

Appendix D. Appeal Issues and Contentions

**CONSOLIDATED DECISION
FOR THE APPEALS OF THE
CHUGACH NATIONAL FOREST
REVISED LAND AND RESOURCE MANAGEMENT PLANS**

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PLANNING AND PROCEDURAL ISSUES

ANILCA

#0001

Disagree with decision to close the area north of Summit Lake, the area south of Summit Lake, areas along the Seward Highway and Sterling Highway from Cooper Landing to Summit Lake to Moose Pass, Crescent Lake/Carter Lake, the Trail River campground south of Moose Pass, and the Russian Lake Trail to Aspen Flats cabin to all winter motorized use (NOA #0001, p.2).

Closing the above mentioned areas intentionally isolates these communities from one another and their traditional activities. These traditional activities are protected by the Alaska National Interest Conservation Act and such closures to motorized vehicles would be in direct defiance of this act (NOA #0001, pp.2-3).

#0004

Disagrees with the decision to close the Crescent/Carter Lake area, the highway corridors stretching from the campground south of Moose Pass to the Summit Lake area north of Moose Pass, and the Russian Lake Trail in Cooper Landing to motorized use (NOA #0004, p. 1)

Historically these areas have been used by families to ice fish and use cabins in the winter. It is my understanding that traditional uses were not to be foreclosed in the adoption of new plans. Mechanized usage has been traditional since the days of the exploration of this area for hydro-electric site for generating electricity for South central Alaska (NOA #0004, p. 1).

#0009

Disagrees with the decision to close the Crescent Lake/Carter Lake area, the old highway between Tern Lake and Quartz Creek, and the Trail River Campground to winter motorized activities (NOA #0009, p.9).

Opposes the closure of Carter/Crescent Lake, Russian Lake Trail, Resurrection Pass, Lost Lake, Cooper Lake area to snowmachining based on existing and past use by local residents (NOA #0009, p.1).

#0010

The definition of traditional activities is flawed (NOA #0010, p. 1).

The Forest Service incorrectly broadens the definition of traditional activities. The Forest Service definition of traditional activities should not include recreational activities (NOA #0010, p. 1).

#0011

The definition of traditional activities is flawed (NOA #0011, pp. 4, 10, and 11).

The Forest Service has adopted a definition of "traditional activities" that is inconsistent with ANILCA Section 1110(a) and violates the Wilderness Act. This policy is both illegal and illogical. Allowing recreational snowmachining in lands managed as wilderness will result in the development of a constituency that will make it virtually

impossible politically to obtain their inclusion in congressionally designated Wilderness. This will violate the legal requirement that the Forest Service manage such lands so as to maintain their potential for inclusion in the National Wilderness Preservation System. The Forest Service has adopted a policy allowing the use of snowmachines for recreational purposes in areas managed as wilderness that is inconsistent with the section and that also violates the Wilderness Act. This interpretation unnecessarily, illegally and significantly reduces the number of areas on the Forest where natural quiet would otherwise be protected from the artificial noise of extensive recreational snowmachining activities (NOA #0011, pp. 4, 10 and 11).

The Revised Plan fails to adequately manage the subsistence use of motorized vehicles. There is nothing in the Plan or FEIS that suggests that the Forest Service intends to fulfill its responsibility to oversee and regulate these uses to the potential detriment of both natural quiet and other forest resources (NOA #0011, pp. 4-5).

The FEIS fails to analyze the effects of the use of motorized recreational vehicles pursuant to ANILCA for either subsistence under Section 811, or traditional activities under Section 1110(a) (NOA #0011, p. 17).

#0016

The Forest Plan is in violation of the Alaska National Interest Conservation Act (NOA # 0016, p. 6).

The Plan impinges on the right of the public to pursue traditional activities (NOA # 0016, p. 6).

#0017

The definition of traditional activities is flawed (NOA #0017, p. 18-19).

The Forest Service definition of traditional activities is contrary to ANILCA Section 1110(a). The Forest Service incorrectly broadens the definition of traditional activities.

The Forest Service definition of traditional activities should not include recreational activities. The Forest Service is misleading the public when it suggests that the Wilderness Study Area and recommended Wilderness areas are, "Closed to Motorized Use Except for Subsistence and Traditional Activities" (NOA #0017, pp. 18-19, 38).

#0019

The definition of traditional activities is flawed (NOA #0019, p. 7).

The Forest Service should define traditional uses to refer to those activities associated with consumptive uses of the forest resources that occurred prior to enactment of ANILCA, or with travel to and from villages and home sites (NOA #0019, p. 7).

#0025

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Seward Highway from Summit Lake to Moose Pass, and the area north of Summit Lake to all winter motorized use (NOA # 0025, p. 1).

Under the provisions of ANILCA it is not legal to close areas to traditional activities (NOA # 0025, p. 2).

#s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355

The definition of traditional activities is flawed (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

The Forest Service adopts an over-broad definition of traditional activities that encourages recreational snowmachining in wilderness areas. It is not consistent with the provisions of ANILCA and the original intent of Congress to provide wilderness for Alaskans, wildlife, and the American people (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

#0027

The environmental analysis for Wild and Scenic rivers was inadequate (NOA #0027, p. 15).

The Forest Service failed to offer an alternative using the ANILCA standard of one-mile-wide river corridors. The agency has ignored the intent of Congress in ANILCA by refusing to consider an alternative utilizing the ANILCA corridor width standard. No explanation is offered for this arbitrary omission (NOA #0027, p. 15).

#0045

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass to all winter motorized use (NOA # 0045, pp. 2-3).

The Alaska National Interest Conservation Act says it is not legal to close areas to snow machining for “social” reasons; visiting friends, enjoying meals and games together. These are traditional activities we do as a family and have been doing for years. (Appeal, page 5) As a family we haul wood to heat our home. By not allowing snow machining our traditional ways of living and surviving will end (NOA # 0045, pp. 6).

#0052

The definition of traditional activities is flawed (NOA #0052, p.2).

The Forest Service definition of traditional activities is contrary to ANILCA Section 1110(a), Senate report 94-413, and defies common sense (NOA #0052, p.2).

#0054

Disagree with decision to close Carter Lake and Crescent Lake area, Russian Lakes Trail to Aspen Flats Cabin, the area north of Summit Lake, Forest areas along the Sterling Highway and Seward Highway between the communities of Cooper Landing, Hope, Summit Lake and Moose Pass, Trail River Campground south of Moose Pass, the Snow River areas, and the Resurrection Pass Trail to winter motorized use (NOA #0054, p. 2).

The Revised Plan to close winter motorized use will restrict free travel between communities within the Forest. Closures in the Revised Plan although quantitatively small are strategically located to prevent access between communities and a large area of backcountry. Proposed closures in the Plan are in violation of the traditional use activities protected by ANILCA (NOA #0054, pp. 6-7).

#0055

Disagrees with the decision with regard to motorized/nonmotorized winter access (NOA #0055, p.1).

One final objection that the Alaska State Snowmobile Association has is the deviation from the Forest Service's own interpretation of the ANILCA Section 1110a provisions for snowmobile use in Forest Units. See EIS Appendix K-14, the Forest Service's own response to Comment 07, Access Management Section. As the Forest Service is well aware, no such resource detriment has been determined to meet the justification they themselves detail in this section (NOA #0055, p. 3).

#0361

Disagrees with the decision to close the Crescent and Carter Lakes area, Trail River Campground, areas along the Seward Highway from Moose Pass to Summit Lake to all winter motorized use (NOA #0361, p.1).

Closure of Carter/Crescent Lake, Tern Lake and Summit Lake areas, eliminate user's ability to conduct traditional activities (fishing, hunting and trapping) (NOA #0361, p.1).

#0363

Disagrees with the decision to close the Crescent and Carter Lakes area, Trail River Campground, and areas along the Seward Highway from Moose Pass to Summit Lake to all winter motorized use (NOA #0363, p. 1).

Traditional uses are no longer allowed with these closures (NOA #0363, p. 1).

Plan Integration

#0010

The Forest Service failed to make an integrated plan for all the land and resources of the Chugach National Forest (NOA #0010, p. 5).

The Forest Service failed to address significant impacts to and management of tidelands and submerged lands that are a part of the Chugach National Forest (NOA #0010, p. 5).

#0011

The Forest Service failed to make an integrated plan for all the land and resources of the Chugach National Forest (NOA #0011, p. 3).

The Forest Service should assert jurisdiction over the submerged lands and waters of Prince William Sound and responsibly manage jet skis, airboats, and other watercraft (NOA #0011, p. 3).

#0013

The environmental analysis is not adequate (NOA #0013, p. 7).

The Forest Plan did not adequately recognize the importance of interagency coordination in managing adjacent lands (NOA #0013, p. 7)

#0017

The Forest Service failed to make an integrated plan for all the land and resources of the Chugach National Forest (NOA #0017, p. 39).

The Forest Service does not adequately address the management of the impacts to the tidelands and submerged lands within the Chugach National Forest Boundary (NOA #0017, p. 39).

The environmental analysis with regard to motorized uses is inadequate. The Forest Service has not developed sufficient information or knowledge regarding recreation uses and impacts of those uses on the Forest, which violates NEPA. Without such information the appellant believes the agency is hard pressed to make decisions regarding recreational uses that accurately reflect the needs and desires of forest users. There is no impacts analysis of OHV's or airboats operating outside of established water bodies or flowing channels, motorized uses on lakes or rivers providing access for floatplanes, jet boats and airboats, or motorized uses on submerged lands in the final plan. The Forest Service is legally mandated to consider all activities on the forest and on adjacent lands and waters in the cumulative impacts analysis regarding motorized uses in order to be in compliance with NEPA and NFMA. The Forest Service is legally mandated to manage forest values across the forest, including waters within the boundary of the forest, and analyze impacts to forest values from activities within and adjacent to the Forest. The Revised Forest Plan has failed to plan for or make management decisions regarding water bodies, such as lakes, streams and rivers on the Forest. This is a violation of NEPA. There are impacts from motorized uses on waters, particularly from jet skis and airboats that need to be addressed (NOA #0017, pp. 14-15, 35).

#0019

The Forest Service failed to make an integrated plan for all the land and resources of the Chugach National Forest (NOA #0019, pp. 12-13).

The Forest Service owns the submerged lands of Prince William Sound and must plan for and manage the waters of the sound. The EIS and the Revised Plan completely fail to address significant impacts to the management of the tidelands and submerged land that are a part of the Chugach National Forest. The ROD, EIS and Revised Plan failed to address the concerns raised in the DEIS comments, instead noting that the State of Alaska disputes the Forest Service's ownership of submerged lands in Prince William Sound. The Forest Service must adequately plan for and protect its resources regardless of the state's position. The EIS and Final Plan are thus legally inadequate (NOA #0019, pp. 12-13).

The Forest Service has ignored its duty to regulate activities on water to protect terrestrial wilderness quality. While water-based activities may not "degrade" the uplands in the sense of physically disturbing the ground, they clearly impact the uplands including the wildlife and wilderness character of upland areas. As such, it is arbitrary and capricious for the Forest Service to refuse to consider the impacts of, or analyze whether to regulate, water-based activities as part of the Forest Plan, on the grounds that these activities do not degrade the uplands (NOA #0019, p. 13).

Alternatives

#0015

Disagrees with all winter motorized area closures on the Kenai Peninsula including the Crescent/Carter Lake area, area north of Summit Lake, Russian Lakes Trail to Aspen Flats Cabin, Bear Lake area in Seward, areas along the Sterling and Seward Highways from Cooper Landing to Summit Lake and Moose Pass, the Trail River Campground, and the North Fork of Snow River (NOA #0015, p. 2).

Year-long nonmotorized winter access areas in the final decision are not expressed in any of the alternatives or in the draft preferred alternative the public was presented with during the scoping process. The public did not have the opportunity to comment on year-round snowmachine closures in these areas because these closures were not included in the Draft Preferred Alternative or any other alternative (NOA #0015, pp. 2-3).

#0019

The environmental analysis is inadequate (NOA #0019, pp. 8).

The scant narrative analysis in the EIS does little to distinguish the alternatives. The Forest Service identifies the major issues in the Copper River Delta as potential changes in access, national interest in wilderness and fish and wildlife management, and strong local interest in maintaining the status quo for recreation opportunities. However, there is nothing in the section that describes the nature of these issues or provides a context for determining which alternative might best resolve them. The EIS does not provide enough information to distinguish between the alternatives. With respect to recreation conflicts, the Forest Service describes the alternatives as if they are functionally the same, noting that all the alternatives would allocate Roaded ROS classes along the Copper River Highway and Carbon Mountain Road, and inaccurately implying that the alternatives would provide similar primitive and semi-primitive recreation opportunities on the rest of the Delta. Similarly, the Forest Service discusses the application of vegetative management in general in some detail. However, the discussion does not provide the information necessary to inform the Forest Service's choices on-the-ground. Although the ROD suggests that the need to improve moose habitat is one of the reasons the Forest Service choose not to recommend 501(b) wilderness on the southeastern Delta, the EIS says nothing about moose management on the Copper River Delta (NOA #0019, p. 8).

Appeal Deadline

#0025

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Seward Highway from Summit Lake to Moose Pass, and the area north of Summit Lake to all winter motorized use (NOA # 0025, p. 1).

Appeal deadline was not made easily available. Only the tenacious searching by several individuals found the October 24, 2002, deadline (NOA # 0025, p. 2).

#0046

The Forest Service failed to properly notify the public of the deadline for submission of a Notice of Appeal (NOA #0046, p.5).

The Forest Service failed to properly notify the public of the deadline for submission of a Notice of Appeal. I made numerous inquiries and was unable to find someone from the Forest Service who could definitively give me the deadline for filing a Notice of Appeal (NOA #0046, p.5).

Collaboration and Public Participation

#0001

Disagree with decision to close the area north of Summit Lake, the area south of Summit Lake, areas along the Seward Highway and Sterling Highway from Cooper Landing to Summit Lake to Moose Pass, Crescent Lake/Carter Lake, the Trail River campground south of Moose Pass, and the Russian Lake Trail to Aspen Flats cabin to all winter motorized use (NOA #0001, p.1).

The Draft of the forest revision that was presented to the public and the Revised Forest Plan that has been submitted differ greatly. There were no meetings held in the communities that are most affected by this motorized closure after the decision to close these areas had been made. Major changes had been proposed and yet the communities were not informed or allowed to comment on such changes in their home towns (NOA #0001, p.2).

#0003

Disagrees with the decision to close the Carter/Crescent Lake area to snowmachines as of December 1, 2002 (NOA #0003, p. 1).

This closure did not take public comments into account (NOA #0003, p. 1).

#0009

Disagrees with the decision to close the Crescent Lake/Carter Lake area, the old highway between Tern Lake and Quartz Creek, and the Trail River Campground to winter motorized activities (NOA #0009, p. 1).

Members of Cooper Landing were not notified of meetings to discuss issue (closing of areas to motorized use) (NOA #0009, p. 2).

#0013

The environmental analysis is not adequate (NOA # 0013, p.7).

The Forest Plan did not adequately recognize the importance of interagency coordination in managing adjacent lands (NOA # 0013, p.7).

#0015

Disagrees with all winter motorized area closures on the Kenai Peninsula including the Crescent/Carter Lake area, area north of Summit Lake, Russian Lakes Trail to Aspen Flats Cabin, Bear Lake area in Seward, areas along the Sterling and Seward Highways from Cooper Landing to Summit Lake and Moose Pass, the Trail River Campground, and the North Fork of Snow River (NOA #0015, p. 2).

Businesses in the affected area such as: Summit Lake Lodge, Trail Lake Lodge, local bed and breakfasts and restaurants were not contacted about potential snowmachine closures prior to the decision to select the Preferred Alternative. The residents of the communities of Moose Pass and Cooper Landing were not informed that major changes were being proposed or that another draft was released for formal comment. Regulation 36 CFR 219.12 was not adhered to in the public scoping process (NOA #0015, pp. 2 and 4).

Input by local governments such as the Kenai Peninsula Borough, City of Soldotna or the City of Seward has basically ignored by the Planning Team and Deciding Officer. The Kenai Peninsula Borough Resolution 2000-108 dated 11/21/00 includes a Forest Service quote that they have not completed any scientific studies to support the closing of areas to snowmachines based on social or economic conflicts (NOA #0015, p. 3).

Year-long nonmotorized winter access areas in the final decision are not expressed in any of the alternatives or in the draft preferred alternative the public was presented with during the scoping process. The public did not have the opportunity to comment on year-round snowmachine closures in these areas because these closures were not included in the Draft Preferred Alternative or any other alternative (NOA #0015, p. 3).

#0017

Disagrees with the changes in the Wilderness recommendations, the management prescriptions, the Brown Bear Core Area, the motorized use policies, and other components of the plan (NOA #0017, p. 3).

The public was not on notice that the Forest Service was considering a plan that looked anything like the ultimate Revised Land and Resource Management Plan and therefore had no opportunity to address this plan in comments. None of the alternatives in the DEIS resembled the plan that was ultimately adopted (NOA #0017, p. 3).

#s 0021 and 0024

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake to Moose Pass, the Trail River Campground south of Moose Pass, the area north of Summit Lake, and the Russian Lakes Trail to Aspen Flats Cabin to all winter motorized use (NOA #s 0021 and 0024, pp. 1-2).

The communities most affected by the areas closed to motorized vehicles proposed in March of 2001 were not contacted or involved in the final stages of the Revision process. I know of no meetings held in the most highly effected communities of Moose Pass and Cooper Landing in March 2001. The meeting in Seward was not well advertised, and therefore not well attended. The public had no other way to find out that major changes were being proposed nor were there any further drafts released for formal comment (NOA #s 0021 and 0024, p. 2).

#0025

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Seward Highway from Summit Lake to Moose Pass, and the area north of Summit Lake to all winter motorized use (NOA # 0025, p. 1).

Responsible official did not provide early, frequent and publicized opportunities to participate in the Final Plan approval process (NOA # 0025, p. 1).
Unilateral decisions were made that significantly changed the Revised Forest Plan from the preliminary drafts of said Plan. The public should have been informed and allowed to comment on these changes before adoption (NOA # 0025, p. 2).

#0044

Disagree with the decision to close the Carter/Crescent Lake area to motorized users (NOA #0044, p.1).

It is a good location for families with children. I want to ice fish with my Dad and Grandpa. It is a good place for parents to take kids to learn how to snowmachine. It is a fun place to go. It is easy for kids (NOA #0044, p. 1).

#0045

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass to all winter motorized use (NOA # 0045, pp. 2-3).

No meetings were held in Moose Pass or Cooper landing the most highly affected communities. The EIS 3-508 clearly states that residents of affected areas would have input into the planning decisions. This was ignored by the Forest Service. The meeting conducted in Seward was not well advertised especially to residents in Moose Pass. 36 CFR 219.12 providing for early, frequent and open participation by communities during the planning process never occurred. Moose Pass and Cooper Landing were never advised of any drafts or comments concerning the closure of Crescent Lake/Carter Lake, Tern Lake, Summit Lake, and Trail Lake (NOA # 0045, pp. 2-3).

#0047

Disagrees with decision to implement new closures of the Turnagain Pass area, seasonal closures of the Resurrection Pass area, all closures in the Russian River area, closures along the Seward Highway including new or additional closures at Manitoba mountain, Summit Lake, Tern lake to Cooper Landing, Tern Lake towards Trail Lake, Crescent and Carter Lakes, Trail River Campground, Snow River and North of Bear Lake, to winter motorized use (NOA #0047, p. 1).

These closures pose a great financial hardship to the community and the potential destruction life style of individuals and families living in these areas. In finalizing the Revised Plan the USDA FS has not consulted or briefed the local community. We (Moose Pass) were discriminated against in terms of equal right to input. The meetings should have been easily attended, accessible and well advertised in the community (NOA #0047, pp. 1 and 2).

#0049

Disagrees with decision to close the following areas to motorized use, the Turnagain Pass east and lower Turnagain Pass west areas, Pyramid Mountain, Manitoba Mountain, Mills Creek, Fresno Creek, Devil's Pass, Quartz Creek, Carter and Crescent Lakes area, Russian River Trail, Black Mountain, Grayling and Meridian Lakes area, Snow River and Tie Hack Mountain areas (NOA #0049, p. 1).

There was no meeting in Moose Pass in March 2001. We were discriminated against in terms of equal right to input and affect the decision. Though there was an earlier meeting here approximately 10-17-00 the lack of a follow-up denied our residents the opportunity to provide input on the working draft as it developed (NOA #0049, p. 2).

#0050

Disagrees with the decision to close to all winter motorized use areas along the Seward and Sterling Highways from Moose Pass to Summit Lake and Cooper Landing; the Crescent Lake/Carter Lake area; the Trail River Campground; and, Russian Lakes Trail to Aspen Flats Cabin (NOA #0050, p.1).

The public (specifically communities most affected by closures) were not directly involved in the final stages of the analysis process. Follow-up meetings were not held in Moose Pass. The follow-up meeting in Seward was poorly advertised and not well attended. No further drafts were released for comment. 36 CFR 219.12 and EIS 3-508 were violated (NOA #0050, p.1).

#0051

Disagrees with the decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass, the Trail River Campground South of Moose Pass, the area north of Summit Lake to all winter motorized use (NOA #0051, p. 1).

I feel that I as an individual, and all the residents of the Moose Pass area, have been denied access to information regarding these decisions. One meeting was held in Moose Pass early on in the development of the land use plan but no follow up meetings were held in Moose Pass that would have informed the residents of this alternative. To force people to travel outside the affected communities to attend a meeting was unreasonable (NOA #0051, p. 2).

The areas closed for snowmachine use for the entire winter in the final decision are not shown in any of the alternatives or the draft preferred alternative that the public reviewed in the communities that did have follow up meetings. The public didn't have the opportunity to comment on the areas closed to snowmachine use all winter because they were not in the Draft Preferred Alternative or in any alternative (NOA #0051, p. 2).

#0053

The Code of Federal Regulations (CFR) was violated during the planning process (NOA #0053, p.1).

36 CFR 219.12 Collaboration and cooperatively developed landscape goals was violated (NOA #0053, p.1).

36 CFR 219.16 Relationships with interested individuals and organizations was violated (NOA #0053, p.2).

36 CFR 219.6 Public participation was violated. There were meeting elsewhere in March of 2001 on the Kenai Peninsula, but none in Moose Pass and Cooper Landing! At key points in time in the areas of Moose Pass and Cooper Landing public meetings were not held (NOA #0053, pp.2-4).

Disagrees with the decision to close Crescent/Carter Lake area, the highway corridors along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake

and Moose Pass, the Trail River Campground south of Moose Pass, an area north of Summit Lake, and the Russian lakes Trail to Aspen Flats cabin to all motorized activities (NOA #0053, p.4).

The possibility of a permanent closure to the Crescent/Carter Lake area and all of the areas I have mentioned in my appeal were not in the Draft EIS. If the proposed closures were anywhere in the planning process, whether it just be in thought or on paper, it should have been made known to the public and we should have been able to comment (NOA #0053, p.4).

The Revised Land and Resource Management Plan should have been made available in at least one additional location convenient to the public. Moose Pass and Cooper Landing are both rural communities and a common and convenient place of access is the Post Office. Had the residents and other forest users been made aware of the drastic changes in the Final Plan, they would have approached and appealed this plan in a much timelier fashion. Most did not learn of this until a newspaper article written on October 3, 2002 came out in the Seward Phoenix log stating, "Snowmachiners lose territory" (NOA #0053, p.5).

#0054

Disagree with decision to close Carter Lake and Crescent Lake area, Russian Lakes Trail to Aspen Flats Cabin, the area north of Summit Lake, Forest areas along the Sterling Highway and Seward Highway between the communities of Cooper Landing, Hope, Summit Lake and Moose Pass, Trail River Campground south of Moose Pass, the Snow River areas, and the Resurrection Pass Trail to winter motorized use (NOA #0054, p. 2). The USDA FS has not been forthright in their presentation of this Revised Plan to our community. Initial presentations with alternatives were described as a limited compromise to expand nonmotorized use in the Forest. The Final Plan is drawn from details never presented to the community and includes wholesale closures and changes from nearly fifty years of management practice. The provisions of the Final Plan that are the primary subject of our appeal were not in any of the alternatives presented to the Moose Pass Sportsman Club and community members at our local meeting (NOA #0054, pp. 2-3).

Moose Pass was not included in review of the final draft. The March 2001 meetings did not include the most affected communities of Moose Pass and Cooper Landing in a review of the working drafts. Moose Pass as a rural community was inadequately notified of meetings and plans (NOA #0054, p. 3).

The input by local government entities (Kenai Peninsula Borough, Soldotna, Seward) contained in the EIS overwhelmingly opposed winter-motorized closures but was essentially ignored by the planning team and deciding officer (NOA #0054, p. 5).

#0205

Disagrees with the decision to close the Carter/Crescent Lake area to winter motorized use (NOA # 0205, p. 1).

The Forest Service misrepresented their intentions by suggesting that there would be more public meetings (after fall and winter of 2000) addressing the status of the Plan (NOA # 0205, p. 1).

#0357

Disagree with decision to close the Crescent/Carter Lake area, the areas along the Sterling Highway and the Seward Highway from Cooper Landing to Summit Lake and Moose Pass, Trail Lake Campground south of Moose Pass, the area north of Summit Lake, and the Russian Lakes Trail to Aspen Cabin to all winter motorized use (NOA #0357, p. 2).

The public should have been involved in the final stages of the Revision Process in March of 2001 (NOA #0357, p. 2).

#0358

Disagrees with the decision to close numerous local areas in and around Seward and Moose Pass, specifically the closing of Crescent/Carter Lakes, the Sterling and Seward Highways from Cooper Landing to Summit Lake and Moose Pass, Trail River Campground, and other areas closer to Seward to motorized winter use (NOA #0358, p. 1).

The final decision did not reflect the alternatives the public had a chance to comment on. The public was blindsided and given no chance for input (NOA #0358, p. 1).

#0360

Disagrees with the decision to close the Trail River Campground and the Crescent Lake/Carter Lake areas to all motorized use in winter (NOA #0360, p. 2).

There seems to have been no public input as to whom the closure of the Trail Lake campground road would affect. This road has always been multi user friendly (NOA #0360, p. 2).

#0361

Disagrees with the decision to close the Crescent and Carter Lakes area, Trail River Campground, areas along the Seward Highway from Moose Pass to Summit Lake to all winter motorized use (NOA #0361, p.1).

No public meetings were held in Moose Pass (most affected community) to discuss closures. 36 CFR 219.12 was violated (NOA #0361, p.1).

#0363

Disagrees with the decision to close the Crescent and Carter Lakes area, Trail River Campground, and areas along the Seward Highway from Moose Pass to Summit Lake to all winter motorized use (NOA #0363, p. 1).

No public meetings were held in Moose Pass to discuss changes between the Draft and the Final. EIS 3-508 and 36 CFR 219.12 were violated (NOA #0363, p. 1).

Socio-Economic Impact Analysis

#0001

The economic analysis was not adequate (NOA #0001, p.3).

The Economic Analysis is incomplete for the Revised Forest Plan and therefore has not been properly addressed. The EIS does not reflect how motorized closures will affect

local area business during the winter months. In fact, business owners throughout any of the most affected areas were not even surveyed. An economic study using motorized expenditures in communities was not used (NOA #0001, p.3).

#0004

The economic analysis was not adequate (NOA #0004, p. 2).

The economic effects show a lack of analysis or any recognition of the impacts that will occur to local businesses should these areas be closed to snow machine use. The record does not show that local businesses were contacted about the potential snow machine closures in this area (NOA #0004, p. 2).

The rental income from winter rental of the cabins on Crescent Lake will most certainly be zero due to the fact that the stove in the saddle cabin is fueled by fuel oil (NOA #0004, p. 2).

#0009

Disagrees with the decision to close the Crescent Lake/Carter Lake area, the old highway between Tern Lake and Quartz Creek, and the Trail River Campground to winter motorized activities (NOA #0009, p. 1).

The economic study of the area was limited to summer months. Business owners of Cooper Landing and Moose Pass were not interviewed to determine the impact to the winter economy and communities (NOA #0009, p. 2).

#0015

Inadequacy of economic analysis (NOA #0015, pp. 2-3).

A thorough economic analysis was not completed addressing the impact that snow machine access closures will have on local business in the winter months. The winter economy was not addressed in the EIS so the analysis and economic effects section cannot be completed until more information is known. Negative impacts of the closures on the community were not addressed in the EIS (NOA #0015, pp. 2-3).

No scientific study was completed to identify and address the impacts of these closures on certain user groups such as families with young children, the elderly and people with disabilities (NOA #0015, p. 4).

#0016

The economic analysis was not adequate, therefore the Forest Service violated 36 CFR 219.21 Social and Economic Suitability (NOA # 0016, p. 4).

Forest Service failed to adequately research and document the economic and social impact these closures will have on the Moose Pass Community (NOA # 0016, p. 4).

#0021 and #0024

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake to Moose Pass, the Trail River Campground south of Moose Pass, the area north of Summit Lake, and the Russian Lakes Trail to Aspen Flats Cabin to all winter motorized use (NOA #s 0021 and 0024, pp. 1-2).

Closings will have a dramatic negative impact on principle business. Loss of winter revenue will certainly lead to our inability to remain open and operational during the winter months and will create a financial hardship that will eventually lead to the complete year-round closing of our facility (NOA #s 0021 and 0024, pp. 1-2).

#0045

The economic analysis was not adequate (NOA # 0045, pp. 4).

No studies were done to show the impact that these closures will have on Moose Pass and Cooper Landing. This is a violation of our rights as citizens. 36 CFR 219.21 Social and Economic Suitability, EIS 3-518, EIS 3-525, and EIS 3-527 (NOA # 0045, p. 4).

#0046

The economic analysis was not adequate (NOA #0046, p.4).

The Revised Forest Plan fails to take into account the adverse economic impacts of snowmobile closures in these areas of the Kenai Peninsula Borough. The economic analysis does not examine how snowmobile closures will impact local businesses during the winter months. Because the proposed closures were not discussed in the proposed alternatives of the Plan, local communities and businesses have not been given adequate notice to comment about the adverse economic impacts of this proposal. Input by local government agencies was largely ignored by the planning team and the deciding officer (NOA #0046, p.4).

The decision to close areas to snowmobiling for the entire winter is not based on any analysis or data supporting a need for more areas to be closed to snowmobiling. There has been absolutely no data substantiating the so-called demand for more quiet areas (NOA #0046, p.5).

#0047

Disagrees with decision to implement new closures of the Turnagain Pass area, seasonal closures of the Resurrection Pass area, all closures in the Russian River area, closures along the Seward Highway including new or additional closures at Manitoba mountain, Summit Lake, Tern lake to Cooper Landing, Tern Lake towards Trail Lake, Crescent and Carter Lakes, Trail River Campground, Snow River and North of Bear Lake, to winter motorized use (NOA #0047, p. 1).

The loss of a strong winter recreation economy will cause harm to the local economy adding pressures in all sectors including property values. Without the required and specific economic study the USDA FS cannot fully quantify the impact of these closures. No survey of local businesses was made when doing an economic analysis. Any loss in population could impact the viability of our local school (NOA #0047, p. 3).

#0048

The economic analysis is not adequate (NOA #0048, p. 1).

Economic data stated in the analysis is insufficient to support the selection of the Preferred Alternative in the FEIS. Adequate research and data needs to be collected and analyzed prior to decisions being made. There is no documentation in the Record of Decision and related document supporting that the economy specific to Moose Pass

would not be negatively impacted due to closures. The effects of the closures on business viability were not addressed (NOA #0048, p. 1).

These closures will place limitations on the future growth of winter commerce in the Moose Pass area (NOA #0048, p. 1).

#0049

The economic analysis was not adequate (NOA #0049, p. 2).

No survey of local businesses was made when doing an economic analysis. To impact our Mom and Pop businesses will adversely affect our economy. People will move away, there will be fewer students in our school and they could close (NOA #0049, p. 2).

#0050

The economic analysis was not adequate (NOA #0050, p.2).

The economic analysis does not reflect any economic data or analysis of how snowmachine closures will impact local businesses during the winter months. The impact these closures will have on the local winter economy is devastating. Area businesses were never contacted. The effects analysis is lacking (NOA #0050, p.2).

#0051

The economic analysis was not adequate (NOA #0051, p. 2).

The economic analysis doesn't reflect how these snowmachine closures will impact the local economy during the winter months (NOA #0051, p. 2). Business owners in Moose Pass were never contacted by the Forest Service requesting any kind of economic information in regards to a possible closure of the areas I am appealing (NOA #0051, p. 3).

#0053

The Code of Federal Regulations (CFR) was violated during the planning process (NOA #0053, p.1).

36 CFR 219.21 social and economic sustainability was violated. No social and economic analysis was done. Another violation of the regulations and process. The economic impact to local businesses was not addressed. No local business owners were contacted about the proposed closures. If businesses are unable to remain open it affects all of us; from employment opportunities, to income, to property values, to being able to shop locally, to having social activities available such as dining out, etc. The economic analysis was not adequate (NOA #0053, pp. 3-5).

#0054

The social/economic analysis was not adequate (NOA #0054, pp. 3-4).

The Revised Plan will negatively impact the local economy. The USDA FS did not perform an adequate study of the economic value of the loss of winterized motorized access. No economic analysis of winter closures was made. Not a single business owner in the affected Moose Pass/Summit Lake area was contacted to collect current data necessary to value the impact of motorized closures. The FS failed to perform adequate studies of the winter economy. The referenced studies are related to summer recreation (NOA #0054, pp. 3-4).

No public analysis was made or provided in the EIS of the social impact of the Revised Plan on the quality of life of Moose Pass residents (NOA #0054, p. 6).

The Revised Plan discriminates between user groups. The public improvements including highway parking, trailheads, bridges, trail clearing and cabins are disproportionately removed to the greater number of users (winter motorized). The USDA did not state the value of cabin rentals in the EIS and therefore cannot compare motorized vs. nonmotorized usage. Nonmotorized users have access to 5 times as many days as motorized users (NOA #0054, p. 7).

#0202

Disagrees with the decision to close the Carter/Crescent Lake area to winter motorized use (NOA #0205, p.1).

The EIS does not support this decision. Analysis does not take into account: 1) the effect the closure of this area will have on local businesses; 2) the revenue impacts of the motorized community; and, 3) new areas of access for the majority (motorized) group (NOA #0205, p. 1)

#0356

The economic analysis was not adequate (NOA #0356. p. 3).

The economic analysis does not reflect any economic data or analysis of how snow machine closures will impact local businesses during the winter months. Snow machine closures will cumulatively impact the reduction of the local economy (NOA #0356. p. 3). Area businesses were not contacted about potential snow machine closures (Trail Lake Lodge, Summit lake Lodge, and local bed and breakfasts) (NOA #0356. p. 3).

In each alternative, only one sentence addresses the motorized vs. nonmotorized winter recreation economic effect and this sentence is nearly identical for each. I find no recognition of the probable economic impact to our local businesses should this massive closure occur (NOA #0356. p. 3).

#0361

The economic analysis was not adequate (NOA #0361, p.1).

There were no economic impact studies done and no input sought from local business owners. This violates 36 CFR 219.21 (NOA #0361, p.1).

#0362

The economic analysis was not adequate (NOA #0362. p. 2).

The economic facts have been glossed over as to the loss of income to the local business and to the Forest Service itself (NOA #0362. p. 2)

WILDLIFE EFFECTS ANALYSIS ISSUES

Wildlife Cumulative Effects

#0013

The Forest Plan contains serious deficiencies, especially for Brown Bear Core Areas (NOA #0013, p. 1).

The kind of cumulative effect analysis conducted on Kenai Brown Bears is unclear and should be further clarified. The cumulative effects analysis in the FEIS is confusing. The cumulative effects analysis lacks sensitivity. The FEIS states that “the cumulative effects are similar in all alternatives.” This doesn’t make sense. This issue must be clarified (NOA # 13, pp. 7, 8).

Brown Bear on Kenai Peninsula

#0013

The Forest Plan contains serious deficiencies, especially for Brown Bear Core Areas (NOA #0013, pp. 1-7).

The ROD and the Final Plan did not adequately address some of the significant issues raised by scientist, the conservation community and the public. There are significant changes in some of the prescriptions and standards and guidelines. The appellant questions whether the changes incorporated in the Final Plan have received adequate technical review regarding environmental effects and whether these effects are consistent with the Final Plans goals and objectives. There was not an opportunity for public comment on some significant policy shifts embodied in these revisions (NOA #0013, pp. 1-2).

If a utility corridor was put into this area it would likely increase human use substantially. Even if motorized use were restricted, the increased access for foot traffic would likely elevate mortality levels on brown bears in this important area (NOA #0013, p. 3).

The Brown Bear Core and stream buffers are not adequate to provide the assurance that the Kenai Brown Bear population will remain viable on the forest over the next several decades to 100 years (NOA #0013, p. 4).

The change in the maximum ROS class for the Brown Bear Core prescription from Semi-primitive Nonmotorized to Roaded Natural has a significant probability of impacting bears and placing them at great risk of detrimental human interactions as a result of increased human access into backcountry settings. This change is not compatible with minimizing negative bear human impacts leading to increased bear mortality (NOA #0013, p. 4).

The kind of cumulative effect analysis conducted on Kenai Brown Bears is unclear and should be further clarified. The cumulative effects analysis in the FEIS is confusing. The cumulative effects analysis lacks sensitivity. The FEIS states that “the cumulative effects are similar in all alternatives.” This doesn’t make sense. This issue must be clarified (NOA #0013, pp. 7, 8).

The entire concept of a Brown Bear Core prescription has been invalidated by the change to allow utility corridors without public comment or interagency review (NOA #0013, p. 7).

#0017

The environmental analysis is inadequate (NOA #0017, p. 3).

The environmental effects analysis is flawed regarding the Kenai Peninsula Brown Bears because the discussion and rationale in the FEIS regarding brown bear protections is based on a Brown Bear Core prescription that prohibits utility corridors, when the final decision does allow utility corridors in the Brown Bear Core prescription. The Forest

Service's assertion that enough protections exist within the plan to maintain brown bear viability on the Kenai Peninsula is unfounded. The discrepancy (utility corridor and ROS class changes) between the FEIS and Revised Land and Resource Management Plan makes the FEIS analysis regarding Kenai Peninsula Brown Bears flawed and insufficient (NOA #0017, pp. 30, 32, and 38).

Disagrees with the changes in the Wilderness recommendations, the management prescriptions, the Brown Bear Core Area, the motorized use policies, and other components of the plan (NOA #0017, p. 3).

The Forest Service's decision to build more roads and trails on the Kenai Peninsula than any other part of the forest poses additional risk to brown bears. (Incorporate Audubon Alaska Appeal) (NOA #0017, p. 33).

The Forest Service has not made management decisions that will protect brown bear viability for the long-term on the Kenai Peninsula. The appellants assert this because the USFS has: 1) allowed utility corridors in the Brown Bear Core prescription; 2) not recommended any wilderness for the Kenai Peninsula; and, 3) allowed widespread motorized use on the Kenai, including snowmachines and helicopters, and done no environmental analysis of this management action (NOA #0017, p. 34).

#s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355

The Forest Service failed to recommend wilderness protection for the Copper River Delta, biologically critical parts of Prince William Sound, and designated brown bear habitat and critical salmon habitat of the upper Kenai watershed (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

The protections afforded Brown Bears on the Kenai Peninsula were dramatically weakened when the FEIS permitted utility corridors and associated roads through critical brown bear habitat (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

Monitoring

#0017

The environmental analysis is inadequate (NOA #0017, p.3).

The Forest Service has failed to complete any environmental analysis of the impacts of summer motorized uses, including helicopters on forest values such as wildlife; impacts to soils or vegetation; or on motorized subsistence uses. Nor is there any apparent plan to monitor or manage these uses such that detrimental and/or significant impacts to forest resources will be mitigated or avoided (NOA #0017, pp. 28-29).

Motorized and Road Effects on Wildlife

#0017

The environmental analysis is inadequate (NOA #0017, p. 3).

The Forest Service has failed to complete sufficient impacts analysis regarding winter commercial helicopter activities allowed and "over the-snow-machines". The environmental effects analysis does not sufficiently analyze environmental effects from widespread snowmachine use across the forest. The environmental effects analysis fails

to analyze the impacts of winter recreational management decisions in the plan with respect to wolves, lynx, wolverine, moose, and other potentially affected wildlife from widespread winter motorized activity on the Forest, including snowmachine and helicopter uses. The Forest Service has not even mentioned the subnivean environment and impacts to it from winter motorized activities in the plan (NOA #0017, pp. 16, 19-25, 27).

The plan fails to discuss potential noise impacts to wildlife (NOA #0017, pp. 29-30).

The FEIS fails to analyze the cumulative impacts of snowmachine or other recreational motorized use emissions (NOA #0017, pp. 27).

The Forest Service has failed to complete any environmental analysis of the impacts of summer motorized uses, including helicopters on forest values such as wildlife; impacts to soils or vegetation; or on motorized subsistence uses. Nor is there any apparent plan to monitor or manage these uses such that detrimental and/or significant impacts to forest resources will be mitigated or avoided (NOA #0017, pp. 28-29)

Biological Assessment

#0019

The environmental analysis is inadequate (NOA #0019, pp. 13 and 14).

The Forest Service failed to adequately analyze the impacts of its plan on Threatened and Endangered species in Prince William Sound. The Biological Assessment for the impacts of the Forest Plan must include the impacts of all activities on the waters of Prince William Sound. The Forest Service's Biological Assessment of the Forest Plan's impacts was inadequate because it failed to consider the impacts of the vast majority of activities on the waters of the Prince William Sound (NOA #0019, pp. 13 and 14).

Best Available Information and Scientific Consistency

#0017

Disagrees with the changes in the Wilderness recommendations, the management prescriptions, the Brown Bear Core Area, the motorized use policies, and other components of the plan (NOA #0017, p. 3).

The Forest Service's wilderness decision is not based in sound science or the public process. The Forest Service decision to reduce wilderness recommendations is arbitrary and capricious. The public does not support these reductions. The Forest Service has ignored public comment from both inside and outside Alaska regarding wilderness recommendations on both the Kenai Peninsula and the Copper River Delta. The Forest Service's own research does not support the reduction. The value of Chugach National Forest Roadless Areas is nationally and internationally significant and would contribute significantly to the Wilderness Preservation system (NOA #0017, pp. 8-11).

The environmental analysis is inadequate (NOA #0017, p. 3).

The FEIS does not analyze the potential environmental effects or impacts the large areas open to both winter and summer motorized use will have on brown bears. The Forest Service has done an insufficient and incomplete analysis of existing studies and potential impacts from motorized uses (including helicopters) on brown bear. The FEIS does not analyze the impacts to brown bears from widespread motorized use on the Forest,

including summer motorized uses snowmachines and helicopter, road and trail building on the Kenai and rising DLP kills (NOA #0017 pp. 31, 33).

Fish and Wildlife Conservation Prescription

#0019

Disagrees with decision not to recommend portions of Prince William Sound be protected by Congress as a wilderness area (NOA #0019, p. 14).

It is difficult to see what the Fish and Wildlife Conservation prescription does to benefit wildlife that isn't better accomplished with other prescriptions. It should be a 100-level prescription that provides maximum protection for fish and wildlife and their habitat. It is arbitrary and capricious to conclude that the Fish and Wildlife Conservation prescription, as written, will best conserve fish and wildlife (NOA #0019, pp. 14-15).

AIR QUALITY AND SOIL EFFECTS ISSUES

OHV Impacts on Soils

#0011

The effect of summer ORV use on soils is inadequately addressed (NOA #0011, p. 4)

#0017

While the FS discusses soil compaction related to foot trails, the agency fails to mention any soil compaction issues related to HOVs. This is clearly a failure of the Final Plan (NOA #0017, pl 28).

Air Quality Analysis

#0017

The FEIS fails to discuss the deleterious health effects that can be caused in humans and animals from these emissions . . . What the Forest Service fails to consider is that air quality impacts increase with increasing altitude, which is relevant to the Turnagain Pass and other areas on the forest . . . If one hour on a two stroke engine used by the snowmobiles produces more smog-forming pollution than a modern car creates in a year, there is a lot of polluting going on on the Chugach National Forest . . . These emissions affect all users and inhabitants of the Forest in negative ways. The Forest Service has failed to disclose this level of impact from widespread snowmachine use across the forest in the FEIS (NOA #0017, pp. 26 and 27)/

No mention is made of snowmachine or other recreational motorized use emissions in the cumulative impacts analysis. Thus the Forest Service has done no direct, indirect or cumulative impacts analysis on the recreational motorized use of the forest related to air quality, even though approximately 87% of the forest is open to motorized use, which is a violation of NEPA (NOA 0017, p. 27).

RECREATION AND WILDERNESS ISSUES

Wilderness

#0007

Disagree with decision to make a reduced wilderness recommendation in Prince William Sound (NOA #0007, p. 1).

The lands that were removed were high value fish and wildlife habitat while the lands that were classified as wilderness have a high percentage of snow, ice and rock. At the very least the original Wilderness Study Area should be classified as wilderness which is what the majority of people asked for (NOA #0007, p. 1).

Disagree with decision to recommend no wilderness on the Copper River Delta (NOA #0007, p. 1).

It seems that the Forest Service has not listened to the majority of people and sided with big money special interests. The people were not listened to in the final decision and changes need to be made (NOA #0007, p. 1).

#0008

Disagrees with the decision not to recommend wilderness on the Copper River Delta and Prince William Sound (NOA #0008, p. 2).

The management intent of the new 501(b)-1 management was not what Cordovans agreed to for the conservation of fish and wildlife habitat. Minerals activities, such as oil and gas development and exploration, are not consistent with the fish and wildlife conservation theme of the revised 501(b)-1 management (NOA #0008, p. 2).

The Fish and Wildlife Conservation management of Montague Island is not protective enough for this eligible wilderness area and the “biological heart” of Prince William Sound (NOA #0008, p. 2).

#s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355

The Forest Service failed to recommend wilderness protection for the Copper River Delta, biologically critical parts of Prince William Sound, and designated brown bear habitat and critical salmon habitat of the upper Kenai watershed (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

Citizens’ request for wilderness were ignored while special deference was given to a minority of objectors whose reasons for opposing wilderness do not hold up to rational scrutiny (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

The protections afforded Brown Bears on the Kenai Peninsula were dramatically weakened when the FEIS permitted utility corridors and associated roads through critical brown bear habitat (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

#0011

The definition of traditional activities is flawed (NOA #0011, p.4).

The Forest Service has adopted a definition of “traditional activities” that is inconsistent with ANILCA Section 1110(a) and violates the Wilderness Act. This policy is both illegal and illogical. Allowing recreational snowmachining in lands managed as wilderness will result in the development of a constituency that will make it virtually impossible politically to obtain their inclusion in congressionally designated Wilderness. This will violate the legal requirement that the Forest Service manage such lands so as to maintain their potential for inclusion in the National Wilderness Preservation System. The Forest Service has adopted a policy allowing the use of snowmachines for recreational purposes in areas managed as wilderness that is inconsistent with the section and that also violates the Wilderness Act. This interpretation unnecessarily, illegally and significantly reduces the number of areas on the Forest where natural quiet would otherwise be protected from the artificial noise of extensive recreational snowmachining activities (NOA #0011, pp. 4, 10, 11)

Disagrees with the allocation decision for nonmotorized and motorized recreation (NOA #0011, p. 5).

The overall balance of recreational opportunities on the Forest is still substantially skewed in favor of motorized recreation. The decision to manage the Kenai Peninsula and Turnagain Arm to accommodate high levels of human use is neither balanced nor a necessary decision and one that effectively leads to a reduction of opportunities for nonmotorized recreation. This management direction is presumably responsible for the failure to recommend a single acre of wilderness and for the substantial favoritism afforded motorized recreation (NOA #0011, pp. 5-6)

The environmental analysis was inadequate (NOA #0011, p. 12)

The Revised Plan and FEIS inaccurately and misleadingly state and suggest that the Chugach will be managed to protect its wild and natural character. The prescription descriptions in the Revised Plan are very misleading and result in an underestimation of the effects of motorized recreational vehicles on the Forest. The activities tables are misleading as well. The draft Plan table did a far better job of representing the prescription, with categories for both summer and winter motorized recreation, and for motorized access for subsistence – but these are deleted in the Revised Plan leaving the misleading impression that the Wilderness Study Area (as an example) will be free of the effects of motorized vehicles except for presumably rare administrative and permitted uses (NOA #0011, p. 12)

#0013

Disagrees with wilderness recommendations across the Forest (NOA #0013, p. 7).

The distribution of Recommended Wilderness and other Category 1 prescriptions in the Preferred Alternative is not well represented across a range of ecosystems in the Chugach Forest. Areas designated as Recommended Wilderness are very scenic, but their biological productivity is low and they do not adequately represent areas of high quality fish and wildlife habitat (NOA #0013, p. 7).

#0014

The Forest Service failed to recommend wilderness protection for critical areas like the Copper River Delta, Prince William Sound, and the Kenai Peninsula (NOA #0014, p. 1). The Eyak Preservation Council (EPC) feels that although the public process was open and thorough, it has failed the public and ultimately failed to protect one of the last truly wild places that still provide a unique subsistence and commercial fishing way of life for the people who live here. EPSC is appalled that a hand full of fishermen and a few corporate Indians have swayed the public interest process with their private interests to limit permanent protection on public lands in the Chugach National Forest. Over 30,000 Americans, including 3,000 Alaskans, commented to permanently protect the Chugach National Forest (NOA #0014, p. 1).

#0017

Disagrees with the changes in the Wilderness recommendations, the management prescriptions, the Brown Bear Core Area, the motorized use policies, and other components of the plan (NOA #0017, p. 3).

The Forest Service's wilderness decision is not based in sound science or the public process. The Forest Service decision to reduce wilderness recommendations is arbitrary and capricious. The public does not support these reductions. The Forest Service has ignored public comment from both inside and outside Alaska regarding wilderness recommendations on both the Kenai Peninsula and the Copper River Delta. The Forest Service's own research does not support the reduction. The value of Chugach National Forest Roadless Areas is nationally and internationally significant and would contribute significantly to the Wilderness Preservation system (NOA #0017, pp. 8-11).

Results of Wilderness evaluations are deficient and inadequate to the requirements for such wilderness reviews and evaluations under the NFMA, the NEPA, the Administrative Procedures Act, and the Wilderness Act (NOA #0017, p. 4).

The agency systematically ignored the fact that 99% of the roadless lands on the Chugach are suitable and qualify for wilderness designation in favor of non-wilderness uses and development in its Plan. The Forest Service then proceeds to structure the Plan and FEIS in such a manner as to favor conversion of this unique wilderness Forest to non-wilderness uses and development. The Forest Service underplays and dismisses those wilderness values in its wilderness evaluation and Plan analysis by assigning higher values to other non-wilderness uses and development (NOA #0017, pp. 4 and 12).

Despite demonstrated values, the need to protect areas of the forest and significant public support for protection, the agency scaled back the wilderness recommendation in Prince William Sound and did not recommend any wilderness on the Kenai Peninsula or Copper River Delta regions of the Forest. The Forest Service has walked away from the clear evidence of the wilderness values on the Chugach and the body of public support for its designation and protection (NOA #0017, p. 4).

The Plan and FEIS do not adequately consider the wilderness resource in the analytic framework and the analysis process leading to Plan decisions is therefore flawed from the start yielding decisions that do not sufficiently consider wilderness. Rather than being given full weight in the Appendix B analytic framework that forms the basis of evaluating the whole plan and making resource allocation decisions, wilderness is

subordinated to a ROS factor under the Recreation Analysis in the main evaluation of the Plan and FEIS and therefore reduced in importance without proper weighting of its resource values (NOA #0017, p. 5).

There is a glaring inconsistency in the recommendations for wilderness designation between the ROD and the FEIS (NOA #0017, p. 5).

The analysis of “Availability for Wilderness is skewed away from Wilderness. It approaches the “Availability of Wilderness” as if it were a menu of all of the non-wilderness uses and developments that an area could be used for instead of wilderness designation. There is a bias away from wilderness in this section of the analysis in the detailed Inventoried Roadless Areas that suggests many different uses for these areas without consideration of where else those uses could take place, or the relative importance of those uses compared to wilderness. It is apparent that the weighting of these menus has a bias designed to favor development in the use decisions under “Need for Wilderness” (NOA #0017, p.6).

The analysis of the “Need for Wilderness” section of the 16 Inventoried Roadless Areas is uniformly disappointing and inadequate in its content and lacks sufficiency to be used to make the decisions it is used to make. The “Need for Wilderness” analysis misses the mark in at least four major ways: 1) the need is not addressed at all; 2) both the nearby roadless and wilderness areas section and the relative contributions to the National Wilderness Preservation section are presented as physical boundary descriptions and have little or no evaluation of the values of these areas as contemplated by the requirements of the NFMA regulations for Wilderness reviews in forest plans; 3) the values of wilderness ecosystems to protection of Alaskan wildlife is not considered in this analysis; and 4) the decisions to allocate roadless areas to non-wilderness uses and developments are not justified in the analysis – they just appear. This section is lacking in substance, not responsive to legal requirements for wilderness reviews, and not up to reasonable expectations by the public for a legitimate consideration of wilderness values (NOA #0017, pp. 6-7).

The management prescriptions in the Plan do not really protect the future of the de facto wilderness values on the Chugach National Forest. All Category 1 lands are subject to some form of proposed management activity that would ultimately be incompatible with wilderness (NOA #0017, p. 8).

The Forest Service Wilderness Recommendation is primarily rock and ice and does not sufficiently protect rich ecological areas of the Forest and violates the Wilderness Act. The Forest Service has failed to protect a viable and representative range of ecosystem-types on the forest, which is a violation of the Wilderness Act. The Forest Service has failed to recommend significant ecologically rich and productive areas of the forest for wilderness designation for fish and wildlife habitat protection (NOA #0017, pp. 11-12). The results of the plan are not supported by the majority of the public that commented in favor of wilderness designations for the Forest (NOA #0017, p. 12).

The environmental analysis is inadequate (NOA #0017, p. 3).

Because the Revised Plan departs so significantly from any of the alternatives considered in either the draft or final EIS, neither the draft nor final EIS discloses the impacts of the Revised Plan (NOA #0017, p. 3).

A seventh management prescription 135 501(b)-1 was added at the ROD and in the FEIS Appendix J matrix Preferred Alternative, but is not adequately evaluated in the FEIS (NOA #0017, p. 8).

The FEIS contains serious inconsistencies regarding the impacts of road building in the Revised Plan on roadless areas (particularly on the Kenai Peninsula). The Forest Service should uphold the Roadless Area Conservation Rule standards until the agency's review of the policy is finalized (NOA #0017, p. 13).

#0019

Disagrees with decision not to recommend portions of the Copper River Delta be protected by Congress as a wilderness area (NOA #0019, p. 5).

Despite enormous public support, its own survey results, and the unsurpassed ecological values of the area, the Forest Service has chosen not to recommend any portion of the Copper River Delta for wilderness designation. The Forest Service's abrupt and surprising decision not to recommend any wilderness in the Delta is a sad departure from the rational proceedings we have come to expect (NOA #0019, p. 5).

The 501(b)-1 prescription is generally protective, but it does not offer the same level of protection as a wilderness recommendation (NOA #0019, p. 5).

By failing to return the plan to the Forest Supervisor with a written statement of reasons for disapproval, the Regional Forester improperly usurped the role of the Forest Supervisor. After reviewing the proposed plan and final EIS, the Regional Forester is directed to "either approve or disapprove the plan. 36 CFR 219.10 (c). If the proposed plan is disapproved, the Regional Forester must return the plan and EIS to the Forest Supervisor with a written statement of the reasons for disapproval (NOA #0019, pp. 6-7). The Forest Service failed to adequately evaluate and consider the Copper River Delta as potential wilderness and failed to provide a rational explanation for its decision not to recommend any of the Copper River Delta for wilderness protection. The ROD does not explain the reasoning behind most of the important determinations and, when there were attempts at explanation, the explanations were devoid of the comparative analysis that would have made them useful to the public or a judicial reviewer. Most of the ROD describes the prescriptions the Forest Service would apply rather than discussing the reasons for the agency's decision (NOA #0019, pp. 7-9).

The Forest Service's decision not to recommend wilderness for the Delta seems to have been influenced by concerns that are unfounded on their face, and which were previously discounted by the agency itself. Contrary to its legal obligation, the Forest Service did not provide a satisfactory explanation. The Forest Service's primary reason for not recommending wilderness on the Delta seems to be the perceived conflict with 501(b) of ANILCA. The Forest Service has repeatedly rejected the idea that there is an inherent conflict between 501(b) and recommended wilderness. The ROD does not explain this position reversal. Additionally, for less conservation oriented 501(b)-2 and -3 prescriptions were adopted for the vast majority of the Delta. The Forest Service suggests that it decided not to recommend any wilderness on the Delta because it might prevent local access or hinder commercial fishing. The agency resolved both of these concerns during the public process by specifically tailoring the 501(b)-Recommended Wilderness prescription to meet local needs while protecting the Delta from the most harmful kinds of activities. (Appeal, page 9) The Forest Service incorrectly concluded

that a wilderness recommendation was incompatible with Section 501(b) of ANILCA. The notion that 501(b) of ANILCA is somehow incompatible with a designated wilderness area was raised during the planning process and repeatedly rejected by the Forest Service. In fact, the final EIS itself states that “[w]ilderness designation would be compatible with the conservation of wildlife and fish on ANILCA 501(b) lands.” The Forest Service specifically designed the 501(b) – Recommended Wilderness prescription so that it would be consistent with Section 501(b) of ANILCA. Nowhere does the Regional Forester explain why the Forest Service has reversed its position and now considers 501(b)-Recommended Wilderness to be incompatible with section 501(b). The assertion that section 501(b) somehow precludes a wilderness designation appears incorrect as a matter of law (NOA #0019, pp. 11-12).

The Regional Forester indicated the interest in exploration and production of locatable, leaseable, and saleable minerals was “wide and varied”. He further suggested that his decision not to recommend wilderness protection for the Copper River Delta was influenced by the unwillingness to forgo mineral development opportunities. The section on minerals in the final EIS, suggests that the potential for mineral development on the Delta is slight (NOA #0019, pp. 9-10).

The Forest Service gave an unreasonable amount of deference to a small number of local individuals and organizations. The Forest Service held a selective public meeting in Cordova after the official close of the comment period. This meeting was specifically held to address concerns with the preferred alternatives recommendation of wilderness on the Delta. The Forest Service did not include the vast majority of Cordovans who had commented in favor of wilderness. Subsequently, the Forest Service changed the final revised plan to eliminate any wilderness recommendation for the Delta. The agency gave little weight to the number of wilderness commenters – unless the commenter was someone from Cordova, who opposed wilderness. Then the Forest Service carefully recorded every vote. In essence, it gave “veto power” to one tiny community of 2,500 residents. The Forest Service’s decision to allow the unfounded concerns of a very small number of people in one community to drive the future management of the Chugach National Forest is inconsistent with the agency’s legal obligations and offensive as a matter of public policy (NOA #0019, pp. 10-11).

Disagrees with decision not to recommend portions of Prince William Sound be protected by Congress as a wilderness area (NOA #0019, p. 14).

The Forest Service’s decisions regarding recreation, fish and wildlife conservation, and wilderness in Prince William Sound are bad public policy, not adequately explained, and arbitrary and capricious. Introduction of a large recreational facility in the northwestern Sound is not compatible with protecting the wilderness value of the area, or with the state intent of the area. There is little discussion of the relative merit of these locations versus other possibilities, and the EIS does not address the impacts of placing 100 people in or adjacent to wilderness or recommended wilderness. A thorough discussion about the location, size, and likely impacts of various possible nodes is a necessary prerequisite to identifying them. The Revised Plan identifies nodes without the benefit of this type of evaluation (NOA #0019, p. 14).

It is difficult to see what the Fish and Wildlife Conservation prescription does to benefit wildlife that isn’t better accomplished with other prescriptions. It should be a 100-level prescription that provides maximum protection for fish and wildlife and their habitat. It

is arbitrary and capricious to conclude that the Fish and Wildlife Conservation prescription, as written, will best conserve fish and wildlife (NOA #0019, pp. 14-15). The Forest Service has ignored overwhelming public support at the national, state, and local level for the creation of wilderness areas in Prince William Sound. The Forest Service applies a double standard in Prince William Sound when it identifies the City of Cordova's opposition as a major reason it did not recommend wilderness for the Copper River Delta despite overwhelming public support, but then ignores the City of Valdez's support for wilderness in eastern Prince William Sound (NOA #0019, p. 15).

The environmental analysis is inadequate (NOA #0019, pp. 6 and 16).

The Forest Service improperly changed the management prescriptions from portions of the eastern Copper River Delta. These were significant changes with substantial environmental consequences that were not adequately addressed or analyzed in the final EIS and were not supplemented with appropriate NEPA documentation. A remarkable number of decisions – many the apparent products of last minute changes - - were made without explanation or appropriate analysis. The final EIS fails to provide the information necessary to explain or justify the choice of prescriptions on the ground (NOA #0019, pp. 6 and 16).

The Final EIS's analysis of wilderness on the Copper River Delta is superficial, often incorrect, and sometimes based on faulty assumptions (NOA #0019, p. 7).

The EIS is inadequate because it provides no analysis of the activities and developments that really are material to the management of the Chugach National Forest. The final EIS simply did not provide a clear and relevant basis for choice among the various options and therefore cannot justify the Forest Service's decision not to recommend any wilderness on the Copper River Delta (NOA #0019, p. 8).

Wild and Scenic Rivers

#0008

The process for determinations of wild rivers on the Cordova District was flawed (NOA #0008, p. 1).

I was amazed to learn that of the 780 rivers, streams and lakes that were inventoried by the Chugach planning team, only 9 river segments from the Cordova District were determined to be eligible as wild. Of these, none were recommended to Congress to be included in the national wild and scenic rivers system in the final record of decision (NOA #0008, p. 1).

After being asked, the Forest Service failed to recommend the Bering, Martin, Copper, and Katalla Rivers for a wild river designation (NOA #0008, p. 1).

The public's eligible wild rivers and streams require better interim protection than the new 501(b)-1 and 501(b)-2 management will "likely" provide the eligible rivers in the eastern Delta (NOA #0008, p. 1).

The Gravina, Eyak River Watershed, and Scott Rivers (among many others in our district) all failed to be adequately inventoried for eligibility, and it concerns the appellant that they may not receive interim management required to protect their essential fish habitat and other values over the next 15-20 years of the plan (NOA #0008, p. 1).

The Record of Decision made invalid assumptions (NOA #0008, p. 1).

The Record of Decision states, “There was considerable opposition to congressional designations in Cordova because residents felt that future options for management of fish and wildlife habitat may be curtailed with such a designation.” It is important that the administrative appeal record show that the Record of Decision was incorrect in its rationale that “Cordova residents” did not support congressional designations. In fact, many residents wrote comments and designed alternatives that included wild rivers, wilderness and 501(b)-wilderness areas (NOA #0008, pp. 1-2).

The comments and participation of the appellant went largely ignored in favor of commercial interest such as developers of Chugach Alaska Corporation and certain ultra-conservative political leaders of the Cordova District Fishermen United. A very large number of fishermen members of CDFU disagreed with the resolution that was passed to oppose congressional designations and were turned down on their requests to take the issue to a vote of the members (NOA #0008, p. 2).

#s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355

The rationale used in determining the suitability of rivers’ eligibility for wild and scenic river designations was severely flawed and was applied inconsistently and arbitrarily (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

Outstanding rivers across the Chugach were ignored. Not one river on the Copper River Delta was recommended (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

#0012

The Wild and Scenic Rivers evaluation was flawed. The Forest Service overlooked the stated goal of the plan, the requirements of the law, and the outstandingly remarkable values of the rivers and streams in the Chugach National Forest in making this determination. The process for eligibility decisions was inadequate and arbitrary (NOA # 0012, p.2).

The Forest Service improperly evaluated the eligibility of candidate and inventoried rivers. The planning team should have used the evaluation criteria established by the Wild and Scenic Rivers Act, which requires that streams be free-flowing and possess, with their adjoining lands, one or more “outstandingly remarkable scenic, recreational, geological, fish and wildlife, historic, cultural, or other values (NOA #0012, pp. 2-3).

The FS employed overly stringent evaluation criteria. The criteria used to determine these outstanding attributes were too limiting and restrictive (NOA #0012, p. 4).

Too few outstandingly remarkable rivers requiring protective management were given ratings of regional or national significance (NOA #0012, p. 4).

“Geographic Provinces” designated by the Forest Service improperly limited the evaluation criteria for determining eligibility. The WSRA does not limit eligibility to the best representative river; all rivers possessing outstandingly remarkable values are to be considered for potential addition to the system. The Chugach National Forest should not be included in the same geographic province as the Tongass National Forest since the Tongass did not define its geographic provinces to include the Chugach and it is inappropriate to use rivers designated in Southeast Alaska to narrow the number of rivers eligible in the Chugach (NOA #0012, pp. 4-5).

The Forest Service inappropriately concluded that candidate rivers are ineligible based on the fact that other streams or rivers “adequately represent values of that river within a “geographic province.” Its attempt to limit the number of rivers found eligible is contrary to the WSRA. 16 U.S.C. §1271 (NOA #0012, p. 5).

The Forest Service’s inventory data and evaluation were incomplete and include inaccurate information. According to the FEIS the Forest Service evaluated and examined over 760 named “and many unnamed” rivers in the Chugach National Forest to determine whether they had outstandingly remarkable features that would make them eligible for potential addition to the System. Although the Forest Service stated, “all special river-related features identified were documented on river data attribute sheets for each river”, appellants were provided with only 398 names river data sheets of the 760+ noted. There is no explanation in the FEIS Appendix D of the missing 362+ rivers. Of the 398 field Data Sheets, 288 of the rivers were incomplete, most without “rating” the outstandingly remarkable values. (NOA #0012, pp. 3,5,6).

Despite the lack of information on potential outstandingly remarkable values (760 rivers evaluated for eligibility; 168 “River Attributes Field Data Sheets” did not rate potential “outstandingly remarkable values”), the IDT concluded that the rivers were ineligible (NOA #0012, p. 7).

Too few outstandingly remarkable rivers requiring protective management were given ratings of regional or national significance. Sixteen rivers received ratings of one or more ORVs of regional or national significance yet were found ineligible (NOA #0012, pp. 4 and 7).

Rivers marked on River Data Sheets as “ineligible” made it to the eligible list in the DEIS (Palmer Creek, Kenai River, Cascade Creek, Martin Glacier, Martin River and Lake, Alaganik Slough and Tributary) (NOA #0012, p. 8).

The river and lake evaluations fail to take in adequate analysis of the “Class I, II, III” stream evaluations conducted for the FEIS. Class I rivers and streams should have been identified for every inventoried data sheet (NOA #0012, p. 6).

The Forest Service unreasonably refused to reconsider earlier “Ineligibility” decisions. The public asked the Forest Service during the planning process to reconsider its evaluations of several rivers determined to be ineligible (NOA #0012, p. 7).

The Forest Service failed to enact the precedent set forth by Congress in ANILCA of 1980 and establish management boundaries of ½ mile on each side of the designated river.

The rationale for Wild and Scenic River recommendations was inconsistent and flawed (NOA #0012, p. 9).

The decision of the Forest Service to not recommend as suitable a number of eligible rivers in the Copper River Delta geographic area was based on a misconception of how designation would affect the wildlife and fishery management goals for ANILCA 501(B) lands (NOA #0012, p. 9).

The Forest Service should have recommended a much broader range of rivers as suitable. The Forest Service acted arbitrarily and capriciously in determining that only nine of the 23 eligible river segments were suitable for the protective designations as either Wild, Scenic, or Recreational Rivers (NOA #0012, pp. 9-10).

The Forest Service failed to protect ORVs by arbitrarily recommending lower classifications on suitable rivers based on rationale that they would be adequately

protected by management of surrounding prescriptions. The Forest Service cannot rely on the increased protection given to the Copper River Delta by 501(b) designation or areas in Prince William Sound by the surrounding Wilderness Study Area prescription to justify less protections for the Cooper River Katalla, Martin or Bering Rivers, Cascade Creek, Columbia Glacier and the Coghill River. Entire administrative appeal of the Sierra Club, which contains more detail about the flaws in the suitability determinations for each of these rivers, is incorporated here by reference (NOA #0012, p. 11).

Rationale for recommendations for designation of the upper section of the Snow River as Wild (the whole river is eligible for Wild) (ROD at A-5) and Lower Russian River and Sixmile Creek (both eligible for Scenic but recommended as Recreational), demonstrate a misconception about the purpose of designation and the significance of the Wild and Scenic Rivers Act to protect and preserve areas for future generations. The Forest Service's decision to lower an eligible river's classification from wild to scenic or scenic to recreational is arbitrary and capricious (NOA #0012, pp. 11-12).

The ROD does not support the decision to downgrade the Lower Russian River to recreational. Because downgrading a river segment to recreational is not necessary to allow some development of recreational facilities and new trails, as the ROD acknowledges in the case of the lower Snow River and Twentymile River scenic recommendations as the reasons stated (NOA #0012, p. 6).

The Forest Service failed to provide interim protection for eligible and candidate rivers in the 501(b) area. The 501(b)-1 Management Area prescription is not protective enough for the Martin River and Lake as is outlined in the FEIS: Suitability Factor #3: Effects of Non-designation. Management under ANILCA 501(b) -1 Management Area prescription does not manage the area for its primary purpose, ensuring the conservation of the river habitat of fish and wildlife resources in the area (NOA #0012, pp. 13-14).

It is not appropriate to rely on an unfounded fear of effects from congressional designation. The Regional Forester inappropriately relied on the stated reason that "most Cordova resident" opposed congressionally designated Wild and Scenic Rivers based on "options for management of fish and wildlife habitat may be curtailed with such a designation." The public record shows that 64 of the 102 different Cordovans that commented supported Wild and Scenic Rivers and or congressionally designated Wilderness for areas of the Copper River Delta and Prince William Sound (NOA #0012, pp. 14-15).

The environmental analysis was inadequate (NOA #0012, p. 14).

The FEIS fails to give comprehensive analysis on the effects the CAC road corridor would have on the ORVs of the Martin River and its related tributaries (NOA #0012, p. 14).

#0014

Disagrees with decision not to recommend the Cooper and Martin Rivers for Wild and Scenic River designation (NOA #0014, p. 2).

The Copper River and the Martin River should forever be left wild, roadless and no trails along the river corridors. These rivers and their tributaries deserve immediate Wild & Scenic River Status that forever ban jetboats, airboats, jetskis and all motorized vessels from running the river (NOA #0014, p. 2).

#0017

The processes used to recommend Wild and Scenic Rivers for designation was flawed (NOA #0017, p. 13).

The Forest Service failed to properly evaluate and consider “eligibility” of candidate and inventoried rivers; properly consider and recommend “suitable” rivers for inclusion in the System; protect outstandingly remarkable features by arbitrarily recommending lower classifications on suitable rivers; assure appropriate management and interim protection for eligible rivers in the Plan; follow the precedent set forth by congress in the ANILCA of 1980 and establish management boundaries of one-half mile from each side of the designated river (NOA #0017, p. 13).

#0027

The Agency’s Wild and Scenic River evaluation and recommendations are not consistent with the purposes and intent of the Act. The process used to determine Wild and Scenic River suitability was flawed (NOA #0027, p. 1).

The Agency applied two additional suitability factors not authorized by the Wild and Scenic Rivers Act, public support or opposition to designation, and whether or not designation as a wild and scenic river is the “best method” of protecting an eligible river (NOA #0027, pp. 1-2).

The Record of Decision consistently discounts support and overemphasizes opposition to river designation (NOA #0027, p. 2).

In applying the “best method” of providing protection factor, the agency has clearly exceeded its authority (NOA #0027, p. 2).

The agency’s decision to divide three suitable rivers into two segments each and propose the segments as individual units is not authorized by the Act. The division of Sixmile Creek and the Snow River into two separate river recommendations is not consistent with the Wild and Scenic Rivers Act. The divisions allow the agency to claim that it is recommending that 9 rivers be added to the system, when in reality only six rivers are so recommended. This treatment is not consistent with the Act. Nor is it consistent with Forest Service policy for Tongass national Forest rivers. There is no basis in law or policy for the agency’s decision to split the three Chugach Forest rivers into individual river proposals (NOA #0027, pp. 14-15).

The possibility that designation might be incompatible with state management is not a suitability criteria allowed under the Wild and Scenic Rivers Act. Whether the State and or other landowners would oppose designation is not a criterion for suitability under the Act. (Canyon Creek, Martin River and Lake) (NOA #0027, pp. 8 and 11).

Navigational considerations are not criteria for suitability under the Wild and Scenic Rivers Act. River/Lake systems incapable of being navigated can qualify for addition to the System. (Portage Lake) (NOA #0027, p. 9).

The rationale provided for Wild and Scenic River recommendations in the Record of Decision is flawed and inadequate (NOA #0027, p. 1).

The rationale for the suitability classifications given for five of the six rivers recommended for the System does not support the classifications. Five of the six rivers found suitable and recommended for inclusion in the System are given a classification or classifications lower than their eligibility classifications. The decision to downgrade five

rivers to less protective classification is not supported by the reasons provided (NOA #0027, p. 2)

The route of the potential CAC road is essential to the evaluation of the claim that construction of a road to CAC lands would be hindered by Wild designation or by Scenic or Recreational designations. In the absence of such analysis, the ROD does not support the decision to delete the Wild River recommendation for the upper 15.5-miles of the Nellie Juan River (NOA #0027, pp. 2-3).

The reasons offered for downgrading the Twentymile River complex from Wild to Scenic reflect the agency's desire to retain the option to develop more intensive recreational facilities and perhaps to allow other developments. This is not a sufficient basis for downgrading the river to Scenic (NOA #0027, pp. 3-4).

The ROD does not support the downgrading of Sixmile Creek and East Fork Sixmile Creek to recreational status. The ROD's rationale for the downgrade from scenic to recreational could, without a single word change, apply to scenic designation for both segments. This fact suggests that the ROD was drafted with the intent to recommend scenic designations, but that a last minute decision was made to recommend the less protective recreational status (NOA #0027, pp. 4-5).

The ROD does not support the decision to downgrade the Lower Russian River to recreational. Because downgrading a river segment to recreational is not necessary to allow some development of recreational facilities and new trails, as the ROD acknowledges in the case of the lower Snow River and Twentymile River scenic recommendations as the reasons stated (NOA #0027, p. 6).

The rationale for declaring numerous eligible rivers unsuitable is flawed and does not support the decision not to recommend Bear Creek, Canyon Creek, Palmer Creek, Portage Lake, the Kenai River, Coghill River, Cascade Creek, Martin River and Lake, Alaganik Slough and Unnamed Tributary, Copper River - Upper and Lower, Bering River and Lake, Katalla River, Nellie Martin River, and Number 1 River for addition to the System (NOA #0027, pp. 7-15).

The MS Access database of public comments doesn't support the opposition/support for designation statements in the ROD (NOA #0027, pp.7-15).

The ROD rationale related to the potential hindrance of mining operations (Bear and Canyon Creeks), the treatment of bark-beetle-infested timber (Bear Creek), other management area prescriptions protecting the ORVs and free-flowing conditions (Palmer Creek, Portage lake), and the claim that management options would be foreclosed with a wild river designation (Martin River and Lake) is not supported by Appendix D or Chapter 3 of the FEIS (NOA #0027, pp. 6-9 and 10-11).

The possibility of a wilderness designation does not support the decision to find the river unsuitable. (Coghill River and Cascade Creek) (NOA #0027, pp. 9-10).

The Forest Service chose to cater to local commercial interests that reflexively oppose increased safeguards for the forest's rivers. The agency chose to brush off citizens supporters of river protection with a rationale in the ROD that is outstandingly remarkable for its careless and unconvincing reasoning and its obvious hostility to the purposes of the Act (NOA #0027, p. 17).

The environmental analysis for Wild and Scenic rivers was inadequate (NOA #0027, p. 15).

The Forest Service failed to offer an alternative using the ANILCA standard of one-mile-wide river corridors. The agency has ignored the intent of Congress in ANILCA by refusing to consider an alternative utilizing the ANILCA corridor width standard. No explanation is offered for this arbitrary omission (NOA #0027, p. 15).

The Forest Service failed to offer an alternative for rivers proposed by citizens and citizens' organizations but found ineligible by the agency (NOA #0027, p. 15).

The agency did not offer for public comment an alternative that included comprehensive protection of the Sixmile complex (NOA #0027, p. 16).

The agency failed to offer an alternative that would provide complete protection of the Resurrection River by designating the East bank as Wild (NOA #0027, p. 16).

The agency declined to offer an alternative proposing Gravina River for wild designation (NOA #0027, p. 16).

Recreation Opportunity Spectrum

#0011

The environmental analysis was inadequate (NOA #0011, p. 11).

The ROS discussion and analyses in the Revised Forest Plan and FEIS are misleading and result in an underestimation of the effects of motorized recreational vehicles on the Forest. In innumerable ways the use of the ROS makes it appear as if the Forest will be more natural and wilder than it actually will be under the Revised Plan. ROS categories are used as key indicators for Recreation Settings in the Recreation and Tourism analysis, but without taking into account the failure of those categories to provide meaningful information on the nonmotorized/motorized conflict, the most serious on the Forest. The ROS categories become almost meaningless for the purpose of analyzing the important question of what degree the Chugach will be managed for primitive as opposed to mechanized recreation. The Environmental consequences discussion relies too heavily on the ROS categories. User conflicts are discussed separately, rather than integrated into this discussion of recreation settings (NOA #0011, pp.13 and 15).

#0013

The Forest Plan contains serious deficiencies, especially for Brown Bear Core Areas (NOA #0013, pp. 1 through 7).

The change in the maximum ROS class for the Brown Bear Core prescription from Semi-primitive Nonmotorized to Roaded Natural has a significant probability of impacting bears and placing them at great risk of detrimental human interactions as a result of increased human access into backcountry settings. This change is not compatible with minimizing negative bear human impacts leading to increased bear mortality (NOA #0013, p. 4).

#0017

The environmental analysis is inadequate (NOA #0017, p. 3).

The semi-primitive groups ROS is not a national standard. In creating a new ROS class the Forest Service has the responsibility to be even more diligent in analyzing the impacts associated with its application (NOA #0017, p. 37).

ACCESS AND TRAVEL MANAGEMENT ISSUES

Off Highway Vehicles

#0001

Disagree with decision to close the area north of Summit Lake, the area south of Summit Lake, areas along the Seward Highway and Sterling Highway from Cooper Landing to Summit Lake to Moose Pass, Crescent Lake/Carter Lake, the Trail River campground south of Moose Pass, and the Russian Lake Trail to Aspen Flats cabin to all winter motorized use (NOA #0001, p.2).

Sound use data was not used to support a need or even a desire by the people for such forest closure (NOA #0001, p.3).

#0003

Disagrees with the decision to close the Carter/Crescent Lake area to snowmachines as of December 1, 2002 (NOA #0003, p. 1).

Other areas will become crowded and endangered. This area provides easy access in a short time frame. It is a good beginner area. The ruling is not family friendly. Cabin use and ice fishing opportunities will be very restricted (NOA #0003, p. 1).

#0004

Disagrees with the decision to close the Crescent/Carter Lake area, the highway corridors stretching from the campground south of Moose Pass to the Summit Lake area north of Moose Pass, and the Russian Lake Trail in Cooper Landing to motorized use (NOA #0004, p. 1).

Historically these areas have been used by families to ice fish and use cabins in the winter. It is my understanding that traditional uses were not to be foreclosed in the adoption of new plans. Mechanized usage has been traditional since the days of the exploration of this area for hydro-electric site for generating electricity for Southcentral Alaska (NOA #0004, p. 1).

#0005

Disagrees with the proposed motorized closure in the Carter Lake area (NOA # 0005, p. 1).

The appellant is tired of hearing that skiers and dog mushers receive preferential consideration over people who participate in motorized sports. Users should be looked at as a whole and an attempt made to treat them all fairly (NOA # 0005, p. 1).

#0006

Disagrees with the decision to close the Carter/Crescent Lake area to snowmachines (NOA #0006, p. 1).

The appellant has used the area since 1993 for recreational snowmachining. The closure takes away a great area for those who don't have a full day. Extreme skiers and snowmachiners should not prevail (NOA #0006, p. 1).

#0007

Disagree with the motorized/nonmotorized use decisions across the forest (NOA #0007, p. 1).

Nonmotorized protection is needed in the areas of the Forest where real damage has and continues to be done to Forest Service lands; on Hinchinbrook and Hawkins Islands. There are real threats to other areas which are not now utilized by motorized vehicles but will be in the future. Of special concern are the unique island habitats of Prince William Sound, as well as drainages of the eastern side of the Kenai Peninsula. It is irresponsible to not restrict motorized use in a greater area of the Chugach national Forest. Most people wanted restricted motorized use in the remote areas of the Chugach (NOA #0007, p. 1).

#0009

Disagrees with the decision to close the Crescent Lake/Carter Lake area, the old highway between Tern Lake and Quartz Creek, and the Trail River Campground to winter motorized activities (NOA #0009, p. 1).

The Plan did not consider assisting Cooper Landing in developing trails for motorized and nonmotorized recreation so that they can develop both motorized and nonmotorized trails for winter sports (NOA #0009, p. 1).

#0011

The Plan fails to adequately protect natural quiet (NOA #0011, p. 2).

Without even attempting to explain why, the Service deleted the Developed Recreation /Reduced Noise prescription (NOA #0011, p. 2).

Motorized recreational vehicles and equipment are allowed on far too many areas of the Forest. Even in areas where recreational snowmachining has been prohibited, ridgetops separating these closed areas from open ones are open to snowmachining basically nullifying the benefit of topographical screening and making allegedly quiet areas noisy. Several of the relatively few areas that are closed to snowmachining are open to heli-skiing, again largely nullifying the benefit of snowmachine closure. The benefits to quiet recreation of several areas closed to snowmachines have been lost as a result of inconsistent and improper decisions. The benefits of providing nonmotorized recreationists with a quiet place to recreate that is free of the noise and other impacts of motorized recreational vehicles are lost if the Forest Service fails to take a comprehensive look at the closed areas and allows helicopter skiing, a motorized corridor, or snowmachining on the ridgetops above a closed valley (NOA #0011, pp. 2 and 9).

A comprehensive EIS on helicopter skiing needs to be completed on the entire forest before new permits are granted and the Forest Plan decisions on motorized access are implemented (NOA #0011, p. 3).

The Forest Service ignores backpackers by not regulating fixed-wing airplanes where appropriate (NOA #0011, p. 3).

Too few remote areas are managed for natural quiet. Opportunities to find natural quiet should be common, and they should be available in both relatively accessible and more remote locations. The Forest Service should provide more opportunities for remote quiet recreation (NOA #0011, pp. 3-4).

The 501(b)-1 prescription does not address the Natural Quiet interest as stated in the Forest Plan (NOA #0011, p. 4).

Disagrees with the allocation decision for nonmotorized and motorized recreation (NOA #0011, pp. 5-6).

The overall balance of recreational opportunities on the Forest is still substantially skewed in favor of motorized recreation. The decision to manage the Kenai Peninsula and Turnagain Arm to accommodate high levels of human use is neither balanced nor a necessary decision and one that effectively leads to a reduction of opportunities for nonmotorized recreation. This management direction is presumably responsible for the failure to recommend a single acre of wilderness and for the substantial favoritism afforded motorized recreation (NOA #0011, pp. 5-6).

The motorized/nonmotorized decisions are hardly an adequate response to written commenters on the draft Plan who expressed an opinion who supported restrictions on snowmachines on the entire Forest, snowmachines on the Kenai Peninsula and Turnagain Arm, heli-skiing, jet skis, and airboats. Nor do they correspond to the existing and estimated future use of the Forest by nonmotorized and motorized users (NOA #0011, p. 5).

On the Kenai Peninsula and Turnagain Arm, the most desirable winter recreation sites are unfairly allocated to motorized recreation. The only high quality nonmotorized opportunity provided in the Revised Plan for any of the five most desirable areas (Twentymile, Resurrection Pass, Johnson Pass, Lost Lake, and the South Fork of Snow River) is the long-standing split season at Resurrection – no new high quality opportunities have been added. Quiet recreationists continue to be treated like second-class citizens, receiving what remains after the most desirable areas have been allocated to motorized use (NOA #0011, pp. 6-7).

The Forest Service relied far too heavily on existing use patterns to make winter recreation allocation decisions on the Kenai Peninsula and Turnagain Arm. This is an inappropriate criterion since it fails to adequately consider the substantial impact that displacement has had on this region and therefore unfairly favors the dominant, displacing form of recreation, motorized use (NOA #0011, p. 7).

Despite acknowledging the displacement problem, the Forest Service grossly underestimates its extent. The Forest Service has made no effort to analyze this critical issue. Initial Forest Plan decisions were based on existing use patterns, not on which areas are suitable for particular types of recreation and would be desirable should the service provide a high quality opportunity in the area (NOA #0011, p. 8).

A Forest Service rationale for greatly favoring winter motorized use on the Kenai and Arm was that such opportunities were limited elsewhere in the region. The Forest Service's description of existing winter recreation opportunities in the region is inaccurate (NOA #0011, p. 8).

The Forest Service has failed to provide an adequate balance of relatively accessible and more remote winter opportunities for quiet recreationists. The Forest Service has chosen to provide quiet recreation opportunities primarily "near existing roads" and in doing so has failed to provide adequate remote quiet recreation opportunities (NOA #0011, p. 9). The environmental analysis was inadequate (NOA #0011, p. 11).

The Revised Plan and FEIS inaccurately and misleadingly state and suggest that the Chugach will be managed to protect its wild and natural character. The prescription descriptions in the Revised Plan are very misleading and result in an underestimation of the effects of motorized recreational vehicles on the Forest. The activities tables are misleading as well. The draft Plan table did a far better job of representing the prescription, with categories for both summer and winter motorized recreation, and for motorized access for subsistence – but these are deleted in the Revised Plan leaving the misleading impression that the Wilderness Study Area (as an example) will be free of the effects of motorized vehicles except for presumably rare administrative and permitted uses (NOA #0011, p. 12).

The analysis of the individual and cumulative effects of motorized recreational vehicle use on the resources and uses of the Forest is inadequate and needs to be supplemented. The effects of summer cross-country ORV travel on soils, vegetation, water quality, fish and wildlife habitat, and other users, are not addressed at all. The analysis of the effects on biodiversity due to fragmentation and perforation from recreation and access management fails to take into account extensive cross-country snowmachine travel. For a discussion of the effects of motorized recreational vehicles on wildlife, please see the appeal submitted by the Wilderness Society, which we incorporate herein by reference. The effects discussion of the effects of motorized recreational vehicle use on nonmotorized users and others seeking quiet is woefully inadequate. The FEIS fails to consider recreational conflicts in its discussion of Recreation Settings. The effects of cross-country summer ORV travel or the extensive tracking of the snowscape on the scenery are not analyzed (NOA #0011, pp. 14-15 and 17).

A major flaw was the FEIS's failure to adequately address the concept of quality of experience and in particular displacement. The effects of motorized recreational vehicle use on displaced users have not been quantitatively analyzed at all, nor adequately analyzed quantitatively (NOA #0011, p. 15).

The analysis of recreation conflicts is far too cursory. It fails to mention the adverse effect of extensive snowmachine tracks on scenic snowscapes. And there is no discussion of the significant philosophical underpinnings to the nonmotorized/motorized conflict. No mention is made of the conflict regarding heli-skiing and hiking, nor are conflicts with jet skis or airboats. The discussion of these activities is grossly inadequate. A substantial motorized bias is clearly evident and insufficient attention and consideration is given to truly, low impact, muscle powered forms of recreation (NOA #0011, pp. 15-16).

The cumulative effects analysis is seriously deficient in addressing conflicts, even though it acknowledges that "winter recreation motorized and nonmotorized access was the biggest and most controversial situation addressed in alternative development" (NOA #0011, p. 16).

There is no analysis of the effect of allowing heli-skiing in several areas closed to snowmachining, or of allowing snowmachining on ridgetops above such areas (NOA #0011, p. 16).

There is no discussion of the pros and cons of different allocation methods, and very little discussion of why particular ones were applied to particular areas (NOA #0011, p. 16).

There is no, or virtually no, discussion of the effects of jet skis, airboats, jet boats, other motorboats, and fixed-wing airplane landings and overflights on nonmotorized users (NOA #0011, p. 16).

There is no definition of over-the-snow-vehicles. It presumably includes vehicles like four-wheelers which can have substantially different effects than snowmachines, yet nowhere are those effects discussed. This is a serious flaw (NOA #0011, p. 16).

There seems to be no suggestion that other effects of motorized recreational vehicles will be monitored, and there is no discussion of the Forest Service's present enforcement capability or future plans (NOA #0011, p. 17).

#0015

Disagrees with all winter motorized area closures on the Kenai Peninsula including the Crescent/Carter Lake area, area north of Summit Lake, Russian Lakes Trail to Aspen Flats Cabin, Bear Lake area in Seward, areas along the Sterling and Seward Highways from Cooper Landing to Summit Lake and Moose Pass, the Trail River Campground, and the North Fork of Snow River (NOA #0015, p. 2).

Input by local governments such as the Kenai Peninsula Borough, City of Soldotna or the City of Seward has basically ignored by the Planning Team and Deciding Officer. The Kenai Peninsula Borough Resolution 2000-108 dated 11/21/00 includes a Forest Service quote that they have not completed any scientific studies to support the closing of areas to snowmachines based on social or economic conflicts (NOA #0015, p. 3).

A clear, disproportion exists between winter motorized and nonmotorized users regarding FS cabin availability and access (NOA #0015, p. 4).

0016

Object to the closing to winter motorized use of the Carter/Crescent Lake area including the area bordering the Seward and Sterling Highways, the Seward Highway corridor north of the Sterling-Seward Highway junction and the Quartz Creek drainage, the summit Lake area north of Moose Pass, the Russian Lakes Trail in Cooper Landing, and the Trail River Campground in the Moose Pass area (NOA # 0016, p. 3).

The Forest Service violated 36 CFR 219.12 by not involving the public at key points in the Environmental Analysis process: denying the public the right to comment on proposed closures (closures were not included in any of the alternatives nor in the draft preferred alternative that the public review, and not holding any meetings in Moose Pass (the most severely impacted by these closures) to inform public of the closures being considered (NOA # 0016, p. 3).

There are inconsistencies between the EIS, the Revised Management Plan and the Winter Motorized map. Both the EIS access appendix and the RMP show the Old Sterling Highway as being open to motorized winter use. The Winter Management Plan map shows the entire area as being closed to motorized use. The EIS and the RMP show this long-abandoned road as 0.9 miles long. This road actually is about eight to nine miles long (NOA # 0016, p. 6).

#0017

The environmental analysis is inadequate (NOA #0017, p. 3).

The Forest Service management decisions are biased toward winter motorized use on the Forest. There is not a single alternative considered in the forest planning process that would have closed the entire Forest to recreational snowmachine users. The Forest Service management bias in favor of motorized uses is not reflective of the projected trends for recreational uses on the Chugach. The information the Forest does have does not support the strong bias toward winter motorized recreation. Given that the Forest currently experiences and is projected to continue to experience more cross-country skiing visits than snowmachining visits (FEIS) it is not reasonable that the Forest be so heavily weighted in favor of snowmachine recreation (NOA #0017, pp. 17-18).

The FEIS fails to analyze the cumulative impacts of snowmachine or other recreational motorized use emissions (NOA #0017, pp. 27).

The Forest Service has failed to complete any environmental analysis of the impacts of summer motorized uses, including helicopters on forest values such as wildlife; impacts to soils or vegetation; or on motorized subsistence uses. Nor is there any apparent plan to monitor or manage these uses such that detrimental and/or significant impacts to forest resources will be mitigated or avoided (NOA #0017, pp. 28-29).

The FEIS does not analyze the potential environmental effects or impacts the large areas open to both winter and summer motorized use will have on brown bears. The Forest Service has done an insufficient and incomplete analysis of existing studies and potential impacts from motorized uses (including helicopters) on brown bear. The FEIS does not analyze the impacts to brown bears from widespread motorized use on the Forest, including summer motorized uses snowmachines and helicopter, road and trail building on the Kenai and rising DLP kills (NOA #0017, pp. 31, 33).

The FEIS does not sufficiently analyze environmental effects from the new Backcountry prescription. The "Backcountry" prescription, which originally was non-motorized, is now motorized (NOA #0017, pp. 36-37).

The Forest Service failed to make an integrated plan for all the land and resources of the Chugach National Forest (NOA #0017, p. 39).

The environmental analysis with regard to motorized uses is inadequate. The Forest Service has not developed sufficient information or knowledge regarding recreation uses and impacts of those uses on the Forest, which violates NEPA. Without such information the appellant believes the agency is hard pressed to make decisions regarding recreational uses that accurately reflect the needs and desires of forest users. There is no impacts analysis of OHV's or airboats operating outside of established water bodies or flowing channels, motorized uses on lakes or rivers providing access for floatplanes, jet boats and airboats, or motorized uses on submerged lands in the final plan. The Forest Service is legally mandated to consider all activities on the forest and on adjacent lands and waters in the cumulative impacts analysis regarding motorized uses in order to be in compliance with NEPA and NFMA. The Forest Service is legally mandated to manage forest values across the forest, including waters within the boundary of the forest, and analyze impacts to forest values from activities within and adjacent to the Forest. The Revised Forest Plan has failed to plan for or make management decisions regarding water bodies, such as lakes, streams and rivers on the Forest. This is a violation of NEPA. There are impacts from motorized uses on waters, particularly from jet skis and airboats that need to be addressed (NOA #0017, pp. 14-15, 35).

#0020

Disagrees with the decision to close areas of the Forest to snowmobiles (NOA #0020, p. 1).

The Plan does not address the generations of family winter activities such as snowmobiling for the local Alaska families (NOA #0020, p. 1).

The Plan limits use of many Forest Service cabins already in place by closing access to snowmobiles to these areas (NOA #0020, p. 1).

Tax dollars are used for special interest groups rather than working on more and better access for all (NOA #0020, p. 1).

#s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355

The environmental analysis is inadequate (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

The Forest Service Plan does not provide a balanced allocation of lands for motorized and nonmotorized use (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

The effects of jet skis on forest resources are not analyzed (NOA #s 0023; 0026; 0028 - 0040; 0056 - 0204; 0206 - 0220; 0221 - 0344; 0346 - 0355, all p.1).

#s0021 and 0024

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake to Moose Pass, the Trail River Campground south of Moose Pass, the area north of Summit Lake, and the Russian Lakes Trail to Aspen Flats Cabin to all winter motorized use (NOA #s 0021 and 0024, p. 1).

Closings will have a dramatic negative impact on principle business. Loss of winter revenue will certainly lead to our inability to remain open and operational during the winter months and will create a financial hardship that will eventually lead to the complete year-round closing of our facility (NOA #0021 and 0024, pp. 1-2).

#0025

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Seward Highway from Summit Lake to Moose Pass, and the area north of Summit Lake to all winter motorized use (NOA # 0025, p. 1).

Responsible official did not provide early, frequent and publicized opportunities to participate in the Final Plan approval process (NOA # 0025, p. 1).

#0042

Disagrees with decision to close the Carter Lake Trail and the Lower Russian Lake Trail to Aspen Flats, to snowmachine use (NOA #0042, p.1).

I am a senior citizen who enjoys using a snow machine to travel to Carter Lake to ice fish. I work away from home so don't have much time to do this kind of thing. We used to go to Lower Russian Lake by snow machine and ice fish (NOA #0042, p.1).

#0043

Disagrees with the decision to close Carter/Crescent Lake Trail and surrounding area to winter motorized use (NOA #0043, p. 1).

Outright closure of any area or trail to any group is wrong (NOA #0043, p. 1).

Closing this area will in a sense close the area to almost everyone (99% of all mid-winter use) (NOA #0043, p. 1).

What your plan states is that if you're old, out of shape, disabled, or even the average American you may not enjoy the Carter/Crescent area (NOA #0043, p.2).

#0044

Disagree with the decision to close the Carter/Crescent Lake area to motorized users (NOA #0044, p.1).

It is a good location for families with children. I want to ice fish with my Dad and Grandpa. It is a good place for parents to take kids to learn how to snowmachine. It is a fun place to go. It is easy for kids (NOA #0044, p. 1).

#0045

Disagree with decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass to all winter motorized use (NOA # 0045, pp. 2-3).

No meetings were held in Moose Pass or Cooper landing the most highly affected communities. The EIS 3-508 clearly states that residents of affected areas would have input into the planning decisions. This was ignored by the Forest Service. The meeting conducted in Seward was not well advertised especially to residents in Moose Pass. 36 CFR 219.12 providing for early, frequent and open participation by communities during the planning process never occurred. Moose Pass and Cooper Landing were never advised of any drafts or comments concerning the closure of Crescent Lake/Carter Lake, Tern Lake, Summit Lake, and Trail Lake (NOA # 0045, pp. 2-3).

#0046

Disagrees with the decision to close Crescent Lake, Carter Lake, highway corridors along the Seward and Sterling Highways from Cooper Landing to Summit Lake and Moose Pass, Trail River Campground located south of Moose Pass, and Russian Lakes Trail to Aspen Flats cabin to all winter motorized use (NOA #0046, p. 2).

The public was not involved at key points during the environmental analysis process therefore violates proper public disclosure and due process. No public meetings were held in the most highly affected communities. The meeting in Seward was not well attended because it was not advertised properly. Following the decision to close these areas, no further drafts were released for comment (violates 36 CFR 219.12) (NOA #0046, p.2).

The Revised Forest Plan is entirely inconsistent and contrary to the Regional Forester's stated goal to "maintain current road access and maintain and increase trail access" on the Kenai Peninsula (NOA #0046, p.2).

The areas closed are located directly adjacent to the road system and represent the corridors by which local residents have traditionally and historically accessed the forest (NOA #0046, p.3).

None of the closures were included in the Proposed Revised Forest Plan's preliminary alternatives on which the public submitted comments. The public had no knowledge that these areas would be closed to snowmobiling and were prevented from commenting on these proposed closures. None of the alternatives or the draft preferred alternative included the possibility of winter-long closure of these most popular snowmobiling areas (NOA #0046, pp.2 and 3).

The environmental analysis was not adequate (NOA #0046, p.6).

There was no scientific analysis done to determine the impact of year-round snowmobile closures on user groups such as the elderly, people with disabilities, families with children, and the resultant Plan disparages these groups. Closure will leave very few areas accessible to families. The Barber Cabin is the only ADA-accessible cabin available to people with disabilities. There is a strong disparity in favor of backcountry recreation opportunities, which only benefit elite athletes, at the expense of the average recreationalist (NOA #0046, p.6).

The Preferred Alternative misleads the public, as it claims to "emphasize winter motorized recreation." In this particular area there are only reductions proposed in winter motorized use. There have been no additional areas open to motorized recreation, nor has there been any consideration given to open areas previously closed to snowmobiling (such as Resurrection Pass) (NOA #0046, p.6).

There are areas on the map which are shown to be closed to winter snowmobiling but these areas are shown as open in the EIS (Russian Lakes Trail, Primrose Trail, Old Sterling Highway). This makes it more difficult for the public to understand the changes (NOA #0046, p.6).

#0047

Disagrees with decision to implement new closures of the Turnagain Pass area, seasonal closures of the Resurrection Pass area, all closures in the Russian River area, closures along the Seward Highway including new or additional closures at Manitoba mountain, Summit Lake, Tern lake to Cooper Landing, Tern Lake towards Trail Lake, Crescent and Carter Lakes, Trail River Campground, Snow River and North of Bear Lake, to winter motorized use (NOA #0047, p. 1).

These winter motorized closures are unwarranted and unwanted by the local Forest communities and the vast majority of other Alaskans (NOA #0047, p. 1).

The areas designated for closure are traditionally used by my family and neighbors and all other user groups and have been for many years. I see no reason to suggest that this area is not properly being utilized as currently managed. There are no detrimental impacts on the Forest. The Revised Plan, though discussed for years, is vastly different than any of the suggested alternatives (NOA #0047, p. 2).

These closures pose a great financial hardship to the community and the potential destruction life style of individuals and families living in these areas. In finalizing the Revised Plan the USDA FS has not consulted or briefed the local community. We (Moose Pass) were discriminated against in terms of equal right to input. The meetings should have been easily attended, accessible and well advertised in the community (NOA #0047, pp. 1 and 2).

There are no areas off limits to nonmotorized users (NOA #0047, p. 3).

#0048

Disagrees with the decision to close Crescent Lake/Carter Lake, the Sterling and Seward Highways from Cooper Landing to Summit Lake and Moose Pass, the Trail River Campground, Summit Lake, and the Russian Lakes Trail to Aspen Flats Cabin to all winter motorized use (NOA #0048, p. 1).

The closures will create catastrophic limitations of access to the Forest (NOA #0048, p. 1).

#0049

Disagrees with decision to close the following areas to motorized use, the Turnagain Pass east and lower Turnagain Pass west areas, Pyramid Mountain, Manitoba Mountain, Mills Creek, Fresno Creek, Devil's Pass, Quartz Creek, Carter and Crescent Lakes area, Russian River Trail, Black Mountain, Grayling and Meridian Lakes area, Snow River and Tie Hack Mountain areas (NOA #0049, p. 2).

If only nonmotorized users are allowed in the areas designated for closure to winter motorized use, particularly Carter-Crescent, land between Moose Pass and Cooper Landing, and north from Moose Pass to the Summit Lake area, only the few strong skiers and people who are very physically fit will actually use them. Not the average mother and father with children wanting to have a winter picnic away from the houses and the highway (NOA #0049, p. 2).

#0050

Disagrees with the decision to close to all winter motorized use areas along the Seward and Sterling Highways from Moose Pass to Summit Lake and Cooper Landing; the Crescent Lake/Carter Lake area; the Trail River Campground; and, Russian Lakes Trail to Aspen Flats Cabin (NOA #0050, p.1).

The public (specifically communities most affected by closures) were not directly involved in the final stages of the analysis process. Follow-up meetings were not held in Moose Pass. The follow-up meeting in Seward was poorly advertised and not well attended. No further drafts were released for comment. 36 CFR 219.12 and EIS 3-508 were violated (NOA #0050, p.1).

Areas closed to winter motorized use for the entire winter in the final decisions are not shown in any of the alternatives or in the Draft Preferred Alternative that the public reviewed. The decision to close four popular snowmachine areas (Carter/Crescent Lake, Lower Russian Lakes, Tern Lake, and west and north of Summit Lake) year round is not a component of any alternative (NOA #0050, p.2).

#0051

Disagrees with the decision to close the Crescent Lake/Carter Lake area, areas along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass, the Trail River Campground South of Moose Pass, the area north of Summit Lake to all winter motorized use (NOA #0051, p. 1).

I feel that I as an individual, and all the residents of the Moose Pass area, have been denied access to information regarding these decisions. One meeting was held in Moose Pass early on in the development of the land use plan but no follow up meetings were held in Moose Pass that would have informed the residents of this alternative. To force

people to travel outside the affected communities to attend a meeting was unreasonable (NOA #0051, p. 2).

The preferred alternative closes the most popular areas that are used by snowmachiners (NOA #0051, p. 2).

The decision for snowmachine closures for the entire winter is not based on sound use data that supports the need and demand for more areas to be closed to snowmachining. The Purpose and Need in the Draft EIS stated that popular winter motorized areas will be kept open. The final decision reflects a complete change in this policy. There are many other areas that could have been considered for quiet winter recreation that motorized users can't use because of unsuitable terrain but skiers and snowboarders can use. There is no need to close these areas in order for people to enjoy quiet winter recreation in this area (NOA #0051, p. 3).

#0053

Disagrees with the decision to close Crescent/Carter Lake area, the highway corridors along the Sterling Highway and Seward Highway from Cooper Landing to Summit Lake and Moose Pass, the Trail River Campground south of Moose Pass, an area north of Summit Lake, and the Russian lakes Trail to Aspen Flats cabin to all motorized activities (NOA #0053, p.4).

The possibility of a permanent closure to the Crescent/Carter Lake area and all of the areas I have mentioned in my appeal were not in the Draft EIS. If the proposed closures were anywhere in the planning process, whether it just be in thought or on paper, it should have been made known to the public and we should have been able to comment (NOA #0053, p.4).

The regulations state that diversity, individual choice and a wide sharing of life's amenities are a goal of the plan. How does the decision to close four historically proven popular snowmachine areas, all in close proximity to each other, give us any of the above choices? (NOA #0053, p.4).

The Revised Land and Resource Management Plan should have been made available in at least one additional location convenient to the public. Moose Pass and Cooper Landing are both rural communities and a common and convenient place of access is the Post Office. Had the residents and other forest users been made aware of the drastic changes in the Final Plan, they would have approached and appealed this plan in a much timelier fashion. Most did not learn of this until a newspaper article written on October 3, 2002 came out in the Seward Phoenix log stating, "Snowmachiners lose territory" (NOA #0053, p.5).

The Russian Lakes Trail along with Crescent/Carter Trail are the only two trails with cabins in this area of the plan, that provide an opportunity for families with smaller children to go on a day outing and overnight in the cabins. Russian Lakes Trail up to Aspen Flats is the only handicapped accessible trail with a cabin available in this part of the Forest (NOA #0053, p.6).

Each of the closures in the areas mentioned, have particular activities that are traditional and have been for many years that will be prevented, some of these being hunting, fishing, woodgathering, picnicking sightseeing, overnight cabin use, etc. To people who are fortunate enough to live in "subsistence areas" none of the closures will apply, as they

will be able to carry on with their traditional uses. How is this fair to all? (NOA #0053, p.6).

One other traditional activity, which involves the local school ski group, mothers with tots and other young children, is skiing in the Trail River Campground area. They have been skiing there for years, as the trails have been well maintained by snowmachines (NOA #0053, p.7).

#0054

Disagree with decision to close Carter Lake and Crescent Lake area, Russian Lakes Trail to Aspen Flats Cabin, the area north of Summit Lake, Forest areas along the Sterling Highway and Seward Highway between the communities of Cooper Landing, Hope, Summit Lake and Moose Pass, Trail River Campground south of Moose Pass, the Snow River areas, and the Resurrection Pass Trail to winter motorized use (NOA #0054, p. 2). The USDA FS has not been forthright in their presentation of this Revised Plan to our community. Initial presentations with alternatives were described as a limited compromise to expand nonmotorized use in the Forest. The Final Plan is drawn from details never presented to the community and includes wholesale closures and changes from nearly fifty years of management practice. The provisions of the Final Plan that are the primary subject of our appeal were not in any of the alternatives presented to the Moose Pass Sportsman Club and community members at our local meeting (NOA #0054, pp. 2-3).

The USDA FS has inadequately studied the impact of this radical closure on the Moose Pass community. There appears to be minimal scientific data to support the need to implement this Revised Plan (NOA #0054, p. 2).

Moose Pass was not included in review of the final draft. The March 2001 meetings did not include the most affected communities of Moose Pass and Cooper Landing in a review of the working drafts. Moose Pass as a rural community was inadequately notified of meetings and plans (NOA #0054, p. 3).

The suitability of the winter areas for motorized and nonmotorized use is questionable. Much of the land prescribed as open to motorized use is steep and dangerous to all but the most extreme users. The Carter/Crescent Lake area allows access to average, moderately skilled, riders and offers high quality areas for use. If reserved for nonmotorized use only a select few highly proficient skiers will be able to use this area. The mapped closures effectively cut off access to larger backcountry areas not prescribed as closed (NOA #0054, p. 7).

Inconsistencies between text and maps prevent adequate protection to users and could lead to citations for encroachments to closed areas (NOA #0054, p. 7).

Areas closed to Moose Pass residents for winter-motorized use are in fact open to Cooper Landing and Hope residents for subsistence use. The use of these land exclusively as quiet and nonmotorized cannot be assumed (NOA #0054, p. 7).

#0055

Disagrees with the decision with regard to motorized/nonmotorized winter access (NOA # 0055, p. 2).

The published preferred Alternative was never one of the alternatives presented to the Forest Service by either the IDT team or any of the other working groups involved in this

36-month process. It concerns us that, although the published public comment period was technically a 90 day period beginning September 14, 2000 the process of determining closures and prescription changes to existing land use in the Chugach Forest were begun in 1999. We refer to a letter dated May 18, 1999 from Forest Supervisor Dave Gibbons addressed to Senator Frank Murkowski. In that letter Supervisor Gibbons makes it very clear and states “it is necessary to restrict or prohibit motorized uses in some areas in order to provide for the interests of people who want quiet recreation experiences or wilderness conditions maintained”. It is obvious from the language in the letter that the Forest Service had made pre-determined decisions that would not be affected by public input (NOA # 0055, p. 2).

The Forest Service created an ad-hoc committee in 1999 to address user conflicts between motorized and nonmotorized users. The committee developed several scenarios that satisfied the access and conflict issues brought to the table by each of the groups. While these proposals satisfied the constituents of both motorized and nonmotorized users involved, the Forest Service declined to propose these solutions in any of the preferred alternatives, even in light of inclusion of several of these proposals in the IDT team recommendations such as temporal zoning of areas in which conflicts were identified (NOA # 0055, p. 2).

While the Forest Service held public comment forums in several of the larger communities, those most directly affected were not included. One of the most affected communities, Moose Pass, was not on the list of follow-up meetings, even though one of the closures would isolate the Crescent/Carter Lake communities (NOA # 0055, p. 2). One final objection that the Alaska State Snowmobile Association has is the deviation from the Forest Service’s own interpretation of the ANILCA Section 1110a provisions for snowmobile use in Forest Units. See EIS Appendix K-14, the Forest Service’s own response to Comment 07, Access Management Section. As the Forest Service is well aware, no such resource detriment has been determined to meet the justification they themselves detail in this section (NOA # 0055, p. 3).

#0205

Disagrees with the decision to close the Carter/Crescent Lake area to winter motorized use (NOA # 0205, p. 1).

The Forest Service misrepresented their intentions by suggesting that there would be more public meetings (after fall and winter of 2000) addressing the status of the Plan (NOA # 0205, p. 1).

The EIS does not support this decision. Analysis does not take into account: 1) the effect the closure of this area will have on local businesses; 2) the revenue impacts of the motorized community; and, 3) new areas of access for the majority (motorized) group (NOA # 0205, p. 1).

The decision to close this as well as other areas is not founded on nor based on sound data (NOA # 0205, p. 1).

#0356

Disagree with decision to closure the Carter/Crescent Lakes area, the Sterling Highway and the Seward Highway from Cooper Landing to Summit Lake and Moose Pass, the Trail River campground on Kenai Lake, south of Moose Pass, the area north of Summit

lake, and the Russian Lakes Trail to Aspen Flats cabin to all winter motorized use (NOA #0356. p. 3).

Input by local governments (Kenai Peninsula Borough, Soldotna and Seward) was largely ignored (NOA #0356. p. 3).

No scientific analysis was completed in determining the impact of year-round snow machine closures on certain user groups – families with young children, elderly, and people with disabilities, etc. (NOA #0356. p. 4).

Closures together effectively block travel between the communities of Moose Pass, Cooper Landing, and Summit by snowmachine (NOA #0356. p. 5).

Closures will drastically increase the impact on the remaining open areas. Since I see no main trail improvements in the near future to accommodate the increased traffic, travel safety will most likely suffer (NOA #0356. p. 5).

#0357

Disagree with decision to close the Crescent/Carter Lake area, the areas along the Sterling Highway and the Seward Highway from Cooper Landing to Summit Lake and Moose Pass, Trail Lake Campground south of Moose Pass, the area north of Summit Lake, and the Russian Lakes Trail to Aspen Cabin to all winter motorized use (NOA #0357, p. 2).

With the closure of these areas, I will not be able to do any of the things I do to provide for my family and make a small income (trapping, hunting, fishing, and logging for firewood) (NOA #0357, p. 2).

#0358

Disagrees with the decision to close numerous local areas in and around Seward and Moose Pass, specifically the closing of Crescent/Carter Lakes, the Sterling and Seward Highways from Cooper Landing to Summit Lake and Moose Pass, Trail River Campground, and other areas closer to Seward to motorized winter use (NOA # 0358, p. 1).

Traditional use for recreation, travel and subsistence use will be disrupted by these closures (NOA # 0358, p. 1).

The final decision did not reflect the alternatives the public had a chance to comment on. The public was blindsided and given no chance for input (NOA # 0358, p. 1).

#0359

Disagrees with the closure of Resurrection River Trail to horses and snowmachines (NOA #0359, p. 1).

No reason or justification of closure is given, the trail has been open to horses and snow machines since its construction (NOA #0359, p. 1).

Disagrees with the closure of Primrose Trail to snowmachines (NOA #0359, p. 1).

Traditional access route to Lost Lake by both snow machine and skiers should remain open to snow machines due to its popularity and exceptional use (NOA #0359, p. 1).

Disagrees with the decision to close Carter Lake Trail to snowmachines (NOA #0359, p. 1).

Areas providing good access to snow machines and poor access to skiing should be open to all users in winter as well as motorized to the lake in summer providing access to people who could not otherwise use the area (NOA #0359, p. 1).

Disagrees with the decision to close the Resurrection Pass Trail to snowmachines February 15 (NOA #0359, p. 1).

Examples of areas being closed without real public input is Resurrection Pass Trail. Skiers had a meeting with the Forest Service and then it was closed February 15 to snow machines. Little or no other public input (NOA #0359, p. 1).

#0360

Disagrees with the decision to close the Trail River Campground and the Crescent Lake/Carter Lake areas to all motorized use in winter (NOA #0360, p. 2).

There seems to have been no public input as to whom the closure of the Trail Lake campground road would affect. This road has always been multi user friendly (NOA #0360, p. 2).

Stopping winter motorized use on the Carter/Crescent Lakes trail would make this a private playground for a select few skiers and snowshoers. I have heard no complaints from users of this trail since most skiers seem to go to Manitoba which is a few miles north of Carter/Crescent Trail and is a nonmotorized use area (NOA #0360, p. 3).

#0361

Disagrees with the decision to close the Crescent and Carter Lakes area, Trail River Campground, areas along the Seward Highway from Moose Pass to Summit Lake to all winter motorized use (NOA #0361, p.1).

No public meetings were held in Moose Pass (most affected community) to discuss closures. 36 CFR 219.12 was violated (NOA #0361, p.1).

#0362

Disagrees with the motorized/nonmotorized use decision (NOA #0362. p. 1)

Ignored public input that was provided by several groups to help with the motorized/nonmotorized conflict. Input from local governments like Cooper Landing, Moose Pass, and Seward to name a few was ignored (NOA #0362. p. 1).

The public did not get a chance to comment on the now closed areas (NOA #0362. p. 1).

The final plan has several areas that are closed to motorized use that were not in any other draft plan that I can remember reviewing during the planning sessions. These areas were apparently added to the nonmotorized areas even after an overwhelming public demand to not have any closures. The public did not get a chance to comment on the now closed areas (NOA #0362. p. 1).

#0363

Disagrees with the decision to close the Crescent and Carter Lakes area, Trail River Campground, and areas along the Seward Highway from Moose Pass to Summit Lake to all winter motorized use (NOA #0363, p. 1).

Prohibiting motorized winter access severely inhibits nonmotorized access by impeding the educational experience of the local students and the recreation of many nonmotorized

users who prefer/require a snowmachine trail to follow. An established trail for cross-country skiing is needed when instructing children (NOA #0363, p. 1).
The closures discriminate against young families because we cannot use the Carter and Crescent Lake cabins (NOA #0363, p. 1).

#0364

Disagrees with the decision to close for the entire winter the Lower Russian Lakes, the entire area around Tern Lake, the area north of Summit Lake, and the Carter/Crescent Lakes area to winter motorized use (NOA #0364, p.1).

The ROD clearly shows the changes made in winter motorized recreation closures from the draft to the final EIS. Areas closed for winter motorized use for the entire winter in the final decision are not shown in any of the alternatives or in the Draft Preferred alternative that the public reviewed. The public did not get a chance to comment on the areas closed to winter motorized use all winter because they were not in the draft Preferred Alternative nor in any alternative (NOA #0364, pp.1, 2).

The decision to close areas for the entire winter to snowmobiles was not based on sound use data that supports the need and demand for more areas to be closed to snowmobiling (NOA #0364, p. 2).

The Record of Decision reflects a complete reversal from the DEIS Purpose and Need stating that popular winter motorized areas will be kept open. Closing four major snowmobiling areas will vary winter recreation use drastically in the areas being closed. There is no data suggesting that nonmotorized users will spend as many dollars as the displaced motorized users (NOA #0364, p.2).

Other areas suggested for “quiet” winter recreation that would not have impacted popular snowmobiling areas were ignored (Mt. Alice and the area near Sunrise Inn in Cooper Landing) (NOA #0364, p.2).

Agreements made between different user groups such as ACE and the Quiet Rights Coalition and comments made on draft plans by the Anchorage Snowmobile Club were completely ignored. One agreement that was ignored was the area including Skookum Glacier would be closed to motorized use for the early season one year and then the next year it would be closed during the late season (NOA #0364, p. 2).

Carbon Mountain Road

#0013

The environmental analysis is not adequate (NOA #0013, pp. 7 through 9).
Significant changes were made between draft and final in the Access and Transportation guidelines. Allow an activity as “conditional”, but then not stating the conditions is equivalent to giving the activity a yes. It appears that the criteria for deciding on new roads through areas with a Fish and Wildlife Conservation prescription will not be driven by the theme, management intent, standards or guidelines for this prescription but by some other, unrelated prescription, such as Major Transportation/Utility Systems. This is a major policy shift. The subtle shift in policy by the Chugach National Forest establishes a permissive approach for a project that could impact wildlife and wilderness recreation on the Forest. This policy change occurred without any explicit recognition of environmental effects or public input regarding the proposed road (NOA # 0013, p.9).

#0014

The Revised Forest Plan and environmental analyses inadequately are flawed as they relate to the decision to grant the Chugach Alaska Corporation the Carbon Mountain Road Easement across the Copper River Delta (NOA #0014, p. 2).

Page A-6 of the Revised Land Management Plan states that CAC's easement for a road to Carbon Mountain, provided for in the 1982 CNI settlement agreement, "was consolidated with the state's right to construct the Bering River Highway as granted under the Omnibus Bill of 1959. There was no discussion of such a consolidation at the time the Forest Service granted the easement to CAC. See November 20, 1998 letter from Trustees for Alaska to the Regional Forester. The statement about consolidation with the state easement should be removed from the Revised Land Management Plan (NOA #0014, p. 2).

Appellants believe no valid road easement has been granted to CAC and that additional environmental analysis is required before any construction can begin across Forest Service lands (NOA #0014, p. 2).

The revised plan also applies the 501(b) – 3 prescription to the Carbon Mountain Road for 1/4 mile wide on each side of the road. This designation is not consistent with the purposes of the easement, nor has the Forest Service adequately analyzed the impacts of such a prescription to this remote area. This prescription should be changed to 501(b) – Wilderness to adequately protect Forest Resources along this potential new road development (NOA #0014, p. 2).

#0017

The environmental analysis is inadequate (NOA #0017, p. 3).

The Forest Service's conclusion that the Carbon Mountain Road is an acceptable development even though no adequate EIS has been completed is arbitrary and capricious (NOA #0017, p. 14).

#0027

The rationale provided for Wild and Scenic River recommendations in the Record of Decision is flawed and inadequate (NOA #0027, p. 1).

The route of the potential CAC road is essential to the evaluation of the claim that construction of a road to CAC lands would be hindered by Wild designation or by Scenic or Recreational designations. In the absence of such analysis, the ROD does not support the decision to delete the Wild River recommendation for the upper 15.5-miles of the Nellie Juan River (NOA #0027, pp. 2-3).

Access and Transportation Guidelines Changes

#0013

The environmental analysis is not adequate (NOA #0013, pp. 7 through 9).

Significant changes were made between draft and final in the Access and Transportation guidelines. Allow an activity as "conditional", but then not stating the conditions is equivalent to giving the activity a yes. It appears that the criteria for deciding on new roads through areas with a Fish and Wildlife Conservation prescription will not be driven

by the theme, management intent, standards or guidelines for this prescription but by some other, unrelated prescription, such as Major Transportation/Utility Systems. This is a major policy shift. The subtle shift in policy by the Chugach National Forest establishes a permissive approach for a project that could impact wildlife and wilderness recreation on the Forest. This policy change occurred without any explicit recognition of environmental effects or public input regarding the proposed road (NOA # 0013, p.9).

Road Construction on the Kenai (Roadless Areas)

#0017

The FEIS contains serious inconsistencies regarding the impacts of road building in the Revised Plan on roadless areas, particularly on the Kenai Peninsula (NOA #0017, p. 13). The FEIS [p. 3-411, Table 3-69a] indicates that no new roads will be built for timber management during the first decade . . . [However] the FEIS also states [p. 3-402; p. 3-403, Table 3-403]: Under the Preferred Alternative, 149,960 acres are in management area prescriptions that permit the Forest Service to construct roads . . . About 2,000 acres of roadless area could be affected during the first decade (NOA #0017, p. 13).

The agency has also created prescriptions that allow roadbuilding in roadless areas, and plans to build roads at a rate of approximately 3.2 miles/year, or 32 miles per decade (NOA #0017, pp. 13 - 14).

. . . the Forest Service should uphold the Roadless Area Conservation Rule standards until the agency's review of the policy is finalized (NOA #0017, p. 14)

OTHER ISSUES

Rotation Period (Forest Products)

#0013

The environmental analysis is not adequate (NOA #0013, pp. 7 through 9).

Discrepancies exist between the management intent and the standards and guidelines in the Fish and Wildlife Conservation Management Area prescription. The final Forest Plan deleted any standards or guidelines for Forest Products. Without any standards or guidelines a loophole may be created that allows a level of timber harvest exceeding that which would have originally been expected under the draft plan. Removing the extended rotation period removes any constraint to the amount of timber harvesting that might occur. The final Forest Plan adds a guideline under Recreation which is: Develop campgrounds in areas conducive to concentrated use in a manner that avoids detracting from fish and wildlife. This guideline is inappropriate. . . it commingles this prescription with the Fish, wildlife and Recreation Management Area prescription, which is oriented towards managing wildlife in order to accommodate various consumptive and nonconsumptive user groups (NOA # 0013, pp. 8 and 9).

Land and Water Ownership

#0010

The Forest Service failed to make an integrated plan for all the land and resources of the Chugach National Forest (NOA #0010, p. 5).

The Forest Service failed to address significant impacts to and management of tidelands and submerged lands that are a part of the Chugach National Forest (NOA #0010, p. 5)

#0014

The Revised Forest Plan and environmental analyses inadequately are flawed as they relate to the decision to grant the Chugach Alaska Corporation the Carbon Mountain Road Easement across the Copper River Delta (NOA #0014, p. 2).

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