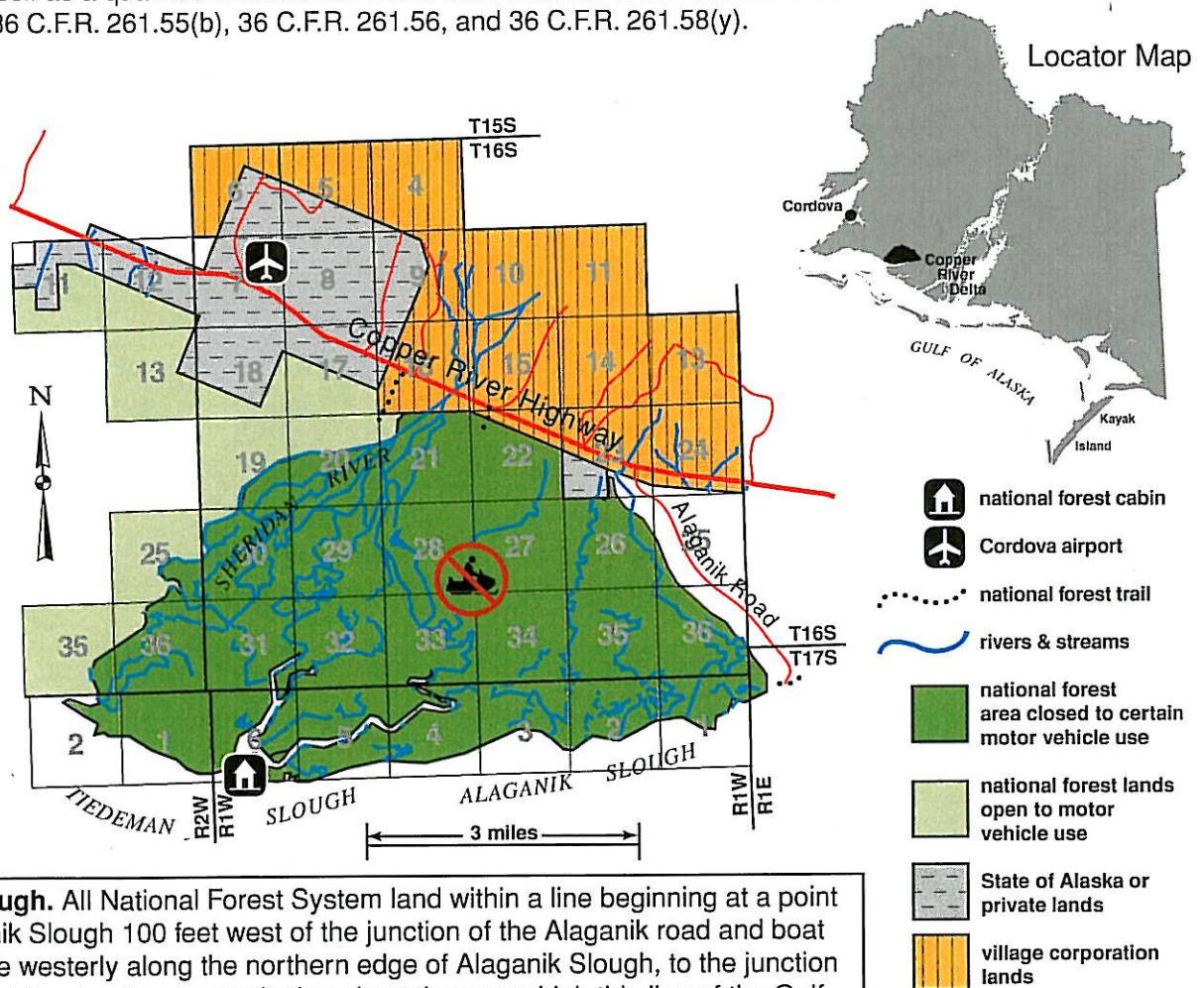
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**East Copper River Delta.** All National Forest System land and waters within the area beginning at the east bank of the Copper River on the west, the south bank of the Martin River on the north, the base of the Ragged Mountains and Little Russian Slough on the east, and the mean high tide line of the Gulf of Alaska on the south as shown on the attached East Copper River Delta map. This area is in or partially within Sections 20 thru 36, T17S, R3E; Sections 17, 19, 20, 29 thru 32, 33, T17S, R4E; Sections 1, 11 thru 15, 22 thru 27, T18S, R2E, Sections 1 thru 30, T18S, R3E, Sections 4 thru 9, 16 thru 20, 30, 31 T18S, R4E, CRM.

# Winter Motor Vehicle Closure CLOSED TO CERTAIN MOTOR VEHICLE USE EXCEPT FOR SUBSISTENCE USES Alaganik Slough

As directed in the Chugach Plan, the following areas are dedicated to nonmotorized winter recreation. The use of snowmachines (snowmobiles and all motorized over snow vehicles, including off highway vehicles) and the landing of, or the dropping or picking up of any materials, supplies, or persons by means of, helicopters that are utilized for winter recreational activities is prohibited in the following areas from December 1st of each year through April 30th of each year. The use of snowmachines by a rural Alaska resident for subsistence uses is allowed provided the individual is lawfully engaged in an authorized subsistence activity during permitted dates, is in compliance with all public safety regulations, and such individual can readily identify himself as a qualified subsistence user. 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).



**Alaganik Slough.** All National Forest System land within a line beginning at a point on the Alaganik Slough 100 feet west of the junction of the Alaganik road and boat launch, thence westerly along the northern edge of Alaganik Slough, to the junction with the Gulf of Alaska, thence continuing along the mean high tide line of the Gulf of Alaska to the junction with the eastern edge of Glacier River, thence northerly up the eastern bank of the Glacier River to the junction with the Sheridan River, thence northerly up the eastern bank of the Sheridan River to the boundary with Eyak Village Corporation land, which is 1,000 feet south of the Copper River Highway, thence easterly along the boundary with Eyak Corporation to a point 100 feet west of Alaganik Road, thence southerly at a distance of 100 feet west of Alaganik Road to the point of beginning, as shown on the attached Alaganik Slough map. This area is in or partially within Section 31, T16S, R1E; Sections 19 thru 23, 25 thru 36, T16S, R1W; Sections 25, 35, 36, T16S, R2W; Section 6, T17S, R1E; Sections 1 thru 8, T17S, R1W; Sections 1, 2, T17S, R2W; CRM.



# COPPER RIVER DELTA

## 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 ROD	<u>RF 5/31/02</u>
CRIA requirements completed	Appropriate staff Forest Plan ROD	<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>BJM 11-24-03</u> <u>BJM 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>SR 3/2/04</u>
Post Order (36 CFR 261.51)	District Ranger/Forest Supervisor	<u>sent to districts 12/27/</u>
Prepare news releases for Order	District Ranger/PAO	<u>MD 12/14/04</u>

**WINTER MOTORIZED VEHICLE  
IMPLEMENTATION PLAN  
Copper River Delta**

**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 LEDs, 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