SAR - Forest Plan Only

Comment #	Comment
0003034-001	Keep all Commercial activity out of their area.
0003758-001	I support doing whatever it takes to preserve this area. Please protect it!
0003776-001	Road building, mining, logging are unacceptable in our last remaining wilderness areas - please protect them.
0004231-001	Stop strip mines, mines, clear cuts, and road building. Protect fish wildlife, nature culture, and commercial fishing.
0004357-001	"
0004518-001	"

Comment #	Comment
0004526-001	"COPPER RIVER DELTA WILDERNESS NOW! Dear U.S. Forest Service, Please include my signed comment into the record of public comment on the Chugach National Forest Draft EIS. As part owner of our public lands, I STRONGLY REQUEST WILDERNESS PROTECTION FOR THE COPPER RIVER DELTA and other wild areas of the Chugach National Forest. * COPPER RIVER DELTA - largest intact wetland ecosystem left on the Pacific coast of N. America, habitat for 16 million shorebirds & waterfowl, moose, brown bears, wolves, healthy wild salmon. * PRINCE WILLIAM SOUND - expand current Wilderness study are to help species not yet recovered from the 1989 Exxon Valdez Oil Spill and to protect wildlands from the Whittier Road opening. * KENAI PENINSULA - brown bear habitat, and the watershed of the world famous Kenai River. KEEP IT WILD!"
0004628-001	Let's preserve wilderness and [Illegible] keep jet sks and snow mobiles out of our national [Illegible] and natural treasure
0004654-001	################
0004717-001	Don't make me think! I just mail these in.
0004772-001	I do not support road building or logging or commercial use in this area
0004773-001	Please protect our wild areas - stop road building, mining & indiscriminate logging!
0004830-001	Copper River Delta - Largest intact wetland ecosystem left on the Pacific coast of N. America, habitat for 16 million shorebirds & waterfowl, moose, brown bears, wolves, healthy wild salmon. Prince William Sound - expand current Wilderness study area to help species not yet recovered from the 1989 Exxon Valdez Oil Spill and to protect wild lands from the Whittier Road opening. Kenai Peninsula - brown bear habitat, and the watershed of the world-famous Kenai River.

Comment #	Comment
0007076-001	
	save fish
0016929-001	H
0018906-001	.
0021683-001	
	RE: Chugach National Forest Plan Revision I am writing to urge the U.S. Forest Service to protect the wilderness, wild rivers and other natural values of the forest, and to adopt a modified Alternative F, strengthened as follows: * recommend all the valuable Copper River Delta wetlands as wilderness, both east and west of the river. * recommend as wilderness all qualified federal lands on the Nellie Juan-College Fjord Wilderness Study Area as well as Knight and Montague Islands, and Jack and Sawmill Bays; * On the Kenau, replace the Brown Bear Core area with wilderness as the best means of affording the necessary degree of security for these wilderness-dependent creatures; in particular, recommend Resurrection Creek and River areas. Snow River and Twentymile areas as Wilderness; * reduce the size of the backcountry management areas to the immediate environs of the developed areas around Whiuttier; * adopt the Citizens' Alternative for wild and scenic rivers which nominates some rivers overlooked by the Forest Service and drops the glaciers and some rivers that do not Qualify. It calls for mile-wide protected river corridors. In Addition to the Copper, particularly important rivers are the Martin, Bering, and Katalla rivers, Alaganik Slough, and Martin and Bering Lakes. In addition, I would like to stress that the Forest Service: * Use logging only to protect the safety of communities; do not use the spruce bark beetle as an excuse for more logging in wild unroaded areas. * Restore natural quiet on the forest. Ban jet skis and limit ATV's, helicopters, and snowmachines. Please inform me of your final decision, and choice of forest management plan.
0022867-001	
	Recommend all available space for protection.
0020927-001	re.

Comment #	Comment
0021015-001	We strongly oppose the Forest Service's reductions in wilderness recommendation within the Wilderness Study Area.
0021035-001	Please do everything within your power to end all logging and mining in the Copper River Delta and pursue wilderness designation for the delta. We are among the vast majority of Americans who wish to end all logging on our irreplaceable national forests.
0021067-001	Please continue to protect this all too beautiful environment.. Please do whatever you can to keep our true National Heritage healthy and do not cave in to those who claim progress of such destructive nature is warranted. Alaska is the United States center gemstone in the 50 states. Please keep it that way!
0021080-001	We at EcoSystems Alert Join with other conservation organizations around the country in advocating a Wilderness Designation for the Copper River Delta. Specifically, we are concerned with the biologically essential Southeastern quarter portion of the Delta Management Area. According to wildlife biologists familiar with the region, a Wilderness Designation would safeguard one of the most significant wetland ecosystems within the whole Forest Service land base -- home to brown bears, wolves, millions of shorebirds, and the world-renown Copper River salmon. It is now apparent that Wilderness is the sole solution to protecting the Delta from clear cutting, mining, oil drilling, and the increase in industrial tourism which continue to jeopardize the Delta's salmon, wildlife and the economy of fishermen who reside in the area. Finally, Wilderness protection is essential for additional areas of the Chugach Forest including habit of the brown bear located on Kenai Peninsula and also the Prince William Sound Wilderness Study Area where a number of species are attempting to make a come back from the careless oil spill of 1989.
0021101-001	The preferred alternative does not adequately protect the wilderness [Illegible] of the Chugach National Forest. The vast wetlands mosaic, of the Copper River Delta must be protected with a designation of wilderness. Wilderness protection is also necessary for other area of the Chugach Forest including critical brown bear habitat on the Kenai Peninsula, and the Prince William Sound wilderness study area where species are recovering from the oil spill. I urge you to limit motorized vehicles in the forest. The road less areas of the Chugach must be included in the R [Illegible] area conservation rule.

Comment #	Comment
0021421-001	File Code: 2320

Mr. Lance L. Transky
Regional Supervisor
333 Raspberry Road
Anchorage, AK 99518-1599

Dear Mr. Transky:

This is a follow-up on Chugach Forest Supervisor Dave Gibbons' May 3 letter to you responding to your comments on the Chugach National Forest Plan Revision. In his letter, the Forest Supervisor deferred response to your concerns about helicopter use in the wilderness to me since the issue deals with regional and national policy.

In your February 4 letter, you expressed concerns about the Chugach Plan's potential impact on the Department of Fish and Game's ability to conduct activities required to perform research, management, and enforcement functions because of restrictions on motorized use in areas recommended for wilderness and in corridors recommended for wild and scenic rivers.

I'm pleased to take this opportunity to explain our policies and the framework of law and regulation that applies to these types of areas and that sets the sideboards of our decision space in the management of these land designations.

In accordance with the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) Section 1110(a), the public is allowed to use motor boats, fixed-wing airplanes, snowmachines (during adequate snow cover in the winter), and other methods of non-motorized surface transportation such as rafts, canoes, and skis for traditional activities and for travel to and from villages and homesites. Administrative use of these specific types of transport is allowed by the Forest Service and other federal, state, and local agencies without permits, the same as for the public. Helicopters and all-terrain-vehicles (ATV's) are not allowed for general public access but may be allowed for search and rescue and for the administration of the area as wilderness as provided by the Wilderness Act of 1964 and for certain specific activities addressed in ANILCA.

The Wilderness Act Section 4(c) provides that 'except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.' ANILCA allowed several specific exceptions to the prohibitions against motorized use. However, Section 707 of ANILCA states, 'except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act.' Because helicopters and ATV's are not expressly allowed for general

access by ANILCA, their use is prohibited by Section 4(c) of the Wilderness Act of 1964, except for administrative use, unless specifically authorized by a specific exception to the prohibitions.

In addition to the above mentioned provision allowing the use of airplanes, snowmachines, and motorboats, ANILCA exceptions to the prohibitions include reasonable access (which may include helicopter use) for a number of specific activities including: (1) mandated mineral assessments (Section 1010); (2) access to State and private land (Sections 1110(b) & 1111), (3) navigation aids, communication sites, weather, climate, fisheries monitoring and research, and national defense facilities (Section 1310); and (4) discretionary authority for fisheries research, management, enhancement, and rehabilitation activities and for the use of motorized equipment for these activities in National Forest Wilderness and Wilderness Study Areas (Section 1315(b)).

The regulations (36 CFR 293.6(c)) delegate authority to the Chief of the Forest Service to authorize administrative use of aircraft to meet the minimum requirements for authorized activities to protect and administer the wilderness and its resources and for use in emergencies involving the health and safety of persons, damage to property and other purposes. The administrative use of helicopters within wilderness is limited to the minimum necessary to

manage the area for the purposes of the Wilderness Act. Each project or program involving helicopter use must be justified through environmental analysis and approved by the Regional Forester. Approval for emergency use is delegated to Forest Supervisors.

In summary, helicopter use by Alaska Department of Fish and Game for wildlife management, monitoring, law enforcement, and research projects or programs within the wilderness or designated wild rivers would need authorization as administrative use and Justified as being the minimum tool necessary to do the job just the same as for Forest Service projects. Access as allowed by ANILCA for fisheries enhancement, management, rehabilitation, monitoring and research projects would also need to go through the authorization process to assure minimal impact on other wilderness values and users. We recognize the importance of the work that the Department of Fish and Game accomplishes on National Forest System lands and will work with you to authorize appropriate access consistent with our administrative use policies.

Enclosed is a copy of our regional directive (R10 Supplement 2300-99-1&2) for the management of wilderness and the Nellie Juan-College Fjord Wilderness Study Area that includes our policies on the administrative use of helicopters and other motorized or mechanized equipment in these areas. If you have any questions concerning these policies, please contact Arn Albrecht of Public Services at (907) 586-7886.

Sincerely,
/s/ James A. Caplan, DRF-NR for

Rick D. Cables
Regional Forester

Enclosure

Comment #	Comment
0021422-001	File Code: 2320

Mr. Lance L. Transky
Regional Supervisor
333 Raspberry Road
Anchorage, AK 99518-1599

Dear Mr. Transky:

This is a follow-up on Chugach Forest Supervisor Dave Gibbons' May 3 letter to you responding to your comments on the Chugach National Forest Plan Revision. In his letter, the Forest Supervisor deferred response to your concerns about helicopter use in the wilderness to me since the issue deals with regional and national policy.

In your February 4 letter, you expressed concerns about the Chugach Plan's potential impact on the Department of Fish and Game's ability to conduct activities required to perform research, management, and enforcement functions because of restrictions on motorized use in areas recommended for wilderness and in corridors recommended for wild and scenic rivers.

I'm pleased to take this opportunity to explain our policies and the framework of law and regulation that applies to these types of areas and that sets the sideboards of our decision space in the management of these land designations.

In accordance with the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) Section 1110(a), the public is allowed to use motor boats, fixed-wing airplanes, snowmachines (during adequate snow cover in the winter), and other methods of non-motorized surface transportation such as rafts, canoes, and skis for traditional activities and for travel to and from villages and homesites. Administrative use of these specific types of transport is allowed by the Forest Service and other federal, state, and local agencies without permits, the same as for the public. Helicopters and all-terrain-vehicles (ATV's) are not allowed for general public access but may be allowed for search and rescue and for the administration of the area as wilderness as provided by the Wilderness Act of 1964 and for certain specific activities addressed in ANILCA.

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access by ANILCA, their use is prohibited by Section 4(c) of the Wilderness Act of 1964, except for administrative use, unless specifically authorized by a specific exception to the prohibitions.

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The regulations (36 CFR 293.6(c)) delegate authority to the Chief of the Forest Service to authorize administrative use of aircraft to meet the minimum requirements for authorized activities to protect and administer the wilderness and its resources and for use in emergencies involving the health and safety of persons, damage to property and other purposes. The administrative use of helicopters within wilderness is limited to the minimum necessary to

manage the area for the purposes of the Wilderness Act. Each project or program involving helicopter use must be justified through environmental analysis and approved by the Regional Forester. Approval for emergency use is delegated to Forest Supervisors.

In summary, helicopter use by Alaska Department of Fish and Game for wildlife management, monitoring, law enforcement, and research projects or programs within the wilderness or designated wild rivers would need authorization as administrative use and Justified as being the minimum tool necessary to do the job just the same as for Forest Service projects. Access as allowed by ANILCA for fisheries enhancement, management, rehabilitation, monitoring and research projects would also need to go through the authorization process to assure minimal impact on other wilderness values and users. We recognize the importance of the work that the Department of Fish and Game accomplishes on National Forest System lands and will work with you to authorize appropriate access consistent with our administrative use policies.

Enclosed is a copy of our regional directive (R10 Supplement 2300-99-1&2) for the management of wilderness and the Nellie Juan-College Fjord Wilderness Study Area that includes our policies on the administrative use of helicopters and other motorized or mechanized equipment in these areas. If you have any questions concerning these policies, please contact Arn Albrecht of Public Services at (907) 586-7886.

Sincerely,

/s/ James A. Caplan, DRF-NR for

Rick D. Cables
Regional Forester

Enclosure

Comment #	Comment
0021425-001	File Code: 1920, 1950 Route To: EP&B Subject: Chugach National Forest Forest Plan and EIS Notice of Intent To: Regional Forester Enclosed is the revised Notice of Intent to prepare a revised Forest Plan and environmental impact statement for Regional Forester signature. Please forward three signed copies to the Federal Register for publication. Larry L. Hudson Forest/Supervisor U.S. DEPARTMENT OF AGRICULTURE Forest Service Revision of the Land and Resource Management Plan for the Chugach National Forest, Alaska. AGENCY: USDA - Forest Service. ACTION: Notice of Intent to prepare an environmental impact statement and a revised land and resource management plan for the Chugach National Forest. SUMMARY: The Chugach National Forest will prepare an environmental impact statement (EIS) for revising the Land and Resource Management Plan (Forest Plan), and a revised Forest Plan document, pursuant to 16 U.S.C. 1604 (f)(5) and 36 CFR 219.12. The revised plan will supersede the current Forest Plan, which was approved on July 27, 1984. It has been amended six times. ADDRESSES: Send written comments pertaining to the revision of the Forest Plan to: Forest Plan Revision, Chugach National Forest, 3301 C St., Suite 300, Anchorage, AK 99503-3998 FOR FURTHER INFORMATION CONTACT: Gary Lehnhausen, Forest Planning Team Leader: (907) 271-2560 or FAX (907) 271-3992. SUPPLEMENTARY INFORMATION: Forest Plans are ordinarily revised on a 10-year cycle, or at least every 15 years (U.S.C. 1604(f)(5) and 36 CFR 219.10(g)). Forest Plans guide the overall management of the National Forests through the following six management direction elements: (1) Forest multiple-use goals and objectives, 36 CFR 219.11(b); (2) Forest-wide management requirements (standards and guidelines) 16 U.S.C. 1604 and 36 CFR 219.13 to 219.27; (3) Management areas and management area direction (management area prescriptions) 36 CFR 219.11 (c); (4) Designated suitable timber land (16 U.S.C. 1604(k) and 36 CFR 219. 14) and an allowable timber sale quantity (16 U.S.C. 1611 and 36 CFR 219.16); (5) Nonwilderness allocations or wilderness recommendations where 36 CFR 219.17 applies; and (6) Monitoring and evaluation requirements (36 CFR 219.11 (d)). The Forest Service has determined there is a need to make some

changes to the 1984 Forest Plan, as amended. The revised Plan will be developed to address management of the Chugach National Forest. The following preliminary issues have been identified through monitoring and evaluation, project planning and implementation activities, and public comments received during the life of the existing Plan.

PRELIMINARY ISSUES:

Roadless Area Management and Wilderness Recommendations - There is interest in the management of existing roadless areas. Some people feel that more of the Chugach National Forest should be allocated to protective designations, or recommended for wilderness, in order to conserve biological diversity, provide primitive recreational opportunities, provide opportunities for scientific research or baseline monitoring, protect unique features and resources, and provide for other non-commodity values and uses. Others are concerned that protective designations could limit or constrain recreation uses, fish and wildlife enhancement opportunities, increased access, commodity uses, and economic returns to local communities. Currently, about 98 percent of the 5.4 million acre Forest is roadless and potentially eligible for wilderness designation.

Recreation and Tourism - There is a concern about changes to tourism and recreation on the Forest. The recent decision by the State of Alaska to build a road to Whittier is expected to greatly increase recreation and tourism use of the Prince William Sound area. The amount of use of the Forest by outfitters and guides for commercial recreation uses is also an emerging issue due to rising use levels on some popular trails and recreation areas.

Vegetation Management - There is public interest in how the Forest's vegetation should be managed and used. Proposed timber harvest activities within inventoried roadless areas have raised public concerns about the potential effect on the availability of those areas for wilderness or other protective designations. Proposed salvage sales, related road building, and the use of roads after harvest operations, have also been raised as issues by the public. In the 13 years of operation under the current Forest Plan, the Chugach has sold an average 3.38 million board feet per year and an average 2.26 million board feet of timber per year have been harvested. Most of this timber harvest has been concentrated on the Kenai Peninsula portion of the Forest.

Wild and Scenic Rivers - The existing Forest Plan did not consider any rivers or streams for designation under the Wild and Scenic Rivers Act of 1968. During the past two years, a comprehensive review of more than 760 named and unnamed rivers and glaciers on the Forest was conducted. Twenty rivers and three glaciers have been tentatively identified as containing one or more 'outstandingly remarkable' values.

During the revision process rivers may be added or dropped from those found eligible and public involvement will be considered in determining potential classification of the rivers as wild, scenic or recreational. A suitability determination for each river/glacier will be made in the revision process. If a river is found suitable, the Regional Forester may recommend the river for inclusion in the National Wild and Scenic Rivers System.

Subject to valid existing rights, all rivers/glaciers found eligible will be given interim protection to preserve their potentially 'outstandingly remarkable' characteristics and maintain the highest

level of classification until a final suitability determination and recommendation is made in the revised Forest Plan.

Travel Management and Access - Many people value the recreation experience afforded by the lack of road access to most of the Forest. Others point out a need for additional public access either by road or trail for recreation use. Some people object to roads planned into roadless areas for resource development and are concerned with increased motorized use on new roads. Competition between 'muscle powered' recreationists and motorized recreationists for areas to pursue their activities is increasing.

ADDITIONAL ISSUES

Public comments received on this Notice of Intent and through further public participation activities will be used to create a list of significant issues for the EIS and the revised Forest Plan. The EIS

and revised Forest Plan will also address other subjects in response to existing planning direction. These will include (among others):

-- biological diversity;
-- minerals management;
-- fish and wildlife habitat management;
-- scenic resource management;
-- Research Natural Areas.
-- electronic and communication sites

Comments on the preliminary, or potential additional issues, and possible solutions to these issues are welcomed. Additional information concerning the scope of the revision will be provided through future mailings, news releases, and public meetings.

The Chugach National Forest will hold a series of open house and focus group meetings in communities in and near the Forest and host a revision forum in Anchorage, Alaska, to provide information about the process of revising the Forest Plan, and to gather public input on formulation of alternatives and the scope and nature of the decisions to be made. Meeting dates and locations will be announced in the media.

In preparing the EIS for revising the Plan, the Forest Service will estimate the potential impacts of various management alternatives on the Forest's physical and biological resources, as well as the potential economic and social impacts on local communities and the broader regional economy.

The draft EIS and proposed revised Forest Plan are tentatively scheduled for release and public review in September 1998. A 90-day public comment period will be provided for these documents. The final EIS, revised Forest Plan, and a record of decision are currently scheduled for completion in June 1999.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings relating to public participation in the environmental review process. Reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and clearly informs an agency of the reviewer's position and contentions, Vermont Yankee Nuclear Power Corp. v. NRDC U.S. 519, 533 (1978). Also, environmental concerns that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the

courts, City of Angoon v. Hodel, 803 F.2d 1016, 1022 (9th Cir. 1986) and Wisconsin Heritages, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important for those interested in this proposed action participate by the close of the 90-day comment period on the draft EIS, so that substantive comments and objections are made available to the Forest Service at a time when they can be meaningfully considered and responded to in the final EIS.

The responsible official for the EIS and the revised Forest Plan is the Regional Forester, USDA Forest Service, P.O. Box 021628, Juneau, Alaska 99802-1628.

Phil Janik (Date)
Regional Forester

Comment #	Comment
0021426-001	File Code: 1920 U.S. Environmental Protection Agency Office of Federal Activities EIS Filing Section Ariel Rios Building (South Oval Lobby) Mail Code 2252-A, Room 7241 1200 Pennsylvania Avenue, NW Washington, DC 20460 Dear Sir or Madam: The Federal Register Notice of September 15, 2000, for the Proposed Revised Land and Resource Management Plan and Draft Environmental Impact Statement (DEIS) for the Chugach National Forest states that comments are due October 30, 2000. The comment period is 90 days long, it started on September 16, 2000, and runs through December 14, 2000. Please amend the September 15, 2000, Federal Register Notice of Availability (EIS No. 000320) to reflect this correction. If you have questions, please contact Gary Lehnhausen (Planning Team Leader) at (907) 271-2560. Thank you for your assistance. Sincerely, Dave R. Gibbons Forest Supervisor [Federal Register: September 15, 2000 (Volume 65, Number 180 [Notices] [Page 55974] From the Federal Register Online via GPO Access [wais.access [DOCID:fr15se00-54] ENVIRONMENTAL PROTECTION AGENCY [ER-FRL-6610-8] Environmental Impact Statements; Notice of Availability Responsible Agency: Office of Federal Activities, General Information, (202) 564-7167 or www.epa.gov/oeca/ofa Weekly receipt of Environmental Impact Statements Filed Sept, 2000 Through September 08, 2000 Pursuant to 40 CFR 1506.9. EIS No. 000315, Draft EIS, TVA, TN, Future Water Supply Need Upper Duck River Basin, NPDES Permit and COE Section 404 [Illegible] Bedford, Marshall, Maury and Williamson Counties, TN, Due: [Illegible] 2000, Contact: Linda B. Oxendine (865) 632-3440. EIS No. 000316, Draft Supplement, BLM, NV, Betze-Post Project Information, Dewatering Operations and a Proposed Pipeline, Eureka Counties, NV, Due: November 14, 2000, Contact: Kirk 753-0272. EIS No. 000317, Draft Supplement, COE, MS, Yazoo Basin Reform Study, Supplement No: 1 To the 1982 Yazoo Area Pump Project Control, Mississippi River and Tributaries, Yazoo Basin, MS Due: October 30, 2000, Contact: Gary Young (601) 631-5960. EIS No. 000318, Draft EIS, AFS, ID, El Luky Duk Gold Suction

Proposal to Mine Gold, Plan-of-Operation, Implementation, [Illegible]
National Forest, Red River Ranger District, ID, Due: October
Contact: Kevin Martin (208) 842-2245.

EIS No. 000319, Draft EIS, BOR, NM, Rio Granda and Low Flow
Channel Modification Channel System, From Rio Grande Valley
Acacia Diversion Dam, NM and the Narrows of Elephant Butte [Illegible]
NM, Due: November 07, 2000, Contact: Chris Gorbach (505) [Illegible]

EIS No. 000320, Draft ELS, AFS, AK, Chugach National Forest
Revised Land and Resource Management Plan, Implementation,
Seward and Cordova Ranger Districts, Kenai Peninsula Borough
October 30, 2000, Contact: Dave Gibbons (907) 271-2500.

Amended Notices

EIS No. 000286, Draft EIS, NPS, CA, Lassen Volcanic National
General Management Plan, Implementation, Lassen, Plumas, [Illegible]
Tehama Counties, CA, Due: October 31, 2000, Contact: Alan [Illegible]
(415) 427-1441.

Published FR-8-25-00, Correction to agency from GSA to 1

Dated: September 12, 2000.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities
[FR Doc. 00-23809 Filed 9-14-00; 8:45 am]
BILLING CODE 6560-50-P

0021482-001

I strongly urge the Forest Service to recommend Alaska's Copper River Delta, particularly the invaluable wetlands, as wilderness.

A wilderness designation would protect one of the most important wetland ecosystems of the entire forest service land base and host to the world famous Copper River salmon, 16 million shorebirds and waterfowl, brown bears and wolves.

Wilderness is the only way to protect the Delta from the poorly-planned roads, clear-cutting, mining, oil drilling, and the sprawl of industrial tourism that threaten the Delta's salmon, wildlife and the livelihoods of the commercial and subsistence fishermen who live there.

Wilderness protection is also necessary for other areas of the Chugach Forest including critical brown bear habitat on the Kenai Peninsula and expanding the Prince William Sound wilderness study area to help species recover from the 1989 oil spill.

Comment #	Comment
0021562-001	My husband and I attended the meeting on the Chugach Forest draft plan held at the Loussac Library on October 30. We understood that it was to be an open house at which we would have an opportunity to learn about the plan recommendations. We arrived between 7:30 and 8 and were surprised to find people giving testimony. Fortunately that ended shortly after we arrived and we were able to look at the maps posted around the room. However, there was no one posted by the maps to explain them or answer questions and the maps by themselves were difficult to understand. We left shortly, very frustrated. We had hoped to spend an hour during which we would learn something about the plan. In fact we learned nothing and we understand that that was the only opportunity we will have to learn about the plan. We learned from others that snowmachiners apparently all came very early and staged a prearranged coup d'etat wherein they persuaded FS staff to take a vote on how the meeting would be run. This vote apparently took place a few minutes BEFORE the announced time for the meeting to begin, when hardly anyone but the snowmachine lobby was present. They all voted for public testimony. This cave in by FS staff was very unfair to the rest of us. There is a place for an open house type meeting and there is a place for public testimony. One thing you cannot do is advertise one kind of meeting and then change the type of meeting at the last meeting. We wish to protest what happened. Apparently unless people have lots of time or are very computer literate it will be very hard to learn what changes are proposed by the plan revision.
0021567-001	'D
0021597-001	Please do not restrict Alaska Wilderness
0021722-001	We would like to receive a copy of the Draft revised management plan and Environmental Impact Statement for the Chugach National Forest. When I was in Cordova in July, I visited the Cordova Ranger District office, and put my name down for receiving this document when it was ready. But I have received nothing. Yet, I understand the draft plan is already nearly a month into its 90-day comment period, and our office would like to prepare comments. Thank you for getting this to us as soon as possible. I looked at your website, but was unable to download the document or even the executive summary from that. Sincerely, Vicky Hoover Sierra Club Alaska Task Force phone (415)977-5527 fax: (415)977-5799 e-mail vicky.hoover@sierraclub.org
0021725-001	While I understand that the FS took no public testimony at last night's 'gathering' in Anchorage re the Forest Plan, I do think the FS mislead the public by advertising it as an open house, but then conducting it as an unofficial hearing. I am concerned that the sheer number of speakers for the motorized interests will leave an impression on the planning team re their interests, concerns, etc. From the number of motorized folks in attendance, I assume they called out their troops in response to getting an OK from the planning team that they would be allowed to voice concerns as if in a public hearing; not just speaking individually with FS staff. If so, I suggest the planning team put their heads together and reassert their authority and conduct open houses for the Nov. meetings or readvertise the type of meetings they will be holding so all voices can be heard by the planning staff. Let's keep the public process open.

Comment #	Comment
0021781-001	Your failure to exercise, your lawful authority over the water areas (ocean waters) in Prince William Sound may lead to a legal deficiency in your plan. [Illegible] your interpretation of [Illegible] snow machine use as a 'traditional' use under ANILCA section 1110 (a) is at odds with the legislative history of ANILCA - recreational [Illegible] use should not be [Illegible] in wilderness study areas.
0021803-002	What specific comments do you have on the Proposed Revised Forest Plan? Continous to support town-hall meetings, open forum. Let the folks who live around these locations help guides and advise.

Comment #	Comment
0021815-001	P.O. Box 390 Seward, AK 99664 File Code: 2810 To: Gary Lehnhausen, Chugach Forest Plan Team Re: Forest Plan Revision Comment Letter Dear Gary: Dave Moore of the Primrose Mine stopped by the office today to deliver a comment letter concerning the Forest Plan revision effort. I asked him to clarify his comments since most of the letter was a direct quote from 36 CFR 200.2. The point he is making in his letter is to notify the Forest Service that 'having Ranger Districts in Alaska is illegal.' He pointed to the passage in the CFR's that stated: 'The Alaska Region is composed of two National Forests without Ranger Districts; with one Forest divided into three areas, each administered by a Forest Supervisor.' I looked at my copy of the Code of Federal Regulations book and sure enough it does say there are no Ranger Districts in Alaska. I've enclosed a copy from the codebook for reference. Sincerely, DONNA PETERSON Mineral Specialist Section 200.2 36 CFR Ch. II (7-1-97 Edition) forestry, area planning and development, cooperative fire protection, forest insect and disease management, cooperative tree planting, and overall Forest Service participation in rural development and environmental concern, Including civil defense and other emergency activities. (5) Administration. Provide support for Forest Service programs through management Improvement, fiscal and accounting, administrative services, personnel management, manpower and youth conservation, antipoverty programs, communication and electronics, internal review system, external audits, coordination of civil rights activities, public information, and Servicewide management of systems and computer applications. [4 FR 24360, June 16, 1976, as amended at 42 FR 32230, June 24, 1977; 43 FR 27190, June 23, 1978; 44 FR 5660, Jan. 29, 1979; 62 FR 33366, June 19, 1997] Section 200.2 Field organization. The field organization of the Forest

Service consists of regions, stations,
and areas as described below:

(a) Regions of the National Forest System.
For the purpose of managing the
lands administered by the Forest Service,
the United States is divided into
nine geographic regions of the National
Forest System. Each region has a headquarters
office and is supervised by a
Regional Forester who is responsible to
the Chief for the activities assigned to
that region. Within each region are located
national forests and other lands
of the Forest Service.

(1) National Forests. Bach Forest has a
headquarters office and is supervised
by a Forest Supervisor who is responsible
to the Regional Forester. Two or
more proclaimed or designated National
Forests, or all of the Forests in
a State, may be combined into one Forest
Service Administrative Unit headed
by one Forest Supervisor. Each Forego
is divided into Ranger Districts. The
Alaska Region is composed 61 two National
Forests without Ranger Districts;
with one Forest divided into
three areas, each administered by a
Forest Supervisor

(2) Ranger districts. Each district may
include a portion of a national forest, a
national grassland or portion thereof, a
national recreation area, a wilderness
or primitive area, and other lands administered
by the Forest Service. Each
district has a headquarters office and is
supervised by a District Ranger (or
Area Ranger in some cases) who is responsible
to the Forest Supervisor.

(b) Forest and rangeland research coordination.
The field research program
Is coordinated by six research stations,
the national Forest Products Laboratory,
and the International Institute of
Tropical Forestry. Each has a headquarters
office and a Director who is
responsible to the Chief for all research
activities within a geographical area of
the United States or its territories.
Scientists are based at Research Work
Units with laboratories located in 36
lower States, Hawaii, Alaska, and
Puerto Rico. Scientists primarily conduct
their work within a given geographical
area, but due to the integrated
and cooperative nature of the
research program, they make work nationwide
and internationally.

(c) State and private forestry cooperation. Field level cooperation between the Forest Service, States, and the private sector on forestry activities is accomplished by the Northeastern Area State and Private Forestry for the Northeastern States; and by the National Forest Regional Offices in the Southeastern and Western States. The Northeastern Area is supervised by an Area Director who is responsible to the Chief for State and private forestry activities within the Area. Regional Foresters In Regions 1 through 8 and Region 10 are responsible for State and private forestry activities within those regions.

(d) International Institute of Tropical Forestry. The Institute Is managed by a Director who Is the senior Forest Service official in Puerto Rico. The Director Is responsible to the Chief for planning and directing research, science and technology exchange, technical assistance to the Commonwealth of Puerto Rico, and international cooperation on natural resources concerning tropical forestry.

(e) Field addresses. The addresses of Regional Foresters, Station Directors, and Area Directors are given below. Under each Regional Office address is a list of National Forest Administrative

Sec. 200.2 Field organization. The field organization of the Forest Service consists of regions, stations, and areas as described below: (a) Regions of the National Forest System. For the purpose of managing the lands administered by the Forest Service, the United States is divided into nine geographic regions of the National Forest System. Each region has a headquarters office and is supervised by a Regional Forester who is responsible to the Chief for the activities assigned to that region. Within each region are located national forests and other lands of the Forest Service. (1) National Forests. Each Forest has a headquarters office and is supervised by a Forest Supervisor who is responsible to the Regional Forester. Two or more proclaimed or designated National Forests, or all of the Forests in a State, may be combined into one Forest Service Administrative Unit headed by one Forest Supervisor. Each Forest is divided into Ranger Districts. The Alaska Region is composed of two National Forests without Ranger Districts; with one Forest divided into three areas, each administered by a Forest Forest Supervisor.

David J. Moore

Comment #	Comment
0021930-001	I am writing to voice my opposition to the closure of any National or State Forest to any user group of any kind or form. Especially off highway vehicles' and mountain bikes, and feel that restrictions are not in keeping with the mandate of the Forest Service to preserve these areas for the public's enjoyment. I would like you, Dave Gibbons, to make sure that when setting policy for these road less acres, off-highway vehicle and mountain hiking access is preserved. I would like the concept of multiple use and multiple access to be a part of any such policy. I support officials who support Equal access to the Forest for all users at all times with no closures, and no preference for special interest. Thank you for your support, Jerilee Johnson jerileejohnson@hotmail.com
0021935-001	Lets get real here and rethink what your doing equal access to the forest for all uses at all times with no closures, and no preference for special interests.
0022090-001	If you could, please send the following people these reply cards. My sister and brother-in-law, Cindy and David Owen 35950 View Lane Soldotna, Alaska 99669 Rudy Perkonich 1803 Front St. Warren, Ohio 44485
0022184-004	Use logging only to protect the safety of communities Do not use the spruce bark beetle as an excuse for more logging in wild unroaded areas.

Comment #	Comment
0022288-015	II. The Forest Service is using outdated data to determine the alternative management prescriptions. - The Kenai Peninsula Timber data -- 13 years old - The Forest-wide Timber Data -- 22 years old - The Minerals data date back to the 1930s and are based upon locations of past development and not locations of developable deposits - On April 27th 1999 the Interagency Minerals Coordinating Group (made up of representatives from the USFS, USGS, BLM and Alaska Division of Geologic & Geophysical Surveys) recommended that a modern airborne geophysical survey be completed for the Chugach National Forest before completion of the Forest Plan revision. No such survey was requested, or completed. Though the insufficiency of the data used in the planning process has been noted on several occasions (Dec, 19th 1997, Oct. 30th 1997, Nov 1st 1999), the Forest Service declared the data sufficient in January of 2000, and released the DEIS with its proposed alternatives on Oct. 14th of 2000.

Comment #	Comment
0022359-001	As a citizen's group working to protect forests in Indiana, often specifically the Hoosier National Forest, we are very interested in the health and future of all of our public forests in the nation. They belong to all of us and we expect yon will consider our views when making your decision. Some of our membership has been to the Chugach National Forest, and have urged us to participate in the public process. Others of our members have never been to the Chugach, but have learned about its amazing wild beauty and of the threats to the forest and its people. In these brief comments, all of us would like to share with you the desires of the citizen's of Indiana. The Indiana Forest Alliance applauds the DEIS recommendation of no commercial timber harvest. It is time for common sense to prevail, the subsidies for environmental harm to end, and sustainable management be employed. The allowable sale quantity of zero is highly desirable in this location especially, considering the lack of timber of commercial value, the sensitivity and wild character of the terrain, and the impacts on other sustainable industries (fishing, low-impact tourism) in the Chugach area. We are concerned about the proposed salvage (or non-commodity timber harvest) allowances though, and fear that this may be abused to benefit private companies it not done to perfection. Therefore, we wish to see this removed from the proposal. Of utmost concern, is the issue of wilderness in the Chugach. At 5.5 million acres, and being 98% roadless, the fact there is no wilderness designated is astounding. We must have more wilderness designation than proposed in the DEIS, as our children deserve a lasting legacy of this amazing coastal forest. This would not only protect the resource for the greater nation, but also provide local residents, commercial fisherman and subsistence users in Alaska with long-term security that their prosperity and way of life will be preserved. We are aware of the concerns amongst some Alaskans about wilderness, but understand the specifics of ANILCA as well and the special wilderness rules that would allow people's way of life to continue. Please continue to educate the public as you proceed in this process so there is no longer this confusion. First and foremost, the Copper River Delta region must lie recommended for wilderness now. To those of us who are not accustomed to places like this on a regular basis, we have a good perspective to see the priceless value of this wild resource. For shorebird migrations, for bear habitat, for local fish, and on and on. It also holds onto this wild character Wilderness laws were developed to preserve. The Forest Service had recommended Wilderness for the southeastern portion of the Delta in an early draft of their preferred alternative, but changed that recommendation in the Draft EIS. Additionally, all eligible wild and scenic rivers forest-wide should be recommended, including the Copper, Martin, Bering, Katalla Rivers, Alaganik Slough, and Martin and Bering Lakes. In Prince William Sound, we are urging the Forest Service to recommend the entire Wilderness Study Area, Knight and Montague Islands, and Jack and Sawmill Rays as Wilderness to help protect species recovering from the Exxon Valdez oil spill and the Sound from large-scale industrial tourism. Also, we are urging the Forest Service to recommend Wilderness on the Kenai to protect brown bears and their habitat and to reduce motorized

use. Specifically, Resurrection Creek and River areas. Snow River and Twentymile should be recommended as Wilderness on the Kenai.

The whole country loves Alaska's wild character and hopes it can entrust the Forest Service to protect it responsibly. We know that you have heard the facts many times, but please do not ignore them. Rather, respond to the state and nation's cry for Chugach Wilderness. If we don't do it now, we may lose this wilderness forever. And most of all, don't ignore the comments from the rest of the country! With due respect to the proud people who live in the forest, it belongs to the entire country, and ignoring our information and input would be criminal and unjust.

Thank you very much for the opportunity to comment. Please select alternative F in the Final EIS.

0022362-002 Dave Gibbons
Forest Plan Revision
Chugach National Forest
3301 C Street, Suite 300
Anchorage, Alaska 99503

Dear Mr. Gibbons;

I am writing you to ask you to consider the recommendation to designate the Copper River Delta as a wilderness area.

Development of this area by building roads and opening the area to business development would unnecessarily jeopardize the health of this ecosystem that so many native people and wildlife depend on.

The Delta is jeopardized by road construction, logging, coal mining, and oil and gas development.

One corporation has already begun building a road across the Delta in order to clear-cut its land 55 miles east of the Copper River. If completed, the road would sever dozens of streams that feed the eastern portion of the Copper River Delta, including the Bering and Martin Rivers which are eligible for inclusion in the Wild and Scenic River system.

The Forest Service is now considering its options for managing the Copper River Delta and the surrounding National Forest over the next several decades. So this is a perfect time for the Service to recommend permanent protection of the incredible wildlife and wilderness values of the Copper River Delta while respecting existing rights and allowing traditional activities such as hunting, fishing, and motorized access for subsistence purposes.

A wilderness designation would allow the Forest Service to manage the Delta for fish and wildlife conservation while regulating activities such as road construction, logging, and other harmful development.

Recommending the Copper River Delta as a wilderness is the best and most sensible way of preserving a world-class ecosystem and the people and wildlife that depend upon it.

Your consideration in considering this designation is appreciated.

Sincerely,

Robert F. Bauer

Comment #	Comment
0022364-001	Washington, D.C. 20426 Dave Gibbons Chugach National Forest 3301 C Street, Suite 300 Anchorage, AK 99503 Dear Mr. Gibbons: Thank you for your letter dated September 15, 2000, providing the Commission with a copy of the Proposed Revised Chugach National Forest Land and Resource Management Plan (Plan), including the Draft Environmental Impact Statement (EIS). Based on staff review, the following document qualifies as a comprehensive plan under Section 10(a)(2)(A) of the Federal Power Act (FPA): Forest Service. Proposed Revised Chugach National Forest Land and Resource Management Plan. Department of Agriculture, Anchorage, Alaska. Undated. The Plan is supported by the Forest Service's Draft EIS for the Chugach National Forest. Any future river-related plans prepared by the Chugach National Forest must be filed with the Commission in order to be considered in the Commission's FPA Section 10(a)(2)(A) analysis of hydropower projects in Alaska. Sincerely, Edward Abrams Leader Hydro East Group 2 cc: Public Files
0022368-002	16 Nov. 2000 Dave Gibbons Forest Plan Revision Chugach Nat'l Forest 3301 C St. Suite 300 Anchorage, Alaska 99503 Re: Copper River Delta Dear Mr. Gibbons, Wilderness designation for Copper River Delta would permit all traditional active, while restriction, harmful activity and so preservation marvelously diverse & productive ecosystem. We in the lower 48 have a stake in them. (Two small examples; Oregon has 3 national wildlife refuges specifically established for the Canada goose dusky rare - and we all look forward to eastern C.R.D. Salmon) The migratory birds that use CRD as staging area are 'our' birds when they migrate south - Protect and preserve while we have the chance. Sincerely P. Sydney Herbert

Comment #	Comment

0022419-002 Mr. Cables

Please keep all trails open to snow machine use. It is a very important economic factor for winter use in Alaska. As well as an extremely important family activity

Thank you

John spurr
Seward

0022462-003 Please place me on your
mailing list for future updates concerning this plan.

Name	Address	City	State	Zip
Darrell L. Rohm	301 B. St.	Fairbanks	AK	99701
Henri F. Dale	Box 60-173	Fairbanks	AK	99706
Dale Hahn	PO Box 751831	Fairbanks	AK	99775
Jason Rohere	PO Box 751924	Fairbanks	AK	99775
Lee Johnson	2650 Dale Rd.	Fairbanks	AK	99709
Juan A. Goula	1219 27 Ave.	Fairbanks	AK	99709
Aaron Athanas	1306 Heldiver Rd	Fairbanks	AK	99708
Gregory Kalal	8621 Witherspoon St.	Anchorage	AK	99504
Leroy Gross	2445 Green Acres Dr.	Fairbanks	AK	99712
Travis Watson	1122 Matthew Circle	North Pole	AK	99705
Anna Ferren	1122 Matthew Circle	North Pole	AK	99705
Susan Gross	2445 Green Acres Dr.	Fairbanks	AK	99712

0022483-003

III. The preferred alternative 'emphasizes Wilderness recommendations and provides a mix of Wild and Scenic River and Research Natural Areas recommendations.' Not only do these designations violate the 'no-more' clause of ANILCA, they close the door on future exploration and development opportunities.

V. Throughout the preferred alternative preservation is the prevailing emphasis, which is a singular rather than multiple use of the public resource.

VI. Of the eight alternatives (which include the No Action and Preferred), six are heavily weighted towards preservation and only two provide for any multiple use management.

VII. Of the 22 prescriptions used in the alternatives, 1 allows for future resource development, 1 allows for current mineral development, 1 pertains to transportation/utility systems and 19 are preservation oriented.

XII. The preferred alternative ignores congressional language in Section 501(b) of ANILCA by assigning prescriptions in the Copper River area that are far more restrictive than those established by Congress. Highly restrictive prescriptions in the preferred alternative, including Wilderness, will restrict multiple uses in the delta that are allowed by Congress. In expanding the boundaries of the Chugach, Section 501(b) mandated by statute how both the Copper/Rude River addition to the forest and the Copper/Bering River portion of the forest would be managed. The statute stated that multiple use activities would be

0022483-006

XI. Many recreational activities (lodges, cabins, campgrounds, boat landings, etc.) would not be allowed in much of the forest.

Comment #	Comment
0022521-003	Please keep me informed as this process moves forward. Sincerely, Paul Luehrmann
0022682-001	.

0022948-001

Thank you for responding Gary. The Plan is very complex and I am learning more, fast.

I didn't word my question about the Wild and Scenic Rivers very well. Please let me try again.

How will the Wild and Scenic Rivers Prescription in the Preferred Alternative affect my use of lands adjacent to those Wild and Scenic Rivers in the National Forest? Under the Preferred Plan some of these rivers will be classified as a Category 1, which means the most restricted to use. What prompted this? These Rivers have been a mainstay of recreation for many user groups, and there is much Forest Service land which borders those Wild and Scenic areas. In the past these Forest Service areas have been accessed and utilized by means of those same prescribed Wild and Scenic Rivers. For example, areas of the Paradise Valley have been accessed by users for many years via the Snow River.

My concern is, that by further restricting use in the Wild and Scenic Rivers areas, you are further restricting use in the adjacent National Forests. To make it worse, these user areas seem to be designated more restrictive than they currently are under the Preferred Plan. As you know, access in Alaska is a key point. It is very unclear to me why these areas would need such a dramatic prescription in the first place. I have utilized many of these W & S Rivers over the years and I don't quite see the need for such a dramatic preservation oriented prescription.

Maybe you could elaborate, or at least reference some ecological studies that determined the reasoning behind the Category 1 Prescription. Is there a reason why the current prescription for these areas can not be managed rather than restricted? What has caused the dramatic swing in making these areas so restricted? Do we have proof of these causes?

I still do not understand what has caused the more restrictive prescription for the Chugach regarding the Brown Bear Core areas? We all know these areas support bear habitat and a fall population of bears near salmon streams. Your habitat maps and telemetry studies show that. It's been like this for years. But what evidence do you have that these areas should be further preserved and restricted from users? What evidence do you have that the people or the bears are in jeopardy? Where do the bears go in the winter? And how will the prescription affect the open bear hunting season in these areas? How many defense of life and property kills have we had in these areas since the current prescription designation set forth in 1984? We know users and user groups have utilized these areas with the bears for years. Yes, there is an occasional incident, but these incidences are no more common in the prescribed Brown Bear Core areas than anywhere. I don't understand why we can't manage our Forests here, rather than close roads and restrict people's activities only to campgrounds?

You said 'The Brown Bear Core Rx was used to manage important brown bear habitat areas that already have a significant amount of development and public use'. Please help me understand why we can not 'manage' these same objectives under the current designation in these areas? Doesn't the current Category 3 in these areas designate management of Fish, Wildlife, and Recreation?

It would love to get to your office, but the internet will have to do for now. My local management offices have been very helpful with brown bear information.

Thank you for your help Gary. These Alternatives are driving me bonkers! I'm an educated person, but as a lover and user of the Chugach, none of them are making sense. :)

Steve DeVito

0023080-002 December 1, 2000

Dave Gibbons, Forest Supervisor
Chugach National Forest
3301 C Street
Anchorage, AK 99503-3998

Dear Mr. Gibbons:

Please make sure in your place for the Chugach National Forest that motorized activities and resorts do not jeopardize the wild character of this area.

I was appalled last year in our trip to the western united states in the Rockies to see homes on mountain tops

Sincerely,

Kuhlman
P.O. Box 85
Berlin, PA 15530

Comment #	Comment
0023142-001	

I have great concern with the proposed alternatives regarding the revised Land and Resource Management Plan and the Draft Environmental Impact Statement of the Chugach National Forest.

I understand that, by law, the plan must be revised every 10 to 15 years. But without some great circumstance, it does not make sense to revise the plan so drastically as the Forest Service proposes. I have lived in Alaska for over 30 years and I have used the Chugach National Forest many times while representing a multitude of user groups. I have experienced the Chugach in vast, remote areas where most never venture.

I can tell you first hand that the Chugach is thriving and meeting its expectations as a National Forest...in every aspect. There is no need for such drastic measures (Alternatives).

After reviewing all the proposed alternatives, it is clearly evident that the extreme environmentalists had great influence. Preservation seems to be a prevailing tone. Proposed prescriptions and categories are clearly biased toward extreme environmentalism and the desire to eventually eliminate any use of the Chugach. Of the 22 prescriptions used in the alternatives, 19 we preservation oriented. The plan ignores a reasonable range of alternatives, which represent multiple use, or a realistic combination of uses. There is no indication that the plan will benefit all United States Citizens as set forth by Forest Service mandate.

In this mind-set, there will be no need for the Forest Service at all, because there will be nothing left to manage. It will already be managed to its maximum and totally preserved...forever. Our National Forests will become National Parks. And now we might ask why we would need to fund the Forest Service at all (i.e. your job). It is unlawful for the Forest Service and extreme environmentalists to restrict the Chugach National Forest beyond the intent of Congress and the Forest Service's own governing laws.

There is no doubt that local user group conflicts may exist. This is a result of access and facility limitations coupled with current user restrictions and past land preservations. These conflicts are nothing that can't be settled locally in the basement of our town halls. There is no need for Federal mediation. Mediation does not mean restrictions and conditions. Mediation means management by the Forest Service involving local groups. Further restricting the Chugach will only exacerbate these conflicts. It will only be catering to the agenda of one group.

-- Surprisingly, the Preferred Alternative is not backed by the substantiation of up-to-date, unbiased scientific studies and data. I found some data used over 20 years old and very inaccurate. A modern geophysical survey does not exist. Mining data used is 70 years old.

Brown Bear Core areas are mysteriously established and include no proof of where or why they should even exist. A Brown Bear count in this area is unavailable. Unbelievably, local fish, game, and wildlife experts have not been contacted. Scientific data is absent.

-- There is no study revealing the impacts that wilderness designations would have on access to private and public lands, or development of potential lands within the Chugach. Should we wait until after the fact to address these issues? Of course not.

-- The Preferred Alternative does not allow for potential resource development, and it leaves only a minute portion available for mineral development, transportation and utility systems. Once again, a total preservation tone.

-- Prescriptions ignore utilization and access issues. The Chugach is immediately accessible in very few places. Roads and facilities are few. Conditionally restricting areas directly adjacent to access points virtually eliminates the majority of use and users of the Chugach. Again, a total preservation tone.

-- The Preferred Alternative encompasses and manages waters that are already managed by the State of Alaska. Given the importance of Alaskan fisheries, this is a major conflict and a contradiction of law. Who will have authority to manage?

I strongly oppose the Preferred Alternative and all the proposed Alternatives. Six of the Alternatives are strongly preservation oriented and only two provide for slight multiple use management. They do not guarantee my rights to the Chugach National Forest as specified by law.

They are too restrictive and conditional. They support a singular and prejudice use of our public resources (preservation) rather than a multiple use. They are a poor excuse for managing the Chugach. Finally, they over-step the intent of our National Forests and the intent of Congress. We can not live 15 years with the Preferred Alternative or any of the Forest Services Alternatives!

I support that the Chugach National Forest Lands be designated without further restriction in any way, without more conditions. I strongly oppose the Preferred Alternative. I attest first hand that there is no critical rationale or circumstance that requires such a drastic preservation oriented approach. I support more access to the Chugach.

Currently the Chugach can only be accessed in a few localized areas.

This is ridiculous in such a big Forest. Most other National Forests are much smaller, yet have an abundance of accesses. I support more roads and better roads to our Chugach. I support better facilities, new trailheads and trails, remote campsites and expanded user areas. I support management of motorized and non-motorized user groups -- not elimination. I support responsible use opportunities for all users of our future generations. I support decisions made by Forest Service personnel that are not influenced by special interest groups, but rather by law and common sense. And here I can support funding for your job.

Most of us have busy lives. We assume the Forest Service will manage the Chugach sensibly and without influence. We assume environmental special interest groups, politics, money, and red tape come second to the laws set forth mandating the Forest Service. We assume you people will do what is right, for the benefit of ALL American People. We assume when NFMA required the Forest Service Plan to be 'revised' every 10 to 15 years, that 'revised' did not mean, 'further conditionally restrict'.

I was extremely disappointed after reviewing the Alternatives. It seems the goals of our Forefathers who established our National Parks mean nothing. I pray that someday my young children will feel and see the experiences I have in the Chugach. Telling stories of 'how it used to be' isn't going to satisfy them.

With great concern,

Steve DeVito

Cc:

The United States Congress
Alaska Congressman Don Young
Alaska Senator Frank Murkowski
Alaska Senator Ted Stevens
The Blue Ribbon Coalition
Kenai Peninsula Public Land Users Group
Governor Tony Knowles
USDA Forest Service
Rick Cables, Regional Forester
Anchorage Daily News
Alaska State Snowmobile Association

Comment #	Comment
0023180-001	I am writing to express my deep concerns about the proposed revised Chugach Land and Resource Management Plan and Draft Environmental Impact Statement. These documents are severely deficient in a number of particulars and, in my opinion, require massive reconsideration in order to protect the numerous adversely affected interests of the people of the United States. You are respectfully requested to withhold publication of any record of decision on this plan until the following concerns are rectified. The proposed revision does not meet the Forest Service's mandate for multiple use, nor does it reflect the 'best combination of uses.' Under the preferred alternative none of the Forest's 5.5 million acres is designated for Resource Development. Only 6,860 acres are set aside for pre-existing, site specific mining claims. Less than a quarter of one percent of the forest is available for development of transportation/utility systems. Under the preferred alternative there is no allowable sale quantity (ASQ) of timber, and no attempt to establish guidelines for a sustainable timber harvest. The preferred alternative 'emphasizes Wilderness recommendations and provides a mix of Wild and Scenic River and Research Natural Areas recommendations.' Not only do these designations violate the 'no-more' clause of ANILCA, they effectively close the door on future exploration and development opportunities. There is no analysis of the impacts wilderness designations would have on access to private inholdings, adjacent private lands, or potentially developable land within the forest. Throughout the preferred alternative preservation is the prevailing emphasis, which is a singular rather than multiple use of the public resource. Of the eight alternatives, including the No Action and Preferred, six are heavily weighted towards preservation and only two provide for any multiple use management. Of the 22 prescriptions used in the alternatives, 1 allows for future resource development, 1 allows for current mineral development, 1 pertains to transportation/utility systems and 19 are preservation oriented. Rather than a reasonable range of alternatives and a realistic combination of uses, the public is asked to comment on what amounts to varying degrees of preservation. The plan is so biased that it appears better suited for a national park management plan. Designation of additional conservation units (i.e. Wilderness, Wild and Scenic River etc.) severely limits access to private in-holdings, public lands, and adjacent private lands. Such designations could block access to lands with a management prescription that permits some resource development activity. Though fixed wing aircraft can land in wilderness areas, helicopters may not, and therefore access to a vast roadless area is reduced significantly. What is being done to ensure that disabled Americans can access the Forest and have a memorable 'Alaskan experience?' Flightseeing and helicopter landing sites should NOT be scaled back since restrictions on landings are already too severe. Many recreational activities (lodges, cabins, campgrounds, boat landings, etc.) would not be allowed in much of the forest. The preferred alternative ignores congressional language in Section 501(b) of ANILCA by assigning prescriptions in the Copper River area that are far more restrictive than those established by Congress. Highly restrictive prescriptions in the preferred alternative, including Wilderness, will restrict multiple uses in the delta that are allowed by Congress. In expanding the boundaries of the Chugach,

Section 501(b) mandated by statute how both the Copper/Rude River addition to the forest and the Copper/Bering River portion of the forest would be managed. The statute stated that multiple use activities would be permitted in these areas as long as those activities were consistent with conservation of fish and wildlife.

Given that Alaska has an aging tourist base, how does restricting amenities, like campgrounds, motorized access to the forest, and helicopter landings fulfill the Forest Service's obligation to manage for the benefit of the American People, Not every visitor to the forest is youthful and in peak physical condition. We have an obligation to ensure that all Americans can enjoy the Chugach.

The Forest Service is using outdated data to determine the alternative management prescriptions. The Kenai Peninsula Timber data - 13 years old. The Forest-wide Timber Data - 22 years old. Most of the minerals data date back to the 1930s and are based upon locations of historic developments and not locations new developable deposits. On April 27, 1999 the Interagency Minerals Coordinating Group (made up of representatives from the USFS, USGS, BLM and Alaska Division of Geologic & Geophysical Surveys) recommended that a modern airborne geophysical survey be completed for the Chugach National Forest before completion of the Forest Plan revision. No such survey was requested, or completed by the Forest Service.

Though the insufficiency of the data used in the planning process has been noted on several occasions (December 19, 1997; October 30, 1997; November 1, 1999), the Forest Service declared the data sufficient in January of 2000, and released the DEIS with its proposed alternatives on October 14, 2000.

I appreciate your attention to these comments and look forward to significant revisions in the plan to reconcile the foregoing problems.

Sincerely,

Taiga Mining Company, Inc.

Jerome I. Birch, Vice President

Comment #	Comment
0023195-002	Forest Plan Revision Chugach National Forest 3301 C Street, Suite 300 Anchorage, Alaska 99520 Gentlemen: This letter is written to address the critical area of the Delta, the valuable Copper River Delta wetlands, both east and west of the river. This would permanently protect the habitat of Salmon, shorebirds and waterfowl, brown bears, wolves and more. Important areas in Prince William Sound like Knight and Montague Islands and Jack and Sawmill Bays, to help species continue to recover from the Exxon Valdez oil spill. Critical brown bear habitat, and all eligible wild scenic rivers including the Copper, Martin, Bering and Katalla rivers. Your 'preferred' alternative does not adequately address these issues. Please advise me on this matter. Mrs. Shelley Stilwell Weston Ransier 4921 Relwood Dr. #16 Fairfield, Ohio 45014

Comment #	Comment
0023213-001	NATIONAL WILDLIFE FEDERATION People and Nature: Our Future is in the Balance Alaska Office December 1, 2000 Public Comment Period - Week 11 Dave Gibbons U.S. Forest Service 3301 C Street, Suite 300 Anchorage, AK 99503 Re: Copper River Delta Wilderness Dear Dave: Please find enclosed another 3,000 comment cards supporting wilderness designation for the Copper River Delta and other wild areas of the Chugach National Forest. These comments come from every part of the county, including Alaska, and reflect a common conviction that the Forest Service has an obligation to rigorously protect the nation's environmental crown jewels for all Americans. At a recent public meeting, I overheard someone state that a 'wilderness designation locks up the forest, essentially banning everything but foot traffic.' I think it is worth emphasizing that this is not an accurate characterization of the 501(b) Wilderness prescription that we propose for the Copper River Delta. With extensive input from residents of Cordova, Cal Baker and other Forest Service staff have developed a wilderness prescription for the Delta that is specifically tailored to meet local needs while protecting the fragile Delta ecosystem from most harmful types of development. Among other things, the designation would guarantee reasonable access to private lands, allow snowmachines, motorboats, and airplanes for traditional activities, and authorize the use of airboats for hunting and fishing. Furthermore, an explicit goal of this unique wilderness is to maintain the region's commercial and subsistence fisheries. A wilderness designation would not 'lock up' the Delta, as some wilderness critics suggest. Instead, it would be a lasting commitment to protect this spectacular area while accommodating existing uses. The Copper River Delta is already faced with proposals to build logging roads, strip mine coal, and drill for oil and gas-and more development is sure to follow. It is unrealistic to think that we can protect the Delta from these activities without the strong, congressionally mandated protection afforded by a wilderness designation. We urge you to recommend 501(b) Wilderness for the entire eastern Delta and sensitive areas of the western Delta. Sincerely yours, Tony Turrini, Director Alaska Office, National Wildlife Federation Enclosures c: George Frampton Jim Lyons Mike Dombeck Rick Cables Jim Caplan 2

Comment #	Comment
0024926-001	Stop strip mining clear cuts, road building, protect: Fish & wildlife native culture commercial fishing. I request wilderness designation!
0026257-001	:
0026280-001	I am writing to ask you to withhold the Record of Decision on the Chugach Land and Management Plan until certain problems are corrected. The Plan, as it stands, does not meet the Forest Service's management mandate for multiple use. - A very small area, already under claim, is set aside for mineral development. - The minerals evaluation is cursory and based on long outdated information. - The plan is biased because of its declared intent to maintain the 'wild character'. Because such study leads to a 'Wilderness' classification, it violates the 'no more' clause of ANILCA. - Access is one of the most important land uses in Alaska. There has been little discussion of access, both existing and the need for future access. - There is almost no consideration for future resource or other development. Specifically, no timber harvest is considered, even through National Forests were established to provide for a healthy timber industry. - Although fixed wing aircraft are allowed, helicopters are not. This seems strange since helicopter landing areas take up comparatively little area. - Banning helicopter landings serves, among things, to disenfranchise disabled and older citizens, people who would have no other means of viewing the Forest. - Prescriptions recommended for the Copper River Delta are not consonant with Section 501(b), of ANILCA, which would permit uses that are consistent with conservation of fish and wildlife. A rewrite of the plan is indicated giving a significantly wider range of activities and considering the needs and desires of a wider range of the public.
0026638-003	I also encourage you to recommend these places for Wilderness Status: Knight and Montague Islands and Jack and Sawmill Bays in Prince William Sound; the Copper, Martin, Bering and Katalla Rivers, Alaganik Slough, and Martin and Bering Lakes as well as the entire southeast portion of the Copper River Delta.

Comment #	Comment
0026648-001	I would like to submit an argument against the proposed Land and Resource Management Plan for the Chugach National Forest. If comments are allowed until December 14, 2000,1 request that my objections become part of the record. First, I understand that the National Forest Management Act of 1964 requires a Forest Plan revision every 10 to 15 years. These plans are prepared in accordance with the National Forest Management Act of 1976 and the National Environmental Policy Act. These Acts allow for a great deal of discretion in developing management plans necessary to sustain both current usage, development and resource preservation. It further reiterates the need to sustain a level of benefits to the American people. It offers a philosophy of usage that balances the needs of the people, especially those who have an economic dependence on the forest with those individuals who find quiet enjoyment in just participating within a changing ecological system. It is interesting that those responsible for preserving a balance between existing usage and preservation have completely changed the premise used in the past to develop and implement a management plan. This change establishes a primary theme that allows natural processes to dominate how the ecological systems will be managed. This is inconsistent with past management themes that define a balance of usage and preservation. This serious inconsistency and complete change in management parameters threatens the original intent for creating a National Forest for all Americans. Apparently, a philosophy of sustained use has been changed to a philosophy of restrictive intent. While many alternatives were considered, only two criteria were used in the selection of a 'Preferred Alternative'. Criterion for forest preservation was determined on the basis of natural processes and usage criterion was determined on the basis of minimal impact. This philosophy of restricting use on the basis of 'minimal impact' contradicts and disenfranchises the majority of current users. Current users with concerns about the legitimacy of not recognizing what are equal and legal access prescriptions. The same access prescriptions that have been granted over time and guaranteed by the National Forest Management Act (NFMA) and the Alaska National Interest Lands Conservation Act (ANILCA). This is especially apparent in the proposed 'Preferred Alternative' and its exclusion of prescriptions permitting motorized transportation access. This philosophy contradicts law and requires a complete redefinition of ecological concepts for fish and wildlife habitat. Definitions using only the criterion of 'natural processes and minimal impact' are again inconsistent with the parameters required to develop a management plan. Even more importantly, the Forest Service has changed its existing management plan by not implementing a balance between sustained use and natural processes dealing with the Spruce Bark Beetle infestation. This has severely affected the small local logging concern. Contrary to the existing management plan, past practices have already excluded this viable commercial enterprise. Valuable dead trees have been left to deteriorate when it was possible to balance a harvest program with changing ecological dynamics. The Forest Service may find a lack of responsible management and exclusion of legitimate prescriptions a basis for significant malfeasance liability. To change a philosophy from one of managed use to a philosophy of restrictive intent may be construed as an effort to cover up many past management inconsistencies on record. To develop a new plan which would support or obscure past management inconsistencies is not the intent of the 1984 Land and Resource Management Plan or the National Forest Management Act (NFMA).

New resource categories, such as 'quiet resources', were defined and given substantial weight to support this alternative theme and reallocation of land areas with restrictive conditions. This is clearly evident in the changes occurring to the classification of 'Category Three Lands'. Currently these lands reflect 48% of the Forest. In the proposed 'Preferred Alternative Plan' this category is reduced to only 3% of the total Forest. Or a reduction 94% in the land category originally determined as area of/and for managed use.

Second, by reviewing the many proposed alternatives, researching specific cases with respect to prescriptive access, and defining traditional uses as claims for prescriptions', adequately supports a change in the definition of 'traditional use' and substantiates the proposed 'Preferred Alternative' is wrong. It would appeared that the Forest Service has determined that the primary theme of traditional use must be validated as a settlement of aboriginal claims dealing specifically with hunting, access and fishing. This does not satisfy the requirements of 'traditional use' determined by ANILCA and reflected in previous management plans. Conversely, it has been determined in the 'Preferred Alternative' all uses not validated as an aboriginal claim will not have a prescriptive right and shall be restricted on the basis of habitat impact or interruption of natural processes. This assertion changing the definition of traditional use and removing lands from a managed use classification without concern to the prescriptive claims of all current users is illegal unless perfected or reversed by the courts.

A good example of this deals explicitly with motorized recreation and snow machines. Without prohibiting the use of snow machines the proposed plan reduced the area available to this particular user by 2.45 million acres. This change would allow only activities of minimal impact in areas previously opened to a variety recreational and commercial use. This change has disenfranchised and discriminated against those that have used the Forest historically, consistently and continually. You cannot arbitrarily allow one type of prescription and prohibit another when they both qualify under the same set of standards. You cannot arbitrarily accept one recreational user group and reject another user group when they both have had the same protections of use under previous management plans. You cannot restrict use by arbitrarily reducing the size of controlled areas. This form of discrimination disrupts the intent of public trust and common law principles used as a foundation in the formulation and adoption of NFMA and ANILCA.

Third, it is arguable that your proposed 'Preferred Alternative' is not a viable management plan. It does not meet the requirements of NFMA and ANILCA. The primary theme and emphasis of this plan more closely focuses on resource preservation as it applies to a Wilderness Area and not a National Forest. The parameters governing a National Forest according to legislation shall be on the basis of sustained managed use. Requisite to this type of management protocol are the legal requirements for a balance between multiple use and preservation. Areas cannot be arbitrarily reduced in size in favor of a more restrictive condition without some scientific study supporting the restriction. No evidence of any unbiased scientific study has been offered to support the justification for reallocation of managed use areas in the 'Preferred Alternative' management plan. This proposal is a clear attempt to change the Forest Service's role as manager and conservator of common property. Restrictive intent requires significant enforcement. Enforcement is not your responsibility. Passive management based upon restrictive intent is not either. A proactive plan balancing 'multiple use' with preservation is the primary responsibility of the Forest Service!

In summary, it is clear that there is a continued effort to further restrict the Chugach National Forest. This restrictive intend discriminates more heavily upon local commercial and recreational user groups. The Chugach National

Comment #	Comment
	Forest should not be regulated on the basis of restrictive use. It should be regulated the basis where usage and preservation are weighted equally in determining management standards and procedures. Historical and traditional user groups should not be disenfranchised. If anything, managed use areas should be increased in size beyond the current 48% or 2.60 million acres. Viable user groups should have a participative interest in any adopted management plan. The 'Preferred Alternative Plan' does not represent the majority of current user groups and instead reflects a posture by the Forest Service to close down the National Forest especially to those of us living in Alaska. As one who lives here year round, I too have a vested interest in your management plan and expect some consideration for the historical use everyone has been allowed to enjoy.
0028495-003	I tried reading up on the plan and the Preferred Alternative on the Internet, but I found it extremely difficult because of the complicated layout, the huge size of the maps, and the big pdf files, some of which I never could get downloaded. Couldn't you have organized it by area and the changes to that area? Also, trying to keep the 'prescriptions' straight got confusing.
0026367-002	Dec. 1, 2000 Chugach Revision Attn.: Gary Lehnhusen Chugach Natl. Forest 3301 C. Street, Suite 300 Anchorage, AK, 99503 Dear Mr. Lehnhousen, I very strongly urge you to keep the Chugach areas wild. It has so many factors to do so. Portage glacier in the Chugach is the most visited spot in Alaska. More than 16 million shorebirds and waterfowl visit the copper river delta each springs. Not one single acre of this wonderful area is permanently protected as wilderness. The Kenai river is a sport fishing paradise. Kenai king salmon weigh up to 100 lbs. Copper river red salmon are prized by government chiefs world wide. The Chugach, this area should be saved for everyone to enjoy, unregulated development with heavy motorized use as logging, mining, roads construction could destroy this area. The unusual portage glacier is another plus to keep it wild. I urge national forest team should be urged to adopt alternative to, strengthened to ensure that it protects all roadless areas from new roads and logging . Yours truly Olga Rosche

Comment #	Comment
0026397-001	Please be advised that I would like to see these lands put into wilderness designation. COPPER RIVER DELTA: Conservationists are urging the Forest Service to recommend wilderness for all of the valuable Copper River Delta wetlands both east and west of the river. The Forest Service had recommended Wilderness for the southeastern portion of the Delta in an early draft of their preferred alternative, but changed that recommendation in the Draft EIS. Additionally, all eligible wild and scenic rivers forest-wide should be recommended, including the Copper, Martin, Bering, Katalla Rivers, Alaganik Slough, and Martin and Bering Lakes. PRINCE WILLIAM SOUND: Conservationists are urging the Forest Service to recommend the entire Wilderness Study Area, Knight and Montague Islands, and Jack and Sawmill Bays as wilderness to help protect species recovering from the Exxon Valdez oil spill and the Sound from large-scale industrial tourism. KENAI PENINSULA: Conservationists are urging the Forest Service to recommend Wilderness on the Kenai to protect brown bears and their habitat and to reduce motorized use. Specifically, Resurrection Creek and River areas. Snow River and Twentymile should be recommended as Wilderness on the Kenai.
0026425-001	I would like to ask that you do all you can please to protect some of the wilderness areas in and around the Chugach National Forest. Of note please consider the Copper River Delta wetlands east and west of the river and all rivers in the forest area such as the Bering and Katalla, plus Martin and Bering Lakes. Also of concern to me is the entire Wilderness Study Area in Chugach, Knight and Montague Islands plus Jack and Sawmill Bays. I hope that you will see that these areas need protection as a result of wildlife depletion related to the Exxon Valdez oil spill. Finally, I would like you to consider the protection of brown bear populations in Kenai peninsula by making it wilderness area also. Many of these areas are roadless, but are without Wilderness designation for protection. I realized that you may be able to help by simply considering these words; so please listen. I know you must be.
0026440-001	I believe that the country should protect the Copper River Delta and the Kenai peninsula. These areas are part of are most precious resource (nature), which we need to keep in that state. It would be wrong to go in as humans and destroy the natural habitat for our own selfish wants and needs.
0026472-001	Comments: As an outdoorman and 15 year Alaskan, I find the idea of setting any additional federal lands aside as wilderness areas unnecessary. I believe that all future wilderness areas or additional park and/or preserves should only be allowed if similar types and amounts of land be freed up for other environmentally sound uses in the same state in which the new land is designated.
0026543-001	I am opposed to the logging and development of Chugach and the surrounding areas.

Comment #	Comment
0026586-002	Please consider the following areas as designated Wilderness. 1. COPPER RIVER DELTA: I urge the Forest Service to recommend wilderness for all of the valuable Copper River Delta wetlands both east and west of the river. Additionally, all eligible wild and scenic rivers forest-wide should be recommended, including the Copper, Martin, Bering, Katalla Rivers, Alaganik Slough, and Martin and Bering Lakes. 2. PRINCE WILLIAM SOUND: I urge the Forest Service to recommend the entire Wilderness Study Area, Knight and Montague Islands, and Jack and Sawmill Bays as Wilderness to help protect species recovering from the Exxon Valdez oil spill and the Sound from large-scale industrial tourism. 3. KENAI PENINSULA: I urge the Forest Service to recommend Wilderness on the Kenai to protect brown bears and their habitat and to reduce motorized use. Specifically, Resurrection Creek and River areas. Snow River and Twentymile should be recommended as Wilderness on the Kenai.
0026600-001	I wish to reject proposed propose Chugach land plan. I urge the Forest Service to adopt the provision below: (1) Mitigate, harvest and reforest thousands of acres affected the spruce back beetle infestation to prevent the loss of board feet of trees and reduce the risk of fine and resulting loss of private land. (2) Provide for road access to new and existing mineral deposits; and (3) Request that a legal review of the plan be conducted. I am against of looking - up of any forest service land, or other!

Comment #	Comment
0026652-001	I feel that I must comment on the current proposed Forest service plan for the Chugach. In review it is obvious that my concerns for Alaskans are founded. The USFS is ignoring RS 2477 language. RS 2477 is quite clear and is to allow for access into the federal lands on trails and roads by motorized access means. RS 2477 access exists throughout Alaska and the Chugach Forest and as such until all of these areas are known of and incorporated land designations should not exclude these land uses and attempt to make the uses difficult. The USFS should be opening their lands and not excluding them from the general populace. In addition the USFS is ignoring ANILCA language and concessions. In this ignorance it is quite clear the USFS is attempting to operate outside the law in making the restrictive land uses which are incorporated in this plan including the wilderness designations. It appears that from inventory data that the Chugach National Forest has enough volume to construct 1,000,000 homes and that annually the forest grows enough wood to build approximately 3,000 homes. Though the USFS plans to allow the harvest of trees to construct 150 homes. This without any appreciable roads. The Kenai Peninsula needs to construct 250 homes a year to maintain the current population. This does not include the amount of wood which is necessary to construct the needed housing in Anchorage to Valdez where the forest should meet the needs of its citizens in the basics of shelter. Therefore the needs of the Alaskans will again not be taken into account by the USFS and it is quite clear the USFS is not taking subsistence issues into account for the citizens of the surrounding lands in Alaska. The open door policy has been a very disappointing process which has made the opportunity for public comment in the formulation of the plan unbalanced with the ability of special interest groups to steer the process to favor their desires where the main populace does not have the understanding of the process and does not have the resources to attend meetings regularly both from a financial and logistical stand point. I feel a stay should be made on the final decision until the above concerns are much more adequately addressed within the plan.
0026654-004	Check out the Constitution of the United States. The Federal Government isn't even supposed to own land except what the state turns over to them, or for military use. The Federal Government is so smart. They won't even let a state become a sovereign state because they would have to turn over all the land to that state, therefore giving up all that control. The State of Alaska never received its lands. That's why the Forest Service is here. The Forest Service is slowly but surely doing the Federal Government's bidding of tying up the land so it is nonproductive. Look at all the ways. Road less Initiative, Wilderness, Recommended Wilderness, Wild and Scenic Rivers, Research Natural Areas are all lock-up designations and there are probably others. Maybe you now understand why I don't like these designations. Keep the land open and productive with local input on the use of the land.

Comment #	Comment
0026655-001	Chugach National Forest Planning Team 3301 C St., Suite 300 Anchorage, AK 99503 Ladies and gentlemen: I am writing to express my deep concerns about the proposed revised Chugach Land and Resource Management Plan and Draft Environmental Impact Statement. These documents are severely deficient in a number of particulars and, in my opinion, require massive reconsideration in order to protect the numerous adversely affected interests of the people of the United States. You are respectfully requested to withhold publication of any record of decision on this plan until the following concerns are rectified. The proposed revision does not meet the Forest Service's mandate for multiple use, nor does it reflect the 'best combination of uses.' Under the preferred alternative none of the Forest's 5.5 million acres is designated for Resource Development. Only 6,860 acres are set aside for pre-existing, site specific mining claims. Less than a quarter of one percent of the forest is available for development of transportation/utility systems. Under the preferred alternative there is no allowable sale quantity (ASQ) of timber, and no attempt to establish guidelines for a sustainable timber harvest. The preferred alternative 'emphasizes Wilderness recommendations and provides a mix of Wild and Scenic River and Research Natural Areas recommendations.' Not only do these designations violate the 'no-more' clause of ANILCA, they effectively close the door on future exploration and development opportunities. There is no analysis of the impacts wilderness designations would have on access to private inholdings, adjacent private lands, or potentially developable land within the forest. Throughout the preferred alternative preservation is the prevailing emphasis, which is a singular rather than multiple use of the public resource. Of the eight alternatives, including the No Action and Preferred, six are heavily weighted towards preservation and only two provide for any multiple use management. Of the 22 prescriptions used in the alternatives, 1 allows for future resource development, 1 allows for current mineral development, 1 pertains to transportation/utility systems and 19 are preservation oriented. Rather than a reasonable range of alternatives and a realistic combination of uses, the public is asked to comment on what amounts to varying degrees of preservation. The plan is so biased that it appears better suited for a national park management plan. Designation of additional conservation units (i.e. Wilderness, Wild and Scenic River etc.) severely limits access to private in-holdings, public lands, and adjacent private lands. Such designations could block access to lands with a management prescription that permits some resource development activity. Though fixed wing aircraft can land in wilderness areas, helicopters may not, and therefore access to a vast roadless area is reduced significantly. What is being done to ensure that disabled Americans can access the Forest and have a memorable 'Alaskan experience?' Flightseeing and helicopter landing sites should NOT be scaled back since restrictions on landings are already too severe. Many recreational activities (lodges, cabins, campgrounds, boat landings, etc) would not be allowed in much of the forest The preferred alternative ignores congressional language in Section 501(b) of ANILCA by assigning prescriptions in the Copper River area that are far more

restrictive than those established by Congress Highly restrictive prescriptions in the preferred alternative, including Wilderness, will restrict multiple uses in the delta that are allowed by Congress In expanding the boundaries of the Chugach, Section 501(b) mandated by statute how both the Copper/Rude River addition to the forest and the Copper/Bering River portion of the forest would be managed. The statute stated that multiple use activities would be permitted in these areas as long as those activities were consistent with conservation offish and wildlife.

Given that Alaska has an aging tourist base, how does restricting amenities, like campgrounds, motorized access to the forest, and helicopter landings fulfill the Forest Service's obligation to manage for the benefit of the American People. Not every visitor to the forest is youthful and in peak physical condition We have an obligation to ensure that all Americans can enjoy the Chugach.

The Forest Service is using outdated data to determine the alternative management prescriptions. The Kenai Peninsula Timber data - 13 years old The Forest-wide Timber Data - 22 years old Most of the minerals data date back to the 1930s and are based upon locations of historic developments and not locations new developable deposits On April 27, 1999 the Interagency Minerals Coordinating Group (made up of representatives from the USFS, USGS, BLM and Alaska Division of Geologic & Geophysical Surveys) recommended that a modern airborne geophysical survey be completed for the Chugach National Forest before completion of the Forest Plan revision No such survey was requested, or completed by the Forest Service.

Though the insufficiency of the data used in the planning process has been noted on several occasions (December 19, 1997, October 30, 1997, November 1, 1999), the Forest Service declared the data sufficient in January of 2000, and released the DEIS with its proposed alternatives on October 14, 2000.

I appreciate your attention to these comments and look forward to significant revisions in the plan to reconcile the foregoing problems.

Sincerely,

James L. Cloud
(907) 345-9730

0026660-001 A meeting I attended in Seward at the High School Auditorium held by the Forest Service on November 14th was conducted very poorly. The reason for this was because the forest service personal conducting the meeting were clearly biased. It was clear they did not care what the snowmachines had to say. Forest Planning team leader Gary Lehnhausen was rude and prejudice. I felt Mr. Lehnhausen had his mind already set on limiting or eliminating my right to enjoy the forest. His attitude was discriminating towards the snowmachine group, and his attitude was the skiers have more of a right to the forest than the snowmachiners, and these meetings & comments are not important because the Forest Planning team is going to give the skiers another area to themselves, and push the snowmachiners aside. In the future I would like to see these meetings conducted differently and fairly.

Sincerely,

Dan Sieminski
P.O. Box 2155
Seward, AK 99664

Comment #	Comment
0026661-001	. I am disappointed that the interactive CD was not available to Macintosh users, and so I did not have that tool to help me. I encourage you in the future to make sure the CD is available to both PC and Mac users.
0026680-003	PS: I tried reading up on the plan and the Preferred Alternative on the Internet, but I found it extremely difficult because of the complicated layout, the huge size of the maps, and the big pdf files, some of which I never could get downloaded. Couldn't you have organized it by area and the changes to that area? Also, trying to keep the 'prescriptions' straight got confusing.
0026692-001	Please protect our country's second largest national forest, the Chugach, and the Copper River Delta.

0026693-001

SOLDOTNA CHAMBER OF COMMERCE
RESOLUTION 2000-03

A RESOLUTION IN OPPOSITION TO THE U.S. FOREST SERVICE
MORE RESTRICTIVE CLASSIFICATION LANDS ON THE KENAI PENINSULA

WHEREAS, the U.S. Forest Service has proposed reclassification on lands within the Chugach National Forest on the Kenai Peninsula which would result in greater limitations on the use and development of those lands; and

WHEREAS, the proposed reclassifications would adversely affect the potential for natural resource development of those lands; and

WHEREAS, any increase in restrictions on the methods and means of accessing public lands by the Forest Service will adversely impact local businesses on the Kenai Peninsula by reducing the number and variety of visitors traveling to the area; and

WHEREAS, impacts to the local economy will also be reflected in lower property values of real estate on the Kenai Peninsula; and

WHEREAS, reduced property values will reduce funding of local government through property tax collected by the local government; and

WHEREAS, reduced sales through private businesses will result in a reduction of sales tax within the borough and cities further reducing funding of local government; and

WHEREAS, the overall reclassification will limit recreational, economic and development opportunities of the local residents; and

NOW, THEREFORE, BE IT RESOLVED BY THE SOLDOTNA CHAMBER OF COMMERCE:

SECTION 1. That the U.S. Forest Service is urged to limit the reclassification of land within the Chugach National Forest on the Kenai Peninsula to a usage classification no more restrictive than is currently in effect without adequate study and review of the economic impacts to the local businesses, communities, cities, borough and state, as well as studies into the benefits, if any to the environment in relation to the economic impact of any reclassification.

ADOPTED BY THE SOLDOTNA CHAMBER OF COMMERCE THIS 8th DAY OF DECEMBER 2000.

President, Dan Mortenson

Attest: Justine Polzin, Executive Director

0026749-001

Hi Gary. Could you tell me how the W & S Rivers Prescription in the Preferred Alternative affects my use of lands adjacent to those areas. Is there any private land adjacent to those areas? Will this classification limit or eliminated access to adjacent land? The plan is hard to understand. Please e-mail me with any information you have.

Gary Lehnhausen/R10/USDAFS wrote:

> This is to answer your question below about Wild and Scenic Rivers (W&SR) and the one you posed to Ted Schenck about the Brown Bear Core Rx.
>
> The W&SR Rx does not surround private land anywhere. If a section of eligible river had private land we stopped the recommendation at the boundary of the private land and in some cases started it again on the other side of the private section of land. The section of river adjacent to the private land would not be recommended for designation as a W&SR. Under no circumstance would we do anything to block or limit access to private land.
>
> The Brown Bear Core Rx was used to manage important brown bear habitat areas that already have a significant amount of development and public use -- for example the Russian River campground area. The idea is not to remove the campground to benefit bears but to limit people's activities to the campground area. Small spur roads that access the area around the campground would be closed to public access to protect the bears from defense of life and property kills. This Rx was not used on all important brown bear habitats. Actually other more restrictive Rx's do a better job of protecting bears such a Wilderness but they could not be used in areas such as the Russian River area.
>
> We do have some scientific data from radio telemetry studies that shows that brown bear favor valley bottoms with productive salmon streams.
>
> However, common sense would tell us that. If you would like to see our brown bear habitat maps come to the office any time and I will show them to you.

The Plan is very complex and I am learning more, fast.

I didn't word my question about the Wild and Scenic Rivers very well. Please let me try again.

How will the Wild and Scenic Rivers Prescription in the Preferred Alternative affect my use of lands adjacent to those Wild and Scenic Rivers in the National Forest? Under the Preferred Plan some of these rivers will be classified as a Category 1, which means the most restricted to use. What prompted this? These Rivers have been a mainstay of recreation for many user groups, and there is much Forest Service land which borders those Wild and Scenic areas. In the past these Forest Service areas have been accessed and utilized by means of those same prescribed Wild and Scenic Rivers. For example, areas of the Paradise Valley have been accessed by users for many years via the Snow River. My concern is, that by further restricting use in the Wild and Scenic Rivers areas, you are further restricting use in the adjacent National Forests. To make it worse, these user areas seem to be designated more restrictive than they currently are

under the Preferred Plan. As you know, access in Alaska is a key point. It is very unclear to me why these areas would need such a dramatic prescription in the first place. I have utilized many of these W & S Rivers over the years and I don't quite see the need for such a dramatic preservation oriented prescription. Maybe you could elaborate, or at least reference some ecological studies that determined the reasoning behind the Category 1 Prescription. Is there a reason why the current prescription for these areas can not be managed rather than restricted? What has caused the dramatic swing in making these areas so restricted? Do we have proof of these causes?

I still do not understand what has caused the more restrictive prescription for the Chugach regarding the Brown Bear Core areas? We all know these areas support bear habitat and a fall population of bears near salmon streams. Your habitat maps and telemetry studies show that. It's been like this for years. But what evidence do you have that these areas should be further preserved and restricted from users? What evidence do you have that the people or the bears are in jeopardy? Where do the bears go in the winter? And how will the prescription affect the open bear hunting season in these areas? How many defense of life and property kills have we had in these areas since the current prescription designation set forth in 1984? We know users and user groups have utilized these areas with the bears for years. Yes, there is an occasional incident, but these incidences are no more common in the prescribed Brown Bear Core areas than anywhere. I don't understand why we can't manage our Forests here, rather than close roads and restrict people's activities only to campgrounds?

You said 'The Brown Bear Core Rx was used to manage important brown bear habitat areas that already have a significant amount of development and public use'. Please help me understand why we can not 'manage' these same objectives under the current designation in these areas? Doesn't the current Category 3 in these areas designate management of Fish, Wildlife, and Recreation?

It would love to get to your office, but the internet will have to do for now. My local management offices have been very helpful with brown bear information.

Thank you for your help Gary. These Alternatives are driving me bonkers! I'm an educated person, but as a lover and user of the Chugach, none of them are making sense. :)

You said 'The Brown Bear Core Rx was used to manage important brown bear habitat areas that already have a significant amount of development and public use'. Please help me understand why we can not 'manage' these same objectives under the current designation in these areas? Doesn't the current Category 3 in these areas designate management of Fish, Wildlife, and Recreation?

It would love to get to your office, but the internet will have to do for now. My local management offices have been very helpful with brown bear information.

Thank you for your help Gary. These Alternatives are driving me bonkers! I'm an educated person, but as a lover and user of the Chugach, none of them are making sense. :)

Steve

Comment #	Comment
0026766-003	Please also put me on any mailing lists regarding forest plan summaries or public information. Do not put me on your normal NEPA mailing list. Thank you, Chuck Pezeshki Associate Professor School of Mechanical and Materials Engineering WSU-Pullman Pullman, WA 99164-2920 509-335-7662 (W) 206-883-3001 (H) pezeshki@mme.wsu.edu

0026809-001 To: <r10_chugach_revision@fs.fed.us>
cc:
Subject: Proposed Chugach Forest Plan Revision and EIS

Mr. David Gibbons, Forest Supervisor
Chugach National Forest, Plan Revision
3301 C Street, Suite 300
Anchorage, AK 99503
r10_chugach_revision@fs.fed.us

Re: Proposed Chugach Forest Plan Revision and EIS

Dear Mr. Gibbons,

Forest Conservation Council (FCC) and the National Forest Protection Alliance (NFPA) are active in efforts to protect and restore native biological diversity on private and public forest lands throughout the nation, and have organizational, business, and individual members nationwide who wish to fully participate in the forest plan revision process for the Chugach National Forest. NFPA and FCC are dedicated to protecting and restoring the integrity of our nation's forests and public lands, including the ecosystems they provide and the cultural and biological heritage they sustain. NFPA and FCC believe that commodity extraction on America's public lands is not a legitimate use and makes no sense economically or ecologically.

Our members regularly use and enjoy the vast ecological resources managed by the Chugach National Forest, and view the forest plan revision process as an opportunity to secure lasting protection for the high quality terrestrial and aquatic habitats on federal lands, and to begin the process of restoration of ecosystems that have been degraded by resource extraction and commodity uses.

We would first like to express our gratitude to the Plan Revision Team for seriously considering an alternative that would forego commercial timber production on the Chugach National Forest. We believe that the Team has considered the benefits and costs of the historically small contribution of the Chugach to the timber industry in Alaska. Choosing Alternative F with its zero ASQ will benefit greatly the non-timber economy of the surrounding communities and greater national population as a whole. On the other hand the distinction between non-chargeable and chargeable commercial timber sales is ill defined and leaves open a loophole for abuse.

Our organizations can support Alternative F with some modifications that will be discussed below. Our most serious concerns pertain to wilderness designations, the definition of 'non-chargeable logging,' and replacement of 'backcountry management areas' with wilderness designation.

Socioeconomic analysis

We are pleased to see the depth in which the Plan Revision Team treated some aspects of the socioeconomic situation. However our disappointment that the team ignored our recommendations in the February 16, 1999 scoping letter submitted by Bryan Bird, on behalf of Forest Guardians (incorporated here in full as if repeated verbatim) eclipses our pleasure. There are severe limitations to this analysis that render it only partial and quite biased towards the local economy. Succinctly stated by the DEIS itself:

'no attempt is made here to empirically estimate the market and non-market values associated with the flow of goods and resource services emanating from the Forest under each of the alternatives,'

DEIS Ch. 3. Such a statement and the omission of an analysis of empirical market and non-market values flies in the face of contemporary natural resource economics.

By law, the United States Forest Service ('Forest Service') must fully account for all benefits and all costs of natural resource management decisions and make those decisions in a manner that maximizes net public benefits. These requirements appear frequently in the Multiple-Use Sustained Yield Act ('MUSY'), the Forest and Rangeland Renewable Resources Planning Act of 1974 ('RPA'), the National Environmental Policy Act ('NEPA'), the Administrative Procedure Act ('APA'), the National Forest Management Act ('NFMA'), the Global Climate Change Prevention Act ('GCCPA'), and Forest Service Regulations and Rules. We maintain that the Chugach DEIS and Forest Plan do not meet these requirements.

Wilderness and WSR Designations

Several key areas of the Chugach National Forest will not be afforded Wilderness designation under the preferred alternative. Especially egregious is the omission of the 501b area on the Copper River Delta. The Copper River Delta is one of the most critical shorebird habitats in the Western hemisphere and a world-renowned salmon fishery. Without wilderness designations based on biological criteria rather than political, the Copper River Delta will remain unprotected and vulnerable to resource development including logging, road building, and sub-surface coal development proposals. Further, all eligible scenic rivers throughout the Delta should be recommended for WSR designation.

We are concerned about the weakening of the Nellie Juan-College Fjord WSA in the draft Plan. This area is in need of rest and recovery since the Exxon Valdez oil spill. The Plan should propose the entire congressionally designated WSA as well as Knight, Montague, Ignot, Story, Naked, Eleanor, Peak, Disk, and Smith islands for full wilderness designation. Without such designations, these sensitive and critical wildlife areas will be severely impacted by the growing motorized recreation industry. The opening of the Whittier road is sure to exacerbate the situation and the USFS should consider this in its wilderness and WSA designation proposals.

The growing tourism industry and associated growth in motorized recreation make wilderness designations on the Kenai Peninsula and Turnagain Arm imperative. Further, motorized recreation, road building, and the utility corridor easement threaten grizzly bear habitat in this area. The grizzly bear population is already tenuous at best on the Kenai. Wilderness protection should be recommended for the Resurrection Creek and Russian River Areas, Resurrection Pass Trail, Snow River, and Twentymile River Valley. Further, all critical grizzly bear habitat should receive wilderness protection and the riparian buffers would be expanded from the current 750' zone to ensure this species' long-term viability on the Kenai Peninsula.

'Backcountry Management Areas'

We are concerned that the designation 'backcountry management areas' will not provide appropriate protection for sensitive resources and wildlife vulnerable to motorized recreation. All backcountry management areas should receive full wilderness protection and be off limits to

motorized activities.

Non-chargeable v. Chargeable Forest Products

We are concerned that the definition of non-chargeable and chargeable forest products is not clear and that the terms 'stewardship logging' and 'salvage' must be accurately defined. The proposed land and resource management plan states that an objective of the plan is to:

'[p]rovide sustainable amounts of saw timber, poles, cabin logs, firewood, and other products for personal and commercial uses from forested lands.'

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Without a better definition of these terms and the complete elimination of commercial logging whether chargeable or not, the Plan remains ambiguous and contrary in many ways. The DEIS recognizes the trivial contribution of timber from the Chugach to the local and regional economy. Why does the preferred alternative not take this logic to its natural conclusion and prohibit commercial logging of all kinds while preserving the personal use category of tree cutting?

USFS Roadless Area Conservation Rule

The preferred alternative should be consistent with the final rule on roadless area conservation, not simply reference the rule. The final Chugach Plan should fully incorporate the new roadless area rule by protecting all roadless areas from new road building and all forms of logging. Without this protection the final Plan will not be in compliance with the final roadless area conservation rule and will be vulnerable to challenges.

Thank you for the opportunity to comment on the Proposed Chugach LRMP. We look forward to your response to the above concerns. Please respond to our Southeastern regional office.

Sincerely,

Bryan Bird
Executive Director, FCC
Member of the Board, NFPA
Forest Conservation Council
Southeastern Regional Office
561.347.0949
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Mr. David Gibbons, Forest Supervisor
Chugach National Forest, Plan Revision
3301 C Street, Suite 300
Anchorage, AK 99503
r10_chugach_revision@fs.fed.us

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1/ See for example, Daley, G. 1997. Natures Services: Societal dependence on natural ecosystems. Island Press 1997.

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Sincerely,

Bryan Bird
Executive Director, FCC
Member of the Board, NEPA

0026812-001 I am writing to express my deep concerns about the proposed revised Chugach Land and Resource Management Plan and Draft Environmental Impact Statement. These documents are severely deficient in a number of particulars and, in my opinion, require massive reconsideration in order to protect the numerous adversely affected interests of the people of the United States. You are respectfully requested to withhold publication of any
record of decision on this plan until the following concerns are rectified.
The proposed revision does not meet the Forest Service's
mandate for multiple use, nor does it reflect the 'best combination of uses.' Under the preferred alternative none of the Forest's 5.5 million acres is designated for Resource Development. Only 6,860 acres are set aside for pre-existing, site specific mining claims. Less than a quarter of one percent of the forest is available for development of transportation/utility systems. Under the preferred alternative there is no allowable sale quantity (ASQ) of timber, and no attempt to establish guidelines for a sustainable timber harvest. The preferred alternative 'emphasizes Wilderness recommendations and provides a mix of Wild and Scenic River and Research Natural Areas recommendations.' Not only do these designations violate the 'no-more' clause of ANILCA. They effectively close the door on future exploration and development opportunities.

0026813-001

We commend the Chugach National Forest for taking an innovative and science-based approach to the revision of it's Forest Plan. The use of a collaborative stewardship process provided an open and fair opportunity, right from the beginning, for each user group to participate in Forest Service deliberations. It also provided the public with an unprecedented opportunity to be familiar with the reasons behind each decision.

The Revised Forest Plan and DEIS provide extensive information on natural resources in the Chugach and its use by people. But the most important aspect of these reports is the selection of a Forest Plan, The Preferred Alternative has many good elements but needs some improvements. The most important improvements include:

-- changes to the Brown Bear Core and Backcountry prescriptions,
-- adding Recommended Wilderness areas to the Kenai Peninsula,
-- additional Wild and Scenic rivers, and
-- a better balance between motorized and nonmotorized uses during the winter.

Following are more detailed comments.

Proposed Revised Chugach National Forest Land and Resource Management Plan

Chapter 2 - Forestwide Direction

The goals, objectives, standards and guidelines listed under Forestwide Direction provide proper direction for management of the Chugach. We are particularly pleased with the emphasis on ecological sustainability. However, one deficiency we would like to point out is the lack of emphasis on passerines, an important component of the wildlife that occurs in the Chugach, Neither the species listed as management indicator species in Goal 2 under Ecological Sustainability or the species listed in Table 2-1 in General Wildlife Guidelines mentions any passerine species. We would like better recognition that the Chugach provides substantial nesting habitat for many forest songbirds. Even though only 16 percent of the Kenai Peninsula portion of the Chugach is covered with forest, this amounts to about 220,000 acres. That much forest can support a sizable population of forest songbirds. Many of these species are experiencing serious nesting habitat losses in other parts of North America.

One of the important species listed in Table 2-1 is the osprey. Robert Armstrong's Guide to the Birds of Alaska lists the osprey as rare in southcoastal Alaska. While protection of osprey nesting areas may be important in the Lower-48, we question why it is listed as an important species in the Chugach. We suggest that the osprey be dropped and that Kittlitz's murrelet, a species common to the area and dependent on old growth forest for nesting, be added to the list.

Chapter 3- Management Area Prescriptions

The Chugach National Forest is to be commended for the extensive amount of public input it allowed during the formulation of prescriptions and allowable activities. While we generally agree with the prescriptions and activities, we would like to see some minor changes that could have significant results in certain situations. Prescriptions that we are particularly in support of are:

Fish and Wildlife Conservation/Fish, Wildlife and Recreation

We appreciate that there are separate prescriptions for Fish and Wildlife Conservation and Fish, Wildlife and Recreation. While fish and wildlife are an important aspect of outdoor recreation, particularly in the Chugach, the overall theme of the Fish, Wildlife and Recreation prescription does not really address the Ecological Sustainability goals presented in the Forestwide Direction, On the other hand, Fish and Wildlife Conservation does. Having the combination of these two prescriptions provides a proper perspective for managing fish and wildlife with respect to consumptive, nonconsumptive and intrinsic values.

Developed Recreation/Reduced Noise

The Chugach National Forest is to be commended for recognizing that all too often, campgrounds and other developed recreation sites have become noisy parking lots that no longer offer the type of experience that many seek. Having this prescription will help make it clear what type of behavior is expected from those who use these sites and help ensure that their experience will be based reflective of the attributes of the forest, such as solitude, quiet, and background noises generated by nature (e.g., bird calls, flowing water, etc.).

Brown Bear Core

Audubon is pleased that Brown Bear Core is one of the Category 2 prescriptions. We think this prescription could be a significant tool in the effort to sustain the population of Kenai brown bears at its current level. However, a serious deficiency with this prescription is that it allows the development of utility systems as a 'conditional' activity.

The management intent for the prescription states, 'Utility corridors, power generation facilities, power transmission lines, marine transfer facilities and administrative facilities are discouraged in this management area.' However, 'discouraged' is a nebulous term. Furthermore, the following sentence stating that projects 'may be allowed if no feasible alternative is available' sends confusing signals. It can be expected that project developers will hire consultants and lawyers to demonstrate that no other alternative is feasible and that disturbance of a brown bear core area is essential for their project. Any project that is likely to seek access across a proposed Brown Bear Core areas will be a major construction project that will necessitate not only road construction, but vehicle access throughout the life of the project. Mentioning that, 'Resource projects in roadless areas must be accomplished without construction of new roads' will be seen as only a speed bump, not a stop sign, on the way to proving that there is 'no feasible alternative.'

Furthermore, the 'no feasible alternative' language in the prescription does not give any suggestion as to how feasibility should be determined. Consequently, it will be only a matter of time before the Forest Service is faced with a project proposal that will require technical and economic expertise well beyond that of managing a forest. The only way to avoid the time and money that will be needed to sort out the claims when this morass arises is to change Utility Systems in the Brown Bear Core Activities Table from 'C' to 'N.' Without this change, we do not have the assurance that this prescription will accomplish what is intended.

Backcountry

The Backcountry Management and Backcountry Motorized Management

prescriptions are contradictory and confusing. While Backcountry Management appears to emphasize non-motorized use, it clearly allows winter and summer motorized activities without any standards or guidelines that explicitly indicate how an emphasis for non-motorized activities will prevail. On the other hand, the theme for the Backcountry Motorized Management leaves out any mention of non-motorized use and clearly states that one option is 'Backcountry motorized winter only.' While allowing only motorized winter use makes sense for the sake of human safety in some heavily used areas like the snowmachine area of Turnagain Pass, it contradicts Table 3-68 in the DEIS which states that winter non-motorized use has 100% access to the Chugach. It also contradicts claims made by some motorized vehicle activists who say they have less access to the Chugach than non-motorized users. The solution may be to combine these two prescriptions into one with clear indication that the prescription covers both motorized and non-motorized activities and guidelines as to which one shall prevail.

Day-Use Facilities

All of the Category 2 prescriptions, except for EVOS Acquired Lands, give a 'Y' to day-use facilities. The scope of a day-use facility can vary widely and, in some cases, essentially amount to a Developed Recreation Complex; a Category 4 prescription. To prevent this from happening, it would be better to give day-use facilities under all Category 2 prescriptions a 'C' and provide standards and guidelines consistent with a Category 2 theme.

Chapter 4 - Monitoring and Evaluation

The one suggestion we would like to make here is that monitoring of wildlife include birds that inhabit the Chugach. There already are a number of surveys, such as breeding bird surveys, that are undertaken each year by other agencies. The Boreal Partners in Flight program can provide assistance regarding existing sources of monitoring data relevant to birds.

Appendix A - Description of the Preferred Alternative

ASQ

Under Resource Production, the Preferred Alternative states that its ASQ will be zero. This essentially says that the Chugach will have little, if any, export of timber. We strongly support this decision, noting that this will not reduce personal use harvest of forest products nor does it preclude small-scale commercial timber sales that serve local markets. Given the original purpose for the Chugach National Forest, its limited amount of commercial forest, and the importance of these forested areas for fish and wildlife habitat as well as opportunities for outdoor recreation, a zero ASQ is a realistic assessment of highest value.

Motorized and Non-motorized Uses

We concur with the emphasis on non-motorized types of recreation during the summer. The conditions in the Chugach tend to be too wet to allow motorized vehicles, except on existing roads, without tearing up soil cover. Because of the steepness of much of the Chugach, loss of soil cover quickly leads to erosion and possible siltation in freshwater lakes and streams.

Regulation of motorized recreation during the summer addresses only land-based activities. We encourage the Forest Service to also consider water-based motorized recreation, particularly jet skis. Although the

Forest Service has stated that regulation of water-based motorized recreation is not within its Jurisdiction, we believe that there are situations where the Forest Service does have jurisdiction. The Forest Service should be able to regulate the type of watercraft that use Forest Service boat launches and campgrounds. We have seen jet-skis on Summit Lake which used the Forest Service campground there for access to the lake and then harassed nearby loons, These jet-skis would not have been able to launch on Summit Lake without use of Forest Service facilities.

The Preferred Alternative demonstrates good recognition that conflicts exist between snowmachiners and cross-country/telemark skiers. This alternative provides better assurance than the status quo that skiers will have some areas where they will not be exposed to the risk and disturbance when snowmachines are around. Despite these improvements, we think the Preferred Alternative does not strike a fair balance between these user groups.

Michael Kania Seward District Ranger, said in the October 2000 edition of the Revision newsletter that, 'additional non-motorized areas would result in the Kenai Peninsula portion of the Forest having ninety percent motorized access and ten percent non-motorized access.' We do not think that this ratio accurately reflects the number of snowmachiners to skiers. It is easy to overestimate this ratio since one snowmachine can create more of a presence than ten skiers. Also, it is hard to estimate the number of skiers who have given up on an area because of the overwhelming presence of snowmachines. A review of surveys regarding the number of people who own snowmachines and/or cross-country skies could provide a more accurate assessment of the potential for each activity. Previous surveys in the Chugach are have indicated that there are many more skiers than snowmachiners.

Wild and Scenic Rivers

The Kenai Peninsula portion of the Chugach National Forest has a number of rivers that offer superb scenic and recreation opportunities, but are either undervalued by the Wild and Scenic River recommendations of the Preferred Alternative or not even listed. We recommend the following changes and additions.

-- Upgrade Sixmile Creek and its East Fork from Recreational to Scenic, The attraction of Sixmile Creek is its scenic canyons as well as whitewater recreation.

-- Upgrade both the Twentymile River and Snow River from Scenic to Wild. Both of these rivers are as wild and remote as any river in Alaska that is accessible from the road system.

-- Downgrade Portage Lake from Scenic to Recreational. Not only is Portage Lake the most visited place in Alaska, but most of its shoreline is extensively developed. While the area certainly is scenic, is do not match the DEIS description of a Scenic River which says, 'still largely primitive and undeveloped.' Furthermore, it is confusing why Portage Lake should be listed as Scenic but the Sixmile listed as only Recreational.

-- Delete Portage Creek as Recreation. Portage Creek has a much disturbed riverine and of river-related recreational significance, There are many other rivers on the Kenai which are more deserving of this classification.

-- Delete Portage Glacier as Wild. Not only is classifying a glacier a Wild River a waste of the limited number of rivers that are likely to receive this recognition, but the use by snowmachines of the upper

part of the glacier is an inconsistent use and contradicts the 'inaccessible by trail' description of a Wild River in the DEIS, The DEIS Wild River description also states that the area should have an 'undisturbed landscape.' A glacier is a classic example of a disturbed landscape, albeit by natural causes.

-- Add the Kenai River as Recreational. Although the Appendix D of the DEIS questions designating the Kenai River as a Recreational River because the Forest Service owns little of the shoreline that is within the Chugach, the boundaries and area of influence of a Recreational River go well past the shoreline. The Forest Service does own a considerable number of acres that are within one quarter mile of the river. Designating the Kenai River as a Recreational River would be fitting and consistent with State management (Kenai River State Management Area).

-- Add the Russian River as a Wild River upstream of Lower Russian Lake and as a Scenic River from Lower Russian Lake to its confluence with the Kenai River. Upper Russian Lake has some of the most scenic vistas on the Kenai. Not recognizing this area as a Wild River defies reasoning. Designating the lower part of the river as Scenic should help with protect the riverbanks which is essential for maintaining this river as a world class sport fishing destination. While most fisherman are not litter bugs, there seem to many who are. Having a Scenic River designation may help prevent trash getting dropped by some fisherman.

-- Add the Resurrection River as a Wild River. Designating the Resurrection River as a Wild River gives an extra layer of security to protecting brown bear habitat in the area.

Recommended Wilderness

The Kenai portion of the Chugach not only has high quality blocks of defacto wilderness, but an abundance of users that seek activities which give them some version of a wilderness experience. For this reason, wilderness on the Kenai is more imperiled than any other pail: of the Chugach. Designating some of the Kenai as recommended Wilderness is essential if the Chugach National Forest is to succeed in protecting and sustaining this valuable resources.

A significant disappointment we have with the Preferred Alternative is that there is no Recommended Wilderness on the Kenai. This is a major shortcoming of the Alternative. To correct this deficiency, we strongly recommend the Recommended Wilderness area included in Alternative D, namely the Resurrection Pass area and the Snowy River area. In addition, given the vulnerability of Brown Bear Core Management Areas to utility corridors, we strongly recommend that the Resurrection River Brown Bear Core Area in the Preferred Alternative be designated Recommended Wilderness.

Other Preferred Alternative Prescription Changes

On the Kenai Peninsula, we recommend that the Fish, Wildlife and Recreation prescription be limited to developed recreation areas, such as the Russian River and Quartz Creek campgrounds. It would be more appropriate to list some areas that are have a Fish, Wildlife and Recreation prescription as either Fish and Wildlife Conservation or Backcountry. For instance, the area around Cooper Lake and the north side of Kenai Lake should be Fish and Wildlife Conservation rather than Fish, Wildlife and Recreation. This would not only be a more appropriate designation, but connect with the Brown Bear Core areas on the

Resurrection River and Crescent Lake.

Cooper Landing Bypass

We were surprised to see the Cooper Landing Bypass, which has been proposed by the Alaska Department of Transportation and Public Facilities (ADOT&PF), mentioned in the Preferred Alternative. To our knowledge, this controversial project was not discussed at any of the IDT meetings. This proposed project is highly controversial because its basic purpose is flawed. Previous studies for this project have not only been based on questionable analysis of the supposed benefits, but a misrepresentation of the impacts on wildlife and outdoor recreation, hi addition, ADOT&PF planners have been selective in choosing their public participation, essentially leaving out user groups who stand to lose the most if the project is able to somehow finagle approval.

It is not clear to us what is meant by, 'This alternative will provide for consideration of the Juneau Creek option shown of the Preferred Alternative map.' In previous project studies, ADOT&PF have sought to make the Juneau Falls area a highly developed wayside for motorists, although there has been no demand for such a facility. Not only would this wayside essentially duplicate the Turnagain Pass rest stop, but it would significantly impact an important brown bear travel corridor, severe a National Recreation Trail, and drastically change the wilderness character of the valley traversed by the Resurrection Trail. Furthermore, the Cooper Landing Bypass would violate the Fish and Wildlife Conservation prescription for this area. We think it is rather arrogant of ADOT&PF to disregard land use plans by other agencies, yet expect cooperation. We encourage the Forest Service to disregard plans for this project, unless its approval actually appears imminent.

Draft Environmental Impact Statement

Generally speaking, the DEIS provides a comprehensive and science-based analysis of the natural resources that are found on the Chugach and the consequences of each alternative, However, we some have some comments.

Page 2-40 mentions that the 'Chugach National Forest is approximately 98 percent roadless.' This is an often used piece of information. Although it may be correct, it doesn't properly convey circumstances, particularly on the Kenai. Because much of the area is mountainous or covered with glaciers, most of the area would remain roadless even under the most aggressive attempt to provide roads everywhere. In fact, many of the lower elevation valleys on the Kenai, which are the biologically productive areas sought by both development and conservationists interest, already have a road or railroad corridor. In the Final Environmental Impact Statement (FEIS), we would like to see some estimate as to how much of the lower elevations on the Kenai Peninsula portion of the Chugach are roaded, including state owned right-of-ways.

The section on Insects and Diseases does not give adequate recognition to the impact that climate favorable to the proliferation of spruce bark beetle had on the infestation experienced on the Kenai during the 90s, nor other possible factors related to human activity. Some Homer residents believe that the extensive infestation of bark beetle in the area was significantly aided by the cutting of a power line right-of-way for the Bradley Lake Hydro Project. The contractor who cut the power line corridor left most of the trees on the ground which then served as brood tress for the bark beetle. The extensive number of brood trees combined with favorable climatic conditions led to unprecedented infestation of bark beetles that spread to other parts of the Kenai Peninsula.

If this scenario has some merit, it behooves the Forest Service to look at the total picture, rather than just the situation within the Chugach, when it comes to insect infestation. Any intensive management to control insect infestation needs to be sure that it addresses the cause and not just the effect. The FEIS needs to determine to what degree did spruce bark beetle infestation on the Chugach originate with human activity elsewhere.

The Wildlife section, Table 3-45 does not list the brown bear as a species of special interest (SSI). It is mentioned later on that the Kenai Peninsula population of brown bears have been declared a 'species of special concern' by the Alaska Department of Fish and Game.

The Management Indicator Species (MIS) in this section includes species that represent a wide variety of habitats. As previously mentioned, the one species we question is the osprey. We are not sure what it is an indicator of. Replacing it with the harlequin duck might not only be a better example of a species which has some of the same habitat requirements as an osprey, but is also a species that is still recovering from the Exxon Valdez Oil Spill.

In the Access Management section, Table 3-68 states that all of the alternatives provide access for non-motorized winter activities on 100 percent of the acres in the Chugach. This is misleading and contradicts other parts of the Revised Forest Plan that acknowledge not all of the Chugach is actually accessible for non-motorized use and that skiers avoid areas specifically designated for snowmachines. The FEIS needs to correct this table.

The Social and Economic section provides extensive data relevant to the choice of an alternative. What is missing, however, is an analysis of the supply and demand for each of the Recreation Opportunity Spectrum classes. This type of analysis was recently done by the Forest Service in the Pacific Northwest for various management options (Role of Nonmarket Economic Values in Benefit-Cost Analysis of Public Forest Management by Cindy Sorg Swanson and John B. Loomis, PNW-GTR-361). The report concluded that, 'Under current management, recreation demand will exceed supply in primitive, semiprimitive nonmotorized, and semiprimitive motorized categories. The greatest gap in meeting demand will occur in the semiprimitive nonmotorized category.' We suspect that a supply and demand analysis for the Chugach, particularly the Kenai Peninsula portion of the Forest, would show similar results and recommend that the FEIS include this analysis. If so, it might indicate that the final Preferred Alternative should have more land allocated to Category I prescriptions than the current version.

0026849-001

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Dear Ladies and Gentlemen;

Following review of the PROPOSED REVISED LAND RESOURCE MANAGEMENT PLAN and DRAFT ENVIRONMENTAL IMPACT STATEMENT for the CHUGACH NATIONAL FOREST, I am compelled to respond with the following comments.

I support and encourage sound management of Public Lands with appropriate and responsible consideration given to environmental, health and safety, economic and other important issues. I also believe that legislation that empowers and funds Federal Agencies should be a first-order consideration in making important land management decisions. In the case of the Chugach and other National Forests, the guiding light should be 'multiple land use' as mandated in the National Forest Management Act. Unfortunately, and quite mysteriously, the concept of 'multiple land use' has been arbitrarily abandoned. This simple fact deserves full explanation and justification, prior to issuance of any Record of Decision.

The proposed Chugach Land Management Plan and Draft EIS are apparently the results of a short-sighted attempt to achieve 'political correctness' or some Other tenuous goal, do not live up to the mandated responsibilities of the Forest Service, and fly in the face of law. The process has been unduly influenced by a politically partisan administrative agenda and an unduly empowered coalition that does not have an accurate, realistic, practical or responsible sense of the public's wishes or a justified stake in the process.

I have followed the Chugach Land Management Plan planning process for the last three years, I personally am aware of the efforts expended throughout the process by a core group of earnest and responsible people who represent industry and community leaders and countless hard-working Alaskans. The staffs, directors and members of the Resource Development Council and the Alaska Miners Association attended many of the Forest planning meetings, commented and contributed hard data on mineral and timber resources and development and other important Forest uses that are all but ignored in the preferred plan.

Compiled by the Resource Development Council staff and following are a list of issues repeatedly brought up throughout planning process and repeatedly overlooked:

I. The proposed revision does not meet the Forest Service's mandate for multiple use, nor does it reflect the 'best combination of uses'

-- Under the preferred alternative none of the Forest's 5.5 million acres is designated for Resource Development. Only 6,860 acres are set aside for pre-existing, site specific mining claims. Less than a quarter of one percent of the forest is available for mineral development and transportation/utility systems.

-- Under the preferred alternative there is no allowable sale quantity (ASQ) of timber, and no attempt to establish guidelines for a sustainable timber harvest.

-- The preferred alternative 'emphasizes Wilderness recommendations and provides a mix of Wild and Scenic River and Research Natural Areas recommendations.' Not only do

these designations violate the 'no-more' clause of ANILCA, they close the door on future exploration and development opportunities.

-- There is no analysis of the impacts wilderness designations would have on access to private inholdings, adjacent private lands, or potentially developable land within the forest.

-- Throughout the preferred alternative preservation is the prevailing emphasis, which is a singular rather than multiple use of the public resource.

-- Of the eight alternatives (which include the No Action and Preferred), six are heavily weighted towards preservation and only two provide for any multiple use management.

-- Of the 22 prescriptions used in the alternatives, 1 allows for future resource development, 1 allows for current mineral development, 1 pertains TO transportation/utility systems and 19 are preservation oriented.

-- Rather than a reasonable range of alternatives and a realistic combination of uses, the public is asked to comment on what amounts to varying degrees of preservation. The plan is so biased that it appears better suited for a national park management plan,

-- Designation of additional conservation units (i.e. Wilderness, Wild and Scenic River etc.) severely limits access to private in-holdings, public lands, and adjacent private lands.

-- Such designations could block access to lands with a management prescription which permits some resource development activity.

-- Though fixed wing aircraft can land in wilderness areas, helicopters may not, and therefore access to a vast roadless area is reduced significantly.

-- What is being done to ensure that disabled Americans can access the Forest and have a memorable 'Alaskan experience?' Flightseeing and helicopter landing sites should NOT be scaled back since restrictions on landings are already too severe.

-- Many recreational activities (lodges, cabins, campgrounds, boat landings, etc.) would not be allowed in much of the forest.

-- The preferred alternative ignores congressional language in Section 501(b) of ANILCA by assigning prescriptions in the Copper River area that are far more restrictive than those established by Congress. Highly restrictive prescriptions in the preferred alternative, including Wilderness, will restrict multiple uses in the delta that are allowed by Congress. In expanding the boundaries of the Chugach, Section 501(b) mandated by statute how both the Copper/Rude River addition to the forest and the Copper/Bering River portion of the forest would be managed. The Statute stated that multiple use activities would be permitted in these areas as long as those activities' were consistent with conservation of fish and wildlife.

-- Given that Alaska has an aging tourist base, how do restricting amenities, like campgrounds, motorized access to the forest, and helicopter landings fulfill the Forest Service's obligation to manage for the benefit of the American People. Not every visitor to the forest is youthful and in peak physical condition. We have an obligation to ensure That all Americans can enjoy the Chugach.

II. The Forest Service is using outdated data to determine the alternative management prescriptions.

-- The Kenai Peninsula Timber data -- 3 years old

-- The Forest-wide Timber Data -- 22 years old

-- The Minerals data date back to the 1930s and are based upon locations of past development and not locations of developable deposits

On April 27th 1999 the Interagency Minerals Coordinating Group (made up of representatives from the USFS, USGS, BLM and Alaska Division of Geologic & Geophysical Surveys) recommended that a modern airborne geophysical survey be completed for the Chugach National Forest before completion of the Forest Plan revision. No such survey was requested, or completed, furthermore, it has repeatedly been pointed out to the Forest Service that all indications are that the bulk of the Chugach National Forest contains evidence of undiscovered mineral wealth and that existing mining claims are not an accurate measure of mineral resource potential.

It is astounding to me, and I would think to anyone involved in or vaguely familiar with the Revised Plan and EIS, that:

In the very beginning of the document, under the headings 'Forestwide Direction, Forest Goals and Objectives', under the subheading 'Resources', the plan asserts;

> Goal 1 - Provide opportunities to explore for and develop minerals for personal and commercial uses.
>
> > Objectives' Provide for environmentally sound mineral exploration, development (including salable minerals), and reclamation in areas open to mineral entry, open for mineral leasing and in areas with valid existing rights that are otherwise closed to mineral entry....
>
> Goal 2 - Provide opportunities to utilize forest products for personal and commercial uses.
>
> > Objectives - Provide sustainable amounts of saw timber, poles, cabin logs, firewood, and other products for personal and commercial uses from forested lands,'

Following these statements and after discussions of legislation that prescribes guidelines for forest management, including the National Forest Management Act and the Alaska National Interest Lands Conservation Act, the planners proceeded on a predetermined course of preservation with no regard to other equally important issues. This simple fact is a major injustice committed against all American citizens and should not go unchecked.

The Forest Service staff and administrators take pride in their use of Geographic Information System (GIS) and world-wide-web technology in the planning process. Unfortunately, this powerful and potentially effective technology, as used, did not serve well the process or the public. Electronically distributed documents and the hardcopy CD that contains the Revised Plan and EIS contain enormous amounts of useful information, but were not effectively or accurately used in the planning process. The unbalanced planning process and steps that led to it were; taken

before the digital data were distributed. This all gives the process an unwarranted air of scientific justification and adds to the injustice of the current plan.

I eagerly await a more balanced approach to resolving this and other important forest management issues.

Respectfully,

Jeffrey Y. Foley

Comment #	Comment
0026850-001	Forest Plan Revision Chugach National Forest 3301 C Street Suite 300 Anchorage, AK 99503 Dear Sirs; Jerry and I oppose the revised Chugach Land and Resource Management Plan and Draft EIS and are requesting that you withhold a decision on this plan until a revision to the plan can be made and approved by the public. In all your management' area prescriptions, you state under Ecological Systems Desired Condition-Ecological Processes 'relatively undisturbed by human activity dominate.' This statement and the plan submitted indicate to us that you're working to restrict human activity in our forest. We do not want any Wilderness or Wild & Scenic River designations in the plan as those designations are too restrictive and final as they become an act of Congress. We feel the forest should be open to all people and activities and Alaska has enough Wilderness and Wild & Scenic Rivers. We also do not want any areas designated as Research Natural Areas. Pages 3-300 to 307 in the Environmental Impact statement address the effects on various activities under this prescription. You (the government) have the right to build and develop sites for management and research and eliminate all human contact in these areas if you deem it necessary for research and preservation reasons. This provides too much power to you and we feel puts us back to medieval days when the ruler (the government) and his guests were the only ones allowed in the forest. All others were prosecuted and if necessary hung for trespass in to the rulers research, areas (the forest). We. protest our government having the power to restrict areas for their use only. These areas as stated in your documents are not predominantly used by humans; therefore, we see no need to grant the power of restriction to the government in these areas. The timber industry is penalized with this forest plan. None of your prescriptions allows Commercial Timber Harvest ASQ. We fed you are penalizing individuals who want to try to make timber production profitable by restricting the availability and accessibility of the timber, Timber is a renewable resource and we feel that roads and accessibility should be available for using that resource. Presently, we finished a timber contract 43-0120-0-0075 Unit 7A. prescribed burn for the USDA. The contract called for the contractor to cut trees on several hundred acres and let them lie as they fall as next summer you plan to burn the whole area. Within the acres we've cut, there was some nice timber that could have been used for house logs, firewood and other products. When asked why it was not put out to harvest, we were advised that access could not be obtained for a road for timber sale. We have performed that job to the USDA's satisfaction but what a unaware of our resource that the USDA could have sold, the contractor could have made money and a product resulted. Instead, you paid us and will burn the resource. If as you write in your documentation, 'timber is to be harvested and reserved to contribute to the allowable sales quantity with the intent to create or improve islands that will meet future timber product needs', then you need to address accessibility in all areas. The Proposed Revised Forest Plan is going to affect the number of acres where mineral exploration and development may allowed. The plan

withdraws land by putting it into Wilderness designation. To the information, you have provided you do not state when or who did the study and how in depth the study was made, nor how access will be guaranteed for mineral developments in place, There have been many horror stories on access being denied to miners and others who have used the National Forests and Parks for years for access, having that access cut off or denied. We do not wish to start denying access across the forest for any person. We have a need for mineral resources, which will only increase in the future. By restricting mineral activities, you are restricting our gravel resources. It is our feeling that in the future the withdrawals of lands into Wilderness (27% of the land) is excessive and your limiting of mineral development in your other descriptions is excessive. We do not feel your evaluation of our future needs was sufficient in the mineral development area.

The recreational aspect and trails designation is too restrictive. In your schedule of trails, you have on Bean Creek, Clemens Cabin, Colorado. Devils, Lost Lake Trail, Lost Lake Winter Rt., Primrose, Resurrection, Swan Lake, and Trout Lake open from 12/1 to 2/15 or 3/31 for snow machining. The periods are too restrictive. There are years when the snow conditions maintain so riding can be done into April. This year there is no snow, so snow machining, skiing is not happening on any of these trails and we are into mid December. We believe the trails should be open when the snow conditions permit and end when conditions deteriorate.

Upon review of your Table C-2, it appears that there are only two trails open to ATV usage. It is our opinion that if the trails have been used previously for ATV's, they should remain available. Examples of trails are Falls Creek, Mills Creek and Snowy River.

Cooper Creek dam road is closed both to ATV and HC (high clearance) vehicles, which we feel should be open for both summer and winter access. Quartz Creek road is open to ATV's but not HC Vehicles. This used to be the old highway, the locals have traveled that road in both vehicles, and ATVs so should remain accessible to both. Crown Pt. Road, Falls Creek Mine Rd, Grants Lake Mine Road, Mink Creek Mine Road, Slate Creek Mine Road, Swetman Mine Road, should he open to both HC and ATV Access. We have limited roads within the forest, do not close off accessibility in the summer by means of ATV or four wheel drive vehicles.

Lost Lake area should be open for snow machines and skiers when snow conditions permit and extended past the 3/31 as proposed in your plan, snow conditions permitting. Resurrection pass extended past 2/15 based on snow conditions. Twenty-Mile River is scheduled to be classified as Scenic and have snow machining open odd years in several sections. It is my understanding that there is a commercial operation out of Girdwood that makes guided snow machine trips in this area. This restriction would affect his business negatively and we do not see the need for the odd years in the snow machining. Your documentation is not specific explaining why that restriction is needed, that we could find. Therefore, this restriction has no basis and will adversely affect a developing tourist industry. This area would have to he explained in more detail.

You have also ignored the disabled, as there are no accommodations for their needs. You place everything in prescriptions that make it inaccessible to these groups.

We also disagree with designating areas for Brown Bear Core Management. You are restricting access due to possible bear-human conflicts. Anywhere you walk in the forest, there is

a possibility of a bear encounter. Again you are restricting people from the forest to minimize contact and to provide solitude. You really do not want a lot of solitude if it is just you and a bear. We do not feel it us necessary to have a specific designation for Bear Management. Bears are all through the forest so manage these like the rest. Brown or Black they both can make a human mincemeat if they so desire.

In closing, we feel that you are not managing the forest in a manner consistent with allowing all users access to the forest. We have enough wilderness-designated areas in Alaska already. The Chugach National Forest is accessible to a large population and that population should be allowed to use the forest for recreation, and development of resources. The documentation you provided was not provided to the public timely enough for a thorough review and discussion before these comments were due.

We do not want this Forest Plan approved as drafted and request information on all changes before a final decision. Please notify us of all future meeting.

Sincerely,

Jerry D. James & Cheryle E. James
President Sec/Tres

CC: Senator Ted Stevens
Congressman Don Young
Congressman Prank Murkowski
Governor Tony Knowles
Rick Cables, Regional Forester
Dave Gibbons, Forest Supervisor

0026875-001

I oppose the revised Chugach Land and Resource Management Plan (CLMP) and Draft EIS I support the No-Action Alternative and ask that you withhold publication of a record of decision on this plan until the Following items are corrected.

The planning process and the proposed Plan have been illegally biased due 10 the declared intent of maintaining the 'wild character' of the Forest. Such a process with a predetermined conclusion is arbitrary and capricious The proposed CLMP does not meet the Forest Service's mandate for multiple use, nor does it reflect the 'best combination of uses.' The minerals evaluation is insufficient with most of the data dating from the 1930s. Lands outside the Wilderness Study Area were studied and recommended for 'Wilderness' designation Lands already designated 501 (b) by Congress were recommended for 'Wilderness.' Such studies and recommendations violate the 'no-more' clause of ANILCA, There is no analysis of the impacts 'Wilderness' designations would have on access to private inholdings, adjacent private lands, or potentially developable land within the forest The DEIS does not include a reasonable range of alternatives and a realistic combination of uses.

The public is asked to comment on what amounts to varying degrees of preservation Recommendations for 'Wilderness' and Wild & Scenic Rivers severely limit access 10 private in-holdings and adjacent private lands. The needs of disabled and older Americans have been neglected with likely 95% of the Forest inaccessible to these groups.

Comment #	Comment
0026881-001	I have tried numerous times to send this message to the right people. I would appreciate you taking a minute to forward it to the recreation / use person. It was returned to me after sending it to Steve Hennig as suggested by the web site. I understand the deadline is Dec 14. Please let me know if it gets through this time. My regards, Debbie Cahill Carlson I am writing on behalf of the Cooper Landing Nordic Skiiers. Some of us have lived in Cooper Landing hearly 50 years. The latest resident 1 year. Most have lived here 10-30 years. We have used the Resurrection Trail many times a year for hiking and skiing. We rent cabins, do day trips and tent summer and winter. My husband had a dog team for 10 years and was on the trail almost daily when conditions allowed. We strongly feel that motorized uses should be segregated physically and if that isn't possible seperated by calender date usage as has been implemented thus far. As we have watched usage on the trail for 15 years (my husband and I live on the old Bean Creek Trail which accesses the main trail) we have seen the trail deteriorate much earlier each year due to the change in snowmobile design. The corderoy road effect was apparent late in the year. He used to wear a back brace toward the end of the season. They caused the sled to bounce uncomfortable. I usually quit skiing in the spring because of the mogul effect skiing. Now that machines are faster and more powerful and more abundant/these trail conditions appear as soon as there is enough snow. We now rarely ski the main trail and are in search of other alternatives for ski only trails. What takes skiiers many trips to groom a back country trail takes a machines seconds to destroy. We have no grooming equipment here. We all understand that a machine does wonders packing the trail in the beginning of the season but it has a negative effect thereafter. I have spent many a ski trip following the fumes of a snowmobile. I think riders would be amazed how long the fumes linger. The machines are also much quieter and it is frightening and dangerous to be confronted at the last second with the approach of a machine on a narrow corridor from around a corner. I do not criticize the use of machines, nor the riders of them. I think they have a definite place in winter recreation and transportation. The riders I have met have been courteous. The fact remains that the motorized uses and non motorized uses are not compatible. There is an infrastructure in place on the Resurrection Trail that should not be swayed in favor of longer season for snowmachines. I am personally in favor of more QUIET AREAS and QUIET SEASONS. I have also skiied frequently on the Manitoba Mtn. area. I do not feel it should be opened up to snowmachines. It has access easy for a skiier to climb and telemark without days spent skiing in. The Lost Lake area has been favoring snow machines (as far as I know) and I do not think they should be expected to pull out of there completely. If there is not an established calender open and

closure, it should be implemented.

I stress again, it should be the goal of the Forest Service to work toward separation of these uses. They are not compatible and cannot ever be so.

If new access routes open up due to logging activity etc. , it should be planned AHEAD for recreation uses before the uses dictate the planning.

Snow machines need a lot of parking. The rigs are big, the trailers are big and they potentially are there for several nights. Bean Creek Rd. is packed with these rigs that use off road parking that is not a designated trail head. They block a favorite pull out by tourists and locals. The parking area on the Bean Creek Rd. near the access road to Birch Ridge should be clearly marked and made larger for snow machines.

Debbie Carlson,
carlsonsQarctic.net
To: Dave Blanchett <dblanchet@fs.fed.us>
Gary Lehnhausen/R10/USDAFS@FSNOTES
cc: Steve Hennig/R10/USDAFS@FSNOTES, carlsons@arctic.net.
Subject: Please forward this updated version! I do not have the address of the right person to contact. Thanks!

Gary: An update on the letter I just sent you.

Re: Chugach National Forest Service Master plan (updated Dec. 6, 2000)

I am writing on behalf of the Cooper Landing Nordic Skiers. Some of us have lived in Cooper Landing nearly 50 years. The latest resident 1 year. Most have lived here 10-30 years. We have used the Resurrection Trail many times a year for hiking and skiing. We rent cabins, do day trips and tent summer and winter. My husband had a dog team for 10 years and was on the trail almost daily when conditions allowed.

We strongly feel that motorized uses should be segregated physically and if that isn't possible separated by calendar date usage as has been implemented thus far.

As we have watched usage on the trail for 15 years (my husband and I live on the old Bean Creek Trail which accesses the main trail) we have seen the trail deteriorate much earlier each year due to the change in snowmobile design. The corduroy road effect was apparent late in the year. He used to wear a back brace toward the end of the season. They caused the sled to bounce uncomfortably. I usually quit skiing in the spring because of the mogul effect skiing.

Now that machines are faster and more powerful and more abundant/these trail conditions appear as soon as there is enough snow. We now rarely ski the main trail and are in search of other alternatives for ski only trails. What takes skiers many trips to groom a back country trail takes a machines seconds to destroy. We have no grooming equipment here. We all understand that a machine does wonders packing the trail in the beginning of the season but it has a negative effect thereafter.

I have spent many a ski trip following the fumes of a snowmobile. I think riders would be amazed how long the fumes linger. The machines are also much quieter and it is frightening and dangerous to be confronted at the last second with the approach of a machine on a narrow

corridor from around. a corner.

I do not criticize the use of machines, nor the riders of them. I think they have a definite place in winter recreation and transportation. The riders I have met have been courteous. The fact remains that the motorized uses and non motorized uses are not compatible.

There is an infrastructure in place on the Resurrection Trail that should not be swayed in favor of longer season for snowmachines. I am personally in favor of more QUIET AREAS and QUIET SEASONS.

I have also skied frequently on the Manitoba Mtn. area. I do not feel it should be opened up to snowmachines. It has access easy for a skier to climb and telemark without days spent skiing in.

The Lost Lake area has been favoring snow machines (as far as I know) and I do not think they should be expected to pull out of there completely. If there is not an established calendar open and closure, it should be implemented.

I stress again, it should be the goal of the Forest Service to work toward separation of these uses. They are not compatible and cannot ever be so.

If new access routes open up due to logging activity etc., it should be planned AHEAD for recreation uses before the uses dictate the planning.

Snow machines need a lot of parking. The rigs are big, the trailers are big and they potentially are there for several nights. Bean Creek Rd. is packed with these rigs that use off road parking that is not a designated trail head. They block a favorite pull out by tourists and locals. The parking area on the Bean Creek Rd. near the access road to Birch Ridge should be clearly marked and made larger for snow machines.

I feel that the Forest Service should not encourage construction of a bypass around Cooper Landing.

I also feel strongly about the trail being changed in order to accommodate a bypass around Cooper Landing. This would severely affect the historic status of the trail, change the Juneau Falls appeal, shorten the trail, change user groups, affect bear corridor travel to the Kenai River, affect bear habitat, and forever change and disrupt the natural appeal of this narrow mountain valley. There is not enough room for two major road corridors, it would eventually allow for more development along an avalanche prone route, it would incur greater maintenance costs to the state for a higher elevation winter route, and should not be considered because there is a prudent, viable alternative in changing the existing corridor along the Sterling Hwy to allow for shoulders, left turn lanes and a 10 mile safety path as detailed in the draft EIS. There is not enough traffic for 9 months of the year to warrant this type of expense in routing a road for 11 miles around a town of 400 residences that would intersect at the busiest section of the road during the salmon runs! The business owners along the existing corridor have long depended on drive by traffic to sustain their businesses.

Let's take care of what we have, maintain our hwy. that now exists and badly needs upgrading and enhance the infrastructure that is now in place. Do not destroy trails that are already in place.

The number one comment that Cooper Landing repeatedly receives is: 'it is such a beautiful place'. Placing another clear cut scar for a road

Comment #	Comment
	corridor along this valley would forever change the appeal. To say it would have limited access is preposterous. It invites development that would forever change the natural beauty that exists here, that people desire and appreciate in their travels in the Kenai Peninsula.

0027035-001

These comments on the above-referenced DEIS and Proposed Revised Land and Resource Management Plan are submitted on behalf of Chugach Alaska Corporation ('Chugach'), the Alaska Native Regional Corporation for the Chugach region established pursuant to the Alaska Native Claims Settlement Act of 1971, as amended, 43 U.S.C. Section 1601, et seq. ('ANCSA'). Chugach owns or has valid selection rights to over 625,000 acres of surface estate, subsurface estate and oil and gas rights within the boundaries of the Chugach National Forest pursuant to ANCSA, making Chugach by far the largest private landowner within Chugach National Forest boundaries. In addition to ANCSA, Chugach's rights with respect to its lands and adjacent Chugach National Forest lands are governed by the Alaska National Interest Lands Conservation Act of 1980, 16 U.S.C. Section 3101, et seq. ('ANILCA'), and the 1982 Chugach Natives, Incorporated Settlement Agreement ('1982 CNI Settlement').

Since the publication of the Notice of Intent to revise the forest plan in April 1997, Chugach has participated at every available opportunity in the plan revision process, from attending noticed planning meetings of the IDT planning team to providing written and oral comments on the plan, on the development of alternatives, and especially on the need for the planning team to explicitly recognize and consider Chugach's rights and interests as they relate to land use and management decisions being considered on the forest. It is evident from our review of the DEIS that the Forest Service has considered some of the issues we've raised in our letters and comments. However, equally evident is the fact that there are many important issues that we have raised which have not been adequately addressed in the DEIS. Therefore, Chugach opposes the Preferred Alternative and supports adoption of the No Action Alternative for the Chugach National Forest Plan Revision.

Chugach's primary concern with the plan revision has been, and continues to be, the preservation of its rights of access to, and the full enjoyment of its rights to use and develop its lands as envisioned and guaranteed by ANCSA, ANILCA, and the 1982 CNI Settlement Agreement, It is incumbent upon the Forest Service not only to acknowledge Chugach's rights, but to insure, through the appropriate consideration of information provided to the agency, that Chugach's ability to exercise its rights is not frustrated by decisions made or actions taken in the plan revision process.

Throughout the DEIS and the proposed plan documents, reference is made generally to providing for valid and existing rights, but the information and analyses that one would reasonably expect to see if due consideration had truly been given to those rights, to the effects of proposed actions on those rights, and to the resolution and avoidance of conflicts between them, are notably absent in a troubling number of instances. We believe that the statutes and regulations that guide the revision process recognize a fundamental distinction between the mere recognition of rights and interests, on the one hand, and sound and responsible planning and decision-making with regard to those rights and interests, on the other. After thoroughly reviewing the DEIS and accompanying documents, we are compelled to conclude that our rights and interests have not been given their due recognition and consideration in the plan revision process. We reach this conclusion based upon, among other things, the absence in the DEIS and accompanying documents: of foreseeable access routes we provided to the Forest Service early in the planning process; of complimentary land use prescriptions adjacent to our lands; of recognition of potential conflicts created by placement of recommended Wild and Scenic River and Wilderness designations on or adjacent to Chugach lands or land

interests, and ways of resolving or avoiding such conflicts; and recognition of the unique status of lands Chugach has selected for conveyance.

We hope that you will give thoughtful consideration to our comments, and undertake to remedy the deficiencies that we have outlined below, in the Final EIS and Forest Plan.

The Forest Service Fails Explicitly to Recognize and Consider Chugach's Reasonably Foreseeable Access Routes in the Proposed Revised Land and Resource Management Plan

Throughout the plan revision process, Chugach has asked for recognition and due consideration of its access rights pursuant to ANILCA, ANCSA, and the 1982 CNI Settlement Agreement. Chugach has also notified the Forest Service of its intent to utilize access routes within the forest for specific purposes, and fully expected the Forest Service to consider those uses in the DEIS. In January 1999, Chugach submitted a digital coverage of all reasonably foreseeable access routes to the Forest Service, The Forest Service, while accepting the coverage, has refused to display the access routes on base maps used in alternative formulation as well as on maps of the individual alternatives considered in the DEIS.

We fail to see how, consistent with sound and responsible planning, the Forest Service can simply omit Chugach's stated foreseeable access routes from the process maps. Surely Chugach's stated intentions for exercising its valid and existing access rights on forest lands are relevant--even critical--to the public's accurate assessment of, and the Forest Service's decisions regarding the appropriate management and uses of those lands.

It is readily apparent that the Forest Service's consideration in the DEIS of the foreseeable access routes Chugach submitted in January 1999 is deficient. To take one example, despite the fact that Chugach notified the Forest Service of its intent to utilize an access route to Chugach lands adjacent to the Nellie Juan River, the Forest Service asserts, in the Wild and Scenic River Evaluation of the Nellie Juan River (DEIS Volume II Appendix D page 68), that '[t]here are no known transportation plans within a quarter mile of the river on Federal land that would be curtailed by designation.' The Forest Service's Wild and Scenic River Evaluation of the Nellie Juan River must recognize and consider Chugach's foreseeable plans for access to its lands, as required by the Wild and Scenic Rivers Act and its implementing regulations.

A second example concerns the route Chugach notified the Forest Service it intended to utilize for access to its lands on Montague Island for future timber harvest activities. The 37-mile route links one of the few safe harbors on the island with timberlands on the exposed outer coast. There are no reasonable alternatives to this access route. Despite its knowledge of Chugach's plans, the Forest Service has designated the access corridor as among the roadless areas available for wilderness designation or continued management for roadless character (DEIS Vol. I, page 3- 358). In the Roadless Areas analysis (DEIS Vol. II, Appendix C), individual roadless areas and their suitability for management as roadless areas are described in detail. The analysis of the Montague Roadless area fails completely to consider or even disclose Chugach's stated intent to utilize the access corridor. The Forest Service must correct this deficiency, with respect to this and other management prescriptions in the revised plan that implicate, but for whatever reason do not consider, Chugach's disclosed, anticipated planning

activities, if it does not wish to run afoul of its obligation to adhere to sound planning principles and utilize the best available information.

Forest planning regulations (36 CFR 219.6(k)) require that forest planning activities be coordinated to the extent practicable with owners of lands that are intermingled with, or dependent for access upon, National Forest System lands. Chugach believes that it has made Forest Service coordination with its plans eminently practicable by providing, early in the planning process, information regarding its foreseeable plans for access to its lands. The results of this coordination are to be included in the environmental impact statement for the plan as part of the review required in 36 CFR 219.7(c). We fully expect to see these results in the Final EIS for the revised plan.

In addition, we have consistently maintained that 36 CFR 219.7 imposes an additional obligation upon the Forest Service to coordinate its planning with Chugach's plans for the use and enjoyment of its lands. We were encouraged by the Forest Service's recognition of two Alaska Native Corporations as tribal entities entitled to heightened consultation in another forest planning context (See Roadless Area Conservation FEIS Volume 4 page 18- 23, recognizing tribal status of Sealaska Corporation and Kootznoowoo Inc.), but strongly feel that the Forest Service must extend this recognition to all Alaska Native Corporations on an equal basis. We ask that the administrative record with respect to this shortcoming be reviewed and that Chugach's comments be given their due consideration in light of the regulatory requirements of 36 CFR 219.7, including the identification and resolution of conflicts between the Forest Service's proposed planning actions and Chugach's planning and land use policies.

Complimentary Land Use Prescriptions Adjacent to Chugach Lands and Foreseeable Access Routes Are Lacking in the Preferred Alternative

Forest planning regulations and sound planning principles dictate that, where practicable, the Forest Service adopt complimentary land use prescriptions for forest lands that are adjacent to other properties within the forest. The Forest Supervisor has made the decision to provide for less than complimentary prescriptions in the Preferred Alternative, and he has done so without due consideration of Chugach's valid existing rights and interests. In fact, the Forest Supervisor adopted the most restrictive prescriptions developed in the revision process for lands adjacent to private lands: 'Category 1 and 2 prescriptions are applied adjacent to most private lands.' (page A-2 Proposed Revised Land and Resource Management Plan).

Among the designations that Chugach believes must be reevaluated because they are not based upon a careful consideration of Chugach's rights and interests are:

-- 501(b)(l) Wilderness adjacent to Chugach lands at Carbon Mountain. Placement of this most restrictive prescription adjacent to Chugach's planned road corridor and timber harvest area must be reevaluated.

-- 501(b)(l) Wilderness on Chugach-selected lands adjacent to the Copper River. The Forest Service must evaluate the potential consequences of placing this restrictive prescription on or adjacent to lands that are likely to be conveyed out of federal ownership, such as the probability that some lands adjacent to the conveyed lands are almost certainly going to be needed for access to the conveyed lands.

-- Wild and Scenic River recommendation for the Snow River. As the Forest Service is aware, Chugach has an active gravel mining operation in the Snow River drainage. Yet the DEIS (Volume II, page D-22) fails to indicate that Chugach is an adjacent landowner or has current activities that are in conflict with such a designation. The Forest Service has ignored information pertinent to the evaluation of Snow River for inclusion in the Wild and Scenic River system, and must correct this deficiency.

The Forest Service Has Not Provided for Adequate Protection of Cultural Resources in the Proposed Plan.

As you know, the Forest Service is obligated by law to protect cultural resources on the forest - the most significant of which have been selected by or conveyed to Chugach Alaska Corporation as cemetery sites or historical places under ANCSA Section 14(h)(l). Part of that protection consists in keeping the locations of known cultural resources unknown to the public and commercial operators within the forest. However, it is apparent that the Forest Service intends not only to reveal the locations of sensitive cultural sites, in violation of its obligations under federal law, but to promote their visitation. In forestwide standards and guidelines (Proposed Revised Land and Resource Management Plan, page 2-22) Heritage Resource Guidelines include 'Educate outfitter/guides about the history and heritage resources in their use and involve them in active protection and interpreting them to their clients'. In the description of alternatives, the Forest Service states that 'Selected prehistoric sites may be interpreted' (Proposed Revised Land and Resource Management Plan, page 3-65). In several locations in the DEIS, the Forest Service lists known cultural sites within a given management area (DEIS Vol. II, pages C-93, C-120, C-128, C-147).

To our complete dismay, the Forest Service has even listed the specific location of a Chugach-selected 14(h)(l) site in the DEIS, and cited its presence as an attribute contributing to a potential Wild and Scenic designation: 'On the other hand, a Native Chugach Eskimo Village located in the head of a bite just inside Coghill Point was dependent upon the sockeye salmon run in Coghill River for its annual sustenance. This village has been evaluated by the Bureau of Indian affairs archaeologists and determined eligible for the National Register of Historic Places. This distinction then indicates that Coghill River may possess outstandingly remarkable features' (DEIS Vol. II page D-59). Chugach must insist that all such 14(h)(l) site information be removed from the DEIS, and that the Forest Service exercise considerable restraint in subsequent planning documents and in the Final EIS with respect to encouraging visitation to and disclosing the location of these sensitive and important cultural sites, consistent with its legal obligation to protect these sites.

The DEIS Fails Meaningfully to Distinguish Between 17(b) easements, CNI Easements, and Forest Service Trails, and Their Allowed Uses.

17(b) easements, CNI easements, and their respective management have been the focus of much contention between the Forest Service and Chugach. Chugach has identified a number of problems with respect to these easements located on Chugach's lands:

-- Nearly all of the easements are in remote areas, making monitoring and trespass enforcement impractical.

-- The Forest Service will not assume any trespass liability and does not possess enough title interest in the easements to exert such

authority.

-- In many parts of the forest, the only developed trails are 17(b) and CNI easements, which often end at the boundary between private land and federal land, thus encouraging users to remain on private land and increasing the risk of trespass.

-- The public is generally uninformed about the allowed uses of these easements.

The Forest Service needs to address these concerns in the Trails and Routes Management section of the Proposed Revised Land and Resource Management Plan (page C-5). 17(b) easements and CNI easements need to be identified in the planning documents as the limited-use trails that they are, as distinguished from the National Forest System trails. A complete and accurate description of the different types of easements, their allowed uses, their locations, both mapped and unmapped, and servient owner contacts needs to be included in the plan. In addition, 17(b) and CNI easements in other parts of the DEIS need to be distinguished from Forest Service System trails (DEIS, Vol. II page C-106, page 3-317).

The Proposed Plan Violates ANILCA Sections 501(b), 704.810, and 1326(b)

The Forest Service does not have the authority to modify the management direction set forth in ANILCA Section 501(b) for the Copper River/Rude River addition to the Chugach National Forest. The Forest Service must describe how Wilderness designation is compatible with the ANILCA 501(b) designation as is stated in the DEIS (page 3-364 line 4047). The Forest Service readily asserts that Wilderness designation would preclude some fish and wildlife enhancement opportunities (DEIS page 3-365 line 4072), and that only in cases of 'unresolvable conflicts' between conserving fish and wildlife and maintaining the area's potential for wilderness will the authority of ANILCA Section 501(b) apply (Proposed Revised Land and Resource Management Plan page 3-21, line 495). Given the experience on the Tongass National Forest of Wilderness designations adversely affecting planned fish and wildlife research and enhancement projects, we fail to see how Wilderness designations can be applied to these areas without violating ANILCA Section 501(b).

ANILCA Section 704 required the Forest Service to submit recommendations for wilderness designation from the Nellie Juan-College Fjord Wilderness Study Area (WSA) to both Congress and the President within three years. The Forest Service has never submitted the recommendation to Congress, but maintains that it will continue to manage the entire WSA for wilderness values (DEIS Vol. I page 3-361, line 3972) until Congress acts. The Forest Service must provide for the long-overdue submission of these recommendations to Congress in the revised forest plan.

The Forest Service has not provided sufficient information or analysis to support Wild and Scenic River recommendations and Wilderness recommendations in the Chugach National Forest. ANILCA Section 1326(b) prohibits further studies of lands in the Chugach National Forest for the purpose of determining whether such lands are eligible for inclusion in the National System of Wild and Scenic Rivers or the National Wilderness Preservation System. The Forest Service's existing recommendations are ill-considered and must be removed from the proposed plan.

The Forest Service states in the DEIS that 'Wilderness will have no effect on subsistence management' (DEIS Vol. I, page 3-363, line 4032). This conclusory statement does not satisfy the Forest Service's

obligations under ANILCA Section 810 to conduct a subsistence evaluation. The Final EIS must contain the evaluation required by ANILCA Section 810.

The DEIS Fails Adequately to Assess the Danger of Catastrophic Wildfire on the Kenai Peninsula in the Aftermath of the Spruce Bark Beetle Epidemic.

The spruce bark beetle epidemic has affected approximately 1.3 million acres of white spruce and lutz spruce timber stands on the Kenai Peninsula. The risk of fire or conversion to other forest types was listed as one of the primary issues and concerns to be analyzed during the forest plan revision. The DEIS fails to fully address the potential short term and cumulative effects of the spruce bark beetle epidemic in its effects analysis.

The risk of potential wildfire due to tremendous fuel loading within areas affected by the spruce bark beetle has either been ignored or not adequately analyzed in the DEIS (See for example DEIS Vol. II, page C-67, line 1746; C-56, line 1480). See also DEIS Vol. 1, page 3-7, line 119; page 3-112: 3-129; page 3-36, line 1146. The Forest Service must correct the DEIS to more accurately reflect the current condition of the forest.

The Forest Service has stated that the Preferred Alternative focuses on 'natural processes to maintain ecological systems' (DEIS Vol. I, page 2-26, lines 703-704). This preference should be rethought in the aftermath of fires this year in the lower 48 states and in light of the 1.3 million acres of beetle-killed trees on the Kenai Peninsula. A minimal-action approach to the beetle epidemic is a recipe for disaster. Chugach believes that the Forest Service should refocus its management strategy to more active management in areas impacted by bark beetles.

The DEIS Does Not Contain Sufficient Information to Meet the Requirements of NEPA, and Is Replete with Conclusory Statements, Misinformation, Conflicting Information, and Missing and Incorrect Citations

The analyses and conclusions of the Final EIS must be supported by scientific data. Unfortunately, much of the DEIS substitutes conclusory, conflicting and inaccurate statements for comprehensive, science-based analysis. Attachment A to these comments contains numerous examples of such statements, and of incorrect or missing citations. The Final EIS must remedy this deficiency. It must provide an empirical effects analysis backed by legitimate scientific findings.

The Preferred Alternative Violates Multiple Use - Sustained Yield Principles by Improperly Setting the Allowable Sale Quantity (ASQ) at Zero.

Goal 2 of the Proposed Revised Land and Resource Plan is to 'provide opportunities to utilize forest products for personal and commercial uses' with a stated objective of providing 'sustainable amounts of saw timber, poles, cabin logs, firewood, and other products for personal and commercial uses from forested lands' (Proposed Revised Land and Resource Plan, page 2-5, line 149-154). The Preferred Alternative cannot provide for sufficient sustainable commercial forest products from the forest with an ASQ set at zero.

The method by which the ASQ was arrived at is faulty; the 501(b) area was not included, the suitability analysis was faulty, and the Forest Supervisor unilaterally removed available timber in the Prince William

Sound from the timber base, thereby reducing the ASQ to an uneconomic level.

Principle 4 of the Proposed Revised Land and Resource Plan (page 2-7, line 215) states that National forests are managed for multiple use. With an ASQ set to zero, the Preferred Alternative does not allow for multiple use.

The Forest Service's Failure to Maintain Sufficient Timber Inventory Data prior to Alternative Formulation in the Planning Process, or to Provide a Description of the Desired Future Condition of the Forest Violates The National Forest Management Act ('NFMA')

NFMA requires the Forest Service to obtain and keep adequate and up-to-date timber inventory data prior to formulating alternatives (36 CFR 219.12.d), and to review and assess forest lands other than those identified as not suited for timber production prior to alternative formulation (36 CFR 219.14.b). In addition, the Forest Service is required to make a determination of compliance in accordance with 36 CFR 219.12(k)(5)(ii): 'Lands identified as not suited for timber production are examined at least every 10 years to determine if they have become suited; and that, if determined suited, such lands are returned to timber production.'

In Volume I of the DEIS (page 3-369 lines 90-94), the Forest Service states: 'ANILCA transferred about 1,581,000 million acres of public domain land to the Chugach, which have not been inventoried yet, however the additions are estimated to have little commercial timber value.' It is inappropriate for the Forest Service to conclude that there is 'little commercial timber value in this area' without sufficient inventory data to form the basis for this conclusion. The Forest Service must bring its timber inventory data into compliance with the requirements of NFMA, and reevaluate the commercial timber value of the lands transferred to the forest under ANILCA accordingly.

NFMA also requires the Forest Service to provide a description of the desired future condition of the forest and to identify the goods and services expected to be produced. (36 CFR 219.1 l(b)). Neither was provided for in the DEIS. Chugach asks that the Forest Service include the description of the desired future condition, and identify the goods and services expected to be produced, in the Final EIS, as required by NFMA.

In conclusion, Chugach asks that you resolve the issues and correct the deficiencies described above and in the attachment to these comments prior to releasing the Final EIS. We also urge you once again to give due consideration to Chugach's rights and interests in the analyses set forth therein. Thank you for the opportunity to comment.

Sincerely,

Rick Rogers, Vice President
Lands, Resources and Tourism

cc: Honorable Ted Stevens
Honorable Frank Murkowski
Honorable Don Young
Governor Tony Knowles
Rick Cables, Regional Forester, Region 10
Jim Caplin, Deputy Regional Forester, Region 10

Attachment A - Document Errors

Erroneous Statements:

P 3-254, line 500: 'The number of acres of public land administered by the Chugach National Forest has been shrinking as Native and State land entitlements are made.' Statement is false. ANILCA added 1.57 million acres, EVOS acquisitions added an additional 104,184 acres.

P 3-363 Line 4015:4016: 'Under ANILCA (Section 1310(a)) new sites could be permitted but they would have to blend with the landscape.'

ANILCA 1310(a) speaks only to existing facilities, ANILCA 1310(b) speaks to new facilities and further requires that new facilities are established '...(2) in accordance with such terms and conditions as may be mutually agreed upon in order to minimize the adverse effects of such activities within such unit'

P 3-395, Line 806; Table 3-92; National Forest Surface, Native Corporation Subsurface reported to be 48,100 acres. Acreage is incorrect. Forest Service surface-Native Corp subsurface is about 125,829 acres - not 48,100 acres. This row in table also directly conflicts with page 3-254 line 503, which states that there are 104,184 acres of Forest Service surface-Native Corp. subsurface which is also the incorrect number.

C-84, Line 2190-2191: 'Chugach Alaska Corporation owns the subsurface resources to 3,041 acres on Knight Island.'

Statement is incorrect. Chugach owns the SSE only at Drier Bay totaling 3,049 acres. Additionally, Chugach owns 10,606 acres of full fee estate on Knight Island.

C-111, Lines 2841:2845: 'Off site activities include...road traffic along the special use permit road along the south edge of the island, and timber harvest activities in the Patton Bay area...'

Statement is false. The special use permit road has been obliterated by order of the FS. There is no traffic on the obliterated road.

All timber harvest activities in the Patton Bay area took place on private lands. Currently there is no harvest activity at Patton Bay.

C-65, line 1690-1692: 'The Twentymile River has been found eligible and classified as Wild under the Wild and Scenic Rivers Act....'

Statement is false. There are currently no Wild and Scenic Rivers on the CNF.

D-68 line 1869-1870. 'Water Resources: Designation as a Wild River would not likely affect the future availability of water supplies or electric power.'

Statement is false. The Nellie Juan River was withdrawn by the Federal Energy Regulatory Commission (FERC) to be considered for a potential hydroelectric source. Designation as a Wild River will require removal of the FERC withdrawal. Designation as a Wild River will have an immediate impact on the availability of future electric power from this river.

E-2 Table E-1. Site Name LaTouche Is - FS.

This site is on Chugach Alaska Corporation land and is not a valid site.

Comment #	Comment
	The Forest Service has no jurisdiction or control over this site. Table is erroneously labeled under Site Location. Coordinates appear to be UTM coordinates in meters. There are no latitude longitude coordinates listed. P 3-81 Line 1813 'Recreational River segments include...'. Should read 'Eligible Recreational Segments...' D-68. line 1864, 'There are no known transportation plans within a quarter of a mile of the river on Federal land that would be curtailed by designation.' Statement is false. Chugach has submitted reasonably foreseeable transportation routes to the Forest Service (January 4, 1999) including areas within a VA mile of the river. The FS incorrectly left out Chugach's intentions in the Wild and Scenic suitability determination. C-147, line 3651; '(a) Recreation Potential: The area has a low potential for recreation.' Statement is false. The Bering Lake Roadless area polygon encompasses the entire Eastern CRD an up the Copper River to Wernicke River. The FS provides no basis for this statement. It is clear the recreational potential along the Copper River and within the ECRD is exceedingly high. C-148: Lines 3656-3657; 'The area has a low potential for wildlife habitat improvement' This statement is false. What about dusky goose nesting platforms, swan nesting sites, and an introduced moose population? According the ADF&G, the area has a high potential and overwhelming support for wildlife habitat improvement projects. Conflicting Statements: P 3-254, line 503: conflicts directly with p. 3-395, line 806 P 3-341 line 3223 and P 3-342 line 3273: direct conflict between statements. P 3-344 line 3401 and lines 3412-3413: how is line 3401 reconciled with line 3412? P 3-398, Line 937: Is this statement true; there are no mineral leases on the forest? Page 3-400 line 988-line 997 states that there are still pending leases. Conclusory or Speculative Statements Not Based In Fact: P 2-28, line 734. 'Loss of riparian habitat has occurred ....' What is the basis of this claim. No acreage values and no causal agents listed. P 2-36, line 967-968. 'These alternatives provide a better separation...' There is no identifiable basis for claim. P 3-14, lines 362-364, practices cited are not legal under forest practices or USFS standards. P 3-15, all: No quantitative analysis, much speculation and no regard for existing laws and practice.

P 3-34, lines 1074-1079: statements make no reference to existing practice/law and does not objectively discuss probable effects.

P 3-35, lines 1119-1123: no empirical analysis - all qualitative. What thresholds are effects measured against?

P 3-103, lines 1922- 1930: 'potential effects....' Studies are 14 yrs old or older, statement ignores current law and BMPs.

P 3-285, line 1433-1449: Survey needs to be further disclosed as to nature of questions, intended audience, methods used to analyze data, % respondents, list of questions, etc.

P 3-298, line 1922: conjecture, no supporting facts given.
P 3-313, line 2303-2310: conjecture, no supporting facts given.
P 3-327, line 2770-2775: conjecture, no supporting facts given.
P 3-328, line 2777-2778: conjecture, no supporting facts given.
C-23, Line 613: 'There is very little opportunity for timber harvest.'

What is the basis for this statement when considering page C-22 line 599-601 which states that there are 1,510 acres inventoried as T-suit and 3,400 acres inventoried as impacted by spruce bark beetles?

C-34, Line 871-876: 'There is very little opportunity for commercial timber harvest,'

There is no basis for this statement when considering lines 873-876 of the same page? Fire hazard has increased due to dead spruce trees and the bark beetle has impacted 8,400 acres within the unit.

C-93, Line 2412: 'There is a low potential for wildlife habitat improvement projects.'

There is no basis for this statement in the DEIS.

P 3-350 lines Lines 3632- 3635: 'Because the Forest Plan alternatives effects are not site specific, it is not possible to describe precisely how an individual stream may be affected by future projects since the exact locations and designs of those projects are not yet determined.'

The Forest Plan alternatives effects can and should be analyzed on a stream specific basis for the 7 categories discussed on pages 3-351:3-352. Timber harvesting is only allowed in certain watersheds in all alternatives and the effect of that potential harvest, given current law, BMP's and AK Forest Practices requirements can be discerned. Are any of the eligible rivers in the Preferred Alternative in areas that allow timber harvest? There is no ASQ under the preferred. Conversely, there are no W&S nominations in Alternative A and the No Action and therefore effects on W&S nominations are not applicable in those alternatives.

P 3-351. line 3645-3647: 'Extensive, highly visible, and ongoing timber harvesting within a river corridor could result in the river becoming ineligible for any alternative'. In what alternative and corresponding W&S recommendation is this possible? The answer is none. This analysis needs to be written specifically to the Chugach National Forest and the alternatives being consider in this analysis - not some theoretical abstraction of worst case scenario, which development of the alternatives avoided.

C-66, line 1728-1729: 'Most of the unit has low potential for vegetation

or habitat manipulation.'

There is no basis for this statement in the DEIS.

C-66, line 1744-1745: 'Timber: There is very little opportunity for commercial timber harvest.

There is no basis for this statement in the DEIS. Lines 1730-1731 of the same page state: 'There are 2,940 acres of tentatively suitable timber.'

D-11, line 306: 'Effects of non-designation: Potential future timber salvage logging and green sales within the viewshed of the river would likely altar the outstandingly remarkable scenery values. Development of timber decking areas would further altar scenery values of the area.'

The FS offers no basis for this statement, but instead paints a picture of total devastation if river is not 'protected'. Under what alternatives would 'timber decking areas' be developed within the river viewshed? Under what alternatives would salvage logging and green sales be developed so extensively to so as to detract from the outstandingly remarkable scenery values? This statement must be removed and an objective analysis of what could occur if the river weren't designated must be completed.

D-15, line 406: 'Effects of non-designation: Potential future timber salvage logging and green sales within the viewshed of the river would likely altar the outstandingly remarkable scenery values. Development of timber decking areas would further altar scenery values of the area.'

The FS offers no basis for this statement, but instead paints a picture of total devastation if river is not 'protected'. Under what alternatives would 'timber decking areas' be developed within the river viewshed? Under what alternatives would salvage logging and green sales be developed so extensively to so as to detract from the outstandingly remarkable scenery values? This statement must be removed and an objective analysis of what could occur if the river weren't designated must be completed.

D-18, line 504; 'Effects of non-designation: Potential future timber salvage logging and green sales within the viewshed of the river would likely altar the outstandingly remarkable scenery values. Development of timber decking areas would further altar scenery values of the area.'

The FS offers no basis for this statement, but instead paints a picture of total devastation if river is not 'protected'. Under what alternatives would 'timber decking areas' be developed within the river viewshed? Under what alternatives would salvage logging and green sales be developed so extensively to so as to detract from the outstandingly remarkable scenery values? This statement must be removed and an objective analysis of what could occur if the river weren't designated must be completed.

D-32, line 900: 'Effects of non-designation: Potential future timber salvage logging and green sales within the viewshed of the river would likely altar the outstandingly remarkable scenery values. Development of timber decking areas would further altar scenery values of the area.'

The FS offers no basis for this statement, but instead paints a picture of total devastation if river is not 'protected'. Under what alternatives would 'timber decking areas' be developed within the river viewshed? Under what alternatives would salvage logging and green sales be developed so extensively to so as to detract from the outstandingly

remarkable scenery values? This statement must be removed and an objective analysis of what could occur if the river weren't designated must be completed.

C-137, line 3420: 'There is little opportunity for wildlife habitat improvement.' The FS presents no data to support this assertion. Provide such data or rewrite this statement.

P 3-406. Line 1174-1177: 'Direct and Indirect Effects. Management of other resources does not have any direct effects on physical mineral resources.'

This completely misses the point of an effects analysis. Allocation of land for other resources or values may have a profound affect on the ability to access and utilize mineral resources.

C-112, line 2855-56: 'Management of riparian vegetation within areas affected by timber harvest is a needed fish habitat restoration activity...'

The FS has no authority for management of private lands, nor does it present any information that would form a basis for this statement.

If the FS is referring to management of riparian areas on the west side of PWS on FS lands, it should specify that.

C-120, lines 3031-3034: 'There is low opportunity for fish habitat improvement...There is low opportunity for wildlife habitat improvement.'

The Forest Service presents no data to support this assertion. Provide such data or rewrite this statement.

Necessary Additions to the DEIS:

C-53, Line 1397:1398: 'The outwash plain of the Snow River is open to motorized use.'

This statement needs a qualifier. Chugach owns land at T.2 N. R.1 E. SM, Sections 6,7, 8, E. 1/2. There are two undeveloped easements crossing Chugach lands here. The rest of the land, including the outwash plain of the Snow River, is private land.

P 3-258, line 629: Legal Framework. Need to include ANILCA and ANCSA
P. 3-317. line 2481: Two Moon Bay roads need to be included in inventoried roads.
P 3-345 Line 3436: Legal framework. ANILCA must be included.

P D-8 Line 269. Bureau of Land Management and USFS MOLT on 17(b) easement management must be included here.

P A-4, Insure that Chugach Alaska will have reasonable access to their property in the Nellie Juan Area, Ration Bay on Montague Island, subsurface estate under EVOS purchases. subsurface estate at Drier Bay, and other Chugach Alaska Corporation lands in the PWS.

P A-5, Insure Eyak Corporation will have reasonable access to their property near Nelson Bay and Chugach will have reasonable access to its lands in the ANILCA 501(b) area.

P 3-88 Line 1944 Access and Transportation.
Please add: 2. Reasonable access to private lands shall be provided.
P 3-93 Line 2020: '.... known reserves and potential deposits are...'
Please add deposits.
P 3-63 line 1434: Access and Transportation

Please add: Access for mineral exploration clause

4. Reasonable access shall be allowed to private land.

P 3-37, Line 832 Access and Transportation (Standards)
Please add: 4. Reasonable access shall be allowed to private lands.
P 3-40, Line 899 Access And Transportation (Standards)
Please add: 2. Reasonable access shall be allowed to private land.
P 3-45 line 987-989 Standards:

'1. On Native Village Corporation Conservation Easement lands removing or destroying plants except for subsistence uses or medicinal uses is prohibited.'

Please add: except removal may occur/or reasonable development of subsurface. P 3-48 line 1085: 'Scenic River segments...' should read 'Eligible Scenic River segments...'

P 3-52 line 1211:1212: '...In Order to implement this prescription as intended, the Forest Service may request...'

Please change to: '...the Forest Service must request...'

P 3-15 Line 349: Define reasonable access in Glossary
Define 'reasonable access' as it is defined in ANILCA. ANILCA 1110(b) states in part '...the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes...'

P 3-362 Lines 3997:4000: Please explain the disparity between allowance of control of insects and disease and prohibition of vegetation management. Also explain the relationship of this statement to ANILCA mandates.

P 3-363 Lines 4009-4010: 'Habitat manipulation for fish would be allowed, but it would have to blend with the landscape.'

Please list specific parameters that would be required in order for habitat manipulation to 'blend with the landscape.

P 3-59 line 1341-1344. 'The only utility corridors that would be considered are those that would not result in new roads, vegetation clearing, or excavation that would enhance motorized access, including OHV access.'

This statement needs to be changed as it is very unlikely that a utility corridor could be built without some type of access road. Other mitigation could occur, such as gating.

P 3-85 Line 1899:1900: 'Modifications to the vegetation on a small scale will be acceptable when they blend into the area's natural features'

Please specifically list criteria used to distinguish modifications that fall within the acceptable range of blending with the natural features.

Necessary Deletions to the DEIS:

P 3-311, line 2256-2258: Montague Is road corridor needs to be removed from roadless area

P A-6, 'The Martin River corridor provides access ..... The preliminary Martin River route was consolidated with the States rights to construct the Bering River Highway as granted under the Omnibus Bill of 1959.'

This statement is incorrect. The route was not consolidated with states

rights.

P 3-390, Lines 653: 654. The cumulative effects from past, present, and future timber management activities administered by these three federal agencies is minimal.

Typo, needs to be removed
Incorrect/Missing Citations:

DEIS Volume I

Page
1-2 line 59; USDA Forest Service 1998: Improper cite; there are two 1998 USFS references
1-4 line 152; USDA Forest Service 1992: Improper cite; there are three 1992 USFS references
3-44 line 161; Scott et al 1991: not in reference section
3-61 line 576; Crist 2000: not in reference section
3-67 line 702; Hunter 1996: not in reference section
3-78 line 1003; Pressey and Nichols 1989: not in reference section
3-78 line 1001; Conservation of Flora and Fauna 1994: not in reference section
3-78 line 1004; Margules et al 1998: not in reference section
3-91 line 1451; USDA Soil and Water Conservation Handbook of BMP's (1996): Improper cite
3-92 line 1511; Marion et al 1987: not in reference section
3-92 line 1511; Murphy et al 1987: Improper cite - two 1987 Murphy's
3-96 line 1639; Chamberlin 1991: Improper cite
3-102 line 1885; Jones 97: not in reference section
3-102 line 1892; USDA Forest Service 2000: Improper cite - two USFS refs for 2000
3-112 line 2252; USDA Forest Service 1989a: Incorrect cite
3-113 line 2261; USDA Forest Service 1995: Improper cite - two USFS refs for 1995
3-138 line 3201; USDA Forest Service 1999: Improper cite - three USFS refs for 1999
3-192 line 4340; Miller 1993: not in reference section
3-194 line 4431; USDA Forest Service 1999: Improper cite - three USFS refs for 1999
3-195 line 4452; McCracken 1997: not in reference section
3-195 line 4462; Suring et al 1993: not in reference section
3-196 line 4313; ADF&G 1994; not in reference section
3-196 line 4521; Veirieck 1983: not in reference section
3-197 line 4573; Heller 1910: not in reference section
3-199 line 4658; Pogson et al 1995: not in reference section
3-200 line 4667; Collins et al 1998: not in reference section
3-200 line 4667; Pogson et al 1995: not in reference section
3-200 line 4674; Hall 1981: not in reference section
3-202 line 4783; Iverson et al 1996: not in reference section
3-203 line 4794; Iverson et al 1996: not in reference section
3-203 line 4808; USFWS 1991: not in reference section
3-203 line 4810; Heller and Lance 1995: not in reference section
3-203 line 4810; Lance and Cook 1995: not in reference section
3-203 line 4817; Heller 1910: not in reference section
3-203 line 4821; Lance and Cook 1985: not in reference section
3-204 line 4873; Schempf 1997: not in reference section
3-205 line 4893; USFWS 1998: not in reference section
3-217 line 5159; LaResche et al 1974: not in reference section
3-217 line 5160; Weixelman 1987: not in reference section
3-221 line 5250; Carnes 1996: not in reference section
3-227 line 5449; Andres 1999: not in reference section
3-229 line 5525; Hall 1981: not in reference section
3-232 line 5647; Squire and Reynolds 1997: not in reference section
3-235 line 5741; Veirieck 1983: not in reference section
3-238 line 5896; Tinker et al 1997: not in reference section
3-238 line 5896; Reed et al 1996: not in reference section
3-239 line 5905; Lynx Conservation Assessment & Strategy 1999: not in reference section
3-258 line 607; USDA Forest Service 1998: Improper cite; there are two 1998 USFS references
3-260 line 689; ISER 2000: not in reference section
3-260 line 693; USDA Forest Service 1998: Improper cite; there are two 1998 USFS references

3-265 line 822; USDA Forest Service 1998: Improper cite; there are two 1998 USFS references
3-266 line 872; Bowker 2000: not in reference section
3-267 line 892; USDA Forest Service 1998: Improper cite; there are two 1998 USFS references
3-267 line 898; ISER 2000: not in reference section
3-268 line 925; ISER 2000: not in reference section
3-268 line 931; ISER 2000: not in reference section
3-269 line 957; ISER 2000: not in reference section
3-269 line 957; Bowker 2000: not in reference section
3-285 line 1434; Alaska Pacific University 1998: not in reference section
3-285 line 1453; ISER 2000: not in reference section
3-285 line 1471; ISER 2000: not in reference section
3-294 line 1758; ADF&G 1990: not in reference section
3-294 line 1758; ADF&G 1993b; not in reference section
3-295 line 1785; USDA Forest Service 2000: Improper cite; there are two 2000 USFS references
3-298 line 1912; USDOT Federal Highway Administration 1996: not in reference section
3-301 line 1968; USDA Forest Service 1992: Improper cite; there are three 1992 USFS references.
3-365 line 4065; USDA Forest Service 1998: Improper cite; there are two 1998 USFS references
3-395 line 810; USDA Forest Service 1998: Improper cite; there are two 1998 USFS references
3-398 line 940; (Under USFS contract 1999): not in reference section
3-415 line 42; DCRA 1998: not in reference section
3-443 line 873; USDI 1997; not in reference section

DEIS Volume II

B-6 line 187; Sampson 1996: not in reference section
B-6 line 190; USDA 1998: not in reference section
C-12 line 326; Jansons et al 1984: not in reference section
C-23 line 606; Jansons et al 1984: not in reference section
C-12 line 326; Jansons et al 1984: not in reference section
C-37 line 920; Jansons et al 1984: not in reference section
C-37 line 921; Jansons et al 1984: not in reference section
C-103 line 2663; Holsten et al 1996: not in reference section
C-115 line 2907; Johnson 1984: not in reference section
C-121 line 3049; Holsten et al 1996: not in reference section
C-129 line 3244; Holsten et al 1996: not in reference section
C-138 line 3441; Holsten et al 1996: not in reference section
C-155 line 3855; Holsten et al 1996: not in reference section
E-5 line 177; Robertson 1992: not in reference section
E-9 line 359; Emmingham et al 1992: not in reference section
E-13 line ---; Long and Roberts 1992: not in reference section
E-18 line 508; Zasada 1980: not in reference section
E-21 line 651; Fowells 1965: not in reference section
E-22 line 697; Hennon 1991: not in reference section
E-22 line 705; Harris 1991: not in reference section
E-24 line 773; Hard 1967: not in reference section

0027063-001

I wanted to clarify one point in the Forest Plan Revision comments I submitted earlier today (on paper) on behalf of Turnagain Arm Conservation League: in the section on Wilderness, when we refer to 'Resurrection/Primrose' we mean the area identified in the Alternative that TACL submitted early in the planning process-- hopefully you still
have the map somewhere. If not, we can make you another copy. Basically, it's the Resurrection River and Primrose Creek watersheds, (south and west of Kenai Lake.)

Comment #	Comment
0027066-001	December 14, 2000

Mr. David Gibbons, Supervisor
Mr. Gary Lehnhausen, Project Team Leader
Chugach National Forest
3301 C. St. Suite 300
Anchorage, Alaska 99503

Dear Sirs:

Please consider these comments as part of the proposed management plan that you are preparing.

I am a member of the Kenai Peninsula Public Land User Group (K-Plug). I fully agree with the purposes and principles that K- Plug espouses. I am particularly concerned with what I perceive to be serious violations of public law in the management practices of the Forest Service (FS). I will attempt to address some of these concerns in this submittal.

VIOLATIONS OF OPEN MEETINGS ACT AND OTHER FEDERAL LAWS

According to the research we discovered that the Forest Service held private meetings with the Alaska Lands Act Coordinating Committee (ALACC). (ALACC) is composed of nationally based and funded environmental organizations with Alaska interests. The Forest Service provided notes of meetings with ALACC on issues related to the Forest Plan Revision. The meetings apparently resulted from a settlement the Forest Service reached with ALACC over the 1984 Chugach Forest Plan. The meeting notes indicate that ALACC sued the Forest Service for allowing too much development in the Chugach.

In 1989, then Deputy Chief of the Forest Service, James Overbay, issued a memorandum to all Regional Foresters directing that a Forest Plan Revision, should only concentrate on management units that show a need for change, rather than completely revamping the original forest plan. The meetings held with ALACC focused on this need for change and gave the Forest Service the justification to completely rewrite the 1984 CLMP.

Meetings with ALACC are documented to 1992: Meetings focused on the revision process, settlement agreement as related to the revision, strategies for Prince William Sound (PWS) preservation, conservation assessments with native entities, moratoriums on timber harvest, spruce back beetle infestation, road less initiative, ANILCA access provisions, etc. The backcountry prescriptions were developed as a result of these meetings. Documents indicate that the Forest Service actively sought ALACC involvement in the planning process prior to inviting the participation of any other group. Further, the Forest Service discussed strategies for most of the issues contained in the preferred alternative issued May 15, 2000. PWS planning, timber harvest, and 501 (b) recommended wilderness areas, Copper River Delta, road less areas were all part of the strategies discussed. Most importantly, a strategy was developed to cite the need for change for the old 1984 plan.

A strategy was also developed for inventory of Road less Areas - Doc. 1825.

We at K-Plug were outraged after we have heard of these meetings. The whole process is so showed towards a special interest agenda that the

preferred plan and all of the policies it represents should be scrapped. A new supervisor and forest rangers should be hired that observe the laws and the public's interests. This management style represents a breech of the public trust and unlawful discrimination towards certain lawful forest uses and users.

NAVIGABLE WATERS; SUBMERGED LANDS; EQUAL FOOTING DOCTINE

The Submerged Lands Act is a quitclaim of federal authority or ownership and provides that, like all other states, Alaska owns it's navigable waters. It also provides that management of those resources is subject to state (not federal) law. The Act gave all states servitude title in trust and management authority of the natural resources within their borders. The Act also specifically included fish as well as other marine animals and plant life in all the navigable waters therein.

As an essential element of sovereignty and by quitclaim from the federal Government, title to fish and wild game in Alaska rests in the Sovereign State of Alaska and its trustee capacity for all the people. Although it may have authority to protect wildlife resources found on federal property, since statehood that federal government has had no authority to make any rule or regulation allocating fish and wild game which belong in common to the citizens and are held in trust by the State of Alaska.

We are concerned about the Chugach Plan's potential impact on the Alaska Department of Fish and Games ability to conduct the activities required to perform research, management, and enforcement functions throughout the Forest. In order to ensure that the State's constitutional, statutory; and regulatory responsibilities are met, we request that assurances he written into the plan recognizing ADG&G's mandate to conduct fish and wildlife research, management, and enforcement activities. Specifically, the Commissioner of Fish and Game is charged to manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the best interest of the economy and general well-being of the state (AS 16.05.020 (2)). This responsibility extends to all lands and waters of the state.

The draft EIS should clarify that FS management decisions for proposed Wild and Scenic River designations only apply to the federal uplands (above the ordinary high water mark OHU). Navigable waterways are state inholdings within the Forest, and federal regulations specific to conservation system units (for example, Wild and Scenic Rivers and Wilderness) do not apply to private and state lands (see ANILCA Sec. 103 (c)).

PROTECTION OF NON - NATIVE SUBSISTENCE
Title VIII of Alaska National Interest Lands Conservation Act stipulates continuation of opportunity for subsistence uses of resources. Restricting motorized access to forest lands without scientific support threatens traditional recreational and subsistence activities. K-Plug is also concerned about the Chugach Plan Revision effects on traditional commercial and recreational access for fishing, hunting, wildlife viewing, trapping, and other fish and wildlife related activities. It is our position that these are valid prescriptive public uses of fish and wildlife and should be maintained by any plan in the future. These are protected birth-rights of this and all future generations of Alaskans. You cannot legally discriminate between Native and non-Native users of public trust properties. This was established in the Payton vs. State of Alaska Board of Fish decision. I am concerned that the proposed motorized/non-motorized divisions of opportunity identified in the FS

preferred alternative description narrative will impact users who have traditionally used motorized methods to access these areas for the taking of fish and wildlife, including trapping. Gathering activities including harvesting natural objects for arts and crafts should also be protected. These activities have traditionally been done with motorized vehicles in the forest.

LACK OF SCIENTIFIC BASIS FOR RESTRICTIONS:

It is an insult to our heritage of western science and to the scientific community and to the framers of ANILCA to promulgate regulations that are based on restrictive intent rather than the multiple-use, forest practices and maximum sustained yield doctrines. The FS does not appear to have reliable information about brown bear populations. It is unjustified and unreasonable to restrict other uses on public lands for the speculative purpose of protecting this species. This same rationale applies to proposed quiet areas.

District Ranger Skewed Analysis of Comments:

The Cordova District Ranger provided many rationales for ANILCA Recommended Wilderness prescriptions within the forest to the Forest Supervisor during the planning process. His analysis gave greater weight to the testimony of environmental groups, whose agenda's he has personally supported. He has used his personal beliefs to effectively push an environmental agenda in the district. Specifically, he wrote a rationale for recommended wilderness criticizing the Congressional delegation for their pro-development stance? (Document #1756, 1935). The District Ranger also provided a survey of comments from the Cordova District. The survey showed that all of the residents and organizations, with the exception of Chugach Alaska Corporation, favored strict adherence to environmental alternatives. He reached this analysis based upon generalizations of the comments. (Document #2267). The District Ranger in Document #2267 asserts that all business owners in Cordova commented in favor of Wilderness designations. However, upon close analysis, the business owners listed in the document did not actually own the businesses. Furthermore, most business in Cordova did not comment.
District Rangers and the Forest Supervisor have denied permits over the post two years to individuals requesting access, citing the revision of the forest plan (The new forest plan would not allow them to grant the permit but the old plan would so they categorically denied them). Legally, they must adhere to the old forest plan until the revision is signed. However, they denied permits anyway.

Comments in the Districts were extremely generalized and did not accurately reflect the positions of the residents of the district. (E.g. Statements were made in opening paragraphs of comments thanking the Forest Service for such an open process and then proceeded to tear down the alternatives being discussed. The forest service used the first few lines to indicate that residents were in favor of the preferred alternatives).

Multiple Use Activities:

In the Chugach Plan, the Forest Service completely disregards the multiple use clause of ANILCA; especially as it relates to Section 501 (b). This section clearly states.

Subject to valid and existing rights, lands added to the Tongass and Chugach National Forests by this section shall be administered by the Secretary in accordance with the applicable provisions of the this Act and the laws rules, and regulations applicable to the national

forest system. Provided that the conservation of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper / Rude River addition and the Copper River - Bering River portion of the existing Chugach National Forest, as generally depicted on the map appropriately referenced and dated October 1978: Provided, that the taking of fish and wildlife shall be permitted within zones established by this subsection pursuant to the provisions of this Act, and other applicable State and Federal law. Multiple use activities shall be permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the Secretary.

The Forest Revision Plan restricts motorized activities in at least 55.4% or 3.04 million acres of the Forest mostly through the Back Country prescriptions (more restrictive that recommended wilderness) in the preferred alternative. In fact, that prescription was developed out of settlement agreements with environmentalists, (AIACC); to incorporate the road less initiative. This clearly infringes upon multiple use activities and the taking of fish and wildlife.
Scientific analysis of motorized activities in these areas has not been completed. The plan is instead subjectively based upon a settlement with the environmental community. Further, with no new roads or plans for new roads or trails within the Forest, multiple use activities are restricted to existing accessible areas causing more damage to the environment while violating the intent.

UNJUSTIFIED DISCRIMINATION AGAINST MOTORIZED VEHICLE USE:
Public access on the Kenai Peninsula is already limited because of Kenai National Wildlife Refuge restrictions and lack of transportation infrastructure due to the extent of Refuge and Chugach National Forest lands. Regarding conflicts between motorized and non-motorized users. It is evident that skiing opportunity is under-used in the backcountry. Moreover, the Juneau Creek/Resurrection Creek trail is limited to skiers for most of the winter and all the Refuge is limited to no snowmachines above timberline, except in Caribou Hills. Based on currently available non-motorized recreation opportunities in this area, K-Plug is concerned that further zoning of areas as non-motorized may unnecessarily reduce motorized opportunities for hunting, trapping, and ice fishing, in addition to displacing and concentrating motorized use to area where other uses are involved. This can include wildlife sensitive areas.

The proposals to close snowmachine use in (1) the Lost Lake area and (2) in the alpine areas cause a number of concerns related to potential impacts on fish, wildlife and recreational uses; First, we urge no closures on snowmachine use in the Lost Lake area because an increased concentration of use will likely occur in the Resurrection Trail area. This likely will lead to impacts in other areas where harm will probably be greater. The Lost Lake area supports a significant and growing number of people that use snowmachines to access the high country. If this area is closed (added to the difficulty of snowmachining in the vegetated river valleys and refuge - closed areas), use of the remaining open areas on the Peninsula will increase. The most likely area for displaced users to go would be the Resurrection Trial area, which supports the Kenai Mountains Caribou Hard, and a moderate population of moose, and sheep and goats. In comparison, the Lost Lake area has no caribou or sheep and only a low density of moose below timberline. While goats occur in the area, there is sufficient escape terrain so they can avoid contact with snowmachine travelers.

Second, I am concerned about proposals to restrict snowmachine use in

high country. If snowmachine travelers are not allowed to run above timberline they may resort to running the rivers and valleys where moose winter. High snowmachine use in river valleys could displace wintering moose into areas of less suitable habitat. Since moose habitat is already limited, in many instances; within the portion of Game Management Unit 7 located in Chugach Forest, we urge that the final Plan retain snowmachine travel at higher elevations in this plan.

NO MORE CLAUSE:
The Chugach Revision is in violation of the so called, no more clause of ANILCA. The Revision includes a provision for ANILCA 501 (b) Recommended Wilderness, 501 (b)-2 Prescription, ANILCA 501 (b)-7 Prescription (Winter Motorized); and 501 (b)-2 (Summer and Winter Motorized) allowed in the preferred alternative map. None of the prescriptions appear to be consistent with ANILCA and the Forest Service has failed to ascertain their compliance with existing law because their Office of General Counsel (OGC) has not completed a full review of the preferred alternative. Congress found that the provisions of ANILCA were adequate and the lands withdrawn by ANILCA were sufficient protection of the resources. In Section 1326 the following provision is listed:

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or far related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

The Forest Service action in the ANILCA 501 (b) Recommended Wilderness and Back-country prescriptions are in direct violation of this section of ANILCA.

RECOGNITION OF RIGHTS-OF WAY:
We request that the FS Preferred Alternative show valid existing public access such as PS 2477 rights-of-way. ANCSA 17 (b) easements, and omnibus roads. We support the most public access possible through the Chugach National Forest. The State, through AS 19,100,010, public use, expenditure of public funds for construction and other means, claim numerous Rights of Way across federal land under RS 2477, including section line easements and rights-of-way identified in AS 19.30.400. Whether or not an RS 2477 route is recorded, the right-of-way still exists and encumbers the property it crosses. The original RS 2477 route may be re-routed or eradiated only through an easement vacation process. By statute, the Legislature must approve an application to vacate an RS 2477 if no reasonable, comparable alternate right-of-way or means of access exists. However, if an alternate means of access exists, then the state may decide to approve the vocation. Once established, an RS 2477 cannot be abandoned by non-use, or removed without undergoing a legal easement vacation procedure. As with any other state-owned right-of-way, the federal government could not cancel it, even it the land was later withdrawn or transferred out of federal ownership RS 2477 rights-of-way provide important access to the public and may exist on FS property.

NEGLIGENCE OF TIMBER RESOURCES AND RESULTANT HABITAT DEGRADATION:

What is the FS rationale for the many areas identified in the Preferred Alternative on the Kenai Peninsula that are designated 'Fish, Wildlife, and Recreation'? If it is related to management of the spruce bark beetle infestation, we recommend that this be clearly stated in the plan. The boundaries of the FRW prescription should also be carefully drawn to reflect the actual spatial distribution of the infestation

areas (rather than use current polycon boundaries). What happened to the foresters in the Forest Service? Did they all evacuate when a philosophy of stewardship was replaced by a philosophy of lock-up and lock-out? It would be wise to require the management guidelines related to brown bear habitat and movement corridors also be similarly identified. It is my understanding that logging would be beneficial to brown bears due to habitat improvements for moose and other species in the food chain. In a prescription that allows for a wide variety of activities. I would think that the management intent has to be clearly stated in order to properly communicate management strategy. Otherwise there is too much discretion left to the local ranger in charge. I would like to see an audit of the lost value of the forest products that resulted from the lock-up lock-out management regime.

IMPROVING ACCESS AND PARKING:
Another very real problem for all hunters, fishermen, skiers, and other users alike is the combination of limited access trails and insufficient parking. Many areas people would like to use for hunting, fishing, or other activities find limited parking areas and what parking is available tends to bottleneck users, this exacerbates the conflicts between user groups. This also represents a public safety issue. We urge the Service to make a positive contribution to the users of the Forest and community residents by planning for maintenance and improving trails and increased parking at trailheads and other locations. For example, the narrowness of access trails was a problem in the Caribou Hills until the locals volunteered to widen the trails to make riding safer. Trails into Lost Lake need to be similarly improved. Instead of closing existing trails, the final Plan should include provisions to allow and design more parking areas and trails, including ski trails in areas currently not used by machines. Skiers seldom utilize the backcountry of the Kenai Peninsula like snowmachines users, largely due to the distance and limits on what a normal person can carry while skiing in the terrain.

It is my belief, that without providing sufficient parking and trails, and if Lost Lake and other similar places are closed to snowmachines, existing conflicts between users and potential impacts to wildlife will undoubtedly be magnified. This type of concentration amongst users offends the logic of the purpose of public lands here.

These comments are not inclusive of many other concerns, some of which I am certain, have been expressed in other testimony. I am supportive of the comments made by Mr. Warren Finley in regards to the management philosophy of the past executive administration. I am also supportive of the other members of K-Plug's perspective and position on the many issues at hand.

We are all extremely concerned that the proper balance be achieved between multiple-use and conservation. We are also concerned that lawful government he established and maintained where matters of public trust and common property are involved.

Sincerely,

Kathleen Graves
P.O. Box 2393
Kenai, Alaska 99611

CC. Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young

Comment #	Comment
0027072-002	
	Also, can you direct me to a web site that contains the Proposed Revised Forest Service Plan?

Comment #	Comment
0027369-001	I have read and agree with this sample letter so I will attach my name to it. I wish to emphasize one part of this letter in particular and that is the need to 'RESTORE NATURAL QUIET TO THE FOREST.' I kayak, use a motor boat, ski, snowshoe, and snow machine and recognize the viability of all these recreational activities but the one outstanding feature that Alaska has to offer is the QUIET of its mountains and valleys. PLEASE DO NOT DESTROY THIS MOST IMPORTANT RESOURCE. Quiet should be the resource we protect. As a 50 year resident of Alaska, I believe that the Chugach National Forest is 'the crown jewel' of the national forest system because of its unique wild character and unsurpassed fish and wildlife habitats. Communities have depended on the fish, wildlife and scenic values of the Chugach National Forest for generations to meet a subsistence, economic and spiritual needs. Today visitors flock to the Chugach to experience a pristine and wild Prince William Sound rainforest and marine sanctuary, to catch a world-class Kenai River salmon, admire the magnificence of the Copper River Delta shorebird migration or hope to view a wondrous Kenai Peninsula brown bear in a wilderness setting, industrial mining, logging, road-development, oil and gas development and utility corridors, and motorized recreation are in direct conflict with the wild values of these spectacular places and the local economic health of Chugach communities that value the wildness of their homeland. As an Alaskan, I strongly recommend that more Wilderness areas to be recommended across the Chugach National Forest to ensure the long-term health of critical watersheds, fisheries, wildlife corridors and migratory species staging areas. The current Forest Service Preferred Alternative recommends that most (almost 60%) of the wilderness areas be in regions that are rock and ice, not the critical biologically important areas that need this type of long term land management protection. Areas still recovering from the tragic Exxon oil spill need to be protected for conservation and restoration, not development or industrial-scale tourism. I know that in Alaska, under ANILCA, wilderness and Wild River designations are unique because Congress made certain these management tools would reflect the Alaskan way of life and allow access for subsistence activities, access to private inholdings, and aquaculture on wild rivers for fisheries enhancement and riparian restoration projects. By comparison, the Tongass National Forest has 5.8 million acres of designated Wilderness (5 wilderness areas that were added in 1990), and more than half of the eligible rivers in the Tongass are protected, either by Wild and Scenic river designations or by being in wilderness areas or LUDS. The Chugach has not one acre of designated wilderness and no rivers as Wild or Scenic. I am also aware that many of the regions in the Chugach National Forest that are presently eligible for Wilderness or Wild River designations, such as the Southeast Copper River Delta, the Snow and Nellie Juan Rivers, large portions of the Copper and Twentymile River, may never be eligible again in future plans because of potential roads and industrial development that now threaten the ecological balance of these regions. It is therefore CRUCIAL that the Forest Service listens to public desire for wilderness and Wild Rivers in the Chugach and recommend these areas now. I specifically request that the Forest Service recommend and manage the following areas as Wilderness. Wilderness will ensure that the critical fish and wildlife habitats are protected, recreation impacts are minimized, and that prized areas are not turned into industrial-scale mining zones or developed tourism sites for Outside cruise ship companies to control. The Chugach's economic viability and future ecological integrity lies in preserving its wild character through conservation-oriented land management practices.

Copper River Delta Wetlands (east and west of the River): Wilderness designation for the Delta wetlands would permanently protect the management intent of conservation as the 'primary purpose for management' of the fisheries and wildlife habitat of this rich wetlands complex as stated in ANILCA (Section 501(b)). Road construction, oil and gas development, and coal mining are extractive industries that would permanently alter and scar the wild character of these magnificent wetlands and fisheries, wilderness would keep the Delta wild for generations to come. This could be the last chance to protect this region as Wilderness. Roads and development would make the area ineligible for wilderness and threaten the valuable salmon spawning habitat for commercial and subsistence fishing, the critical staging areas for over 16 million shorebirds and other migratory waterfowl species, and from unregulated and excessive ORV recreation activities that can seriously harm wetlands habitat. In addition, protect the Martin, Copper, Bering, Katalla Rivers as Wild for their outstanding and remarkable ecological values for fish and wildlife habitat. The Alaganik Slough, Martin and Bering Lakes also deserve special designations that recognize their fish and wildlife values over harmful developments. Kenai River Headwaters (the Snow River area). The headwaters of the world-famous Kenai River not only fuels the river with healthy and robust salmon populations, local economies downstream also rely on the health of this river tor its economic health and security. The river remains so healthy, in large part, because its headwaters are still pristine. Road construction and other developments in the Snow River and South Fork Snow River could threaten the health of this region. I strongly recommend this region be protected as Wilderness for these reasons, as well as the entire length of the river recommended as Wild. Wild river designation would still permit aquaculture conservation and riparian habitat projects.

The College Fjord/Nellie Juan/Whittier Region. The entire wilderness Study Area (WSA) of the 1984 plan should be protected as Wilderness. The Nellie Juan River should not have been taken out of the WSA wilderness plan since this watershed is a natural link between the Kenai and Prince William Sound--a river that also needs Wild River status to prevent hydro-projects and road construction that would permanently alter the wild character of this outstanding waterway. The upper Nellie Juan must be given added protection since development threatens the region on adjacent private lands. Wilderness of the entire WSA is especially critical now that the state has developed the road to Whittier, opening a recovering ecosystem (from the Exxon Oil Spill) to hundreds of thousands of visitors. Ignot, Story, Naked, Eleanor, Peak, Disk, and Smith Islands should also be ensured as Wilderness for their preservation to prevent unnecessary human developments such as destination lodges and other tourism facility developments. In particular, I recommend removing the 313 prescription for facility development on Glacier Island.

Knight Island. Knight Island is still recovering from the Exxon oil spill. Spill research shows that the 'AB' Orcas pod population that uses the Knight island area frequently has decreased dramatically and is listed as 'Not Recovering' from the spill by the Trustee Council. Knight Island passage is also critical herring habitat, another species hit hard by the oil spill. The Forest Service's rationale for not recommending Knight Island as wilderness is that it has favorable mineral potential, but this fails to account for the important fish and wildlife habitat of the region and the economic and recreational value of Knight Island as a jewel within the larger kayaking paradise. The environmental consequences of copper mining on Knight Island would add insult to injury on the island and it's intertidal areas. Additionally,

the Forest Service should include the adjacent Ingot, Story, Naked, Eleanor, Peak, Disk, and Smith Islands in its wilderness recommendation for the same reasons as Knight Island, which it has done in the Preferred Alternative.

Montague Island. The management prescription proposed for Montague Island (244 - Fish & Wildlife Conservation Area) is unacceptable and clearly does not meet the management directive needed for the fish and wildlife habitat since it 'conditionally' allows for commercial timber harvesting, all minerals activities, year-round motorized recreation use, new roads (built by forest service and 'others'), destination lodges (for cruise ships and other private interests), developed day-use facilities and campgrounds, utility systems, year-round helicopter landings, and special use permit 'hut to hut' type of recreation. All of these activities would dramatically alter the wild character of Montague Island. I strongly urge the Forest Service to recommend the entire Montague island, especially the northern region, as Wilderness. Do not allow helicopters, industrial-scale tourism, commercial mining and logging to destroy this remarkable island. While the island has experienced some logging in the past, it is necessary to let the forest be restored to its natural state. I also support the removal and restoration necessary for the Patton Bay road on the Island.

Twentymile River Valley. The spectacular scenery and remote character of the Twentymile River Valley, between Girdwood and Portage valleys, is an area well-suited for Wilderness and Wild River protection. Close to the Anchorage Bowl, the Twentymile wetlands produces 'outstanding habitat' for numerous fish and wildlife species, including three salmon species (sockeye, coho and king), hooligan, beaver, and river otters. The wetlands and alpine ecosystem is also home to numerous wolves, brown bear, minks, wolverine, eagles, moose and other species. Twentymile serves as a staging areas for the migrations of a large number of birds, including swans, ducks and numerous other waterfowl. The spawning coho of Twentymile river feed the belugas of Cook Inlet. The spectacular scenery and remote character the Valley has long been enjoyed by people who recreate and visitors who raft, hike, hunt and fish up the river. Wilderness for Twentymile provides local economies with a special wild protected area for visitors to enjoys, especially those who do not want an industry tourism package, but a more remote and recreational experience. Most importantly, wilderness and Wild Rivers designations would guarantee the region would not have future road development - whether for commercial logging or tourism. The current Scenic recommendation for Twentymile River would permit road construction and never make the area eligible for wild or wilderness designation in the future, therefore it must be changed to Wild status. Anchorage needs locally protected and accessible Wild Rivers and Wilderness areas.

Critical Kenai Peninsula Brown Bear Habitat. The proposed Brown Bear Core Area is not going to meet the management goal with a utility corridor, conditional commercial timber harvesting, summer SUP helicopter landings, new roads and winter motorized recreation activities. These activities do not ensure the protection of the most important bear habitat on the Kenai Peninsula and lead to more development spin-offs in a region where bear habitat is already shrinking dramatically. I ask that the forest service change these 'conditional' activities to 'no' or change the management prescription to wilderness as the best option for bear habitat protection. The Resurrection Creek-Russian River area, in particular, should be changed to Wilderness.

RECREATIONAL WILDERNESS ON THE KENAI. The Resurrection Pass Trail area, another critical brown bear corridor, is a region of the forest that is

eligible for wilderness and is a great choice for a recreational wilderness region. One of the most important purposes of wilderness is to provide people with a broad array of outdoor recreational opportunities, including hunting, backpacking, hiking, fishing, camping, skiing, wildlife viewing, canoeing, rafting and kayaking. I recommend that a buffer for mountain hiking be placed along the Resurrection Pass Trail corridor in this recommended wilderness area.

RESTORE NATURAL QUIET TO THE FOREST. Natural quiet, and the opportunity to hear and enjoy natural sounds, although once taken for granted, is a vanishing resource; its loss disturbs me a great deal. I appreciate and support the many proposals in the Draft Plan to help restore natural quiet to the Chugach, such as: the plan's explicit recognition of natural quiet as a resource that needs to be protected; your continued generally responsible management of summer ATV's and the new Developed Recreation/Reduced Noise prescription (which should be placed in more areas across the forest). Regarding the winter recreation opportunities, I support the creative time-share for the Twentymile (odd year snow machining, even year no snow machining), and proposals like the ones for Lost Lake (except that the split season closure, rather than beginning so late (March 31), should begin on February 15, as it does now on the Resurrection Pass Trail), Winner Creek, Seattle Creek, Bear Valley, and Skookum Glacier.

But in addition, in order to establish a management scheme that is truly fair and balanced, I suggest that you also close to snow machines, either with full closures or time-shares, Johnson Pass Trail (north end). Snow River (South Fork), Fresno Ridge, Carter/Crescent lakes, Russian River Trail, Jack Bay, Sawmill Bay, and Marshall Pass (the last three would provide quiet opportunities for Valdez residents). In addition, it is very disturbing to see so many areas authorized for helicopter landings in the plan (subject to permit). Helicopter over flights and landings, as well as small plane flight seeing, have gotten way out of hand not only in other parts of the country, but in several locations in Alaska as well. These areas should be greatly reduced in the final plan. Finally, jet skis and airboats are exceptionally annoying, and for most purposes there are alternative types of watercraft, both motorized and non-motorized, that could be used. Jet skis and airboats should not be allowed in the Forest. Section 2(a) of the Wilderness Act states that: 'preservation of wilderness is necessary to assure that increasing human population and human developments should not occupy or modify all areas of the country.' I believe that this section of the Wilderness Act is of particular importance to the Kenai Peninsula, Prince William Sound and the Copper River Delta. I urge the Forest Service to please recommended more Wilderness areas that are accessible and vegetated across the Chugach National Forest. In addition, the outstanding values of numerous rivers in the Chugach need to be protected with Wild River recommendations to Congress for their inclusion in the wild and scenic rivers system. Lastly, I ask that you support the timeshares and restrictions on motorized recreation in the preferred plan in addition to significantly reducing the high frequency of helicopter landings and activities you are proposing in the revised forest plan. Thank you.

Comment #	Comment
0027573-001	My comments below relate primarily to motorized access for the Chugach Forest as a whole and also specifically to the access prescriptions envisioned in the Revision for the Twenty Mile River Area. The following comments are also concerning memo file code 1909.12 of September 15, 1999 titled 'An Analysis of Motorized Surface Transportation Access to NFS Lands For Subsistence and Other Purposes'. -- In the second paragraph of Issue 3 (of the above referenced document) it is stated that the IDT 'has met with all of the major landholders within the Chugach and obtained their access needs.' To date no one has contacted the Twenty-Mile River Landowners, so this statement is incorrect. -- Contrary to your statement in Issue 3 'Access does not automatically mean a road. The method of access shall be consistent with management area direction and emphasis.', ANILCA specifies the Secretary SHALL give property owners 'such rights as may be necessary to assure adequate and feasible access for economic and other purposes...' Nowhere in the ANILCA statues is the Secretary granted the right to specify the mode (trail, road, bridge, etc.) of access, which in most areas of the USA means a road. Nowhere does the statue mandate or restrict the type or method of access (such as cars, snowmobile, ATVs, etc.) nor does ANILCA say that the Secretary has the right to mandate that the mode and method of access 'shall be consistent with management area direction and emphasis.' -- Your regional policy stated as contained in Forest Service Manual 2730 regarding ingress and egress has not been developed in accordance with Federal Law. While ANILCA mandates that the Secretary SHALL give property owners 'such rights as may be necessary to assure adequate and feasible access for economic and other purposes...' Your policy takes the opposite tone and direction by trying to exclude a landowners ability to maintain feasible and adequate access through such activities as constructing facilities (for example a bridge), clear or perform ground disturbing activities. -- Your regional policy stated as contained in Forest Service Manual 2730 regarding ingress and egress also violates the intent of the law by ignoring the terms feasible access, which is nowhere, considered in the policy. Again, this policy has not been developed in accordance with Federal Law. -- To further demonstrate your policy's lack of compliance with Federal Law one only has to look at how it is worded to make it appear that access is a privilege and not a right. In the first sentence your policy states ANILCA 'authorizes the Secretary of Agriculture to provide...such access...as deemed adequate...' No where is the Secretary authorized by ANILCA, he is in fact mandated in SEC. 1110 (b) to give access rights by the words 'shall be given...such rights as may be necessary to assure adequate and feasible access...' Again the Law says 'as may be necessary' not 'as deemed adequate' by the Secretary as you have it in your policy. The policy lacks a true understanding of the rights for adequate and feasible access and instead focuses on trying to tie those rights of access to any arbitrary standards the Secretary may have and deem adequate. However, the statue, requires such rights be given for access as may be necessary, judged against the standards of are they necessary for the access so that the access is feasible and adequate for economic and other purposes, purposes not controlled by the Secretary, but stipulated by the property owner. -- In Table 1 you are in violation of Federal Law with regards to access to Wild River and Research Natural Areas. ANILCA mandates the Secretary shall give property owners and other types of users access.
0027574-007	PS: I reviewed the Proposed Revised Land Management Plan and Environmental Impact Statement on the CD version R10-MB-416F. As I am primarily a Macintosh user, and my 'other' computer is a linux box, I had difficulty viewing the contents of the CD. I have Netscape 4.51 on the Macintosh and 4.7 in linux. The main problem was the non-standard use of the ' ' character in pathnames rather than the html standard '/'. This meant correcting or hand entering numerous pathnames in order to access the html pages. Another issue here is the use of MS Word as a 'standard' format. The current version of MS Word for Macintosh costs $400, and I feel that is a steep price to pay to be able to access what should essentially be 'free' information, since it was created with public funding. Commercial proprietary formats should never be used for information released into the public domain.

Comment #	Comment
0027581-001	As President of the Winter Wildlands Alliance, a national non-profit organization dedicated to preserving winter wildlands and a quality human-powered snow sports experience on public lands, I am writing to comment on your draft Chugach National Forest Plan Revision. Founding members of the Alliance include Colorado's Backcountry Skiers Alliance, California's Nordic Voice, Idaho's Nordic and Backcountry Skiers Alliance and Nevada's Coalition for Safe and Appropriate Winter Sports. First, I would like to commend you for your efforts to increase non-motorized recreational opportunities on the forest and your acknowledgement of the importance of natural quiet. From 1996 to 1998 I spent two years in Alaska, much of the time in the wilder parts, including the Chugach National Forest. The highlight of this period was experiencing the wildness and quiet, whether we were sea kayaking in Prince William Sound or hiking the Resurrection trail. The Winter Wildlands Alliance would like to see your Forest Plan go farther to restrict motorized recreation and we specifically recommend that you prohibit winter motorized recreation in 'proposed wilderness' and wilderness study areas. We understand the need to support ANILCA and subsistence winter motorized use in WSA and proposed wilderness but believe that recreational snowmobiling was not contemplated for these remote areas and should not be allowed. We appreciate your considering an odd-even year approach to snowmobiling in the Twentymile River valley and hope that this approach is adopted and the area is property signed and respected. 36 CPR 219.21 of the 1982 planning regulations requires the Forest Service to provide for a broad spectrum of recreation opportunities in each alternative of the Forest Plan. It states, among other things, that (a) forest planning shall identify: (1) The physical and biological characteristics that make land suitable for recreation opportunities; (2) The recreational preferences of the user groups and the settings needed to provide quality recreation opportunities. (g) Off-road vehicle use shall be planned and Implemented to protect land and other resources, promote public safety, and minimize conflicts with other uses of the National Forest Systems lands. Forest planning shall evaluate the potential effects of vehicle use off roads and, on the basis of the requirements of 36 CFR part 295 of this chapter. In order to meet the growing demand for non-motorized winter recreation areas, the Winter Wildlands Alliance believes that your efforts go towards meeting this planning requirements by proposing new quiet winter recreation opportunities for the Twentymile, Winner Creek, Seattle Creek, Bear Valley, and Skookum Glacier. In order for Lost Lake to be used by human powered snowsports enthusiasts in a quality setting, we believe that this area should be closed after February 15th. March 31 is too late for good skiing in this area. The Winter Wildlands Alliance supports extending winter motorized closures to Johnson Pass Trail (north end), Snow River (South Fork), Fresno Ridge, Carter/Crescent Lakes, Russian River Trail, Jack Bay, Sawmill Bay, and Marshall Pass. Monitoring and enforcement are requirements of any Forest Plan. Unless non-motorized areas are clearly signed, designated as closed

during the winter months, then the Forest managers can expect consistent violations of snowmobiles. By making entire areas non-motorized, you will eliminate a costly and almost impossible enforcement problem.

Experience in Colorado, Idaho. Nevada and in California shows that, to the extent possible, winter non-motorized and motorized sports should be separated. Where snowmobiles dominate, cross country skiers and snowshoers stop going to the area or have their experience negatively impacted. We hope that you will expand your efforts to meet the non-motorized recreation needs and quiet space that human powered snow sports enthusiasts require.

Comment #	Comment
0027584-001	Thank you very much for the opportunity to comment on the Chugach Forest Plan Revision Draft Environmental Impact Statement (DEIS). Please accept the following as our comments. The Alaska Rainforest Campaign (ARC) is a coalition of Alaska and national conservation organizations with memberships of 14,000 in Alaska and nearly 2 million nationwide. ARC has been involved with protection of the Chugach and Prince William Sound area for years and has been intimately involved in the entire CLMP process. ARC is encouraged by the level of access the public has had to the Forest Service Revision Team throughout the revision process. This level of access has been unique in forest planning processes throughout the country, and we applaud the Forest Service for allowing the public to be at the table from the start of the process. Additionally, we are encouraged by a number of aspects incorporated in the preferred alternative, such as the overall direction in management which primarily emphasizes fish and wildlife conservation and recreation, and a zero ASQ. However, while ARC supports many aspects of the proposed plan, we have several specific concerns that are detailed in the following comments. * Roadless Area Protection We support Alternative F, with the changes necessary to ensure that it is consistent with the final rule on roadless area conservation, due out in the next month or two. The preferred alternative for the Forest Plan should protect all roadless areas from new roads (except as otherwise required by law) and ALL logging (including 'stewardship' or 'salvage' logging). The roadless area protections in the Forest Plan should NOT be established merely by reference to the roadless area conservation rule; instead those protections should be established independently in the Forest Plan as part of the preferred alternative. The preferred alternative should clearly state that no logging or road building will take place in roadless areas. * Mining The lowest average satisfaction ratings for public land uses on the Chugach include both logging and mining. Yet, 72.5% of the forest remains open to mining under the preferred alternative. Of all land uses and opportunities listed in the two community surveys, the lowest average satisfaction rating is for jobs from logging and mining. The most important values to respondents are undeveloped land/wilderness, fishing and hunting. Mineral potential on the Chugach is generally not high; in fact, only 5% is considered most favorable. The majority of mining claims are small operators in road-accessible areas, such as the Kenai Peninsula. Although the Wilderness Study Area had written into it language specifically stating its availability to mineral exploration, little to none has been explored. If there were significant mineral potential in the Sound, it would have been developed years ago. Table 3-93 shows significant decline in mineral production. And according to a report by Steve Nelson, USGS, 'Current feasibility evaluations suggest that production is unlikely for any of the lode deposits at current prices' (3-397). In other words, the DEIS states there is little favorable potential, reports that production is unlikely, yet the preferred alternative leaves over 75% of the forest open to mineral exploration,

at the potential expense of other resources enjoyed by a greater majority.

The same logic applies to oil and gas development. The DEIS acknowledges most of the forest has no potential for oil or gas, yet much of the Chugach remains open to exploration. Even the Katalla area has low potential and, in fact, has never produced much even at the height of operations. Over a thirty-year period, 18 wells produced a mere 1.54 thousand barrels.

The preferred alternative should give priority to stated public desires (not industry special interest) by withdrawing significant biologically rich portions of the Chugach to mineral entry. Further, the FEIS should provide adequate cumulative impacts through a baseline environmental assessment of forest-wide mine status, including contaminated sites.

* Wild And Scenic Rivers

The preferred alternative should include all Wild and Scenic recommendations in Alternative F. The Chugach Forest Plan should be consistent with the level of analysis and recommendation done on the Tongass Forest Plan. Ironically, the Tongass plan did a much better analysis than did the Chugach, examining and evaluating all rivers and streams were examined and evaluated. (For example, the most glaring error is Resurrection River, which borders the remote and pristine Kenai Fjords National Monument, is not seriously inventoried.) The Forest Service should follow suit on the Chugach; using the Tongass model would be a good start.

The current preferred alternative is extraordinarily disappointing regarding its Wild and Scenic river recommendations. Wild river recommendations, in particular should be increased significantly as most on the Chugach qualify as such. Recommendations for Wild & Scenic Rivers within recommended wilderness is highly compatible, as the preferred alternative demonstrates with the recommendation of lower Nellie Juan within recommended wilderness.

On the Tongass, many of the eligible rivers are within wilderness boundaries. Under Suitability Criteria #2: Current Status of Land Ownership, the Tongass FEIS finds rivers within a wilderness highly suitable. Since the same criteria must be applied to the Chugach, the recommendation of wilderness can no longer be used as an excuse for not recommending rivers within the same corridor.

To read the assessments of most inventoried rivers, one would think them all highly eligible. The DEIS fails to discuss how the Forest Service arrived at the conclusion that most do not meet eligibility criteria. The decision appears arbitrary at best, especially when one does an eligibility comparison. For example, (do Portage to 20mile or one of the Delta rivers). With regard to those found eligible, many are under-classified.

Additionally, the preferred alternative should implement a boundary of one-half mile, as allowed for in ANILCA and once supported in IDT planning meetings, on all Wild & Scenic recommendations. A boundary of this size would better protect travel and feeding corridors for wildlife populations.

* Zero ASQ

We strongly support the Zero ASQ (allowable sale quantity) in the preferred alternative.

* Stewardship Logging /Salvage Logging

The preferred alternative is ambiguous as to where and when 'salvage' or 'stewardship' logging or 'commercial timber harvest, non-chargeable' is permitted. The preferred alternative should explicitly state that it does not permit 'stewardship' or 'salvage' or 'commercial non-chargeable' logging in roadless areas. Additionally, the final plan must include a 'no salvage logging / no stewardship logging' alternative.

* Wilderness Recommendations

The DEIS's recommendations for Wilderness areas falls far short of recommending protection for candidate areas for Wilderness designations. The Chugach National Forest encompasses 5.5 million acres and is the northern-most temperate rainforest in the nation. At 98% roadless, it includes one of the world's last remaining intact rainforests. It is the second largest national forest in the country, and although 98% of the Chugach is classified as roadless and qualifies for Wilderness designation, there is no designated Wilderness on the forest. Comprised of Alaska's Kenai Peninsula, Prince William Sound, and the Copper River Delta, the issues and threats facing these three regions vary and demand wilderness protection for all regions.

In general, ARC supports the wilderness recommendations for Alternative F, although with modifications as outlined below. These areas represent biological diversity as well as local support for protection, and should be designated Wilderness.

Copper River Delta Wilderness (east Delta and Barrier Islands) The Copper River Delta is one of the most outstanding ecological areas in the United States. At 700,000 acres the Delta is the largest wetlands complex on the Pacific coast of North America. The Delta is also one of the most important shorebird habitats in the Western Hemisphere, supporting more than 16 million shorebirds and other waterfowl. The area is home to one of the world's most renowned salmon fisheries; the prized Copper River red salmon.

ARC is extremely concerned that all parts of the Delta (east and west) have not been recommended for full wilderness protection. This concern is augmented by development threats in the region including the construction of a 55-mile road, clearcut logging of 8,000 acres of forestland and sub-surface coal development proposals. The line separating areas recommended for Wilderness protection in the DEIS and those to be not recommended appear to be based on political boundaries rather than biological ones. This entire ecosystem is worthy of ANILCA wilderness designations; nothing less will protect the long-term economic and ecological attributes of this unique area. Please ensure the FEIS remedies this inexcusable failure to protect the southeastern portion of the Delta.

College Fjord/Nellie Juan Wilderness (Wilderness Study Area) Prince William Sound areas are easily accessed by way of the Whittier access road. Wilderness designation would help to address the expected increase in the numbers of people visiting the Sound.

Big Islands Wilderness

Montague, Hinchinbrook, and Hawkins Islands have some of the most productive wildlife populations in the Sound due to the intense upwelling and nutrient rich waters of Hinchinbrook Entrance. They are ecosystems unto themselves. The rugged outer coasts of Montague and

Hinchinbrook Islands, where forested mountains ride abruptly behind remote beaches, are unique in Alaska and rare worldwide.

Resurrection Valley Wilderness

This rich watershed drains Resurrection Creek, one of the largest (160 sq. miles) non-glacial watersheds in the Chugach National Forest. Historically, the creek has supported large Dolly Varden populations and salmon runs. At 18 miles in length, this clearwater stream is outstanding in and of itself. The Resurrection Trail, which is a unit of the National Trail System, is world-renowned for its backpacking, day-hiking, mountain-hiking and skiing opportunities. It is one of the most visited trails systems in the state of Alaska, by residents and tourists from all over the world alike, due to its accessibility and scenic beauty.

Alpenglow Wilderness (Seattle Creek area)

This area contains the only remaining unroaded coastline along Turnagain Arm in the Chugach National Forest. The coastal zone supports dense old-growth forest with high wildlife values. It is remote and extremely wild; one of the last road-accessible areas on the Kenai without trails. One is afforded a truly backcountry experience here, with opportunity for quiet and solitude.

Kenai Headwaters Wilderness (Snow River drainages)

In recent years, the Kenai River has received ample attention due to its over-popularity. People are loving the river to death in some areas. Yet, it supports a healthy and robust salmon population that fuels the economies of many of the peninsula economies. In large part, the river remains so healthy because its headwaters are still pristine. The Snow River and South Fork Snow River drain millions of gallons of fresh glacial water into Kenai Lake annually. These river valleys are extremely wild and remote; we believe both are eligible for Wild & Scenic River designation.

Primrose Wilderness (Russian Lakes & Primrose areas)

This corridor for Kenai Peninsula brown bears contains very diverse habitat. In a relatively concentrated area one can find extensive alpine tundra vegetation, coastal riparian and mountain forests, and transitional-interior forest. Wilderness would protect a contiguous brown bear corridor through the area and be compatible with the Forest Service's proposed Research Natural Area.

Quartz Creek Wilderness

Wilderness designation for Upper Quartz Creek is a crucial element of protection for the overall ecology of this important anadromous tributary within the Kenai River watershed. The lower portion of Quartz Creek has become subject to increasing pressures from the road system, development, and mining activities. The headwaters of the Quartz Creek watershed are pristine east of the Seward Highway road corridor.

Surprise Valley Wilderness (Just north of Cordova)

Surprise Valley borders Eyak traditional homelands recently acquired by EVOS. A Wilderness designation border would compliment the intent of the acquisition.

Twentymile Wilderness (north of Turnagain Arm)

This watershed contains rich alpine, forest, riparian, and wetland habitat. It provides important seasonal habitat for migratory birds and waterfowl, as well as year-round habitat for resident wildlife populations. The area, known for its wild character, supports large populations of mountain goats, bears, moose, wolverines, and a wolf pack. The Twentymile watershed contains the wildlife values of any watershed on the national forest in the Turnagain Arm drainage. The mix of wetlands, forest, and alpine areas provide extremely high biological diversity in a relatively small area.

* Brown Bear Core

ARC supports the concept of the brown bear core prescription, and is encouraged that the Forest Service created a prescription that recognizes the sensitivity of the brown bear population within Chugach Forest boundaries, primarily on the Kenai Peninsula. By creating this prescription, the Forest Service responded to many peoples' scoping comments, about brown bears on the Kenai Peninsula that need added protection in order to maintain the population's viability.

The Brown Bear Core prescription falls short of its intent to protect brown bears in a number of ways. A serious deficiency with this prescription is that it allows the development of utility systems as a 'conditional' activity. The management intent for the prescription states, 'Utility corridors, power generation facilities, power transmission lines, marine transfer facilities and administrative facilities are discouraged in this management area.' However, 'discouraged' is a nebulous term. Furthermore, the following sentence stating that projects 'may be allowed if no feasible alternative is available' sends confusing signals. It can be expected that project developers will hire consultants and lawyers to demonstrate that no other alternative is feasible and that disturbance of a brown bear core area is essential for their project.

Any project that is likely to seek access across a proposed Brown Bear Core areas will be a major construction project that will necessitate not only road construction, but also vehicle access throughout the life of the project. Mentioning that, 'Resource projects in roadless areas must be accomplished without construction of new roads' will be seen as only a speed bump, not a stop sign, on the way to proving that there is 'no feasible alternative.'

Furthermore, the 'no feasible alternative' language in the prescription does not give any suggestion as to how feasibility should be determined. Consequently, it will be only a matter of time before the Forest Service is faced with a project proposal that will require technical and economic expertise well beyond that of managing a forest. The only way to avoid the time and money that will be needed to sort out the claims when this issue arises is to change Utility Systems in the Brown Bear Core Activities Table from 'C' to 'N.' Without this change, this prescription will not accomplish its intent.

* Submerged Lands

The DEIS is incomplete because it does not adequately address the management of and impacts to the submerged lands within the Chugach National Forest Boundary. We believe, as the Forest Service has recognized, that the tidelands and submerged lands within the proclamation boundary of the forest are part of the Chugach National Forest.

This is perhaps the most fatally flawed area in the DEIS. The National Forest Management Act (NFMA) requires that the CNF Land and Resource Management Plan must form one integrated plan for all of the lands and resources of the conservation unit. The National Environmental Policy Act (NEPA) further requires that the Forest Service prepare an Environmental Impact Statement on the CNF that encompasses all of the resources found there. As the 1907 CNF boundary was drawn to include the tidelands and submerged lands of Prince William Sound, the Forest Service must address these resources, regardless of agreements with other land management agencies. Implications of this omission resound throughout the DEIS, from lack of adequate cumulative impacts to administrative rules and guidelines.

The Forest Service itself seems confused about its management in the Sound. For example, 3- 201 of the DEIS lists two Federally listed endangered species 'within the boundaries of the Chugach National Forest,' both of which are aquatic mammals whose habitat is Prince William Sound (PWS). Yet, the DEIS fails to even consider visitor use on PWS as an impact to air quality, instead citing neighboring communities as the most likely source of air contamination (3-6). Rather than attempt to protect its resources, the Forest Service is continuing a pattern of abdicating management responsibility. In fact, the Forest Service cannot sidestep its responsibility, being required, for example, to prepare biological assessments for ESA-listed species within its boundaries.

The Forest Service has yet to address the jurisdiction issue through the NEPA process, although relinquishing management of the waters of Prince William Sound is certainly 'a major federal action significantly affecting the environment.' The final plan should make it very clear that the tidelands and submerged lands within the proclamation boundary of the forest are part of the Chugach National Forest and will be included in its management.

* Prescriptions:

ARC has several concerns regarding the prescriptions described in the DEIS. The following prescriptions should be changed so that they fulfill their intent:

1) Wilderness:

ARC is concerned with a number of the activities allowed in the Wilderness Prescription, as outlined in the DEIS by the Forest Service. The Activities Table indicates that OHV/Motorized Recreation Use in winter is conditionally allowed. We strongly disagree with the notion that motorized recreational activities should be allowed in areas that are being managed for wilderness protection, either recommended wilderness or Wilderness Study Areas. Further, we take issue with another of the allowances made under the standards and guidelines in both the Wilderness and Wilderness Study Area prescriptions. Both prescriptions allow, in the case of Fisheries, small, motorized equipment (chainsaws, generators, compressors, etc.) to be used in construction of improvement projects and larger motorized equipment (backhoes, tracked vehicles, OHV's, etc.) to be used if authorized by the responsible line officer. We do not believe it was the intent of Congress to allow these types of uses within ANILCA wilderness areas.

Further, we believe the Forest Service is beyond its legal parameters when, under both prescriptions, it allows in the case of Recreation, 'Explosives and small, motorized equipment (such as, chainsaws, generators, compressors, and rock drills) are allowed for recreation

maintenance, construction and reconstruction projects.' The Forest Service has crossed over the line of wilderness management when allowing these types of motorized uses for recreation improvements in areas managed for possible future wilderness designation.

Finally, under Transportation and Access, the Forest Service indicates that a, 'responsible line officer must approve motorized access for administrative and permitted use.' Motorized access for administrative activities should only be a last resort option, when all other possible methods of access are exhausted. We are uncertain at this time what the Forest Service intends when it indicates motorized activities may be permitted in areas being managed to protect wilderness values.

2) Fish and Wildlife Conservation:

ARC feels strongly that the Fish and Wildlife Conservation prescription is not restrictive enough to ensure proper fish and wildlife habitat conservation, and thus fails to accomplish what the designers of the prescription set out to achieve. For example, as in the Brown Bear Core prescription, the Forest Service has turned a blind eye to the impacts of motorized activities on fish and wildlife populations, and the agency is much too liberal in its approach to motorized activities within this prescription.

Further, other aspects of this prescription are not restrictive enough to ensure the conservation and long-term viability of fish and wildlife populations. For example, destination lodges are conditionally allowed in this prescription. It is the combination of all the activities allowed or conditionally allowed within this prescription, such as destination lodges, heavy motorized activity, utility corridors, hut to hut recreation cabins, commercial timber harvest non-chargeable, etc., and their cumulative impacts which render this prescription insufficient to adequately protect fish and wildlife habitat and populations.

The Forest Service should review this prescription and change it so that motorized access and other types of development are significantly restricted to ensure the long-term protection of fish and wildlife species and habitat on the forest.

* Summary

Please modify the plan to ensure that it is consistent with the final National Roadless Policy including no new road and no logging construction in roadless areas of the Chugach. The DEIS should be modified to ensure that the Chugach is managed for ecological integrity, fish and wildlife first and foremost. This is best addressed by selecting DEIS Alternative F modified to include additional Wilderness areas as discussed above.

In addition to these comments, ARC has reviewed and it supports the comments submitted by The Audubon Society, The Alaska Center For The Environment, The Wilderness Society, and the Southeast Alaska Conservation Council.

Thank you very much for your consideration of our concerns.

Comment #	Comment
0027589-001	Summary: Due to the volume of material to review, and the many questions raised in reviewing the proposed plan, some of which are outlined above, I feel the public comment period should be extended until such time as the issues brought forward during this review are addressed and a public forum is held to discuss the impact or the issues raised by the public. A great deal of effort has went into this plan, but it still needs more polishing and a more unbiased evaluation. The Forest is a place for everyone to use not just people who want to experience of a raft or kayak. It would appear a substantial bias does occur on the part of the plans reviewers as related to activities on the Six-Mile, East-Fork and Canyon Creek areas of interest.
0027589-002	A. Maps provided as appendices should have included contour or topographical maps for reference. C. Maps do not show current State or Native land selections which overlap or effect the Forest boundaries.
0027591-001	Sec. 200.2 Field organization. The field organization of the Forest Service consists of regions. stations, and areas as described below: (a) Regions of the National Forest System. For the purpose of managing the lands administered by the Forest Service, the United States is divided into nine geographic regions of the National Forest System. Each region has a headquarters office and is supervised by a Regional Forester who is responsible to the Chief for the activities assigned to that region. Within each region are located national forests and other lands of the Forest Service. (1) National Forests. Each Forest has a headquarters office and is supervised by a Forest Supervisor who is responsible to the Regional Forester. Two or more proclaimed or designated National Forests, or all of the Forests in a State, may be combined into one Forest Service Administrative Unit headed by one Forest Supervisor. Each Forest is divided into Ranger Districts. The Alaska Region is composed of two National Forests without Ranger Districts: with one Forest divided into three areas, each administered by a Forest Supervisor.

0027597-001

We would like to comment on the Proposed Revised Forest Plan and Draft Environmental Impact Statement as it particularly applies to the Seward Ranger District. We have some general commentary about winter recreation and some specific concerns about the proposed enlargement of Primrose Campground.

We live on Primrose Road at mile 18 of the Seward Highway. In the past 26 years we have seen our neighborhood grow in the number of homes, although that growth has probably reached its limits due to property boundaries abutting the National Forest. We have seen use of Primrose Campground and the hiking trail grow as well. (Note: The Forest Service calls our road Primrose Landing Road.)

Concerning Winter Recreation

We have seen a great increase in the use of Primrose as an access to Lost Lake for snowmachine riders. In the mid-seventies we taught our six-year-old daughter to cross-country ski on Primrose Trail and in the flatlands of the Snow River delta. Now there are so many snow machines that skiing the trail has become an activity we no longer do. On any given day there are snowmachines on the trail. And, there are snow machines also running up and down the road, even though this is not a legal place to ride. Snow machines also go out onto the delta, where moose come to browse, where ptarmigan and snowshoe hares live, and eagles have an active aerie, to mention just a little of the wildlife there.

We feel that there are not enough places for people to have access to the forest. So, far too many people are overusing the few access sites that are available. These access sites, and destinations are currently shared by those of us that enjoy the quiet sports, skiing and snowshoeing, as well as those who prefer to use machines.

We have reached a point in time where overlapping use by these two different types of recreation is not a viable option any more. Snow machines are a danger to skiers. Despite what machiners say, they cannot always be heard ahead of time so 'skiers can get out of the way', especially when a skier is hearing impaired as is one of us. Overall, they are noisy. The whine of the engines on the trail and in the meadow above our home can often be heard. The sound is not gone when the machine is out of sight. Snow machines pollute the air with noxious exhaust. When we are out skiing and are passed by snow machines the blue smoke of the exhaust lingers in the air. We don't feel that arguing to limit motorized use of the Primrose Trail is in the best interests of the the Forest Service, or its users. We do feel however that the area on the north side of the Primrose Creek should be set aside for non-motorized winter use.

We encourage the Forest Service to establish many more separate areas for motorized and non-motorized recreation. Wisconsin has a huge trail system for snow machines, some 30,000 miles according to my brother who lives there and uses the trails. There are areas used by both skiers and machiners. These joint use areas have low speed limits for the snowmachines, including stop signs where trails cross. Skiers are not to use the snowmachine trails, and vice versa. There are fines for those that do not follow the regulations. This works in Wisconsin because there are law enforcement people available. Here in Alaska with a small enforcement staff covering thousands of square miles this kind of enforcement is not really feasible. Adherence to regulations has to come from the people who use the Forest. Regulations themselves have

to be adapted to meet modern technology and engineering that has evolved with the snowmachine. As we have seen in the Hatcher Pass situation, when the area was set up machines were not able to to do the things they can do now. And with the technological and engineering advances have come problems that were not anticipated. Snowmachiners are riding to tops of hills, starting avalanches and, endangering skiers by racing past. Worst of all, are those misguided individuals who ride a machine to the top of the hill, put it in neutral to send it riderless to the bottom of the hill while they ski or snow-board down. The actions of a few have created a situation where now the machines must be banned. Because people cannot police themselves, the best thing is to have separate places.

We appreciate that snowmachiners need places to use their equipment as it is now designed. A recent article (December 200.0) in Yankee magazine about Island Pond, Vermont (a snowmachine mecca) spoke of snowmachiners routinely going 50 mph and often up to 100 mph on the trails. This kind of use in an area with both motorized and non-motorized sports is an accident waiting to happen.

As Alaska tourism develops and winter recreationists are encouraged to come here there will be greater needs for areas with regulation similar to what the winter tourists are familiar with in the State and Federal Forests of their home states. Cross-country skiers and snow-shoers coming to experience the pristine wilderness of Alaska will not be prepared to deal with snowmachines at every turn. Snowmachiners accustomed to trails for their use only will be unprepared as they race up to a hill crest hoping for an airborne thrill to find they need to slow down or swerve to avoid a group of skiers. We have reached a point in time where 'we have always done it this way' can no longer apply. It is sad but obvious that the 'two percent' who cause the problem (as one letter to the editor stated) can only be dealt with by regulating everyone.

We want to see some areas of the Snow River Valley set aside for quiet sports, much as the Turnagain Pass area is set up. In the Primrose area, the trail is useful for machiners to get to Lost Lake. There is no fair way to limit the use of the trail to one type of sport or the other. However, we do feel that some of the area around Primrose, on the north side of the creek, Primrose (Landing) Road itself and the Snow River delta at Primrose where the river flows into Kenai Lake should be reserved for quiet sports. Skiers will not pack down the snow and destroy the browse of the moose, chase and disturb the moose, which are often pregnant females who come to the flats to 'yard-up'. The packed down snow of the machiner's trail takes longer to melt, affecting the new vegetation that migrating geese, swans, loons terns and other birds depend on. The area on the north side of the Primrose Creek of concern to us. Rarely do snowmachines venture there, now. It is a pleasant place to ski and snowshoe. We understand that there is a possible plan to make another trail on the north side of the creek connecting the Primrose area to Snug Harbor Road in Cooper Landing via snowmachine. A better way for those of us who live here and want to enjoy quiet sports would be to connect Snug Harbor Road to the Primrose-Lost Lake Trail at some location higher in the mountains. That way riders from Lost Lake would not have to come all the way down the trail into Primrose Campground to get to the Snug Harbor Spur. This would mean less two way traffic on a narrow trail, and a safer, quieter time for us as skiers and residents.

In the 70's the Seward Ranger District was negotiating for a trailhead for the Lost Lake Trail. Property was changing hands fairly regularly. Instead of continuing to negotiate with the Harbor View

Subdivision developers, who were not unamenable to easements, it was felt their offer was not 'in the public's interest.' And now, we still don't have a trail head near Seward with adequate parking for hikers or snowmachiners. It is important that the Forest Service actively negotiate with land owners and the state to create trailheads and access points that don't impinge on private landowners. These access areas need to be either big enough now or be such that they can be expanded as our population grows and use demands. The Snow River valley is one of these points. Areas here should be designated wilderness, motorized and non-motorized before the need becomes more obvious than it is already.

That there is a need for more winter-use trails is obvious. At one meeting I attended a suggestion was made to widen some existing trails. This idea may work well in the winter, but any trail that is also used in the summer for hiking needs to be carefully looked at before any work is done. Shady, narrow trails are a part of the woodland hiking experience. Primrose Trail is a prime example here. A possible snowmachine trail to connect with Trail River Campground with Crescent Lake or even Quartz Creek Campground on the north side of Kenai Lake would probably appeal to snowmachiners.

The Forest Service also needs to plan winter maintenance. Primrose Campground Road, for example, is plowed by the state for a safe turnaround for school buses. The whole parking lot is not always plowed. So there is often little parking space for motorhomes, and other vehicles with snowmobile trailers or for skiers. If the Forest Service creates attractive areas within the Forest and does not take the pains to maintain adequate access we will have more and more of the same situation as has been reported in the Peter's Creek area of Wasilla with people parking in the roadways, booking access to homes, or hindering emergency vehicles. Winter maintenance is an important part of access that needs to be addressed throughout the Forest.

Concerning Campground Expansion

Before any expansion in this area is done it should be determined how much demand there is for more camping sites. There are times when the camp grounds are full. Are the local private campgrounds also full? We would ask whether these campground expansions would compete with the private campground in Moose Pass, the Renfro's at mile 19 and the future plans of Chugach Alaska Corporation for their property on the east side of mile 12 overlooking the Snow River Valley.

Primrose Campground is mentioned as being one where expansion is planned. The residents of Primrose Road are very much against this idea. Primrose Road with its blind corners and hills, narrow spots where two motorhomes cannot easily pass one another is not a safe road for a populous campground. This road has a bed which is bedrock level in some places and is built on an old corduroy base in others. Making the road wider will entail blasting a ridge. What will this do to the wells situated close to this ridge? There are hikers, bicyclers, resident and camper's children, birdwatchers and many other pedestrians on this road throughout the summer. Adding more sites for motor homes will bring more traffic, more dust, and more problems.

Primrose Campground expansion plans include a bridge over the creek and a twenty to thirty 40 foot or so spur sites, to accommodate large motor homes according to my conversation with Head Ranger Mike Kania. Primrose is the not the place for this sort of campground. Trail Lake with its open areas and more flat land would be a far better site. Planning ahead is essential here. Many commercial campgrounds are

having to revamp and enlarge their motorhome slots as the homes have become wider, up to 102 inches. They often have slide-outs, some on on both sides, 18' to 24' wide, as well as 8' awnings. A tow vehicle is a.common addition. A setup like this can be 57 to 60 feet long and almost 18 feet wide. These vehicles are also taller which means trimming trees higher as well as tree removal for the the greater turning radius that is required. Twenty to thirty sites that will accommodate these modern vehicles will require a huge amount of clearing. In order to use the amenities these kinds of vehicles are purchased for, a power source or a generator is essential. With no one on the premises to enforce quiet hours, it has been our experience that some motor home owners will use a generator whenever they wish. Generators, either gas or diesel, are noisy and produce exhaust fumes. (Our rig is primarily solar for that very reason.) The cleared, wooded campsite, as shown for a 31' vehicle in the attached picture, is not what we want to see here on the north side of Primrose Creek.

We own a mid-sized motorhome (32') with a tow vehicle which we keep in Arizona. We often are asked about the Alaska Highway and camping facilities in Alaska. People seek us out when they see our Alaska plates. We are very aware of what campers who drive to Alaska are looking for. Besides having longer and wider places to park, pull through sites are highly desirable. (For a clear example of a place that has not grown, and cannot easily grow, to accommodate new motorhome engineering and technology look at Miller's Landing on Lowell Point in the summer time.) 'Industrial strength camping' such as you see on the waterfront in Seward is not what the Forest Service should be promoting either.

There is a real need for small intimate campgrounds where people with truck campers, tents, popups and smaller motor homes can come to enjoy the Forest without being overwhelmed by large motor homes. Primrose Campground is one of these and should remain so. In our own experience we know that the quality of this kind of camping is very different from that of the large motor home. This quality needs to be preserved. These kinds of campgrounds need to have informative signs at the turn-in stating size limits for camping vehicles. Drivers sometimes come down Primrose Road to find that their rig will not fit in the camping area and when they leave it is at higher rate of speed, no doubt due to the frustration of driving in to find no suitable place. Enlarging Primrose Campground is not the answer here because of the road situation.

A very important reason why Primrose Campground is not a good place for expansion is because the campground is not only in a flood zone, it is also in a flood way. When jokuhlaups events occur on the Snow River, the campground and the road are flooded. When severe 'hundred year' events, such as 1986, occur Primrose Creek becomes a floodway. That year sections of the campsites along the creek were washed away. The Primrose Creek gravel delta changed its shape dramatically. The proposed expansion of the campground includes a bridge over the creek. A bridge to carry the weight of large motor homes will need to be substantial. (A recent ad in Motorhome magazine lists a medium size 31 foot motor home with a GVCW of 23,000 pounds.) A bridge is also a bottle neck in situations where the campground needs to be evacuated quickly because of flooding, or forest fire. In conversations with Borough road supervisors we have been told that this bridge would have to specially permitted and engineered to meet code for construction in a floodway. Because the road is in a flood plain any work that would be done on it must not effect existing homes. Building up the roadbed could cause damming of natural runoff thereby effecting the septic systems of homes along Primrose Road. Chapter

21.06 - Floodplain Management - in the the Kenai Peninsula Borough Zoning regulations is very interesting reading. Because of the flooding and current condition of the road it would seem that the Forest Service would be spending a large amount of money here for a relatively small amount of gain. Money that would be better spent in other camping areas that do not impinge on private residences. (Attached to this letter are copies of maps from The Kenai River Center in Soldotna showing the flood zone.)

Campground expansion, if it is deemed necessary, would be more reasonable at Trail Lake and Ptarmigan Lake Campgrounds.

As the Forest starts implementing this overall 10 year plan we request that proposals for specific projects will be available to the public for commentary.

Sincerely,

Chad and Lani Lockwood

NATIONAL FLOOD INSURANCE PROGRAM
FIRM FLOOD INSURANCE RATE MAP
KENAI PENINSULA BOROUGH,

PANEL 2425 OF 6375
(SEE MAP INDEX FOR PANELS NOT PRINTED)

ALASKA COMMUNITY-PANEL NUMBER 020012 2525 A
EFFECTIVE DATE: MAY 19, 1981

Federal Emergency Management Agency
Federal Insurance Administration

KEY TO MAP

500-Year Flood Boundary	ZONE B
100-Year Flood Boundary	
Zone Designations* With Date of Identification e.g., 12/2/74	
100-Year Flood Boundary	
500-Year Flood Boundary	ZONE B
Base Flood Elevation Line With Elevation In Feet**	513
Base Flood Elevation in Feet Where Uniform Within Zone**	(EL 987)
Elevation Reference Mark	RM7x
River Mile	M1.5

-- Referenced to the National Geodetic Vertical Datum of 1929

*EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION

A Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

AO Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.

AH Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.

A1-A30 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

A99 Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.

B Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)

C Areas of minimal flooding. (No shading)
D Areas of undetermined, but possible, flood hazards.

V Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.

V1-V30 Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the special flood hazard areas (zones A and V) may be protected by flood control structures.

this map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all planimetric features outside special flood hazard areas.

For adjoining map panels, see separately printed Index To Map Panels.

0027682-001

I do appreciate the value and resources of
these lands and do support these suggestions enclosed. We must not degrade and waste our irreplaceable national forests - Keep the Chugach Wild.

Comment #	Comment
0027721-001	Don't trust information provided by agencies Information is too hard to interpret For the most part, it is not easy to understand Cumbersome and difficult to follow the plans (Alternatives tables) with printed documentation for areas. CD was not compatible w/ my computer -- not enough memory -- no maps w/ indicators or coordinates to find trails not familiar with to be able to visualize.
0027900-001	I
0028108-002	They are not complete. The CD & the Paper Impact statement don't say the same thing.
0028274-001	I want to know more about your campaign and philosophies and how I can help to save the Rain Forest. I want to keep my memories alive so please write back as soon as you can so I can get to work to save the Rain Forest!

Comment #	Comment
0028305-001	Mr. David Gibbons, supervisor Mr. Gary Lehnhausen, project Team Leader chugach National Forest 3301 C. St. Suite 300 Anchorage, Alaska 99503 Dear sirs; Please consider these comments as part of the proposed management plan that you are preparing. I am a member of the Kenai Peninsula Public Land user Group (K-Plug). I fully agree with the purposes and principles that K-Plug espouses. I am particularly concerned with what I perceive to be serious violations of public law in the management practices of the Forest service (FS). I will attempt to address some of these concerns in this submittal. VIOLATIONS OF OPEN MEETINGS ACT AND OTHER FEDERAL LAWS According to the research we discovered that the Forest service held private meetings with the Alaska Lands Act Coordinating Committee (ALACC). (ALACC) is composed of nationally based and funded environmental organizations with Alaska interests. The Forest Service provided notes of meetings with ALACC on issues related to the Forest Plan Revision. The meetings apparently resulted from a settlement the Forest service reached with ALACC over the 1984 Chugach Forest Plan. The meeting notes indicate that ALACC sued the Forest Service for allowing too much development in the chugach. In 1989, then Deputy chief of the Forest Service, James Overbay, issued a memorandum to all Regional Foresters directing that a Forest Plan Revision, should only concentrate on management units that show a need for change, rather than completely revamping the original forest plan. The meetings held with ALACC focused on this need for change and gave the Forest service the justification to completely rewrite the 1984 CLMP. Meetings with ALACC are documented to 1992. Meetings focused on the revision process, settlement agreement as related to the revision, strategies for Prince William Sound (PWS) preservation; conservation easements with native entities, moratoriums on timber harvest, spruce bark beetle infestation, roadless initiative, ANILCA access provisions, etc. The backcountry prescriptions were developed as a result of these meetings. Documents indicate that the Forest service actively sought ALACC involvement in the planning process prior to inviting the participation of any other group. Further, the Forest service discussed strategies for most of the issues contained in the preferred alternative issued May 15, 2000. PWS planning, timber harvest, and 501 (b) recommended wilderness areas, copper River Delta, roadless areas were all part of the strategies discussed. Most importantly, a strategy was developed to cite the need for change for the old 1984 plan.

A strategy was also developed for inventory of Roadless Areas - Doc. 1825.

We at K-Plug were outraged after we have heard of these meetings. The whole process is so skewed towards a special interest agenda that the preferred plan and all of the policies it represents should be scrapped. A new supervisor and forest rangers should be hired that observe the laws and the public's interests. This management style represents a breach of the public trust and unlawful discrimination towards certain lawful forest uses and users.

NAVIGABLE WATERS: SUBMERGED LANDS: EQUAL FOOTING DOCTRINE

The Submerged Lands Act is a quitclaim of federal authority or ownership and provides that, like all other states, Alaska owns it's navigable waters. It also provides that management of those resources is subject to state (not federal) law. The Act gave all states servitude title in trust and management authority of the natural resources within their borders. The Act also specifically included fish as well as other marine animals and plant life in all the navigable waters therein.

As an essential element of sovereignty and by quitclaim from the federal Government, title to fish and wild game in Alaska rests in the Sovereign State of Alaska and its trustee capacity for all the people. Although it may have authority to protect wildlife resources found on federal property, since statehood that federal government has had no authority to make any rule or regulation allocating fish and wild game which belong in common to the citizens and are held in trust by the State of Alaska.

We are concerned about the chugach Plan's potential impact on the Alaska Department of Fish and Games ability to conduct the activities required to perform research, management, and enforcement functions throughout the Forest, in order to ensure that the State's constitutional, statutory, and regulatory responsibilities are met, we request that assurances be written into the plan recognizing ADG&G'S mandate to conduct fish and wildlife research, management, and enforcement activities. Specifically, the Commissioner of Fish and Game is charged to manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the best interest of the economy and general well-being of the state (AS 16.05.020 (2)). This responsibility extends to all lands and waters of the state.

The draft EIS should clarify that FS management decisions for proposed Wild and scenic River designations only apply to the federal uplands (above the ordinary high water mark OHW). Navigable waterways are state inholdings within the Forest, and federal regulations specific to conservation system units (for example, wild and scenic Rivers and Wilderness) do not apply to private and state lands (see ANILCA sec. 103(c)).

PROTECTION OF NON-NATIVE SUBSISTENCE

Title VIII of Alaska National interest Lands Conservation Act stipulates continuation of opportunity for subsistence uses of resources. Restricting motorized access to forest lands without scientific support threatens traditional recreational and subsistence activities. K-Plug is also concerned about the chugach Plan Revision effects on traditional commercial and recreational access for fishing, hunting, wildlife viewing, trapping, and other fish and wildlife related activities. It is our position that these are valid prescriptive public uses of fish and wildlife and should be maintained by any plan in the future. These are protected birth-rights of this and all future generations of Alaskans. YOU cannot legally discriminate between Native and non-Native users of public trust properties. This was established in the Payton vs. State of Alaska Board of Fish decision.

I am concerned that the proposed motorized/non-motorized divisions of opportunity identified in the FS preferred alternative description narrative will impact users who have traditionally used motorized methods to access these areas for the taking of fish and wildlife, including trapping. Gathering activities including harvesting natural objects for arts and crafts should also be protected. These activities have traditionally been done with motorized vehicles in the forest.

LACK OF SCIENTIFIC BASIS FOR RESTRICTIONS

It is an insult to our heritage of western science and to the scientific community and to the framers of ANILCA to promulgate regulations that are based on restrictive intent rather than the multiple-use, forest practices and maximum sustained yield doctrines. The FS does not appear to have reliable information about brown bear populations, it is unjustified and unreasonable to restrict other uses on public lands for the speculative purpose of protecting this species. This same rationale applies to proposed quiet areas.

District Ranger Skewed Analysis of Comments

The Cordova District Ranger provided many rationales for ANILCA Recommended wilderness prescriptions within the forest to the Forest Supervisor during the planning process. His analysis gave greater weight to the testimony of environmental groups, whose agenda's he has personally supported. He has used his personal beliefs to effectively push an environmental agenda in the district. Specifically, he wrote a rationale for recommended wilderness criticizing the congressional delegation for their 'pro-development stance' (Document #1756, 1935). The District Ranger also provided a survey of comments from the cordova District. The survey showed that all of the residents and organizations, with the exception of chugach Alaska corporation, favored strict adherence to environmental alternatives. He reached this analysis based upon generalizations of the comments. (Document #2267). The District Ranger, in Document #2267 asserts that all business owners in cordova commented in favor of Wilderness designations, However, upon close analysis, the business

owners listed in the document did not actually own the businesses. Furthermore, most business in cordova did not comment.

District Rangers and the Forest supervisor have denied permits over the past two years to individuals requesting access, citing the revision of the forest plan (The new forest plan would not allow them to grant the permit but the old plan would so they categorically denied them). Legally, they must adhere to the old forest plan until the revision is signed. However, they denied permits anyway. Comments in the Districts were extremely generalized and did not accurately reflect the positions of the residents of the district. (E.g. Statements were made in opening paragraphs of comments thanking the Forest service for such an open process and then proceeded to tear down the alternatives being discussed. The forest service used the first few lines to indicate that residents were in favor of the preferred alternatives).

Multiple Use Activities

in the Chugach Plan; the Forest service completely disregards the multiple use clause of ANILCA, especially as it relates to Section 501(b). This section clearly states:

Subject to valid and existing rights, lands added to the Tongass and chugach National Forests by this section shall be administered by the Secretary in accordance with the applicable provisions of the this Act and the laws, rules, and regulations applicable to the national forest system: Provided: That the conservation of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper, Rude River addition and the Copper River-Bering River portion of the existing chugach National Forest, as generally depicted on the map appropriately referenced and dated October 1978: Provided, that the taking of fish and wildlife shall be permitted within zones established by this subsection pursuant to the provisions of this Act and other applicable State and Federal law. Multiple use activities shall be permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the secretary.

The Forest Revision Plan restricts motorized activities in at least 55.4% or 3.04 million acres of the Forest mostly through the 'Back Country' prescriptions (more restrictive than recommended wilderness) in the preferred alternative. in fact, that prescription was developed out of settlement agreements with environmentalists, (ALACC), to incorporate the roadless initiative. This clearly infringes upon multiple use activities and the taking of fish and wildlife, scientific analysis of motorized activities in these areas has not been completed. The plan is instead subjectively based upon a settlement with the environmental community. Further, with no new roads or plans for new roads or trails within the Forest, multiple use activities are restricted to existing accessible areas causing more damage to the environment while violating the intent

UNJUSTIFIED DISCRIMINATION AGAINST MOTORIZED VEHICLE USE
public access on the Kenai peninsula is already limited
because of Kenai National wildlife Refuge restrictions and
lack of transportation infrastructure due to the extent of
Refuge and chugach National Forest lands.

Regarding conflicts between motorized and non-motorized
users. It is evident that skiing opportunity is under-used
in the backcountry. Moreover, the Juneau creek/Resurrection
creek trail is limited to skiers for most of the winter,
and all the Refuge is limited to no snowmachines above
timberline, except in caribou hills. Based on currently
available non-motorized recreation opportunities in this
area, K-plug is concerned that further zoning of areas as
non-motorized may unnecessarily reduce motorized
opportunities for hunting, trapping, and ice fishing, in
addition to displacing and concentrating motorized use to
area where other uses are involved. This can include
wildlife sensitive areas.

The proposals to close snowmachine use in (1) the Lost Lake
area and (2) in the at pine areas cause a number of concerns
related to potential impacts on fish, wildlife and
recreational uses; First, we urge no closures on
snowmachine use in the Lost Lake area because an increased
concentration of use will likely occur in the Resurrection
Trail area. This likely will lead to impacts in other
areas where harm will probably be greater. The Lost Lake
area supports a significant and growing number of people
that use snowmachines to access the high country, if this
area is closed (added to the difficulty of snowmachining in
the vegetated river valleys and refuge-closed areas), use
of the remaining open areas on the Peninsula will increase.
The most likely area for displaced users to go would be the

Resurrection Trial area, which supports the Kenai Mountains
Caribou Herd, and a moderate population of moose, and sheep
and goats, in comparison, the Lost Lake area has no caribou
or sheep and only a low density of moose below timberline.
while goats occur in the area, there is sufficient escape
terrain so they can avoid contact with snowmachine
travelers.

Second, I am concerned about proposals to restrict
snowmachine use in high country, if snowmachine travelers
are not allowed to run above timberline, they may resort to
running the rivers and valleys where moose winter. High
snowmachine use in river valleys could displace wintering
moose into areas of less suitable habitat. Since moose
habitat is already limited; in many instances; within the
portion of Game Management Unit 7 located in Chugach
Forest, we urge that the final Plan retain snowmachine
travel at higher elevations in this plan.

NO MORE CLAUSE

The Chugach Revision is in violation of the so called, no
more clause of ANILCA. The Revision includes a provision
for ANILCA 501(b) Recommended Wilderness, 501 (b)-2
Prescription, ANILCA 501(b)-2 Prescription (Winter
Motorized), and 501(b)-2 (Summer and winter Motorized)
allowed in the preferred alternative map. None of the

prescriptions appear to be consistent with ANILCA and the Forest Service has failed to ascertain their compliance with existing law because their office of General Counsel (OGC) has not completed a full review of the preferred alternative. Congress found that the provisions of ANILCA were adequate and the lands withdrawn by ANILCA were sufficient protection of the resources. In Section 1326 the following provision is listed:

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.
The Forest Service action in the ANILCA 501(b) Recommended wilderness and Back-country prescriptions are in direct violation of this section of ANILCA.

RECOGNITION OF RIGHTS-OF WAY

We request that the FS preferred Alternative show valid existing public access such as RS 2477 rights-of-way, ANCSA 17(b) easements, and omnibus roads, we support the most public access possible through the Chugach National Forest. The State, through AS 19.100.010, public use, expenditure of public funds for construction and other means, claim numerous Rights of Way across federal land under RS 2477, including section line easements and rights-of-way identified in AS 19.30.400. Whether or not an RS 2477 route is recorded, the right-of-way still exists and encumbers the property it crosses. The original RS 2477 route may be re-routed or eradicated only through an easement vacation process. By statute, the Legislature must approve an application to vacate an RS 2477 if no reasonable, comparable alternate right-of-way or means of access exists. However, if an alternate means of access exists, then the state may decide to approve the vacation. once established, an RS 2477 cannot be abandoned by non-use, or removed without undergoing a legal easement vacation procedure. As with any other state-owned right-of-way, the federal government could not cancel it, even if the land was later withdrawn or transferred out of federal ownership. RS 2477 rights-of-way provide important access to the public and may exist on FS property.

NEGLIGENCE OF TIMBER RESOURCES AND RESULTANT HABITAT DEGRADATION

What is the FS rationale for the many areas identified in the Preferred Alternative on the Kenai Peninsula that are designated 'Fish, wildlife, and Recreation'? if it is related to management of the spruce bark beetle infestation, we recommend that this be clearly stated in the plan. The boundaries of the FRW prescription should also be carefully drawn to reflect the actual spatial distribution of the infestation areas (rather than use current polygon boundaries), what happened to the foresters in the Forest service? Did they all evacuate when a philosophy of stewardship was replaced by a philosophy of lock-up and lock-out? it would be wise to require the management guidelines related to brown bear habitat and

movement corridors also be similarly identified. It is my understanding that logging would be beneficial to brown bears due to habitat improvements for moose and other species in the food chain, in a prescription that allows for a wide variety of activities, I would think that the management intent has to be clearly stated in order to properly communicate management strategy. Otherwise there is too much discretion left to the local ranger in charge.
I would like to see an audit of the lost value of the forest products that resulted from the lock-up lock-out management regime.

IMPROVING ACCESS AND PARKING

Another very real problem for all hunters, fishermen, skiers, and other users alike is the combination of limited access trails and insufficient parking. Many areas people would like to use for hunting, fishing, or other activities find limited parking areas and what parking is available tends to bottleneck users, this exacerbates the conflicts between user groups. This also represents a public safety issue, we urge the service to make a positive contribution to the users of the Forest and community residents by planning for maintenance and improving trails and increased parking at trail heads and other locations. For example, the narrowness of access trails was a problem in the caribou Hills until the locals volunteered to widen the trails to make riding safer. Trails into Lost Lake need to be similarly improved, instead of closing existing trails, the final Plan should include provisions to allow and design more parking areas and trails, including ski trails in areas currently not used by machines, skiers seldom utilize the backcountry of the Kenai peninsula like snowmachines users, largely due to the distance and limits on what a normal person can carry while skiing in the terrain.

It is my belief, that without providing sufficient parking and trails, and if Lost Lake and other similar places are closed to snowmachines, existing conflicts between users and potential impacts to wildlife will undoubtedly be magnified. This type of concentration amongst users offends the logic of the purpose of public lands here.
These comments are not inclusive of many other concerns, some of which I am certain, have been expressed in other testimony. I am supportive of the comments made by Mr. Warren Finley in regards to the management philosophy of the past executive administration. I am also supportive of the other members of K-Plug's perspective and position on the many issues at hand.

We are all extremely concerned that the proper balance be achieved between multiple-use and conservation. We are also concerned that lawful government be established and maintained where matters of public trust and common property are involved.

Sincerely,

Kathleen Graves

Comment #	Comment

0028406-001

Mr, Gary Lehnhausen, Team Leader
Chugach National Forest Plan Revision Team
United States Forest Service
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Hand-delivered and sent via first-class mail and email

Re: Comments on Draft Environmental Impact Statement and the Proposed Revised Land Management Plan for the Chugach National Forest concerning implementation of ANILCA Section 1110(a).

Dear Mr. Lehnhausen and Revision Team,

On behalf of Alaska Center for the Environment, Alaska Quiet Rights Coalition, Alaska Wildlife Alliance, Eastern Kenai Peninsula Environmental Action Association, National Parks Conservation Association, National Wildlife Federation, Natural Resources Defense Council, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society, Trustees for Alaska submits the following comments on the Draft Environmental Impact Statement (DEIS) and the Forest Service's Proposed Revised Chugach National Forest Land and Resource Management Plan (Revised Plan). These comments focus on issues surrounding Section 1110(a) of the Alaska National Interest Lands Conservation Act (ANILCA) and its implementation on the Chugach concerning the use of snowmachines, motorboats, and airplanes for traditional activities. The above organizations will address other issues in their individual comments on the DEIS and Revised Plan. Also, Trustees for Alaska is submitting separate comments on the DEIS dealing with issues surrounding tidelands and submerged lands on the Chugach.

The Forest Service needs to define 'traditional activities' in a way that is consistent with ANILCA and the intent of Congress. Its current definition states that traditional activities 'include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/99, at 2326.1, The Revised Plan implements this definition, stating that in wild river management areas, wilderness study areas, and recommended wilderness management areas, the use of snowmachines, motorboats, and fixed-wing airplanes will be allowed for traditional uses. See Revised Plan at 3-8, 3-12, 3-16. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. See ADD 3-4 (House Report 96-97, Part I (April 18, 1978).1/ The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law.

Section 1110(a) requires the Forest Service to provide for 'special access' by snowmachine, motorboat, and airplane for 'traditional activities' on Chugach conservation system units (CSUs).2/ It is the only provision in federal law requiring the Forest Service to allow the use of snowmachines on certain areas of the Chugach and for certain activities. In those areas where Section 1110(a) does not apply, the Forest Service is not required to allow snowmachine use for any purpose at all. Section 1110(a) states.

> Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values

of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

16 U.S.C. Section 3170(a).

Section 1110(a) sets out what motorized access federal land managers must allow on Alaska CSUs: special access via the three enumerated means for (and only for) traditional activities and for travel to and from villages and homesites. In the absence of a finding that qualifying traditional activities occurred in a CSU prior to enactment of ANILCA, the Forest Service is not required to allow snowmachine use in any CSU. Because recreational snowmachining does not involve access for a traditional activity, and because no statutory provision guarantees recreational snowmachine use on non-CSU Forest Service land, the Forest Service is not required to allow snowmachines for purely recreational activities on ANY part of the Chugach National Forest. We say this not because we think the entire Forest should be closed to snowmachining. Rather, we are only pointing out that snowmachine access is not mandated anywhere on the Chugach except in CSUs--and in those CSUs, only for 'traditional activities' as intended by Congress and not for purely recreational pursuits.

1/ ANILCA legislative history that is relevant to Section 1110(a) is set out in the attached consecutively-paginated Addendum of Authorities, to which citations are made as 'ADD.'

2/ Section 1110(a) applies to 'conservation system units' and wilderness study areas. 16 U.S.C. Section 3170(a). On the Chugach National Forest, it would thus apply to the Nellie Juan-College Fjord Wilderness Study Area, Resurrection Pass National Recreation Trail, the Williwaw Nature Trail. See 16 U.S.C. Section 3102(4). It would also apply to any future recommended or designated conservation system unit. Proposed Revised LRMP at 3-12.

It is important to understand the distinction between required snowmachine access and permissive snowmachine access on the Forest, Section 1110(a) sets the floor of what land managers must allow, i.e. guaranteed access, and does not set out the ceiling of what land managers may allow, i.e. permissive access. Permissive access is a topic that is governed by separate provisions of ANILCA and other federal laws. The point is that the Forest Service does not have to allow snowmachining in any of the CSUs on the Chugach for anything other than traditional activities associated with consumptive uses of Forest resources that occurred prior to enactment of ANILCA, or with travel to and from villages and homesites.

The title of Section 1110(a) is instructive: 'Special Access and Access to Inholdings.' 16 U.S.C. Section 3170. The access guaranteed there is special, not ordinary, and access is not required for just any old activity, but rather only for those that are 'traditional.' Unfortunately, Congress did not specifically define that term in ANILCA itself, although a definition can be discerned from the structure of ANILCA as a whole and its legislative history. It is critical for the Forest Service to properly define the statutory term.

We submit that it is in the Forest Service's interest to restrictively define the guaranteed access under Section 1110(a) so that it can act to protect areas that might need protection, even when it might adopt a broad approach to permissive access. As evidenced by the raging debate over what areas should be 'open' or 'closed' to snowmachining on the Chugach and elsewhere (the situation in Old Denali comes to mind, see below), it is difficult to trim back use in an area once users come to expect access, whether that expectation is valid or based in law. For example, some CSUs of the Chugach may have become popular with recreational snowmachiners in the last five or ten years due to new or improved road access, more sophisticated and dependable snowmachines, etc., whereas snowmachines had not been used to access a traditional activity associated with a utilitarian Alaskan lifestyle in that area prior to enactment of ANILCA. Section 1110(a) simply does not guarantee snowmachine access in those areas. Again, that's not to say that the Forest Service may not allow recreational snowmachine use in such an area, but just that it is not required to.

Recently, the National Park Service promulgated regulations to apply Section 1110(a) to the pre-ANILCA portion of Denali National Park and Preserve (Old Park). Before it could apply

Section 1110(a) to the Old Park, the Park Service found that it first had to define the statutory term 'traditional activities.' The Park Service received over SIX THOUSAND comments on the proposed regulatory package -- 98% of commentors supporting the proposed definition of 'traditional activities' and 96% supporting the complete closure of the Old Park to snowmachines. After this lengthy public process, the Park Service promulgated a definition stating that

> [a] traditional activity is an activity that generally and lawfully occurred in the Old Park contemporaneously with the enactment of ANILCA, and that was associated with the Old Park, or a discrete portion thereof, involving the consumptive use of one or more natural resources of the Old Park such as
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> hunting, trapping, fishing, berry picking or similar activities. Recreational use of snowmachines was not a traditional activity. If a traditional activity generally occurred only in a particular area of the Old Park, it would be considered a traditional activity only in the area where it had previously occurred. In addition, a traditional activity must be a legally permissible activity in the Old Park.

36 C.F.R. Section 13.63(h)(1) (65 Fed. Reg. 37863, 37878 (June 19, 2000)) (emphasis added). This definition is consistent with the legislative intent as expressed in House Report 96-97:

> In Section 905 [the predecessor of ANILCA Section 1110(a)], the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]... for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.

ADD 3-4 (Mouse Report 96-97, Part I (April 18, 1978)) (emphasis added).

In the Federal Register announcement with the proposed definition, the Park Service specifically asked for people to identify when and where they had engaged in lawful traditional activities in the Old Park. 64 Fed. Reg. 61563, 61568 (November 12, 1999). It noted that hunting and trapping were not legally permitted in the Old Park, and sport fishing has not taken place in the Old Park during periods of adequate snow cover due to adverse weather conditions. Id, at 61567, Also, there are no villages, homesites, or other valid occupancies within the Old Park. Id After analyzing the public comments, the Park Service concluded that no wintertime traditional activities, as Congress defined that term, took place in the Old Park prior to enactment of ANILCA; therefore, the Park Service announced that all of the Old Park was closed to snowmachine use. 36 C.F.R. Section 13.63(h)(2) (65 Fed. Reg. 37863, 37878-79 (June 19, 2000)).

While the Forest Service has not issued a regulation defining the statutory term 'traditional activities,' the Draft Forest Plan implements a definition in the Forest Service Manual for Region 10. That Manual states that '[traditional activities include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2326.1. The Manual also states that 'no proof of pre-existing use will be required in order to use a snowmachine, motorboat, or airplane.' Id. Thus the Forest Service confuses the means of motorized access and the purpose of that access, adopting a definition of a restrictive statutory term to exclude nothing. Traditional activities are defined to include recreational activities, and thus purely recreational activities are turned into traditional activities. The Forest Service is reading a narrow statutory mandate to provide 'special access' for traditional activities to provide free-for-all open access of all CSUs, for any purpose.3/

3/ Because there is no 'right' to snowmachine on the Chugach for anything but traditional activities, and any recreational snowmachining is thus permissive, under NEPA at least one alternative in the DEIS should completely restrict recreational snowmachine use on the Forest. See 40 U.S.C. Section 4332(2)(C)(iii).

The Forest Service's reading of Section 1110(a) is overly broad and contrary to ANILCA. Pervasive throughout ANILCA and its legislative history is evidence of Congress's efforts to see that historic patterns and means of access and traditional Alaskan cultural activities were not disrupted by the new ANILCA conservation units. Congress did not intend to require

land managers to guarantee snowmachine access to CSUs for purely recreational purposes. Had it meant to guarantee purely recreational motorized uses, it would not have labeled Section 1110(a) 'special access' and it would not have limited the guaranteed access to 'traditional activities.' Historic patterns and means of access should dictate the level of snowmachining that the Forest Service guarantees in CSUs on the Chugach. Nowhere does the text of ANILCA provide for the introduction of new motorized uses in Wilderness units where they were not previously occurring to access some consumptive activity associated with a utilitarian Alaska lifestyle. Rather, it provides for the continuation of existing motorized uses in areas where they had been used prior to ANILCA to access valid traditional activities.

The plain meaning of Section 1110(a), the statutory structure of ANILCA as a whole, and the legislative history of Section 1110(a) all support this reading of ANILCA.

The plain meaning of ANILCA compels the conclusion that the Forest Service need not allow snowmachines in CSUs on the Chugach for anything other than consumptive uses associated with a utilitarian Alaska lifestyle. In Section 704 of ANILCA, Congress designated the Nellie Juan-College Fjord area as a wilderness study area, a CSU under ANILCA. 16 U.S.C. Section 3102(4). According to the Region 10 Forest Service Manual,

> the wilderness study area shall, until Congress determines otherwise, be administered to maintain presently existing character and potential for inclusion into the National Wilderness Preservation System. . . . The principle of nondegradation of conditions existing on the date the area was established will guide the management of designated wilderness and the Nellie Juan-College Fjord Wilderness Study Area, to the extent consistent with ANILCA.

U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2320.3. Section 707 of ANILCA establishes the manner in which wilderness mandates are to be reconciled with other provisions of ANILCA:

> Except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness.

ANILCA Sec. 707, Pub. L. No. 96-487, 94 Stat. 2371 (1980) (emphasis added) 1.

A fundamental tenet of the Wilderness Act is its prohibition against the use of motor vehicles in Wilderness areas. Congress stated unequivocally that there is to be 'no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, [and] no other forms of mechanical transport' in Wilderness areas. 16 U.S.C. Section 3133(c). The Wilderness Act requires agencies to permit continued operation of certain motorized vehicles (aircraft and motorboats) in statutory Wilderness only where such use constitutes an 'existing private right,' and grants agencies the discretion to allow the continuation of such uses only if they had 'already become established' before designation as Wilderness. 16 U.S.C. Section 3133(c), (d)(1). The Wilderness Act, however, makes no provision for the general, non-discretionary continuation of any existing motorized use. No provision of the Wilderness Act permits the introduction of new motorized uses after the statutory Wilderness designation.

There is no provision of ANILCA which 'expressly' requires the Wilderness Act to be modified or nullified to require the Forest Service to allow new snowmachine use in any area of the Chugach where that use was not an established, lawful use before December 2, 1980. ANILCA Sect. 707. To do so 'expressly,' a provision must state its purpose '[i]n an express manner; in direct or unmistakable terms; explicitly; definitely; [and] directly.' Black's Law Dictionary 581 (6th ed. 1990); here, such an express repudiation cannot be found in ANILCA. On the contrary. Congress in ANILCA stated unequivocally that the designation of Wilderness Areas shall 'in no manner lower the standards evolved for the use and preservation of such park.' See 16 U.S.C. Section 1133(a)(3). Nor, critically, is there any provision in ANILCA or other statute that expressly grants the Forest Service the discretion to introduce such use in the Wilderness Study Areas on the Chugach. That Congress intended the statutory concepts and purposes of the Wilderness Act to be incorporated into ANILCA unless 'otherwise expressly provided for in [ANILCA],' Section 707, is further emphasized by the definition section of ANILCA: 'As used in this Act... [t]he terms 'wilderness' and 'National Wilderness

Preservation System' have the same meaning as when used in the Wilderness Act.' 16 U.S.C. Section 3102(13).

Applying fundamental principles of statutory interpretation to ANILCA and Section 1110(a) one gets the same result. Analysis of ANILCA as a whole reveals that when this statute speaks of 'traditional activities,' it is referring to local rural and Native residents' cultural, lifestyle, and utilitarian traditions. The phrase 'traditional activities' is not simply a shorthand reference to snowmachine use for a variety of wintertime recreation and pastimes by people who do not live and lead traditional lifestyles in ANILCA-created CSUs. Rather, the term's use in Section 1110(a) furthers the legislative goal that ANILCA's unit designations have minimal impact on these local rural and Native residents' traditions.

Indeed, the entire Subsistence Title of ANILCA consistently relates the term 'traditional activities' to the ethnic, cultural and lifestyle activities by local rural residents. Congress in ANILCA authorized the continuation of certain existing motorized surface access for subsistence uses in Section 811(b) (which, in both the statute and its legislative history, are not to be increased in magnitude beyond their traditional, pre-ANILCA levels). Section 811 states:

> (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands;
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> (b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

16 U.S.C. Section 3121 (emphases added).

It would be incongruous indeed if local subsistence users were limited by ANILCA to those means of transportation which had been 'traditionally employed' in a particular area, while recreational users (many of them living hundreds of miles distant from the area in question) would have a claimed right under Section 1110(a) to employ new means of motorized transportation which had never before been lawfully or traditionally used in the particular area.4/

Congress identified a very limited role for existing airplane use for subsistence activities within CSUs, and Congress did not condone expansion of airplane use, or its new introduction into CSUs where it was not a pre-existing, established use. 16 U.S.C. Section 1133(d)(1). There is no indication in ANILCA or its legislative history that Congress intended that snowmachines or motorboats be treated any differently. Thus the phrase 'traditional activities' should be read in Section 1110(a) to refer to traditional subsistence activities carried on by use of airplanes, snowmachines, and motorboats.

We are aware of only one instance when Congress in ANILCA expressly enacted an authorization for new motorized access and use: Section 1315(b) regarding new motorized uses in National Forest Wilderness Areas, for the purposes of fisheries rehabilitation and enhancement. Moreover, ANILCA Section 201(5) (creating Kenai Fjords National Park) is the only place in that Act where Congress recognized and preserved motorized recreation. See ANILCA Sec. 201(5), Pub. L. No. 96-487, 94 Stat. 2371 (1980) ('the Secretary is authorized... to allow use of mechanized equipment on the [Harding] [I]cefield for recreation.'). The legislative history of this section makes clear that this was the continuation of a pre-existing use. See ADD 119-120. This is consistent with the Congressional intention under Section 1110(a) that only pre-existing motorized uses were to continue in Parks and Wilderness. It is the only instance we have found in ANILCA itself where Congress may be found to have identified and preserved existing snowmachine access for non-subsistence activities, specifically snowmachine recreation.

4/ NPS regulations adopted to implement ANILCA Section 811 (subsistence access) draw a clear distinction between snowmachine use by local rural residents in pursuing traditional subsistence activities, and their use of these same vehicles for recreational activities. The regulations state:

> At all times when not engaged in subsistence uses, local rural residents may use

> snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with Sections 13,10, 13.11, 13.12, and 13.14, respectively.

36 C.F.R. Section 13.46(e). The referenced regulations have not yet been promulgated, although they were proposed in a 1981 rulemaking. See 46 Fed. Reg. 31836, 31856 (1981). They will he within Sections 13.10 to 13.16 of Subpart A of 36 C.F.R., which are presently designated '[Reserved].' Subpart A itself is entitled 'Public Use and Recreation,' while Subpart B, entitled 'Subsistence,' contains the quoted Section 13.46(e). See Chevron U.S.A. v. Natural Resources Defense Council, 467 U.S. 837, 844 (1984) ('[Considerable weight should be accorded to an executive department's construction of a statutory scheme it is entrusted to administer....'); see also Nevada v. U.S. Dep't of Energy, 993 F.2d 1442, 1444 (9th Cir. 1992).

Even if the term 'traditional activities' was interpreted to include both subsistence and recreational activities, the relationship between the claimed 'traditional activity' and the particular means of access traditionally used to pursue it prior to ANILCA are unavoidably linked. Because Section 1110(a) deals with the 'use' of 'snowmachines, . . . motorboats, [and] airplanes' in the same phrase, the same Congressional policy against the expansion or new introduction of any of these motorized uses in park areas should be applied, regardless of whether thai use is subsistence-related or recreational. And such a Congressional policy is even more evident and consistent where it designated the parts of the Chugach as Wilderness Study.

Finally, ANILCA's legislative history supports the legal conclusion that the Forest Service is not required to allow snowmachines in CSUs or wilderness study areas where they had not become established to access a lawful consumptive activity prior to 1980. There is no known legislative history regarding the Act which states -- or even implies -- that Congress intended that new uses of snowmachines, motorboats, or airplanes should generally occur in units designated by ANILCA, if those uses had not occurred there prior to ANILCA. In fact, in only one section of ANILCA did Congress explicitly mandate that new motorized access be permitted in a Wilderness area, and then on a temporary basis only, see above re. ANILCA Section 1315(b), and that access was to be for the sole purpose of fisheries enhancement.

> -- Congress did not intend that Section 1110(a) impose new modes of motorized transportation in the CSUs of the Chugach.

There is a limited amount of available committee report information which directly explains Congress's intent in enacting Section 1110(a). Several legislative reports essentially reiterate the language of the statute. One exception is the explanation of the 'special access' provision of draft Section 905 (the predecessor of ANILCA Section 1110(a)), which is discussed in House Report 96-97, Part I (April 18, 1978), of the House Committee on Interior and Insular Affairs. See ADD 3-4. This report states in relevant part:

> In Section 905, the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]. National Recreation Areas and National Conservation Areas, for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.
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> The committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use lest. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.
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> The transportation modes covered by this section are float and ski planes, snowmachines, motor boats, and dogsleds. . . . Existing law does not guarantee this form of access into Parks, Wildlife Refuges, Wild Rivers, or Wildernesses, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.
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> In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it

would be detrimental to the resource values of the unit.

Id at 3-4 (emphases added). At the conclusion of the ANILCA legislative process, this explanation appeared, nearly verbatim, in the Senate Report. See ADD 10-11 (S. Rep. No. 96-413, at 247-48 (1980), reprinted in 1980 U.S.C.C.A.N. 5191-92).

Section 1110(a), read in context with its legislative reports and all other available legislative history, makes clear that Congress intended to mandate continued use, on a non-discretionary basis, in the new ANILCA CSUs by snowmachine, motorboat, and airplane for traditional activities -- but only where these modes of transportation had 'already become established' in a particular area prior to ANILCA. 16 U.S.C. Section 1133(d)(1).

The House and Senate committee reports' several references to 'wilderness' are significant. First, Congress recognized that under existing law, the Wilderness Act itself permitted motorized access by airplane and motorboat to continue, at the Secretary's discretion, 'at pre-existing levels of intensity.' ADD 4 (H.R. Rep. No. 96-97, Part I at 238-39 (April 18, 1978)) (emphasis added). This recognition of the effect of existing law confirms that Congress intended Section 1110(a) to also extend this permission -- with the addition of snowmachines and without Secretarial discretion -- to those Wilderness areas designated by ANILCA, at their pre-Wilderness levels of intensity. As the Senate Report stated succinctly:

> These are [access] rights subject to reasonable regulation by the Secretary to protect the values of the unit. This removes the discretion for allowing or not allowing use of these vehicles that currently exists.

ADD 12 (S. Rep. No. 96-413, at 299 (1979), reprinted in 1980 U.S.C.C.A.N. 5243) (emphasis added). The only 'discretion for allowing or not allowing use' which 'currently exist[ed]' in the Wilderness Act is the discretionary allowance of motorized uses which had 'already become established.' 16 U.S.C. Section 1133(d)(1).

The corollary Congressional intention is also clear: If there was a zero 'pre-existing level of intensity' of motorized use or access, then Section 1110(a) cannot be read to compel or permit the Secretary to introduce motorized uses into such a non-motorized ANILCA Wilderness area.

Second, the Reports' reference to the 'wilderness type pre-existing use test' and its disallowance in Section 1110(a) must be examined in detail. This is not the 'pre-existing use test' as found in the Wilderness Act. The 'pre-existing use test' in that Act differentiates only between a statutory private right to pre-existing motorized access, and a discretionary public continuation of pre-existing motorized access. See 16 U.S.C. Section 1133(c), (d)(1). Neither part of this Wilderness Act 'test' contemplates or permits the commencement of new motorized uses after wilderness designation.

Thus the phrase 'wilderness type pre-existing use test' was Congressional shorthand for an individual's non-discretionary statutory 'existing private right' under the Wilderness Act to continue a particular activity within a Wilderness or wilderness study area after Wilderness designation. This 'pre-existing use test' refers to an individual right (such as private property and access to it) which may rise to the level of a constitutionally-protected property right; under the Wilderness Act, its recognition is not discretionary with the Secretary. See 16 U.S.C. Section 1133(c). On the other hand, general public use of aircraft and motorboats was permitted to continue in Wilderness at the Secretary's discretion, but only 'where these uses have already become established' before designation of the particular Wilderness area. 16 U.S.C. Section 1133(d)(1).

Therefore, under the Wilderness Act the only non-discretionary right to continue a use of Wilderness or wilderness study area in a manner inconsistent with its Wilderness designation was by showing an individual, personal-property right, an 'existing private right.' 16 U.S.C. Section 1133(c). Under the Act, general motorized uses in Wilderness or wilderness study area by persons who had no claim to 'existing private rights' could continue, in the Secretary's discretion, only if their uses had 'already become established.' See United States v. Gregg, 290 F.Supp. 706 (W.D. Wash. 1968).

Congressional reports regarding ANILCA Section 1110(a) explained that the 'wilderness

type pre-existing use test' would not apply under ANILCA. After ANILCA Wilderness or wilderness-study designation, the non-discretionary right to continue pre-existing motorized use by the three specified modes would extend to the public generally; it would not be confined to only those individuals who had perfected a non-discretionary 'existing private right' to a motorized use within Wilderness.

This analysis reconciles Congress's numerous statements (which would otherwise be completely inconsistent with each other and with the rest of its Section 1110(a) analysis) that 'no proof of pre-existing use will be required,' ADD 3-4 (H.R. Rep. No. 96-97. pt. 1, at 238-239 (1978)) -- and yet that 'if the uses were generally occurring in the area prior to its designation,' they could continue at pre-existing levels of intensity. Id, Placed in context with Congressional knowledge about the stringent requirements of the non-discretionary 'wilderness type pre-existing use test' to which it had referred in the immediately-preceding sentence,5/ Congress obviously meant that 'no proof of pre-existing [individual or personal] use will be required.'

This logical reconciliation is also supported by the House Committee's description of ANILCA motorized access: 'This is meant to relate to patterns of use, not specific uses by specific individuals,' ADD 1, 1B (House Report 96-97, at 205-06); and by Alaska Senator Stevens's statement in a committee mark-up session that ANILCA Wilderness access means that, 'you can [land an airplane] if you did it, I can if you did it.... If you landed in some Wilderness area, that means I can land later....' ADD 61.

5/ This knowledge is also supported by the rule of statutory construction which provides that, in Grafting legislation, Congress is assumed to know the requirements of other laws. See South Dakota v. Yankton Sioux Tribe, 118 U.S. 789, 801 (1998).

Thus, effect must be given to the House and Senate Reports' entire explanation of Section 1110(a) (quoted in full earlier), and to its single modification of the existing 'wilderness type pre-existing use' test: The Secretary would henceforth lack the discretion to outright prohibit general public motorized use in an ANILCA Wilderness area by any of three specified modes, (/those uses had 'already become established' in that Wilderness area prior to ANILCA. In this manner, the entirety of the report's explanation of Section 1110(a) becomes internally consistent, and makes sense: If a motorized use for traditional activities was 'generally occurring in [an] area' before Wilderness designation, then after that designation it may continue to be used by the public, and cannot be limited to only those individuals who had in fact used that mode prior to Wilderness designation. Boise Cascade Corp. v. U.S. Envtl. Protection Agency, 942 F.2d 1427, 1432 (9th Cir. 1991) ('[W]e must interpret statutes as a whole, giving effect to each word and making every effort not to interpret a provision in a manner that renders other provisions of the same statute inconsistent, meaningless, or superfluous.').

The Committee's modified 'wilderness type pre-existing use test' nevertheless requires that any non-conforming 'uses' (or 'modes of access' or 'activities' or 'traditional uses') 'were generally occurring in the area prior to its designation.' See ADD 4 (H.R. Rep. No. 96-97, at p. 239(1978)).

-- Congress intended that Section 1110(a) and 'wilderness designation' provisions of ANILCA should work in harmony.

It was the expressed intention of Congress that the designation of new and existing CSUs in Alaska under ANILCA be accomplished in coordination with its concurrent designation of portions of those units as Wilderness or wilderness study under the Wilderness Act. Congress also expressly intended that there be co-existence between newly designated Wilderness and pre-existing, established patterns of motorized use by snowmachine, motorboat, and airplane. It was not its intent that, within ANILCA as a whole, the Wilderness Act would be made wholly ineffective by misinformed interpretations of other sections of ANILCA which did not 'expressly provide' for the modification or nullification of any Wilderness Act requirement. See ANILCA Section 707. Thus the 'non-commercial' requirements of the original Wilderness Act have been applied fully to a new statutory Wilderness created by ANILCA Section 701(3), 16 U.S.C. Section 1132 note, within the enlarged and re-designated Glacier Bay National Park. Alaska Wildlife Alliance v. Jensen. 108 F.3d 1065, 1069 (9th Cir. 1997).

The House Interior Committee specifically described the intended coordination between

the 'wilderness-designation' provisions of Title VII of ANILCA and the 'special access' requirements of Section 905 (ultimately Section 1110(a)). This coordination is analyzed in the excerpt from House Report 96-97, set forth above. See ADD 1-4 and Discussion supra page 7-8. That this coordination was intended is buttressed by the same committee's discussion -- in the same committee report - of the Wilderness designations within the Wrangell-St. Elias National Park and Preserve (then designated Section 602(8) of the bill). The following discussion appears in the House Report:

> The Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] allow/or a continuation of aircraft and motorboats in
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> wilderness areas where those uses have been established. This is meant to relate to patterns of use, not specific uses by specific individuals. National Park Service regulations further state that such uses can be allowed only when a finding has been made that the purpose, character, and manner of such uses is suitable for the specific wilderness under consideration. The Committee has made that finding for the Wrangell-St. Elias Wilderness. Continued aircraft use and landings are consistent with the purpose, character and manner of this wilderness area.
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> In general the Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] have built inflexibility which can allow existing uses to operate. Different Federal agencies have applied differing standards in interpreting the Wilderness Act. It is the intent of the Committee that the National Park Service develop regulations for the management of wilderness in Alaska that take into account a liberal interpretation of the Wilderness Act and to allow as many of the existing uses to continue as provided for by the access provisions of this act.
>
> ***
>
> The amendment also contains language specifically permitting the use of existing primitive fish camps and the use of motorized vehicles in connection with local commercial fishing to continue within the [Wrangell-St. Elias] Wilderness.

ADD 1B-2 (H.R. Rep. No. 96-97, at 205-06 (1978)) (emphases added). This explanation also appears, nearly verbatim, in the Senate Report. ADD 8-9 (S. Rep. No. 96-413, at 219-20 (1980), reprinted in 1980 U.S.C.C.A.N. 5164).

Significantly, the Report's explanation in the quoted passage was that the 'continuation of aircraft and motorboats in wilderness areas where those uses have been established... relate[s] to patterns of use, not specific uses by specific individuals.' Id (emphases added). The Committees' understanding of this test is crucial. This explanation further vindicates the analysis, presented earlier, that the 'wilderness type pre-existing use test' -- which Congress described in this shorthand fashion and which it intended to be modified by Section 1110(a) -- was the then-current legal yardstick established by Sections 4(c) and 4(d)(1) of the Wilderness Act in 1964. That existing rule recognized an individual, private right to continue a pre-Wilderness, established motorized use. But unless modified by Congress in ANILCA, only the land manager's discretion could extend it to persons who had not themselves employed such a pre-existing use.

The House and Senate Committees which crafted Section 1110(a) intended that motorized uses within Wilderness areas designated under ANILCA should be measured by the pattern of established, pre-existing uses in the specific area, and not the identity of specific users. At the same time, the baseline requirement - that any motorized use in an ANILCA-created portion of the Wilderness Preservation System must have

been a lawful, established pre-existing condition -- comes through loud and clear:

> Alaska's rivers also serve important transportation functions.... During the ice free months there is extensive riverboat and barge traffic.... In addition, the rivers are extensively used by snowmachines and for aircraft landing during the months when the rivers are locked in ice. The Committee intends that these traditional uses shall be permitted to continue except where it can be substantially demonstrated that such uses are causing significant adverse impacts on a designated river and the purpose for which a river is designated.

ADD 1A (H.R. Rep. No. 96-97, at 196-197 (1978)) (emphases added); see also ADD 1-2, 3-4 (H.R. Rep. No. 96-97, at 205-206, 238-239 (1978)); ADD 8-11 (S. Rep. No. 96-413, at 219-220, 247-248 (1979), reprinted in 1980 U.S.C.C.A.N. 5163-64. 5191-92).

Other committee report sections completely support our position regarding Section 1110(a). They include the sections discussing Glacier Bay National Park, ADD 6-7 (S. Rep. No. 96-413, at 217 (1979), reprinted in 1980 U.S.C.C.A.N. 5161) ('[T]he Secretary [shall] be authorized to allow the continued use of motorized access to the base of the glaciers....'); Katmai National Park, ADD 6-7 (S. Rep. No. 96-413, at 217-18 (1979), reprinted in 1980 U.S.C.C.A.N., 5161-62) ('The Committee recognized that the river and lake are periodically utilized by motorized boats for administrative purposes of transporting supplies and equipment to Grosvernor Camp. The Committee believes that this can be considered under access provisions [Section 1110(a)] of this Act. . . . Brooks Lake is also used for the landings of aircraft for the purpose of access to the portion of the park and for administrative purposes. The Committee believes that these specific uses, which are limited, may be allowed within wilderness') (emphases added); Wrangell-St. Elias National Park, ADD 9 (S. Rep. No. 96-413, at 220 (1979), reprinted in 1980 U.S.C.C.A.N. 5164) ('[A]ccess into the Wrangell mountains by hunters must be by aircraft. . . . Gravel bars, gravel plateaus, and lakes are all used as landing spots.... [M]inimal improvements are necessary for safety purposes. . . . Such improvements will be allowed to continue. . . . [T]here are several landing strips that have been constructed within the area which are utilized today for access. The Park Service shall allow continued access to these landing strips....') (emphases added); ADD 27 (Cong. Rec. S-11135 (Aug. 18, 1980)) ('Although there may be similar situations [to Anaktuvuk Pass] in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, these type of situations are the exception rather than the rule.... It is not the intent to invite additional aircraft use, or new subsistence uses in parks and monuments where such uses have not traditionally and regularly occurred.') (emphases added).

> -- The whole of ANILCA reinforces the purpose of Section 1110(a): to protect existing, site-specific means of access, but to create no blanket 'open until closed' authorization for new motorized uses.

Motorized uses in new conservation system units was of particular Congressional concern. The legislative history quotations are uniform in their expression of the Congressional intent to preserve existing access by motorboat, airplane and snowmachine. See Sierra Club v. Dept. of Transp., 948 F.2d 568, 573 (9th Cir. 1991) (legislative history of a section 'is important to a correct interpretation').

An exhaustive search of ANILCA and its legislative history has uncovered no support for the proposition that Congress adopted a blanket 'open until closed' regime regarding new motorized uses in CSUs or wilderness study areas, or that it intended to use Section 1110(a) (or any other provision of ANILCA) to mandate the introduction of new motorized uses in areas where they were not occurring before ANILCA. Nor, for that matter, is there any evidence that Congress incorporated (or even contemplated) any definition of a 'traditional activity' - in Section 1110(a) or elsewhere in ANILCA -- which would be so broad as to cover recreational activities which had historically occurred in various specific places in Alaska, but had not in fact occurred in the particular unit or location being considered by Congress. Instead, the legislative history of ANILCA is replete with site-specific references to traditional activities (again, predominately subsistence activities by local rural residents), and with Congressional assurance that these existing activities -- admittedly in non-conformance with the new CSU -- could continue.

It is clear that Congress consistently viewed a 'traditional activity' as one that had become established in a particular location in a CSU or wilderness study area before enactment of ANILCA, unless Congress specified to the contrary. Congress in fact only once acted to the contrary: ANILCA Section 1315(b) (allowing motorized access to National Forest Wilderness for fisheries enhancement projects) is the single contrary specification, and even it permits only temporary motorized uses, and then only for utilitarian purposes, not recreation. 16 U.S.C. Section 3203(b).

-- Congressional floor debates consistently support this position.

A consistent trail of legislative history demonstrates the careful attention of Congress to the motorized use issue. An understanding of this legislative history is essential to a correct interpretation of ANILCA's 'special access' provision.

With remarkable consistency, the reported floor debates in the House and Senate regarding motorized uses, and non-conforming uses in general, show that Congress intended to protect existing uses by snowmachines, motorboats and airplanes in site-specific areas, and that it well knew how to do so. There is absolutely no expression of an intent to establish an 'open until closed' regime which would allow new motorized uses Alaska-wide, in areas where they had not become established before ANILCA. In fact, no 'open until closed' phrase appears anywhere in the legislation or the legislative history.

The common Congressional understanding that existing motorized uses would be allowed to continue is found repeatedly in ANILCA's legislative history. See ADD 13-15 (Cong, Record-House, H-4101, 4107-08 (May 17, 1978)) ('use of aircraft and motorboats - where already established - [is] permitted in wildlife refuge wilderness areas') (emphasis added); ADD 15 (Cong. Record-House, p. H-4246 (May 18, 1978)) ('Section 4(d)(1) of the Wilderness Act of 1964 which clearly permits, and I quote, 'the use of aircraft or motorboats, where these uses have already become established. . .''; 'These sections permit. . .the use of customary patterns and modes of travel across such units') (emphasis added); ADD 17 (Cong. Record-House, p. H-4247 (May 18, 1978)) ('customary patterns of travel, including customary use of aircraft, motorboats, and snowmobile where such use has already become established, shall be permitted to continue in areas subject to wilderness study') (emphasis added); ADD 19 (Cong. Record-House, p. H-4257 (May 18, 1978)) ('Such uses will continue under H.R. 39 since aircraft, snowmobiles and other forms of mechanized transportation are the most practical means of travel over Alaska's vast distances and are well-established uses.'); ADD 21 (Cong. Record-House, H-4317 (May 19, 1978)) ('use of snow machines, motorboats, or aircraft lands [sic], where such use has become established, shall be permitted subject to wilderness management plans and reasonable restrictions as appropriate...') (emphasis added); ADD 22 (Cong. Record-House, H-3296 (May 16, 1979)) ('The wilderness designations provided for in this bill will protect the area in question here from harmful development, but will not preclude existing airplane, motorboat, motor vehicle and sport hunting use') (emphases added).

Representative Vento, for example, stated on the floor of the House:

> The proposal before this Congress is not a new precedent but it rather follows the intent and actions of previous Congresses.... During the lengthy and complete Interior Subcommittee on General Oversight and Alaska Lands hearings on this issue, many citizens raised concerns that traditional uses will be allowed to continue in wilderness areas. The subcommittee and Interior Committee have made the provisions to accommodate these concerns. Because of this, wilderness designation is the best management tool that we have as it recognizes the unique situation in Alaska and takes these circumstances into account while affording the best protection for the land available.

ADD 20 (Cong. Record-House, p. H-4311 (May 19, 1978)) (emphases added).

Other consistent examples are found in the attached Addendum of Authorities at 25 (Cong. Record-Senate, S-11121 (August 18, 1980)) ('the Committee bill provides for. . . traditional means of access. . . for subsistence purposes') (emphasis added); ADD 27 (Cong. Record-Senate, p. S-11135 (August 18, 1980)) ('It is not the intent to invite additional aircraft

use. . . .'); ADD 28-29 (Cong. Record-Senate, S-11198-99 (August 19, 1980)) (colloquy between Senators Jackson and Hatfield); ADD 24 (Cong. Record-House, p. H-10540-41 (November 12, 1980)) ('Congress has had a longstanding traditional practice of reviewing those . . . activities within new units which, if immediately curtailed, might result in substantial hardships to the local residents. . . . In other instances, . . . Congress has authorized the continuation of certain uses within new parks. . . which would be prohibited under traditional [NPS] management policies.') (emphases added).

Each of these quotes demonstrates the clear Congressional understanding that ANILCA would permit existing uses, including specified existing motorized uses, to continue in CSUs. None of them even hints that any new, post-ANILCA motorized uses would be authorized under the 'special access' provisions of ANILCA Section 1110(a).

If it had been the intent of Congress that Section 1110(a) would allow new, post-ANILCA motorized uses in wilderness areas, why then was it necessary for Congress to repeatedly reassure itself and the American public that each of the numerous listed pre-ANILCA uses of motor vehicles would be allowed to continue? If Section 1110(a) intended to allow new, post-ANILCA motorized uses, then each of these pre-ANILCA uses could simply have commenced anew, together with myriad entirely post-ANILCA motorized uses, once ANILCA became law.

The answer to this question is obvious: Congress took such great pains to assure the continuation of specified pre-existing motorized uses because it did not intend Section 1110(a) to authorize the blanket commencement of new motorized uses in Wilderness after ANILCA. Put plainly, there is no other plausible reason why Congress would have so assiduously identified and protected the continuation of these existing uses.

We urge you to protect the CSUs of the Chugach National Forest from the irreparable damage that will result if snowmachines are allowed there contrary to the intent of Congress and the purpose of ANILCA. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law. Thank you for considering these comments.

Very Truly Yours,

Bob Randall
Staff Attorney

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ENCLOSURE: Compilation of ANILCA legislative history.
Comments submitted on behalf of:

Randy Virgin, Executive Director
Alaska Center for the Environment

Chuck Clusen, Senior Policy Analyst
Natural Resources Defense Council

Jim Adams, President
Alaska Quiet Rights Coalition

Arthur Hussey, Executive Director
Northern Alaska Environmental Center

Dr. Paul Joslyn, Executive Director
Alaska Wildlife Alliance

Jack Hession, Alaska Representative
Sierra Club

Chip Dennerlein, Alaska Regional Director
National Parks Conservation Association

Allen E, Smith, Alaska Regional Director
The Wilderness Society

Mark Luttrell, Director
Eastern Kenai Peninsula Envtl. Action Association

Pat Lavin, Prince William Sound Alliance
National Wildlife Federation

Comment #	Comment
0028441-001	H
0028542-008	PS Your CD was a nice idea, but needed to have printed on the jacket the system requirements as I froze my computer as well as a few others before I found one that could handle the graphics.
0028580-001	I would like to voice my objections to your plans for the future of the Chugach National Forest. I feel The National Forest people are not following the intended of the law. ANILCA mandates federal land 'SHALL' be open to the public, not your interpretations of 'can' be opened to the public.
0028586-001	In reading my copy of the Wilderness Society, I wish you to support all proposals in favor of conserving every inch of Alaska designated by our government and the various conservation societies against would be loggers, hunters, and snowmobiles which disrupt this precious land.

Comment #	Comment
0028590-001	You are respectfully requested to withhold publication of any record of decision on this plan until the following concerns are rectified. The proposed revision does not meet the Forest Service's mandate for multiple use, nor does it reflect the 'best combination of uses.' Under the preferred alternative none of the Forest's 5.5 million acres is designated for Resource Development. Only 6,860 acres are set aside for pre-existing, site specific mining claims. Less than a quarter of one percent of the forest is available for development of transportation and utility systems. The preferred alternative 'emphasizes Wilderness recommendations and provides a mix of Wild and Scenic River and Research Natural Areas recommendations.' Not only do these designations violate the 'no-more' clause of ANILCA, they effectively close the door on future mineral exploration and development opportunities. There is no analysis of the impacts wilderness designations would have on access to private inholdings, adjacent private lands, or potentially developable land within the forest. Throughout the preferred alternative preservation is the prevailing emphasis, which is a singular rather than multiple use of the public resource. Of the eight alternatives, including the No Action and Preferred, six are heavily weighted towards preservation and only two provide for any multiple use management. Of the 22 prescriptions used in the alternatives, 1 allows for future resource development, 1 allows for current mineral development, 1 pertains to transportation/utility systems and 19 are preservation oriented. Rather than a reasonable range of alternatives and a realistic combination of uses, the public is asked to comment on what amounts to varying degrees of preservation. Designation of additional conservation units (i.e. Wilderness, Wild and Scenic River etc) severely limits access to private in-holdings, public lands, and adjacent private lands. Such designations could block access to lands with a management prescription that permits some resource development activity Though fixed wing aircraft can land in wilderness areas, helicopters may not, and therefore access to a vast roadless area for mineral exploration and development is reduced significantly. The Forest Service is using outdated data to determine the alternative management prescriptions. The Kenai Peninsula Timber data - 13 years old. The Forest-wide Timber Data -- 22 years old. Most of the minerals data date back to the 1930s and are based upon locations of historic developments and not locations of new developable deposits. On April 27, 1999 the Interagency Minerals Coordinating Group (made up of representatives from the USFS, USGS, BLM and Alaska Division of Geologic & Geophysical Surveys) recommended that a modern airborne geophysical survey be completed for the Chugach National Forest before completion of the Forest Plan revision. No such survey was requested, or completed by the Forest Service. Though the insufficiency of the data used in the planning process has been noted on several occasions (December 19, 1997, October 30, 1997, November 1, 1999), the Forest Service declared the data sufficient in January of 2000, and released the DEIS with its proposed alternatives on October 14, 2000. I appreciate your attention to these comments and look forward to significant revisions in the plan to reconcile the foregoing problems.

Comment #	Comment
0028593-001	Dave Gibbons, Forest Supervisor Chugach National Forest 3301 C Street, Suite 300 Anchorage, AK 99503 Subject: Chugach Plan Revision and Traditional Activities Definition Dear Mr. Gibbons, Thank you for the opportunity to comment on the Proposed Revised Land and Resource Management Plan for the Chugach National Forest The mission of the National Parks Conservation Association (NPCA) is to protect and enhance America's National Park system for present and future generations Founded in 1919, the association has nearly 400,000 members, over 1,000 of which reside in Alaska much of our work focuses on the Alaska National Interest Lands Conservation Act (ANILCA) and applying it to our National Parks and other Conservation System Units (CSUs) (In addition to National Parks, CSUs include National Forest Wilderness, Wilderness study areas, and National Forest Monuments) Our comments concern ANILCA and the Forest Service's definition of traditional activities regarding use of snowmobiles NPCA disagrees with the Forest Service definition and requests that it be revised. ANILCA protects access to traditional activities, not recreation ANILCA Section 1110(a) states, 'the Secretary shall permit, on conservation system units the use of snow machines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites' ANILCA did not open CSUs to all snowmachine use, but rather it allows snow machine use for access to certain purposes related to a utilitarian Alaskan lifestyle snow machining as an activity in itself, is not guaranteed by ANILCA The Forest Service Manual for Region 10 states, 'Traditional activities include, but are not limited to recreation activities such as fishing, hunting, boating, sightseeing, and hiking' NPCA adamantly disagrees that recreation, boating, sightseeing and hiking are activities that ANILCA intended to include as 'traditional activities' Hunting and fishing should be included, not because they are a form of recreation but because they are activities that are essential to continuing a rural way of life. The Forest Service definition of traditional activities is so broad, that no use is excluded clearly congress did not intend this If ANILCA intended to open CSUs to all types of snow machine use, it would have simply said, 'snow machines are allowed' Instead, congress added the qualifier, 'for traditional activities' It is illogical to conclude all snow machine use is allowed, otherwise this phrase would have been omitted Further clarification of what Congress meant by 'traditional activities' can be found in Senate report No. 96-413 (enclosed) This is the final Senate report on ANILCA and accompanied the bill when President Carter signed it. It defines traditional activities as 'traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages' (S Rep 96-413, p 247-248) The common attributes shared by these activities are the continuance of a traditional rural way of life in Alaska harvest, sustenance, and getting home recreation represents a categorically different class of use from

the traditional and customary activities that Congress enumerated in Senate Report 96-413 Rather, Congress sought only to protect the continued use of certain motorized vehicles for transportation in support of activities that were necessary to sustain a traditional way of life.

ANILCA may guarantee use of a motorboat to reach a fishing spot, but ANILCA does not guarantee use of the same boat for waterskiing section 1110(a) may apply to use of a snow machine to travel along a trapline or to a hunting area, but it does not apply to cross-country snow machine races through wilderness or 'highmarking' up mountain slopes.

Congress had to provide for the continued use of certain motorized access in Sec 1110(1) to ensure fulfillment of one of ANILCA's fundamental promises in Sec. 101 'to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so' Without the ability to use motorboats, snow machines, or airplanes for transportation and travel in rural Alaska, one of the act's major purposes would be rendered meaningless.

Additionally, it is clear that section 1110(a) is not about recreation when it is taken in context with the heading it is listed under, special access and access to Inholdings accordingly, in the proposed management plan we recommend you change references to 1110(a) 'snow machines may be used for traditional activities' from you current heading of recreation to the heading that follows it, access and transportation so that your plan remains consistent with ANILCA (proposed plan, p 3-10 and 3-14)

Why are National Park and Forest Service definitions so different?

We understand that traditional activities may vary somewhat from unit to unit based on what has occurred previous to ANILCA and what customary activities are legally allowed for example, prior to 1980 hunting and travel to and from homesites did not occur in the core of Denali in Wrangell-St Elias National Park however, hunting did occur and people did travel through the area to get to homesites and communities thus the actual level and types of snowmobile activity guaranteed under ANILCA will be different in those two park units, as they may be in different areas of the Chugach National Forest. The important point however is that while the activities will be different the definition of what is guaranteed must be consistent with the intent of ANILCA and applied consistently by land managing agencies. We agree with the definition of traditional activity recently adopted for the wilderness core of Denali, which states, 'a traditional activity involves the consumptive use of one or more natural resources such as hunting, trapping, fishing, berry picking or similar activities recreational use of snowmachines was not a traditional activity'.

We are troubled that the definitions for Denali National Park and Chugach National Forest are so different. When asked, Chugach National Forest staff responded they are different because the Forest Service 'is a multi-use agency' Yes, the forest service is a multi-use agency, but this point is immaterial to the issue at hand. The Forest Service harvests timber, it also manages wilderness Timber harvest is not allowed on lands designated for wilderness. Likewise, recreational snowmachining is not allowed in wilderness multi-use does not mean all uses must occur in all places.

Recommendations

We request the Forest Service adopt a new definition for traditional activities and amend the Forest Manual for Region 10 and the proposed

management plan to reflect these changes. This new definition must protect legitimate uses set forth in ANILCA and Senate Report 96-413. However, the definition must not create a new class of recreational uses not consistent with ANILCA that were never intended in Alaskan wilderness.

Sincerely,

Chip Dennerlein
Alaska Regional Director

ALASKA NATIONAL INTEREST LANDS

REPORT
OF THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE
together with
ADDITIONAL VIEWS
TO ACCOMPANY
II.R. 39

And environmental standpoint because it is incremental in nature. Quite often, decisions are made and EIS's are written by the Federal land managers on individual facilities across individual tracts of land after investments have been made in the facility which make alternatives uneconomic. There is insufficient prior state and federal cooperative planning on a statewide basis to develop other transportation routes. Statewide planning could result in fewer, less environmentally obtrusive, and multi-modal transportation facilities.

Based on these considerations, the committee adopted a procedure for future sitting of transportation facilities which supersedes rather than supplements existing law. It contains provisions which would require the following:

(1) Early cooperative State-Federal planning which encompasses avoidance of conservation system units and establishment of multimodal transportation corridors or encourages less environmentally damaging transportation modes.

(2) Establishment of a procedure for sitting across individual conservation system units which involves both the federal land manager and DOT (as well as the regulatory agencies).

(3) Additional steps for the more highly prized land. Congressional approval should be required for permanent transportation facilities across the National Park System (other than National Recreation Areas) and wilderness. An expedited process for congressional approval is set forth for right-of-way applications across such areas. For all other areas, the committee believes a decision by the secretary, the the secretary of transportation, the appropriate regulatory authority, or the president is adequate.

(4) Consideration of:

(a) The need for, and economic feasibility of the transportation or utility system to be placed in the right-of-way;

(b) Alternative routes and modes of access, including a determination whether there is any economically feasible and prudent alternative;

(c) Possibility of rights-of-way corridors;

(d) Adverso environmental impacts, including impacts on subsistence resources;

(e) Adverse environmental impacts, including impacts on rural, traditional lifestyles;

(f) Impacts which would adversely affect; or prohibit the achievement of, the purposes for which the conservation system unit was established; and

(g) Measure to avoid or minimize the impacts.

(5) If the right-of-way is issued, attachment of stipulations to require that all such impacts be prevented or minimized.

The committee amendment makes several clarifying and technical changes to the provisions contained in S.9.

By distinguishing between the terms 'right-of-way' and 'transportation and utility systems' the reported bill makes it clear that. Title XI provides a single comprehensive statutory authority for the approval or disapproval of applications for all facets of such systems.

The decisionmaking authority of the secretary of transportation is expressly limited to those systems for which he has responsibility under existing law. He is given advisory responsibility for other types of systems.

The amendment clarifies the procedures to be followed where existing law does not authorize a transportation or utility system and provides a statutory standard for the decisions on such applications.

As in S.9, the amendment provides for consolidated applications for each type of system covered by the title; however, the time allowed for preparation of such applications is shortened to 6 months.

Different procedural steps for agency, presidential and congressional action are clearly set forth for two categories of applications;

(1) Applications for which there is applicable law to govern the approval of the transportation or utility system and which do not involve wilderness areas; and (2) applications which involve wilderness areas or for which there is no applicable law.

For applications in the first category, the procedures are as follows:

1. Filing of a consolidated application form with each appropriate federal agency;

2. Preparation of a final joint environmental impact statement by the federal agencies within 1 year;

3. Decision to approve or disapprove relevant portions of the application by each federal agency within 4 months of final EIS;

4. Appeal to President if one or more agencies disapprove application;

5. Presidential decision within 4 months of appeal;

6. Judicial review of Presidential denial.

Procedures for applications in the second category are as follows:

1. Filing of a consolidated application form with each appropriate federal agency;

2. Preparation of a final joint environmental impact statement by the federal agencies within 1 year;

3. Recommendation for approval or disapproval submitted to the President by each federal agency within 4 months of final EIS;

4. Presidential decision within 4 months of recommended agency decision;

5. Judicial review of Presidential denial;

6. President's recommendation for approval submitted to the Congress;

7. If Congress adopts a joint resolution of approval within 120 days under expedited procedures, the application is approved; if not, it is disapproved.

The Committee also adopted an expedited judicial review procedure for any challenge to an environmental impact statement developed under these procedures, or other administrative notions pursuant to this title.

COMMITTEE AMENDMENTS SPECIAL, ACCESS AND ACCESS TO INHOLDINGS.

The Committee modified and combined into one section, (1110), the provisions relating to special access and access to in holdings.

The Committee amendment guarantees access subject to reasonable regulation by the secretary on conservation system units, National Recreation areas and National Conservation areas, for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.

The Committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use test rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.

The transportation modes covered by this section are float and ski planes snowmachines, motor boats, and dogsleds. The adverse environmental impacts associated with these transportation modes are not as significant as for roads, pipelines, railroads, etc. both because no permanent facilities are required and because the transportation vehicles cannot carry into the country large numbers of individuals. Existing law does not guarantee this form of access into parks. Wildlife refuges, wild rivers, or wilderness, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.

In order to prevent the land manager from using his discretion to unnecessarily limit such access, the committee amendment provides that such access shall not be prohibited unless the secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit.

The subsection on access to in holdings provides that, where a state or private interest in land is surrounded by one or more conservation

system units, the National Petroleum reserve in Alaska, or public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the secretary shall grant the owner of the private interest such rights as may be necessary to assure adequate access for economic and other purposes.

The Committee enacted this provision in recognition of the fact that restrictions placed on public access on or across many federal land areas in Alaska may interfere with the ability of private in holders to exercise their right to use their lands. The Committee believes that owners of in holdings should not have their ability to enjoy their land reduced simply because restrictions are placed on general public access to the land surrounding their in holdings. This provision directs the secretary to grant the owner of an in holding such rights as are necessary to assure adequate access to the in holding, and is intended to assure a permanent right of access to the concerned land across, through or over these federal lands by such state or private owners or occupiers and their successors in interest. The Committee recognizes that such rights may include the right to traverse the Federal land with aircraft, motor boats, or land vehicles, and to use such parts of the Federal lands as are necessary to construct safe routes for such vehicles.

The Committee adopted a specific standard regarding access which is designed to include in holders and other landowners where lands are effectively surrounded by a unit or units established by this act. The Committed finds that in certain instances, there will be a need for access to be effected across such units and expects the secretary to be reasonable and fair in his judgments regarding access in these situations.

The most obvious situations involve those of physical barriers which would prevent feasible access except across a unit. Such barriers can include rugged mountain terrain, extensive marsh areas, shallow water depths, and presence of ice for large periods of the year. The Committee does not intend to limit the application of the term 'effectively arrounded' to only those situations. Rather, the Committee expects the secretary to judge these situations on a case-by-case basis and to work with the in holder to come to a reasonable solution which will assure that adequate and feasible access for economic and other purposes can be realized.

The Committee adopted a standard providing for adequate and feasible access for economic and other purposes. The Committee believes that routes of access to in holdings should be practicable in an economic sense. Otherwise, an in holder could be demied any economic benefit resulting from land ownership. However, we do not believe that the access route which is chosen must be, in all instances, the most economically feasible alternative. Rather, this subsection provides the guarantee of an adequate and feasible alternative for economic and other purposes; that is, a route which will permit economic access to, and the use of, such lands while also seeking to ameliorate adverse impacts on the area or conservation system unit involved. In this regard, the. Committee expects the secretary to regulate such access in order to protect the natural and other values for which the units were established.

The Committee understands that the common law guarantees owners of in holdings access to their land, and that rights of access might also be derived from other statutory provisions, including other provisions of this title, or from constitutional grants. This provision is intended to be an independent grant supplementary to all other rights of access, and

shall not be constrned to limit or be limited by any right of access granted by the common law, other statutory provisions, or the constitution.

The Committee discussed whether the establishment of conservation system units in Alaska would interfere with the mission of the United States Armed Forces in Alaska. The Committee understands that extensive military over flights of Alaska occur as part of the role and mission of the Alaska Command. It is not the intent of the Committee that these over flights be prevented. In general, the Committee has adopted a policy that the use of airplanes is to be continued, and the Committee feels that this policy should apply to military over flights as well as civilian operations.

The Committee also understands that the Alaska Command engages in military maneuvers on Federal lands such as the Jack Forst military exercise. These maneuvers are important to the mission of the military in Alaska, and the Committee does not feel that the establishment of conservation system units in Alaska will endanger these operations. Much of these operations occur on land which will remain under the jurisdiction of the Bureau of land management, and this legislation does not affect the ability of the military to utilize such lands. On other areas, the Committee expects the secretary to cooperate with the Alaska Command to determine what activities can be permitted under appropriate regulation without endangering the resources of the units.

0028594-001 I have reviewed the proposed revised Chugach Land and Resource Management Plan, and I am concerned about the severe restrictions that may be placed on the use of the Chugach National Forest. Our national forests are supposed to be managed to allow for multiple uses, not to deny access to the public. While preservation is important to ensure our national forests are available for future generations to enjoy, it does not have to be at the expense of other wise uses of these important national resources.

In the proposed plan, preservation of land in the Chugach National Forest receives prevailing support. Of the eight alternatives, only two provide for any multiple-use management. This singular emphasis on preservation does not meet the Forest Service's own mandate for 'multiple use' of national forest lands. The proposed revisions in this plan are more suitable to the management of a national park than a national forest.

The preferred alternative listed in the plan emphasizes maintenance/preservation of the ecosystem through 'natural processes'. If this plan is implemented, none of the Chugach's 5.5 million acres would be designated for resource development, and in some parts of the forest
new mining claims will be prohibited. In addition, the preferred alternative includes no allowable sale quantity (ASQ) of timber, and no attempt to establish guidelines for a
sustainable timber harvest. The proposed designation of additional conservation units would also severely limit access to private inholdings, private lands and adjacent public lands.

Twenty years ago ANILCA made much of Alaska's wilderness areas inaccessible and unusable, preserving them for conservation purposes only. ANILCA's 'no more' clause (Section 1326 (b)) promised that there would not be further restrictions of this nature on the use of Alaska's lands. The proposed revisions to the Chugach Land and Resource
Management Plan violate this clause.

I strongly urge you not to support the proposed revisions to the Chugach Land and Resource Management Plan.

Comment #	Comment
0029044-003	Much land in the Forest is owned by Chugach Corporations, The access and use of their lands should not be hindered in any way. The lessons of the Carbon Mountain Basement are fresh in our memory. There will be oil drilling at Katalla on Chugach Corporation lands in the near future. This has been ongoing off and on for the past 100 years. It doesn't seem to nave effected the environment. If Native Corporations want to log their lands then they should be allowed to do so as ANSCA intended. The efforts by the environmentalists, EVOS Trustees Council and the Forest Service to harass Natives until they agree to sell their lands is very clear. This is wrong and should stop immediately. In addition, unrestricted access to Native Corporation lands should be stated in whatever alternative is chosen so as to remain consistent with the spirit of the Alaska Native Claims Settlement Act (ANCSA). All of these reasons would seem to be contrary to a Wilderness designation in the Chugach National Forest
0029046-006	PS: Your CD was a nice idea, but needed to have printed on the jacket the system requirements as I froze my computer as well as a few others before I found one that could handle the graphics.
0029059-007	Comment #7: The proposed CLMP does not meet the Forest Service's mandate to be a multiple use land manager. The plan looks more like a prescription for a National Park rather than a National Forest. The proposed plan and the planning process have been illegally biased due to the declared intent of maintaining the 'wild character' of the forest. Such a process with a predetermined conclusion is arbitrary and capricious. Comment #8: The recommendations for new Wilderness and Wild and Scenic Rivers violate the intent of the several 'No More' clauses of ANILCA, These proposed designations should not be implemented. The provisions of ANILCA supersede the NFMA, the Wilderness Act and the Wild and Scenic Rivers act as those acts apply to Alaska.

0029060-001

The following are the comments of the Alaska Quiet Rights Coalition. AQRC, with over 600 members and supporters statewide, is dedicated to protecting the rights of Alaskans to quiet places for the benefit of public land users, home and cabin owners, communities, businesses, wildlife, visitors, and future generations. Our objective is a fair and balanced allocation of Alaska's public lands for both non-motorized and appropriate motorized use. We think Alaskans, visitors and future generations have the right to experience the natural sights, sounds, and quiet beauty of our state. Finally, we believe that in the vast majority of cases the obtrusive noise, exhaust, and dangers of motorized recreation are incompatible with non-motorized recreation and quiet homes and neighborhoods, and that motorized recreation must be separated from homes and other recreationists in either space or time.

Introduction. We have appreciated the opportunity to participate actively in the planning process, which could (with one important exception) be a model for national forest planning across the country (the exception being the unfortunate decision just before the final Preferred Alternative was released to largely ignore the bulk of the public comment and fail to recommend Copper River Delta wetlands as Wilderness).

We also appreciate the important first steps made in the Draft Plan (DP; we're using the terms Draft Plan and Preferred Alternative (PF) interchangeably) to restore natural quiet to the Chugach. Until just a relatively short while ago, natural quiet and the opportunity to hear and enjoy natural sounds were taken for granted. Robert Service's 'stillness that fills me with peace' was a value that was recognized frequently in the hook and bullet magazines that I devoured in my youth.

These days, unfortunately, natural quiet has become a rarity. (It is especially sad and ironic that in a state that is perceived worldwide as one of the last great, wild places, natural quiet, unless one charters a plane (an irony in itself, I guess) to be carried far into the bush, can be even harder to find than in the tamer Wildernesses of the lower 48.) As a result, the loss of natural quiet has become an increasingly important issue nationwide, and has resulted, for example, in the creation of a national coalition to address it, a coalition that includes local, regional, statewide and national groups. Some conservation organizations Outside are working as much or more on controlling motorized recreational vehicles than on efforts to have Wilderness designated because such unregulated use is making areas unsuitable for designation before they can even be fully evaluated by the agencies, or considered by the Congress.

Some may say they don't care how it's done Outside; we believe that we need to learn from experiences in the lower 48, whether it's about the tremendous resource damage that's occurring from ATV's in the California desert, Utah, and elsewhere, or the social and wildlife impacts from out-of-control commercial helicopter and fixed-wing flightseeing at the Grand Canyon and on the Hawaii coast (of course we have our own Alaska examples of the former in places like the wetlands of the headwaters of the Anchor River and Deep Creek on the Kenai Peninsula, the Caribou Hills on the Kenai, and the magnificent Talkeetna Mountains, and of the latter in Juneau and at Denali National Park).

Again, to its credit, the Chugach National Forest, after hearing from hundreds or thousands of people from Day 1 of the planning process that quiet is important to them, is taking valuable first steps in the DP to restore natural quiet to the Forest. We hope that these efforts will make the Forest truly a 'land of many uses,' not one which is largely unavailable to quiet recreationists.

Several provisions in the draft are precedent-setting for the national forest system as a whole. The plan explicitly recognizes natural quiet as an important natural resource that deserves consideration similar to what we give to, for example, fish and wildlife, air and water quality, and scenic beauty. It has created a new prescription. Developed Recreation/Reduced Noise, that looks at natural quiet issues from other than a purely motorized/non-motorized recreational standpoint. And it continues to employ a basically closed until open policy for ATV's, where ATV use is permitted only on roads, trails, routes or areas that are designated open. Finally, although other forests across the country have provided quiet winter recreation opportunities too (although probably mostly as a result of Congressional Wilderness designations), the Chugach DP, while it doesn't go far enough, makes not insignificant strides towards managing winter

recreation in a fairer, more balanced way by restricting additional areas, through both full closures and time-shares, to snowmachines (and, actually, the proposed alternate year time-share for the Twentymile could also be a first for the system nationwide).

Unfortunately, the plan's consideration of natural quiet is badly flawed in two ways: it authorizes (subject to permit) far too many areas for commercial helicopter landings; and it fails for the most part to even address the regulation of two exceptionally noisy and irritating types of motorized vehicles; jet skis and airboats. If we can learn anything from experiences Outside, it's that jet skis create impacts for an unusually large number of people (in addition to their serious ecological impacts), and that it's a lot easier to manage them successfully before rather than after their use has become established.

Finally, the Quiet Rights Coalition generally focuses, and in these comments is focusing, on the social impacts of noisy recreational activities (including effects on scenic beauty). However, all of us are very concerned about the possible ecological effects of those activities, whether it's impacts to fish, wildlife, air and water quality, soils, or vegetation. A fundamental but probably too often unexpressed premise of our work is that motorized recreational activities should be allowed only where they will have no more than relatively insignificant ecological effects, When we support opening areas to motorized recreational use we do so in the context of recreation management, not ecological suitability. In fact, we believe that one of the additional serious flaws in the Draft Plan and DEIS is the failure to adequately assess the ecological impacts of motorized recreational vehicle use. If more studies are needed (and they are), they should be undertaken before ecological damage is done, not after.

Some General Principles.

1. The Forest Service should proceed conservatively in deciding whether to allow or not allow motorized recreational vehicle use, considering its obviously substantial social impacts as well as the obvious or likely ecological impacts. The best way to do this is to consider the Forest closed to many such uses unless specifically opened. This, as a practical matter, is the policy for summer ATV's, a policy which, as we have said, we applaud. This should also be the policy for snowmachines--even if much of the Forest were to be opened. A closed until opened policy makes a valuable statement about the Forest Service's recognition of the seriousness of these issues and impacts. If the Service doesn't close the entire Forest to jet skis and airboats, as we believe it should, it should first close the Forest to these craft and then open only a very small number of areas where impacts would be relatively minimal. Finally, the permitting requirement probably has the effect of a closed until opened policy for commercial helicopter and fixed-wing airplane landings.

2. Opening areas to motorized vehicle use should be preceded by an adequate NEPA analysis, and openings should occur only if adverse environmental effects will be minimal.

3. Openings should occur only if adequate monitoring and enforcement can be guaranteed. Monitoring should answer two questions: are the rules being followed? and what level of damage is occurring from the motorized use (of course baseline information is needed to determine this)?

Commercial Helicopter (and other) Landings. We believe that this issue is a real sleeper, that is, that neither the public, nor probably the Forest Service, are fully aware of the likely substantial adverse effects of the huge amount of land that is authorized for commercial helicopter landings (subject to permit) in the PF. For example, 73% of the Forest on the Kenai Peninsula and Turnagain Arm, and 64% of the Cordova District, is authorized for winter landings. And the impression given by both the description of the Preferred Alternative and the summaries in the Revision Newsletter suggest that aircraft, both helicopters and fixed-wing airplanes, are being condoned if not encouraged as a primary means of visiting the forest (in addition, it is troubling to see that the newsletter says that the PF will 'increase motorized uses adjacent to communities' in the Cordova District). We believe that this is dangerous and unwise. Furthermore, most land management agencies give far greater weight to commercial interests than is appropriate; in this case helicopter operations in particular appear to have been given a substantial preference when it comes to making decisions about land allocations for recreation and tourism. We urge you to seriously reassess these decisions.

Heli-skiing, heli-hiking, and flightseeing, whether by helicopter or fixed-wing airplane, can have tremendous impacts. Again, we'll address only the social ones. The noise impact from a person walking along a trail is almost non-existent, as a practical matter. The impact from cars and trucks on a road, or ORVs on a trail, spreads out over a wider radius, but since it's at ground level, if there are intervening topographical features screening can occur to lessen or eliminate the impact (ORV use off-trail is a much bigger problem; this is how, for example, snowmachines are frequently used, and how jet skis are used on a lake; the quiet recreationist can distance himself from a noise source that's confined to a fixed route, but not from one that can go anywhere). Helicopters and small planes are not only very loud, but the area of impact (and often there's no screening since the craft will be above the ridgelines) is very great; many square miles of terrain will be affected by an aircraft that's flying a roundtrip of 10, 20, 30 or more miles.

Helicopter noise in particular is especially annoying to most people, but we shouldn't underestimate the effects of small planes. Furthermore, a fairly small number of people, often relatively wealthy non-Alaskans, enjoy the benefits of heli-skiing, heli-hiking, and flightseeing trips while the substantial burden is borne by large numbers of Alaskans as well as visitors and wildlife. And we shouldn't confuse these activities, flightseeing in particular, with truly traditional uses of aircraft in Alaska, Until just very recently, small plane flights were far fewer in number and almost totally random, as people flew off in relatively small numbers to all points of the compass to cabins or to hunting camps or other recreational drop-off points. Today, the numbers have increased dramatically and the traffic on a relatively fixed route can be almost constant during the season of use (all summer long for flightseeing). These latter types of flights need to be managed much more carefully; instead of having maybe four or five small planes flying over any particular area in a day, the numbers now can go as high as 75 or more; the first is tolerable, the second is not.

Public land managers nationwide, because of jurisdictional problems, have had a nearly impossible time managing the very serious adverse impacts of overflights from helicopter and fixed-wing flightseeing on both on-the-ground users and wildlife. In fact, the Congress has had to step in to try to address these problems, with some, but limited, success (Alaska of course has not benefited from this legislation since our delegation has exempted our state from the benefits, apparently believing that it's still 1950 and that noisy motorized vehicles create conflicts everywhere else but not in Alaska),

Considering this, and the direct experience of conflicts we have in Alaska in places like Juneau and Denali, we should at least do an adequate job of managing those activities we can control, like landings--and of course not just of commercial helicopters but of commercial fixed-wing aircraft as well. This the plan does not do, and while the preparation of an EIS to address the issue in the future will presumably help, we shouldn't just, in effect, write off this planning process as an unnecessary exercise and put all our eggs in the EIS basket. We recommend in general that commercial helicopter landings should not be allowed on lands recommended as Wilderness in Alternative F; one specific recommendation that we can make at this time is that Jack and Sawmill bays should be quiet year round.

Of course there is more to the problem than the number of areas authorized for possible landings. A single very attractive area (like the Mendenhall Glacier) can generate a tremendous number of flights (at the present time, some 19,000 roundtrips to the Mendenhall, or 38,000 flights--and the operators would like to double that number), We need of course to control the number of flights as well as the number of areas authorized for landing. This will apparently be done in a subsequent EIS, but that leaves a critically important question up in the air after the plan is adopted.

Finally, there are lots of lakes available for floatplane landings, but many fewer lakes accessible by hiking trail. There is nothing more discouraging than taking several hours of substantial physical effort to backpack to a remote lake and set up camp, only to have a commercial floatplane or two land on the lake and unload a dozen sport fishers who have gone to no effort to get there. We recommend that at least some lakes at the end of popular hiking trails (like Bench and Johnson lakes) be closed to the landing of commercial floatplanes in order to provide backpackers with the reward they deserve (solitude and quiet) for their efforts.

Snowmachining. We will be devoting considerable space to our discussion of this issue, in part

because winter recreation is so important to Alaskans, and in part because this question has arguably been, at least among the general public, the most controversial.

1. Snowmachining is incompatible with quiet recreational activities. Motorized/non-motorized conflicts, and the conflict created by snowmachines is one of the best examples, are exceptionally hard to deal with because the snowmachine community is generally unwilling to agree that there's a conflict. This is unlike many other land management situations where an industry, for example the oil industry, recognizes that there are adverse impacts from its activities, and the issue is whether the impacts are acceptable or can be reduced to an acceptable level.

But I know, I think you know, and virtually every land manager in the country knows, that Snowmachining, unless one is dealing with only a very small number of riders in a very large area, is generally incompatible with quiet winter recreational activities like cross country skiing and snowshoeing, and displaces quiet winter recreationists. (And Snowmachining, including activities at trailheads, can in addition deprive home and cabin owners of the quiet enjoyment of their properties.)

Consequently, it is irrelevant that, as far as the regulations are concerned, quiet recreationists can use 100% of the Forest if, as a practical matter, most accessible areas are de facto unavailable because of displacement, Similarly, it is no more 'sharing' to ask quiet winter recreationists to use noisy areas and be satisfied than it is to ask non-smokers to eat in smoky restaurants, or ask churchgoers to tolerate a chainsaw salute. Sharing in the context of recreation management requires the separation of incompatible uses, either in time or space.

We of course believe that the Forest Service should acknowledge that there is a conflict; that it can only provide high quality winter recreation opportunities for both motorized and quiet recreationists if the two activities are separated; and that it has a responsibility, as a multiple use

manager, to manage its lands in a fair and balanced fashion by closing, either with full closures or time-shares, a reasonable number of areas to snowmachining.

2. The present management scheme is unfair and imbalanced. Unfortunately, the present management scheme on the Forest is grossly and unfairly imbalanced in favor of motorized winter use. Currently, only 1/10 of 1% of the Forest, and 1,3% of the Kenai Peninsula, is closed to snowmachining. In either case, clearly there are insufficient quiet winter recreation opportunities on the Chugach, And while the PF makes important strides towards redressing this gross imbalance, the theme for winter recreation should be balance, not 'primarily...motorized.'

This imbalance is a regional problem as well, one that the Chugach can play a role in resolving. In a 1996 study looking at over 34 million acres of relatively accessible state and federal public land in Southcentral Alaska, Alaska State Parks found that only 4.5% of those lands are closed to snowmachining. While Chugach State Park does a not unreasonable job of providing a balance of winter recreation opportunities (of the park's 10 or 11 winter accessible valleys, slightly more than half are open to snowmachining, slightly less than half are closed), on millions of acres of public lands to the north, south and east of Anchorage quiet areas are almost impossible to find. Even if the Chugach closed all of its useable acreage to snowmachining (something we are not advocating), there would still be more than ample opportunities available elsewhere.

3. Snowmachiners must be willing to give up some of their existing privileges. Because of the present situation on the Forest--its virtual takeover by snowmachiners as skiers have been displaced from all but a tiny number of areas--any efforts by the Service to correct this imbalance will result in 'losses' to the snowmachine community, and in objections by snowmachiners. The Service has to be fully aware of this context in weighing the reasonableness of these objections, and of the snowmachiners 'no net loss' policy.

4. Time-shares, where appropriate, are a fair way of truly sharing the resource. Furthermore, several of the proposed closures in the Preferred Alternative (PF) are not full closures but are instead timeshares (closed every other year, closed for half of the season, or closed after March 31). We question how reasonable it is to strenuously object when an area will be managed for one activity 50% of the time, and for the other activity 50% of the time.

5. Three day, four day time-shares are a bad idea. While we very much support the use in appropriate areas of split season or alternate year time-shares, we would find a three days off, four days on scheme extremely unsatisfactory, (This model, incidentally, from Eklutna Valley in Chugach State Park, is used only in the summer for ATV's that are allowed to ride on the road four days a week; it is not used in the winter when the valley is open to snowmachines every day.) On the great majority of the non-motorized days the area would still be totally tracked up with snowmachine tracks, which would result in not only a very unpleasant, and sometimes unsafe, skiing surface but also the loss of a once beautiful snowscape. Finally, although probably important to fewer people, the area would never be quiet for a full weekend, greatly reducing its value to people wanting to do a weekend trip.

An only somewhat less unsatisfactory time-share is a closure that goes into effect only after March 31, like the one proposed for the eastern Lost Lake area, We propose for Lost Lake a true split season, like the one that has been in effect for many years on the Resurrection Pass Trail.

Snowmachiners have suggested that time-shares aren't a good idea because there will occasionally be bad snow years when riding during the allotted period will be poor to non-existent. I haven't heard quiet winter recreationists raise this objection, probably because over the long haul both groups will be subjected equally to poor conditions as well as good ones.

We would like to point out a benefit of alternate year time-shares that some people might have overlooked in favoring split seasons instead. With split seasons, either one group never gets to recreate in the area during the most desirable season, spring, or the Forest Service would have to flip-flop the opening/closing every year (closed to snowmachines after 2/15 one year, closed before 2/15 the next). With an alternate year time-share, a person would be able to enjoy the spring season during each calendar year for which the area is managed for his or her preferred sport.

Finally, we do not believe that any of the current or proposed time-shares, or the sum of them, are so confusing that enforcement would be a problem. All of the PF's proposed time-shares could be easily described on about 1/2 side of an 8 1/2 x 11 flyer that could be distributed to recreation clubs and sporting goods stores and posted at trailheads. Contrast this with the fish and game rule booklet, which is about an inch thick but which no one thinks is too complicated for effective enforcement.

6. Several of the responses to the opposition to the Twentymile and Lost Lake time-shares are disappointing. Much of the snowmachiners' most vocal opposition to the PF to date has been focused on the proposed changes to the management of the Twentymile and the eastern portion of Lost Lake--changes that would provide some of the best new winter recreation opportunities offered by the PF (in contrast, for example, to closures that have received no, or few, objections, like Kern and Peterson Creeks (important only to the relatively few people who fly to the head of the valleys, are dropped off, and ski down to the highway)). No one disputes that these spectacular areas are popular with snowmachiners, and that it would cause some pain to truly share them. But the fact that they're so beautiful is precisely why the fairest thing to do is to share them.

Several possible responses to the Twentymile opposition that the Service has suggested are disappointing. The first is abandoning the proposed alternate year time-share for a three day/four day scheme (see above),

Another is that a motorized corridor be established at the beginning of the valley (perhaps the first five miles) to gel snowmachiners into the back of the valley while managing most of the mouth of the valley for quiet recreation. This addresses, for at least part of the valley, the problems created by a maze of snowmachine tracks across the valley floor and up and down the hillsides (the marring of the scenic beauty, and the unpleasant and sometimes unsafe skiing resulting from icy and uneven tracks), but it fails to redress, except minimally, the primary concern--noise. For the whole length of the corridor, the presumably unscreened snowmachine

noise would be audible. Such a lack of topographical screening, incidentally, has become an increasing problem at Turnagain Pass. Hearing the machines directly across the highway has always been a problem at Turnagain (which is why this area is not a good model for effective separation of incompatible activities), but in recent years, as highmarking has become more

possible and more popular, the noise has carried even farther into the non-motorized side of the pass.

Incidentally, this response does raise an interesting question. Although we don't support the corridor idea for the Twentymile, has the Forest Service considered whether in other areas (not necessarily ones that would be managed primarily for quiet winter recreation), or for other purposes (protection of wildlife, for example), snowmachines should be restricted to trails? Isn't this how much snowmachine use is managed in the Midwest, for example? We believe this question deserves further analysis.

A third response is that since the valley is such a big one, not many skiers would be able to get all the way to the back of it but that lots of snowmachiners could, and that therefore it's more appropriate to manage it for snowmachines. We have several thoughts about that.

First, all of us know that at least some displacement of skiers (we believe a great deal) has already occurred on the Forest, although measuring its magnitude is at best difficult (a number of snowmachiners have said about their favorite areas that they hardly ever see any skiers there, so they don't know what the problem is, actually, of course, this is precisely the problem; snowmachine use conflicts with quiet recreation, so skiers generally avoid areas that are snowmachined, and are concentrated into ever smaller areas; we recommend that surveys be conducted to gauge the desire for quiet areas, rather than trying to count actual skier use--displaced skiers aren't there to be counted),

But if the Twentymile were closed to snowmachines on alternate years, and cross country skiers learned about this new opportunity in a beautiful valley, many more skiers would use it, and some of them would get way back, whether on day trips, over a weekend or long weekend, or for longer visits. This is what happens, paradoxically, to newly designated Wilderness areas, where the allure of the new designation as well as the increased publicity significantly increases use (and of course--and this is another paradox--the Service's interpretation of Section 1110(a) of ANILCA means that these quiet winter recreation opportunities can only be provided on the Chugach in areas not managed as Wilderness),

Perhaps more importantly, using a numbers test to determine management results in a situation where the Service would never provide precisely the experience most backcountry cross country skiers are seeking--one that is both quiet and relatively uncrowded (again, Chugach Wilderness would not provide this). Skiers seeking both solitude and quiet would never find it because only those areas heavily used by skiers would be deemed appropriate for snowmachine restrictions.

Another unfair result would be that too many of the big, beautiful, wild valleys would be managed for motorized recreation, and quiet recreationists would be relegated, if you'll excuse a bit of an exaggeration, to the tamest, dinkiest ones. One alternative that the Service has suggested for Lost Lake is finding an area in the general vicinity that could be managed just for

quiet winter recreation. But any such substitute would almost certainly be inferior to the Lost Lake area itself.

One alternative suggested for the Twentymile, however, would be reasonable--to go to a split season rather than alternate years. We believe that this is not as good a solution for snowmachiners, but if that's what they prefer it would be fine with quiet recreationists.

With regard to Lost Lake, we understand that the Forest Service is considering not providing any quiet winter recreation opportunities there because of the magnitude of the opposition (although it is of course a gross exaggeration to say that Lost Lake would be 'lost' under the PF, as a widely distributed flyer claimed, since the closure would be for only a portion of the area, and would be in place only after March 31). Should the Final Plan withdraw that proposed opportunity at Lost Lake, it would take quite a bit to restore even the imperfect balance achieved in the PF. We believe that the most appropriate substitute would be restricting in some fashion the three additional areas (that is, ones that weren't restricted in the PF) for which the revision newsletter sought comment--Carter/Crescent lakes, Russian River trail, and Fresno Ridge.

7. Designating quiet areas is good for business. Some snowmachine tourism operators have said that their businesses will be harmed (ruined?) if areas on the Forest are closed to snowmachines.

We doubt that businesses will be seriously impacted, especially in areas where the proposed restrictions are time-shares rather than full closures. In any case, though, even if the PF were to be fully implemented (and of course we very much hope that it will not be weakened) there would still be lots of places to take clients (including outside of the Forest): only 9.2% of the Kenai Peninsula would be closed under the PF, This is hardly onerous.

But we do acknowledge that providing high quality areas for snowmachining generates economic benefits. At the same time, providing high quality areas for quiet recreationists and other users of the Forest also generates economic benefits, as the owner of the Tidewater Lodge noted at the Seward public meeting. Managing the Forest in a fair and balanced fashion is good not only for the general public, both Alaskans and visitors, but also for the economy.

8. Possible changes benefiting snowmachiners. In addition to the sharing/concessions represented by time-shares, at least some quiet winter recreationists would be willing to consider two other ideas that might benefit snowmachiners: first, closing to skiers some areas that are open to snowmachining, like the west side of Turnagain Pass. (We're not sure that there is a truly logical reason for doing this, but the fact that no places are closed to skiers by regulation (as opposed to displacement) is perceived as unfair by snowmachiners.) And second, if it would mean that more areas would be available as split season timeshares to quiet winter recreationists, it would be reasonable to flip-flop open and closed halves, so that both groups would have the opportunity to use the area during the most desirable season--spring. (There's logic to allocating the season with the shortest days to snowmachiners since they can travel much farther in a shorter period of daylight, but the result in fact is that the most desirable season ends up being allocated to skiers.)

9. Wilderness management policy makes these administrative decisions even more important. In the lower 48, quiet winter recreation opportunities are provided in areas that have been

designated Wilderness by Congress, or that are being managed as Wilderness. Because of the Forest Service's interpretation of Section 1110(a), in particular its definition of traditional activities, lands managed as Wilderness on the Chugach don't receive that protection. If there is to be any relief at this time on the Chugach from the noise of recreational snowmachines, motorboats, and airplanes it will have to come from administrative prescriptions.

10. Additional recommendations for quiet recreation opportunities. Finally, we believe that the PF, while a good step in the right direction (if it isn't weakened), still fails to provide an adequate number of quiet winter recreation opportunities on the Forest, and will be even more clearly inadequate if the final plan is weakened. Our recommendations, then, serve two purposes: as stand alone recommendations, in order to create a fair and balanced scheme; and as alternative locations for quiet winter recreation management should the Service decide (which we hope it won't) to weaken any of the proposals in the PF.

We recommend, for places like Turnagain Arm and the Kenai Peninsula where conflicts are great, that opportunities be allocated 50-50 (a number of these of course as time-shares). Consequently, we propose the following areas for additional quiet opportunities. Please note again that in the revision newsletter the Seward District specifically asked for comment on three of them--Carter/Crescent lakes, Russian River Trial, and Fresno Ridge-- (recognizing, we believe, as we do, that under the PF there are still relatively few high quality quiet winter opportunities on the southern portion of the Peninsula); we believe that these are good choices that provide options for people with different interests and skill levels (and one of the goals of winter recreation management should be not just to provide a reasonable number of both non-motorized and motorized opportunities, but a spectrum of opportunities for both groups). A number of these recommendations could be implemented with time-shares, although in other cases full closures would be more appropriate;

Johnson Pass Trail (north end) (a popular area easily accessible to Anchorage); Lost Lake (a more balanced time-share, like the one on the Resurrection Pass Trail, where the season is split evenly); Snow River (South Fork) (one of the most desirable areas for Seward residents); slope behind Summit Lake Lodge (popular with locals); Fresno Ridge; Carter/Crescent Lakes; Russian River Trail; Jack Bay; and Sawmill Bay (these last two would provide needed opportunities for Valdez residents, and should be non-motorized year-round).

4. Wilderness Management. We urge the Forest Service to prohibit recreational snowmachining and other recreational motorized vehicle use on Forest lands managed as Wilderness. We believe the Service is interpreting Section 1110(a) of ANILCA far too broadly. That provision creates a very narrow exception (subject to regulation) for certain motorized uses that would not otherwise be allowed in Wilderness, based on fundamental differences between Alaska and the other 49 states. Those fundamental differences are two. First, many parts of Alaska have no road access, and travel between villages is by boat, airplane, or snowmachine rather than by car. Using these vehicles not for recreation but for such necessary, functional travel is generally appropriate. Second, Alaska, unlike other states, still has a vital subsistence economy that the Congress worked very hard to protect.

But when it comes to recreational snowmachining off the Seward or Sterling highways, Alaska is no different than New Hampshire, Minnesota, or Montana, The snowmachiner walks out of his house, often in a city or large town, loads his snowmachine onto his trailer or the back of his truck, drives down the highway, unloads his machine at the trailhead, and spends a few hours or a day or two recreating. Why should Congress treat recreational snowmachining--including high-marking, and racing in circles or figure 8's on lakes and meadows--in Alaskan Wilderness areas any differently than in other states? Shouldn't Alaska Wilderness be, if anything, wilder--not tamer, noisier, more crowded, more mechanized, more artificial--than other places? Or are we resigned to an Alaska that is wild only in our memories? Logic, and sound public policy, support making some motorized vehicle exceptions (subject to reasonable regulation) for travel between villages and subsistence--but not for non-essential recreational purposes.

5. ATV's (off snow). Again, this is an area where the Forest Service deserves a lot of credit. The Chugach's management of ATV's, although certainly not perfect, might be better (from what I've heard) than that on any other western forest. Its policy of closed until designated open should be a model for the rest of the system, and for the BLM as well.

Of course there is nevertheless room for improvement. Except for exceptional circumstances, only roads, trails, and routes, not areas, should be eligible for designation. It will be an extremely rare situation where an area can be designated without incurring unacceptable resource damage, whether it's to soils, vegetation, fish, wildlife, or habitat. For example, Table C-3 suggests that two full polygons at Andersen-Double Bay would be available for ATV use. These areas include muskeg, and maybe other habitat, that is unsuitable for uncontrolled use. It should be made clear in the plan that travel will be allowed only on designated trails or routes.

Similarly, Table C-3 says that unvegetated sand dunes in the Boswell Special Access Area are open to ATV's. On what did you base your conclusion that there were no shorebirds nesting there, for example, that would necessitate a seasonal closure?

Table C-3 also says that in the West Delta North and South special access areas travel is allowed on designated routes only. We understand that there is at least some ATV use in those areas already, but that no routes have been designated. That use should not be allowed until routes are designated, which should be done only after a careful evaluation. We seriously question, incidentally, whether the Copper River Delta is a suitable location for ATV use, and recommend prohibiting them there.

Finally, none of these; potentially damaging, or socially incompatible, motorized recreational uses should be allowed unless there are adequate resources for monitoring and enforcement (see above). We were pleased to hear that there will be two additional officers on the Forest for these purposes. Additionally, though, apart from routine monitoring and enforcement, what sort of systemic monitoring will occur? How will we know whether impacts from jet skis, ATV's, airboats, etc, are at acceptable levels? Do we know what our baseline looks like?

6. Jet Skis. These thrillcraft are an abomination. They are very noisy, and the variability of their noise makes them exceptionally annoying. They also pollute badly, and their use in shallow waters adds to the harm they do to fish and wildlife.

Jet skis should not be allowed on the Forest. For most purposes--except for the type of thrill that should be relegated to the racecourse, not the public lands--other watercraft that are far more appropriate, both motorized and non-motorized, can be used. At the very least, they should be controlled before their use gets totally out of hand, as it has in so many places

throughout the country, and as is starting to happen in Alaska.

The Forest Service has said that it has no jurisdiction over watercraft on marine waters. We believe that it is mistaken, and that in fact it has both the authority and the responsibility to regulate these and other watercraft (please see the comments of Trustees for Alaska).

7. Airboats. Is there a noisier motorized vehicle? Perhaps, but airboats are incredibly, earsplittingly, loud. They, like jet skis, should be banned from the Forest, and other watercraft used instead. We understand that some Cordovans use them for moose hunting. If airboats are not banned entirely, as we believe they should be, their use should at least be limited to the moose hunting season. Such a limitation would help protect birds (and presumably other wildlife), and would provide social relief at least during much of that part of the year when the majority of individuals especially enjoy being outdoors. They should not, however, in any case be allowed out of the water channel and permitted to destroy riparian vegetation. Surely one Big Cypress is enough.

8. Developed Recreation/Reduced Noise. Once again, our compliments to the Forest Service for devising this precedent-setting prescription, which recognizes that the desire for natural quiet is shared by many individuals, not just backcountry non-motorized recreationists. Many people, perhaps families especially, frequently enjoy the Forest by getting out of the city for a weekend and staying at a developed campground. While certainly not wilderness, this can be a very enjoyable outdoor experience, vastly different from remaining in the suburbs or city. The generally natural surroundings and the relative quiet are important to many such campers; they do not want to substitute the noise of RV generators and boom boxes for the noise of automobiles and jet airplanes. The relative quiet of the campground is an important part of their experience (actually, just as the relative quiet resulting from no snowmachines in the backcountry is a big improvement even if jets are occasionally overhead). Just because all noise can't be eliminated doesn't mean that it isn't well worth it to eliminate as much as we can.

We were disappointed, however, that more campgrounds (or portions of campgrounds, like one or more loops, especially relatively isolated ones) weren't given this prescription. For example, no reduced noise campgrounds have been recommended for the Glacier District. We understand that the two campgrounds near Turnagain Pass see relatively little use. Designating one of these for reduced noise would seem to be reasonable, especially since relatively few people would be adversely affected. Finally, we recommend that either between now and the Final Plan decision, or as a subsequent step-down planning effort, the Forest Service explore with the public other possible locations for this prescription.

Finally, we also appreciate the use of this prescription for relatively small areas close to the highway to be managed for cross country skiing (like John's and Quartz creeks), This is an additional recognition that natural quiet is important to lots of different forest users, and not just the most experienced backcountry recreationists.

Marine Waters. Recognizing the many appropriate motorized uses of the Forest's marine waters, we should nevertheless, as a long-term goal, explore ways to maximize natural quiet in some of these waters.

Least Noisy Technology. The best way to restore natural quiet to the Forest is to try to eliminate noise in as many areas as possible. Where that's impossible, however, we should at least try to minimize noise by requiring the use of the least noisy technology available. We've already made one such suggestion--banning jet skis and airboats, effectively requiring boaters to use less noisy and annoying watercraft, whether motorized or non-motorized. Additionally, for example, commercial fixed-wing operators could be required to use three-prop planes, and commercial helicopter operators could be required to use the quietest available helicopters.

Plan Evaluation. How should one evaluate how fair and balanced the plan is and how well it meets the needs of quiet recreationists and other lovers of natural quiet? Among others, the following methods could be used:

1. Percentage of the Forest/Kenai Peninsula (including Turnagain Arm) managed for non-motorized winter recreation?

2. Percentage of desirable Kenai areas managed for non-motorized winter recreation?

3. Number of acres managed for non-motorized winter recreation that are road accessible, avalanche free, and within 10 miles of a road?

4. Number of miles of road accessible non-motorized winter recreation trails?

5. Number of acres managed for non-motorized winter recreation adjacent to communities?

6. Percentage of communities with adjacent non-motorized areas, both winter and summer?

7. Number and percentage of campgrounds that are designated reduced noise?

8. Number and percentage of public use cabins that are designated reduced noise? that are in non-motorized prescription?

9. Number and percentage of state marine parks that are adjacent to non-motorized prescriptions?

10. Miles of PWS shoreline that are in non-motorized prescriptions?

11. By district, and for the forest as a whole, number and percentage of acres that are not open, and open, by prescription to private, and to commercial, fixed-wing, and helicopter, landings?

In conclusion, we appreciate the Forest Service's willingness to address head on these difficult and often emotional issues. The importance of restoring natural quiet and the opportunity to hear and enjoy natural sounds will only increase. Although there are some serious problems with the Draft Plan, and with Forest Service policy, the Chugach has nevertheless taken very significant first steps--which we believe the majority of the public supports and appreciates--in the management of motorized recreational vehicles and the many adverse impacts they can create if not adequately controlled.

Sincerely,

Jim Adams
President

0029061-001

Thank you for the opportunity to comment on the Chugach Land Management Plan (CLMP) Revision and Environmental Impact Statement. The Alaska Miners Association (AMA) is an industry support membership organization representing prospectors, engineers, geologists, small family mines, junior mining companies, and major international mining companies. Many of our members work and recreate in the Chugach National Forest and the proposed plan will have significant adverse impacts on them.

We have been actively involved in the subject Revision and EIS for nearly two years. During this time we have commented verbally and in writing on the deficiencies that we have seen in specific items in the planning documents as well as the process being followed to develop the Revision and the EIS. Our concerns were so great that on November 1, 1999 the Alaska Miners Association (AMA), along with five other nonprofit associations and the Chugach Alaska Corporation, signed a joint letter defining numerous significant flaws in development of the CLMP Revision. Your subsequent January 27, 2000 response to those concerns did not correct the issues that had been raised in the joint letter.

We find that the Chugach Land Management Plan Revision and the Environmental Impact Statement contain numerous errors and problems and are deficient both in the details of the Revision and the process. Both the Revision and the process are fatally flawed. We therefore support the 'No Action' Alternative and ask that a Record of Decision be withheld until such time as the Revision and EIS are completed as required by law.

GENERAL COMMENTS

1. Biased Guidance and Approach - It was apparent from the beginning of the revision process that the Forest Service planning team was operating under a strong bias against multiple use and in support of added restrictions to use of the forest. This was confirmed by Acting Regional Forester Jim Caplan when he met with the Chugach National Forest's Interdisciplinary Team (IDT) and various persons from the general public which included AMA. Caplan stated that his general guidance to the planning effort was to maintain the 'wild in character' nature of the Chugach National Forest. Maintaining 'wild in character' was to be the over-riding theme, focus and goal of the plan revision. Establishment of such a theme and focus is contrary to the National Forest Management Act of 1976 (NFMA), the Multiple Use-Sustained Yield Act, the USFS Organic Act, the Mineral Policy Act of 1970, the National Environmental Policy Act, the Alaska National Interest Lands Conservation Act, and the USFS Planning Regulations. The entire Revision and EIS process were tainted and prejudiced from the start and as a result the current Revision and EIS must be discarded and the entire process redone.

2. EIS Alternatives Are Varying Degrees of Preservation - The EIS does not represent a reasonable range of alternatives. Of the 22 management prescriptions utilized, 19 have a preservation and anti-development orientation. Among the EIS Alternatives, most focus on preservation and seriously limit development alternatives. The result is that there is not a reasonable range of alternatives and the EIS is therefore fatally flawed.

3. Results of Alternative Development Process Deceitful, Unfair and Biased - The AMA along with other associations were asked by the IDT to develop an Alternative showing the most important lands for development. We spent untold hours following these instructions and recommended numerous areas and terrains that had the greatest potential for mineral development and logging, and forest restoration, None of the mineral areas we recommended were included in the Preferred Alternative and almost none of the logging areas were included.

4. Minerals Not Represented Effectively - At the start of the plan revision process we asked that an experienced geologist or mining engineer be assigned to the interdisciplinary team (IDT) to ensure that minerals data and considerations were properly addressed during the day-to-day work on the plan revision. Instead various individuals were brought into the team on an ad hoc basis only, As we expected, this was not effective representation of the mineral resources of the forest. The entire forest is underlain with rocks and many of the areas have significant economic mineral potential. Throughout the process minerals were neglected with the focus being on biological and recreational resources and maintaining the 'wild in character' focus.

5. Insufficient Data - The minerals data used by the IDT are totally insufficient. We have made this point from the very start of the CLMP process. The IDT brought in minerals specialists from several federal and state agencies to review the data and that review showed that there was a significant need for more information before any reasoned decisions could be made in the planning process and before the economic impacts of plan alternatives could be evaluated.

On April 27, 1999 the Interagency Minerals Coordinating Group, made up of representatives from the USFS, USGS, BLM, and Alaska Division of Geologic & Geophysical Surveys, recommended that a modern airborne geophysical survey be completed for the Chugach National Forest and that the resulting data be part of the CLMP evaluation. Such a survey, at a very minimum, is essential for any areas being considered for restrictive land use designations. Without such data, there is no way to know or estimate the economic impacts of the restrictions. In some cases the restrictions may be for Congressionally designated Wilderness or Wild & Scenic Rivers, and the result would be that any potential economic benefits to the public and the nation from the minerals would be forever lost.

Even though there was much discussion about the lack of data and the need for airborne geophysical surveys, no such survey was completed. The AMA contacted the Alaska Congressional Delegation about such a survey. However, neither the Chugach National Forest nor the Alaska Regional Office requested such a survey in their budgets. No other attempt has been made to develop new data.

The timber data used by the IDT were also totally insufficient. Data use was based on old surveys and among other things did not evaluate the effects of the spruce bark beetle.

6. Bias Regarding Special Studies - One item of proof that there was a bias against minerals and timber can be seen in the types of studies that were completed during the planning process, Extensive new studies were completed addressing the Dusky Canada Goose and the Kenai Brown Bear but no such studies were done of the minerals, It could even be argued that the geese and bears, rather than being forest resources, are part-time transient occupants. However, the minerals assessment was merely a compilation of existing data, much of which dated to the 1930s,

7. 'No More' Clause and Intent of ANILCA Violated - Throughout the plan revision process we repeatedly warned the IDT that, under ANILCA, except for the Congressionally designated wilderness study area, they were not allowed to recommend or even study lands in the Chugach NF for designation as 'Wilderness' or as Wild & Scenic Rivers. In your response to the joint associations letter you indicated that authority to study the entire forest derives from the National Forest Management Act of 1976 (NFMA). However, ANILCA amended and superceded NFMA as it applies to Alaska. ANILCA specifically identified a 'wilderness study area' which was to be evaluated but by so doing it specifically excluded the remainder of the Chugach National Forest from further consideration for designation as 'Wilderness' or any other conservation system unit (CSU).

Similarly, ANILCA amended and superceded the Wild & Scenic Rivers Act as it applies to Alaska and, except for the Wilderness Study Area, the agency is not allowed to evaluate, recommend or even study areas for W&SR designation. In your response to the joint associations letter you referenced Forest Service and Region 10 regulations and policies regarding the study of lands for designation as Wild & Scenic Rivers, but these cannot over rule or circumvent ANILCA.

8. CLMP Revision Rushed to Completion - It is clear that one primary goal of the USFS in this revision process has been to rush this CLMP Revision through to completion during the current Administration, This does not meet either the letter or intent of the National Environmental Policy Act. Unless and until the data necessary for effectively evaluating the lands in the Chugach National Forest are available, the only choice is to maintain the status quo.

SPECIFIC COMMENTS

1. The Preferred Alternative violates the Multiple Use-Sustained Yield Act in that under the Revision, most of the Forest would be closed to multiple use and restricted to a very few uses, Under the Preferred Alternative most resource development activities would be allowed on only a minor part of the Chugach National Forest.

2. The Preferred Alternative does not encourage mining and is therefore in violation of the U.S. Mineral Policy Act of 1970. 30 USC Section 21a states that it is the continuing policy of the U.S. Government to foster and encourage private enterprise in the development of an economically sound domestic mineral industry. The Preferred Alternative does not encourage mineral development but rather discourages it in numerous ways throughout the Revised plan.

3. The Revision and the Preferred Alternative do not reflect the best or even a reasonable combination of uses in the Chugach National Forest, They are single focus and not for the benefit of the entire community.

4. Road Corridors Not Considered - Even though the Chugach National Forest is 98% roadless, no road corridors were studied, identified, considered, or proposed. Additionally, access routes identified by landowners that are guaranteed by ANILCA were not recognized. This constitutes a gross failure in the Revision and EIS.

5. The Forest Service has not considered the cumulative impact of the Preferred Alternative on the economy of the State. The Chugach National Forest is not an isolated area, It is part of a much larger area that already has huge amounts of land in preservation designations. Alaska already contains 62% of all federal Wilderness in the U.S., 70% of all National park lands, and 90% of all federal wildlife refuge lands. Locking up this much additional land into restrictive categories must be evaluated in light of the total land picture.

6. Two of the four reasons given in the executive summary for revising the 1984 Forest Plan have been almost totally neglected and therefore the very basis for the revision has not been addressed. These are: Improved information about forest land and resources; Improved and/or altered scientific knowledge and application. However, as noted above, improved information was not developed for minerals, timber, or forest health.

7. Revision and EIS Replete With Unsubstantiated Statements and Conjecture - This is especially true for discussions regarding timber and forest health and to a lesser extent regarding fish and wildlife enhancement. The discussion of market demand for timber and wood fiber products is a complete sham. Unsubstantiated statements and conjecture include comments on: markets; timber availability from specific areas for which there is no survey data; decisions and past forestry activity of Native corporations; wildlife enhancement in direct contradiction to comments made by the Alaska Department of Fish and Game.

8. Revision and EIS Do Not Address Risk of Catastrophic Fire - The Revision and EIS have almost totally neglected the responsibility for protecting the public from the danger of catastrophic fire. Given the events of this past year in several western states this neglect and deficiency in the Revision and EIS are unconscionable. Logging of beetle-killed timber and the associated roads to allow logging must be considered as key parts of protecting the public and the reforestation process that will lead to a healthy forest. The focus on preservation and restrictions will not allow the forest to be managed to protect the public and provide reforestation.

9. Given the forest mismanagement and recent fires throughout the western states and the fact that the Revision and EIS do not deal with this same risk of catastrophic fire, it appears that if the Revision goes into effect, the Forest Supervisor and possibly even the IDT members may be exposed to personal liability.

10. Older Americans and Americans With Disabilities - These groups have been disenfranchised by the Revision and their needs have not been addressed by the EIS. The EIS acknowledges that the tourist base for Alaska has a very large portion that involves older Americans. This demographic requires more accessibility to the forest but the Revision does not provide access. Rather it eliminates the opportunity for access. Restrictions on new roads, motorized access and helicopter access would drastically effect the ability of these Americans to enjoy the forest. The Revision will not allow the facilities needed for recreational activities and infrastructure. These include lodges, cabins, new trails, upgrade of existing roads, new roads, campgrounds, boat docks, etc. The aging population will require more infrastructure and better access, The Revision is meant to provide a management plan that balances the interests of the entire community. This has not been done as it impacts older persons and Americans with disabilities.

11. The Revision and EIS do not utilize complementary land use prescriptions for Forest lands that

are adjacent to other ownership lands within the forest. In some cases the most restrictive prescriptions are applied to adjacent private lands. This occurred with the proposed 501(b)(l) Wilderness adjacent to Chugach Native lands associated with the Carbon Mountain road corridor and timber harvest area and Chugach-selected lands adjacent to the Copper River.

12. The Revision does not show RS-2477 rights-of-way and does not distinguish 17(b) and Chugach Natives, Inc. easements from Forest Service System trails. RS-2477s are State property.

13. The Preferred Alternative violates the Multiple Use/Sustained Yield Act and a goal of the Revised plan by setting the allowable sale quantity (ASQ) at zero. The Revision must provide sustainable amounts of saw timber, poles, cabin logs, firewood, and other products for personal and commercial uses from the forest. With an ASQ of zero the Preferred Alternative cannot accomplish this requirement.

14. The sections dealing with Wild & Scenic River are significantly flawed. Bear Creek, Sixmile Creek, East Fork Sixmile Creek, and Canyon Creek all have active mining claims and active mining during most of the year. This current activity by definition removes these areas from eligibility for consideration as 'wild'. The situation on the Fortymile River (designated by ANILCA) has shown that W&SRs are not compatible with active mining. On the Fortymile there have been untold past and ongoing conflicts and management problems where such designations have occurred. The USFS should learn from these problems that such designations are foolish as best. The Russian River watershed contains active mining claims and an access road for industrial development of laterite deposits in the area and therefore does not qualify for consideration. The Copper River has been the site of mining and transportation since the early 1900s and it is therefore also not eligible for designation.

15. Given the 'no more' clause of ANILCA, the IDT has illegally studied areas outside the wilderness study area for consideration as Wild & Scenic Rivers.

We are very disappointed with the CLMP Revision and the EIS, The Revision, the EIS and the process that has been followed are all biased against resource development while favoring preservation. The needs of Alaskans, including miners, loggers, tourists, older persons, and persons with disabilities have been neglected. We therefore support the 'No Action' Alternative and ask that a Record of Decision be withheld until such time as the Revision and EIS are completed as required by law.

Comment #	Comment
0029062-001	The Office of the Governor, Division of Governmental Coordination has coordinated the State's review of your Draft Environmental Impact Statement and Proposed Land and Resource Management Plan (Plan) for the Chugach National Forest. This constitutes the comments of the State of Alaska and the Alaska Departments of Fish and Game (DFG). Natural Resources (DNR), Environmental Conservation (DEC), and Community and Economic Development (CED). The State of Alaska remains committed to the forest planning process and an ongoing collaboration in Chugach Forest adaptive management. The State would like to commend the Forest Service on the collaborative and consensus-based approach used in Grafting the broad range of alternatives and in developing the proposed revised Plan. While we may not agree with every part of this plan, the State believes the Forest Service is doing a good job of engaging Alaskans to seek fair compromises in finding solutions to Chugach issues. In order to be successful, the FS must collaboratively monitor the success or failure of these compromises and adjust the Plan accordingly, on an ongoing basis, in an integrated effort with State of Alaska, Alaskan stakeholders, and local communities in an adaptive management framework. This is essential to integrate management of challenges across different land ownerships and to resolve key issues such as snow machine/non-motorized user conflicts appurtenant to the Kenai Peninsula road system. Brown bear habitat protection and management, and coordination of State, Federal, and private recreation infrastructure and management into the future. The State commits to working with the FS, Alaska stakeholders, other agencies, and communities to articulate an integrated sustainable recreation vision for the Chugach/Kenai/PWS ecosystem to avoid the cumulative impacts of piecemeal management on this critical area. Our comments on key issues are below, followed by chapter and page-specific remarks. Adaptive Management The final Plan should explicitly address adaptive management and collaboration with State agencies, local communities, and other Alaska stakeholders in Chapter 1, Chapter 4, as well as in the introduction and content of the other chapters, as appropriate. Coordinated Recreation Infrastructure The State urges the FS to maintain the flexibility in the plan prescriptions to accommodate uplands areas for some future recreation developments, such as lodges or hardened campsites, as opposed to forcing those developments to occur on less appropriate State tidelands locations where overall ecosystem and visual impacts could be greater. The plan should clarify that; while there are two locations specified for possible future lodge development (Port Wells and Glacier Is.), this may be an allowed use under other prescriptions. Utility of the Final Plan The Forest Plan should be a stand-alone document to the maximum extent possible for ease of understanding, and since this is the document that will be used by most everyone in the future rather than the EIS. Relevant portions of the EIS (and other documents) should be incorporated in the Forest Plan. Numerous times other documents are referenced in the plan text but it has been difficult to locate the references. It would be much simpler if the relevant sections were either included as an appendix to the Forest Plan or are summarized and included directly in the text. The description of the Preferred Alternative needs to be part of the Plan itself, not an appendix. The relationship of the plan map to the Description of the Preferred Alternative in Appendix A is a critical linkage that needs to be established and clearly stated in the text. A significant problem throughout the National Forest planning process has been the inability to understand the intended management direction for a particular area (polygons in map) since all prescriptions are meant to apply uniformly in all areas.

These prescriptions, in many cases, only make sense when their application to a particular area is described.

Recreation User Conflicts Near the Road System on the Kenai Peninsula
The State recognizes the extensive efforts of the FS to resolve difficult motorized/ non-motorized recreational user conflicts through innovative approaches such as 'timeshare' between snow machines and non-motorized recreation. In order to continue to adequately respond to community needs and concerns, the State believes more work is necessary, and additional options explored, to craft acceptable solutions at Lost Lake and the Twentymile River areas. Additional processes over time may be necessary to craft durable solutions to these challenges.

Brown Bear Habitat
Brown bears represent a significant component of the Kenai Peninsula ecosystem and are enjoyed by residents and visitors alike. DFG, recognizing this importance, has cooperated with the public and other management agencies in the identification and protection of limited important habitat resources essential for the Kenai brown bear population.

Recent research by DFG has increased our understanding of what represents important habitat, however many unanswered questions remain. The FS should remain vigilant in the protection of the important habitat areas already identified, and work cooperatively with DFG to fund and coordinate future research efforts for the development of a dynamic conservation strategy for the Kenai Peninsula brown bear.

The FS should incorporate adaptive management into all components of the Plan that impact brown bears. This adaptive management should not be limited to just the feedback from proposed monitoring (page 4-1, line 10 of the Plan). Much new information on bears in general and on Kenai brown bears in particular, will be released in the next 12-24 months. The Service should ensure that those additional data are incorporated into the management strategies.

Brown Bear Issues: Proposed Revised Land and Resource Management Plan
The State urges the FS to program more than the indicated $18,000 a year to gather information on brown bear population trends. The Plan identifies several locations on the forest as brown bear core areas. It is not clear how these areas were identified. The brown bear has been identified as a management indicator species (MIS; DEIS page 3-188; table 3-45), however the FS does not present any reasonable way to monitor this species. The methods for monitoring brown bears (page 4-8, table 4-1) are inadequate due to the fact that 'harvest statistics' do not provide a reliable data source, given the sporadic hunting seasons for Kenai brown bears. The FS must collaborate with DFG to integrate new information and research techniques, monitor the success or failure of management actions, and adjust the Plan accordingly, on an ongoing basis, in an integrated adaptive management framework. Additionally, it is not clear what 'bear mortality data' are or how the data will be acquired. Finally, 'population surveys' are

often cost prohibitive, and the Plan does not specify when or by whom these will be conducted.

The Plan (pp 3-55; lines 1236-1252) allows for vegetation management, which presumably is synonymous with logging. It even allows that 'Created openings in the forest cover may be present' (pp 3-55; line 1246), which implies clearcuts, and the wording clearly opens the door for salvage harvesting (pp 3-56; line 1284). Regardless of the intent of the logging or vegetation management, any roads left open afterwards will increase the risk to bears. The FS must collaborate with DFG to monitor the success or failure of these actions and adjust the Plan accordingly, on an ongoing basis, in an integrated adaptive management framework.

The Plan indicates that guided bear viewing activities will be accommodated (page 3-58; lines 1309-1311). Successful bear viewing frequently entails habituation of bears to people, which could be problematic for a hunted population such as the Kenai brown bear. It is possible that bear viewing activities by humans could push some classes of

bears off salmon streams or possibly disrupt the normal bear-bear behavior exhibited while feeding for salmon. The FS must collaborate with DFG to monitor the success or failure of these actions and adjust the Plan accordingly, on an ongoing basis, in an integrated adaptive management framework.

Brown Bear Issues: Draft Environmental Impact Statement (DEIS)
The DEIS indicates that scientific input was sought while developing alternatives (pp. 2-13; lines 412-427). The FS should cite the input and information used to determine that the population of brown bears is currently healthy and stable.

The DEIS identifies late summer as an important time for bears along salmon streams (page 3-192; line 4348), and forestwide guidelines were developed to help protect bears along streams (DEIS, page 3-212; line 5031-5050). The current buffer width of 750 feet is very narrow and likely does not reflect the actual use of habitat by Kenai brown bears, as recently determined by DFG research. We recognize that this information was not available to the Service until recently, which is why it is imperative that new data be immediately incorporated into the Plan. The Service must ensure that new information on streamside use by bears is incorporated into the Plan as soon as the data are made available.

Subsistence
Please cite subsistence data sources used in the Affected Environment section of the text, particularly any non-Forest Service sources. The 'ADF&G Profile Database' is referenced in the Direct and Indirect Effects section. Please clarify how the data was used.

Instream Flows
The State recommends that the FS adopt a policy of comprehensive protection of instream flows in all fresh and estuarine waters of Chugach National Forest. Sufficient water of good quality is among the most essential requirement for insuring protection of sustainable fish and wildlife populations. Base levels of instream flow protection serve to avoid potential water use conflicts from population growth, resource development, and cumulative impacts from multiple withdrawal sources. Reservation of water for instream flow protection can be acquired through the Alaska Water Use Act (AS 46.15).

Apparent Lack of Prescriptive Riparian Standards and Guidelines
Given that non-chargeable commercial timber harvesting totaling 1.51 MMBF from 375 acres 1/ is allowed under 9 of the 23 Management Area Prescriptions for the Proposed Revised Forest Plan 2/, we were surprised that no prescriptive riparian protection measures were included in either the Forestwide or Management Area Prescription standards and guidelines. In addition to the harvest volume allowed or anticipated under the Preferred Alternative, between 700 MBF and 19.01 MMBF of timber harvesting is allowed or scheduled to occur under the balance of the alternatives.

However, other than Goal 3 under the Forestwide Ecological Sustainability Goals and Objectives 3/, no specific prescriptive riparian standards are provided for protecting the biological function and integrity of aquatic systems on the forest, particularly fish-bearing lakes and Class I, II, and III streams. Specifically, Goal 3 states 'Maintain riparian areas in desired condition for fish, other aquatic life, and riparian dependent species and to provide for the maintenance of ecosystem processes, including important aquatic and land interactions and high quality water related recreation.' However, without uniform prescriptive standards, it is difficult to determine how the Forest Service proposes to consistently achieve this goal.

1/. DEIS, Tables 2-7 and 2-8.
2/. Proposed Revised Forest Plan, (Chapter 3), Management Area Prescription Activities Tables.
3/. Proposed Revised Forest Plan, page 2-3.

For example, none of the Forestwide standards specifically relate to the protection of

riparian areas. The only mitigation pertaining to riparian areas is in the form of a guideline which, according to the Proposed Revised Forest Plan (page 2-7), is an advisable course of action that may be followed to achieve forest goals but is optional. That guideline is Soils Guideline 2.a, which states 'Minimize stream bank disturbance within 25 feet of Class I, II, or III streams.' Consequently, it appears that no provisions have been made for ensuring that a long-term source of large woody debris, detritus (litter input), and shade is maintained along all estuaries, lakes, and Class 1, U, and III streams on and adjacent to the forest.

The only mention of specific riparian protection standards occurs on page 3-30 of the DEIS, which states 'To date, riparian areas on the Forest have not been mapped or specifically defined. Under the State of Alaska's Forest Practices Act, the Forest provides for riparian protection zones up to 100 feet wide along streams and lakes, These riparian buffers are in/ended to protect stream water quality (primarily sedimentation) from adverse effects of timber harvests.' Does this imply that the riparian standards for state lands will be those that will be used on the Chugach? If this is the case, then it should be reflected in the Forestwide standards to ensure that these measures are implemented consistently across those areas of the Forest where timber harvesting is proposed.

In addition to the State Riparian Standards set out in AS 41.17.118(a)(2)(A) & (B), the Slope Stability Standards of the State Forest Practices Regulations (11 AAC 95.280) must apply as well. These include the following:

11 AAC 95.280(b) - 'On all slate lands and on all other public lands, the slope stability standards in this section apply to the following area:
(1) in Region I [the coastal spruce/hemlock forest], within WO feel of an ordinary high wafer mark of an anadromous or high value resident fish water body, or a water body with a gradient of 12 percent or less that is tributary to an anadromous or high value resident fish water body, and within 50 feet of all other tributaries to anadromous and high value resident fish water bodies;
(2) in Regions II [boreal forest south of the Alaska Range] and III [boreal forest north of the Alaska Range], within 100 feet of an ordinary high water mark of an anadromous or high value resident fish water body.'

The specific slope stability standards for these areas include the following:

11 AAC 95.280 (d) -- 'An operator shall adhere to the following standards when conducting timber harvest activity in an area identified in (a) and (b) of/his section:
(1) avoid constructing a road that will undercut the foe of a slope that has a high risk of slope failure;
(2) within the riparian area of streams not subject to AS 41.17.116(a)(3)(B) or 41.17.116(a)(4)(B) [which apply only to private land within the coastal spruce/hemlock forest], in the operator's discretion, leave low-value timber where prudent;
(3) achieve full or partial suspension in yarding operations;
(4) fall timber away from streams in V notches;
(5) avoid sidecasting of displaced soil from road construction to the maximum extent feasible.'

Taken together, these two sets of standards form the primary protection measures for riparian areas on state lands and all other public lands 4/ that are subject to timber harvest activities. However, these standards are much less restrictive than those that were developed for the 1997 Tongass Land Management Plan (TLMP) Revision, which included new protections for Class III non-fish-bearing headwater streams, as well as new channel type process group-specific buffers for Class I and II streams.

The impetus for the increased riparian protection afforded by the TLMP Revision was the 1995 Forest Service Region 10 Anadromous Fish Habitat Assessment (AFHA), a report to the U.S. Congress summarizing the effectiveness of current (pre-TLMP Revision) procedures for protecting fish habitat on the Tongass. The AFHA report (page 7) concluded that 'Current practices on the Tongass do not meet either the goal

of the Tongass Land Management Plan to preserve the biological productivity of every fish stream on the Tongass,' or the long-term goal of avoiding the possible need for listing of salmon and steelhead stocks under the Endangered Species Act.' One of the chief findings that resulted in this conclusion was that 'Perennial non-fish-bearing streams (Class III streams important for wafer quality) were not given enough protection to fully control sedimentation and prevent probable long-term degradation of fish habitat in downstream waters in all-watersheds examined' (AFHA, Page 8).

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4/. 'other public land' means state land managed by state agenda other than the Department of Natural Resources.
land owned by a municipality, and land owned by the University of Alaska.

Consequently, even though the historic and projected future levels of timber harvesting on the Chugach are much less than those on the Tongass, the same underlying concern should exist for the protection of Class III streams, especially within the coastal spruce/hemlock forests of Prince William Sound, which has the highest density of such streams on the Forest. In addition, the minimum riparian standards for state lands that the Alaska Forest Practices Act and Regulations require are even less protective than the pre-1997 TLMP Revision standards that were found to be less than adequate in the long-term protection of anadromous fish habitat. Therefore, we recommend that the final Plan include prescriptive riparian standards and guidelines similar to those that were developed for the 1997 TLMP Revision.

Ability to Maintain New and Existing Roads
While the relatively small decadal increase in total open roads for Alternatives B, C, D, E, F, and the Preferred Alternative appear to be manageable in terms of maintenance, the substantially large increase in the miles of roads proposed under the No Action Alternative and Alternatives A and B do not. This is particularly true given the uncertainties involved in obtaining maintenance funds over and beyond the ten-year period during which these roads are anticipated to be constructed. According to the Forest Service Roadless Area Conservation Proposed Rule, the ability of the Forest Service to mitigate the detrimental effects of roads (such as impacts to water quality and fish passage) nationwide is limited by an $8.4 billion maintenance and reconstruction backlog and current receipts of only about 20 percent of the annual funding needed to maintain the existing road system to current environmental and safety standards. Therefore, unless future funding can be assured to cover the cost of maintenance, a conservative approach should be taken when considering additional miles of road construction on the Forest.

Heli-Skiing
The State is concerned about the potential impacts of increased heli-skiing and heli-hiking in important goat and brown bear areas. The State recommends working closely with commercial operators and the DFG to identify access routes and landing sites in the area north of Jack Bay (Units P198, P222) to minimize impacts. For the past few years, DFG and the FS have been working on issues related to helicopter disturbances of mountain goats on the northern Kenai Peninsula and the Girdwood area (GMU's 7 and 14C), as well as on summer helicopter operations for ecotourism activities within this same area. Adding units P107 and P108 near Valdez and P317 near Whittier to the back country summer and winter motorized prescription would also aid in reducing heli-skiing pressure near population centers and away from important goat and bear habitat. We encourage this type of collaborative effort for identifying access routes and landing sites in Jack Bay and all other areas on the Chugach in order to minimize helicopter disturbance to, and emphasize the protection of, abundant goats and brown bears.

Hunting Opportunities
The popularity of hunting in Prince William Sound is increasing. The areas between Valdez Arm and Unakwik Inlet (RG249 and RG252) and east of Port Bainbridge (RG266) have long been productive mountain goat registration permit hunt areas. The areas are accessed by boat and airplane, and several hunting guides are currently

operating in these hunt areas.

In addition. The northern portion of the Martin River valley is popular with bear and goat hunters (hunt area RG220) and trappers, including non-resident guided hunters (FS planning units C087, C096, C109, C143, and C147. The State supports continued hunting and trapping access into these areas.

State Authorities
The final Plan must appropriately acknowledge the state's management authorities, including deference to the state's regulatory process when decisions may affect management of State lands, hunting, fishing, trapping, and wildlife viewing opportunities. If any significant effects on activities associated with use of fish and wildlife are considered, we urge the Service to work cooperatively with the DFG and fully utilize the Boards process prior to unilaterally effecting hunting, fishing, trapping, or other activities.

The final Plan should serve community needs, taking into account State submerged lands, easements, public rights-of-way and access rights of private property owners, and be consistent with Alaska's cultural, recreational, and other values. Traditional forms of access must be allowed/maintained. In addition, the Plan should reflect that Forest Service jurisdiction applies only to the uplands along navigable river corridors. The FS must commit to a collaborative and consultative relationship with the State on these matters of access.

The Plan must recognize DNR's area plans, which include the Copper River Basin Plan, Prince William Sound Area Plan, and the newly adopted Kenai Area Plan. Also, there should be some statement recognizing the need to coordinate in the future over common or overlapping resource issues. Except for one sentence in an Appendix, there is no mention of the area plans, or any other relevant planning efforts.

State Management of Fish and Wildlife
The Plan should recognize DFG's statutory mandate to manage the fish, game, and aquatic plant resources of the State and acknowledge that this responsibility extends to all lands and waters of the State. We also request the March 16, 1998, Master Memorandum of Understanding (MMOU) between the Service and DFG be added to the list of agreements and memorandums of understanding on page D-8 of the Plan and that a copy be included for reference in the appendix.

In the Plan, many of the 23 management prescriptions allow administrative and permitted motorized access only upon approval of the 'responsible line officer'. We are concerned this approval process could limit or delay the conduct of DFG activities occurring under various management prescriptions. We therefore request that the final Plan provide for effective access for DFG management purposes.

Specific examples of areas where this might result in impact to State management activities include the headwaters of Clear Creek, the headwaters of the Martin River, and the DFG camp and weir site on the Coghill River. One example is the difficulty we experienced in making changes to the staff support facility originally constructed around 1990 at the Coghill River weir camp under a land use permit. The process was started in 1998 and took over one year, eventually requiring the Regional Forest Supervisor's involvement to resolve.

Some motorized access restrictions under the Preferred Alternative could displace and concentrate motorized use. An example of an areas where this might effect State management activities is use displaced from the Lost Lake area to the Resurrection Trail area, which supports the Kenai Mountains Caribou Herd, a moderate density of moose, and sheep and goats in limited numbers. In comparison, the Lost Lake area has no caribou or sheep and only a low density of moose below timberline.

The effects of management prescriptions on access, wildlife disturbance, and harvest patterns need to be addressed in the drafts final plan and through the adaptive management process as the Plan is implemented. Particular areas meriting further

monitoring and discussion, and their associated issues, include:

-- GMU 7 (moose management)
-- mountain goat registration permit hunt areas RG249, RG252, and RG266 (access)
-- RG249, RG220, RG252, and RG266 (goat hunting access)
-- FS planning units C087, C096, C109, C143, and
-- C 147 (bear and goat hunter and trapper access)
-- Copper River Northeastern Recommended 501(b) Wilderness Area (motorized access)
-- snowmachine use limitations on Juneau and Resurrection trails (access, recreation).

ANILCA Provisions
The plan should clarify that the ANILCA-designated Nellie Juan-College Fjord Wilderness Study Area remains subject to ANILCA Section 1110(a) which requires a specific process for modifying public access prescriptions. Other federal conservation system unit managers (the National Park Service and the US Fish and Wildlife Service) have long recognized that management plans may recommend and seek public input on access management, but actual implementation requires a proposed rule with appropriate justification.

In addition, ANILCA effectively amended both the Wilderness Act and the Wild and Scenic Rivers Act for areas designated to these systems or set aside for study. We request that the FS confirm a continuation of ANILCA management under these two systems to insure uniform management procedures on conservation system units in Alaska.

Chapter-specific comments;

Chapter 1.
The relationship between the management statements, plan map prescriptions, and the description of the preferred alternative is not adequately explained. The plan provides general prescriptions that are meant to apply forest-wide and a plan map that identifies where these prescriptions are to be specifically applied in the National Forest. It is difficult to apply these prescriptions uniformly throughout a large diverse National Forest. This limitation could be addressed by including a description of the management emphasis for a specific geographic area. The Forest Plan contains a fairly brief explanation of this in an Appendix that describes the preferred alternative. We recommend that this description be expanded so that it is clear how specific areas within the Forest are to be managed.

Chapter 2.
Resource Development.
It is unclear in the Plan that the term 'saleable minerals' includes gravel and/or rock extraction. This use should be recognized under the 'Activities Table' portion of the various prescriptions, where appropriate.

Special Uses (Non-Recreation). Standard 2.
Standard 2 does not allow shore ties, shore caches, waterlines, or other shore facilities associated with floating facilities in Category 1, Backcountry, and Backcountry Motorized prescriptions. This listing incorrectly implies that the Forest Plan exerts control over state owned tidelands and shorelands in all category 1 areas and in both prescriptions.

The State DNR Prince William Sound Area Plan allows floating facilities adjacent to areas that are recommended Backcountry and Backcountry Motorized, subject to coastal zone permitting requirements and a state best interest finding. The area plan does not authorize these facilities in category 1 areas (areas within the Wilderness Study Area.) Since essentially all of the tidelands in Prince William Sound adjoin category 1 areas as well as these two prescriptions, the effect of this recommendation could be to preclude all tideland facilities throughout the Sound that require some type of upland connection.

While DNR discourages upland shore ties, usually there are some requirements for shoreland water supply or shore caches. In discussions with Forest Service staff on

floating facilities, DNR did not agree to this standard. There are many areas that could be appropriate for tideland facilities in the central and eastern Sound. We strongly recommend (hat this recommendation only apply to uplands within category 1 areas.

Special Uses (Non-Recreational). Guideline I.
This standard suggests that the State of Alaska avoid locating floating facilities adjacent to Backcountry areas. DNR opposes this standard as it applies to Backcountry areas, for the reasons noted above. We recommend that the reference to 'Backcountry areas' be deleted in the wording.

Chapter 3.
Management Area Prescriptions
Introduction: Activities Table.
The State recommends that a sentence be added following the 'Activities Table' statement that explains the relationship of the 'Theme' to the 'Activities Table'.

Although a variety of uses are authorized in an 'Activities Table' for the prescriptions, clearly the intent of the Forest Plan is to make decisions on authorized uses relative to the intent of the prescription. This is not directly stated. A statement recognizing the overall impact of authorizations should also be included. Subsequent permitting actions should not only take into account the management intent, but the overall effect of permitting actions. This condition exists for most geographic areas, but especially for sensitive, Category 1 areas. The direct linkage between the intent (theme) and the activities that are subsequently authorized needs to be described.

Backcountry Management Area - Category 2.
The State supports the distinction between backcountry (nonmotorized), backcountry (winter motorized), and backcountry (winter and summer motorized). The creation of three types of Backcountry prescription - at the request of the public and agencies - provides a way to allow various types of motorized use while maintaining an overall theme of minimally disturbed natural landscapes.

However, the distinction between Backcountry and a similar prescription, Backcountry Motorized, is not clear and needs to be better described. The only apparent difference is that 'SUP Destination Lodges' is allowed under the 'Activities' table of the latter. This one difference is not sufficient to warrant a separate prescription by itself. Our understanding is that the principal difference is one of allowed intensity of use, but the theme and management statements do not indicate this. A more comprehensive discussion and explanation is required.

The State recommends that the Backcountry prescription 'Use and Occupancy Activities' matrix include 'SUP Destination Lodges' as a conditional use. The added flexibility may be important in order to respond to increased recreation activity in the western sound where intensive recreation growth is anticipated. We also recommend that other water related uses that are likely to be needed in this area be included in the 'Activities' table. For example, boardwalks adjacent to docks, interpretative areas/sites, and waste disposal sites related to boat landings are not identified.

The State also believes it is important to explain the varying intensity of possible authorized uses within areas designated Backcountry. This recommendation is related to our previous comments on the need to relate the theme, management intent, and subsequent permitting actions under the Activities Table for various prescriptions.

The State maintains that it is possible for the 'intensity', or the number and range of uses that could be applied under a prescription, to reasonably vary in different areas of that prescription. This concept of 'intensity' in application should be explained under the Theme section of the Management Area Prescriptions chapter (page 3-1). It should also be reiterated under the Backcountry prescription 'theme' and 'social systems desired condition' sections (page 3-31) since this prescription is used so widely throughout the Forest Plan.

Backcountry Motorized Management Area - Category 2

See previous comments on Backcountry, above. The distinction between Backcountry and Backcountry Motorized needs to be reiterated in this section. A related issue is that of consistency in prescription application. It is not apparent why the Forest Plan recommends Backcountry (winter and summer motorized) in one part of the National Forest and Backcountry Motorized in another part. For example, Backcountry (winter and summer) is used in the Kenai Peninsula, but Backcountry Motorized is used in the Valdez area. If there is no real difference, we recommend the use of the Backcountry (winter and summer), and if there is a difference, this needs to be better explained.

We also recommend that the Forest Plan provide an explanation of the flexibility in the intensity of use associated with this prescription. The theme gives an overall management intent for the prescription, but uses are identified in the Activities Table that could, if authorized extensively in subsequent permitting processes of the Forest Service, undermine the underlying intent of this prescription.

501(b) Recommended Wilderness Management Area
The State believes fish and wildlife should continue to be priority resources in the Copper River area. This is responsive to local community needs and concerns -
Fish, Wildlife, and Recreation Management Area - Category 3
DNR supports the use of this prescription where a number of multiple management objectives need to be accomplished within a given area. There can be difficulty in using and interpreting the intent of this prescription within a specific area, however, unless management intent language is provided that describes the main management objectives and where/how this prescription is to be applied in subunits of an area. For example, there is no discussion on how this prescription is to be applied in large parts of the Peninsula. From our knowledge of the area, it is likely that many of the areas with this prescription are intended for forest restoration, recreation facility development, and protection of brown bear habitat. Without knowing what is intended, though, this is only

a guess. One of the major reasons for preparing a management plan is to have a reasonable idea of what will occur in an area, to provide predictability of management -- for both the management agency and the public. The Forest Plan needs to be revised to provide this level of specificity. This is especially true for multiple use prescriptions where the potential for misunderstanding is likely to be greatest.

Backcountry Groups Management Area.
This prescription is intended to be used for small, site-specific developments and not for use over large areas. We concur with the use of this prescription, but its use seemingly is limited to two development areas in the entire Sound. This very limited application should be stated in the text since a prescription typically receives extensive use.

More importantly, DNR is concerned that the interpretation could be made that upland development in locations other than the two sites will be inconsistent with the National Forest plan. DNR has worked very hard with the Forest Service to develop a management approach to state tideland use that is coordinated with the Forest Plan. There are instances where state tideland authorizations for floating facilities are not appropriate. Development could better occur on the uplands where there may be easier methods for waste disposal, facility development, and screening. The text needs to be clarified to ensure that this prescription does not necessarily preclude similar types of upland development at other sites affected by different prescriptions.

314. Forest Restoration Management - Category 3.
In lines 1603 through 1608 mention is made of how this prescription is to be applied adjacent to road corridors. We recommend that this description also include management of the spruce bark beetle infestation. In addition, we recommend that the text be expanded to include a description of the management intent of this prescription as it applies to the Hope area, where this prescription is used extensively. A statement is needed indicating the intention of the Forest Service to work with that community in the development of forest restoration plans.

341. Developed Recreation/Reduced Noise Management Area - Category 3.
The State supports this prescription and suggest that the FS apply this category to some

existing and new campgrounds. Only three campgrounds use this prescription under the preferred plan. Would this not also be appropriate in others? It would seem that this prescription would be appropriate for all new campgrounds since siting and design flexibility still exists.

521 Minerals Management Area - Category 5.
The State appreciates the inclusion of this new prescription since it provides additional clarity regarding the mineral development process. However, it is unclear how this prescription relates to the (Minerals' component of the Standards and Guidelines for other prescriptions. Reference to this component should be made in each Standards and Guidelines section or language should be included that indicates its applicability under each prescription where mineral development is allowed. It would also help if the relationship between this section and the 'minerals' component under Standards and Guidelines could be clarified. We presume that this prescription is in addition to any standard identified in the Standards and Guidelines section.

Plan Map Comments

Plan Map and Description of the Preferred Alternative.
The relationship of the plan map to the Description of the Preferred Alternative in Appendix A is a critical linkage that needs to be established and clearly stated in the text. A significant problem throughout the 'National Forest planning process has been the inability to understand the intended management direction for a particular area (polygons in map) since all prescriptions are meant to apply uniformly in all areas. We understand that the Forest Service believes that the lack of specificity in its prescriptions is a significant benefit. However, these prescriptions, in many cases, only make sense when their application to a particular area is described.

The State urges the FS to articulate in the Preferred Alternative what uses are actually intended out of all the allowed uses, in as geographically specific manner as possible. The absence of clarity of management intent is a real problem with multiple use prescriptions, especially the Fish, Wildlife, and Recreation prescription. Recognizing that the Plan Map is directly related to the 'Description of the Preferred Alternative' would resolve, for the public and the agencies, the problem of vagueness in the multiple use prescriptions. Linking these would explain the plan's intent for resource management in a particular area. It is difficult to decipher what the plan intends for an area through an interpretation of just the prescriptions and map alone. We further recommend that the explanations in the 'Description of Preferred Alternative' be expanded, particularly in instances where multiple use prescriptions apply (i.e., FR and FWR) and cover large areas. In the final plan this section should be referred to as 'Description of Forest Plan'.

Interests Emphasized - Resource Production.
The Plan 'emphasizes' road accessible personal use/free forest products, small-scale commercial (non-chargeable) harvest, and special forest products (page A-2). This section needs to be corrected. First, personal use/free forest products may not necessarily road accessible. Second, the location of small-scale commercial harvest and the relevant prescriptions need to be identified. We understand that such industry is intended specifically for the Forest Restoration and Fish, Wildlife, and Recreation prescription areas on the Kenai Peninsula and in some areas east of Cordova adjacent to highways/roads. This needs to be stated more explicitly. Finally, the term 'special forest products' needs to be defined. Conversations with Forest Service staff indicate that this term refers to vegetation control. If this is intended, it is not readily apparent.

Kenai Peninsula
The State generally supports the recommended designations for this area. We recognize that the Forest Service has worked hard to satisfy all of the competing interests, and the proposed prescriptions accommodate most of our concerns. These include the protection of Brown Bear concentration areas, treatment of beetle infested areas, provision for mineral development, supply of commercial timber to small operators, continuation of current snowmobiling use in many areas, use of the FWR prescription coupled with application of the Scenic Corridor Plan along the Seward Highway, provision of some areas for nonmotorized use, and use of the Recreation River prescription for Six Mile

Creek and the Upper Fork of Six Mile Creek.

The State is unclear as to what exactly is intended for the intersection area of the Seward and Sterling Highways, specifically Developed Recreation prescription polygons 341, 441, 147, 148, 151, 153, 157, 161, 163, and 164.

Placer River - Portage - Twenty Mile
The State generally supports the recommended designations within this area, which accommodate continued snowmachining in the existing use areas, and the use of the FWR prescription adjacent to the areas of facility development and intense recreation use in the Portage Valley. In order to continue to adequately respond to community needs and concerns, the State believes more work may be necessary, and additional options explored, to craft acceptable solutions in the Twentymile River area. Additional processes over time may be necessary to craft durable solutions to these challenges.

Prince William Sound
Fishing and seafood processing together are the number one private sector employer in Alaska, and the salmon streams of the Chugach forest are significant fish producers. In the Chugach National Forest the Copper River and its tributaries such as the Martin River, stands out as one of Alaska's premier Salmon rivers. The Copper River Delta is a haven for anglers, hunters, wildlife watchers, and hikers. Determining the best way to afford strong protection to the Copper River area, consistent with the Alaska National Interest Lands Conservation Act, is an important component of the land management planning process.

The State concurs that the primary management orientation of this large area should be recreation and protection of the inherent natural values of this large, unique region. We also concur with the use of flexible prescriptions within those areas of the western Sound expected to be impacted by additional recreation use made possible by the Anderson Tunnel. We are also pleased that areas of high mineral potential are recognized in the text and plan map, providing for the ability to appropriately pursue mining operations.

Variation in Intensity of Use.
The Forest Plan should state in the Description section what variation in use intensity within the Sound is intended, especially within its westernmost area. Our understanding is that small, dispersed developments (page A-4) are intended within a radius (20-30 nm) from Whittier within the Backcountry prescription. Limits on the number, kind, and intensity of (development) authorizations within the Backcountry prescription are also expected, consistent with the theme of this prescription, particularly in the areas of Blackstone and Cochrane Bays, Perry Island, and Culross and Esther Passage. The intensity of authorized uses is believed to be even less beyond the radius and, if this is accurate, it needs to be stated.

Montague Island.
DNR recommends the use of the FWR prescription in western, southwestern, and parts of southern Montague Island. (Polygons 5)3, 515, 583, 516, 519, 517, 520, and 584). The FWR prescription is more appropriate given that this part of the island has been used for timber harvest and this use may be appropriate in the future. The FWR prescription would retain that possibility.

Valdez - Cordova Area
Sawmill Bay.
The State is concerned with the use of the Backcountry Motorized prescriptions adjacent to Sawmill Bay State Marine Park (specifically polygons 200, 201, 202, and 204). This area should be designated Backcountry Nonmotorized.

Sawmill Bay is a small cirque-type fjord with productive estuaries and very steep hillsides. Both the estuaries and the hillsides are inappropriate for ATV/ORV use from the standpoint of user safety and impact to the environment. The amphitheater configuration currently amplifies noise from helicopters transiting the area. Noise from helicopter landings would be louder and more resonating than normal because of the bay's configuration.

Boswell Bay.
The forest prescription seems to overlap the pending and existing boundaries of the state marine park at this location. This is inappropriate.

Polygons south of P222.
The State is uncertain if this is an active area for snowmobiling, in which case the use of the Backcountry (Winter Motorized) prescription might be appropriate.

Carbon Mountain Road
The State recommends that any prescription immediately adjacent to this state patented road be flexible enough to accommodate highway-related improvements. This could be accomplished through the application of the FWR prescription for this distance along the highway corridor, similar to the management approaches taken on the Seward and Copper River highways.

Other Plan Map Comments

The map legend needs the following revisions:

The notation 'Not for Conveyance' needs to be explained; usually this can be accomplished through use of a footnote on the map. Very few people understand what 'conveyance' means and the Plan Map needs to indicate what is meant and whether these arc probable areas of conveyance or, simply, all areas of possible conveyance. It would also be helpful to indicate that the conveyances would occur to the state and native corporations.

Certain items in the Legend are not pertinent to the Plan Map. Certain information is irrelevant to a plan map and should be deleted (Anchor Buoy, state mariculture permit, state tideland permit, fish hatchery). These are carryovers from previous background maps and are no longer appropriate for inclusion.

Comments on Appendix A - Description of the Preferred Alternative

The importance of this Description needs to be stressed, as it is an essential tool in understanding the plan and properly administering the National Forest in the future. Because of its importance, this section needs to be part of the Plan itself - not an appendix.

Because of the central importance of the Appendix, our review comments follow, Where we have already stated a position on use of a prescription previously, it is not repeated here:

Kenai Peninsula.
The State understands that, in addition to the areas of Forest Restoration, areas designated FWR containing spruce bark beetle affected areas are also intended to receive treatment, particularly relating to life and safety near communities. The text states that this prescription is to be applied to Selected sites' along the Seward Highway. We interpret this to mean areas immediately adjacent to the highway. However, there are very large FWR areas situated south of Hope, along the Hope Highway leading into that community, adjoining Cooper and Kenai Lakes, and generally east of the Moose Pass area that do not seem to be 'sites'. If infestation sites within these areas will be similarly managed, this needs to be clarified. It is also our understanding that certain areas designated FWR are intended for recreation development and some are essential to brown bear movement. It this is correct, these clarifications need to be included as well.

The State understands that small-scale commercial (non-chargeable) timber operations would be allowed and are appropriate. The DNR Division of Forestry has consistently mentioned the need for a predictable timber supply program for small operators in the Kenai Peninsula. This program is also appropriate to the Cordova area. The opportunity/appropriateness of such a program should be clearly stated in the text.

The State recommends that the Forest Plan be more explicit concerning the development of adequate use facilities along the Seward Highway and at trailheads. Trailheads and road pullouts are the principal use areas, besides the trails themselves. More planning and infrastructure - in collaboration with State agencies - needs to be provided for these

areas. The importance of this should be emphasized as a policy or goal in Chapter 2, Further refinement of facility location/development should be made in Chapter 3.

Prince William Sound
The text 'emphasizes small, dispersed developments to accommodate projected increases in recreation use due to the new Whittier Road. Emphasis on this type of development is placed within a projected 'day' use' zone from Whittier -- see map.' We recommend that the text state that the prescriptions within this area are intended to accommodate the expected demand. There are a number of these prescriptions, but it is our understanding that development is really intended to occur in areas designated Backcountry. (It probably is not intended in areas designated FWC or Wilderness.) However, we could find no indication of the 'map'. A map should be provided or the day-use boundary noted on the Plan Map.

The text states that 'Upland resorts and tideland commercial float facilities are encouraged only in Sheep Bay, Simpson Bay, and the entrance to Port Fidalgo. Management prescriptions will be coordinated with the State of Alaska Area Plan.' We are concerned that this statement makes reference to tideland areas, which are owned by the state. Please clarify that this is a recommendation to the State regarding a revision to our area plan. Alternatively, the statement should be dropped altogether.

Comments on Appendix C - Access Management Plan

The appendix does not adequately identify Omnibus roads and RS 2477 Easements. The Plan states that it only identifies National Forest roads and trails.

The plan text does not reference this Appendix. The text typically states that motorized uses are allowed on designated routes and trails, but should state that the referenced routes and trails are those identified in this Appendix, unless 'routes and trails' is a general type of statement and can apply to many different forms/types of routes and trails, not just those identified in the Appendix. This requires clarification.

The final Forest Plan needs to explain the basis for the determination of allowed/not allowed uses on trails and easements. There are many subtle differences between the allowed uses on trails between the various alternatives. For example, regarding the Childs Glacier S trail/easement, in the preferred alternative (as depicted in Table C-2), horses and bicycles are not allowed, bat snowmachines and dogsleds are, while in the no action alternative bicycles and horses are allowed but snowmachines and dog sleds are

not. The management prescriptions do not appear to be specific enough to explain why the allowed use of these trails varies. While we have cited this one example, there are many others, particularly with regard to the various types of non motorized uses such as horses and dog sleds.

General Comments

The Wilderness Study Area, and its implications to the management of the western Sound, needs to be described. The Forest Plan and the Plan Map should explain interim management intent and the interaction between the WSA and the Forest Plan.

A list of definitions and acronyms must be included in the Forest Plan. The reader is routed to the EIS for this information, but this information is lost amongst all the data in that document.

Page Specific Comments

Proposed Management Plan

Page 2-10. line 327 -- This standard(s), which by definition, 'must be followed' (p 2-7), sets a minimum altitude restriction for Service permitted or approved aircraft flights. As previously mentioned, only the FAA has jurisdiction over airspace. Thus, we request the Service modify this standard and others that address aircraft over-flights to clarify that altitude minimums are advisory only.

Page 2-11. line 373 - We request that guideline 3, 'Maintain a 2,640-foot (1/2 mile) no disturbance buffer around active trumpeter swan nests . . .' address potential impacts to DFG's ability to conduct long standing fisheries research projects on Copper River Delta lakes. DFG typically uses floatplanes to access these small lakes, occupying each site for 2 or 3 days each summer using beach seines to sample sockeye salmon. We will, however, make every effort to mitigate potential impacts to nesting swans when routine fisheries surveys require us to encroach beyond the recommended 1/2 mile buffer.

Page 2-23. line 590 - Guideline 3 states, 'Temporary administrative facilities or camps should be in place no more than two seasons and the site rehabilitated after removal.' This two-season removal requirement could interfere with DFG management activities that require temporally facilities for more than two seasons to accomplish project objectives. Site locations are often selected based on terrain conditions and logistics, making it impractical to move the temporary facility to a new location. We urge the

Service to consider adopting a definition for temporary facilities consistent with that adopted by the Fish and Wildlife Service:

> The term 'temporary' refers to any structure or other human-made improvement which can be readily dismantled and removed from the site when the period of authorized use terminates.

Page 3-30, line 708 - This sentence states that administrative facilities are not allowed. This is inconsistent with the table on page 3-28, which shows administrative facilities as being allowed consistent with management intent, standards, and guidelines.

DEIS Page xxi, line 52 - ANILCA should be listed under the list of federal legislation applicable to planning for National Forest System lands in Alaska.

DEIS Page 1-1, line 24 - This line should be corrected to refer to the Alaska National (not Native) Interest Lands Conservation Act.

DEIS Page 3-92, line 148 - Fish Management Indicator Species - We urge caution in using cutthroats as an indicator species in Chugach National Forest. Because Prince William Sound is the most northern and western extent of the cutthroat range, populations may be more influenced by natural factors than by the effects of 'management activities.' The small, scattered populations will also be difficult to monitor for changes.

DEIS Page 3-182, lines 4013 - The State requests that 'Alaska wildlife agencies' be replaced with Alaska Department of Fish and Game.

DEIS Page 3-439, Line 704 notes that recreation and tourism employment in the region is projected to increase at the same rate in all alternatives over the next ten years. Please cite the data, growth rates, and specific projections used.

DEIS Page 3-442, Line 823 of the draft notes that recreation and tourism is projected to increase at the same rate in all alternatives over the next ten years and that the demand for dispersed recreation over the next ten years will be met in all alternatives, but that demand for developed recreation will not. Again, the FS should cite the specific projections and rate used to calculate changes in the demand for recreation and tourism in general, and specifically for dispersed and developed recreation.

As noted in the previous paragraph, the plan will provide a ten-year supply of opportunities for dispersed recreation. However, since this plan has a 10-15 year planning horizon and it has been at least 16 years since the last plan update, the FS

should commit to collaborate with the State in an adaptive management regime which update the plan and reevaluates and amends the supply of opportunities for dispersed recreation to meet continued demand.

DEIS 3-442, Line 225, states that there are four industries that use the forest related resources of the Chugach National Forest: commercial fishing and processing, tourism and recreation, wood products, and minerals. Information presented in Figures 3-83, 3-84, and 3-85 show that regional employment in the visitor industry (5.4-13.4%) greatly exceeds that attributable to wood products (0.1% to 1.8%). Even though the importance of the visitor industry to the local economies greatly exceeds that of wood products, a quantitative analysis of the economic impacts will only be conducted for the wood products industry. It is noted on Page 3-439, Line 714, that an impact and efficiency analysis of the visitor industry will not be conducted because geographical data concerning visitation and expenditures is not available (Page 3-439, Line 714).

The State realizes that there is a deficiency of tourism data in Alaska as a result of the delay in the updating of the Alaska Visitor Statistics program by the Alaska Department of Community and Economic Development. While we are currently in the process of updating that information, it will not be ready until the fall 2001. In the interim, we completed a tourism economic impact analysis in 1998 that, coupled with the data collected from commercial tourism operators through their Special Use Permits (SUP) and Actual Use Reports, should be sufficient to estimate the quantitative economic impacts of changes in forest management practices to the visitor industry. The FS should use the information collected through the SUP and the 1998 study to complete an analysis of the economic impacts to the visitor industry in the region, and commit to adaptive management to incorporate and implement new information in collaboration with the State.

In conclusion, the State of Alaska appreciates the opportunity to submit comments on the Proposed Plan and we look forward to working with the Forest Service to manage all public lands in South Central Alaska in a positive, responsive, and collaborative manner, If you have any questions regarding these comments, please contact Rex Blazer (907) 465-8791 (rex_blazer@gov.state.ak.us).

issues. The ability of any Alaskan or group of Alaskans to craft and articulate a draft plan alternative was an innovative and welcome approach to the planning process.

The State does not agree with every part of this plan, however. I am enclosing specific comments and recommendations from our State agencies, which we hope will contribute to a stronger and more responsive final plan. The enclosed comments also identify management concerns that will require ongoing attention as the plan is finalized, implemented, and amended over time. Doing so will help manage and resolve issues such as motorized and non-motorized user conflicts, brown bear core habitat protection, and coordination across municipal, state, federal and private land ownership boundaries.

A national treasure, the Chugach offers tremendous opportunities for sustainable development of tourism and recreation opportunities while maintaining the magnificent natural setting which draws so many to visit Prince William Sound. The natural resources of the Chugach also contribute to subsistence activities, jobs and economic vitality at the local community level and throughout southcentral Alaska. Fishing, recreation, transportation, wood products, and mineral resources are important enterprises with a strong connection to multiple use management of the Chugach.

Our shared challenge is to achieve a balance between economic development and diversification, and the protection of the freshwater streams, wildlife, and coastal habitats which are the biological heart of the Chugach. The Copper River delta area is renowned for its world class king and sockeye salmon fisheries, wildlife habitat, and one of the most important migratory bird habitats in North America. The Alaska National Interest Lands Conservation Act (ANILCA) specified that the conservation offish and wildlife and their habitat should be the primary purpose for management of the area, thereby assuring adequate protection of the Copper River region of the Chugach.

In addition to the Copper River area the mountains and bays and fjords of Prince William Sound, the gateway islands-Hinchinbrook and Montague, and the Kenai Peninsula are all integral parts of the overall Chugach ecosystem. The long-term health of the region's economy and environment depends on protecting the watersheds of the Chugach National Forest and preserving a clean, healthy marine environment in Prince William Sound.

Thank you again for this opportunity for the State of Alaska to comment on the draft Chugach forest plan. Please contact Project Analyst Rex Blazer (907) 465-8791 if we may be of any further assistance as this plan develops.

Sincerely,

Patrick Galvin
Director

Enclosure

cc: Rick Cables, Regional Forester
Michele Brown, Commissioner, Department of Environmental Conservation
Deborah Sedwick, Commissioner, Dept of Community and Economic Development
Frank Rue, Commissioner, Department of Fish and Game
Pat Pourchot, Commissioner Department of Natural Resources
John Sisk, Governor Knowles Office
John Katz, Governor Knowles Office, DC

0029065-001

On behalf of Alaska Center for the Environment, Alaska Quiet Rights Coalition, Alaska Wildlife Alliance, Eastern Kenai Peninsula Environmental Action Association, National Parks Conservation Association, National Wildlife Federation, Natural Resources Defense Council, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society, Trustees for Alaska submits the following comments on the Draft Environmental Impact Statement (DEIS) and the Forest Service's Proposed Revised Chugach National Forest Land and Resource Management Plan (Revised Plan). These comments focus on issues surrounding Section 1110(a) of the Alaska National Interest Lands Conservation Act (ANILCA) and its implementation on the Chugach concerning the use of snowmachines, motorboats, and airplanes for traditional activities. The above organizations will address other issues in their individual comments on the DEIS and Revised Plan. Also, Trustees for Alaska is submitting separate comments on the DEIS dealing with issues surrounding tidelands and submerged lands on the Chugach.

The Forest Service needs to define 'traditional activities' in a way that is consistent with ANILCA and the intent of Congress. Its current definition states that traditional activities 'include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/99, at 2326.1, The Revised Plan implements this definition, stating that in wild river management areas, wilderness study areas, and recommended wilderness management areas, the use of snowmachines, motorboats, and fixed-wing airplanes will be allowed for traditional uses. See Revised Plan at 3-8, 3-12, 3-16. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. See ADD 3-4 (House Report 96-97, Part I (April 18, 1978).1/ The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law.

Section 1110(a) requires the Forest Service to provide for 'special access' by snowmachine, motorboat, and airplane for 'traditional activities' on Chugach conservation system units (CSUs).2/ It is the only provision in federal law requiring the Forest Service to allow the use of snowmachines on certain areas of the Chugach and for certain activities. In those areas where Section 1110(a) does not apply, the Forest Service is not required to allow snowmachine use for any purpose at all. Section 1110(a) states.

> Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

16 U.S.C. Section 3170(a).

Section 1110(a) sets out what motorized access federal land managers must allow on Alaska CSUs: special access via the three enumerated means for (and only for) traditional activities and for travel to and from villages and homesites. In the absence of a finding that qualifying traditional activities occurred in a CSU prior to enactment of ANILCA, the Forest Service is not required to allow snowmachine use in any CSU. Because recreational snowmachining does not involve access for a traditional activity, and because no statutory provision guarantees recreational snowmachine use on non-CSU Forest Service land, the Forest

Service is not required to allow snowmachines for purely recreational activities on ANY part of the Chugach National Forest. We say this not because we think the entire Forest should be closed to snowmachining. Rather, we are only pointing out that snowmachine access is not mandated anywhere on the Chugach except in CSUs--and in those CSUs, only for 'traditional activities' as intended by Congress and not for purely recreational pursuits.

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1/ ANILCA legislative history that is relevant to Section 1110(a) is set out in the attached consecutively-paginated Addendum of Authorities, to which citations are made as 'ADD.'

2/ Section 1110(a) applies to 'conservation system units' and wilderness study areas. 16 U.S.C. Section 3170(a). On the Chugach National Forest, it would thus apply to the Nellie Juan-College Fjord Wilderness Study Area, Resurrection Pass National Recreation Trail, the Williwaw Nature Trail. See 16 U.S.C. Section 3102(4). It would also apply to any future recommended or designated conservation system unit. Proposed Revised LRMP at 3-12.

It is important to understand the distinction between required snowmachine access and permissive snowmachine access on the Forest, Section 1110(a) sets the floor of what land managers must allow, i.e. guaranteed access, and does not set out the ceiling of what land managers may allow, i.e. permissive access. Permissive access is a topic that is governed by separate provisions of ANILCA and other federal laws. The point is that the Forest Service does not have to allow snowmachining in any of the CSUs on the Chugach for anything other than traditional activities associated with consumptive uses of Forest resources that occurred prior to enactment of ANILCA, or with travel to and from villages and homesites.

The title of Section 1110(a) is instructive: 'Special Access and Access to Inholdings.' 16 U.S.C. Section 3170. The access guaranteed there is special, not ordinary, and access is not required for just any old activity, but rather only for those that are 'traditional.' Unfortunately, Congress did not specifically define that term in ANILCA itself, although a definition can be discerned from the structure of ANILCA as a whole and its legislative history. It is critical for the Forest Service to properly define the statutory term.

We submit that it is in the Forest Service's interest to restrictively define the guaranteed access under Section 1110(a) so that it can act to protect areas that might need protection, even when it might adopt a broad approach to permissive access. As evidenced by the raging debate over what areas should be 'open' or 'closed' to snowmachining on the Chugach and elsewhere (the situation in Old Denali comes to mind, see below), it is difficult to trim back use in an area once users come to expect access, whether that expectation is valid or based in law. For example, some CSUs of the Chugach may have become popular with recreational snowmachiners in the last five or ten years due to new or improved road access, more sophisticated and dependable snowmachines, etc., whereas snowmachines had not been used to access a traditional activity associated with a utilitarian Alaskan lifestyle in that area prior to enactment of ANILCA. Section 1110(a) simply does not guarantee snowmachine access in those areas. Again, that's not to say that the Forest Service may not allow recreational snowmachine use in such an area, but just that it is not required to.

Recently, the National Park Service promulgated regulations to apply Section 1110(a) to the pre-ANILCA portion of Denali National Park and Preserve (Old Park). Before it could apply Section 1110(a) to the Old Park, the Park Service found that it first had to define the statutory term 'traditional activities.' The Park Service received over SIX THOUSAND comments on the proposed regulatory package -- 98% of commentors supporting the proposed definition of 'traditional activities' and 96% supporting the complete closure of the Old Park to snowmachines. After this lengthy public process, the Park Service promulgated a definition stating that

> [a] traditional activity is an activity that generally and lawfully occurred in the Old Park contemporaneously with the enactment of ANILCA, and that was associated with the Old Park, or a discrete portion thereof, involving the consumptive use of one or more natural resources of the Old Park such as
>
> hunting, trapping, fishing, berry picking or similar activities. Recreational use

> of snowmachines was not a traditional activity. If a traditional activity generally occurred only in a particular area of the Old Park, it would be considered a traditional activity only in the area where it had previously occurred. In addition, a traditional activity must be a legally permissible activity in the Old Park.

36 C.F.R. Section 13.63(h)(1) (65 Fed. Reg. 37863, 37878 (June 19, 2000)) (emphasis added). This definition is consistent with the legislative intent as expressed in House Report 96-97:

> In Section 905 [the predecessor of ANILCA Section 1110(a)], the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]... for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.

ADD 3-4 (Mouse Report 96-97, Part I (April 18, 1978)) (emphasis added).

In the Federal Register announcement with the proposed definition, the Park Service specifically asked for people to identify when and where they had engaged in lawful traditional activities in the Old Park. 64 Fed. Reg. 61563, 61568 (November 12, 1999). It noted that hunting and trapping were not legally permitted in the Old Park, and sport fishing has not taken place in the Old Park during periods of adequate snow cover due to adverse weather conditions. Id, at 61567, Also, there are no villages, homesites, or other valid occupancies within the Old Park. Id After analyzing the public comments, the Park Service concluded that no wintertime traditional activities, as Congress defined that term, took place in the Old Park prior to enactment of ANILCA; therefore, the Park Service announced that all of the Old Park was closed to snowmachine use. 36 C.F.R. Section 13.63(h)(2) (65 Fed. Reg. 37863, 37878-79 (June 19, 2000)).

While the Forest Service has not issued a regulation defining the statutory term 'traditional activities,' the Draft Forest Plan implements a definition in the Forest Service Manual for Region 10. That Manual states that '[traditional activities include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2326.1. The Manual also states that 'no proof of pre-existing use will be required in order to use a snowmachine, motorboat, or airplane.' Id. Thus the Forest Service confuses the means of motorized access and the purpose of that access, adopting a definition of a restrictive statutory term to exclude nothing. Traditional activities are defined to include recreational activities, and thus purely recreational activities are turned into traditional activities. The Forest Service is reading a narrow statutory mandate to provide 'special access' for traditional activities to provide free-for-all open access of all CSUs, for any purpose.3/

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3/ Because there is no 'right' to snowmachine on the Chugach for anything but traditional activities, and any recreational snowmachining is thus permissive, under NEPA at least one alternative in the DEIS should completely restrict recreational snowmachine use on the Forest. See 40 U.S.C. Section 4332(2)(C)(iii).

The Forest Service's reading of Section 1110(a) is overly broad and contrary to ANILCA. Pervasive throughout ANILCA and its legislative history is evidence of Congress's efforts to see that historic patterns and means of access and traditional Alaskan cultural activities were not disrupted by the new ANILCA conservation units. Congress did not intend to require land managers to guarantee snowmachine access to CSUs for purely recreational purposes. Had it meant to guarantee purely recreational motorized uses, it would not have labeled Section 1110(a) 'special access' and it would not have limited the guaranteed access to 'traditional activities.' Historic patterns and means of access should dictate the level of snowmachining that the Forest Service guarantees in CSUs on the Chugach. Nowhere does the text of ANILCA provide for the introduction of new motorized uses in Wilderness units where they were not previously occurring to access some consumptive activity associated with a utilitarian Alaska lifestyle. Rather, it provides for the continuation of existing motorized uses in areas where they had been used prior to ANILCA to access valid traditional activities.

The plain meaning of Section 1110(a), the statutory structure of ANILCA as a whole, and

the legislative history of Section 1110(a) all support this reading of ANILCA.

The plain meaning of ANILCA compels the conclusion that the Forest Service need not allow snowmachines in CSUs on the Chugach for anything other than consumptive uses associated with a utilitarian Alaska lifestyle. In Section 704 of ANILCA, Congress designated the Nellie Juan-College Fjord area as a wilderness study area, a CSU under ANILCA. 16 U.S.C. Section 3102(4). According to the Region 10 Forest Service Manual,

> the wilderness study area shall, until Congress determines otherwise, be administered to maintain presently existing character and potential for inclusion into the National Wilderness Preservation System. . . . The principle of nondegradation of conditions existing on the date the area was established will guide the management of designated wilderness and the Nellie Juan-College Fjord Wilderness Study Area, to the extent consistent with ANILCA.

U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2320.3. Section 707 of ANILCA establishes the manner in which wilderness mandates are to be reconciled with other provisions of ANILCA:

> Except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness.

ANILCA Sec. 707, Pub. L. No. 96-487, 94 Stat. 2371 (1980) (emphasis added) 1.

A fundamental tenet of the Wilderness Act is its prohibition against the use of motor vehicles in Wilderness areas. Congress stated unequivocally that there is to be 'no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, [and] no other forms of mechanical transport' in Wilderness areas. 16 U.S.C. Section 3133(c). The Wilderness Act requires agencies to permit continued operation of certain motorized vehicles (aircraft and motorboats) in statutory Wilderness only where such use constitutes an 'existing private right,' and grants agencies the discretion to allow the continuation of such uses only if they had 'already become established' before designation as Wilderness. 16 U.S.C. Section 3133(c), (d)(1). The Wilderness Act, however, makes no provision for the general, non-discretionary continuation of any existing motorized use. No provision of the Wilderness Act permits the introduction of new motorized uses after the statutory Wilderness designation.

There is no provision of ANILCA which 'expressly' requires the Wilderness Act to be modified or nullified to require the Forest Service to allow new snowmachine use in any area of the Chugach where that use was not an established, lawful use before December 2, 1980. ANILCA Sect. 707. To do so 'expressly,' a provision must state its purpose '[i]n an express manner; in direct or unmistakable terms; explicitly; definitely; [and] directly.' Black's Law Dictionary 581 (6th ed. 1990); here, such an express repudiation cannot be found in ANILCA. On the contrary. Congress in ANILCA stated unequivocally that the designation of Wilderness Areas shall 'in no manner lower the standards evolved for the use and preservation of such park.' See 16 U.S.C. Section 1133(a)(3). Nor, critically, is there any provision in ANILCA or other statute that expressly grants the Forest Service the discretion to introduce such use in the Wilderness Study Areas on the Chugach. That Congress intended the statutory concepts and purposes of the Wilderness Act to be incorporated into ANILCA unless 'otherwise expressly provided for in [ANILCA],' Section 707, is further emphasized by the definition section of ANILCA: 'As used in this Act... [t]he terms 'wilderness' and 'National Wilderness Preservation System' have the same meaning as when used in the Wilderness Act.' 16 U.S.C. Section 3102(13).

Applying fundamental principles of statutory interpretation to ANILCA and Section 1110(a) one gets the same result. Analysis of ANILCA as a whole reveals that when this statute speaks of 'traditional activities,' it is referring to local rural and Native residents' cultural, lifestyle, and utilitarian traditions. The phrase 'traditional activities' is not simply a shorthand reference to snowmachine use for a variety of wintertime recreation and pastimes by people who do not live and lead traditional lifestyles in ANILCA-created CSUs. Rather, the term's use in Section 1110(a) furthers the legislative goal that ANILCA's unit designations have minimal impact on these local rural and Native residents' traditions.

Indeed, the entire Subsistence Title of ANILCA consistently relates the term 'traditional activities' to the ethnic, cultural and lifestyle activities by local rural residents. Congress in ANILCA authorized the continuation of certain existing motorized surface access for subsistence uses in Section 811(b) (which, in both the statute and its legislative history, are not to be increased in magnitude beyond their traditional, pre-ANILCA levels). Section 811 states:

> (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands;
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> (b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

16 U.S.C. Section 3121 (emphases added).

It would be incongruous indeed if local subsistence users were limited by ANILCA to those means of transportation which had been 'traditionally employed' in a particular area, while recreational users (many of them living hundreds of miles distant from the area in question) would have a claimed right under Section 1110(a) to employ new means of motorized transportation which had never before been lawfully or traditionally used in the particular area.4/

Congress identified a very limited role for existing airplane use for subsistence activities within CSUs, and Congress did not condone expansion of airplane use, or its new introduction into CSUs where it was not a pre-existing, established use. 16 U.S.C. Section 1133(d)(1). There is no indication in ANILCA or its legislative history that Congress intended that snowmachines or motorboats be treated any differently. Thus the phrase 'traditional activities' should be read in Section 1110(a) to refer to traditional subsistence activities carried on by use of airplanes, snowmachines, and motorboats.

We are aware of only one instance when Congress in ANILCA expressly enacted an authorization for new motorized access and use: Section 1315(b) regarding new motorized uses in National Forest Wilderness Areas, for the purposes of fisheries rehabilitation and enhancement. Moreover, ANILCA Section 201(5) (creating Kenai Fjords National Park) is the only place in that Act where Congress recognized and preserved motorized recreation. See ANILCA Sec. 201(5), Pub. L. No. 96-487, 94 Stat. 2371 (1980) ('the Secretary is authorized... to allow use of mechanized equipment on the [Harding] [I]cefield for recreation.'). The legislative history of this section makes clear that this was the continuation of a pre-existing use. See ADD 119-120. This is consistent with the Congressional intention under Section 1110(a) that only pre-existing motorized uses were to continue in Parks and Wilderness. It is the only instance we have found in ANILCA itself where Congress may be found to have identified and preserved existing snowmachine access for non-subsistence activities, specifically snowmachine recreation.

4/ NPS regulations adopted to implement ANILCA Section 811 (subsistence access) draw a clear distinction between snowmachine use by local rural residents in pursuing traditional subsistence activities, and their use of these same vehicles for recreational activities. The regulations state:

> At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with Sections 13,10, 13.11, 13.12, and 13.14, respectively.

36 C.F.R. Section 13.46(e). The referenced regulations have not yet been promulgated, although they were proposed in a 1981 rulemaking. See 46 Fed. Reg. 31836, 31856 (1981). They will he within Sections 13.10 to 13.16 of Subpart A of 36 C.F.R., which are presently designated '[Reserved].' Subpart A itself is entitled 'Public Use and Recreation,' while Subpart B, entitled 'Subsistence,' contains the quoted Section 13.46(e). See Chevron U.S.A. v. Natural Resources Defense Council, 467 U.S. 837, 844 (1984) ('[Considerable weight should be accorded to an

executive department's construction of a statutory scheme it is entrusted to administer....'); see also Nevada v. U.S. Dep't of Energy, 993 F.2d 1442, 1444 (9th Cir. 1992).

Even if the term 'traditional activities' was interpreted to include both subsistence and recreational activities, the relationship between the claimed 'traditional activity' and the particular means of access traditionally used to pursue it prior to ANILCA are unavoidably linked. Because Section 1110(a) deals with the 'use' of 'snowmachines, . . . motorboats, [and] airplanes' in the same phrase, the same Congressional policy against the expansion or new introduction of any of these motorized uses in park areas should be applied, regardless of whether thai use is subsistence-related or recreational. And such a Congressional policy is even more evident and consistent where it designated the parts of the Chugach as Wilderness Study.

Finally, ANILCA's legislative history supports the legal conclusion that the Forest Service is not required to allow snowmachines in CSUs or wilderness study areas where they had not become established to access a lawful consumptive activity prior to 1980. There is no known legislative history regarding the Act which states -- or even implies -- that Congress intended that new uses of snowmachines, motorboats, or airplanes should generally occur in units designated by ANILCA, if those uses had not occurred there prior to ANILCA. In fact, in only one section of ANILCA did Congress explicitly mandate that new motorized access be permitted in a Wilderness area, and then on a temporary basis only, see above re. ANILCA Section 1315(b), and that access was to be for the sole purpose of fisheries enhancement.

-- Congress did not intend that Section 1110(a) impose new modes of motorized transportation in the CSUs of the Chugach.

There is a limited amount of available committee report information which directly explains Congress's intent in enacting Section 1110(a). Several legislative reports essentially reiterate the language of the statute. One exception is the explanation of the 'special access' provision of draft Section 905 (the predecessor of ANILCA Section 1110(a)), which is discussed in House Report 96-97, Part I (April 18, 1978), of the House Committee on Interior and Insular Affairs. See ADD 3-4. This report states in relevant part:

> In Section 905, the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]. National Recreation Areas and National Conservation Areas, for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.
>
> The committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use lest. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.
>
> The transportation modes covered by this section are float and ski planes, snowmachines, motor boats, and dogsleds. . . . Existing law does not guarantee this form of access into Parks, Wildlife Refuges, Wild Rivers, or Wildernesses, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.
>
> In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit.

Id at 3-4 (emphases added). At the conclusion of the ANILCA legislative process, this explanation appeared, nearly verbatim, in the Senate Report. See ADD 10-11 (S. Rep. No. 96-413, at 247-48 (1980), reprinted in 1980 U.S.C.C.A.N. 5191-92).

Section 1110(a), read in context with its legislative reports and all other available legislative history, makes clear that Congress intended to mandate continued use, on a non-discretionary basis, in the new ANILCA CSUs by snowmachine, motorboat, and airplane for

traditional activities -- but only where these modes of transportation had 'already become established' in a particular area prior to ANILCA. 16 U.S.C. Section 1133(d)(1).

The House and Senate committee reports' several references to 'wilderness' are significant. First, Congress recognized that under existing law, the Wilderness Act itself permitted motorized access by airplane and motorboat to continue, at the Secretary's discretion, 'at pre-existing levels of intensity.' ADD 4 (H.R. Rep. No. 96-97, Part I at 238-39 (April 18, 1978)) (emphasis added). This recognition of the effect of existing law confirms that Congress intended Section 1110(a) to also extend this permission -- with the addition of snowmachines and without Secretarial discretion -- to those Wilderness areas designated by ANILCA, at their pre-Wilderness levels of intensity. As the Senate Report stated succinctly:

> These are [access] rights subject to reasonable regulation by the Secretary to protect the values of the unit. This removes the discretion for allowing or not allowing use of these vehicles that currently exists.

ADD 12 (S. Rep. No. 96-413, at 299 (1979), reprinted in 1980 U.S.C.C.A.N. 5243) (emphasis added). The only 'discretion for allowing or not allowing use' which 'currently exist[ed]' in the Wilderness Act is the discretionary allowance of motorized uses which had 'already become established.' 16 U.S.C. Section 1133(d)(1).

The corollary Congressional intention is also clear: If there was a zero 'pre-existing level of intensity' of motorized use or access, then Section 1110(a) cannot be read to compel or permit the Secretary to introduce motorized uses into such a non-motorized ANILCA Wilderness area.

Second, the Reports' reference to the 'wilderness type pre-existing use test' and its disallowance in Section 1110(a) must be examined in detail. This is not the 'pre-existing use test' as found in the Wilderness Act. The 'pre-existing use test' in that Act differentiates only between a statutory private right to pre-existing motorized access, and a discretionary public continuation of pre-existing motorized access. See 16 U.S.C. Section 1133(c), (d)(1). Neither part of this Wilderness Act 'test' contemplates or permits the commencement of new motorized uses after wilderness designation.

Thus the phrase 'wilderness type pre-existing use test' was Congressional shorthand for an individual's non-discretionary statutory 'existing private right' under the Wilderness Act to continue a particular activity within a Wilderness or wilderness study area after Wilderness designation. This 'pre-existing use test' refers to an individual right (such as private property and access to it) which may rise to the level of a constitutionally-protected property right; under the Wilderness Act, its recognition is not discretionary with the Secretary. See 16 U.S.C. Section 1133(c). On the other hand, general public use of aircraft and motorboats was permitted to continue in Wilderness at the Secretary's discretion, but only 'where these uses have already become established' before designation of the particular Wilderness area. 16 U.S.C. Section 1133(d)(1).

Therefore, under the Wilderness Act the only non-discretionary right to continue a use of Wilderness or wilderness study area in a manner inconsistent with its Wilderness designation was by showing an individual, personal-property right, an 'existing private right.' 16 U.S.C. Section 1133(c). Under the Act, general motorized uses in Wilderness or wilderness study area by persons who had no claim to 'existing private rights' could continue, in the Secretary's discretion, only if their uses had 'already become established.' See United States v. Gregg, 290 F.Supp. 706 (W.D. Wash. 1968).

Congressional reports regarding ANILCA Section 1110(a) explained that the 'wilderness type pre-existing use test' would not apply under ANILCA. After ANILCA Wilderness or wilderness-study designation, the non-discretionary right to continue pre-existing motorized use by the three specified modes would extend to the public generally; it would not be confined to only those individuals who had perfected a non-discretionary 'existing private right' to a motorized use within Wilderness.

This analysis reconciles Congress's numerous statements (which would otherwise be completely inconsistent with each other and with the rest of its Section 1110(a) analysis) that 'no proof of pre-existing use will be required,' ADD 3-4 (H.R. Rep. No. 96-97. pt. 1, at 238-239

(1978)) -- and yet that 'if the uses were generally occurring in the area prior to its designation,' they could continue at pre-existing levels of intensity. Id, Placed in context with Congressional knowledge about the stringent requirements of the non-discretionary 'wilderness type pre-existing use test' to which it had referred in the immediately-preceding sentence,5/ Congress obviously meant that 'no proof of pre-existing [individual or personal] use will be required.'

This logical reconciliation is also supported by the House Committee's description of ANILCA motorized access: 'This is meant to relate to patterns of use, not specific uses by specific individuals,' ADD 1, 1B (House Report 96-97, at 205-06); and by Alaska Senator Stevens's statement in a committee mark-up session that ANILCA Wilderness access means that, 'you can [land an airplane] if you did it, I can if you did it.... If you landed in some Wilderness area, that means I can land later....' ADD 61.

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5/ This knowledge is also supported by the rule of statutory construction which provides that, in Grafting legislation, Congress is assumed to know the requirements of other laws. See South Dakota v. Yankton Sioux Tribe, 118 U.S. 789, 801 (1998).

Thus, effect must be given to the House and Senate Reports' entire explanation of Section 1110(a) (quoted in full earlier), and to its single modification of the existing 'wilderness type pre-existing use' test: The Secretary would henceforth lack the discretion to outright prohibit general public motorized use in an ANILCA Wilderness area by any of three specified modes, (/those uses had 'already become established' in that Wilderness area prior to ANILCA. In this manner, the entirety of the report's explanation of Section 1110(a) becomes internally consistent, and makes sense: If a motorized use for traditional activities was 'generally occurring in [an] area' before Wilderness designation, then after that designation it may continue to be used by the public, and cannot be limited to only those individuals who had in fact used that mode prior to Wilderness designation. Boise Cascade Corp. v. U.S. Envtl. Protection Agency, 942 F.2d 1427, 1432 (9th Cir. 1991) ('[W]e must interpret statutes as a whole, giving effect to each word and making every effort not to interpret a provision in a manner that renders other provisions of the same statute inconsistent, meaningless, or superfluous.').

The Committee's modified 'wilderness type pre-existing use test' nevertheless requires that any non-conforming 'uses' (or 'modes of access' or 'activities' or 'traditional uses') 'were generally occurring in the area prior to its designation.' See ADD 4 (H.R. Rep. No. 96-97, at p. 239(1978)).

-- Congress intended that Section 1110(a) and 'wilderness designation' provisions of ANILCA should work in harmony.

It was the expressed intention of Congress that the designation of new and existing CSUs in Alaska under ANILCA be accomplished in coordination with its concurrent designation of portions of those units as Wilderness or wilderness study under the Wilderness Act. Congress also expressly intended that there be co-existence between newly designated Wilderness and pre-existing, established patterns of motorized use by snowmachine, motorboat, and airplane. It was not its intent that, within ANILCA as a whole, the Wilderness Act would be made wholly ineffective by misinformed interpretations of other sections of ANILCA which did not 'expressly provide' for the modification or nullification of any Wilderness Act requirement. See ANILCA Section 707. Thus the 'non-commercial' requirements of the original Wilderness Act have been applied fully to a new statutory Wilderness created by ANILCA Section 701(3), 16 U.S.C. Section 1132 note, within the enlarged and re-designated Glacier Bay National Park. Alaska Wildlife Alliance v. Jensen. 108 F.3d 1065, 1069 (9th Cir. 1997).

The House Interior Committee specifically described the intended coordination between the 'wilderness-designation' provisions of Title VII of ANILCA and the 'special access' requirements of Section 905 (ultimately Section 1110(a)). This coordination is analyzed in the excerpt from House Report 96-97, set forth above. See ADD 1-4 and Discussion supra page 7-8. That this coordination was intended is buttressed by the same committee's discussion -- in the same committee report - of the Wilderness designations within the Wrangell-St. Elias National Park and Preserve (then designated Section 602(8) of the bill). The following discussion appears in the House Report:

> The Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] allow/or a continuation of aircraft and motorboats in
>
> wilderness areas where those uses have been established. This is meant to relate to patterns of use, not specific uses by specific individuals. National Park Service regulations further state that such uses can be allowed only when a finding has been made that the purpose, character, and manner of such uses is suitable for the specific wilderness under consideration. The Committee has made that finding for the Wrangell-St. Elias Wilderness. Continued aircraft use and landings are consistent with the purpose, character and manner of this wilderness area.
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> ***
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> In general the Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] have built inflexibility which can allow existing uses to operate. Different Federal agencies have applied differing standards in interpreting the Wilderness Act. It is the intent of the Committee that the National Park Service develop regulations for the management of wilderness in Alaska that take into account a liberal interpretation of the Wilderness Act and to allow as many of the existing uses to continue as provided for by the access provisions of this act.
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> ***
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> The amendment also contains language specifically permitting the use of existing primitive fish camps and the use of motorized vehicles in connection with local commercial fishing to continue within the [Wrangell-St. Elias] Wilderness.

ADD 1B-2 (H.R. Rep. No. 96-97, at 205-06 (1978)) (emphases added). This explanation also appears, nearly verbatim, in the Senate Report. ADD 8-9 (S. Rep. No. 96-413, at 219-20 (1980), reprinted in 1980 U.S.C.C.A.N. 5164).

Significantly, the Report's explanation in the quoted passage was that the 'continuation of aircraft and motorboats in wilderness areas where those uses have been established... relate[s] to patterns of use, not specific uses by specific individuals.' Id (emphases added). The Committees' understanding of this test is crucial. This explanation further vindicates the analysis, presented earlier, that the 'wilderness type pre-existing use test' -- which Congress described in this shorthand fashion and which it intended to be modified by Section 1110(a) -- was the then-current legal yardstick established by Sections 4(c) and 4(d)(1) of the Wilderness Act in 1964. That existing rule recognized an individual, private right to continue a pre-Wilderness, established motorized use. But unless modified by Congress in ANILCA, only the land manager's discretion could extend it to persons who had not themselves employed such a pre-existing use.

The House and Senate Committees which crafted Section 1110(a) intended that motorized uses within Wilderness areas designated under ANILCA should be measured by the pattern of established, pre-existing uses in the specific area, and not the identity of specific users. At the same time, the baseline requirement - that any motorized use in an ANILCA-created portion of the Wilderness Preservation System must have been a lawful, established pre-existing condition -- comes through loud and clear:

> Alaska's rivers also serve important transportation functions.... During the ice free months there is extensive riverboat and barge traffic.... In addition, the rivers are extensively used by snowmachines and for aircraft landing during the months when the rivers are locked in ice. The Committee intends that these

traditional uses shall be permitted to continue except where it can be substantially demonstrated that such uses are causing significant adverse impacts on a designated river and the purpose for which a river is designated.

ADD 1A (H.R. Rep. No. 96-97, at 196-197 (1978)) (emphases added); see also ADD 1-2, 3-4 (H.R. Rep. No. 96-97, at 205-206, 238-239 (1978)); ADD 8-11 (S. Rep. No. 96-413, at 219-220, 247-248 (1979), reprinted in 1980 U.S.C.C.A.N. 5163-64. 5191-92).

Other committee report sections completely support our position regarding Section 1110(a). They include the sections discussing Glacier Bay National Park, ADD 6-7 (S. Rep. No. 96-413, at 217 (1979), reprinted in 1980 U.S.C.C.A.N. 5161) ('[T]he Secretary [shall] be authorized to allow the continued use of motorized access to the base of the glaciers....'); Katmai National Park, ADD 6-7 (S. Rep. No. 96-413, at 217-18 (1979), reprinted in 1980 U.S.C.C.A.N., 5161-62) ('The Committee recognized that the river and lake are periodically utilized by motorized boats for administrative purposes of transporting supplies and equipment to Grosvernor Camp. The Committee believes that this can be considered under access provisions [Section 1110(a)] of this Act. . . . Brooks Lake is also used for the landings of aircraft for the purpose of access to the portion of the park and for administrative purposes. The Committee believes that these specific uses, which are limited, may be allowed within wilderness') (emphases added); Wrangell-St. Elias National Park, ADD 9 (S. Rep. No. 96-413, at 220 (1979), reprinted in 1980 U.S.C.C.A.N. 5164) ('[A]ccess into the Wrangell mountains by hunters must be by aircraft. . . . Gravel bars, gravel plateaus, and lakes are all used as landing spots.... [M]inimal improvements are necessary for safety purposes. . . . Such improvements will be allowed to continue. . . . [T]here are several landing strips that have been constructed within the area which are utilized today for access. The Park Service shall allow continued access to these landing strips....') (emphases added); ADD 27 (Cong. Rec. S-11135 (Aug. 18, 1980)) ('Although there may be similar situations [to Anaktuvuk Pass] in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, these type of situations are the exception rather than the rule.... It is not the intent to invite additional aircraft use, or new subsistence uses in parks and monuments where such uses have not traditionally and regularly occurred.') (emphases added).

-- The whole of ANILCA reinforces the purpose of Section 1110(a): to protect existing, site-specific means of access, but to create no blanket 'open until closed' authorization for new motorized uses.

Motorized uses in new conservation system units was of particular Congressional concern. The legislative history quotations are uniform in their expression of the Congressional intent to preserve existing access by motorboat, airplane and snowmachine. See Sierra Club v. Dept. of Transp., 948 F.2d 568, 573 (9th Cir. 1991) (legislative history of a section 'is important to a correct interpretation').

An exhaustive search of ANILCA and its legislative history has uncovered no support for the proposition that Congress adopted a blanket 'open until closed' regime regarding new motorized uses in CSUs or wilderness study areas, or that it intended to use Section 1110(a) (or any other provision of ANILCA) to mandate the introduction of new motorized uses in areas where they were not occurring before ANILCA. Nor, for that matter, is there any evidence that Congress incorporated (or even contemplated) any definition of a 'traditional activity' - in Section 1110(a) or elsewhere in ANILCA -- which would be so broad as to cover recreational activities which had historically occurred in various specific places in Alaska, but had not in fact occurred in the particular unit or location being considered by Congress. Instead, the legislative history of ANILCA is replete with site-specific references to traditional activities (again, predominately subsistence activities by local rural residents), and with Congressional assurance that these existing activities -- admittedly in non-conformance with the new CSU -- could continue.

It is clear that Congress consistently viewed a 'traditional activity' as one that had become established in a particular location in a CSU or wilderness study area before enactment of ANILCA, unless Congress specified to the contrary. Congress in fact only once acted to the contrary: ANILCA Section 1315(b) (allowing motorized access to National Forest Wilderness for fisheries enhancement projects) is the single contrary specification, and even it permits only temporary motorized uses, and then only for utilitarian purposes, not recreation. 16 U.S.C.

Section 3203(b).

-- Congressional floor debates consistently support this position.

A consistent trail of legislative history demonstrates the careful attention of Congress to the motorized use issue. An understanding of this legislative history is essential to a correct interpretation of ANILCA's 'special access' provision.

With remarkable consistency, the reported floor debates in the House and Senate regarding motorized uses, and non-conforming uses in general, show that Congress intended to protect existing uses by snowmachines, motorboats and airplanes in site-specific areas, and that it well knew how to do so. There is absolutely no expression of an intent to establish an 'open until closed' regime which would allow new motorized uses Alaska-wide, in areas where they had not become established before ANILCA. In fact, no 'open until closed' phrase appears anywhere in the legislation or the legislative history.

The common Congressional understanding that existing motorized uses would be allowed to continue is found repeatedly in ANILCA's legislative history. See ADD 13-15 (Cong, Record-House, H-4101, 4107-08 (May 17, 1978)) ('use of aircraft and motorboats - where already established - [is] permitted in wildlife refuge wilderness areas') (emphasis added); ADD 15 (Cong. Record-House, p. H-4246 (May 18, 1978)) ('Section 4(d)(1) of the Wilderness Act of 1964 which clearly permits, and I quote, 'the use of aircraft or motorboats, where these uses have already become established. . .''; 'These sections permit. . .the use of customary patterns and modes of travel across such units') (emphasis added); ADD 17 (Cong. Record-House, p. H-4247 (May 18, 1978)) ('customary patterns of travel, including customary use of aircraft, motorboats, and snowmobile where such use has already become established, shall be permitted to continue in areas subject to wilderness study') (emphasis added); ADD 19 (Cong. Record-House, p. H-4257 (May 18, 1978)) ('Such uses will continue under H.R. 39 since aircraft, snowmobiles and other forms of mechanized transportation are the most practical means of travel over Alaska's vast distances and are well-established uses.'); ADD 21 (Cong. Record-House, H-4317 (May 19, 1978)) ('use of snow machines, motorboats, or aircraft lands [sic], where such use has become established, shall be permitted subject to wilderness management plans and reasonable restrictions as appropriate...') (emphasis added); ADD 22 (Cong. Record-House, H-3296 (May 16, 1979)) ('The wilderness designations provided for in this bill will protect the area in question here from harmful development, but will not preclude existing airplane, motorboat, motor vehicle and sport hunting use') (emphases added).

Representative Vento, for example, stated on the floor of the House:

> The proposal before this Congress is not a new precedent but it rather follows the intent and actions of previous Congresses.... During the lengthy and complete Interior Subcommittee on General Oversight and Alaska Lands hearings on this issue, many citizens raised concerns that traditional uses will be allowed to continue in wilderness areas. The subcommittee and Interior Committee have made the provisions to accommodate these concerns. Because of this, wilderness designation is the best management tool that we have as it recognizes the unique situation in Alaska and takes these circumstances into account while affording the best protection for the land available.

ADD 20 (Cong. Record-House, p. H-4311 (May 19, 1978)) (emphases added).

Other consistent examples are found in the attached Addendum of Authorities at 25 (Cong. Record-Senate, S-11121 (August 18, 1980)) ('the Committee bill provides for. . . traditional means of access. . . for subsistence purposes') (emphasis added); ADD 27 (Cong. Record-Senate, p. S-11135 (August 18, 1980)) ('It is not the intent to invite additional aircraft use. . . .'); ADD 28-29 (Cong. Record-Senate, S-11198-99 (August 19, 1980)) (colloquy between Senators Jackson and Hatfield); ADD 24 (Cong. Record-House, p. H-10540-41 (November 12, 1980)) ('Congress has had a longstanding traditional practice of reviewing those . . . activities within new units which, if immediately curtailed, might result in substantial hardships to the local residents. . . . In other instances, . . . Congress has authorized the continuation of certain uses within new parks. . . which would be prohibited under traditional [NPS] management policies.') (emphases added).

Each of these quotes demonstrates the clear Congressional understanding that ANILCA would permit existing uses, including specified existing motorized uses, to continue in CSUs. None of them even hints that any new, post-ANILCA motorized uses would be authorized under the 'special access' provisions of ANILCA Section 1110(a).

If it had been the intent of Congress that Section 1110(a) would allow new, post-ANILCA motorized uses in wilderness areas, why then was it necessary for Congress to repeatedly reassure itself and the American public that each of the numerous listed pre-ANILCA uses of motor vehicles would be allowed to continue? If Section 1110(a) intended to allow new, post-ANILCA motorized uses, then each of these pre-ANILCA uses could simply have commenced anew, together with myriad entirely post-ANILCA motorized uses, once ANILCA became law.

The answer to this question is obvious: Congress took such great pains to assure the continuation of specified pre-existing motorized uses because it did not intend Section 1110(a) to authorize the blanket commencement of new motorized uses in Wilderness after ANILCA. Put plainly, there is no other plausible reason why Congress would have so assiduously identified and protected the continuation of these existing uses.

We urge you to protect the CSUs of the Chugach National Forest from the irreparable damage that will result if snowmachines are allowed there contrary to the intent of Congress and the purpose of ANILCA. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law. Thank you for considering these comments.

Very Truly Yours,

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ENCLOSURE: Compilation of ANILCA legislative history.
Comments submitted on behalf of:

Randy Virgin, Executive Director
Alaska Center for the Environment

Chuck Clusen, Senior Policy Analyst
Natural Resources Defense Council

Jim Adams, President
Alaska Quiet Rights Coalition

Arthur Hussey, Executive Director
Northern Alaska Environmental Center

Dr. Paul Joslyn, Executive Director
Alaska Wildlife Alliance

Jack Hession, Alaska Representative
Sierra Club

Chip Dennerlein, Alaska Regional Director
National Parks Conservation Association

Allen E, Smith, Alaska Regional Director
The Wilderness Society

Mark Luttrell, Director
Eastern Kenai Peninsula Envtl. Action Association

Pat Lavin, Prince William Sound Alliance
National Wildlife Federation

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Trustees for Alaska, on behalf of the Alaska Center for the Environment, the Center for Marine Conservation ' Alaska Region, the Coastal Coalition, the Eastern Kenai Peninsula Environmental Action Association, the Eyak Preservation Council, the Sierra Club, the Turnagain Arm Conservation League and the Wilderness Society, submits the following comments on the Draft Environmental Impact Statement and Revised Proposed Land and Resource Management Plan Revision (DEIS and Revised Forest Plan). The purpose of these comments is to focus on issues surrounding tidelands and submerged lands throughout Chugach National Forest. Other issues will be addressed by the above organizations in their individual comments on the DEIS and Revised Forest Plan. Also, Trustees for Alaska is submitting separate comments on the DEIS and Revised Forest Plan dealing with access issues under Section 1110 of the Alaska National Interest Lands Conservation Act.

History of Withdrawal and Management of Tidelands and Submerged Lands

The Chugach National Forest was first withdrawn in 1907 and combined with the Afognak Forest and Fish Culture Reserve in 1908, Chugach National Forest, since its earliest withdrawals, has included the tideland and submerged lands of Prince William

Sound as well as the barrier islands that fringe the mainland of the forest. The Chugach National Forest also encompasses the tidelands and submerged lands found at the head of Turnagain Arm. The original purposes of the withdrawals of Chugach National Forest included fisheries management and protection, as well as the protection of timber and watersheds.

In addition to the purposes of the Forest that depended on the submerged lands of the forest, there were other obvious needs for including the submerged lands in the original withdrawal of the forest. For example, at the time the forest was created, access was almost exclusively by water. Today, recreational and commercial access to much of Chugach National Forest continues to be by water, and the Forest Service likely could not effectively manage the forest or enforce the Forest Plan and other laws without the ability to control access to the tide and submerged lands.

As is clear from the history of the withdrawal of Chugach National Forest, and as the Forest Service has long recognized,1/ the tidelands and submerged lands of Prince William Sound are part of the Chugach National Forest withdrawal. Because the tidelands and submerged lands were part of the National Forest prior to statehood, they did not pass to the State of Alaska under the Submerged Lands Act or the equal footing doctrine.2/

Despite its ownership of the tidelands and submerged lands of Chugach National Forest, the Forest Service entered into a Memorandum of Understanding with the State of Alaska, Department of Natural Resources that allows the State to manage the tidelands and marine submerged lands of Prince William Sound. The MOU encompasses only those lands that became submerged as a result of the 1964 Good Friday Earthquake.

Regardless of the limited scope of the 1992 MOU, there appears to be a growing deference by the Forest Service to State management of marine submerged lands in Prince William Sound. Tideland permitting through the Chugach National Forest has been undertaken by the State, and it appears that the State disputes the ownership of the submerged lands by the U.S. Forest Service. The State has even opened parts of the Chugach National Forest to oil and gas leasing in the current Cook Inlet Areawide Oil

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1/ The Forest Service has made its ownership of the submerged land clear in the past. Correspondence surrounding clean-up efforts following the Exxon Valdez oil spill, as well as the 1992 Memorandum of Understanding between the Forest Service and the State of Alaska, Department of Natural Resources acknowledge the Forest Service's ownership of submerged lands. The Forest Service recently asserted its

ownership of submerged lands in the Chugach National Forest when the State of Alaska, Department of Natural Resources attempted to transfer submerged lands to the City of Whittier. The State is currently reconsidering that decision, based in part on the Forest Service's ownership of the submerged lands. Some documents concerning ownership of submerged lands, impacts from the currently-stayed Whittier transfer, and impacts from the expansion of the Whittier Harbor are attached.

2/ The Forest Service is currently defending its title to tidelands and submerged lands on the Tongass National Forest in a Quiet Title Action filed by the State of Alaska. The Forest Service's filings in that case are attached.

and Gas Lease sale. This expansion of State authority on property of the United States, and the Forest Service's acceptance of it, may be the reason that that the Forest Service has undertaken an inadequate consideration of tidelands and submerged lands in the current Chugach National Forest Land and Resource Management Plan Revision process. The Forest Service may not, however, simply rely on State management of Federal Resources. It must consider the management and resources of the entire forest, including the tidelands and submerged lands, in its current planning process.

Legal Requirement to Consider Entire Forest

The DEIS and Revised Forest Plan must be reviewed together to determine if the Forest Service has met the requirements imposed by the National Forest Management Act and the National Environmental Policy Act. The National Forest Management Act requires that the Chugach National Forest Land and Resource Management Plan must form one integrated plan for all of the lands and resources of the conservation unit. See 16 U.S.C. Section 1600 et seq. The National Environmental Policy Act further requires that the Forest Service prepare an Environmental Impact Statement on the Chugach National Forest that encompasses all of the resources found there, including the tidelands and submerged lands of Prince William Sound, See 42 U.S.C. 4321 et seq.

The Proposed Revised Forest Plan states that it will set the direction for the future management of lands and resources within its boundaries. Revised Forest Plan 1-1. The DEIS states that the planning area is the entire Chugach National Forest. The purposes and needs for the proposed revision, set out in the DEIS, include consideration of ecological systems management, DEIS 1-4, habitat for fish and wildlife, DEIS 1-5, recreation and tourism, DEIS 1-7, and subsistence, DEIS 1-9, These goals cannot be adequately addressed without including consideration of the management of tidelands and submerged lands of Chugach National Forest.

The DEIS establishes eight decisions that will be made by the Regional Forester in adopting the new Land and Resource Management Plan. Seven of these eight decisions cannot adequately be made without considering the environmental impacts to tidelands and submerged lands in Chugach National Forest. These decisions include: Forestwide multiple-use goals and objectives, including a description of the desired future condition of the National Forest; Forestwide standards and guidelines; Management areas and management prescriptions; Identifying lands available for oil and gas leasing; monitoring and evaluation requirements for implementation of the Revised Forest Plan; Wilderness recommendations to Congress, and; Recommending rivers eligible for Wild and Scenic river designation. See DEIS 1-10, 1-11.

Examples of Impacts that Are not Considered

Vital information that will affect the forest in the future has been completely overlooked as a result of the inadequate scope of the DEIS and the Revised Forest Plan. The tidelands and submerged lands of Prince William Sound provide the primary means of access for commercial and recreational users of the forest. These users in turn affect the quality of the fish and wildlife habitat, air quality, visitor experience, cumulative effects and many other significant issues that need to be examined in the DEIS and Revised Forest Plan.

Visitor use on the water as well as the associated increase in demand for visitor facilities could be the biggest impact to the natural resources of the forest in the future.

The U.S. Forest Service cannot simply leave these issues to the State of Alaska, hoping that the State will commit the necessary resources to planning, protecting and enforcing the management policies that will control the future of Chugach National Forest. The failure to consider the impact of recreational and commercial vessels on the marine areas of the forest affects almost every area of analysis undertaken in the DEIS.

The Forest Service's analysis of cumulative effects to air quality, discussed at DEIS 3-9, does not even include air quality emission from vessels in Prince William Sound, The DEIS and the Revised Forest Plan make no attempt, as required by the federal Clean Air Act, to evaluate management activities to ensure they will not cause or contribute to any violations of ambient air quality standards, increase the frequency of any existing violations, or impede the State's progress in meeting their air quality goals. The DEIS simply concludes that none of the alternatives considered would substantially change the existing air quality of the forest. DEIS 3-6. Yet none of the alternatives factor in regulation or increases in marine vessels throughout the forest.

The Access Management Plan does not address the primary form of access to many parts of the forest. See Revised Forest Plan, Appendix C. Road Management and Trails and Route Management are addressed in detail, but no consideration is given to managing recreational and commercial access on the tidelands and marine submerged lands throughout the forest.

The Revised Forest Plan and DEIS do not adequately consider impacts to wildlife because of the failure to include the tidelands and submerged lands of Prince William Sound and Turnagain Arm in the Forest Plan. Recreational and commercial vessel operators are not even considered in Table 3-51, listing potential risks to wildlife. DEIS 3-209. Marine waters are not listed on Table 3-50 in describing general habitat types and geographic areas of concern. Increased access to the Forest cannot be analyzed or controlled until the Forest Service undertakes planning that includes the tidelands and submerged lands.

Because the Forest Plan does not incorporate the marine areas of the forest, the DEIS also fails to consider specific impacts on marine-associated wildlife found within the forest. Killer whales and fur seals are just two species of marine mammals that may be in jeopardy in Prince William Sound, yet they are not even acknowledged in the DEIS.3/ The DEIS does briefly discuss the marine threats to Marbled Murrelets, DEIS 3-197, but nowhere does the DEIS or Revised Forest Plan discuss the impact of the Revised Forest Plan on the marine environment of the Marbled Murrelet.4/

The DEIS also notes, in a table on 3-190, the importance of some tidelands and nearshore areas to endangered Stellar sea lions, but nowhere does it address the impacts of forest planning on Stellar sea lions. The Forest Service also briefly notes the existence of Stellar sea lions and humpback whales in the forest, DEIS at 3-201, and notes that a Biological Assessment will be prepared to assess the effects of the Forest Plan revision on these species. However, the DEIS and the Forest Plan, as noted above, do not discuss impacts to and management of the tidelands and marine areas that are the habitat for these species within the Forest.

The Black Oystercatcher, discussed at DEIS 3-210, is a species that is still recovering from the Exxon Valdez Oil Spill, and one that is dependent on undisturbed tidelands during its nesting season. The Forest Service simply cannot effectively consider impacts to the oystercatchers without including tideland and submerged lands access issues in the Revised Forest Plan. The Forest Service has also inadequately considered impacts to river otters, even while acknowledging that projected increases in recreational users are a threat to them. DEIS 3-225. The Forest Service simply cannot adequately consider the impacts, cumulative, direct or indirect, from the Forest Plan on most species of wildlife in the Forest until the Forest Plan includes planning for and access control on the tidelands and submerged lands of the forest.

The monitoring and evaluation plans outlined in the Revised Forest Plan do not address management of and impacts to the tidelands and submerged lands of the forest. The Forest Service has not met the requirements of 36 CFR 219 because it has not

included even minimal consideration of the effects of this revised plan to these important resources of the Chugach National Forest.

The Forest Service has failed to address management of and impacts to the portion of Turnagain Arm that is within Chugach National Forest. The DEIS and Revised

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3/ Correspondence from leading killer whale researchers and two killer whale studies are attached. There is additional work on the genetic isolation of killer whales in British Columbia and Alaska that has been submitted by four biologists in draft form to the Proceedings of the Royal Society, London B. Information can be obtained from Lance G, Barrett-Lennard, the lead author, Department of Zoology, University of British Columbia, 6270 University Blvd, Vancouver, V9R 5K6, Canada.

4/ Table 3-49 notes concern about gillnet mortality and other at-sea effects, but nowhere does the Revised Forest Plan or DEIS consider those effects. DEIS 3-207. Only timber harvest is discussed in the 'Environmental Consequences' section of the DEIS. DEIS 3-223, 224.

Forest Plan fail to address the importance of this section of the Forest to the depleted population of Cook Inlet beluga whales 5/ or otherwise consider the marine resources in upper Turnagain Ann.

The Forest Service's failure to assert jurisdiction over this portion of the forest has resulted in DNR offering sections of Chugach National Forest for lease in the Cook Inlet Areawide Oil and Gas Lease Sale,6/ Any oil and gas leasing within Chugach National Forest must be conducted in compliance with federal environmental laws and pursuant to the Land and Resource Management Plan for the Chugach National Forest.

Evaluation of Prince William Sound for Marine Protected Area Status

President Clinton signed E.O. 13158 on May 26, 2000 to strengthen and expand protection for marine habitat in the United States, See 65 Fed. Reg. 34909. The order directs federal agencies to enhance protection of existing Marine Protected Areas, to establish new ones where appropriate, and to bring all Marine Protected Areas under an umbrella of a comprehensive national system. See id. To guide agencies in implementing this mandate, the order defines a Marine Protected Area as 'any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.'

The Forest Service has a duty to review Prince William Sound for nomination as a Marine Protected Area. The DEIS should consider this possibility and any significant effects arising from it.

Conclusion

Despite the Forest Service's ownership of the submerged lands, the legal mandates for planning for the entire forest, and the clear purpose and need for this revision set out by the Forest Service for Chugach National Forest, the DEIS and the Revised Forest Plan completely fail to address significant impacts to and management of the tidelands and submerged lands that are a part of Chugach National Forest.

We urge you to complete the Forest Planning Process through an expansion of the planning process to include an Environmental Impact Statement and a Land and Resource Management Plan that address all of Chugach National Forest. Prince William Sound is

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5/ There is pending federal court challenge to National Marine Fisheries Service's failure to list Cook Inlet beluga whales as endangered. See District of Columbia District Court. Case No. Case No. 1:00CV01017-JR.

6/ Based on its concern for the plummeting Cook Inlet beluga whales the National Marine Fisheries Service

requested DRN make tract deletions in the portion of Turnagain Arm that is part of Chugach National Forest. The 1998 and 1999 letters NFMS submitted to DNR on its concerns about beluga whale habitat in Cook Inlet are attached.

an integral part of the forest and the forest planning process. The DEIS and the Revised Forest Plan are legally inadequate without consideration of the tidelands and submerged lands of Prince William Sound.

Thank you for this opportunity to comment on the Draft Environmental Impact Statement and the Revised Forest Plan. Please feel free to contact me to discuss these issues further.

Sincerely yours,

Valerie L. Brown

cc: Jim Caplan, U.S. Forest Service, P.O. Box 21628, Juneau, AK 99802
Irene Alexakos, Sierra Club
Kris Balliet, Center for Marine Conservation, Alaska Region
Gabrielle Barnett, Turnagain Arm Conservation League
Cliff Eames, Alaska Center for the Environment
Dune Lankard, Eyak Preservation Council
Mark Luttrell, Eastern Kenai Peninsula Environmental Action Association
Rick Steiner, Coastal Coalition
Nicole Whittington-Evans, The Wilderness Society

0029067-001

I have been interested in Alaskan conservation practices since 1970 when I headed a small group at IBM when we studied the Prudhoe oil egress problem with a proposal that also handled other environmental problems than just the oil. The proposal got to the President's office of Science and Technology (then) but was defeated due to the insistence of the oil companies upon an expedient pipeline.

At the time of the Exxon Valdez oil spill, I wrote an article that was featured in the Des Moines Register on April 23, 1989 under their headline: 'Blunders that led to oil spill.' On the 10th anniversary of the spill last year I wrote another article for the Register that they could not print for 'lack of space' but was printed in the Ames Daily Tribune, unfortunately a much smaller readership.

I am e-mailing the later article as it reviews the old oil egress problems but also summarized the new environmental problems being addressed by the Copper River Delta Coalition regarding the Copper River Delta area. I can only send hard copies of the original article.

Please feel free to use the article in anyway that can help save this wonderfully pristine natural area. However, contact me before taking any action.

c: Mr. Gibbons, U.S.Forest Service, Chugach National Forest

By copy to the Forest Service, please take all steps possible to prevent the degradation of this truly one-of-a-kind wildlife area through commercial exploitation.

The Tenth Anniversary of the Exxon Valdez Oil Spill and Future Prospects

by:
Merle P. Prater
March 9, 1999

March 24th is the tenth anniversary of the Exxon Valdez tanker spill in the pristine Prince William Sound, Alaska -- a devastating environmental catastrophe that was predicted from the outset when the port of Valdez on Prince William Sound was selected as the Prudhoe Bay oil pipeline-tanker terminal.

In 1969, while with the IBM Corporation, I headed a small engineering task force that through computerized construction processes studied alternative ways for transporting the Prudhoe Bay crude oil to Midwest markets. Solutions required the consideration of military security but also the many environmental, climatic, economic, technical and social factors involved.

The 1969-1971 period was also at the height of the cold war with Russia so there were deep concerns about supertanker Russian submarine vulnerability sailing from Prince William Sound along the west coasts of Canada and the United States. However, there was a compelling financial incentive for the oil companies insistence upon the sea route.

Prior to the world OPEC oil crisis beginning in 1973, it was not widely known that the Alaskan participating oil companies' plan was not so much to market the oil in the United States but to consign the bulk of the Prudhoe Bay oil to the more lucrative Japanese market that was dependent upon Mideast oil. Thus, it was advantageous for the oil

companies to to have a year round, ice-free pipeline terminal and supertanker port at Valdez.

Our engineering group was cognizant of the Japanese oil demands and the many factors surrounding such a ocean route venture. But considering that national security and potential environmental problems were paramount, we countered the ocean route plan with our proposal to securely transport the oil overland southeast to Edmonton, Alberta, Canada; the head of an existing pipeline distribution network. Politically this plan would have required a treaty with Canada but it would also have provided the route and infrastructure necessary to facilitate the movement of oil to Midwest markets.

To complete the ocean-tanker oil transportation system, the oil companies proposed to satisfy the Midwest oil market by constructing an oil tanker terminal on Puget Sound in Washington, then build another 2000 mile pipeline to transport the oil to the Midwest. The Puget Sound plan was thwarted when it was vetoed by the state of Washington on the basis of probable oil leakage and spills, realizing that the waters of Puget Sound do not readily renew by tidal flushing.

Our concept to transport the Prudhoe oil, was to provide two 12 foot diameter concrete conduits spaced 12 feet apart. This configuration would house up to three, four foot diameter, oil and gas pipelines and services for additional infrastructure elements such as power, fresh water, communication and sanitary sewage lines; all sheltered from the harsh climatic condition of northern and central Alaska. A topside 36 foot wide highway and a 12 foot wide enclosed rail line right-of-way located between the concrete conduits completed the structure. Oil pumping stations within the pipeline corridor were accommodated as an integral part of the system.

Using prefabricated sections, all parts of the system were to be contiguously constructed from the exposed end to minimally despoil the fragile tundra vegetation, permafrost and the streams it crossed. Further, it was considered that the system would form a basic platform from which similar structures could branch outward for a practical, long term environmentally sound solution for future economic development of Alaska by providing transportation corridors for shipping other Alaskan natural resources from large reserves of coal, copper ore, other metals and minerals while simultaneously transporting Prudhoe Bay oil.

Our proposal found its way to the Presidential Office of Science and Technology in Washington that considered the proposal 'constituted a reasonable discussion' and a project considered to 'require government decisions and major commitments by private industry.' Not much new.

At this same time, the Alyeska Pipeline Consortium of oil companies was showing impatience to begin construction of a single unstable environmentally dangerous pipeline to be buried, in meltable permafrost (oil is pumped warm) at a bargain cost of some $900 million. In making their decision, however, Alyeska did not take seriously the newly enacted 1967 Environmental Protection Act that required a comprehensive environmental impact statement (IES). When forced to comply with the its regulations, the consortium was forced to expand its IES from a completely inadequate 256 pages to eleven volumes --a time consuming chore that seriously disrupted the pipeline construction time schedule. In time an above ground solution was arrived at, but in carrying out the EPA requirements along with labor and other problems, the final cost with severe overruns escalated to some $9 billion. The pipeline was completed in 1978, more than nine years since its

inception.

In the beginning, Japan and the oil companies, were sure of quick approval so that Japan fabricated, shipped to, and stockpiled in Alaska, the 800 miles of 48 inch diameter pipeline sections required. Meanwhile, in 1971 the Office of Science and Technology returned the Prudhoe Bay oil removal proposal to IBM at which time the company decided to cancel the project. In doing so, however, the rights to the project were released to the originators for whatever outside interest and help they might obtain to continue the project. Among other contacts, the Academy for Contemporary Problems, a subsidiary of Battelle Memorial Institute, looked into the project but, after conscientiously considering the many difficult factors involved, decided against participating. The project died.

Today, some 21 years after the pipeline's completion, the concern is for the deteriorating condition of the aging pipeline itself. While visiting Alaska in 1995, I was informed that the pipeline was beginning to seriously corrode along the bottom of the pipe due to the accumulation of moisture in the insulating material encased by the pipeline's aluminum outer jacket. In recent telephone conversations with spokespersons at the interagency Alaska Forum for Environmental Responsibility and the Alaska Conservation Foundation, the pipeline deterioration condition was further confirmed. However, assurances were given that steps were continually being taken to mitigate the danger of a rust-through spill. As to whether the steps being taken were sufficient, other sources were not so confident.

In the March 1999 issue of National Geographic Magazine, an article by a senior associate editor writing on the Exxon Valdez oil spill, reported a fear that a major pipeline break could foul the Copper River in eastern Alaska where the pipeline parallels and also crosses many tributaries as it flows to the Gulf of Alaska near Prince William Sound. A map showed that an uncontained river spill entering the Gulf would be swept along by the Alaskan (ocean) Current to foul the same Kenai and Alaskan peninsula coastal areas as the Exxon-Valdez spill.

Placing an oil pipeline in an enclosed conduit precludes a pipeline rupture problem as the conduit would be designed to contain the spill. In 1973, two years after our proposal, and after I had resigned from IBM, T.Y. Lin, at the University of California at Berkeley, a noted designer of prestressed buildings and bridges, proposed the same approach as ours for removing the Alaskan oil. His design showed a similar structure for housing the pipelines and infrastructure services as well a providing a highway and a railroad.

As it turned out, due to the 1970's OPEC oil crisis. Congress enacted legislation that prevented the sale of Alaskan oil to Japan. But with the restraint lifted some two years ago, Alaskan oil can now be legally shipped to Japan.

Alaska and the oil companies are concerned now that the Prudhoe Bay oil is rapidly being depleted, and if the highly contentious oil company plans to move to and exploit the environmentally delicate Arctic National Wildlife Refuge on the Beaufort Sea for another source of oil, the same, but older, deteriorating pipeline will be used. In the meanwhile expect oil spills on land, Prince William Sound and other crucial areas. When spills occur, the Alaskan land, ocean dependent wildlife, the natural environment and, in effect, all of America will again be the losers.

Comment #	Comment
0029085-001	

I am writing to comment on the proposed USFS Chugach National Forest (CNF) Land and Resource Management Plan (Forest Plan) Revision. I attended the USFS Open House held October 30, 2000 at the Loussac Library in Anchorage to collect information and hear from the USFS regarding the Preferred Alternative. While the Forest Plan and Draft EIS cover many different land and resource management issues my comments and concerns are specifically limited to land access issues.

I was born and raised here in Alaska and I call it my home. Growing up in Anchorage and in the interior, the outdoors have played a large part in my life. I remember that while living in the interior I teamed how to ski with the aid of a snowmobile. It was our lift system for many years and contributed to my success as a Junior racer for the State of Alaska on a National level. It also allowed my skiing skills to propel me into the University of Alaska Anchorage NCAA ski team for a few years. I contribute my skiing achievements to the use of snowmobiles. I also enjoy Nordic skiing, mountain hiking, kayaking, and pretty much any activity that will get me out doors and into the CNF. I enjoy my motorized and non-motorized activities alike and would like to see an alternative that will work for everyone.

My land access concerns with the preferred alternative relate to the reduction and limitations to the current CNF winter motorized use areas. With regard to winter access, the preferred alternative reduces the area available for snowmobiles by increasing the areas available for non-motorized use. There are no current or proposed CNF areas where motorized use is allowed and non-motorized use is restricted. The opposite can be found in many areas. What is most disturbing about the preferred alternative to CNF snowmobile users, is that the new restrictions have been proposed for the most popular snowmobile areas. It would make more sense for the USFS to concentrate on limiting snowmobiles in those areas that are less popular for snowmobiles, but may be very acceptable for use by non-motorized users on skis or snowshoes.

With the burden of limited areas immediately to the south, motorized users find themselves traveling farther and farther to find accessible areas to enjoy the outdoors in. Non-motorized users have not left the option to use all of the Municipality of Anchorage land along with Chugach State Park, while motorized users are not allowed in these areas, I feel that the preferred alternative does not consider the surrounding parks or lands in coming up with their conclusions.

I have the following comments and suggestions to be taken into consideration before approving the final version of the preferred alternative. As far as the proposal for 'time share' areas to be divided into motorized users and non-motorized users, this method has been presented as equitable to both user groups. I agree that time shares are equitable and can work well to see that one group isn't short changed an opportunity to access an area. Unfortunately, the proposed time share excludes the motorized users part of the time while leaving the areas open to non-motorized users 100% of the time, Further, the every other year time share is inequitable simply because it could exclude significant access to motorized users if the motorized share year coincides with a low snowfall year. Tills potentially excludes motorized use in rime share areas for periods of up to 3 years. My suggestion for an equitable area time share plan would be every other day of the week. Since the time shares are only proposed for flatter, non-alpine areas the trails generated by snowmobile traffic should not be an issue and in locations such as Twenty Mile River would actually enhance non motorized

access, This type of time share is similar to what has been successfully implemented by AK DNR Parks at Eklutna Lake, Another suggestion that makes CNF use more equitable for all user groups is to consider applying time shares to those areas that arc currently designated for non-motorized use only. This would be quite controversial, but this suggestion is no different than what the USFS proposes for the popular snowmobile use areas.

With regard to seasonal restrictions both the Glacier and Seward Ranger districts are proposing calendar dates for the opening and closing of areas for snowmobile use. This only limits the use of snowmobiles and provides no means of extending a motorized season for a high snow year, This season could prove to be a good example, where it is obvious that areas don't have adequate snow to open December 1st, but may receive late snowfall that provides adequate cover for snowmobile riding beyond the March 31st closure proposed for some areas. My suggestion is that areas should open or close strictly based on snow cover. The riding season is short enough without further restricting use based on a calendar date.

Of particular concern are the areas of 20-mile, Skookum, Seattle Creek, and Lost Lake. With these areas being very popular for motorized users, thy current preferred alternative leaves little or no area that is easily accessible by all users, I had the opportunity to frequent these areas on a daily basis this last winter as the acting manager/lead guide of Alaska Snow Safaris, a local Alaskan business trying to promote winter tourism in our wonderful state. I can officially state that the amount of non-motorized users in the above mentioned areas during our operating season, early December to mid April was less than a few dozen. Meanwhile, you would find hundreds to thousands of motorized users. One must realize that on most days, our tour company was the only ones out there, even after the masses have gone home, I do see the non-motorized users frequenting Tin Can, multiple small drainages between Girdwood and 20-Mile, and even more so, the facilities available within Muni. Land back towards the bowl.

I feel that our tour company brings a large economical impact to the state and allows for all users to be able to enjoy the outdoors. Not everyone in our nation is fit enough to enjoy the backcountry and that is where we come in. We have even taken physically and mentally challenged users into CNF for an experience that they will remember for a life time. I know that not all motorized users play nice or by the rules, but please don't let a few change the opportunity for many. In my final suggestions, I can only ask that you take the 'BIG' picture into consideration when making adjustments to the preferred alternative.

Thank you for your tune and consideration with this issue.

0036561-006 The State does not agree with every part of this plan, :however. I am enclosing specific comments and recommendations ffom our State agencies, which we hope will contribute to a strongel and more responsive fmal plan. The enclosed comments also idendfy management concerns that will require ongoing attent:ion as the plan is finalized, implemented, and amended over time. Doing so will help manage and resolve issues such as motorized and non-motorized user conflicts, brown bear core habitat protection, and coordination across municipal, state, federal and private land ownership boundaries.

0036561-008 Our shal ed challenge is to achieve a balance between economic developrnent and diversification, and the protection of the ffeshwater streams, wildlife, and coastal habitats which are the biological heart of the Chugach

0029447-001

I've attached a letter I recently sent to you along with this e-mail. I appreciate you reviewing these comments.

I spoke with your assistant several days ago about trying to get in with you this week, but she indicated you were tied up in meetings for most of the week. I am in Anchorage on Mondays and Thursdays, and I'd really appreciate the opportunity to perhaps sit down with you and/or possibly your planning team to discuss this issue in the future.

Please e-mail me or contact me if there is a good time that would work for you to possibly get together for a meeting, and I'll adjust my schedule accordingly. Thank you.

Rudi von Imhof
Alaska Outdoor Adventures
Reservations--907-783-7669 or toll free, 1-888-414-7669
E-mail--rudiv@akadventures.com

Mr. Dave Gibbons
Forest Supervisor; Chugach National Forest
3301 'C' Street, Suite 300
Anchorage, AK 99503

Dear Mr. Gibbons,

I appreciate the opportunity to provide comments on the draft U.S.F.S. Chugach Management Plan, This plan revision impacts me greatly, as my company, Alaska Snow Safaris, operates guided snowmobile tours into the Twenty Mile, Placer and Skookum Valleys.

There are several aspects of the proposed U.S.F.S. 'Preferred Alternative' Management Plan that are very disturbing to myself and the other investors in our company. The very nature of our tours is geared towards providing beginner level clientele with a safe and enjoyable snowmobile tour experience. A key element to this is to be able to have access to fairly flat terrain. Having access to flat terrain to operate our tours upon is critical in that it allows us to take people to areas that are absolutely 100% free of any kind of avalanche danger. Flat terrain also allows us to take beginner level riders out on our tours that do not possess the skill level or expertise to negotiate more difficult or sloped terrain.

Given our terrain limitations, you can see how the current accessible and suitable riding areas for snowmobile tours within a 75-mile radius of our base of operations in Girdwood is extremely limited. The proposed closures of the Skookum and 20-Mile Valleys in the 'Preferred Alternative' Management Plan draft would close us off to 2/3 of the limited 'beginner level' terrain available to us.

Twenty Mile Valley:

The bulk of our tours depart into the Placer Valley, but we do operate in the Twenty Mile Valley as well, for approximately 15% of our use. The Twenty Mile Valley is important to us in that it can be in good condition for snowmobiling when the Placer Valley is impassable for us due to overflow or other wet conditions that our clients cannot negotiate. I grew up snowmobiling in the Twenty Mile Valley and have snowmobiled in the valley consistently for the past 15 years. I personally know many snowmobilers in the local Girdwood area that enjoy riding Twenty Mile Valley, especially now that the original snowmobile trails in the local Girdwood area have been closed to snowmobiles and are exclusively dedicated to backcountry ski use during the winter months.

Skookum Glacier Valley:

As you can see from the attached brochure, we offer a 5-hour Backcountry Explorer Tour. This tour is quite popular for our clients who have some level of snowmobiling experience and wish to experience something other than what we offer on our 3-hour tour into the Placer River Valley.

The reason we offer this product is that many of our clientele who experience our 3-hour tour wish to repeat with us and try a longer tour where they will see different terrain from what they saw on our 3-hour tour, We have many potential clients who call and say that they are absolutely not interested in our shorter tour, and they are very happy we have an option to can give them a longer experience on the snow. Our Backcountry Explorer tour option now represents approximately 25% of our business.

With the constraints we are under in terms of having the necessary gentle terrain to offer our clients on tours, the only suitable area where we can offer our Backcountry Explorer tour is into the Skookum Valley, accessing it via the head of the Placer River Valley. Closing the Skookum Valley will essentially keep us 'boxed in' the Placer Valley, and will keep us from being able to offer our 5-Hour tour.

It is important to note that we do not offer our 5-hour tour on a daily basis, only when we receive specific requests for this product. Subsequently, we are not actually in the Skookum Valley on a daily basis, but probably on an average of 3 -4 days per week, from late January until early April. Our tour guides often break trail into the valley and they rarely, if ever, see backcountry skiers in the valley. I've recently discussed this issue at length with Jim Renkert and also with Jim Stratton from the Division of State Parks. Both of these gentleman have reaffirmed to me that, to their knowledge, the vast bulk of any sort of backcountry skiing in Skookum Valley occurs during the month of April, when the snow freezes with a hard crust at night and stays hard during the day to allow for good skate-skiing conditions to access the Skookum Valley. Our snowmobile tour season ends in mid-April and it would seem that there is very little, if any, overlap with the skate skiers who access the Skookum Valley during early April through early May.

Allowing that the premise for closing the Skookum Valley to snowmobiling is for the enjoyment of quiet places for other users, I have a hard time understanding why the current proposed U.S.F.S. 'Preferred Alternative' Plan, allows for the Skookum Valley to be open to Helicopter Ski use, but closed for snowmobile use. I feel this is clearly and blatantly extreme discrimination towards the snowmobile users. By no means am I against helicopter skiing in the Skookum Valley, in fact our snowmobile clients often enjoy watching the heli-skiers, however, I would hope that the Forest Service would recognize snowmobilers as an important user group when considering any potential closure of the Skookum Valley.

When I initially heard about the potential U.S.F.S. closures of the Twenty Mile and Skookum Valley's to snowmobiles for the quiet enjoyment of other users, I was very surprised. Having ridden snowmobiles in these areas for many years, and now operated snowmobile tours in these areas, I was aware of only extremely limited backcountry ski use in these valleys. The terrain is very flat, which allow for excellent long-range visibility. Skiers in these areas can be seen from a far off distance, and I highly doubt that potential skiers are avoiding utilizing the areas because they're worried that a snowmobile may accidentally hit them, but more because the completely flat terrain and snow conditions in these valleys are not as conducive for skiing as other areas. Both my wife and myself are avid cross-country skiers. I spend almost as much time skiing during the winter months as I do snowmobiling, and never once have I had any urge to go skiing into the Twenty Mile Valley or the Skookum Valley, There are simply many other, better areas to ski around the Anchorage bowl area and the Chugach National Forest.

I truly believe the 'Preferred Alternative' plan provides adequately for designating non-motorized areas with the closures of Kern Creek, Peterson Creek and Bear Valley.

From a safety standpoint for the general public and local snowmobiling community, closing most of the 'beginner level' snowmobile riding areas south of Anchorage will undoubtedly result in more inexperienced or first time snowmobile riders riding in the more challenging and steeper terrain that remains open. This terrain is probably above and beyond these riders skill level, a potential recipe for tragedy.
In my opinion, closing the Twenty Mile and Skookum valleys will very much compromise beginner level snowmobilers who wish to learn the sport in a safe and gentle area with flat terrain.

The Anchorage Convention and Visitors Bureau and the Alaska Tourism Industry Association have both clearly identified the need for tourism operators in Alaska to increase winter tour product offerings. The Alyeska Resort is the only true 'destination resort' in Alaska that attracts

both a national and international client base. The proposed U.S.F.S. closure of the Twenty Mile and Skookum valleys, would be almost 2/3 of the National Forest area near Alyeska Resort available for operating tours. A potential closure of these areas seems to discount the strides the Alaska tourism community has worked toward in promoting and cultivating winter tourism products in Southcentral Alaska, The Anchorage Convention and Visitors Bureau spends in excess of $400,000 on an annual basis that is strictly dedicated in an effort to promote the winter tourism season in Alaska, If these winter tourism efforts are to be successful, it is critical that there are activities and products such as snowmobile tours available for winter guests to participate in near the Anchorage area.

The local economic impact of my company alone is not large, but we do provide year-round employment to a staff of six and also provide opportunities for part-time employment for several others. In addition, we purchase many goods and services in the local Girdwood and Anchorage communities and assist in stimulating the economy during the winter months.

Alaska Snow Safaris annually carries several hundred people into the surrounding U.S. National Forest in Alaska, These people are U.S. taxpayers and federal users that receive great enjoyment from being able to recreate in their National Forest. I would hope that our historic client use data of the areas you are considering closing would be taken into consideration prior to rendering any decision.

Mr. Gibbons, from the inception of our snowmobile tour operation in 1998, Alaska Snow Safaris has enjoyed an excellent working relationship with the U.S.F.S. Glacier Ranger District in Girdwood. We strive to operate in a safe, courteous and professional manner at all times, we pay our Forest Service client user fees, and we play by the rules. The potential closure of the Twenty Mile and Skookum valleys will cause us to lose approximately 40% of our business. After carefully considering this scenario, I am extremely concerned and distressed to inform you that my business would most likely not be able to survive should the U.S.F.S. proposed 'Preferred Alternative' Plan move forward in it's present form and close the Twenty Mile and Skookum Valleys to snowmobile use.

Thank you for taking the time to consider these comments. Please feel free to contact me if you have any questions or if you would like further clarification on any of the issues addressed above.

Sincerely,

Rudi von Imhof
President; Alaska Outdoor Adventures, Inc., d.b.a. Alaska Snow Safaris

Cc: Deidre St. Louis, District Ranger, U.S.F.S. Glacier Ranger District
Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Anchorage Convention and Visitor Bureau Chairman, Bruce Bustamante
Alaska Tourism Industry Association President, Tina Lindgren

End: Alaska Snow Safaris brochure

0029464-002 Overall we suggest that the approach of looking to non-forest lands for facility development purposes is a wise approach there are sufficient private and state lands adjoining forest lands for these purposes and facility development in our mind does not mesh with the USFS's mission of stewardship in the CNF.

0030144-001

I am writing to ask [Illegible] to include the Copper River Delta in your protected forest plan. (Both sites of the river) also the martin, Bering, & Katalla Rivers, Knight & Montague Islands - [Illegible] & Sawmill [Illegible] in Prince Wm. Sound.

Comment #	Comment
0034505-001	Under ANILCA I thought all further withdraws had to have Congressional approval? As usual the current administration is circumventing the law to appease the environmental movement! Enough is enough I and most true Alaskans cannot support this new plan we already have more land locked away in this state than all other states combined?
0035103-001	We do not need any change at all the existing forest plan has worked very well.
0034189-001	To: r10_chugach_revision@fs.fed.us cc: Subject: DEIS Good morning: Any chance you could send me--or tell me where I could get--a copy of the Draft EIS and Forest Plan? I know I'm a little late on this, but sure would appreciate your help. If you can send me one, please it to: Thanks. Michael C. Tronquet
0034296-004	As the Forest starts implementing this overall 10 year plan we request that proposals for specific projects will be available to the public for commentary.
0034310-001	*Recommend wild river designation for the Twentymile River System, the Snow River, the entire Nellie Juan River, and the Upper Russian River; *Study the roadless Seattle Creek and Resurrection River for potential designation as wild rivers and recommend Sixmile Creek for scenic river designation; *Recommend wild designation for the rivers of the Copper River Delta, including the Alaganik Slough, Bering River, Copper River/Copper River Delta, Katalla River, Martin River, and Martin and Bering Lakes; and

Comment #	Comment
0034409-002	Re: An Anthology of Citations Regarding the importance of Roadless Areas to Aquatic Ecosystems from the National Marine Fisheries Service, the Fish and Wildlife Service, the Environmental Protection Agency, Bureau of Land Management and Forest Service Scientists and independent Scientific Sources Dt: 15 April 1997 This document is an anthology which demonstrates the overwhelming consensus among natural resource agencies and within the scientific community that roadless areas are of extremely high ecological value. The literature points clearly to at least two conclusions important for management: (1) roadless areas are critical because they are the only undisturbed habitats on an almost universally disturbed landscape. As such, they are de facto refuges for numerous aquatic, riparian-dependent and terrestrial species; (2) the reasons that these areas are roadless (high elevation, steepness and erodibility) are precisely the same reasons that they should be protected from reading and other management impacts: in these areas the risks to stream habitats from disturbance are extremely high. Although roadless areas protection alone will not secure western aquatic systems, it would be a major step forward. If you would like any of this material on your own computer we can arrange to email it to you or send you a disk, just let us know. Hope this is useful! I, What have the natural resource agencies said about the importance of roadless areas to aquatic systems? National Marine Fisheries Service Roadless areas contain much of the remaining high-quality habitat for anadromous fish. They can be considered havens for weak stocks and may facilitate the future re-colonization of restored habitats,' (National Marine Fisheries Service 1995a) Road construction has been a primary cause of salmonid habitat decline.' (National Marine Fisheries Service 1995a) 'NMFS agrees with the Eastside Forests Scientific Society Panel's finding that roadless areas of 1000 acres or larger are significant. These areas should be carefully evaluated for their importance in meeting ecological goals and RMOs [Riparian Management Objectives] in Priority Watersheds . . .' NMFS further recognized in the same biological opinion that many roadless areas are currently unprotected and that information is lacking to support a comprehensive understanding of the functions and values of roadless areas. On this basis, in watersheds containing imperiled salmon it called on the Forest Service to: (1) carefully evaluate the functions and values of roadless areas prior to proposing new actions in these areas, such that, collectively, these action pose no more than a 'de minimis risk of degrading these functions and values' and; (2) evaluate the impacts of proposed actions on roadless areas, including mapping of

areas 1000 acres or greater in the Snake River basin, geographical and geomorphic descriptions, all proposed actions two years into the future and an analysis of impacts. (NMFS, 1995b).

U.S. Fish and Wildlife Service

'These [unroaded] areas [over 1000 acres] may be extremely important to Bulltrout and other Inland Fishes. . . . Failure to protect these areas until we have [some insight into what the effects of entry might be] will hasten the listing of inland fishes.' (U. S. Fish and Wildlife Service, 1996).

Joint Recommendations of the Environmental Protection Agency, NMFS and FWS

In November of 1995, all three regulatory agencies submitted a draft 'Aquatic Conservation Strategy' for 75 million acres of federal land in the Interior Columbia Basin which stated that:

'Strongholds will need to be protected for the maintenance and protection of species that have been reduced in other areas. Aquatic strongholds most often occur in unroaded areas which require that these areas remain unroaded, since roads and associated management are often a primary source of sedimentation and damage to aquatic habitat.' (USFWS, NMFS and EPA, 'Advance Draft Aquatic Conservation Strategy,' submitted to the ICBEMP November 8, 1995, page 5).

'Recent scientific literature emphasizes the importance of unroaded areas greater than 1,000 acres as strongholds for the production of fish and other aquatic and terrestrial species, as well as sources of high quality water. (Henjum et al. 1994; Rhodes et. al. 1994). For successful [Illegible]7 ESA consultation, the ICBEMP [Interior Columbia Basin Ecosystem Management Project] should allocate all unroaded areas greater than 1,000 acres as Strongholds for the production of clean water, aquatic and riparian-dependent species. Many unroaded areas are isolated, relatively small, and most are not protected from road construction and subsequent timber harvest, even in steep areas. Thus, immediate protection through allocation of the unroaded areas to the production of clean water, aquatic and riparian-dependent resources is necessary to prevent degradation of this high quality habitat and should not be postponed [until after further analysis]. (Id. at 11).

'If, after a comprehensive analysis to determine which unroaded areas are contributing to clean water, fish, aquatic and riparian dependent resources, it is determined that some unroaded areas are not contributing, then the Stronghold allocation should be removed from those unroaded areas. Until then, all unroaded areas greater than 1/000 acres should be allocated as Strongholds dedicated to the production of fish, aquatic resources and clean water.' (Id)

The Regional Directors of the Environmental Protection Agency, the National Marine Fisheries Service and the Fish and Wildlife Services also stated in a letter to the Executive Steering Committee of ICBEMP, October 26, 1995 that:

'[a] review of the designated land-use allocation at the Columbia Basin level is essential to focus management on aquatic and riparian-dependent species conservation to meet the legal obligations under the Clean Water Act (CWA), Endangered Species Act (ESA), National Forest Management Act, and Federal Land Policy and Management Act (FLPMA) . . . . We strongly support preservation of existing roadless areas greater than 1000 acres within FS/BLM lands . . . for aquatic resource conservation.' (Letter to the Executive Steering Committee of ICBEMP, October 26, 1995).

II. What have interagency, interdisciplinary teams of government scientists such as FEMAT and the ICBEMP's Science Integration Team said about roadless areas?

'Roadless areas are often characterized by significant amounts of unstable land. Most of these unstable areas are considered inoperable because timber harvest and road construction could cause irretrievable losses of soil productivity and other watershed values. Road networks are the most important sources of accelerated delivery of sediment to fish-bearing streams. Road-related landslides, surface erosion, and stream channel diversions often deliver large quantities of sediment to streams, both catastrophically during large streams and chronically during smaller runoff events. Road surfaces and ditches can also serve as extensions of the stream network, thereby increasing flood peaks and efficiently delivering road-derived sediments to streams.' (Federal Ecosystem Management Assessment Team 1993).

'Roads may have unavoidable effects on streams, no matter how well they are located, designed or maintained. Roads modify natural hillslope drainage networks and accelerate erosion processes. These changes can alter physical processes in streams, leading to changes in streamflow regimes, sediment transport and storage, channel bank and bed configurations, substrate composition, and stability of slopes adjacent to streams. These changes have significant biological consequences that affect virtually all components of stream ecosystems, (Federal Ecosystem Management Assessment Team 1993).

'The sediment contribution to streams from roads is often much greater than that from all other land management activities combined, including log skidding and yarding (Gibbons and Sato 1973).' (Federal Ecosystem Management Assessment Team 1993).

'Management activities in roadless areas will increase the risk of aquatic and riparian habitat damage, impair the capacity of Key Watersheds to function as intended and limit the potential to achieve the objectives of Aquatic Conservation Strategy. Of these management activities, roads represent the greatest risk to riparian and aquatic systems; much greater than timber harvest alone. To protect the best habitats in the identified Key Watersheds, no new roads should be constructed in roadless areas within Key Watersheds. We recommend that there be a reduction in existing road mileage within Key Watersheds.' (Federal

Ecosystem Management Assessment Team 1993).

'The Basin's abundant unroaded areas are an irreplaceable national resource; about 40 percent of the Federal lands in the Basin provide primitive or semi-primitive recreation

opportunities' (Status of the Interior Columbia Basin: Summary of Scientific Findings 1996).

'In the lower 48 states, 70 percent of the unroaded areas of 200,000 acres or greater lie in the [Interior Columbia] Basin; 56 percent of trail use in the Basin takes place in primitive/sensitive settings.' (Status of the Interior Columbia Basin: Summary of Scientific Findings 1996).

High road densities and their locations within watersheds are typically correlated with areas of higher watershed sensitivity to erosion and sediment transport streams. Road density also is correlated with the distribution and spread of exotic annual grasses, noxious weeds, and other exotic plants. Furthermore, high road densities are correlated with areas that have few large snags and few large trees that are resistant to both fire and infestation of insects and disease.' (Status of the Interior Columbia Basin: Summary of Scientific Findings 1996).

'Increasing road density is correlated with declining aquatic habitat conditions and aquatic integrity and is associated with declines in the status of four non-anadromous salmonid species.' (Status of the Interior Columbia Basin: Summary of Scientific Findings 1996).

'An intensive review of the literature concludes that increases in sedimentation are unavoidable even using the most cautious reading methods. Roads combined with wildfires accentuate the risk from sedimentation. The amount of sedimentation of hydrologic alteration from roads that streams can tolerate before there is a negative response is not well known. It is not fully known whether building roads to reduce fire risk causes greater risk to aquatic systems than realizing the potential risk of fire.' (Status of the Interior Columbia Basin: Summary of Scientific Findings 1996).

IV. What have independent scientists said?

There is overwhelming scientific support for the protection of roadless areas due to the biological uniqueness of these areas and because of the extensive ecological damage caused by roads and road building, in addition, the roadless areas provide the anchor for long-term restoration and recovery of the region's fish and wildlife species. The following quotations from several scientific papers and reports provide support for the protection of roadless areas. Full citations for these excerpts may be found at the end of this document.

Re: The Biological Value of Roadless Areas

'Undisturbed areas within watersheds or the Snake River Basin as a whole not only provide habitat refugia for salmon, they also support continuance of natural linkages

between terrestrial and aquatic systems.' (Rhodes, McCullough and Espinosa 1994).

'Existing roadless and wilderness areas provide the only high-quality habitats and islands of natural functioning systems left in the entire Snake River Basin. The extent of these areas is limited,' (Rhodes, McCullough and Espinosa 1994)

'Intact and pristine watersheds (e.g., roadless and wilderness areas) serve to function as critical habitats and biotic refuge areas for fish and wildlife of adjoining ecosystems.' (Wissmar et al. 1994).

'Designated wilderness and areas predicted to be unroaded are important anchors for strongholds throughout the Basin. Strongholds on Forest Service and BLM lands are 58 percent predicted unroaded. Watersheds with strongholds in the Central Idaho Mountains and the Snake Headwaters reflect the large amounts of wilderness and National Park System lands, with the larger amounts of predicted unroaded spaces in the basin. Many predicted unroaded areas in the Lower Clark Fork and Northern Glaciated Mountains are adjacent to isolated and fragmented strongholds. (Lee et al. 1997, pre-publication copy).

'The small fragments of roadless areas in the watershed serve as the anchor points for restoring riparian vegetation, water quality, and fish habitat.' (Anderson et al. 1993).

'Scientific evaluations (Anderson et al. 1993; USFS, 1993b; USFS et al. 1993; Henjum et al. 1994) have consistently noted that roadless, unlogged tracts form the cornerstones of habitat recovery efforts. . . . . Because roads crisscross so many forested areas on the Eastside, existing roadless regions have enormous ecological value. . . . . Unfortunately, few of these remaining areas are protected; in the Blue Mountains of Eastern Oregon and Washington, for example, less than 8% of 722,000 acres of forested, roadless area is administratively protected. Although roads were intended, as innocuous corridors to ease the movement of humans and commodities across the landscape, they harm the water, soils, plants, and animals in those landscapes.' (Henjum et al. 1994).

'Given available data and known linkages among land use effects and habitat conditions, it can be reasonably concluded that the best water quality and habitat conditions needed by salmon exist in roadless/wilderness areas or where continuing disturbance of roadless areas has not occurred. For instance, although the South Fork Salmon River has not fully recovered, surface fine sediment levels (about 10-15% (Idaho Dept. of Health and Welfare, 1991)) in the South Fork Salmon River are lower than other managed watersheds in the Idaho batholith (See and compare Figures 5 and 9), In fact, levels of surface fine sediment in Johnson Creek and Bear Valley streams exceed the amount of surface fine sediment existing in the South Fork Salmon River at its worst during the 1960s. It is estimated that average surface fine sediment in the South Fork Salmon River peaked at about 47% (Platts et al. 1989). Johnson Creek currently has about 63%

surface fine sediment (NMFS, 1993), and Bear Valley Creek has about 56% surface fine sediment (Boise National Forest, 1993).' (Rhodes, McCullough and Espinosa 1994).

'Data we have collected suggest that much of the best fish habitat on the Clearwater National Forest is in unroaded areas, where levels of fine streambed sediment are generally lower than in managed landscapes.' (see below) (Huntington 1994).

'Swan River [Montana] tributaries whose watersheds are dominated by roadless lands are disproportionately important for the persistence and recovery of westslope cutthroat trout, bull trout, and other native species. Median road density in the 15 watersheds identified as critical based on aquatic biodiversity criteria is about half the median road density of the remaining watersheds in the basin. Both habitat deterioration and the introductions of normative fishes that together threaten native aquatic plants and animals are associated with roads and the range of human activities that roads encourage or allow.' (Frissell et al. 1995).

'Existing roadless regions offer important sanctuary. Because many forested areas in eastern Oregon and Washington are heavily dissected by roads, the ecological value of existing roadless regions is especially high.' (Henjum et al. 1993).

'Available information indicates that much of the Snake River Basin has been degraded. Existing roadless and wilderness areas provide the only high-quality habitats and islands of natural functioning systems left in the Snake River Basin. The extent of these areas is limited.' (Rhodes, McCullough, and Espinosa 1994).

'Few completely roadless, large watersheds exist in the Pacific Northwest, but those that remain relatively undisturbed play critical roles in sustaining sensitive native species and important ecosystem processes (Oregon Chapter of the American Fisheries Society 1989; Sedell et al. 1990; Williams 1991; Moyle and Sato)' (Frissell 1993).

'Roadless regions constitute the least-human-disturbed forest and stream systems, the last reservoirs of ecological diversity, and the primary benchmarks for restoring ecological health and integrity.' (Henjum et al. 1994).

'Environmental conditions in roadless/wilderness areas also make their protection important. Many roadless/wilderness areas are in steep, erosive terrain with relatively high levels of precipitation and with snowmelt-dominated hydrology (The Wilderness Society, 1993; Henjum et al. 1994), rendering remaining roadless areas more prone to management-induced increases in peakflow (MacDonald and Ritland, 1989) and fine sediment in salmon habitat (Everest et al. 1987).' (Rhodes, McCullough and Espinosa 1994).

'Structurally diverse streams in watersheds unmodified by human activity [roadless areas] typically have a great deal of buffering capacity to sustain fish populations.' (Cross and Everest 1995).

'Undisturbed areas (provided they are minimally influenced by alterations to upstream areas or neighboring watersheds) provide zones where the natural terrestrial processes can operate, and through linkages with the stream system produce habitat conditions typical of those in which the salmon evolved.' (Rhodes, McCullough and Espinosa 1994).

Re: Road Damage to Ecosystems and Individual Species
'Middle Fork Salmon River tributaries adjacent to Bear Valley Creek that are within wilderness/roadless areas, have much less fine sediment and higher salmon survival and densities than Bear Valley Creek. Pool losses have been significant over a 50-year period in all managed basins that have been resurveyed in the Snake River Basin, except the Tucannon, which has a considerable portion of the watershed in a wilderness/roadless condition. Over the same 50-year period, pool loss was insignificant in streams with watersheds in a wilderness/roadless condition (McIntosh, 1992).' (Rhodes, McCullough and Espinosa 1994).

'Studies in the Idaho batholith indicate that streams in pristine basins with natural sediment loads have significantly lower fine sediment and cobble embeddedness than in managed basins (Burns, 1984; Boise National Forest, 1993; Overton et al. 1993). The same pattern has also been observed in streams in the Blue Mountains of Oregon (J. Rhodes, unpublished field notes, 1993).' (Rhodes, McCullough and Espinosa 1994).

'The cessation of improvement in the South Fork Salmon River appears to be due to continuing levels of elevated sediment delivery from the remaining road system and other sources (Plaits et al. 1989).

A moratorium on logging-related disturbance has been effective in decreasing fine sediment levels in the South Fork Salmon River, but over the last several years, fine sediment conditions have ceased to improve.' (Rhodes, McCullough and Espinosa 1994).

'High road densities harm many forms of wildlife. The ecological integrity of existing LS/OG patches and other roadless regions can only be maintained if these sites are not disturbed by the construction of roads. Roadless regions serve as critical refuges for terrestrial wildlife sensitive to human disturbance. Roadless densities in LS/OG patches that already have roads should be reduced to less than 1 mi/mi2. Achieving this goal is vital to rehabilitation of eastside [Oregon and Washington] fisheries and terrestrial resources.' (Henjum et al. 1994).

'The catastrophic degradation of the South Fork Salmon River was caused primarily by mass failures from logging roads and logged areas; . . . . [I]t is estimated that less than 15% of the watershed had been disturbed by logging and roads at the time of the mass failure events (D. Burns, Payette National Forest Fish Bio., pers. comm., 1993).' (Rhodes, McCullough and Espinosa 1994.)

'Roads fragment habitat; alter the hydrological properties of watersheds; discharge excessive sediment to streams;

increase human access and thus disturbance to forest animals; and influence the dispersal of plans and animals, especially exotic species, across the landscape. Roads make fish and wildlife more vulnerable to harvest; they open access to deep forest habitats, for pests and predators. Large predatory mammals such as grizzly bears and wolves do not frequent areas crisscrossed by roads; elk, too are sensitive to road density.' (Henjum et al. 1994).

'Based on available data, fine sediment levels range from 20 to 60% in many streams outside of wilderness and roadless areas (Plaits et al. 1989; Scully and Petrosky, 1991; Rich et al., 1992; Clearwater National Forest, 1991a and b; Wallowa-Whitman National Forest, 1992; Purser and Rhodes, in process; Boise National Forest, 1993; Clearwater National Forest, 1993). Therefore, it is likely that salmon survival to emergence in many watersheds outside of wilderness/roadless areas has been significantly reduced and may average only 10-15% (USFS, 1983; Scully and Petrosky, 1991; Boise National Forest, 1993).' (Rhodes, McCullough and Espinosa 1994).

Re: Current Federal Management Plans' Failure to Protect the Ecosystem Values of Roadless Areas

'Existing conservation reserves in Oregon--including wilderness areas, research natural areas, national parks, and wildlife refuges--do not represent or protect the full diversity of eastside aquatic ecosystems and species assemblages. Most reserves are concentrated in high-elevation mountainous terrain.' (Henjum et al. 1994).

'Implementation of present federal management plans for eastside forests means further degradation of habitat and water quality. These plans call for additional road mileage; widespread, grazing in riparian systems; and logging in riparian zones, with consequent losses of woody debris.'

(Henjum et al. 1994).

'To conserve complete arrays of species and associated ecological interactions, management schemes must consider the density of roads. Road densities greater than 1 mi/mi2 are considered detrimental to wolf and elk populations (Jensen et al. 1986). Wolf pup survival rates indicate that wolves may tolerate road densities higher than 1 mi/mi2 if extensive roadless regions exist adjacent to wolf territories (Mech 1989). But road densities within much of eastside forests exceed 2.5 mi/mi2 (e.g., Colville and Winema National Forests), and remaining roadless areas are quickly disappearing. Protection of terrestrial vertebrates, as well as fisheries resources, requires a moratorium on road building plus efforts to remove existing roads.' (Henjum et al, 1994).

Re: Serious and irreversible Harm Caused by Failure to Protect our Last Remaining Roadless Areas

'Human entry into critical watersheds for road building and logging may place at risk the few remaining refugia available to sustain diversity in eastside stocks and assemblages.' (Henjum et al. 1994).

'We recommend limiting the magnitude of land disturbance spatially via riparian and roadless reserves, and, in magnitude, via other screening standards, such as sediment delivery.' (Anderson et al. 1993).

'Most remaining roadless areas within the Snake River Basin are in areas of higher elevation, higher topographic relief, higher precipitation, colder climates, more alpine vegetation, higher gradient streams, less stable soils, hydrology more dominated by snowmelt, and with a higher propensity for erosion than the many degraded systems that currently host the listed species.' (Rhodes, McCullough and Espinosa 1994).

'[I]n the absence of riparian reserves, it is unlikely that salmon habitat can be protected and restored over time, except in roadless and wilderness areas. Many unprotected ADAs [Aquatic Diversity Areas] contain significant patches of LS/OF or roadless regions and are vulnerable to future logging and road building.' (Henjum et al. 1994).

'Given existing habitat degradation and uncertainties, it is prudent to require that most of the degraded habitat be improved prior to taking risks with the scarce areas having high quality habitat. We recommend that roadless tracts greater than 1000 acres should not entered, at least, until monitoring documents that habitat conditions in > 90% of managed watersheds either meet habitat standards or have exhibited statistically significant improvement over at least five years.' (Rhodes, McCullough and Espinosa 1994).

'To the extent that additional logging, road building, and grazing in relatively unaltered watersheds delay downstream recovery or degrade new expanses of habitat, continuing incremental losses of aquatic populations can be expected.' (Henjum et al. 1994).

'Smaller roadless tracts may also have important ecological value. We recommend that smaller roadless tracts should not be disturbed unless it can be shown through peer-reviewed analysis that the disturbance will not affect habitat conditions, impede habitat recovery, or foreclose options for habitat recovery.' (Rhodes, McCullough and Espinosa 1994).

'Do not construct new roads or log within existing (1) roadless regions larger than 1000 acres or (2) roadless regions smaller than 1000 acres that are biologically significant.' (Henjum et al. 1994).

'The consequences of entry into undisturbed systems are probably lowly reversible. Although accelerated surface erosion may only persist for 6-10 years, hydrologic alteration may persist for more than 20 years (Harr and Coffin, 1990). Accelerated erosion from roads, as well as other effects, persist for as long as the roads exist, and then some. Even after obliteration, roads continue to erode at levels far in excess of natural for several years (Potyondy et al. 1991). Functions provided by large downed wood, such as terrestrial sediment storage, require more than 100 years after trees have been removed for recruitment

to be re-established. The prospects for recovery of channel morphology and, sediment cycling are extremely poor for steep headwater streams in non-cohesive soils that have been degraded, even if the cause of degradation is arrested (Rosgen, 1993).' (Rhodes, McCullough and Espinosa 1994)

'Roadless areas and areas with high water quality and/or high quality habitat should not be entered for logging until an improving trend has been achieved in degraded habitat conditions set as standards. We continue to recommend that these areas be protected and not put at risk because these areas from the cornerstones of habitat recovery.' (Technical Working Group 1994).

Once degradation has occurred and roadless areas have been mined, roaded, and logged, there is limited potential for recovery. Available trend data from the Clearwater National Forest indicate that there has been little or no recovery in streams with high levels of fine sediment as more roadless areas are logged and entered, even with continuing and substantial in-channel efforts to remove fine sediment from the streams.' (Rhodes, McCullough and Espinosa 1994).

It may not be possible to enter roadless systems without compromising their natural function and/or without degrading habitat conditions. Roadless, unlogged tracts form the cornerstones of habitat recovery efforts. Continued diminishment of areas functioning somewhat naturally increases the risk of failing to improve habitat conditions at scales ranging from the reach to the region. Despite existing data, many have speculated that roadless areas can be entered without degrading habitat conditions via careful planning, avoidance of high risk areas such as riparian areas to the extent considered feasible, and implementation of 'Best Management Practices' (BMPs). However, BMP effectiveness remains a matter of speculation. Most studies of the effects of BMPs have been too short in duration to capture lagged effects or provide an indication of long-term effects. Little is known about the cumulative effectiveness of BMPs in the face of significant landscape alteration. While many assessments of BMPs have focused on estimating the short-term reduction in accelerated pollutant loading, most studies have not examined whether aquatic habitat is fully protected over the long term (USEPA, 1993). There has been extremely limited assessment of the cumulative effectiveness of BMPs. It has not been shown under ecologically applicable experimental conditions that it is possible to enter roadless systems without compromising their natural function and/or without degrading habitat conditions, over time.' (Rhodes, McCullough and Espinosa 1994).

'Mining, logging, and road construction in roadless areas have the potential to cause additional habitat loss at the Snake River Basin scale by degrading water quality in areas where it is currently high, further degrading downstream reaches, and forestalling habitat recovery. The prospect of reduction in habitat quality in currently high quality areas combined with the potential for maintenance of poor habitat conditions in degraded areas will seriously jeopardize the prospects for the recovery of salmon populations at the river basin scale, especially because the effects of entry

into roadless areas are not immediately reversible and constitute a commitment of resources that is irretrievable. Continued diminishment of areas that maintain natural functions increases the risk of failing to improve habitat conditions at scales ranging from the reach to the region. Logging of roadless areas puts efforts to protect non-degraded and degraded habitats at risk (USFS et al. 1993).' (Rhodes, McCullough and Espinosa 1994).

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0034413-007	and recommendations violate the 'no-more' clause of ANILCA.

Comment #	Comment
0034578-001	To: cobaker@fs.fed.us cc: Subject: Additional Public Comment on USFS Chugach Plan Additional Public Comment on the USFS Chugach Forest Service Plan: I was contacted by Alaska Center for the Environment and asked to provide public comment on the proposed USFS Chugach Forest Service Plan. I reviewed the Website of this group and also reviewed a Web link provided on their Website. It is clear that their request to terminate pre-existing uses in the affected forest service areas is contrary to existing agreements. Additionally, their request is contrary to the premise of the proposed plan that is to fulfill pre-existing agreements protecting and preserving pre-existing uses. These pre-existing uses are easily identified and in fact are identified by the above group on their Website. Mining, logging, commercial fishing, recreation fishing and other recreational activities are pre-existing uses and are protected by previous agreements such as the Exxon Valdez Oil Spill (EVOS) settlement, ANILCA, and other federal and state laws and permits. The proposed USFS Chugach Forest Service plan needs to specifically state that it will preserve pre-existing uses, and how it will do it, in order to be compatible with these agreements and to satisfy the promises of the proposed plan to fulfill the existing agreements. Otherwise, the proposed plan is incomplete with respect to having an appropriate impact statement. Without such preservation guarantees, the proposed plan is a circumvention and in violation of these agreements and public trust. If there is any potential for impact on commercial or recreational activities, and there clearly is under the proposed plan, then the impact must be evaluated to see if it is in any way an obstruction to usage. Increased user fees and restrictions or changes for usage, or changes in usage regulations or agency guidelines, can act as obstructions and therefore cannot be allowed. More importantly, these infringements run contrary to our respect for protecting the fundamental rights and freedoms of an individual. Sincerely, Grant Baker
0034762-001	To: r10_chugach_revision@fs.fed.us cc: Subject: Clarification of Forest Plan Revision Comments Gary, I wanted to clarify one point in the Forest Plan Revision comments I submitted earlier today (on paper) on behalf of Turnagain Arm Conservation League: in the section on Wilderness, when we refer to 'Resurrection/Primrose' we mean the area identified in the Alternative that TACL submitted early in the planning process-- hopefully you still have the map somewhere. If not, we can make you another copy. Basically, it's the Resurrection River and Primrose Creek watersheds, (south and west of Kenai Lake.) Sincerely, Gabrielle Barnett

Comment #	Comment
0034763-001	Additional Public Comment on the USFS Chugach Forest Service Plan: I was contacted by Alaska Center for the Environment and asked to provide public comment on the proposed USFS Chugach Forest Service Plan. I reviewed the Website of this group and also reviewed a Web link provided on their Website. It is clear that their request to terminate pre-existing uses in the affected forest service areas is contrary to existing agreements. Additionally, their request is contrary to the premise of the proposed plan that is to fulfill pre-existing agreements protecting and preserving pre-existing uses. These pre-existing uses are easily identified and in fact are identified by the above group on their Website. Mining, logging, commercial fishing, recreation fishing and other recreational activities are pre-existing uses and are protected by previous agreements such as the Exxon Valdez Oil Spill (EVOS) settlement, ANILCA, and other federal and state laws and permits. The proposed USFS Chugach Forest Service plan needs to specifically state that it will preserve pre-existing uses, and how it will do it, in order to be compatible with these agreements and to satisfy the promises of the proposed plan to fulfill the existing agreements. Otherwise, the proposed plan is incomplete with respect to having an appropriate impact statement. Without such preservation guarantees, the proposed plan is a circumvention and in violation of these agreements and public trust. If there is any potential for impact on commercial or recreational activities, and there clearly is under the proposed plan, then the impact must be evaluated to see if it is in any way an obstruction to usage. Increased user fees and restrictions or changes for usage, or changes in usage regulations or agency guidelines, can act as obstructions and therefore cannot be allowed. More importantly, these infringements run contrary to our respect for protecting the fundamental rights and freedoms of an individual. Sincerely, Grant Baker
0034768-004	In addition to the Wilderness Areas identified in the plan, we recommend the following for Wilderness designation: Chugach NF wetlands in the Copper River Delta, including the wetlands along Alaganik Slough and from Alaganik Slough east.
0034775-002	2.1 have been told that the planning process and the proposed Plan have been illegally biased due to the declared intent of maintaining the 'wild character' of the Forest. It would be helpful to learn where that has been required outside the wilderness study areas. A process with a predetermined conclusion is arbitrary and capricious. 5. Lands outside the Wilderness Study Area were studied and recommended for 'Wilderness' designation. Lands already designated 501(b) by Congress were recommended for 'Wilderness.' Such studies and recommendations probably violate the 'no-more' clause of ANILCA (1326(b)).

Comment #	Comment
0034792-002	.
0034827-003	This proposal and Plan also violates the NO MORE provisions and agreement in the ANILCA.
0034837-002	2. The planning process and the proposed Plan have been illegally biased due to the declared intent of maintaining the 'wild character' of the Forest. Such a process with a predetermined conclusion is arbitrary and capricious.
0034863-001	:
0034873-001	3.) The Forest Wide Direction for Non-Recreational Special Uses includes a guideline for placement of mariculture facilities (p. 2-23). Tidelands are managed by the State of Alaska, and are not part of the National Forest. The State concedes compatibility with upland uses when permitting sites. I don't think the US Forest Service should state a categorical objection to the siting of mariculture facilities offshore of any management area. Mariculture permits are reviewed on a case by case basis. Concerns, objections, and conflicts with specific upland uses are addressed during permit reviews. Many currently permitted sites are offshore of areas which the guideline states should be avoided. It may be that the second sentence in the guideline on p. 2-23 is intended to address floating lodges or other commercial facilities. If so, this should be stated. If not clarified, the sentence should be removed.
0034894-001	Thank you for reading our comments. Please put the Ecology Center on the mailing list for any NEPA documents and other pertinent information regarding this proposed action.
0034895-006	This rich and unique area deserves the strongest protection possible -- ANILCA wilderness.

0034903-001

GENERAL COMMENTS

1. Biased Guidance and Approach - It was apparent from the beginning of the revision process that the Forest Service was operating under a strong bias against multiple use and in support of added restrictions to use of the forest. This was formally confirmed by Acting Regional Forester Jim Caplin when he met with the Chugach National Forest's Interdisciplinary Team (IDT) and various persons from the general public which included AMA. Caplin stated that his general guidance to the planning effort was to maintain the 'wild in character' nature of the Chugach National Forest. Maintaining 'wild in character' was to be the over-riding theme, focus and purpose of the plan revision. Establishment of such a theme and focus is arbitrary and capricious and is contrary to the National Forest Management Act of 1976 (NFMA), the Multiple Use-Sustained Yield Act, the USFS Organic Act, the Mineral Policy Act of 1970, the National Environmental Policy Act, the Alaska National Interest Lands Conservation Act, and the USFS Planning Regulations.

2. Minerals Not Represented Effectively - At the start of the plan revision process we asked that an experienced geologist or mining engineer be assigned to the interdisciplinary team (IDT) to ensure that minerals data and considerations were properly addressed during the day to day work of the plan revision. This was not done but rather various individuals were brought into the team on an ad hoc basis only. As we expected, this was not effective representation of the mineral resources of the forest. The entire forest is underlain with rocks and many of the areas have significant economic mineral potential. Throughout the process minerals were neglected with the focus being on biological and recreational resources and maintaining the 'wild in character' focus.

3. Insufficient Data - The minerals data used by the IDT is totally insufficient. We have made this point from the very start of the CLMP process. The IDT brought in minerals specialists from several federal and state agencies to review the data and that review showed that there was a tremendous need for more information before any reasoned decisions could be made in the planning process and before the economic impacts of plan alternatives could be evaluated.

4. On April 27, 1999 the Interagency Minerals Coordinating Group, made up of representatives from the USFS, USGS, BLM, and Alaska Division of Geologic & Geophysical Surveys, recommended that a modern airborne geophysical survey be completed for the Chugach National Forest and that the resulting data be part of the CLMP evaluation. Such a survey, at a very minimum, is essential for any areas being considered for restrictive land use designations. Without such data, there is no way to know or estimate the economic impacts of the restrictions. In some cases the restrictions may be for Congressionally designated Wilderness or Wild & Scenic Rivers, and the result would be that any potential economic benefits to the public and the nation from the minerals would be forever lost.

5. Even though there was much discussion about the lack of data and the need for airborne geophysical surveys, no such survey was completed. The AMA contacted the Alaska Congressional Delegation about such a survey. However, neither the Chugach National Forest nor the Alaska Regional Office requested such a survey in their budgets. No other attempt has been made to develop new data.

6. The timber data used by the IDT was also totally insufficient. Data use was based on old surveys and among other things did not evaluate the affects of the spruce bark beetle.

7. Bias Regarding Special Studies - One item of proof that there was a bias against minerals and timber can be seen in the types of studies that were completed during the planning process. Extensive new studies were completed addressing the Dusky Canada Goose and the Kenai Brown Bear but no such studies were done of the minerals. However, the minerals assessment was merely a compilation of existing data, much of which dated to the 1930s.

8. 'No More' Clause and Intent of ANILCA Violated - Throughout the plan revision process we repeatedly warned the IDT that, under ANILCA, except for the Congressionally

designated wilderness study area, they were not allowed to recommend or even study lands in the Chugach NF for designation as 'Wilderness' or as Wild & Scenic Rivers. In your response to the joint associations letter you indicate that authority to study the entire forest derives from the National Forest Management Act of 1976 (NFMA). However, ANILCA amended and superceded NFMA as it applies to Alaska. ANILCA specifically identified a 'wilderness study area' which was to be evaluated but by so doing it specifically excluded the remainder of the Chugach National Forest from further consideration for designation as part of a conservation system unit (CSU). Similarly, ANILCA amended and superceded the Wild & Scenic Rivers Act as it applies to Alaska and, except for the Wilderness Study Area, the agency is not allowed to evaluate, recommend or even study areas for W&SR designation, in your response to the joint associations letter you referenced Forest Service and Region 10 regulations and policies regarding the study of lands for designation as Wild & Scenic Rivers but these cannot over rule or circumvent ANILCA.

9. CLMP Revision Rushed to Completion - It is clear that one primary goal of the USFS in this revision process was to rush this CLMP Revision through to completion during the current Administration. This clearly does not meet either the letter or intent of the National Environmental Policy Act and is therefore arbitrary and capricious. Unless and until the data necessary for effectively evaluating the lands in the Chugach National Forest, the only choice is to maintain the status quo.

10. During the planning process the AMA along with several other organizations jointly developed a management alternative (alternative A), in that alternative, several specific areas were recommended for resource development and forest restoration. Few of those recommendations were taken in fact there are no resource development areas and forest restoration areas are lacking in the preferred alternative.

11. Even though the Chugach National Forest is 98% roadless there were no road corridors proposed identified or studied. Additionally possible access routes identified by landowners that are guaranteed by ANILCA were not recognized.

12. The Preferred Alternative violates the Multiple Use-Sustained Yield Act in that under the Revision, most of the Forest would be closed to multiple use and restricted to a very few uses. Under the Preferred Alternative most resource development activities would not be allowed in most of the Chugach National Forest.

13. The Preferred Alternative, which does not encourage mining, is therefore in violation of the U.S. Mineral Policy Act of 1970. 30 USC Section 21a which states that it is the continuing policy of the U.S. Government to foster and encourage private enterprise in the development of an economically sound domestic mineral industry. The Preferred Alternative does not do this but rather discourages mineral development.

Comment #	Comment
0034917-001	Thank you for the opportunity to comment on the Proposed Revised Land and Resource Management Plan for the Chugach National Forest. The mission of the National Parks Conservation Association (NPCA) is to protect and enhance America's National Park System for present and future generations. Founded in 1919, the association has nearly 400,000 members, over 1,000 of which reside in Alaska. Much of our work focuses on the Alaska National Interest Lands Conservation Act (ANILCA) and applying it to our National Parks and other Conservation System Units (CSUs). (In addition to National Parks, CSUs include National Forest Wilderness, Wilderness Study Areas, and National Forest Monuments.) Our comments concern ANILCA and the Forest Service's definition of traditional activities regarding use of snowmobiles. NPCA disagrees with the Forest Service definition and requests that it be revised. ANILCA protects access to traditional activities, not recreation ANILCA Section 1110(a) states, 'the Secretary shall permit, on conservation system units' the use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites.' ANILCA did not open CSUs to all snowmachine use, but rather it allows snowmachine use for access to certain purposes related to a utilitarian Alaskan lifestyle. Snowmachining as an activity in itself, is not guaranteed by ANILCA. The Forest Service Manual for Region 10 states, 'Traditional activities include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' NPCA adamantly disagrees that recreation, boating, sightseeing and hiking are activities that ANILCA intended to include as 'traditional activities'. Hunting and fishing should be included, not because they are a form of recreation but because they are activities that are essential to continuing a rural way of life. The Forest Service definition of traditional activities is so broad, that no use is excluded. Clearly Congress did not intend this. if ANILCA intended to open CSUs to all types of snowmachine use, it would have simply said, 'snowmachines are allowed'. Instead, Congress added the qualifier, 'for traditional activities.' It is illogical to conclude all snowmachine use is allowed, otherwise this phrase would have been omitted. Further clarification of what Congress meant by 'traditional activities' can be found in Senate report No. 96-413 (enclosed). This is the final Senate report on ANILCA and accompanied the bill when President Carter signed it. It defines traditional activities as 'traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.' (S. Rep.96-413, p. 247-248) The common attributes shared by these activities are the continuance of a traditional rural way of life in Alaska: harvest, sustenance, and getting home. Recreation represents a categorically different class of use from the traditional and customary activities that Congress enumerated in Senate Report 96-413. Rather, Congress sought only to protect the continued use of certain motorized vehicles for transportation in support of activities that were necessary to sustain a traditional way of life. ANILCA may guarantee use of a motorboat to reach a fishing spot, but ANILCA does not guarantee use of the same boat for waterskiing. Section 1110(a) may apply to use of a snowmachine to travel along a trapline or to a hunting area, but it does not apply to cross-country snowmachine races through Wilderness or 'highmarking' up mountain slopes. Congress had to provide for the continued use of certain motorized access in

Sec. 1110(a) to ensure fulfillment of one of ANILCA's fundamental promises in Sec. 101 - 'to provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so.' Without the ability to use motorboats, snowmachines, or airplanes for transportation and travel in rural Alaska, one of the act's major purposes would be rendered meaningless.

Additionally, it is clear that Section 1110(a) is not about recreation when it is taken in context with the heading it is listed under. Special Access and Access To Inholdings. Accordingly, in the Proposed Management Plan we recommend you change references to 1110(a) 'snowmachines' may be used for traditional activities' from your current heading of Recreation to the heading that follows it. Access and Transportation so that your plan remains consistent with ANILCA (proposed plan, p. 3-10 and 3-14.)

Why are National Park and Forest Service definitions so different?

We understand that traditional activities may vary somewhat from unit to unit based on what has occurred previous to ANILCA and what customary activities are legally allowed. For example, prior to 1980 hunting and travel to and from homesites did not occur in the core of Denali. In Wrangell-St. Elias National Park however, hunting did occur and people did travel through the area to get to homesites and communities. Thus the actual level and types of snowmobile activity guaranteed under ANILCA will be different in those two park units, as they may be in different areas of the Chugach National Forest. The important point however is that while the activities will be different the definition of what is guaranteed must be consistent with the intent of ANILCA and applied consistently by land managing agencies. We agree with the definition of traditional activity recently adopted for the Wilderness core of Denali, which states, 'a traditional activity' involves the consumptive use of one or more natural resources such as hunting, trapping, fishing, berry picking or similar activities. Recreational use of snowmachines was not a traditional activity.'

We are troubled that the definitions for Denali National Park and Chugach National Forest are so different. When asked, Chugach National Forest staff responded they are different because the Forest Service 'is a multi-use agency'. Yes, the Forest Service is a multi-use agency, but this point is immaterial to the issue at hand. The Forest Service harvests timber; it also manages Wilderness. Timber harvest is not allowed on lands designated for Wilderness. Likewise, recreational snowmachining is not allowed in Wilderness. Multi-use does not mean all uses must occur in all places.

Recommendations

We request the Forest Service adopt a new definition for traditional activities and amend the Forest Manual for Region 10 and the Proposed Management Plan to reflect these changes. This new definition must protect legitimate uses set forth in ANILCA and Senate Report 96-413. However, the definition must not create a new class of recreational uses not consistent with ANILCA that were never intended in Alaskan Wilderness.

0034918-002 During the ANILCA process it was proposed as a National Monument and left out.

Comment #	Comment
0034926-005	.' Such studies and recommendations violate the 'no-more' clause of ANILCA (1326(b)).
0034928-008	.' Such studies and recommendations violate the 'no-more' clause of ANILCA (1326(b)).

0034931-001

On behalf of Alaska Center for the Environment, Alaska Quiet Rights Coalition, Alaska Wildlife Alliance, Eastern Kenai Peninsula Environmental Action Association, National Parks Conservation Association, National Wildlife Federation, Natural Resources Defense Council, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society, Trustees for Alaska submits the following comments on the Draft Environmental Impact Statement (DEIS) and the Forest Service's Proposed Revised Chugach National Forest Land and Resource Management Plan (Revised Plan). These comments focus on issues surrounding Section 1110(a) of the Alaska National Interest Lands Conservation Act (ANILCA) and its implementation on the Chugach concerning the use of snowmachines, motorboats, and airplanes for traditional activities. The above organizations will address other issues in their individual comments on the DEIS and Revised Plan. Also, Trustees for Alaska is submitting separate comments on the DEIS dealing with issues surrounding tidelands and submerged lands on the Chugach.

The Forest Service needs to define 'traditional activities' in a way that is consistent with ANILCA and the intent of Congress. Its current definition states that traditional activities 'include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking. The Revised Plan implements this definition, stating that in wild river management areas, wilderness study areas, and recommended wilderness management areas, the use of snowmachines, motorboats, and fixed-wing airplanes will be allowed for traditional uses. See Revised Plan at 3-8, 3-12, 3-16. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. See ADD 3-4 (House Report 96-97, Part I (April 18, 1978).1/ The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law.

Section 1110(a) requires the Forest Service to provide for 'special access' by snowmachine, motorboat, and airplane for 'traditional activities' on Chugach conservation system units (CSUs).2/ It is the only provision in federal law requiring the Forest Service to allow the use of snowmachines on certain areas of the Chugach and for certain activities. In those areas where Section 1110(a) does not apply, the Forest Service is not required to allow snowmachine use for any purpose at all. Section 1110(a) states.

> Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

16 U.S.C. Section 3170(a).

Section 1110(a) sets out what motorized access federal land managers must allow on Alaska CSUs: special access via the three enumerated means for (and only for) traditional activities and for travel to and from villages and homesites. In the absence of a finding that qualifying traditional activities occurred in a CSU prior to enactment of ANILCA, the Forest Service is not required to allow snowmachine use in any CSU. Because recreational snowmachining does not involve access for a traditional activity, and because no statutory provision guarantees recreational snowmachine use on non-CSU Forest Service land, the Forest Service is not required to allow snowmachines for purely recreational activities on ANY part of the Chugach National Forest. We say this not because we think the entire Forest should be

closed to snowmachining. Rather, we are only pointing out that snowmachine access is not mandated anywhere on the Chugach except in CSUs--and in those CSUs, only for 'traditional activities' as intended by Congress and not for purely recreational pursuits.

1/ ANILCA legislative history that is relevant to Section 1110(a) is set out in the attached consecutively-paginated Addendum of Authorities, to which citations are made as 'ADD.'

2/ Section 1110(a) applies to 'conservation system units' and wilderness study areas. 16 U.S.C. Section 3170(a). On the Chugach National Forest, it would thus apply to the Nellie Juan-College Fjord Wilderness Study Area, Resurrection Pass National Recreation Trail, the Williwaw Nature Trail. See 16 U.S.C. Section 3102(4). It would also apply to any future recommended or designated conservation system unit. Proposed Revised LRMP at 3-12.

It is important to understand the distinction between required snowmachine access and permissive snowmachine access on the Forest, Section 1110(a) sets the floor of what land managers must allow, i.e. guaranteed access, and does not set out the ceiling of what land managers may allow, i.e. permissive access. Permissive access is a topic that is governed by separate provisions of ANILCA and other federal laws. The point is that the Forest Service does not have to allow snowmachining in any of the CSUs on the Chugach for anything other than traditional activities associated with consumptive uses of Forest resources that occurred prior to enactment of ANILCA, or with travel to and from villages and homesites.

The title of Section 1110(a) is instructive: 'Special Access and Access to Inholdings.' 16 U.S.C. Section 3170. The access guaranteed there is special, not ordinary, and access is not required for just any old activity, but rather only for those that are 'traditional.' Unfortunately, Congress did not specifically define that term in ANILCA itself, although a definition can be discerned from the structure of ANILCA as a whole and its legislative history. It is critical for the Forest Service to properly define the statutory term.

We submit that it is in the Forest Service's interest to restrictively define the guaranteed access under Section 1110(a) so that it can act to protect areas that might need protection, even when it might adopt a broad approach to permissive access. As evidenced by the raging debate over what areas should be 'open' or 'closed' to snowmachining on the Chugach and elsewhere (the situation in Old Denali comes to mind, see below), it is difficult to trim back use in an area once users come to expect access, whether that expectation is valid or based in law. For example, some CSUs of the Chugach may have become popular with recreational snowmachiners in the last five or ten years due to new or improved road access, more sophisticated and dependable snowmachines, etc., whereas snowmachines had not been used to access a traditional activity associated with a utilitarian Alaskan lifestyle in that area prior to enactment of ANILCA. Section 1110(a) simply does not guarantee snowmachine access in those areas. Again, that's not to say that the Forest Service may not allow recreational snowmachine use in such an area, but just that it is not required to.

Recently, the National Park Service promulgated regulations to apply Section 1110(a) to the pre-ANILCA portion of Denali National Park and Preserve (Old Park). Before it could apply Section 1110(a) to the Old Park, the Park Service found that it first had to define the statutory term 'traditional activities.' The Park Service received over SIX THOUSAND comments on the proposed regulatory package -- 98% of commentors supporting the proposed definition of 'traditional activities' and 96% supporting the complete closure of the Old Park to snowmachines. After this lengthy public process, the Park Service promulgated a definition stating that

> [a] traditional activity is an activity that generally and lawfully occurred in the Old Park contemporaneously with the enactment of ANILCA, and that was associated with the Old Park, or a discrete portion thereof, involving the consumptive use of one or more natural resources of the Old Park such as
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> hunting, trapping, fishing, berry picking or similar activities. Recreational use of snowmachines was not a traditional activity. If a traditional activity generally occurred only in a particular area of the Old Park, it would be considered a

> traditional activity only in the area where it had previously occurred. In addition, a traditional activity must be a legally permissible activity in the Old Park.

36 C.F.R. Section 13.63(h)(1) (65 Fed. Reg. 37863, 37878 (June 19, 2000)) (emphasis added). This definition is consistent with the legislative intent as expressed in House Report 96-97:

> In Section 905 [the predecessor of ANILCA Section 1110(a)], the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]... for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.

ADD 3-4 (Mouse Report 96-97, Part I (April 18, 1978)) (emphasis added).

In the Federal Register announcement with the proposed definition, the Park Service specifically asked for people to identify when and where they had engaged in lawful traditional activities in the Old Park. 64 Fed. Reg. 61563, 61568 (November 12, 1999). It noted that hunting and trapping were not legally permitted in the Old Park, and sport fishing has not taken place in the Old Park during periods of adequate snow cover due to adverse weather conditions. Id, at 61567, Also, there are no villages, homesites, or other valid occupancies within the Old Park. Id After analyzing the public comments, the Park Service concluded that no wintertime traditional activities, as Congress defined that term, took place in the Old Park prior to enactment of ANILCA; therefore, the Park Service announced that all of the Old Park was closed to snowmachine use. 36 C.F.R. Section 13.63(h)(2) (65 Fed. Reg. 37863, 37878-79 (June 19, 2000)).

While the Forest Service has not issued a regulation defining the statutory term 'traditional activities,' the Draft Forest Plan implements a definition in the Forest Service Manual for Region 10. That Manual states that '[traditional activities include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2326.1. The Manual also states that 'no proof of pre-existing use will be required in order to use a snowmachine, motorboat, or airplane.' Id. Thus the Forest Service confuses the means of motorized access and the purpose of that access, adopting a definition of a restrictive statutory term to exclude nothing. Traditional activities are defined to include recreational activities, and thus purely recreational activities are turned into traditional activities. The Forest Service is reading a narrow statutory mandate to provide 'special access' for traditional activities to provide free-for-all open access of all CSUs, for any purpose.3/

3/ Because there is no 'right' to snowmachine on the Chugach for anything but traditional activities, and any recreational snowmachining is thus permissive, under NEPA at least one alternative in the DEIS should completely restrict recreational snowmachine use on the Forest. See 40 U.S.C. Section 4332(2)(C)(iii).

The Forest Service's reading of Section 1110(a) is overly broad and contrary to ANILCA. Pervasive throughout ANILCA and its legislative history is evidence of Congress's efforts to see that historic patterns and means of access and traditional Alaskan cultural activities were not disrupted by the new ANILCA conservation units. Congress did not intend to require land managers to guarantee snowmachine access to CSUs for purely recreational purposes. Had it meant to guarantee purely recreational motorized uses, it would not have labeled Section 1110(a) 'special access' and it would not have limited the guaranteed access to 'traditional activities.' Historic patterns and means of access should dictate the level of snowmachining that the Forest Service guarantees in CSUs on the Chugach. Nowhere does the text of ANILCA provide for the introduction of new motorized uses in Wilderness units where they were not previously occurring to access some consumptive activity associated with a utilitarian Alaska lifestyle. Rather, it provides for the continuation of existing motorized uses in areas where they had been used prior to ANILCA to access valid traditional activities.

The plain meaning of Section 1110(a), the statutory structure of ANILCA as a whole, and the legislative history of Section 1110(a) all support this reading of ANILCA.

The plain meaning of ANILCA compels the conclusion that the Forest Service need not allow snowmachines in CSUs on the Chugach for anything other than consumptive uses

associated with a utilitarian Alaska lifestyle. In Section 704 of ANILCA, Congress designated the Nellie Juan-College Fjord area as a wilderness study area, a CSU under ANILCA. 16 U.S.C. Section 3102(4). According to the Region 10 Forest Service Manual,

> the wilderness study area shall, until Congress determines otherwise, be administered to maintain presently existing character and potential for inclusion into the National Wilderness Preservation System. . . . The principle of nondegradation of conditions existing on the date the area was established will guide the management of designated wilderness and the Nellie Juan-College Fjord Wilderness Study Area, to the extent consistent with ANILCA.

U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2320.3. Section 707 of ANILCA establishes the manner in which wilderness mandates are to be reconciled with other provisions of ANILCA:

> Except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness.

ANILCA Sec. 707, Pub. L. No. 96-487, 94 Stat. 2371 (1980) (emphasis added) 1.

A fundamental tenet of the Wilderness Act is its prohibition against the use of motor vehicles in Wilderness areas. Congress stated unequivocally that there is to be 'no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, [and] no other forms of mechanical transport' in Wilderness areas. 16 U.S.C. Section 3133(c). The Wilderness Act requires agencies to permit continued operation of certain motorized vehicles (aircraft and motorboats) in statutory Wilderness only where such use constitutes an 'existing private right,' and grants agencies the discretion to allow the continuation of such uses only if they had 'already become established' before designation as Wilderness. 16 U.S.C. Section 3133(c), (d)(1). The Wilderness Act, however, makes no provision for the general, non-discretionary continuation of any existing motorized use. No provision of the Wilderness Act permits the introduction of new motorized uses after the statutory Wilderness designation.

There is no provision of ANILCA which 'expressly' requires the Wilderness Act to be modified or nullified to require the Forest Service to allow new snowmachine use in any area of the Chugach where that use was not an established, lawful use before December 2, 1980. ANILCA Sect. 707. To do so 'expressly,' a provision must state its purpose '[i]n an express manner; in direct or unmistakable terms; explicitly; definitely; [and] directly.' Black's Law Dictionary 581 (6th ed. 1990); here, such an express repudiation cannot be found in ANILCA. On the contrary. Congress in ANILCA stated unequivocally that the designation of Wilderness Areas shall 'in no manner lower the standards evolved for the use and preservation of such park.' See 16 U.S.C. Section 1133(a)(3). Nor, critically, is there any provision in ANILCA or other statute that expressly grants the Forest Service the discretion to introduce such use in the Wilderness Study Areas on the Chugach. That Congress intended the statutory concepts and purposes of the Wilderness Act to be incorporated into ANILCA unless 'otherwise expressly provided for in [ANILCA],' Section 707, is further emphasized by the definition section of ANILCA: 'As used in this Act... [t]he terms 'wilderness' and 'National Wilderness Preservation System' have the same meaning as when used in the Wilderness Act.' 16 U.S.C. Section 3102(13).

Applying fundamental principles of statutory interpretation to ANILCA and Section 1110(a) one gets the same result. Analysis of ANILCA as a whole reveals that when this statute speaks of 'traditional activities,' it is referring to local rural and Native residents' cultural, lifestyle, and utilitarian traditions. The phrase 'traditional activities' is not simply a shorthand reference to snowmachine use for a variety of wintertime recreation and pastimes by people who do not live and lead traditional lifestyles in ANILCA-created CSUs. Rather, the term's use in Section 1110(a) furthers the legislative goal that ANILCA's unit designations have minimal impact on these local rural and Native residents' traditions.

Indeed, the entire Subsistence Title of ANILCA consistently relates the term 'traditional activities' to the ethnic, cultural and lifestyle activities by local rural residents. Congress in ANILCA authorized the continuation of certain existing motorized surface access for subsistence

uses in Section 811(b) (which, in both the statute and its legislative history, are not to be increased in magnitude beyond their traditional, pre-ANILCA levels). Section 811 states:

> (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands;
>
> (b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

16 U.S.C. Section 3121 (emphases added).

It would be incongruous indeed if local subsistence users were limited by ANILCA to those means of transportation which had been 'traditionally employed' in a particular area, while recreational users (many of them living hundreds of miles distant from the area in question) would have a claimed right under Section 1110(a) to employ new means of motorized transportation which had never before been lawfully or traditionally used in the particular area.4/

Congress identified a very limited role for existing airplane use for subsistence activities within CSUs, and Congress did not condone expansion of airplane use, or its new introduction into CSUs where it was not a pre-existing, established use. 16 U.S.C. Section 1133(d)(1). There is no indication in ANILCA or its legislative history that Congress intended that snowmachines or motorboats be treated any differently. Thus the phrase 'traditional activities' should be read in Section 1110(a) to refer to traditional subsistence activities carried on by use of airplanes, snowmachines, and motorboats.

We are aware of only one instance when Congress in ANILCA expressly enacted an authorization for new motorized access and use: Section 1315(b) regarding new motorized uses in National Forest Wilderness Areas, for the purposes of fisheries rehabilitation and enhancement. Moreover, ANILCA Section 201(5) (creating Kenai Fjords National Park) is the only place in that Act where Congress recognized and preserved motorized recreation. See ANILCA Sec. 201(5), Pub. L. No. 96-487, 94 Stat. 2371 (1980) ('the Secretary is authorized... to allow use of mechanized equipment on the [Harding] [I]cefield for recreation.'). The legislative history of this section makes clear that this was the continuation of a pre-existing use. See ADD 119-120. This is consistent with the Congressional intention under Section 1110(a) that only pre-existing motorized uses were to continue in Parks and Wilderness. It is the only instance we have found in ANILCA itself where Congress may be found to have identified and preserved existing snowmachine access for non-subsistence activities, specifically snowmachine recreation.

4/ NPS regulations adopted to implement ANILCA Section 811 (subsistence access) draw a clear distinction between snowmachine use by local rural residents in pursuing traditional subsistence activities, and their use of these same vehicles for recreational activities. The regulations state:

> At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with Sections 13,10, 13.11, 13.12, and 13.14, respectively.

36 C.F.R. Section 13.46(e). The referenced regulations have not yet been promulgated, although they were proposed in a 1981 rulemaking. See 46 Fed. Reg. 31836, 31856 (1981). They will he within Sections 13.10 to 13.16 of Subpart A of 36 C.F.R., which are presently designated '[Reserved].' Subpart A itself is entitled 'Public Use and Recreation,' while Subpart B, entitled 'Subsistence,' contains the quoted Section 13.46(e). See Chevron U.S.A. v. Natural Resources Defense Council, 467 U.S. 837, 844 (1984) ('[Considerable weight should be accorded to an executive department's construction of a statutory scheme it is entrusted to administer....'); see also Nevada v. U.S. Dep't of Energy, 993 F.2d 1442, 1444 (9th Cir. 1992).

Even if the term 'traditional activities' was interpreted to include both subsistence and recreational activities, the relationship between the claimed 'traditional activity' and the particular means of access traditionally used to pursue it prior to ANILCA are unavoidably

linked. Because Section 1110(a) deals with the 'use' of 'snowmachines, . . . motorboats, [and] airplanes' in the same phrase, the same Congressional policy against the expansion or new introduction of any of these motorized uses in park areas should be applied, regardless of whether thai use is subsistence-related or recreational. And such a Congressional policy is even more evident and consistent where it designated the parts of the Chugach as Wilderness Study.

Finally, ANILCA's legislative history supports the legal conclusion that the Forest Service is not required to allow snowmachines in CSUs or wilderness study areas where they had not become established to access a lawful consumptive activity prior to 1980. There is no known legislative history regarding the Act which states -- or even implies -- that Congress intended that new uses of snowmachines, motorboats, or airplanes should generally occur in units designated by ANILCA, if those uses had not occurred there prior to ANILCA. In fact, in only one section of ANILCA did Congress explicitly mandate that new motorized access be permitted in a Wilderness area, and then on a temporary basis only, see above re. ANILCA Section 1315(b), and that access was to be for the sole purpose of fisheries enhancement.

-- Congress did not intend that Section 1110(a) impose new modes of motorized transportation in the CSUs of the Chugach.

There is a limited amount of available committee report information which directly explains Congress's intent in enacting Section 1110(a). Several legislative reports essentially reiterate the language of the statute. One exception is the explanation of the 'special access' provision of draft Section 905 (the predecessor of ANILCA Section 1110(a)), which is discussed in House Report 96-97, Part I (April 18, 1978), of the House Committee on Interior and Insular Affairs. See ADD 3-4. This report states in relevant part:

> In Section 905, the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]. National Recreation Areas and National Conservation Areas, for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.
>
> The committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use lest. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.
>
> The transportation modes covered by this section are float and ski planes, snowmachines, motor boats, and dogsleds. . . . Existing law does not guarantee this form of access into Parks, Wildlife Refuges, Wild Rivers, or Wildernesses, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.
>
> In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit.

Id at 3-4 (emphases added). At the conclusion of the ANILCA legislative process, this explanation appeared, nearly verbatim, in the Senate Report. See ADD 10-11 (S. Rep. No. 96-413, at 247-48 (1980), reprinted in 1980 U.S.C.C.A.N. 5191-92).

Section 1110(a), read in context with its legislative reports and all other available legislative history, makes clear that Congress intended to mandate continued use, on a non-discretionary basis, in the new ANILCA CSUs by snowmachine, motorboat, and airplane for traditional activities -- but only where these modes of transportation had 'already become established' in a particular area prior to ANILCA. 16 U.S.C. Section 1133(d)(1).

The House and Senate committee reports' several references to 'wilderness' are significant. First, Congress recognized that under existing law, the Wilderness Act itself permitted motorized access by airplane and motorboat to continue, at the Secretary's discretion,

'at pre-existing levels of intensity.' ADD 4 (H.R. Rep. No. 96-97, Part I at 238-39 (April 18, 1978)) (emphasis added). This recognition of the effect of existing law confirms that Congress intended Section 1110(a) to also extend this permission -- with the addition of snowmachines and without Secretarial discretion -- to those Wilderness areas designated by ANILCA, at their pre-Wilderness levels of intensity. As the Senate Report stated succinctly:

> These are [access] rights subject to reasonable regulation by the Secretary to protect the values of the unit. This removes the discretion for allowing or not allowing use of these vehicles that currently exists.

ADD 12 (S. Rep. No. 96-413, at 299 (1979), reprinted in 1980 U.S.C.C.A.N. 5243) (emphasis added). The only 'discretion for allowing or not allowing use' which 'currently exist[ed]' in the Wilderness Act is the discretionary allowance of motorized uses which had 'already become established.' 16 U.S.C. Section 1133(d)(1).

The corollary Congressional intention is also clear: If there was a zero 'pre-existing level of intensity' of motorized use or access, then Section 1110(a) cannot be read to compel or permit the Secretary to introduce motorized uses into such a non-motorized ANILCA Wilderness area.

Second, the Reports' reference to the 'wilderness type pre-existing use test' and its disallowance in Section 1110(a) must be examined in detail. This is not the 'pre-existing use test' as found in the Wilderness Act. The 'pre-existing use test' in that Act differentiates only between a statutory private right to pre-existing motorized access, and a discretionary public continuation of pre-existing motorized access. See 16 U.S.C. Section 1133(c), (d)(1). Neither part of this Wilderness Act 'test' contemplates or permits the commencement of new motorized uses after wilderness designation.

Thus the phrase 'wilderness type pre-existing use test' was Congressional shorthand for an individual's non-discretionary statutory 'existing private right' under the Wilderness Act to continue a particular activity within a Wilderness or wilderness study area after Wilderness designation. This 'pre-existing use test' refers to an individual right (such as private property and access to it) which may rise to the level of a constitutionally-protected property right; under the Wilderness Act, its recognition is not discretionary with the Secretary. See 16 U.S.C. Section 1133(c). On the other hand, general public use of aircraft and motorboats was permitted to continue in Wilderness at the Secretary's discretion, but only 'where these uses have already become established' before designation of the particular Wilderness area. 16 U.S.C. Section 1133(d)(1).

Therefore, under the Wilderness Act the only non-discretionary right to continue a use of Wilderness or wilderness study area in a manner inconsistent with its Wilderness designation was by showing an individual, personal-property right, an 'existing private right.' 16 U.S.C. Section 1133(c). Under the Act, general motorized uses in Wilderness or wilderness study area by persons who had no claim to 'existing private rights' could continue, in the Secretary's discretion, only if their uses had 'already become established.' See United States v. Gregg, 290 F.Supp. 706 (W.D. Wash. 1968).

Congressional reports regarding ANILCA Section 1110(a) explained that the 'wilderness type pre-existing use test' would not apply under ANILCA. After ANILCA Wilderness or wilderness-study designation, the non-discretionary right to continue pre-existing motorized use by the three specified modes would extend to the public generally; it would not be confined to only those individuals who had perfected a non-discretionary 'existing private right' to a motorized use within Wilderness.

This analysis reconciles Congress's numerous statements (which would otherwise be completely inconsistent with each other and with the rest of its Section 1110(a) analysis) that 'no proof of pre-existing use will be required,' ADD 3-4 (H.R. Rep. No. 96-97. pt. 1, at 238-239 (1978)) -- and yet that 'if the uses were generally occurring in the area prior to its designation,' they could continue at pre-existing levels of intensity. Id, Placed in context with Congressional knowledge about the stringent requirements of the non-discretionary 'wilderness type pre-existing use test' to which it had referred in the immediately-preceding sentence,5/ Congress obviously meant that 'no proof of pre-existing [individual or personal] use will be required.'

This logical reconciliation is also supported by the House Committee's description of ANILCA motorized access: 'This is meant to relate to patterns of use, not specific uses by specific individuals,' ADD 1, 1B (House Report 96-97, at 205-06); and by Alaska Senator Stevens's statement in a committee mark-up session that ANILCA Wilderness access means that, 'you can [land an airplane] if you did it, I can if you did it.... If you landed in some Wilderness area, that means I can land later....' ADD 61.

5/ This knowledge is also supported by the rule of statutory construction which provides that, in Grafting legislation, Congress is assumed to know the requirements of other laws. See South Dakota v. Yankton Sioux Tribe, 118 U.S. 789, 801 (1998).

Thus, effect must be given to the House and Senate Reports' entire explanation of Section 1110(a) (quoted in full earlier), and to its single modification of the existing 'wilderness type pre-existing use' test: The Secretary would henceforth lack the discretion to outright prohibit general public motorized use in an ANILCA Wilderness area by any of three specified modes, (/those uses had 'already become established' in that Wilderness area prior to ANILCA. In this manner, the entirety of the report's explanation of Section 1110(a) becomes internally consistent, and makes sense: If a motorized use for traditional activities was 'generally occurring in [an] area' before Wilderness designation, then after that designation it may continue to be used by the public, and cannot be limited to only those individuals who had in fact used that mode prior to Wilderness designation. Boise Cascade Corp. v. U.S. Envtl. Protection Agency, 942 F.2d 1427, 1432 (9th Cir. 1991) ('[W]e must interpret statutes as a whole, giving effect to each word and making every effort not to interpret a provision in a manner that renders other provisions of the same statute inconsistent, meaningless, or superfluous.').

The Committee's modified 'wilderness type pre-existing use test' nevertheless requires that any non-conforming 'uses' (or 'modes of access' or 'activities' or 'traditional uses') 'were generally occurring in the area prior to its designation.' See ADD 4 (H.R. Rep. No. 96-97, at p. 239(1978)).

-- Congress intended that Section 1110(a) and 'wilderness designation' provisions of ANILCA should work in harmony.

It was the expressed intention of Congress that the designation of new and existing CSUs in Alaska under ANILCA be accomplished in coordination with its concurrent designation of portions of those units as Wilderness or wilderness study under the Wilderness Act. Congress also expressly intended that there be co-existence between newly designated Wilderness and pre-existing, established patterns of motorized use by snowmachine, motorboat, and airplane. It was not its intent that, within ANILCA as a whole, the Wilderness Act would be made wholly ineffective by misinformed interpretations of other sections of ANILCA which did not 'expressly provide' for the modification or nullification of any Wilderness Act requirement. See ANILCA Section 707. Thus the 'non-commercial' requirements of the original Wilderness Act have been applied fully to a new statutory Wilderness created by ANILCA Section 701(3), 16 U.S.C. Section 1132 note, within the enlarged and re-designated Glacier Bay National Park. Alaska Wildlife Alliance v. Jensen. 108 F.3d 1065, 1069 (9th Cir. 1997).

The House Interior Committee specifically described the intended coordination between the 'wilderness-designation' provisions of Title VII of ANILCA and the 'special access' requirements of Section 905 (ultimately Section 1110(a)). This coordination is analyzed in the excerpt from House Report 96-97, set forth above. See ADD 1-4 and Discussion supra page 7-8. That this coordination was intended is buttressed by the same committee's discussion -- in the same committee report - of the Wilderness designations within the Wrangell-St. Elias National Park and Preserve (then designated Section 602(8) of the bill). The following discussion appears in the House Report:

> The Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] allow/or a continuation of aircraft and motorboats in
>
> wilderness areas where those uses have been established. This is meant to relate to patterns of use, not specific uses by specific individuals. National Park Service regulations further state that such uses can be allowed only when a finding has been made that the purpose, character, and manner of such uses is suitable for the

> specific wilderness under consideration. The Committee has made that finding for the Wrangell-St. Elias Wilderness. Continued aircraft use and landings are consistent with the purpose, character and manner of this wilderness area.
>
> ***
>
> In general the Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] have built inflexibility which can allow existing uses to operate. Different Federal agencies have applied differing standards in interpreting the Wilderness Act. It is the intent of the Committee that the National Park Service develop regulations for the management of wilderness in Alaska that take into account a liberal interpretation of the Wilderness Act and to allow as many of the existing uses to continue as provided for by the access provisions of this act.
>
> ***
>
> The amendment also contains language specifically permitting the use of existing primitive fish camps and the use of motorized vehicles in connection with local commercial fishing to continue within the [Wrangell-St. Elias] Wilderness.

ADD 1B-2 (H.R. Rep. No. 96-97, at 205-06 (1978)) (emphases added). This explanation also appears, nearly verbatim, in the Senate Report. ADD 8-9 (S. Rep. No. 96-413, at 219-20 (1980), reprinted in 1980 U.S.C.C.A.N. 5164).

Significantly, the Report's explanation in the quoted passage was that the 'continuation of aircraft and motorboats in wilderness areas where those uses have been established...relate[s] to patterns of use, not specific uses by specific individuals.' Id (emphases added). The Committees' understanding of this test is crucial. This explanation further vindicates the analysis, presented earlier, that the 'wilderness type pre-existing use test' -- which Congress described in this shorthand fashion and which it intended to be modified by Section 1110(a) -- was the then-current legal yardstick established by Sections 4(c) and 4(d)(1) of the Wilderness Act in 1964. That existing rule recognized an individual, private right to continue a pre-Wilderness, established motorized use. But unless modified by Congress in ANILCA, only the land manager's discretion could extend it to persons who had not themselves employed such a pre-existing use.

The House and Senate Committees which crafted Section 1110(a) intended that motorized uses within Wilderness areas designated under ANILCA should be measured by the pattern of established, pre-existing uses in the specific area, and not the identity of specific users. At the same time, the baseline requirement - that any motorized use in an ANILCA-created portion of the Wilderness Preservation System must have been a lawful, established pre-existing condition -- comes through loud and clear:

> Alaska's rivers also serve important transportation functions.... During the ice free months there is extensive riverboat and barge traffic.... In addition, the rivers are extensively used by snowmachines and for aircraft landing during the months when the rivers are locked in ice. The Committee intends that these traditional uses shall be permitted to continue except where it can be substantially demonstrated that such uses are causing significant adverse impacts on a designated river and the purpose for which a river is designated.

ADD 1A (H.R. Rep. No. 96-97, at 196-197 (1978)) (emphases added); see also ADD 1-2, 3-4 (H.R. Rep. No. 96-97, at 205-206, 238-239 (1978)); ADD 8-11 (S. Rep. No. 96-413, at 219-220, 247-248 (1979), reprinted in 1980 U.S.C.C.A.N. 5163-64. 5191-92).

Other committee report sections completely support our position regarding Section 1110(a). They include the sections discussing Glacier Bay National Park, ADD 6-7 (S. Rep. No. 96-413, at 217 (1979), reprinted in 1980 U.S.C.C.A.N. 5161) ('[T]he Secretary [shall] be authorized to allow the continued use of motorized access to the base of the glaciers....'); Katmai National Park, ADD 6-7 (S. Rep. No. 96-413, at 217-18 (1979), reprinted in 1980 U.S.C.C.A.N., 5161-62) ('The Committee recognized that the river and lake are periodically utilized by motorized boats for administrative purposes of transporting supplies and equipment to Grosvernor Camp. The Committee believes that this can be considered under access provisions [Section 1110(a)] of this Act. . . . Brooks Lake is also used for the landings of aircraft for the purpose of access to the portion of the park and for administrative purposes. The Committee believes that these specific uses, which are limited, may be allowed within wilderness') (emphases added); Wrangell-St. Elias National Park, ADD 9 (S. Rep. No. 96-413, at 220 (1979), reprinted in 1980 U.S.C.C.A.N. 5164) ('[A]ccess into the Wrangell mountains by hunters must be by aircraft. . . . Gravel bars, gravel plateaus, and lakes are all used as landing spots.... [M]inimal improvements are necessary for safety purposes. . . . Such improvements will be allowed to continue. . . . [T]here are several landing strips that have been constructed within the area which are utilized today for access. The Park Service shall allow continued access to these landing strips....') (emphases added); ADD 27 (Cong. Rec. S-11135 (Aug. 18, 1980)) ('Although there may be similar situations [to Anaktuvuk Pass] in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, these type of situations are the exception rather than the rule.... It is not the intent to invite additional aircraft use, or new subsistence uses in parks and monuments where such uses have not traditionally and regularly occurred.') (emphases added).

-- The whole of ANILCA reinforces the purpose of Section 1110(a): to protect existing, site-specific means of access, but to create no blanket 'open until closed' authorization for new motorized uses.

Motorized uses in new conservation system units was of particular Congressional concern. The legislative history quotations are uniform in their expression of the Congressional intent to preserve existing access by motorboat, airplane and snowmachine. See Sierra Club v. Dept. of Transp., 948 F.2d 568, 573 (9th Cir. 1991) (legislative history of a section 'is important to a correct interpretation').

An exhaustive search of ANILCA and its legislative history has uncovered no support for the proposition that Congress adopted a blanket 'open until closed' regime regarding new motorized uses in CSUs or wilderness study areas, or that it intended to use Section 1110(a) (or any other provision of ANILCA) to mandate the introduction of new motorized uses in areas where they were not occurring before ANILCA. Nor, for that matter, is there any evidence that Congress incorporated (or even contemplated) any definition of a 'traditional activity' - in Section 1110(a) or elsewhere in ANILCA -- which would be so broad as to cover recreational activities which had historically occurred in various specific places in Alaska, but had not in fact occurred in the particular unit or location being considered by Congress. Instead, the legislative history of ANILCA is replete with site-specific references to traditional activities (again, predominately subsistence activities by local rural residents), and with Congressional assurance that these existing activities -- admittedly in non-conformance with the new CSU -- could continue.

It is clear that Congress consistently viewed a 'traditional activity' as one that had become established in a particular location in a CSU or wilderness study area before enactment of ANILCA, unless Congress specified to the contrary. Congress in fact only once acted to the contrary: ANILCA Section 1315(b) (allowing motorized access to National Forest Wilderness for fisheries enhancement projects) is the single contrary specification, and even it permits only temporary motorized uses, and then only for utilitarian purposes, not recreation. 16 U.S.C. Section 3203(b).

-- Congressional floor debates consistently support this position.

A consistent trail of legislative history demonstrates the careful attention of Congress to the motorized use issue. An understanding of this legislative history is essential to a correct interpretation of ANILCA's 'special access' provision.

With remarkable consistency, the reported floor debates in the House and Senate regarding motorized uses, and non-conforming uses in general, show that Congress intended to protect existing uses by snowmachines, motorboats and airplanes in site-specific areas, and that it well knew how to do so. There is absolutely no expression of an intent to establish an 'open until closed' regime which would allow new motorized uses Alaska-wide, in areas where they had not become established before ANILCA. In fact, no 'open until closed' phrase appears anywhere in the legislation or the legislative history.

The common Congressional understanding that existing motorized uses would be allowed to continue is found repeatedly in ANILCA's legislative history. See ADD 13-15 (Cong, Record-House, H-4101, 4107-08 (May 17, 1978)) ('use of aircraft and motorboats - where already established - [is] permitted in wildlife refuge wilderness areas') (emphasis added); ADD 15 (Cong. Record-House, p. H-4246 (May 18, 1978)) ('Section 4(d)(1) of the Wilderness Act of 1964 which clearly permits, and I quote, 'the use of aircraft or motorboats, where these uses have already become established. . .''; 'These sections permit. . .the use of customary patterns and modes of travel across such units') (emphasis added); ADD 17 (Cong. Record-House, p. H-4247 (May 18, 1978)) ('customary patterns of travel, including customary use of aircraft, motorboats, and snowmobile where such use has already become established, shall be permitted to continue in areas subject to wilderness study') (emphasis added); ADD 19 (Cong. Record-House, p. H-4257 (May 18, 1978)) ('Such uses will continue under H.R. 39 since aircraft, snowmobiles and other forms of mechanized transportation are the most practical means of travel over Alaska's vast distances and are well-established uses.'); ADD 21 (Cong. Record-House, H-4317 (May 19, 1978)) ('use of snow machines, motorboats, or aircraft lands [sic], where such use has become established, shall be permitted subject to wilderness management plans and reasonable restrictions as appropriate...') (emphasis added); ADD 22 (Cong. Record-House, H-3296 (May 16, 1979)) ('The wilderness designations provided for in this bill will protect the area in question here from harmful development, but will not preclude existing airplane, motorboat, motor vehicle and sport hunting use') (emphases added).

Representative Vento, for example, stated on the floor of the House:

> The proposal before this Congress is not a new precedent but it rather follows the intent and actions of previous Congresses.... During the lengthy and complete Interior Subcommittee on General Oversight and Alaska Lands hearings on this issue, many citizens raised concerns that traditional uses will be allowed to continue in wilderness areas. The subcommittee and Interior Committee have made the provisions to accommodate these concerns. Because of this, wilderness designation is the best management tool that we have as it recognizes the unique situation in Alaska and takes these circumstances into account while affording the best protection for the land available.

ADD 20 (Cong. Record-House, p. H-4311 (May 19, 1978)) (emphases added).

Other consistent examples are found in the attached Addendum of Authorities at 25 (Cong. Record-Senate, S-11121 (August 18, 1980)) ('the Committee bill provides for. . . traditional means of access. . . for subsistence purposes') (emphasis added); ADD 27 (Cong. Record-Senate, p. S-11135 (August 18, 1980)) ('It is not the intent to invite additional aircraft use. . . .'); ADD 28-29 (Cong. Record-Senate, S-11198-99 (August 19, 1980)) (colloquy between Senators Jackson and Hatfield); ADD 24 (Cong. Record-House, p. H-10540-41 (November 12, 1980)) ('Congress has had a longstanding traditional practice of reviewing those . . . activities within new units which, if immediately curtailed, might result in substantial hardships to the local residents. . . . In other instances, . . . Congress has authorized the continuation of certain uses within new parks. . . which would be prohibited under traditional [NPS] management policies.') (emphases added).

Each of these quotes demonstrates the clear Congressional understanding that ANILCA would permit existing uses, including specified existing motorized uses, to continue in CSUs. None of them even hints that any new, post-ANILCA motorized uses would be authorized under the 'special access' provisions of ANILCA Section 1110(a).

If it had been the intent of Congress that Section 1110(a) would allow new, post-ANILCA motorized uses in wilderness areas, why then was it necessary for Congress to

repeatedly reassure itself and the American public that each of the numerous listed pre-ANILCA uses of motor vehicles would be allowed to continue? If Section 1110(a) intended to allow new, post-ANILCA motorized uses, then each of these pre-ANILCA uses could simply have commenced anew, together with myriad entirely post-ANILCA motorized uses, once ANILCA became law.

The answer to this question is obvious: Congress took such great pains to assure the continuation of specified pre-existing motorized uses because it did not intend Section 1110(a) to authorize the blanket commencement of new motorized uses in Wilderness after ANILCA. Put plainly, there is no other plausible reason why Congress would have so assiduously identified and protected the continuation of these existing uses.

We urge you to protect the CSUs of the Chugach National Forest from the irreparable damage that will result if snowmachines are allowed there contrary to the intent of Congress and the purpose of ANILCA. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law. Thank you for considering these comments.

Very Truly Yours,

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ENCLOSURE: Compilation of ANILCA legislative history.
Comments submitted on behalf of:

Randy Virgin, Executive Director
Alaska Center for the Environment

Chuck Clusen, Senior Policy Analyst
Natural Resources Defense Council

Jim Adams, President
Alaska Quiet Rights Coalition

Arthur Hussey, Executive Director
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Dr. Paul Joslyn, Executive Director
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Jack Hession, Alaska Representative
Sierra Club

Chip Dennerlein, Alaska Regional Director
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The Wilderness Society

Mark Luttrell, Director
Eastern Kenai Peninsula Envtl. Action Association

Pat Lavin, Prince William Sound Alliance
National Wildlife Federation

0034932-002

Thank you very much for the opportunity to comment on the Chugach Forest Plan Revision Draft Environmental Impact Statement (DEIS). Please accept the following as our comments.

The Wilderness Society (TWS), founded in 1935, is a non-profit membership organization devoted to preserving wilderness and wildlife, protecting America's prime forests, parks, rivers, deserts, and shorelines, and fostering an American land ethic. With 186,000 members nationwide, TWS has approximately 660 members in Alaska, many of whom use the Chugach National Forest and are concerned about the management of its natural resources and roadless areas.

Overall TWS has been encouraged by the level of access the public has had to the Forest Service Revision Team throughout the revision process. We believe this level of access has been unique in forest planning processes throughout the country, and we applaud the Forest Service for allowing the public to be at the table from the start of the process. Additionally, we are encouraged by a number of aspects incorporated in the preferred alternative, such as the overall direction in management which primarily emphasizes fish and wildlife conservation and recreation, a 0 ASQ, and some closures regarding snowmachines. We also find it very helpful that the Forest Service has done an inventory of all trails on the forest and determined which ones are open and closed to specific uses.

Enclosed with our comments is a copy of TWS's vision for national forests (Attachment 1). The vision document outlines five guiding principles, which we will continue to strive toward for all national forests. The five principles are:

1. The integrity, health, and sustainability of wild land ecosystems shall be the goal of all management;

2. Do no harm to the forest environment;

3. Planning and management shall be based on the best available information and scientific understanding;

4. Management activities shall be economically sound and foster growth of natural asset values;

5. Citizens shall have the opportunity to participate in the decision-making processes affecting their public forests.

The DEIS preferred alternative does not meet all of the principles of our vision, and thus we have concerns with the DEIS. For example, we are not convinced that all of the planning and management in the DEIS is based on the best available information and scientific understanding. This and other concerns are clarified below. Specifically, our concerns regarding the DEIS are as follows:

FORESTWIDE CONCERNS:

Wilderness:

The Chugach National Forest incorporates 5.5 million acres and encompasses the northern-most temperate rainforest in the nation. At 98% roadless, it includes one of the world's last remaining intact rainforests. It is the second largest national forest in the country, and although 98% of the Chugach is classified as roadless and qualifies for Wilderness designation, there is no designated Wilderness on the forest. Comprised of Alaska's Kenai Peninsula, Prince William Sound, and the Copper River Delta, the issues and threats facing these three regions vary and demand wilderness protection for all regions.

The Forest Service's preferred alternative in the DEIS is disappointing with

regard to wilderness recommendations in all three regions of the forest. It is especially disappointing when one considers results of a scientific survey conducted by Alaska Pacific University in consultation with the Forest Service. The survey concluded that a strong majority -- 72.7% -- of individuals from communities throughout the forest favor or strongly favor managing the Chugach National Forest for wilderness. In addition, the survey indicates that 61.4 percent of individuals from communities across the forest favor a substantial amount of the forest being recommended to Congress to be designated as wilderness.

Further, these survey results support the management direction that the chief of the Forest Service, Michael Dombeck, has called for in our national forests. Dombeck's vision underlines the responsibility of the Forest Service to identify and recommend additional wilderness areas where these opportunities exist. We have no greater opportunity for wilderness recommendations in national forests in the country than on the Chugach National Forest. And while the Forest Service has recommended wilderness in its preferred alternative, it has reduced its wilderness recommendations from the 1984

Forest Plan on the Kenai Peninsula and within the congressionally designated Wilderness Study Area in Prince William Sound. Additionally, about 65% of the Recommended Wilderness in the Preferred Alternative is rock and ice, a land cover that represents only approximately 14% of the Chugach National Forest.

TWS supports the Forest Service recommending ecologically rich and productive areas of the forest for wilderness designation for fish and wildlife habitat protection, in addition to recommending desirable recreation areas, which may be very scenic and encompass a greater percentage of rock and ice. The Forest Service outlines in the Forest Goals and Objectives (DEIS, p. 2-2), that it seeks to maintain ecological sustainability by establishing, 'the recommended network of Research Natural Areas that represent the range of bioenvironmental types and special ecological and geological types present on the Forest.' TWS believes the agency should be striving to take this exact approach regarding wilderness recommendations, and create a network of wildlands across the forest that will protect the range of bioenvironmental types and special ecological and geological types present on the Forest.

TWS supports alternative F with the changes listed below, because we believe its wilderness recommendations will create a network of wildlands that protect the range of bioenvironmental types represented on the forest, in addition to protecting a wide range of other wilderness values and opportunities across the forest. The changes we recommend for alternative F include the following:

1) Gravina area, east of Cordova: polygons 318, 321 and 325 should be recommended wilderness;

2) Copper River Delta: all sensitive wetlands east and west of the Copper River should be recommended wilderness;

3) Valdez area: land surrounding Jack and Sawmill Bays, south of Valdez, should be recommended wilderness;

4) Kenai Peninsula, Lost Lake and north of Crescent Lake: polygons 69, 212, 235 and 268;

5) Additional wilderness recommendations should include: polygons K116, 219, 226, 237, 238 and 239;

Copper River Delta

The Copper River Delta lies just east of Prince William Sound, and at 700,000 acres is the largest wetlands complex on the Pacific coast of North America. Biologists describe the Delta as one of the most important shorebird habitats in the Western Hemisphere, supporting over 16 million shorebirds and other waterfowl. The Delta also sustains one of the most prized salmon runs in the world. The Delta has been designated

a Western Hemisphere Shorebird Reserve Site and a State Critical Wildlife Habitat area. Unfortunately, development proposals threaten this area as they did when President Theodore Roosevelt established the Chugach National Forest in 1907. President Roosevelt established the forest to protect its outstanding fish and wildlife values from development proposals. Ironically, similar development plans threaten this area now, Proposals exist to build a 55-mile road across the sensitive Delta wetlands, and log and mine the area, in addition to developing oil and gas leases near Katalla. Wilderness recommendations on Forest Service lands offer one of the best opportunities to protect the Delta from these development threats. Further, the outpouring of support for wilderness recommendations on the Delta is unprecedented. Approximately 30,000 comments have been received nationwide supporting wilderness, and more than 80% of Cordovans commenting on the draft preferred alternative have supported wilderness for this area. The Copper River Delta is an area of significant national and global interest, and the Forest Service should take this into consideration as it determines what the future management direction will be for this area.

Prince William Sound:

Eleven years after the Exxon Valdez oil spill, when nearly 11 million gallons of oil spilled into Prince William Sound, the Sound is still recovering and needs added protection. Only two species of the many affected by the oil spill are considered recovered -- the bald eagle and the river otter. Those not recovering include: orcas, harbor seals, common loons, three species of cormorants, harlequin ducks, and pigeon guillemots. The status of numerous other species is either unknown or slowly recovering. Prince William Sound is both ecologically productive and spectacularly beautiful, with mountains cloaked by rainforest surrounding fjords where glaciers reach down to the sea. Congress intended to protect this extraordinary environment when it created close to a 2 million acre Wilderness Study Area (WSA) in western Prince William Sound, with the passage of the Alaska National Interest Lands Conservation Act (ANILCA).

While boat and other motorized traffic increases on the Sound, the Forest Service has reduced the recommended Wilderness for the WSA in their preferred alternative from the 1984 Forest Plan. TWS does not support this reduction, and we urge the Forest Service to recommend the entire Wilderness Study Area as wilderness in the revised Forest Plan, In addition, we urge the Forest Service to recommend Knight and Montague Islands, and Jack and Sawmill Bays as wilderness to help protect species recovering from the Exxon Valdez oil spill and the Sound from large-scale industrial tourism and recreation.

Kenai Peninsula:

The Kenai Peninsula is road accessible from Anchorage and is a very popular recreation area in southcentral Alaska. Snowmachine and other motorized uses on the Kenai have increased dramatically in the past decade. Additionally, the Kenai Peninsula overall has experienced a lot of development on private lands, including subdivisions and large-scale logging. These activities have impacted brown bear habitat and population numbers. Kenai Peninsula brown bears are considered an isolated and sensitive population, and at this time their population is being closely managed for long-term viability. The Chugach National Forest provides a significant reserve on the Kenai for brown bear habitat. The Forest Service has recommended no wilderness on the Kenai Peninsula in its preferred alternative. This is not only disturbing due to the need to protect critical brown bear habitat, but it is also disturbing because 21 out of the 30 original alternatives, submitted primarily by members of the public during the revision process, included recommended wilderness for the Kenai Peninsula.

TWS strongly urges the Forest Service to recommend Wilderness on the Kenai to protect brown bears and their habitat and to provide a road accessible wilderness opportunity for recreationists desiring such an experience. Most importantly, we urge the Forest Service to recommend Resurrection Creek and River areas. Snow River and Twentymile as wilderness on the Kenai Peninsula.

Wild and Scenic Rivers:

TWS supports all rivers found eligible for Wild and Scenic river status by the Forest Service. We recommend some modifications to the agency's proposed classifications, as well as some additional rivers for inclusion in the system. The modifications and additions we support were submitted to the Forest Service by the Chugach Working Group in its original alternative. Please see this list attached to these comments (Attachment 2).

Further, we would like to highlight that more than half of the eligible rivers in the Tongass are now protected, either by Wild and Scenic river designations or by being in Wilderness areas or non-development Land Use Designations (LUD's). The Forest Service determined that 112 rivers were eligible for inclusion on the Tongass. Thirty-two of these rivers were recommended for inclusion in the Wild and Scenic River system by the Regional Forester. Out of the 80 remaining, 37 were protected within Wilderness areas or legislative LUD II's, and therefore protected, and 25 were in non-development LUD's.

A similar percentage of Chugach National Forest rivers should obtain protective status, with more wild river recommendations, in particular, across the forest. At this time, only Portage Glacier and 1/3 of the Nellie Juan river are recommended for wild river status in the preferred alternative. It is our belief that in the lower contiguous 48 states all of the rivers in question -- including the list submitted by the Chugach Working Group -- would not only be inventoried and found eligible, but many more would be recommended for their outstanding values regarding fish and wildlife, among other outstanding values. The Forest Plan needs better, more evenly distributed recommendations for Wild and Scenic Rivers across the forest. The current preferred alternative is quite disappointing regarding its Wild and Scenic river recommendations. TWS supports a much more thorough and inclusive process for Wild and Scenic river recommendations than has heretofore been conducted on the Chugach National Forest.

Roadless:

We anticipate and expect the Forest Service to alter its alternatives, including the preferred alternative, to meet the requirements of the roadless policy, in the event that it goes into effect and includes the Chugach National Forest.

Zero ASQ:

TWS is very encouraged and supports the Forest Service's 0 ASQ in the preferred alternative. We feel this is very appropriate, given that the primary management direction for the forest has been for fish and wildlife conservation and recreation since it was founded, not commercial timber harvesting.

Salvage Logging:

We recognize that a significant portion of the Chugach forest on the Kenai Peninsula has been affected by the spruce bark beetle, and that there are concerns regarding potential fires as a result of this ecological process. TWS supports the Forest Service managing beetle-killed spruce trees near communities to create necessary fire breaks and protect those communities from the potential effects of unmanageable fires. However, we do not support large-scale management efforts to alter forest composition in roadless areas. We certainly do not support building roads in roadless areas to implement any such management activities.

INADEQUACIES OF THE DEIS
Recreation Information (Resource Assessment):

We have maintained throughout our dialogue with the Forest Service regarding commercial helicopter uses on the forest and throughout the Forest Planning process that the Forest Service has not done adequate research to understand past, current and projected future levels of recreational uses on the forest. We have requested that the Forest Service undertake a scientifically credible survey of current uses and future

desired uses of the forest regarding recreation. Thus far, the Forest Service has not responded to our request. Thus we believe that the Resource Assessment regarding recreation and tourism on the forest is incomplete and inadequate. Further, we do not believe that the Forest Service has adequate information to make sound management decisions which will adequately protect fish and wildlife habitat and species on the forest and meet the desires and needs of recreationists. Therefore, we believe the DEIS is inadequate, and violates the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA).

Motorized Access:

TWS supports steps taken thus far to close areas to snowmachine use, and manage time-shares regarding motorized and non-motorized uses on the forest. We believe that the areas closed to snowmachine use will create refugia for wildlife during a stressful season of the year, and for people who are in search of natural quiet and wilderness experiences. We recognize these closures are very controversial, particularly on the Kenai Peninsula, and, therefore, we doubly appreciate that the Forest Service has begun to respond to the requests of quiet recreationists using the forest.

We believe the Forest Service has been remiss in analyzing impacts to wildlife from motorized uses on the forest thus far. Attached to our comments are copies of bibliographies regarding studies conducted on motorized activities and their impacts to wildlife in other parts of the country (please see to Attachment 5). Motorized activities do create impacts to wildlife, and these impacts should be analyzed in the DEIS.

ATV's:

We applaud the Forest Service for its position regarding ATV's. Specifically we applaud the Forest Service for restricting ATV's only to designated routes and trails. This is a 'closed until open' policy, which we feel is not only necessary to protect forest

resources, but is the only responsible way to manage ORV use on national forests. Regarding ATV's, the policy on the Chugach is a model policy for other forests nationwide. TWS would not support entire areas open to ATV use, and we urge the Forest Service to make it as clear as possible in their Forest Plan that ATV's will only be allowed on designated routes and trails. We also urge the Forest Service to do all it can to monitor and enforce ATV use on the forest.

Snowmachines:

We urge the Forest Service to adopt a similar approach to snowmachine use on the forest as it has to ATV use. Up until now, the Forest Service has turned a blind eye to snowmachine activities and management on the forest. Contrary to what is being done with ATV's, the Forest Service has had an 'open until closed' policy regarding snowmachines. Further, snowmachines have not been restricted to designated routes and trails, rather entire areas are open to backcountry travel by snowmachines. The DEIS does not even contemplate restricting snowmachines to only designated routes and trails, such as it does with ATV's, which we find inconsistent and inadequate. We believe that because the DEIS does not evaluate a full range of alternatives regarding snowmachine use, including restricting recreational snowmachine use entirely and/or only to designated routes and trails, the Forest Service has violated NEPA in designing the DEIS.

Further, we believe the DEIS is inadequate in addressing ecological and social impacts of motorized uses on the forest. The preferred alternative opens large percentages of the forest to both snowmachines and helicopters, yet there is no analysis done on what the impacts of these openings will have. This combined with insufficient recreation information (see above), leaves TWS feeling that the DEIS has not adequately addressed the mandates of NFMA and NEPA.

Interpretation of ANILCA:

Section 1110A of the Alaska National Interest Lands Conservation Act

(ANILCA) allows for the use of snowmachines, motorboats and fixed-wing aircraft for traditional activities and for travel to and from villages and homesites in Conservation System Units (CSU's). While ANILCA does not specifically define traditional activities, a definition can be discerned from the structure of ANILCA and its legislative history (please refer to comments submitted by Trustees for Alaska (TFA) for further clarification of this issue). The Draft Forest Plan implements a definition of traditional activities found in the Forest Service Manual for Region 10 (effective 1/27/99). The Forest Service defines traditional activities to include recreational activities. Thus the Forest Service has been and will continue to manage under the guise that recreational snowmachine use is a traditional activity. We strongly disagree with this definition.

We urge the Forest Service to implement a definition similar to the National Park Service definition of traditional activities, which was defined in relation to the original portion of Denali National Park. The Park Service definition of traditional activities specifically defines 'traditional' as an activity that occurred contemporaneously with the passage of ANILCA, and that involved the consumptive use of one or more natural resources of Old Denali Park, such as hunting, trapping, fishing, berry picking or similar activities (please refer to TFA comments). We believe this definition is in keeping with the intent of Congress when ANILCA was enacted.

Further, we are unsure that the Forest Service definition of traditional activities has undergone a proper public process, and, thus, we are not sure it meets the requirements of the Administrative Procedures Act. We strongly urge the Forest Service to revisit this issue, and allow for a full public process to help determine what the agency's definition of traditional activities will be. TWS does not find the current definition of traditional acceptable, particularly as it relates to snowmachines.

Helicopters:

Maps produced by Alaska Center for the Environment in conjunction with Alaska Conservation Alliance clearly outline the huge percentage of the Chugach National Forest proposed to be open to commercial helicopter activity in the draft preferred alternative. For example, it appears that approximately 79% of the Kenai portion of the Forest would allow winter commercial helicopter landings (approximately 73% allowed, and 6% conditionally allowed). TWS does not support this wide-open approach to commercial helicopter activity on the forest, and we are disappointed that the Forest Service appears to be opening up the majority of the forest to this activity.

We wrote in our most recent response to Chugach Powder Guides (CPG) 2001 heli-ski permit that:

> We understood at the time of our Settlement Agreement (2/19/99) that a more complete impacts analysis of proposed commercial helicopter activities would occur during the Forest Plan Revision process, and we continue to expect that the Forest Service will use the Revision process to complete this type of analysis.

Thus far, the Forest Service has not completed a legitimate cumulative impacts analysis of motorized activities on the forest, including commercial helicopter activities. As stated above, we believe this renders the Forest Plan DEIS inadequate and out of compliance with NEPA.

Further, we do not believe the Forest Service has collected sufficient information regarding impacts to wildlife from commercial helicopter activities to warrant the current level of commercial helicopter permits, much less open up such large percentages of the forest to this type of use (please refer to the attached TWS comments on CPG's 2001 permit, 11/21/200, Attachment 3). We believe the Forest Service has violated NEPA and the Bald Eagle Protection Act with the current level of helicopter activity on the forest. We cannot see how a decision to open up such huge areas of the forest to commercial helicopter use would be considered a sound management decision on the part of the Forest Service. Specifically we are concerned about impacts to mountain goats, brown bears, wolves, wolverine, lynx, moose and raptors, among other species.

Additionally, we are aware that the Forest Service signed an Interagency Agreement with the Fish and Wildlife Service in 1990 regarding Bald Eagles. The agreement outlines a number of items relevant to helicopter activities (please see attached MOU, Attachment 4). They are as follows:

Among other things, the Forest Service agrees to:

1) Avoid repeated helicopter flights within 1/4 mile of active bald eagle nests, particularly with large helicopters used for yarding timber. Heliports and helicopter logging flight corridors will maintain at least a 1/4 mile distance from active nests.
2) Annually develop Statements of Work by March 1 to be performed by the FWS for each Tongass National Forest Administrative Area, Chugach National Forest and FS Regional Office when work is anticipated or needed from the FWS. The Regional Forester delegates the development and approval of the Statement of Work to the appropriate Forest Supervisor, and to the Director of Wildlife and Fisheries Management, Regional Office. The FS will reimburse the FWS for work performed in the amounts set forth in the Statement of Work.

Among other things, the Fish and Wildlife Service agrees to:

Conduct detailed surveys identified in annual Statements of Work to locate bald eagle nest trees, mark all nest trees with identification tags, provide adequate beach markers to facilitate the relocation of the nest trees, and provide technical assistance.

CPG's 2001 permit requires helicopters to keep a distance of 330' from active bald eagle nest sites, not 1/4 mile. The Forest Service is not in compliance with this MOU at this time. It has not ensured a 1/4 mile buffer between helicopter activities and bald eagle nests, nor has it worked with the Fish and Wildlife Service to gather necessary survey information regarding active bald eagle nests. There have been no scientifically credible surveys of bald eagle nests in the five years the Forest Service has issued helicopter permits to CPG, much less the many other years the agency issued permits to other operators. For this and other reasons, we do not believe the Forest Service has sufficient information at this time to be able to make sound management decisions regarding commercial helicopter operations that are in compliance with NEPA. Again, TWS cannot support the Forest Service's proposed liberal open policy regarding commercial helicopter use on the forest.

Airboats:

Examples from other parts of the country, such as Big Cypress, demonstrate the negative impacts that these craft can have on public land resources. We feel strongly that airboats should be banned from the forest. Among other things, they are known to damage riparian vegetation, impact nesting birds and impact other users of public lands. They are incredibly loud machines, and their noise travels for miles. We understand that some hunters use them in the Cordova area, and Forest Service personnel use them for research and other administrative tasks in the Copper River Delta region. We feel strongly that if not banned, the Forest Service should strictly limit the level and times of use for these land and water craft. Again, the DEIS needs to address the impacts of this type of motorized use on forest resources.

Jet skis:

The Forest Service has remained quiet regarding jet skis in the Forest Planning process and in the DEIS. The agency has claimed that it has no jurisdiction over watercraft on marine waters. We believe the agency is mistaken, and that the DEIS needs to deal with watercraft on marine waters due to its jurisdiction over tidelands and submerged lands (please see comments below). Again, we believe the DEIS is inadequate and in violation of NFMA and NEPA because it has not considered jet skis and other watercraft on marine waters. We understand from first hand accounts that jet

ski use increased this summer in western Prince William Sound, likely due to the opening of the Whittier Road, and we urge the Forest Service to grapple with this management issue now, before use patterns become well established. We believe this is the duty of the Forest Service.

Submerged Lands:

TWS believes the DEIS is incomplete because it does not adequately address the management of and impacts to the tidelands and submerged lands within the Chugach National Forest Boundary, We believe, as the Forest Service has recognized, that the tidelands and submerged lands within the proclamation boundary of the forest are part of the Chugach National Forest. Please refer to comments submitted by Trustees for Alaska on TWS's and several other organizations' behalf for further clarification of this issue.
We assert that the lack of inclusion and consideration of tidelands and submerged lands on the part of the Forest Service in the Forest Plan revision process violates the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA).
We believe the Forest Service will need to address tidelands and submerged lands in a supplemental DEIS in order to meet the requirements of NFMA and NEPA.
Management of the tidelands and submerged lands of the forest cannot be ignored, due to the future increases in large-scale tourism and recreation projected for the forest.

PRESCRIPTIONS:

TWS has a number of concerns regarding the prescriptions described in the DEIS. We believe the following prescriptions should be changed in ways outlined below:

1) Wilderness:

TWS takes issue with a number of the activities allowed in the Wilderness Prescription, as outlined in the DEIS by the Forest Service. To begin, the Activities Table indicates that OHV/Motorized Recreation Use in winter is conditionally allowed. We strongly disagree with the notion that motorized recreational activities should be allowed in areas that are being managed for wilderness protection -- either Recommended Wilderness or Wilderness Study Areas. Please refer to our comments above under motorized activities on the forest, and to the comments submitted by Trustees for Alaska, regarding the interpretation of traditional activities under ANILCA.

Further, we take issue with another of the allowances made under the standards and guidelines in both the Wilderness and Wilderness Study Area prescriptions. Both prescriptions allow, in the case of Fisheries, small, motorized equipment (chainsaws, generators, compressors, etc.) to be used in construction of improvement projects, and larger motorized equipment (backhoes, tracked vehicles, OHV's, etc.) to be used if authorized by the responsible line officer. We do not believe it was the intent of Congress to allow these types of uses within ANILCA wilderness areas.

Further, we believe the Forest Service is way beyond its legal parameters when, under both Recommended Wilderness and Wilderness Study Area prescriptions, the agency allows in the case of Recreation:

> Explosives and small, motorized equipment (such as, chainsaws, generators, compressors, and rock drills) are allowed for recreation maintenance, construction and reconstruction projects.

We believe the Forest Service has crossed the legal boundaries of what is allowed in wilderness, both under the Wilderness Act and ANILCA.

Finally, under Transportation and Access, the Forest Service indicates that a, 'responsible line officer must approve motorized access for administrative and permitted use.' It is our position that such motorized access for administrative activities are only allowed for emergency situations as specified in the Wilderness Act. Additionally, permitted motorized activities are somewhat suspect to TWS, unless they fall under the category of traditional uses and for travel to and from village and home sites. We are

uncertain at this time what the Forest Service intends when it indicates motorized activities may be permitted in areas being managed to protect wilderness values, and we feel the Forest Service needs to clarify its intent here.

2) 501B Wilderness:

Our understanding of what congress intended when it set aside the 501B lands in ANILCA was to create greater protections for this area than other areas of the forest due to its outstanding fish and wildlife values. The Forest Service, however, has interpreted this differently. The agency assumes that congress gave the agency a mandate to pursue active management offish and wildlife populations and not necessarily provide greater protection for this area. The 501B Wilderness prescription suffers from all of the problems outlined above related to the Wilderness prescription, and more. The Forest Service proposes to take even greater liberties regarding motorized access in this prescription, including with airboats and helicopters, in a recommended wilderness area. We do not support this approach, and we do not believe it is in keeping with what Congress intended when it set these lands aside in ANILCA. Again, we believe the Forest Service has crossed the legal boundaries of what is allowed in wilderness, both under the Wilderness Act and ANILCA.

3) Wild River Management Area:

This prescription allows similar motorized activities as the Recommended Wilderness, Wilderness Study Area and 501B Wilderness which we believe are not in keeping with the intent of the Wild and Scenic Rivers Act, The Wilderness Act or ANILCA. Further, we want the Forest Service to be consistent in its use of ANILCA regarding CSU's, and use the ANILCA 1/2 mile buffer designated around Wild Rivers, not the Wild and Scenic Rivers Act 1/4 mile buffer.

4) Brown Bear Core:

Overall, TWS likes the concept of the Brown Bear Core prescription, and is encouraged by the fact that the Forest Service sees the need to create a prescription, which recognizes the sensitivity of the brown bear population within Chugach Forest boundaries, primarily on the Kenai Peninsula. By creating this prescription, the Forest Service responded to many people's scoping comments, which expressed that brown bears on the Kenai Peninsula need added protection in order to maintain the population's viability. From our perspective, however, the Brown Bear Core prescription falls short of its intent to protect brown bears in a number of ways.

For example, the Forest Service has heard from a number of scientists, including from the agency's own staff, that utility corridors are not compatible with brown bear habitat protection. At this time, the Brown Bear Core prescription conditionally allows utility corridors. This is not acceptable. Utility corridors would involve huge swaths of forest that would be cut and cleared. These large tracts of cleared land will have the same effect as a road would within critical brown bear habitat. Once these swaths of forest are cleared, these utility corridors will become travel corridors for the public, both for motorized and non-motorized activities, and the Forest Service will have little ability to limit access to these areas. The net result will be significant disturbance to critical brown bear habitat, and increased access by the public to areas that are intended to be protected in order to maintain the viability of the Kenai Peninsula brown bear population. Increased access will inevitably lead to an increase in defense of life and property kills, which already have increased significantly on the Kenai, and present serious management concerns to wildlife managers.

Further, the Brown Bear Core prescription is extremely liberal with respect to allowing motorized access in critical brown bear habitat. While the Forest Service has designed this prescription to allow motorized access for snowmachines and helicopters primarily in winter, the prescription also conditionally allows fixed wing aircraft landings in all seasons and commercial helicopter landings in summer. Studies both within and outside of Alaska have shown that brown bears are sensitive to and impacted by motorized activities, including snowmachines, fixed-wing aircraft and helicopters. TWS

does not accept that the level of motorized activity allowed within the Brown Bear Core prescription incorporates responsible and protective management for the Kenai Peninsula brown bear population (please see attachment 5 for studies related to motorized uses and impacts to brown bears.).

Thus, TWS cannot accept the Brown Bear Core prescription as it is currently designed. TWS believes that the Brown Bear Core prescription, as written, is woefully inadequate in providing protection to brown bears because it allows utility corridors and an extremely high level of motorized activity. We request that the Forest Service review this prescription and change it so that utility corridors are no longer allowed and motorized activity is significantly limited to: snowmachine use only on trails that are designated open; no helicopter landings in any season; and fixed-wing aircraft landings limited to winter conditional-use only.

5) Fish and Wildlife Conservation:

TWS feels strongly that the Fish and Wildlife Conservation prescription is not restrictive enough to ensure proper fish and wildlife habitat conservation, and thus fails to accomplish what the designers of the prescription set out to achieve. For example, as in the Brown Bear Core prescription, TWS believes the Forest Service has turned a blind eye to the impacts of motorized activities on fish and wildlife populations, and the agency is much too liberal in its approach to motorized activities within this prescription (please refer to comments under Brown Bear Core prescription above and Attachment 5).

Further, other aspects of this prescription are not restrictive enough to ensure the conservation and long-term viability of fish and wildlife populations. For example, destination lodges are conditionally allowed in this prescription. It is the combination of all the activities allowed or conditionally allowed within this prescription, such as destination lodges, heavy motorized activity, utility corridors, hut to hut recreation cabins, commercial timber harvest non-chargeable, etc., and their cumulative impacts which render this prescription insufficient to adequately protect fish and wildlife habitat and populations.

We request that the Forest Service review this prescription and change it so that motorized access and other types of development are significantly restricted, such as we have suggested for the Brown Bear Core prescription, so as to ensure the long-term protection of fish and wildlife species and habitat on the forest.

6) Backcountry with Winter Motorized Uses:

TWS supports the Backcountry prescription as an administrative prescription. However, we were disappointed to learn how much of it is used in conjunction with an overlay of winter motorized activities allowed on the forest in the DEIS. We believe this undermines the original intent of the Backcountry prescription, which was originally designed to be a non-motorized prescription. As stated above, we believe the Forest Service should reevaluate how it is handling motorized activities on the forest. We also believe the agency should remove the winter motorized overlay from the Backcountry prescription, or at a minimum use it sparingly. There should be a clear distinction between prescriptions that allow motorized activities and those that don't, such as Backcountry and Backcountry Motorized originally set out to do. Without a clear distinction, the management intent is difficult for the average forest user to discern. This lack of clarity will create confusion and management problems for the Forest Service in the future.

7) 501B2:

Similar to the Backcountry prescription, TWS originally supported the 501B2 prescription as it was initially designed. Over the course of the summer, however, the Forest Service changed this prescription significantly such that it is now a heavily motorized prescription. TWS does not support the changes that were made to this prescription. The changes have, in our minds, reduced the range of alternatives for the 501B area and pushed them in a direction we do not support. We urge the Forest Service

to change this level 2 prescription back to its original intent, with much less motorized activity allowed.

In conclusion, while we are encouraged by a number of aspects of the Forest Plan Revision process and the DEIS, we do have concerns with the DEIS and find it inadequate in a number of ways outlined above. We believe that these deficiencies need to be corrected before a final ROD can be issued for the revised Forest Plan.

Thank you very much for the opportunity to comment. We hope you will incorporate these comments meaningfully into the next stage of the Revision process.

0034933-001

To: R10_chugach_revision@fs.fed.us
cc:
Subject: Fwd: CNF Forest Plan Revision Comments

Please disregard my prior message and attachment, as I had to add another sign-on party. Please consider and include in the administrative record the attached letter as our official comment. I apologize for the misunderstanding.

The letter is being submitted on behalf of Alaska Center for the Environment, Alaska Quiet Rights Coalition, Alaska Wildlife Alliance, Eastern Kenai Peninsula Environmental Action Association, National Parks Conservation Association, National Wildlife Federation, Natural Resources Defense Council, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society

Sincerely,

Bob Randall

To: R10_chugach_revision@fs.fed.us
From: Bob Randall <bob@trustees.org>
Subject: CNF Forest Plan Revision Comments

Dear Mr. Lehnhausen and Revision Team,

Attached are comments submitted on behalf of Alaska Center for the Environment, Alaska Quiet Rights Coalition, Alaska Wildlife Alliance, Eastern Kenai Peninsula Environmental Action Association, National Parks Conservation Association, Natural Resources Defense Council, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society. A hard copy of the letter, with attachments, is being hand-delivered to your office today.

If you have any problems opening the attachment or wish to discuss the matters contained therein, please do not hesitate to contact me. Thank you for your consideration of these comments.

Bob Randall, Staff Attorney

Mr. Gary Lehnhausen, Team Leader
Chugach National Forest Plan Revision Team
United States Forest Service
3301 C Street, #300
Anchorage, Alaska 99503
R10_chugach_revision@fs.fed.us

Hand-delivered and sent via first-class mail and email

Re: Comments on Draft Environmental Impact Statement and the Proposed Revised Land Management Plan for the Chugach National Forest concerning implementation of ANILCA Section 1110(a).

Dear Mr. Lehnhausen and Revision Team,

On behalf of Alaska Center for the Environment, Alaska Quiet Rights Coalition, Alaska Wildlife Alliance, Eastern Kenai Peninsula Environmental Action Association, National Parks Conservation Association, National Wildlife Federation, Natural Resources Defense Council, Northern Alaska Environmental Center, Sierra Club, and The Wilderness Society, Trustees for Alaska submits the following comments on the Draft Environmental Impact Statement (DEIS) and the Forest Service's Proposed Revised Chugach National Forest Land and Resource Management Plan (Revised Plan). These comments focus on issues surrounding Section 1110(a) of the Alaska National Interest Lands Conservation Act (ANILCA) and its implementation on the Chugach concerning the use of snowmachines, motorboats, and airplanes for traditional

activities. The above organizations will address other issues in their individual comments on the DEIS and Revised Plan. Also, Trustees for Alaska is submitting separate comments on the DEIS dealing with issues surrounding tidelands and submerged lands on the Chugach.

The Forest Service needs to define 'traditional activities' in a way that is consistent with ANILCA and the intent of Congress. Its current definition states that traditional activities 'include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/99, at 2326.1, The Revised Plan implements this definition, stating that in wild river management areas, wilderness study areas, and recommended wilderness management areas, the use of snowmachines, motorboats, and fixed-wing airplanes will be allowed for traditional uses. See Revised Plan at 3-8, 3-12, 3-16. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. See ADD 3-4 (House Report 96-97, Part I (April 18, 1978).1/ The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law.

Section 1110(a) requires the Forest Service to provide for 'special access' by snowmachine, motorboat, and airplane for 'traditional activities' on Chugach conservation system units (CSUs).2/ It is the only provision in federal law requiring the Forest Service to allow the use of snowmachines on certain areas of the Chugach and for certain activities. In those areas where Section 1110(a) does not apply, the Forest Service is not required to allow snowmachine use for any purpose at all. Section 1110(a) states.

> Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

16 U.S.C. Section 3170(a).

Section 1110(a) sets out what motorized access federal land managers must allow on Alaska CSUs: special access via the three enumerated means for (and only for) traditional activities and for travel to and from villages and homesites. In the absence of a finding that qualifying traditional activities occurred in a CSU prior to enactment of ANILCA, the Forest Service is not required to allow snowmachine use in any CSU. Because recreational snowmachining does not involve access for a traditional activity, and because no statutory provision guarantees recreational snowmachine use on non-CSU Forest Service land, the Forest Service is not required to allow snowmachines for purely recreational activities on ANY part of the Chugach National Forest. We say this not because we think the entire Forest should be closed to snowmachining. Rather, we are only pointing out that snowmachine access is not mandated anywhere on the Chugach except in CSUs--and in those CSUs, only for 'traditional activities' as intended by Congress and not for purely recreational pursuits.

1/ ANILCA legislative history that is relevant to Section 1110(a) is set out in the attached consecutively-paginated Addendum of Authorities, to which citations are made as 'ADD.'

2/ Section 1110(a) applies to 'conservation system units' and wilderness study areas. 16

U.S.C. Section 3170(a). On the Chugach National Forest, it would thus apply to the Nellie Juan-College Fjord Wilderness Study Area, Resurrection Pass National Recreation Trail, the Williwaw Nature Trail. See 16 U.S.C. Section 3102(4). It would also apply to any future recommended or designated conservation system unit. Proposed Revised LRMP at 3-12.

It is important to understand the distinction between required snowmachine access and permissive snowmachine access on the Forest, Section 1110(a) sets the floor of what land managers must allow, i.e. guaranteed access, and does not set out the ceiling of what land managers may allow, i.e. permissive access. Permissive access is a topic that is governed by separate provisions of ANILCA and other federal laws. The point is that the Forest Service does not have to allow snowmachining in any of the CSUs on the Chugach for anything other than traditional activities associated with consumptive uses of Forest resources that occurred prior to enactment of ANILCA, or with travel to and from villages and homesites.

The title of Section 1110(a) is instructive: 'Special Access and Access to Inholdings.' 16 U.S.C. Section 3170. The access guaranteed there is special, not ordinary, and access is not required for just any old activity, but rather only for those that are 'traditional.' Unfortunately, Congress did not specifically define that term in ANILCA itself, although a definition can be discerned from the structure of ANILCA as a whole and its legislative history. It is critical for the Forest Service to properly define the statutory term.

We submit that it is in the Forest Service's interest to restrictively define the guaranteed access under Section 1110(a) so that it can act to protect areas that might need protection, even when it might adopt a broad approach to permissive access. As evidenced by the raging debate over what areas should be 'open' or 'closed' to snowmachining on the Chugach and elsewhere (the situation in Old Denali comes to mind, see below), it is difficult to trim back use in an area once users come to expect access, whether that expectation is valid or based in law. For example, some CSUs of the Chugach may have become popular with recreational snowmachiners in the last five or ten years due to new or improved road access, more sophisticated and dependable snowmachines, etc., whereas snowmachines had not been used to access a traditional activity associated with a utilitarian Alaskan lifestyle in that area prior to enactment of ANILCA. Section 1110(a) simply does not guarantee snowmachine access in those areas. Again, that's not to say that the Forest Service may not allow recreational snowmachine use in such an area, but just that it is not required to.

Recently, the National Park Service promulgated regulations to apply Section 1110(a) to the pre-ANILCA portion of Denali National Park and Preserve (Old Park). Before it could apply Section 1110(a) to the Old Park, the Park Service found that it first had to define the statutory term 'traditional activities.' The Park Service received over SIX THOUSAND comments on the proposed regulatory package -- 98% of commentors supporting the proposed definition of 'traditional activities' and 96% supporting the complete closure of the Old Park to snowmachines. After this lengthy public process, the Park Service promulgated a definition stating that

> [a] traditional activity is an activity that generally and lawfully occurred in the Old Park contemporaneously with the enactment of ANILCA, and that was associated with the Old Park, or a discrete portion thereof, involving the consumptive use of one or more natural resources of the Old Park such as
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> hunting, trapping, fishing, berry picking or similar activities. Recreational use of snowmachines was not a traditional activity. If a traditional activity generally occurred only in a particular area of the Old Park, it would be considered a traditional activity only in the area where it had previously occurred. In addition, a traditional activity must be a legally permissible activity in the Old Park.

36 C.F.R. Section 13.63(h)(1) (65 Fed. Reg. 37863, 37878 (June 19, 2000)) (emphasis added). This definition is consistent with the legislative intent as expressed in House Report 96-97:

> In Section 905 [the predecessor of ANILCA Section 1110(a)], the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]... for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between

villages.

ADD 3-4 (Mouse Report 96-97, Part I (April 18, 1978)) (emphasis added).

In the Federal Register announcement with the proposed definition, the Park Service specifically asked for people to identify when and where they had engaged in lawful traditional activities in the Old Park. 64 Fed. Reg. 61563, 61568 (November 12, 1999). It noted that hunting and trapping were not legally permitted in the Old Park, and sport fishing has not taken place in the Old Park during periods of adequate snow cover due to adverse weather conditions. Id, at 61567, Also, there are no villages, homesites, or other valid occupancies within the Old Park. Id After analyzing the public comments, the Park Service concluded that no wintertime traditional activities, as Congress defined that term, took place in the Old Park prior to enactment of ANILCA; therefore, the Park Service announced that all of the Old Park was closed to snowmachine use. 36 C.F.R. Section 13.63(h)(2) (65 Fed. Reg. 37863, 37878-79 (June 19, 2000)).

While the Forest Service has not issued a regulation defining the statutory term 'traditional activities,' the Draft Forest Plan implements a definition in the Forest Service Manual for Region 10. That Manual states that '[traditional activities include, but are not limited to, recreation activities such as fishing, hunting, boating, sightseeing, and hiking.' U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2326.1. The Manual also states that 'no proof of pre-existing use will be required in order to use a snowmachine, motorboat, or airplane.' Id. Thus the Forest Service confuses the means of motorized access and the purpose of that access, adopting a definition of a restrictive statutory term to exclude nothing. Traditional activities are defined to include recreational activities, and thus purely recreational activities are turned into traditional activities. The Forest Service is reading a narrow statutory mandate to provide 'special access' for traditional activities to provide free-for-all open access of all CSUs, for any purpose.3/

3/ Because there is no 'right' to snowmachine on the Chugach for anything but traditional activities, and any recreational snowmachining is thus permissive, under NEPA at least one alternative in the DEIS should completely restrict recreational snowmachine use on the Forest. See 40 U.S.C. Section 4332(2)(C)(iii).

The Forest Service's reading of Section 1110(a) is overly broad and contrary to ANILCA. Pervasive throughout ANILCA and its legislative history is evidence of Congress's efforts to see that historic patterns and means of access and traditional Alaskan cultural activities were not disrupted by the new ANILCA conservation units. Congress did not intend to require land managers to guarantee snowmachine access to CSUs for purely recreational purposes. Had it meant to guarantee purely recreational motorized uses, it would not have labeled Section 1110(a) 'special access' and it would not have limited the guaranteed access to 'traditional activities.' Historic patterns and means of access should dictate the level of snowmachining that the Forest Service guarantees in CSUs on the Chugach. Nowhere does the text of ANILCA provide for the introduction of new motorized uses in Wilderness units where they were not previously occurring to access some consumptive activity associated with a utilitarian Alaska lifestyle. Rather, it provides for the continuation of existing motorized uses in areas where they had been used prior to ANILCA to access valid traditional activities.

The plain meaning of Section 1110(a), the statutory structure of ANILCA as a whole, and the legislative history of Section 1110(a) all support this reading of ANILCA.

The plain meaning of ANILCA compels the conclusion that the Forest Service need not allow snowmachines in CSUs on the Chugach for anything other than consumptive uses associated with a utilitarian Alaska lifestyle. In Section 704 of ANILCA, Congress designated the Nellie Juan-College Fjord area as a wilderness study area, a CSU under ANILCA. 16 U.S.C. Section 3102(4). According to the Region 10 Forest Service Manual,

> the wilderness study area shall, until Congress determines otherwise, be administered to maintain presently existing character and potential for inclusion into the National Wilderness Preservation System. . . . The principle of nondegradation of conditions existing on the date the area was established will guide the management of designated wilderness and the Nellie Juan-College Fjord Wilderness Study Area, to the extent consistent with ANILCA.

U.S. Forest Service Manual, R-10 Supplement, Effective 1/27/1999, at 2320.3. Section 707 of ANILCA establishes the manner in which wilderness mandates are to be reconciled with other provisions of ANILCA:

> Except as otherwise expressly provided for in this Act wilderness designated by this Act shall be administered in accordance with applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness.

ANILCA Sec. 707, Pub. L. No. 96-487, 94 Stat. 2371 (1980) (emphasis added) 1.

A fundamental tenet of the Wilderness Act is its prohibition against the use of motor vehicles in Wilderness areas. Congress stated unequivocally that there is to be 'no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, [and] no other forms of mechanical transport' in Wilderness areas. 16 U.S.C. Section 3133(c). The Wilderness Act requires agencies to permit continued operation of certain motorized vehicles (aircraft and motorboats) in statutory Wilderness only where such use constitutes an 'existing private right,' and grants agencies the discretion to allow the continuation of such uses only if they had 'already become established' before designation as Wilderness. 16 U.S.C. Section 3133(c), (d)(1). The Wilderness Act, however, makes no provision for the general, non-discretionary continuation of any existing motorized use. No provision of the Wilderness Act permits the introduction of new motorized uses after the statutory Wilderness designation.

There is no provision of ANILCA which 'expressly' requires the Wilderness Act to be modified or nullified to require the Forest Service to allow new snowmachine use in any area of the Chugach where that use was not an established, lawful use before December 2, 1980. ANILCA Sect. 707. To do so 'expressly,' a provision must state its purpose '[i]n an express manner; in direct or unmistakable terms; explicitly; definitely; [and] directly.' Black's Law Dictionary 581 (6th ed. 1990); here, such an express repudiation cannot be found in ANILCA. On the contrary. Congress in ANILCA stated unequivocally that the designation of Wilderness Areas shall 'in no manner lower the standards evolved for the use and preservation of such park.' See 16 U.S.C. Section 1133(a)(3). Nor, critically, is there any provision in ANILCA or other statute that expressly grants the Forest Service the discretion to introduce such use in the Wilderness Study Areas on the Chugach. That Congress intended the statutory concepts and purposes of the Wilderness Act to be incorporated into ANILCA unless 'otherwise expressly provided for in [ANILCA],' Section 707, is further emphasized by the definition section of ANILCA: 'As used in this Act... [t]he terms 'wilderness' and 'National Wilderness Preservation System' have the same meaning as when used in the Wilderness Act.' 16 U.S.C. Section 3102(13).

Applying fundamental principles of statutory interpretation to ANILCA and Section 1110(a) one gets the same result. Analysis of ANILCA as a whole reveals that when this statute speaks of 'traditional activities,' it is referring to local rural and Native residents' cultural, lifestyle, and utilitarian traditions. The phrase 'traditional activities' is not simply a shorthand reference to snowmachine use for a variety of wintertime recreation and pastimes by people who do not live and lead traditional lifestyles in ANILCA-created CSUs. Rather, the term's use in Section 1110(a) furthers the legislative goal that ANILCA's unit designations have minimal impact on these local rural and Native residents' traditions.

Indeed, the entire Subsistence Title of ANILCA consistently relates the term 'traditional activities' to the ethnic, cultural and lifestyle activities by local rural residents. Congress in ANILCA authorized the continuation of certain existing motorized surface access for subsistence uses in Section 811(b) (which, in both the statute and its legislative history, are not to be increased in magnitude beyond their traditional, pre-ANILCA levels). Section 811 states:

> (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands;
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> (b) Notwithstanding any other provision of this Act or other law, the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

16 U.S.C. Section 3121 (emphases added).

It would be incongruous indeed if local subsistence users were limited by ANILCA to those means of transportation which had been 'traditionally employed' in a particular area, while recreational users (many of them living hundreds of miles distant from the area in question) would have a claimed right under Section 1110(a) to employ new means of motorized transportation which had never before been lawfully or traditionally used in the particular area.4/

Congress identified a very limited role for existing airplane use for subsistence activities within CSUs, and Congress did not condone expansion of airplane use, or its new introduction into CSUs where it was not a pre-existing, established use. 16 U.S.C. Section 1133(d)(1). There is no indication in ANILCA or its legislative history that Congress intended that snowmachines or motorboats be treated any differently. Thus the phrase 'traditional activities' should be read in Section 1110(a) to refer to traditional subsistence activities carried on by use of airplanes, snowmachines, and motorboats.

We are aware of only one instance when Congress in ANILCA expressly enacted an authorization for new motorized access and use: Section 1315(b) regarding new motorized uses in National Forest Wilderness Areas, for the purposes of fisheries rehabilitation and enhancement. Moreover, ANILCA Section 201(5) (creating Kenai Fjords National Park) is the only place in that Act where Congress recognized and preserved motorized recreation. See ANILCA Sec. 201(5), Pub. L. No. 96-487, 94 Stat. 2371 (1980) ('the Secretary is authorized... to allow use of mechanized equipment on the [Harding] [I]cefield for recreation.'). The legislative history of this section makes clear that this was the continuation of a pre-existing use. See ADD 119-120. This is consistent with the Congressional intention under Section 1110(a) that only pre-existing motorized uses were to continue in Parks and Wilderness. It is the only instance we have found in ANILCA itself where Congress may be found to have identified and preserved existing snowmachine access for non-subsistence activities, specifically snowmachine recreation.

4/ NPS regulations adopted to implement ANILCA Section 811 (subsistence access) draw a clear distinction between snowmachine use by local rural residents in pursuing traditional subsistence activities, and their use of these same vehicles for recreational activities. The regulations state:

> At all times when not engaged in subsistence uses, local rural residents may use snowmobiles, motorboats, dog teams, and other means of surface transportation in accordance with Sections 13,10, 13.11, 13.12, and 13.14, respectively.

36 C.F.R. Section 13.46(e). The referenced regulations have not yet been promulgated, although they were proposed in a 1981 rulemaking. See 46 Fed. Reg. 31836, 31856 (1981). They will he within Sections 13.10 to 13.16 of Subpart A of 36 C.F.R., which are presently designated '[Reserved].' Subpart A itself is entitled 'Public Use and Recreation,' while Subpart B, entitled 'Subsistence,' contains the quoted Section 13.46(e). See Chevron U.S.A. v. Natural Resources Defense Council, 467 U.S. 837, 844 (1984) ('[Considerable weight should be accorded to an executive department's construction of a statutory scheme it is entrusted to administer....'); see also Nevada v. U.S. Dep't of Energy, 993 F.2d 1442, 1444 (9th Cir. 1992).

Even if the term 'traditional activities' was interpreted to include both subsistence and recreational activities, the relationship between the claimed 'traditional activity' and the particular means of access traditionally used to pursue it prior to ANILCA are unavoidably linked. Because Section 1110(a) deals with the 'use' of 'snowmachines, . . . motorboats, [and] airplanes' in the same phrase, the same Congressional policy against the expansion or new introduction of any of these motorized uses in park areas should be applied, regardless of whether thai use is subsistence-related or recreational. And such a Congressional policy is even more evident and consistent where it designated the parts of the Chugach as Wilderness Study.

Finally, ANILCA's legislative history supports the legal conclusion that the Forest Service is not required to allow snowmachines in CSUs or wilderness study areas where they had not become established to access a lawful consumptive activity prior to 1980. There is no known legislative history regarding the Act which states -- or even implies -- that Congress intended that

new uses of snowmachines, motorboats, or airplanes should generally occur in units designated by ANILCA, if those uses had not occurred there prior to ANILCA. In fact, in only one section of ANILCA did Congress explicitly mandate that new motorized access be permitted in a Wilderness area, and then on a temporary basis only, see above re. ANILCA Section 1315(b), and that access was to be for the sole purpose of fisheries enhancement.

> -- Congress did not intend that Section 1110(a) impose new modes of motorized transportation in the CSUs of the Chugach.

There is a limited amount of available committee report information which directly explains Congress's intent in enacting Section 1110(a). Several legislative reports essentially reiterate the language of the statute. One exception is the explanation of the 'special access' provision of draft Section 905 (the predecessor of ANILCA Section 1110(a)), which is discussed in House Report 96-97, Part I (April 18, 1978), of the House Committee on Interior and Insular Affairs. See ADD 3-4. This report states in relevant part:

> In Section 905, the Committee guarantees access subject to reasonable regulation by the Secretary on conservation system unit [sic]. National Recreation Areas and National Conservation Areas, for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.
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> The committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use lest. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.
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> The transportation modes covered by this section are float and ski planes, snowmachines, motor boats, and dogsleds. . . . Existing law does not guarantee this form of access into Parks, Wildlife Refuges, Wild Rivers, or Wildernesses, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.
>
> In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit.

Id at 3-4 (emphases added). At the conclusion of the ANILCA legislative process, this explanation appeared, nearly verbatim, in the Senate Report. See ADD 10-11 (S. Rep. No. 96-413, at 247-48 (1980), reprinted in 1980 U.S.C.C.A.N. 5191-92).

Section 1110(a), read in context with its legislative reports and all other available legislative history, makes clear that Congress intended to mandate continued use, on a non-discretionary basis, in the new ANILCA CSUs by snowmachine, motorboat, and airplane for traditional activities -- but only where these modes of transportation had 'already become established' in a particular area prior to ANILCA. 16 U.S.C. Section 1133(d)(1).

The House and Senate committee reports' several references to 'wilderness' are significant. First, Congress recognized that under existing law, the Wilderness Act itself permitted motorized access by airplane and motorboat to continue, at the Secretary's discretion, 'at pre-existing levels of intensity.' ADD 4 (H.R. Rep. No. 96-97, Part I at 238-39 (April 18, 1978)) (emphasis added). This recognition of the effect of existing law confirms that Congress intended Section 1110(a) to also extend this permission -- with the addition of snowmachines and without Secretarial discretion -- to those Wilderness areas designated by ANILCA, at their pre-Wilderness levels of intensity. As the Senate Report stated succinctly:

> These are [access] rights subject to reasonable regulation by the Secretary to protect the values of the unit. This removes the discretion for allowing or not allowing use of these vehicles that currently exists.

ADD 12 (S. Rep. No. 96-413, at 299 (1979), reprinted in 1980 U.S.C.C.A.N. 5243) (emphasis added). The only 'discretion for allowing or not allowing use' which 'currently exist[ed]' in the Wilderness Act is the discretionary allowance of motorized uses which had 'already become established.' 16 U.S.C. Section 1133(d)(1).

The corollary Congressional intention is also clear: If there was a zero 'pre-existing level of intensity' of motorized use or access, then Section 1110(a) cannot be read to compel or permit the Secretary to introduce motorized uses into such a non-motorized ANILCA Wilderness area.

Second, the Reports' reference to the 'wilderness type pre-existing use test' and its disallowance in Section 1110(a) must be examined in detail. This is not the 'pre-existing use test' as found in the Wilderness Act. The 'pre-existing use test' in that Act differentiates only between a statutory private right to pre-existing motorized access, and a discretionary public continuation of pre-existing motorized access. See 16 U.S.C. Section 1133(c), (d)(1). Neither part of this Wilderness Act 'test' contemplates or permits the commencement of new motorized uses after wilderness designation.

Thus the phrase 'wilderness type pre-existing use test' was Congressional shorthand for an individual's non-discretionary statutory 'existing private right' under the Wilderness Act to continue a particular activity within a Wilderness or wilderness study area after Wilderness designation. This 'pre-existing use test' refers to an individual right (such as private property and access to it) which may rise to the level of a constitutionally-protected property right; under the Wilderness Act, its recognition is not discretionary with the Secretary. See 16 U.S.C. Section 1133(c). On the other hand, general public use of aircraft and motorboats was permitted to continue in Wilderness at the Secretary's discretion, but only 'where these uses have already become established' before designation of the particular Wilderness area. 16 U.S.C. Section 1133(d)(1).

Therefore, under the Wilderness Act the only non-discretionary right to continue a use of Wilderness or wilderness study area in a manner inconsistent with its Wilderness designation was by showing an individual, personal-property right, an 'existing private right.' 16 U.S.C. Section 1133(c). Under the Act, general motorized uses in Wilderness or wilderness study area by persons who had no claim to 'existing private rights' could continue, in the Secretary's discretion, only if their uses had 'already become established.' See United States v. Gregg, 290 F.Supp. 706 (W.D. Wash. 1968).

Congressional reports regarding ANILCA Section 1110(a) explained that the 'wilderness type pre-existing use test' would not apply under ANILCA. After ANILCA Wilderness or wilderness-study designation, the non-discretionary right to continue pre-existing motorized use by the three specified modes would extend to the public generally; it would not be confined to only those individuals who had perfected a non-discretionary 'existing private right' to a motorized use within Wilderness.

This analysis reconciles Congress's numerous statements (which would otherwise be completely inconsistent with each other and with the rest of its Section 1110(a) analysis) that 'no proof of pre-existing use will be required,' ADD 3-4 (H.R. Rep. No. 96-97. pt. 1, at 238-239 (1978)) -- and yet that 'if the uses were generally occurring in the area prior to its designation,' they could continue at pre-existing levels of intensity. Id, Placed in context with Congressional knowledge about the stringent requirements of the non-discretionary 'wilderness type pre-existing use test' to which it had referred in the immediately-preceding sentence,5/ Congress obviously meant that 'no proof of pre-existing [individual or personal] use will be required.'

This logical reconciliation is also supported by the House Committee's description of ANILCA motorized access: 'This is meant to relate to patterns of use, not specific uses by specific individuals,' ADD 1, 1B (House Report 96-97, at 205-06); and by Alaska Senator Stevens's statement in a committee mark-up session that ANILCA Wilderness access means that, 'you can [land an airplane] if you did it, I can if you did it.... If you landed in some Wilderness area, that means I can land later....' ADD 61.

5/ This knowledge is also supported by the rule of statutory construction which provides that, in Grafting legislation, Congress is assumed to know the requirements of other laws. See South Dakota v. Yankton Sioux Tribe, 118 U.S. 789, 801 (1998).

Thus, effect must be given to the House and Senate Reports' entire explanation of Section 1110(a) (quoted in full earlier), and to its single modification of the existing 'wilderness type pre-existing use' test: The Secretary would henceforth lack the discretion to outright prohibit general public motorized use in an ANILCA Wilderness area by any of three specified modes, (/those uses had 'already become established' in that Wilderness area prior to ANILCA. In this manner, the entirety of the report's explanation of Section 1110(a) becomes internally consistent, and makes sense: If a motorized use for traditional activities was 'generally occurring in [an] area' before Wilderness designation, then after that designation it may continue to be used by the public, and cannot be limited to only those individuals who had in fact used that mode prior to Wilderness designation. Boise Cascade Corp. v. U.S. Envtl. Protection Agency, 942 F.2d 1427, 1432 (9th Cir. 1991) ('[W]e must interpret statutes as a whole, giving effect to each word and making every effort not to interpret a provision in a manner that renders other provisions of the same statute inconsistent, meaningless, or superfluous.').

The Committee's modified 'wilderness type pre-existing use test' nevertheless requires that any non-conforming 'uses' (or 'modes of access' or 'activities' or 'traditional uses') 'were generally occurring in the area prior to its designation.' See ADD 4 (H.R. Rep. No. 96-97, at p. 239(1978)).

-- Congress intended that Section 1110(a) and 'wilderness designation' provisions of ANILCA should work in harmony.

It was the expressed intention of Congress that the designation of new and existing CSUs in Alaska under ANILCA be accomplished in coordination with its concurrent designation of portions of those units as Wilderness or wilderness study under the Wilderness Act. Congress also expressly intended that there be co-existence between newly designated Wilderness and pre-existing, established patterns of motorized use by snowmachine, motorboat, and airplane. It was not its intent that, within ANILCA as a whole, the Wilderness Act would be made wholly ineffective by misinformed interpretations of other sections of ANILCA which did not 'expressly provide' for the modification or nullification of any Wilderness Act requirement. See ANILCA Section 707. Thus the 'non-commercial' requirements of the original Wilderness Act have been applied fully to a new statutory Wilderness created by ANILCA Section 701(3), 16 U.S.C. Section 1132 note, within the enlarged and re-designated Glacier Bay National Park. Alaska Wildlife Alliance v. Jensen. 108 F.3d 1065, 1069 (9th Cir. 1997).

The House Interior Committee specifically described the intended coordination between the 'wilderness-designation' provisions of Title VII of ANILCA and the 'special access' requirements of Section 905 (ultimately Section 1110(a)). This coordination is analyzed in the excerpt from House Report 96-97, set forth above. See ADD 1-4 and Discussion supra page 7-8. That this coordination was intended is buttressed by the same committee's discussion -- in the same committee report - of the Wilderness designations within the Wrangell-St. Elias National Park and Preserve (then designated Section 602(8) of the bill). The following discussion appears in the House Report:

> The Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] allow/or a continuation of aircraft and motorboats in
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> wilderness areas where those uses have been established. This is meant to relate to patterns of use, not specific uses by specific individuals. National Park Service regulations further state that such uses can be allowed only when a finding has been made that the purpose, character, and manner of such uses is suitable for the specific wilderness under consideration. The Committee has made that finding for the Wrangell-St. Elias Wilderness. Continued aircraft use and landings are consistent with the purpose, character and manner of this wilderness area.
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> ***
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> In general the Committee notes that the Wilderness Act and the access provisions of this act [Section 1110(a)] have built inflexibility which can allow existing uses to operate. Different Federal agencies have applied differing standards in interpreting the Wilderness Act. It is the intent of the Committee that the National

> Park Service develop regulations for the management of wilderness in Alaska that take into account a liberal interpretation of the Wilderness Act and to allow as many of the existing uses to continue as provided for by the access provisions of this act.
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> ***
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> The amendment also contains language specifically permitting the use of existing primitive fish camps and the use of motorized vehicles in connection with local commercial fishing to continue within the [Wrangell-St. Elias] Wilderness.

ADD 1B-2 (H.R. Rep. No. 96-97, at 205-06 (1978)) (emphases added). This explanation also appears, nearly verbatim, in the Senate Report. ADD 8-9 (S. Rep. No. 96-413, at 219-20 (1980), reprinted in 1980 U.S.C.C.A.N. 5164).

Significantly, the Report's explanation in the quoted passage was that the 'continuation of aircraft and motorboats in wilderness areas where those uses have been established...relate[s] to patterns of use, not specific uses by specific individuals.' Id (emphases added). The Committees' understanding of this test is crucial. This explanation further vindicates the analysis, presented earlier, that the 'wilderness type pre-existing use test' -- which Congress described in this shorthand fashion and which it intended to be modified by Section 1110(a) -- was the then-current legal yardstick established by Sections 4(c) and 4(d)(1) of the Wilderness Act in 1964. That existing rule recognized an individual, private right to continue a pre-Wilderness, established motorized use. But unless modified by Congress in ANILCA, only the land manager's discretion could extend it to persons who had not themselves employed such a pre-existing use.

The House and Senate Committees which crafted Section 1110(a) intended that motorized uses within Wilderness areas designated under ANILCA should be measured by the pattern of established, pre-existing uses in the specific area, and not the identity of specific users. At the same time, the baseline requirement - that any motorized use in an ANILCA-created portion of the Wilderness Preservation System must have been a lawful, established pre-existing condition -- comes through loud and clear:

> Alaska's rivers also serve important transportation functions.... During the ice free months there is extensive riverboat and barge traffic.... In addition, the rivers are extensively used by snowmachines and for aircraft landing during the months when the rivers are locked in ice. The Committee intends that these traditional uses shall be permitted to continue except where it can be substantially demonstrated that such uses are causing significant adverse impacts on a designated river and the purpose for which a river is designated.

ADD 1A (H.R. Rep. No. 96-97, at 196-197 (1978)) (emphases added); see also ADD 1-2, 3-4 (H.R. Rep. No. 96-97, at 205-206, 238-239 (1978)); ADD 8-11 (S. Rep. No. 96-413, at 219-220, 247-248 (1979), reprinted in 1980 U.S.C.C.A.N. 5163-64. 5191-92).

Other committee report sections completely support our position regarding Section 1110(a). They include the sections discussing Glacier Bay National Park, ADD 6-7 (S. Rep. No. 96-413, at 217 (1979), reprinted in 1980 U.S.C.C.A.N. 5161) ('[T]he Secretary [shall] be authorized to allow the continued use of motorized access to the base of the glaciers....'); Katmai National Park, ADD 6-7 (S. Rep. No. 96-413, at 217-18 (1979), reprinted in 1980 U.S.C.C.A.N., 5161-62) ('The Committee recognized that the river and lake are periodically utilized by motorized boats for administrative purposes of transporting supplies and equipment to Grosvernor Camp. The Committee believes that this can be considered under access provisions [Section 1110(a)] of this Act. . . . Brooks Lake is also used for the landings of aircraft for the purpose of access to the portion of the park and for administrative purposes. The Committee

believes that these specific uses, which are limited, may be allowed within wilderness') (emphases added); Wrangell-St. Elias National Park, ADD 9 (S. Rep. No. 96-413, at 220 (1979), reprinted in 1980 U.S.C.C.A.N. 5164) ('[A]ccess into the Wrangell mountains by hunters must be by aircraft. . . . Gravel bars, gravel plateaus, and lakes are all used as landing spots.... [M]inimal improvements are necessary for safety purposes. . . . Such improvements will be allowed to continue. . . . [T]here are several landing strips that have been constructed within the area which are utilized today for access. The Park Service shall allow continued access to these landing strips....') (emphases added); ADD 27 (Cong. Rec. S-11135 (Aug. 18, 1980)) ('Although there may be similar situations [to Anaktuvuk Pass] in other areas of Alaska in which aircraft use for subsistence hunting may be appropriate and should be permitted to continue, these type of situations are the exception rather than the rule.... It is not the intent to invite additional aircraft use, or new subsistence uses in parks and monuments where such uses have not traditionally and regularly occurred.') (emphases added).

-- The whole of ANILCA reinforces the purpose of Section 1110(a): to protect existing, site-specific means of access, but to create no blanket 'open until closed' authorization for new motorized uses.

Motorized uses in new conservation system units was of particular Congressional concern. The legislative history quotations are uniform in their expression of the Congressional intent to preserve existing access by motorboat, airplane and snowmachine. See Sierra Club v. Dept. of Transp., 948 F.2d 568, 573 (9th Cir. 1991) (legislative history of a section 'is important to a correct interpretation').

An exhaustive search of ANILCA and its legislative history has uncovered no support for the proposition that Congress adopted a blanket 'open until closed' regime regarding new motorized uses in CSUs or wilderness study areas, or that it intended to use Section 1110(a) (or any other provision of ANILCA) to mandate the introduction of new motorized uses in areas where they were not occurring before ANILCA. Nor, for that matter, is there any evidence that Congress incorporated (or even contemplated) any definition of a 'traditional activity' - in Section 1110(a) or elsewhere in ANILCA -- which would be so broad as to cover recreational activities which had historically occurred in various specific places in Alaska, but had not in fact occurred in the particular unit or location being considered by Congress. Instead, the legislative history of ANILCA is replete with site-specific references to traditional activities (again, predominately subsistence activities by local rural residents), and with Congressional assurance that these existing activities -- admittedly in non-conformance with the new CSU -- could continue.

It is clear that Congress consistently viewed a 'traditional activity' as one that had become established in a particular location in a CSU or wilderness study area before enactment of ANILCA, unless Congress specified to the contrary. Congress in fact only once acted to the contrary: ANILCA Section 1315(b) (allowing motorized access to National Forest Wilderness for fisheries enhancement projects) is the single contrary specification, and even it permits only temporary motorized uses, and then only for utilitarian purposes, not recreation. 16 U.S.C. Section 3203(b).

-- Congressional floor debates consistently support this position.

A consistent trail of legislative history demonstrates the careful attention of Congress to the motorized use issue. An understanding of this legislative history is essential to a correct interpretation of ANILCA's 'special access' provision.

With remarkable consistency, the reported floor debates in the House and Senate regarding motorized uses, and non-conforming uses in general, show that Congress intended to protect existing uses by snowmachines, motorboats and airplanes in site-specific areas, and that it well knew how to do so. There is absolutely no expression of an intent to establish an 'open until closed' regime which would allow new motorized uses Alaska-wide, in areas where they had not become established before ANILCA. In fact, no 'open until closed' phrase appears anywhere in the legislation or the legislative history.

The common Congressional understanding that existing motorized uses would be allowed to continue is found repeatedly in ANILCA's legislative history. See ADD 13-15 (Cong,

Record-House, H-4101, 4107-08 (May 17, 1978)) ('use of aircraft and motorboats - where already established - [is] permitted in wildlife refuge wilderness areas') (emphasis added); ADD 15 (Cong. Record-House, p. H-4246 (May 18, 1978)) ('Section 4(d)(1) of the Wilderness Act of 1964 which clearly permits, and I quote, 'the use of aircraft or motorboats, where these uses have already become established. . .''; 'These sections permit. . .the use of customary patterns and modes of travel across such units') (emphasis added); ADD 17 (Cong. Record-House, p. H-4247 (May 18, 1978)) ('customary patterns of travel, including customary use of aircraft, motorboats, and snowmobile where such use has already become established, shall be permitted to continue in areas subject to wilderness study') (emphasis added); ADD 19 (Cong. Record-House, p. H-4257 (May 18, 1978)) ('Such uses will continue under H.R. 39 since aircraft, snowmobiles and other forms of mechanized transportation are the most practical means of travel over Alaska's vast distances and are well-established uses.'); ADD 21 (Cong. Record-House, H-4317 (May 19, 1978)) ('use of snow machines, motorboats, or aircraft lands [sic], where such use has become established, shall be permitted subject to wilderness management plans and reasonable restrictions as appropriate...') (emphasis added); ADD 22 (Cong. Record-House, H-3296 (May 16, 1979)) ('The wilderness designations provided for in this bill will protect the area in question here from harmful development, but will not preclude existing airplane, motorboat, motor vehicle and sport hunting use') (emphases added).

Representative Vento, for example, stated on the floor of the House:

> The proposal before this Congress is not a new precedent but it rather follows the intent and actions of previous Congresses.... During the lengthy and complete Interior Subcommittee on General Oversight and Alaska Lands hearings on this issue, many citizens raised concerns that traditional uses will be allowed to continue in wilderness areas. The subcommittee and Interior Committee have made the provisions to accommodate these concerns. Because of this, wilderness designation is the best management tool that we have as it recognizes the unique situation in Alaska and takes these circumstances into account while affording the best protection for the land available.

ADD 20 (Cong. Record-House, p. H-4311 (May 19, 1978)) (emphases added).

Other consistent examples are found in the attached Addendum of Authorities at 25 (Cong. Record-Senate, S-11121 (August 18, 1980)) ('the Committee bill provides for. . . traditional means of access. . . for subsistence purposes') (emphasis added); ADD 27 (Cong. Record-Senate, p. S-11135 (August 18, 1980)) ('It is not the intent to invite additional aircraft use. . . .'); ADD 28-29 (Cong. Record-Senate, S-11198-99 (August 19, 1980)) (colloquy between Senators Jackson and Hatfield); ADD 24 (Cong. Record-House, p. H-10540-41 (November 12, 1980)) ('Congress has had a longstanding traditional practice of reviewing those . . . activities within new units which, if immediately curtailed, might result in substantial hardships to the local residents. . . . In other instances, . . . Congress has authorized the continuation of certain uses within new parks. . . which would be prohibited under traditional [NPS] management policies.') (emphases added).

Each of these quotes demonstrates the clear Congressional understanding that ANILCA would permit existing uses, including specified existing motorized uses, to continue in CSUs. None of them even hints that any new, post-ANILCA motorized uses would be authorized under the 'special access' provisions of ANILCA Section 1110(a).

If it had been the intent of Congress that Section 1110(a) would allow new, post-ANILCA motorized uses in wilderness areas, why then was it necessary for Congress to repeatedly reassure itself and the American public that each of the numerous listed pre-ANILCA uses of motor vehicles would be allowed to continue? If Section 1110(a) intended to allow new, post-ANILCA motorized uses, then each of these pre-ANILCA uses could simply have commenced anew, together with myriad entirely post-ANILCA motorized uses, once ANILCA became law.

The answer to this question is obvious: Congress took such great pains to assure the continuation of specified pre-existing motorized uses because it did not intend Section 1110(a) to authorize the blanket commencement of new motorized uses in Wilderness after ANILCA. Put plainly, there is no other plausible reason why Congress would have so assiduously identified

and protected the continuation of these existing uses.

We urge you to protect the CSUs of the Chugach National Forest from the irreparable damage that will result if snowmachines are allowed there contrary to the intent of Congress and the purpose of ANILCA. Before the Revised Plan is final, the Forest Service should define 'traditional activities' consistent with ANILCA to include only activities associated with the consumptive use of Forest resources for activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages, or some other element of a utilitarian Alaska lifestyle. The recreational use of snowmachines on the Chugach is simply not guaranteed anywhere in federal law. Thank you for considering these comments.

Very Truly Yours,

Bob Randall
Staff Attorney

(907) 276-4244 (907) 276-7110 Fax Email: ecolaw@trustees.org

ENCLOSURE: Compilation of ANILCA legislative history.
Comments submitted on behalf of:

Randy Virgin, Executive Director
Alaska Center for the Environment

Chuck Clusen, Senior Policy Analyst
Natural Resources Defense Council

Jim Adams, President
Alaska Quiet Rights Coalition

Arthur Hussey, Executive Director
Northern Alaska Environmental Center

Dr. Paul Joslyn, Executive Director
Alaska Wildlife Alliance

Jack Hession, Alaska Representative
Sierra Club

Chip Dennerlein, Alaska Regional Director
National Parks Conservation Association

Allen E, Smith, Alaska Regional Director
The Wilderness Society

Mark Luttrell, Director
Eastern Kenai Peninsula Envtl. Action Association

Pat Lavin, Prince William Sound Alliance
National Wildlife Federation

0034934-001

To: R10_chugach_revision@fs.fed.us
cc:
Subject: NEW VERSION - Trustees for Alaska CNF Revision Comments

Please accept this version of our comments, along with the attachments that have been hand delivered to your office. I inadvertently omitted one of the organizations that wanted to join in our comments. Please disregard the earlier version.

Mr. Gary Lehnhausen, Team Leader
Chugach National Forest Plan Revision Team
Chugach National Forest
3301 C Street, Suite 300
Anchorage, AK 99503
R10_chugach_revision@fs.fed.us

Re: Comments on Draft Environmental Impact Study for Chugach National Forest
Revised Proposed Land and Resource Management Plan Revision

Dear Mr. Lehnhausen,

Trustees for Alaska, on behalf of the Alaska Center for the Environment, the Center for Marine Conservation ' Alaska Region, the Coastal Coalition, the Eastern Kenai Peninsula Environmental Action Association, the Eyak Preservation Council, the Sierra Club, the Turnagain Arm Conservation League and the Wilderness Society, submits the following comments on the Draft Environmental Impact Statement and Revised Proposed Land and Resource Management Plan Revision (DEIS and Revised Forest Plan). The purpose of these comments is to focus on issues surrounding tidelands and submerged lands throughout Chugach National Forest. Other issues will be addressed by the above organizations in their individual comments on the DEIS and Revised Forest Plan. Also, Trustees for Alaska is submitting separate comments on the DEIS and Revised Forest Plan dealing with access issues under Section 1110 of the Alaska National Interest Lands Conservation Act.

History of Withdrawal and Management of Tidelands and Submerged Lands

The Chugach National Forest was first withdrawn in 1907 and combined with the Afognak Forest and Fish Culture Reserve in 1908, Chugach National Forest, since its earliest withdrawals, has included the tideland and submerged lands of Prince William Sound as well as the barrier islands that fringe the mainland of the forest. The Chugach National Forest also encompasses the tidelands and submerged lands found at the head of Turnagain Arm. The original purposes of the withdrawals of Chugach National Forest included fisheries management and protection, as well as the protection of timber and watersheds.

In addition to the purposes of the Forest that depended on the submerged lands of the forest, there were other obvious needs for including the submerged lands in the original withdrawal of the forest. For example, at the time the forest was created, access was almost exclusively by water. Today, recreational and commercial access to much of Chugach National Forest continues to be by water, and the Forest Service likely could not effectively manage the forest or enforce the Forest Plan and other laws without the ability to control access to the tide and submerged lands.

As is clear from the history of the withdrawal of Chugach National Forest, and as the Forest Service has long recognized,1/ the tidelands and submerged lands of Prince William Sound are part of the Chugach National Forest withdrawal. Because the tidelands and submerged lands were part of the National Forest prior to statehood, they did not pass to the State of Alaska under the Submerged Lands Act or the equal footing doctrine.2/

Despite its ownership of the tidelands and submerged lands of Chugach National

Forest, the Forest Service entered into a Memorandum of Understanding with the State of Alaska, Department of Natural Resources that allows the State to manage the tidelands and marine submerged lands of Prince William Sound. The MOU encompasses only those lands that became submerged as a result of the 1964 Good Friday Earthquake.

Regardless of the limited scope of the 1992 MOU, there appears to be a growing deference by the Forest Service to State management of marine submerged lands in Prince William Sound. Tideland permitting through the Chugach National Forest has been undertaken by the State, and it appears that the State disputes the ownership of the submerged lands by the U.S. Forest Service. The State has even opened parts of the

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1/ The Forest Service has made its ownership of the submerged land clear in the past. Correspondence surrounding clean-up efforts following the Exxon Valdez oil spill, as well as the 1992 Memorandum of Understanding between the Forest Service and the State of Alaska, Department of Natural Resources acknowledge the Forest Service's ownership of submerged lands. The Forest Service recently asserted its ownership of submerged lands in the Chugach National Forest when the State of Alaska, Department of Natural Resources attempted to transfer submerged lands to the City of Whittier. The State is currently reconsidering that decision, based in part on the Forest Service's ownership of the submerged lands. Some documents concerning ownership of submerged lands, impacts from the currently-stayed Whittier transfer, and impacts from the expansion of the Whittier Harbor are attached.

2/ The Forest Service is currently defending its title to tidelands and submerged lands on the Tongass National Forest in a Quiet Title Action filed by the State of Alaska. The Forest Service's filings in that case are attached.

Chugach National Forest to oil and gas leasing in the current Cook Inlet Areawide Oil and Gas Lease sale. This expansion of State authority on property of the United States, and the Forest Service's acceptance of it, may be the reason that that the Forest Service has undertaken an inadequate consideration of tidelands and submerged lands in the current Chugach National Forest Land and Resource Management Plan Revision process. The Forest Service may not, however, simply rely on State management of Federal Resources. It must consider the management and resources of the entire forest, including the tidelands and submerged lands, in its current planning process.

Legal Requirement to Consider Entire Forest

The DEIS and Revised Forest Plan must be reviewed together to determine if the Forest Service has met the requirements imposed by the National Forest Management Act and the National Environmental Policy Act. The National Forest Management Act requires that the Chugach National Forest Land and Resource Management Plan must form one integrated plan for all of the lands and resources of the conservation unit. See 16 U.S.C. Section 1600 et seq. The National Environmental Policy Act further requires that the Forest Service prepare an Environmental Impact Statement on the Chugach National Forest that encompasses all of the resources found there, including the tidelands and submerged lands of Prince William Sound, See 42 U.S.C. 4321 et seq.

The Proposed Revised Forest Plan states that it will set the direction for the future management of lands and resources within its boundaries. Revised Forest Plan 1-1. The DEIS states that the planning area is the entire Chugach National Forest. The purposes and needs for the proposed revision, set out in the DEIS, include consideration of ecological systems management, DEIS 1-4, habitat for fish and wildlife, DEIS 1-5, recreation and tourism, DEIS 1-7, and subsistence, DEIS 1-9, These goals cannot be adequately addressed without including consideration of the management of tidelands and submerged lands of Chugach National Forest.

The DEIS establishes eight decisions that will be made by the Regional Forester in adopting the new Land and Resource Management Plan. Seven of these eight decisions cannot adequately be made without considering the environmental impacts to tidelands and submerged lands in Chugach National Forest. These decisions include: Forestwide multiple-use goals and objectives, including a description of the desired future

condition of the National Forest; Forestwide standards and guidelines; Management areas and management prescriptions; Identifying lands available for oil and gas leasing; monitoring and evaluation requirements for implementation of the Revised Forest Plan; Wilderness recommendations to Congress, and; Recommending rivers eligible for Wild and Scenic river designation. See DEIS 1-10, 1-11.

Examples of Impacts that Are not Considered

Vital information that will affect the forest in the future has been completely overlooked as a result of the inadequate scope of the DEIS and the Revised Forest Plan. The tidelands and submerged lands of Prince William Sound provide the primary means of access for commercial and recreational users of the forest. These users in turn affect the quality of the fish and wildlife habitat, air quality, visitor experience, cumulative effects and many other significant issues that need to be examined in the DEIS and Revised Forest Plan.

Visitor use on the water as well as the associated increase in demand for visitor facilities could be the biggest impact to the natural resources of the forest in the future. The U.S. Forest Service cannot simply leave these issues to the State of Alaska, hoping that the State will commit the necessary resources to planning, protecting and enforcing the management policies that will control the future of Chugach National Forest. The failure to consider the impact of recreational and commercial vessels on the marine areas of the forest affects almost every area of analysis undertaken in the DEIS.

The Forest Service's analysis of cumulative effects to air quality, discussed at DEIS 3-9, does not even include air quality emission from vessels in Prince William Sound, The DEIS and the Revised Forest Plan make no attempt, as required by the federal Clean Air Act, to evaluate management activities to ensure they will not cause or contribute to any violations of ambient air quality standards, increase the frequency of any existing violations, or impede the State's progress in meeting their air quality goals. The DEIS simply concludes that none of the alternatives considered would substantially change the existing air quality of the forest. DEIS 3-6. Yet none of the alternatives factor in regulation or increases in marine vessels throughout the forest.

The Access Management Plan does not address the primary form of access to many parts of the forest. See Revised Forest Plan, Appendix C. Road Management and Trails and Route Management are addressed in detail, but no consideration is given to managing recreational and commercial access on the tidelands and marine submerged lands throughout the forest.

The Revised Forest Plan and DEIS do not adequately consider impacts to wildlife because of the failure to include the tidelands and submerged lands of Prince William Sound and Turnagain Arm in the Forest Plan. Recreational and commercial vessel operators are not even considered in Table 3-51, listing potential risks to wildlife. DEIS 3-209. Marine waters are not listed on Table 3-50 in describing general habitat types and geographic areas of concern. Increased access to the Forest cannot be analyzed or controlled until the Forest Service undertakes planning that includes the tidelands and submerged lands.

Because the Forest Plan does not incorporate the marine areas of the forest, the DEIS also fails to consider specific impacts on marine-associated wildlife found within the forest. Killer whales and fur seals are just two species of marine mammals that may be in jeopardy in Prince William Sound, yet they are not even acknowledged in the DEIS.3/ The DEIS does briefly discuss the marine threats to Marbled Murrelets, DEIS 3-197, but nowhere does the DEIS or Revised Forest Plan discuss the impact of the Revised Forest Plan on the marine environment of the Marbled Murrelet.4/

The DEIS also notes, in a table on 3-190, the importance of some tidelands and nearshore areas to endangered Stellar sea lions, but nowhere does it address the impacts of forest planning on Stellar sea lions. The Forest Service also briefly notes the existence of Stellar sea lions and humpback whales in the forest, DEIS at 3-201, and notes that a Biological Assessment will be prepared to assess the effects of the Forest Plan revision on

these species. However, the DEIS and the Forest Plan, as noted above, do not discuss impacts to and management of the tidelands and marine areas that are the habitat for these species within the Forest.

The Black Oystercatcher, discussed at DEIS 3-210, is a species that is still recovering from the Exxon Valdez Oil Spill, and one that is dependent on undisturbed tidelands during its nesting season. The Forest Service simply cannot effectively consider impacts to the oystercatchers without including tideland and submerged lands access issues in the Revised Forest Plan. The Forest Service has also inadequately considered impacts to river otters, even while acknowledging that projected increases in recreational users are a threat to them. DEIS 3-225. The Forest Service simply cannot adequately consider the impacts, cumulative, direct or indirect, from the Forest Plan on most species of wildlife in the Forest until the Forest Plan includes planning for and access control on the tidelands and submerged lands of the forest.

The monitoring and evaluation plans outlined in the Revised Forest Plan do not address management of and impacts to the tidelands and submerged lands of the forest. The Forest Service has not met the requirements of 36 CFR 219 because it has not included even minimal consideration of the effects of this revised plan to these important resources of the Chugach National Forest.

The Forest Service has failed to address management of and impacts to the portion of Turnagain Arm that is within Chugach National Forest. The DEIS and Revised

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3/ Correspondence from leading killer whale researchers and two killer whale studies are attached. There is additional work on the genetic isolation of killer whales in British Columbia and Alaska that has been submitted by four biologists in draft form to the Proceedings of the Royal Society, London B. Information can be obtained from Lance G, Barrett-Lennard, the lead author, Department of Zoology, University of British Columbia, 6270 University Blvd, Vancouver, V9R 5K6, Canada.

4/ Table 3-49 notes concern about gillnet mortality and other at-sea effects, but nowhere does the Revised Forest Plan or DEIS consider those effects. DEIS 3-207. Only timber harvest is discussed in the 'Environmental Consequences' section of the DEIS. DEIS 3-223, 224.

Forest Plan fail to address the importance of this section of the Forest to the depleted population of Cook Inlet beluga whales 5/ or otherwise consider the marine resources in upper Turnagain Ann.

The Forest Service's failure to assert jurisdiction over this portion of the forest has resulted in DNR offering sections of Chugach National Forest for lease in the Cook Inlet Areawide Oil and Gas Lease Sale,6/ Any oil and gas leasing within Chugach National Forest must be conducted in compliance with federal environmental laws and pursuant to the Land and Resource Management Plan for the Chugach National Forest.

Evaluation of Prince William Sound for Marine Protected Area Status

President Clinton signed E.O. 13158 on May 26, 2000 to strengthen and expand protection for marine habitat in the United States, See 65 Fed. Reg. 34909. The order directs federal agencies to enhance protection of existing Marine Protected Areas, to establish new ones where appropriate, and to bring all Marine Protected Areas under an umbrella of a comprehensive national system. See id. To guide agencies in implementing this mandate, the order defines a Marine Protected Area as 'any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.'

The Forest Service has a duty to review Prince William Sound for nomination as a Marine Protected Area. The DEIS should consider this possibility and any significant effects arising from it.

Conclusion

Despite the Forest Service's ownership of the submerged lands, the legal mandates for planning for the entire forest, and the clear purpose and need for this revision set out by the Forest Service for Chugach National Forest, the DEIS and the Revised Forest Plan completely fail to address significant impacts to and management of the tidelands and submerged lands that are a part of Chugach National Forest.

We urge you to complete the Forest Planning Process through an expansion of the planning process to include an Environmental Impact Statement and a Land and Resource Management Plan that address all of Chugach National Forest. Prince William Sound is

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5/ There is pending federal court challenge to National Marine Fisheries Service's failure to list Cook Inlet beluga whales as endangered. See District of Columbia District Court. Case No. Case No. 1:00CV01017-JR.

6/ Based on its concern for the plummeting Cook Inlet beluga whales the National Marine Fisheries Service requested DRN make tract deletions in the portion of Turnagain Arm that is part of Chugach National Forest. The 1998 and 1999 letters NFMS submitted to DNR on its concerns about beluga whale habitat in Cook Inlet are attached.

an integral part of the forest and the forest planning process. The DEIS and the Revised Forest Plan are legally inadequate without consideration of the tidelands and submerged lands of Prince William Sound.

Thank you for this opportunity to comment on the Draft Environmental Impact Statement and the Revised Forest Plan. Please feel free to contact me to discuss these issues further.

Sincerely yours,

Valerie L. Brown

cc: Jim Caplan, U.S. Forest Service, P.O. Box 21628, Juneau, AK 99802
Irene Alexakos, Sierra Club
Kris Balliet, Center for Marine Conservation, Alaska Region
Gabrielle Barnett, Turnagain Arm Conservation League
Cliff Eames, Alaska Center for the Environment
Dune Lankard, Eyak Preservation Council
Mark Luttrell, Eastern Kenai Peninsula Environmental Action Association
Rick Steiner, Coastal Coalition
Tony Turrini, National Wildlife Federation
Nicole Whittington-Evans, The Wilderness Society

0034935-001

To: R10_chugach_revision@fs.fed.us
cc:
Subject: NEW VERSION - Trustees for Alaska CNF Revision Comments

Dear Planning Team,

Please find attached an electronic copy of the comments we are hand-delivering to 3301 C Street today. There are no attachment with the electronic copy. There is a rich text formatted version and a Word version.

Thank you for your expanded administrative efforst with this DEIS. I really appreciated the CD-ROM version, and the ability to submit comments via e-mail. Please keep me informed of any additional public meetings or notices regarding the Revised Forest Plan.

Mr. Gary Lehnhausen, Team Leader
Chugach National Forest Plan Revision Team
Chugach National Forest
3301 C Street, Suite 300
Anchorage, AK 99503
R10_chugach_revision@fs.fed.us

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Revised Proposed Land and Resource Management Plan Revision

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Sound as well as the barrier islands that fringe the mainland of the forest. The Chugach National Forest also encompasses the tidelands and submerged lands found at the head of Turnagain Arm. The original purposes of the withdrawals of Chugach National Forest included fisheries management and protection, as well as the protection of timber and watersheds.

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the Forest Service has long recognized,1/ the tidelands and submerged lands of Prince William Sound are part of the Chugach National Forest withdrawal. Because the tidelands and submerged lands were part of the National Forest prior to statehood, they did not pass to the State of Alaska under the Submerged Lands Act or the equal footing doctrine.2/

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The Proposed Revised Forest Plan states that it will set the direction for the future management of lands and resources within its boundaries. Revised Forest Plan 1-1. The DEIS states that the planning area is the entire Chugach National Forest. The purposes and needs for the proposed revision, set out in the DEIS, include consideration of ecological systems management, DEIS 1-4, habitat for fish and wildlife, DEIS 1-5, recreation and tourism, DEIS 1-7, and subsistence, DEIS 1-9, These goals cannot be adequately addressed without including consideration of the management of tidelands and

submerged lands of Chugach National Forest.

The DEIS establishes eight decisions that will be made by the Regional Forester in adopting the new Land and Resource Management Plan. Seven of these eight decisions cannot adequately be made without considering the environmental impacts to tidelands and submerged lands in Chugach National Forest. These decisions include: Forestwide multiple-use goals and objectives, including a description of the desired future condition of the National Forest; Forestwide standards and guidelines; Management areas and management prescriptions; Identifying lands available for oil and gas leasing; monitoring and evaluation requirements for implementation of the Revised Forest Plan; Wilderness recommendations to Congress, and; Recommending rivers eligible for Wild and Scenic river designation. See DEIS 1-10, 1-11.

Examples of Impacts that Are not Considered

Vital information that will affect the forest in the future has been completely overlooked as a result of the inadequate scope of the DEIS and the Revised Forest Plan. The tidelands and submerged lands of Prince William Sound provide the primary means of access for commercial and recreational users of the forest. These users in turn affect the quality of the fish and wildlife habitat, air quality, visitor experience, cumulative effects and many other significant issues that need to be examined in the DEIS and Revised Forest Plan.

Visitor use on the water as well as the associated increase in demand for visitor facilities could be the biggest impact to the natural resources of the forest in the future. The U.S. Forest Service cannot simply leave these issues to the State of Alaska, hoping that the State will commit the necessary resources to planning, protecting and enforcing the management policies that will control the future of Chugach National Forest. The failure to consider the impact of recreational and commercial vessels on the marine areas of the forest affects almost every area of analysis undertaken in the DEIS.

The Forest Service's analysis of cumulative effects to air quality, discussed at DEIS 3-9, does not even include air quality emission from vessels in Prince William Sound, The DEIS and the Revised Forest Plan make no attempt, as required by the federal Clean Air Act, to evaluate management activities to ensure they will not cause or contribute to any violations of ambient air quality standards, increase the frequency of any existing violations, or impede the State's progress in meeting their air quality goals. The DEIS simply concludes that none of the alternatives considered would substantially change the existing air quality of the forest. DEIS 3-6. Yet none of the alternatives factor in regulation or increases in marine vessels throughout the forest.

The Access Management Plan does not address the primary form of access to many parts of the forest. See Revised Forest Plan, Appendix C. Road Management and Trails and Route Management are addressed in detail, but no consideration is given to managing recreational and commercial access on the tidelands and marine submerged lands throughout the forest.

The Revised Forest Plan and DEIS do not adequately consider impacts to wildlife because of the failure to include the tidelands and submerged lands of Prince William Sound and Turnagain Arm in the Forest Plan. Recreational and commercial vessel operators are not even considered in Table 3-51, listing potential risks to wildlife. DEIS 3-209. Marine waters are not listed on Table 3-50 in describing general habitat types and geographic areas of concern. Increased access to the Forest cannot be analyzed or controlled until the Forest Service undertakes planning that includes the tidelands and submerged lands.

Because the Forest Plan does not incorporate the marine areas of the forest, the DEIS also fails to consider specific impacts on marine-associated wildlife found within the forest. Killer whales and fur seals are just two species of marine mammals that may be in jeopardy in Prince William Sound, yet they are not even acknowledged in the DEIS.3/ The DEIS does briefly discuss the marine threats to Marbled Murrelets, DEIS 3-197, but nowhere does the DEIS or Revised Forest Plan discuss the impact of the Revised

Forest Plan on the marine environment of the Marbled Murrelet.4/

The DEIS also notes, in a table on 3-190, the importance of some tidelands and nearshore areas to endangered Stellar sea lions, but nowhere does it address the impacts of forest planning on Stellar sea lions. The Forest Service also briefly notes the existence of Stellar sea lions and humpback whales in the forest, DEIS at 3-201, and notes that a Biological Assessment will be prepared to assess the effects of the Forest Plan revision on these species. However, the DEIS and the Forest Plan, as noted above, do not discuss impacts to and management of the tidelands and marine areas that are the habitat for these species within the Forest.

The Black Oystercatcher, discussed at DEIS 3-210, is a species that is still recovering from the Exxon Valdez Oil Spill, and one that is dependent on undisturbed tidelands during its nesting season. The Forest Service simply cannot effectively consider impacts to the oystercatchers without including tideland and submerged lands access issues in the Revised Forest Plan. The Forest Service has also inadequately considered impacts to river otters, even while acknowledging that projected increases in recreational users are a threat to them. DEIS 3-225. The Forest Service simply cannot adequately consider the impacts, cumulative, direct or indirect, from the Forest Plan on most species of wildlife in the Forest until the Forest Plan includes planning for and access control on the tidelands and submerged lands of the forest.

The monitoring and evaluation plans outlined in the Revised Forest Plan do not address management of and impacts to the tidelands and submerged lands of the forest. The Forest Service has not met the requirements of 36 CFR 219 because it has not included even minimal consideration of the effects of this revised plan to these important resources of the Chugach National Forest.

The Forest Service has failed to address management of and impacts to the portion of Turnagain Arm that is within Chugach National Forest. The DEIS and Revised

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3/ Correspondence from leading killer whale researchers and two killer whale studies are attached. There is additional work on the genetic isolation of killer whales in British Columbia and Alaska that has been submitted by four biologists in draft form to the Proceedings of the Royal Society, London B. Information can be obtained from Lance G, Barrett-Lennard, the lead author, Department of Zoology, University of British Columbia, 6270 University Blvd, Vancouver, V9R 5K6, Canada.

4/ Table 3-49 notes concern about gillnet mortality and other at-sea effects, but nowhere does the Revised Forest Plan or DEIS consider those effects. DEIS 3-207. Only timber harvest is discussed in the 'Environmental Consequences' section of the DEIS. DEIS 3-223, 224.

Forest Plan fail to address the importance of this section of the Forest to the depleted population of Cook Inlet beluga whales 5/ or otherwise consider the marine resources in upper Turnagain Ann.

The Forest Service's failure to assert jurisdiction over this portion of the forest has resulted in DNR offering sections of Chugach National Forest for lease in the Cook Inlet Areawide Oil and Gas Lease Sale,6/ Any oil and gas leasing within Chugach National Forest must be conducted in compliance with federal environmental laws and pursuant to the Land and Resource Management Plan for the Chugach National Forest.

Evaluation of Prince William Sound for Marine Protected Area Status

President Clinton signed E.O. 13158 on May 26, 2000 to strengthen and expand protection for marine habitat in the United States, See 65 Fed. Reg. 34909. The order directs federal agencies to enhance protection of existing Marine Protected Areas, to establish new ones where appropriate, and to bring all Marine Protected Areas under an umbrella of a comprehensive national system. See id. To guide agencies in implementing this mandate, the order defines a Marine Protected Area as 'any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local

laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.'

The Forest Service has a duty to review Prince William Sound for nomination as a Marine Protected Area. The DEIS should consider this possibility and any significant effects arising from it.

Conclusion

Despite the Forest Service's ownership of the submerged lands, the legal mandates for planning for the entire forest, and the clear purpose and need for this revision set out by the Forest Service for Chugach National Forest, the DEIS and the Revised Forest Plan completely fail to address significant impacts to and management of the tidelands and submerged lands that are a part of Chugach National Forest.

We urge you to complete the Forest Planning Process through an expansion of the planning process to include an Environmental Impact Statement and a Land and Resource Management Plan that address all of Chugach National Forest. Prince William Sound is

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5/ There is pending federal court challenge to National Marine Fisheries Service's failure to list Cook Inlet beluga whales as endangered. See District of Columbia District Court. Case No. Case No. 1:00CV01017-JR.

6/ Based on its concern for the plummeting Cook Inlet beluga whales the National Marine Fisheries Service requested DRN make tract deletions in the portion of Turnagain Arm that is part of Chugach National Forest. The 1998 and 1999 letters NFMS submitted to DNR on its concerns about beluga whale habitat in Cook Inlet are attached.

an integral part of the forest and the forest planning process. The DEIS and the Revised Forest Plan are legally inadequate without consideration of the tidelands and submerged lands of Prince William Sound.

Thank you for this opportunity to comment on the Draft Environmental Impact Statement and the Revised Forest Plan. Please feel free to contact me to discuss these issues further.

Sincerely yours,

Valerie L. Brown

cc: Jim Caplan, U.S. Forest Service, P.O. Box 21628, Juneau, AK 99802
Irene Alexakos, Sierra Club
Kris Balliet, Center for Marine Conservation, Alaska Region
Gabrielle Barnett, Turnagain Arm Conservation League
Cliff Eames, Alaska Center for the Environment
Dune Lankard, Eyak Preservation Council
Mark Luttrell, Eastern Kenai Peninsula Environmental Action Association
Rick Steiner, Coastal Coalition
Nicole Whittington-Evans, The Wilderness Society

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The Center for Marine Conservation (CMC) and our partners in the Alaska Ocean Wilderness Campaign and Coastal Coalition submit these comments on the Draft Environmental Impact Statement (DEIS) and Revised Proposed Land and Resource Management Plan Revision (Revised Forest Plan) for the Chugach National Forest.

CMC's mission is to protect ocean ecosystems and conserve the global abundance and diversity of marine wildlife through science-based advocacy, research and public education. Headquartered in Washington, DC, CMC has regional offices in Alaska, California, Florida and Virginia and field offices in Maine, Santa Barbara and Santa Cruz, California, and the Florida Keys. We are concerned that the preferred alternative neglects to contain enough areas as recommended wilderness in Prince William Sound or the Copper River Delta. In addition, the DEIS and Revised Forest Plan fail to comprehensively discuss and analyze impacts to the entire Chugach National Forest because the documents do not address the tidelands, submerged marine lands, and marine waters of Prince William Sound. Finally, the Forest Service does not adequately discuss and address a number of species found in the Forest area, including Prince William Sound.

Recommend More Areas of Prince William Sound for the Wilderness Prescription

CMC urges the Forest Service to revise its proposed alternative for the Chugach National Forest Management Plan to provide the protection of a recommended wilderness prescription for portions of Prince William Sound, including the lands and marine waters of the Nellie Juan - College Fjord Wilderness Study Area (WSA). Recommended wilderness is the most effective way to protect biologically important lands and waters of the Chugach National Forest. Wilderness, by virtue of a Congressional designation, permanently protects important areas from impacts associated with roads, utility lines, and recreation and industrial infrastructure; wilderness designation avoids habitat destruction, reduces human - wildlife interaction, and prohibits the incremental development that ultimately erodes the wildlife carrying capacity of forest lands and waters. The terrestrial and marine resources of the Chugach National Forest are of national importance, deserving the highest level of permanent protection.

Although CMC is encouraged by the recommendation that a majority of the WSA as wilderness, the area covered by the wilderness prescription must be expanded. It is important to point out that sixty-five percent of the recommended wilderness area consists of lands dominated by largely inaccessible rock and ice formations. In addition, the wilderness recommendation excludes two important areas in the WSA - a thirty mile area around Whittier, and Knight Island.

This no-wilderness zone near Whittier includes Blackstone and Cochrane Bays, and Culross Passage -- areas that the Forest Service recommended as wilderness in 1984 -- as well as the west side of Port Wells, Esther Island and the north shore of Esther Passage, Perry and Lone Islands. Presumably, the opening of the Whittier Road and the increase in visitors to the northwestern Sound caused the Forest Service to back off of recommending wilderness near Whittier. The Forest Service must not allow the motorists and tourism industry to displace the wilderness values in this most accessible part of northwestern Prince William Sound. Instead of avoiding the wilderness prescription, the agency should use appropriate management tools to preserve wilderness values and keep wilderness accessible despite the increased visitation. The Forest Service can harden frequently used camping areas, add trails, and build recreational cabins where appropriate in accordance with the wilderness prescription. If such management measures fail to maintain wilderness conditions and preserve opportunities to have a wilderness experience, the Forest Service should limit the number of visitors to certain areas.

Knight Island is a prime candidate for the wilderness recommendation. The island, its bays and the surrounding marine waters are of incredible biological significance. Knight Island Passage is an important feeding area for killer whales and Dall and harbor porpoises and Knight Island is home to at least two killer whale rubbing beaches. Herring Bay, Lower Herring Bay, and Drier Bay are also important areas for herring. The area offers world-class wildlife viewing and recreational opportunities. The Forest Service must consider the

marine-based values when classifying forest uplands.

Also, there are other areas within Prince William Sound that are appropriate for wilderness designation outside the WSA, such as Montague Island. The northern end of Montague Island is one of the most biologically productive areas in all of Prince William Sound. The Forest Service has designated Montague Island as a 'Fish and Wildlife Conservation Area' -- a prescription that deceivingly sounds protective, but in reality allows a multitude of activities that cause significant impacts to habitat and to the species directly. For example, the prescription conditionally allows destination lodges, summer and winter helicopter landings, utility systems. Forest Service-built roads, parking lots, ferry terminals, boat ramps and docks, marine transfer facilities, campgrounds, summer motorized recreation use, mineral entry and pipelines, power generation and powerlines, transmission systems, and utility corridors. Revised Forest Plan 3-61 - 64. In sharp contrast, a wilderness prescription allows none of these activities. The only prohibited activity in a Fish and Wildlife Conservation Area is commercial timber harvesting. Revised Forest Plan 3-62. In effect, this prescription is one of the least protection prescriptions for fish and wildlife. Given the high biological importance of Montague Island, it is dear that the proposed prescription is vastly inadequate to protect the area's values. We urge the Forest Service to recommend wilderness for Montague Island.

Consider Marine Waters of Prince William Sound in the DEIS and Revised Forest Plan

We are very concerned that the DEIS and Revised Forest Plan fail to adequately address the entire Chugach National Forest area, including Prince William Sound because the documents do not include analysis regarding the the marine environment -- marine waters, tidelands and submerged lands, nor sensitive marine species.1/ This oversight results in inadequate protection for the marine resources, no regulation for the activities impacting the marine resources, and no consideration of the impacts.

Forest Service Ownership and Management Authority of tidelands and submerged lands

A historical review of the executive proclamations and other reservations establishing the Chugach National Forest demonstrates that the federal government reserved Prince William Sound as part of the Forest in the early 1900s. Because the tidelands and submerged marine lands were part of the National Forest prior to statehood, they did not pass to the State of Alaska under the Submerged Lands Act or the equal footing doctrine. Prince William Sound is part of the Forest, and therefore, the DEIS and Revised Forest Plan should address the management of these tidelands and submerged lands, not only the uplands as reflected in the current analysis.2/

The Proposed Revised Forest Plan states that it will set the direction for the future management of lands and resources within its boundaries. Revised Forest Plan 1-1. The DEIS states that the planning area is the entire Chugach National Forest. The purposes and needs for the proposed revision, set out in the DEIS, include consideration of ecological systems management, DEIS 1-4, habitat for fish and wildlife, DEIS 1-5, recreation and tourism, DEIS 1-7, and subsistence, DEIS 1-9. To adequately address these areas, however, the Forest Service must consider the management of tidelands and submerged lands of Chugach National Forest. In fact, as set out in the DEIS, the Regional Forester must make

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1/ Please note that CMC signed onto the comments submitted by Trustees for Alaska specifically regarding the Forest Serviced failure to address significant impacts to and management of the tidelands and submerged lands that are part of the Chugach National Forest.

2/ The DEIS states the following, 'In the Sound, lands managed by the Forest Service have extensive saltwater shorelines. On the adjacent saltwater, uses and activities are not regulated by the Forest Service, nor does any other agency control the number, types, and concentrations of vessels. For the purposes of forest planning, only the characteristics and uses of the uplands are considered in the [Recreation Opportunity Spectrum] analysis. While we recognize that activities on the saltwater can affect peopled recreation experiences on the

uplands, in the current regulatory framework those effects are considered outside the scope of this analysis.' DEIS 3-272.

eight decisions in adopting the Land and Resource Management Plan, seven of which must consider impacts to tidelands and submerged lands to be sufficient.3/

It appears that the Forest Service has allowed the State of Alaska to manage the tidal and submerged marine lands of Prince William Sound, despite the Forest Services' ownership of the tidelands and submerged lands of the Chugach National Forest. This expansion of State authority on property of the United States, and the Forest Service's acceptance of it, may be the reason that that the Forest Service has inadequately considered the tidelands and submerged lands in the current planning process. Nonetheless, the Forest Service must consider the management and resources of the entire forest, including the tidelands and submerged marine lands, in the DEIS and Revised Forest Plan.

The DEIS and Revised Forest Plan should address, at a minimum, the fish and wildlife resources of Prince William Sound; the most biologically significant areas in the Sound, and associated appropriate management direction for those areas; subsistence areas for hunting and fishing; subsistence, commercial, and sport fishing, impacts on fish and wildlife and wilderness values from motorized vessels such as cruise ships, tour boats, and personal watercraft; impacts on fish and wildlife, and wilderness values from helicopter, and airplane use; the impacts from coastal development on those values; and the value of marine protected areas, The Forest Service should manage the marine environment of Prince William Sound as it does the upland terrestrial environment. In addition, the Forest Service must regulate the activities on Prince William Sound's marine waters to protect designated uplands.

Failure to Address the Marine Waters of Prince William Sound

The DEIS and Revised Forest Plan fail to consider important information regarding the marine waters of Prince William Sound that will impact the Forest in the future. The DEIS Environment and Effects section discusses Water/Riparian/Wetlands, specifically addressing watersheds, surface water, and groundwater, but wholly neglecting to discuss the marine environment -- the marine waters, tidelands and marine submerged lands. DEIS 3-3-22--39. The Forest Service should include discussion of the marine environment, specifically discussing its value as habitat for fish and wildlife, the resident and migrating species, the human use and access of the area, as well as impacts of such use and access on the Forest resources.

For example, the DEIS contains a sections entitled 'Effects on wildlife from access management' and 'Effects on wildlife from transportation/utility corridors' that briefly discusses the effects of roads, trails, and corridors on wildlife. DEIS 3-238. However, the DEIS and Revised Forest Plan do not consider the impact of commercial and recreational

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3/ These decisions include: Forestwide multiple-use goals and objectives, including a description of the desired future condition of the National Forest; Forestwide standards and guidelines; Management areas and management prescriptions; Identifying lands available for oil and gas leasing; monitoring and evaluation requirements for implementation of the Revised Forest Plan; Wilderness recommendations to Congress, and; Recommending rivers eligible for Wild and Scenic river designation. DEIS 1-10, 1-11.

vessels on the marine areas of the Forest or the fish and wildlife. The waters of Prince William Sound, including the tidelands and submerged lands, clearly provide significant access for commercial and recreational Forest users. These users affect the fish and wildlife habitat, water quality, air quality, visitor experience, as well as contribute to the cumulative impacts on the Forest and to many other significant issues. Visitor use on the water and the associated increase in demand for visitor facilities will be responsible possibly for the largest future impacts to the Forest's natural resources. Thus, the DEIS should include a section addressing the effects from marine transportation, including discussion about cruise ships, fishing vessels, power boats, personal watercraft, kayaks, rafts, and other vessels, etc.

The Access Management Plan also does not address the marine waters as the primary form of access to many parts of the Forest. Revised Forest Plan, Appendix C. The Plan addresses 'Road Management' and 'Trails and Route Management,' but does not consider managing recreational and commercial access on the tidelands and marine submerged lands throughout the Forest. Consequently, the Access Management Plan fails to address the modes of transportation used to access the marine environment. The Access Management Plan must address the marine waters, including the locations where such access occurs and the appropriate modes of access such as cruise ships, fishing vessels, power boats, personal watercraft, kayaks, rafts, and other vessels, etc.

Failure to Consider Impacts to Fish and Wildlife in the Marine Environment

The DEIS and Revised Forest Plan fail to adequately consider impacts to wildlife because of the failure to include consideration of the tidelands and submerged lands of Prince William Sound. For example. Table 3-51 that lists potential risks to wildlife does not include commercial and recreational vessels. DEIS 3-209. Additionally, 'tables 3-46,3-47, and 3-50 do not include 'marine waters' in describing general habitat types and geographic areas of concern for management of indicator species and species of interest. The Forest Service cannot analyze increased access to the Forest and its waters until the agency includes the marine environment - water, tidelands and submerged marine lands in its planning.

The DEIS also fails to consider specific impacts on marine wildlife found within the Chugach National Forest.

Killer Whales

The DEIS does not address killer whales at all within the Forest. There are at least two groups of killer whales regularly found in Prince William Sound, the AT1 transient group, and the AB resident group. The DEIS and Revised Forest Plan must discuss these whales and address any impacts that are reasonably expected to occur within the Forest.

The AT1 group of transient killer whales, also known as the Prince William Sound transients, is in severe decline, with only ten whales remaining. This group of transients (meaning they eat marine mammals as opposed to residents who eat fish) has been documented year round in Prince William Sound. AT1 transients follow convolutions of the shorelines as they hunt, swimming quietly along beaches and close to rocky areas, entering bays and circling small islands, in search of harbor seal, one of their preferred food items. AT1 whales are genetically distinct, and have a unique acoustical dialect. Part of the transients' acoustic behavior does not involve vocalizations at all, but rather, silence. Researchers believe that transients employ a passive listening strategy for finding prey, as opposed to the active searching exemplified by resident echolocation. 'For that reason, a quiet underwater environment is probably important to transient whales searching for food. No doubt they expend much time and energy listening for the telltale sounds of harbor seals and Dall's or harbor porpoises. As a result increased vessel traffic and noise may affect the ability of transients to find their prey. It is no surprise that foraging transients can be very elusive, staying submerged for up to ten minutes, swimming an erratic path and avoiding close approaches by boats. These whales are probably much more susceptible to harassment than residents and their need for quiet should be respected to ensure their long-term survival.' Craig Matkin, et al. Killer Whales of Southern Alaska (1999) at 20. Clearly, the Forest Service must address impacts of increased vessel traffic and any activities that might occur on the tidelands on the AT1 killer whales. This small population is extremely vulnerable to adverse impacts and all efforts must be made to ensure activities within the Forest do not jeopardize the survival of the AT1 transients.

The resident AB pod is made up of 25 whales. These whales eat fish and not marine mammals. They have a complex social structure, traveling in matrilineal groups and using a sophisticated system of echolocation to detect, identify and pursue prey. Generally resident killer whales are loud, boisterous, and active at the surface when socializing or hunting salmon in the middle of passages.

Superpod gatherings that include several pods of resident killer whales, numbering over sixty

individuals, have been observed within the Forest waters of Prince William Sound, around Knight Island and Montague Strait. 'Such social gatherings provide mating opportunities.' Killer Whales of Southern Alaska at 60. The Forest Service must consider potential impacts to this area of Prince William Sound.

Critical killer whale habitat includes habitat essential to their prey. Thus, it is essential to protect uplands and watersheds surrounding important marine environments. Healthy salmon stream systems in these uplands directly benefit resident killer whales by insuring a constant supply of salmon. Protecting these lands from development reduces soil erosion and stream sedimentation, which can reduce the productivity of nearshore waters. The nearshore environment is vital not only for salmon - the prey for resident killer whales, but for harbor seals and sea lions - the prey for transient killer whales. Killer Whales of Southern Alaska at 24.

Researchers know little of the winter habits of killer whales but believe that the bays and 'passages of southwestern Prince William Sound are important feeding and socializing areas for killer whales, both historically and at present. ' Killer Whales of Southern Alaska at 24.

The Forest Service must specifically address the impacts of its planning on the killer whale populations in Prince William Sound and ensure adequate protection to minimize adverse impacts to the transient and resident whales.

Stellar Sea Lions

The DEIS also notes briefly the importance of some tidelands and nearshore areas to endangered Stellar sea lions, but nowhere does it address the impacts of forest planning on Stellar sea lions. DEIS 3-190. The Forest Service also briefly notes the existence in the Forest of Stellar sea lions and humpback whales, species listed under the Endangered Species Act, and notes that a Biological Assessment will be prepared to assess the effects of the Forest Plan revision on these species. DEIS at 3-201. The documents, however, do not specify when the biological assessment will occur. Common sense dictates that assessment of the effects of the Forest Plan revision on these listed species should occur prior to the finalization of the Plan. Otherwise the Plan may allow activities that will jeopardize the recovery of these species.

The Forest Plan notes that Stellar sea lions haulouts are sensitive for breeding and pupping from mid-May through June. Revised Forest Plan at 2-10. The Plan, however, fails to include either rookeries or the marine waters as significant habitat for Stellar sea lions. In addition, the Forest Service fails to recognize 'foraging' as a sensitivity of Stellar sea lions. The Biological Opinion issued by the National Marine Fisheries Service on November 30, 2000, required under the Endangered Species Act to authorize groundfish fisheries to occur, contains much information regarding the importance of foraging to Stellar sea lions. See Endangered Species Act - Section 7 Consultation Biological Opinion and Incidental Take Statement Section 4.8.6 (November 30,2000).

The draft Forest Plan contains three standards 4/ for 'Stellar Sea Lions/Other Marine Mammals,' including (1) locating long-term concentrated human activities 3,000 feet landward and seaward from sea lion critical habitat; (2) requiring aircraft overflights to maintain a minimum altitude of 3,000 feet from critical habitat except during takeoffs and landings, with the exception of permitted flight-seeing operations that must maintain a minimum elevation of 1,500 feet when viewing marine mammals outside critical habitat; and (3) regulating human activities on uplands to maintain a 750 foot no-disturbance distance from hauled out sea lions or seals. Revised Forest Plan at 2-10. Notably absent, however, are any standards regarding distance limitations by vessels in the marine waters near critical habitat or the marine mammals themselves. In addition, there are no limitations specifically regarding vessel distances near foraging Stellar sea lions or foraging habitat.

Harbor Seals

The DEIS is utterly devoid of information regarding harbor seals in Prince William Sound. The only specific reference is found in the Revised Forest Plan in Table 2-1 entitled, 'Important wildlife/tideland habitat sensitivity and seasonality.' Revised Forest Plan 2-10.

This table appropriately reflects harbor seal haulouts as important for pupping and molting

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4/ 'Standards are actions that must be followed or are required limits to activities in order to achieve forest goals.' Revised Forest Plan 2-7.

in late May through mid-July, and June through October respectively. Revised Forest Plan 2-10. Also, harbor seals are presumably included under the heading entitled 'Stellar Sea Lions/Other Marine Mammals,' where the Forest Service lists the three standards described above in the Stellar Sea Lion section.

The DEIS should discuss harbor seals in Prince William Sound as well as the planning impacts on the seals and their habitat. These seals have experienced a severe population decline of over forty percent in the last twenty years and are continuing to decline. Harbor seals are probably the most wary seal species, taking shelter in the water at the slightest provocation. Disturbances caused by human activities generally have widespread effects, frequently frightening animals into the water. Being distributed primarily along shorelines and on nearshore islands, and having a strong sight fidelity, they are especially at risk from any coastal development activities. Two particularly critical periods are during the annual molt when seals haul out in large numbers to shed their hair, and the breeding season, especially the two to four week lactation period. During the molt, seals spend more time out of the water than any other time of the year, apparently to enhance palage growth by warming the skin. They also have decreased metabolic rates, and hence food requirements during this time, to allow them to spend less time in the water feeding. In the case of lactation, if seals are spooked off the rookery too often during lactation, pups may experience reduced growth rates due to decreased nursing time and increased thermal stress caused by heat loss in water, or may even be abandoned by mothers who chose to move to a less disruptive site. During the molt, thermal stress could also be a factor if animals with reduced metabolic rates are forced to spend too much time in the cold water.

As discussed above regarding Stellar sea lions, there are no standards for harbor seals regarding distance limitations by vessels in the marine waters near important habitat or the seals themselves. Restrictions must be placed on vessels to minimize disturbance to harbor seals, especially in times of molting and pupping. In addition, there are no limitations specifically regarding vessel distances near foraging harbor seals or foraging habitat.

Seabirds and Shorebirds

The draft Forest Plan contains guidelines for Seabird Rookeries Habitat Management and Waterfowl and Shorebird Habitats Management. Revised Forest Plan 2-11. While the guidelines recommend restrictions on aircraft overflights and human disturbance on uplands and the ground, they fail to discuss distance restrictions on vessels in the marine waters that can disturb the birds. Revised Forest Plan 2-11.

Marbled Murrelets

The DEIS briefly discusses the marine threats to marbled murrelets such as the gillnet mortality, oil spills, and cyclic changes in marine food productivity, but fails to discuss the impact of planning on the marine environment of the marbled murrelet. DEIS 3-197,3-207. The 'Environmental Consequences ' section of the DEIS regarding marbled murrelets discusses only timber harvest, and the conservation option presented is to 'Maintain productive old growth in heads of bays, emphasizing those near aquatic or terrestrial concentration areas. DEIS 3-223-224,207. The DEIS should also discuss the activities that can impact the marine habitat, and the marbled murrelets when in marine waters, such as impacts associated with vessel traffic and disturbance. Moreover, the Forest Service should add a conservation option regarding preservation of marine waters as marbled murrelet habitat.

Black Oystercatcher

The black oystercatcher is a species that is still recovering from the Exxon Valdez Oil Spill,

and depends on undisturbed tidelands during its nesting season. DEIS 3-191,210. The DEIS acknowledges that '[c]ontinual disturbance from human activities is the greatest threat to breeding black oystercatchers. Disturbance often prevents pairs from nesting or causes them to abandon their nests.' DEIS 3-191. The DEIS includes seasonal no-use restrictions and buffer zones around high concentration of nesting oystercatchers to mitigate potential effects from dispersed recreation activities within Prince William Sound. DEIS 3-210. Such management measures may not go far enough because the Forest Service cannot effectively consider impacts to the oystercatchers without including tideland and submerged lands access issues in the Revised Forest Plan.

River Otters

The Forest Service has not adequately considered impacts to river otters, even though it acknowledges that projected increases in recreational users threaten them. DEIS 3-225. The DEIS states that river otters feed on fish and marine invertebrates, but fail to provide for protection of marine habitat where the prey species live.

The Forest Service cannot adequately consider the impacts, cumulative, direct or indirect, from the Forest Plan on most species of wildlife in the Forest until the Forest Plan includes planning for and access control on the tidelands and submerged lands of the forest.

Shortfalls in Monitoring and Evaluation

The monitoring and evaluation plans outlined in the Revised Forest Plan do not address management of and impacts to the marine environment, including the waters, tidelands and submerged lands of the forest. The Forest Service has not met the requirements of 36 CFR 219 because it has not included even minimal consideration of the effects of this revised plan to these important resources of the Chugach National Forest.

Beluga Whales

The DEIS and Revised Forest Plan fail to address beluga whales despite the fact that beluga habitat in Turnagain Arm and specifically Chickaloon Flats falls within the Chugach National Forest. The National Marine Fisheries Service (NMFS) has declared the Cook Inlet beluga stock as 'depleted' under the Marine Mammal Protection Act because its population has dramatically declined. There is currently a lawsuit filed in federal court challenging the NMFS failure to list the belugas as endangered under the Endangered Species Act. The fact that these whales have experienced precipitous population declines and that their habitat exists within the planning area warrants the Forest Service to consider the impacts of planning on Cook Inlet beluga whales. As mentioned previously, in its planning the Forest Service must discuss the marine environment, including the tidelands and submerged lands of Turnagain Arm within the Forest.

It is interesting to note that it appears the State Department of Natural Resources Division of Oil and Gas, as part of its Cook Inlet Areawide leasing scheme, annually offers tracts within the Chugach National Forest near Chickaloon Flats for oil and gas leasing.

Recommend the Copper River Delta as Wilderness

CMC urges the Forest Service to protect the entire Copper River Delta as wilderness. Congress recognized the exceptional environmental value of the Delta in the Alaska National Interest Lands Conservation Act, directing the Forest Service to manage the region primarily for 'the conservation offish and wildlife and their habitat.' The Delta is one of only two areas in the U.S. Forest system subject to this statutory directive. This wild, pristine, and scenic area is one of the nation's premier wetland ecosystems. It is the largest intact wetlands complex on the Pacific coast of North America, providing some of the most important shorebird habitat in the western hemisphere. The Delta has been declared a Western Hemisphere Shorebird Reserve Network Site, an emphasis area in the North American Waterfowl Management Plan, and a State Critical Habitat Area. It also sees the world's largest concentrations of sea otters, beaver, and nesting trumpeter swans, is home to the entire population of dusky Canada geese, and to a host of marine mammals, as well as brown bear, moose, and mountain goats. Copper River sockeye, Chinook, and coho are

world-renowned.

As now written, the preferred alternative recommends non-wilderness management prescriptions for every part of the Delta in which someone has expressed an interest in motorized recreation or development. The following activities threaten this biologically unique and significant area: oil and gas activities, coal mining, logging and related road building, and tourism. The Forest Service must exercise leadership and vision and consider the national significance of the Copper River Delta and the inevitable threats to the resources of this area worthy of the highest protection afforded by a wilderness recommendation.

Evaluate Prince William Sound Marine Protected Area

On May 26,2000, President Clinton signed E.0.13158, directing federal agencies to enhance protection of existing marine protected areas (MPAs), to establish new MPAs where appropriate, and to develop a comprehensive national system of MPAs. 65 Fed. Reg. 34909. The E.O. Defines an MPA as 'any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.' Id.

In accordance with this E.O., the Forest Service should review the marine waters of Prince William Sound for establishment of an MPA. The Wilderness Study Area in the western Sound is an obvious candidate for inclusion as an MPA. The DEIS should consider this possibility and analyze any significant effects from an MPA designation.

Natural Quiet

CMC is heartened by the Forest Serviced recognition of natural quiet as a valuable resource in its planning and the proposal of several additional quiet areas and a few quiet campgrounds on the Kenai Peninsula. We applaud the creation of the new developed Recreation/Reduced Noise Management Area', (Revised Forest Plan 3-85), recognizing that users of developed campsites and recreation areas still enjoy, appreciate, and deserve the chance to hear the natural sounds of the Forest rather than mechanized and motorized noise. To achieve a better balance between quiet and motorized recreation, and allow both Forest users to sample and enjoy natural quiet and fish and wildlife to exist unimpacted by significant noise, we recommend that the Forest Service provide additional areas for natural quiet.

While the snowmachine -- quiet recreation conflict has received the most attention, it is not the only problem. The preferred alternative inappropriately allows helicopters to fly in a vast majority of the Kenai Peninsula. Helicopters are extremely disruptive, flying at low elevations, covering large areas in a short amount of time, and being heard from a great distance away. As industrial tourism increases in the Forest area, there will be increased pressure to increase helicopter usage. The creation of a prescription that allows helicopter access in the management plan creates the expectation on the part of helicopter operators that helicopter use will be accommodated. The Forest Service should revise the Revised Forest Plan to strictly limit helicopter use in the planning area.

In addition, the DEIS and Revised Forest Plan fail to discuss and address impacts from personal watercraft (PWC) use on the fish and wildlife, users, and natural quiet values of the Forest, including Prince William Sound. PWC use adversely impacts the marine environment by creating noise pollution, disruption and displacement of wildlife, and polluting the marine environment.

The way that PWC are used creates excessive noise of a variable nature that is loud and has a high pitch over a long duration. In one study, PWC idle noise levels ranged from 74 to 80 decibels, while at full throttle, the same machines ranged from 101 to 102 decibels. J. Cacciutti, Quiet Riot, Boating World (June, 1998), 81-83. PWC frequently exit the water. When a PWC leaves the water, the water no longer has any muffling effect and the engine noise increases by approximately 15 decibels. The resultant noise carries at a level equivalent to the original loudness for a distance eight times the original distance. C. Komanoff, and H. Shaw, Drowning in Noise, Noise Costs of Jet Skis in America, Noise Pollution Clearinghouse,

Montpelier, VT, 2000. This noise is exacerbated when the PWC loudly slaps back against the water surface.

The high pitch sound produced by PWC engines running primarily at full throttle adds to the noise. In addition, PWC often operate at high speeds in a limited area for extended periods of time. PWC often operate in groups, which is encouraged by the industry for safety reasons, compounding the noise impacts.

There is increasing scientific evidence that PWC use impacts wildlife. The Woods Hole Oceanographic Institute conducted a controlled study of PWC in the San Juan Islands, Washington, concluding that PWC, which lack a low-frequency long distance sound, do not signal surfacing birds or mammals (including humans) of approaching danger until they are almost on top of them. The high frequency sounds PWC produce in both air and water also startle birds and other wildlife. One study found that PWC impacted the flights of terns over a colony. J. Berger, 'Effects of motorboats and personal watercraft on/light behavior over a colony of Common Terns, Condor, 100, 528-534,1998. Research also shows the negative effect of frequent disturbances that result in upflights from bird colonies on reproductive success. C.R. Brown, and M.B. Brown, Coloniality in the Cliff Swallow, Chicago University Press, Chicago, 1996. In addition, PWC increase turbidity, foul water with their discharge, and negatively impact benthic invertebrates. S. Snow, A. Review of Personal Watercraft and Their Potential Impact on the Natural Resources of Everglades National Park, Technical Paper, 1989. Tom Wilmers, a U.S. Fish and Wildlife Biologist at Key Deer National Wildlife Refuge, reported that he saw a jet ski repeatedly flush an Osprey from its nest site eleven times in less than one hour. Moreover, there are numerous anecdotal reports of impacts to marine mammals, birds, fish from PWC.

PWC pollute more than other conventional two-stroke motors because of the way they are frequently operated with high motor intensity, frequent throttle changes, long periods of use and multiple machines in limited areas. Two-stroke engines run on an oil and gasoline mixture, and discharge ten to fifty percent of this mixture unburned into the water. Tahoe Research Group, The Use of 2-Cycle Engine Watercraft on Lake Tahoe: Water Quality and Limnological Considerations, University of California, Davis, 1997. PWC are capable of traveling in shallow and remote areas, where water and other wildlife are most prevalent and most sensitive to environmental pollution. Discharged hydrocarbons float on the surface and settle within the shallow marine ecosystems, areas where many organisms at the base of the food chain reside such as fish eggs, algae, shellfish, and zooplankton. Hydrocarbon pollution can then bioaccumulate within the food web, threatening the health of the marine environment.

PWC use occurs within Prince William Sound and is reasonably expected to increase with the accessibility to the Sound afforded by the Whittier road. The Forest Service must discuss in its planning PWC use in the Sound and its impacts on the fish and wildlife, habitat, noise effects in the marine waters and uplands, and impacts to natural quiet.

Conclusion

We urge the Forest Service to recommend more areas under the wilderness prescription in Prince William Sound and the Copper River Delta as discussed above. In addition, we urge you to include an EIS and Land and Resource Management Plan that address all of the Chugach National Forest, including the waters of Prince William Sound. The DEIS and the Revised Forest Plan must consider the tidelands and submerged marine lands of Prince William Sound to be legally adequate. Finally, we urge you to discuss species pointed out above that occur in the Forest area, including Prince William Sound, addressing the planning impacts to the species and their habitats.

CMC thanks the Forest Service for the opportunity to comment on the DEIS and the Revised Forest Plan.

Sincerely,

Kris Balliet
Alaska Region Director

Comment #	Comment
0034938-011	-- The Alaska National Interest Land Conservation Act (ANILCA) basically guarantees access to public lands in Alaska for multiple use purposes. The Proposed Revised Plan provides for very little, if any, additional access to the Chugach National Forest. This appears to be a 'roadless' treatment to these public lands - a practice not condoned by ANILCA. It is my strong belief that we need to ADD access facilities in the Chugach National Forest to accommodate users. Management of the forest seems to be very similar to many wilderness and monument areas - no additional facilities. This does not meet the intent of a National Forest.
0034938-013	-- The Proposed Revised Plan assumes federal jurisdiction over State of Alaska maritime waters. The State of Alaska has jurisdiction over its maritime waters as a result of the Alaska Statehood Act - and further defined in ANILCA. As far as I can determine, the State of Alaska has not relinquished jurisdiction over the waters in Prince William Sound to the US Government. The plan should be modified to eliminate this change. Similar to individual citizens - the State of Alaska should not have to question the legality of the plan and consequently have to fight for something that is already theirs.

0034939-002

So, we came to a meeting to be heard in the most open and democratic way and are told that our opinions don't matter' The plan has a preconceived agenda and this is what you are getting. The Foresters probably left the meeting shaking their head about the number of Snowmachiners, i.e. 'Peasants' that came to talk to the Sheriff.

We left the meeting with the Chugach National Forest Plan disks and decided to educate ourselves. ('We' being the snowmachiners, who also ski, both downhill and cross country, snowshoe, hike, pick berries, hunt, gold pan and essentially do 99% of our recreation in the woods.) We then decided to unite and formed the Kenai Peninsula Public Land Users Group - K P PLUG.

With our new founded common interest and goals, we started to unravel the plan. We found many flaws in the plan as written. First, there is this underlying theme to restrict, close and diminish use of timber, motorized access, reduce noise areas and creation of more wilderness. We won't call it that because that might wake up the people to the illegality of this Plan and the ANILCA 'No More Clause' so, we will call it 'Backcountry Prescription' and with controlled access create wilderness. There is more bull sign in this Plan disk than one citizen could possibly understand and digest with all the interconnecting dots contained within it. However, as a group we were able to find specific items that were illegal and others that were for an elite narrow minded user group, which points to the underlying directive of this plan, outside environmental extremists.

The Forest Service says that they are getting 3,000 comments a week from outside and somewhere around 48,000 to date. If the Forest Service is weighing this as anything more than a paid campaign of Sierra Club Members, Wilderness Society extremists, than they are mistaken or perhaps have the same agenda.

I have talked to several citizens of the great State of Alaska, who have been harassed, treated with contempt while pursuing the legal activities of 4-wheeling, snowmachining, gold panning, hunting, guiding, etc... The people who are doing the harassing are Federal Fish & Wildlife and Forestry Dept. employees. The citizens felt like they were trespassing on lands their parents, children and grandchildren should have multi use recreational opportunities on. Federal Fish & Wildlife employees are treating people as if the land they are trying to enjoy is the 'Sheriffs' and Fish & Wildlife agents are the 'Sheriffs enforcers'. Their main job is to harass any user that doesn't fit the mold their agenda and this Plan represents (i.e. snowmachiners, 4-wheelers, horseback riders, mountain bikers, airplane pilots, hunting guides, trappers, etc...).

Well, we have had it! We have tried to express our concerns. Four of the KP PLUG members drove to Anchorage to meet with Dave Gibbons, the Chugach National Forester & Planner. When asked how the Plan could be put into effect with all the illegal contents pertaining to ANILCA, Mr. Gibbons stated 'its legal until I'm sued to change it.' Notice how he refers to the CNF Plan in first person by using I'm.

The forest is supposed to be for multi use recreational opportunities. Multi use has allowed my children, at a very young age, to accompany me and enjoy a weekend in a public use cabin by riding along on my snowmachine or 4 wheeler with me. This wouldn't have been possible if we couldn't have traveled by motorized vehicle. Due to school schedules, the kids opportunities to do this would be greatly diminished if a timeshare program or other restrictions were initiated. They could be looked upon as a handicapped group of users because their only feasible means of transport to remote areas is by snowmachine or other motorized vehicle. Use of the forest for family recreational opportunities is alone worth fighting for.

Mr. Gibbons also mentioned that there was no scientific reasons or studies to support the proposed Brown Bear corridors. As for the noise areas, the Plan has provisions to allow helicopters to operate in the Reduced Noise Areas. The elite environmental extremists can listen to the noise of a helicopter but not a snowmachine. Get real!!

This reminds me of ANILCA and the original planning behind it. I did a term paper in 1980 on ANILCA and 2 things remain firmly in my mind: One, the meetings were held in Miami, FL and two, as either Senator Stevens, Murkowski, or Representative Young, stated we will not have Alaskans being construed as un-environmental or pro-development without environmental constraints. Well, we certainly lost that battle and ANILCA was born.

This is the next battle along the same lines. They want to create more wilderness, eliminate access, and re-designate State waters in direct violation of ANILCA.

If the Preferred Initiative passes as presently written, the State and Representatives of Alaska will be asked to sue the Federal Government. Let's hope we get it right this time. You will have our backing and ANILCA's. 'Sheriff Dave Gibbons might just be sent packing. After all, he asked to be sued and shouldn't underestimate the power of the peasants.

Thank you for the time you took to read this lengthy letter.
Yours for true multi use,

Mike Penner

Comment #	Comment
0034941-001	Dave Gibbons, Forest Supervisor Chugach National Forest 3301 C Street, Suite 300 Anchorage, Ak 99503 Dear Mr. Gibbons, The proposed Alternatives to the Chugach National Forest revision plan are much too drastic. I have lived in Alaska and used the Chugach for many years in many ways. I find no cause for such alarming management. The Preferred Alternative is unreasonable. I am not the only one with these feelings. Several people who I have talked with about the proposed Alternatives have great concern. Those well educated on the Chugach plan feel it may even be unlawful. -- Many of the revisions mean closure, restriction, and condition. The plan does not use up-to-date, unbiased, scientific data or studies. As a result, there is no justification for such a drastic revision. -- The plan does not identify how the Prescriptions will be enforced or at what financial expense they will be enforced. Examples: Noise, Brown Bear Core areas, W & S Rivers, etc. -- A legal analysis by the Office of General Counsel has not been completed. We must know the complete impacts of the plan here. -- The USFS assumes unlawful assertion of State managed waters. -- Prescribed Brown Bear Core areas conflict with State hunting and subsistence issues. -- The plan discriminates between users and user groups, which directly conflicts with ANILCA. -- There is no cause for such a drastically managed DEIS. I see no cause for the Chugach to be further restricted. Rather, I feel it should be managed in the way Congress clearly implied. -- The Preferred Alternative is obviously preservation and environmental based. -- There are errors and contradictions within the plan that have not been addressed publicly. I strongly reject the Preferred Alternative or any proposed Alternatives. The plan is too restrictive, limiting, and conditional. I find it unfounded. I find it out-of-touch with what is really going on in the Chugach. With great concern, Aleja DeVito Cc: The United States Congress Alaska Congressman Don Young Alaska Senator Frank Murkowski Alaska Senator Ted Stevens The BlueRibbon Coalition Kenai Peninsula Public Land Users Group Governor Tony Knowles USDA Forest Service, Michael Dombeck - Chief USDA Forest Service Rick Cables, Regional Forester

Comment #	Comment
0034942-005	I posed a question to Steve Zemke (Fisheries, Subsistence) concerning waters in the Chugach where I commercial fish. I asked a simple question of who would manage these waters, the State of Alaska or the Forest Service. I received no answer.
0034942-009	-- Most importantly, it is evident that the Preferred Alternative ignores section 501(b) of ANILCA by further restricting use and assigning specific prescriptions within the Chugach. ANILCA specifically states that multiple use activities are permitted in these areas consistent with conservation offish, wildlife, and recreation. -- The 1976 National Forest Management Act (NFMA) requires the Forest Service to revise the Plan every 10 to 15 years. The Forest Service has twisted the intent of 'revise' to mean 'further and conditionally restrict'. Revising the Plan could mean to farther and unconditionally broaden the use of our Chugach. It could mean more access and the potential for more use. Although no Alternatives would suggest this.

0034943-001

Please consider these comments as part of the proposed management plan that you are preparing.

I am a member of the Kenai Peninsula Public Land user Group (K-Plug). I fully agree with the purposes and principles that K-Plug espouses. I am particularly concerned with what I perceive to be serious violations of public law in the management practices of the Forest service (FS). I will attempt to address some of these concerns in this submittal.

VIOLATIONS OF OPEN MEETINGS ACT AND OTHER FEDERAL LAWS

According to the research we discovered that the Forest service held private meetings with the Alaska Lands Act Coordinating Committee (ALACC).

(ALACC) is composed of nationally based and funded environmental organizations with Alaska interests. The Forest Service provided notes of meetings with ALACC on issues related to the Forest Plan Revision. The meetings apparently resulted from a settlement the Forest service reached with ALACC over the 1984 Chugach Forest Plan. The meeting notes indicate that ALACC sued the Forest Service for allowing too much development in the chugach.

In 1989, then Deputy chief of the Forest Service, James Overbay, issued a memorandum to all Regional Foresters directing that a Forest Plan Revision, should only concentrate on management units that show a need for change, rather than completely revamping the original forest plan. The meetings held with ALACC focused on this need for change and gave the Forest service the justification to completely rewrite the 1984 CLMP. Meetings with ALACC are documented to 1992. Meetings focused on the revision process, settlement agreement as related to the revision, strategies for Prince William Sound (PWS) preservation; conservation easements with native entities, moratoriums on timber harvest, spruce bark beetle infestation, roadless initiative, ANILCA access provisions, etc. The backcountry prescriptions were developed as a result of these meetings.
Documents indicate that the Forest service actively sought ALACC involvement in the planning process prior to inviting the participation of any other group. Further, the Forest service discussed strategies for most of the issues contained in the preferred alternative issued May 15, 2000.

PWS planning, timber harvest, and 501 (b) recommended wilderness areas, copper River Delta, roadless areas were all part of the strategies discussed. Most importantly, a strategy was developed to cite the need for change for the old 1984 plan.

A strategy was also developed for inventory of Roadless Areas - Doc. 1825.

We at K-Plug were outraged after we have heard of these meetings. The whole process is so skewed towards a special

interest agenda that the preferred plan and all of the policies it represents should be scrapped. A new supervisor and forest rangers should be hired that observe the laws and the public's interests. This management style represents a breach of the public trust and unlawful discrimination towards certain lawful forest uses and users.

NAVIGABLE WATERS: SUBMERGED LANDS: EQUAL FOOTING DOCTRINE

The Submerged Lands Act is a quitclaim of federal authority or ownership and provides that, like all other states, Alaska owns it's navigable waters. It also provides that management of those resources is subject to state (not federal) law. The Act gave all states servitude title in trust and management authority of the natural resources within their borders. The Act also specifically included fish as well as other marine animals and plant life in all the navigable waters therein.

As an essential element of sovereignty and by quitclaim from the federal Government, title to fish and wild game in Alaska rests in the Sovereign State of Alaska and its trustee capacity for all the people. Although it may have authority to protect wildlife resources found on federal property, since statehood that federal government has had no authority to make any rule or regulation allocating fish and wild game which belong in common to the citizens and are held in trust by the State of Alaska.

We are concerned about the chugach Plan's potential impact on the Alaska Department of Fish and Games ability to conduct the activities required to perform research, management, and enforcement functions throughout the Forest, in order to ensure that the State's constitutional, statutory, and regulatory responsibilities are met, we request that assurances be written into the plan recognizing ADG&G'S mandate to conduct fish and wildlife research, management, and enforcement activities. Specifically, the Commissioner of Fish and Game is charged to manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the best interest of the economy and general well-being of the state (AS 16.05.020 (2)). This responsibility extends to all lands and waters of the state.

The draft EIS should clarify that FS management decisions for proposed Wild and scenic River designations only apply to the federal uplands (above the ordinary high water mark OHW). Navigable waterways are state inholdings within the Forest, and federal regulations specific to conservation system units (for example, wild and scenic Rivers and Wilderness) do not apply to private and state lands (see ANILCA sec. 103(c)).

PROTECTION OF NON-NATIVE SUBSISTENCE

Title VIII of Alaska National interest Lands Conservation Act stipulates continuation of opportunity for subsistence uses of resources. Restricting motorized access to forest lands without scientific support threatens traditional recreational and subsistence activities. K-Plug is also

concerned about the chugach Plan Revision effects on traditional commercial and recreational access for fishing, hunting, wildlife viewing, trapping, and other fish and wildlife related activities. It is our position that these are valid prescriptive public uses of fish and wildlife and should be maintained by any plan in the future. These are protected birth-rights of this and all future generations of Alaskans. YOU cannot legally discriminate between Native and non-Native users of public trust properties. This was established in the Payton vs. State of Alaska Board of Fish decision.

I am concerned that the proposed motorized/non-motorized divisions of opportunity identified in the FS preferred alternative description narrative will impact users who have traditionally used motorized methods to access these areas for the taking of fish and wildlife, including trapping. Gathering activities including harvesting natural objects for arts and crafts should also be protected. These activities have traditionally been done with motorized vehicles in the forest.

LACK OF SCIENTIFIC BASIS FOR RESTRICTIONS

It is an insult to our heritage of western science and to the scientific community and to the framers of ANILCA to promulgate regulations that are based on restrictive intent rather than the multiple-use, forest practices and maximum sustained yield doctrines. The FS does not appear to have reliable information about brown bear populations, it is unjustified and unreasonable to restrict other uses on public lands for the speculative purpose of protecting this species. This same rationale applies to proposed quiet areas.

District Ranger Skewed Analysis of Comments

The Cordova District Ranger provided many rationales for ANILCA Recommended wilderness prescriptions within the forest to the Forest Supervisor during the planning process. His analysis gave greater weight to the testimony of environmental groups, whose agenda's he has personally supported. He has used his personal beliefs to effectively push an environmental agenda in the district. Specifically, he wrote a rationale for recommended wilderness criticizing the congressional delegation for their 'pro-development stance' (Document #1756, 1935). The District Ranger also provided a survey of comments from the cordova District. The survey showed that all of the residents and organizations, with the exception of chugach Alaska corporation, favored strict adherence to environmental alternatives. He reached this analysis based upon generalizations of the comments. (Document #2267). The District Ranger, in Document #2267 asserts that all business owners in cordova commented in favor of Wilderness designations, However, upon close analysis, the business owners listed in the document did not actually own the businesses. Furthermore, most business in cordova did not comment.

District Rangers and the Forest supervisor have denied permits over the past two years to individuals requesting

access, citing the revision of the forest plan (The new forest plan would not allow them to grant the permit but the old plan would so they categorically denied them). Legally, they must adhere to the old forest plan until the revision is signed. However, they denied permits anyway. Comments in the Districts were extremely generalized and did not accurately reflect the positions of the residents of the district. (E.g. Statements were made in opening paragraphs of comments thanking the Forest service for such an open process and then proceeded to tear down the alternatives being discussed. The forest service used the first few lines to indicate that residents were in favor of the preferred alternatives).

Multiple Use Activities

in the Chugach Plan; the Forest service completely disregards the multiple use clause of ANILCA, especially as it relates to Section 501(b). This section clearly states:

Subject to valid and existing rights, lands added to the Tongass and chugach National Forests by this section shall be administered by the Secretary in accordance with the applicable provisions of the this Act and the laws, rules, and regulations applicable to the national forest system: Provided: That the conservation of fish and wildlife and their habitat shall be the primary purpose for the management of the Copper, Rude River addition and the Copper River-Bering River portion of the existing chugach National Forest, as generally depicted on the map appropriately referenced and dated October 1978: Provided, that the taking of fish and wildlife shall be permitted within zones established by this subsection pursuant to the provisions of this Act and other applicable State and Federal law. Multiple use activities shall be permitted in a manner consistent with the conservation of fish and wildlife and their habitat as set forth in special regulations which shall be promulgated by the secretary.

The Forest Revision Plan restricts motorized activities in at least 55.4% or 3.04 million acres of the Forest mostly through the 'Back Country' prescriptions (more restrictive than recommended wilderness) in the preferred alternative. in fact, that prescription was developed out of settlement agreements with environmentalists, (ALACC), to incorporate the roadless initiative. This clearly infringes upon multiple use activities and the taking of fish and wildlife, scientific analysis of motorized activities in these areas has not been completed. The plan is instead subjectively based upon a settlement with the environmental community. Further, with no new roads or plans for new roads or trails within the Forest, multiple use activities are restricted to existing accessible areas causing more damage to the environment while violating the intent

UNJUSTIFIED DISCRIMINATION AGAINST MOTORIZED VEHICLE USE
public access on the Kenai peninsula is already limited because of Kenai National wildlife Refuge restrictions and lack of transportation infrastructure due to the extent of Refuge and chugach National Forest lands.

Regarding conflicts between motorized and non-motorized users. It is evident that skiing opportunity is under-used in the backcountry. Moreover, the Juneau creek/Resurrection creek trail is limited to skiers for most of the winter, and all the Refuge is limited to no snowmachines above timberline, except in caribou hills. Based on currently available non-motorized recreation opportunities in this area, K-plug is concerned that further zoning of areas as non-motorized may unnecessarily reduce motorized opportunities for hunting, trapping, and ice fishing, in addition to displacing and concentrating motorized use to area where other uses are involved. This can include wildlife sensitive areas.

The proposals to close snowmachine use in (1) the Lost Lake area and (2) in the at pine areas cause a number of concerns related to potential impacts on fish, wildlife and recreational uses; First, we urge no closures on snowmachine use in the Lost Lake area because an increased concentration of use will likely occur in the Resurrection Trail area. This likely will lead to impacts in other areas where harm will probably be greater. The Lost Lake area supports a significant and growing number of people that use snowmachines to access the high country, if this area is closed (added to the difficulty of snowmachining in the vegetated river valleys and refuge-closed areas), use of the remaining open areas on the Peninsula will increase. The most likely area for displaced users to go would be the

Resurrection Trial area, which supports the Kenai Mountains Caribou Herd, and a moderate population of moose, and sheep and goats, in comparison, the Lost Lake area has no caribou or sheep and only a low density of moose below timberline. while goats occur in the area, there is sufficient escape terrain so they can avoid contact with snowmachine travelers.

Second, I am concerned about proposals to restrict snowmachine use in high country, if snowmachine travelers are not allowed to run above timberline, they may resort to running the rivers and valleys where moose winter. High snowmachine use in river valleys could displace wintering moose into areas of less suitable habitat. Since moose habitat is already limited; in many instances; within the portion of Game Management Unit 7 located in Chugach Forest, we urge that the final Plan retain snowmachine travel at higher elevations in this plan.

NO MORE CLAUSE

The Chugach Revision is in violation of the so called, no more clause of ANILCA. The Revision includes a provision for ANILCA 501(b) Recommended Wilderness, 501 (b)-2 Prescription, ANILCA 501(b)-2 Prescription (Winter Motorized), and 501(b)-2 (Summer and winter Motorized) allowed in the preferred alternative map. None of the prescriptions appear to be consistent with ANILCA and the Forest Service has failed to ascertain their compliance with existing law because their office of General Counsel (OGC) has not completed a full review of the preferred alternative. Congress found that the provisions of ANILCA were adequate and the lands withdrawn by ANILCA were

sufficient protection of the resources. In Section 1326 the following provision is listed:

(b) No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.
The Forest Service action in the ANILCA 501(b) Recommended wilderness and Back-country prescriptions are in direct violation of this section of ANILCA.

RECOGNITION OF RIGHTS-OF WAY

We request that the FS preferred Alternative show valid existing public access such as RS 2477 rights-of-way, ANCSA 17(b) easements, and omnibus roads, we support the most public access possible through the Chugach National Forest. The State, through AS 19.100.010, public use, expenditure of public funds for construction and other means, claim numerous Rights of Way across federal land under RS 2477, including section line easements and rights-of-way identified in AS 19.30.400. Whether or not an RS 2477 route is recorded, the right-of-way still exists and encumbers the property it crosses. The original RS 2477 route may be re-routed or eradicated only through an easement vacation process. By statute, the Legislature must approve an application to vacate an RS 2477 if no reasonable, comparable alternate right-of-way or means of access exists. However, if an alternate means of access exists, then the state may decide to approve the vacation. once established, an RS 2477 cannot be abandoned by non-use, or removed without undergoing a legal easement vacation procedure. As with any other state-owned right-of-way, the federal government could not cancel it, even if the land was later withdrawn or transferred out of federal ownership. RS 2477 rights-of-way provide important access to the public and may exist on FS property.

NEGLIGENCE OF TIMBER RESOURCES AND RESULTANT HABITAT DEGRADATION

What is the FS rationale for the many areas identified in the Preferred Alternative on the Kenai Peninsula that are designated 'Fish, wildlife, and Recreation'? If it is related to management of the spruce bark beetle infestation, we recommend that this be clearly stated in the plan. The boundaries of the FRW prescription should also be carefully drawn to reflect the actual spatial distribution of the infestation areas (rather than use current polygon boundaries), what happened to the foresters in the Forest service? Did they all evacuate when a philosophy of stewardship was replaced by a philosophy of lock-up and lock-out? It would be wise to require the management guidelines related to brown bear habitat and movement corridors also be similarly identified. It is my understanding that logging would be beneficial to brown bears due to habitat improvements for moose and other species in the food chain, in a prescription that allows for a wide variety of activities, I would think that the management intent has to be clearly stated in order to

properly communicate management strategy. Otherwise there is too much discretion left to the local ranger in charge.
I would like to see an audit of the lost value of the forest products that resulted from the lock-up lock-out management regime.

IMPROVING ACCESS AND PARKING

Another very real problem for all hunters, fishermen, skiers, and other users alike is the combination of limited access trails and insufficient parking. Many areas people would like to use for hunting, fishing, or other activities find limited parking areas and what parking is available tends to bottleneck users, this exacerbates the conflicts between user groups. This also represents a public safety issue, we urge the service to make a positive contribution to the users of the Forest and community residents by planning for maintenance and improving trails and increased parking at trail heads and other locations. For example, the narrowness of access trails was a problem in the caribou Hills until the locals volunteered to widen the trails to make riding safer. Trails into Lost Lake need to be similarly improved, instead of closing existing trails, the final Plan should include provisions to allow and design more parking areas and trails, including ski trails in areas currently not used by machines, skiers seldom utilize the backcountry of the Kenai peninsula like snowmachines users, largely due to the distance and limits on what a normal person can carry while skiing in the terrain.

It is my belief, that without providing sufficient parking and trails, and if Lost Lake and other similar places are closed to snowmachines, existing conflicts between users and potential impacts to wildlife will undoubtedly be magnified. This type of concentration amongst users offends the logic of the purpose of public lands here.
These comments are not inclusive of many other concerns, some of which I am certain, have been expressed in other testimony. I am supportive of the comments made by Mr. Warren Finley in regards to the management philosophy of the past executive administration. I am also supportive of the other members of K-Plug's perspective and position on the many issues at hand.

We are all extremely concerned that the proper balance be achieved between multiple-use and conservation. We are also concerned that lawful government be established and maintained where matters of public trust and common property are involved.

Sincerely,

Kathleen Graves

Comment #	Comment
0034947-004	(4) Your Proposed Alternate is in direct violation with A.N.I.L.C.A. in the 'MULTIPLE USE ACTIVITIES', 'NO MORE CLAUSE' AND OTHERS. Why do you feel you have the right to 'interpret' congressional intent to meet your own agenda? Must we always sue each other to do the right thing? Why not learn from others mistakes, like the mistake The National Park Service made when they decided to 'interpret' the law to meet their own agenda in the Denali National Park vs snowmachiners. Why do you feel you have the wisdom to interpret congress' intent when they are telling you their real intent was 'no more' and 'multi use'! I think you are standing on very thin ice when making your interpretations. There should be a full Legal Analysis by the Office of General Counsel on the Preferred Alternate before any more time, energy, or money is spent on it! All areas that don't line up with current law must be changed! I could go on and on. There are so many other points I could make In support of my stand, but in interest of time I will save them for a later date.
0034959-003	1. I demand more local user involvement in all C.N.F. recreational management decisions. 2. I cannot support the preferred alt. due to direct conflicts between the plan and ANILCA as it relates to access rights, 'No more' clause & other [Illegible]
0034994-004	2. I cannot support the preferred alt. Due to direct conflicts between the plan and ANILCA as it relates to access rights, 'no more' clause & other issue.
0034995-002	Seek and act upon local imput regarding the management of Chugach National Forest (CNF).
0035025-002	The preferred plan is illegal it violates ANILCA a current fed. law. sec 1110. The intent of ANILCA is not being followed in the plan, ANILCA reserves The state of Alaska waters to the state-this plan violates this LA.
0035025-004	It violates ANILCA, no studies have been done on a local level, studies that were done in Yellowstone & other place do not apply to our areas.
0035034-006	I support local resources and individuals have official involvement on all planning and management issues on lands.
0035037-006	I support local resources and individuals have official involvement on all planning and management issues on lands.

Comment #	Comment
0035157-002	2) make preferred Alternative legal in standing with A.N.I.L.C.A.
0035157-004	4) Cannot support the plan because there is not enough paper on this comment form to adequately address all on my objections.
0035158-003	The proposed Revised Forest Plan resembles too much environmental [Illegible] influence & is illegal.
0035159-004	The local user need to involved to the final decision making [Illegible]. The major used groups are not being heard in their process.
0035166-003	2. I cannot support the preferred alt. due to direct conflicts between the plan and ANILCA as it relates to access rights, 'no more' clause & other [Illegible].
0035167-002	I would like to see the preferred alt changed from a preservation / extreme environmental alternative to an alternative which utilizes our Chugach as mandated by 'ANILCA'. I find no proof in your plan that dictates such drastic conditional restriction. I want more local user involvement. I want more management. I cannot support the preferred alternative because: 1) direct conflict with ANILCA user access rights. 2) No legal analysis done by [Illegible] 3) many errors / contradictions / inconsistencies can't properly interpret plan. 4) Plan incorporates waters that are under state control. 5) Plan discriminates user groups against ANILCA. 6) F.S. went beyond intent of congress with revision. 7) management techniques replaced by restrictions, plan is one sided and does not give a wide range of alternatives.
0035172-001	I cannot support the preferred plan, as written, because it discriminates between users, which does not meet multiple use requirements of ANILCA and the N.F.S.
0035173-001	I can not support this plan. It wants jurisdiction over state water, it is not legal. ANILCA no more land clause. I do not want to see land closure on restrictions as of multiple user sustained field set of 1960 and the ANILCA act.

Comment #	Comment
0035177-005	2. I cannot support the preferred alt. due to direct conflicts between the plan and ANILCA as it relates to access rights, 'No More' clause & other issue.
0035189-004	If you are going to keep changing the plans I want to see more local community involvement - and the suggestions you receive paid attention to.
0035202-002	Let the locals participate in management process.
0035212-005	(3) Avoid conflicting regs with the existing ANILCA.
0035212-006	(4) Review the many errors & contradiction. (
0035214-003	I cannot support the preferred alternative because: 1 - A legal analysis has not been completed by the office of general counsel (O.G.C.). 2 - Of numerous errors and inconsistencies in documentation which have made it very difficult to interpret the exact details of the plan. 3 - Of unlawful assertion of jurisdiction of state waters that have not been relinquished by the state 4 - it discriminates between users which does not meet the multiple use requirements of ANILCA and the National Forest Service
0035219-003	2. I cannot support the preferred alternative due to direct legal conflicts between the plan & ANILCA as it relates to access rights, 'no more' clause & other issues.

Comment #	Comment
0035222-002	I would like to see the preferred alternatives change from a 'prescription' oriented alternative to an alternative which utilizes our National Forest as mandated by ANILCA. I support expand of user group access & use in our Chugach National Forest support management & local involvement of our CNF, not further restrictions as the plan indicates. I can not support further preferred alternatives on any alternatives because: 1) direct conflict with ANILCA access rights 2) No legal analysis by OGC, 3) Document errors/contradiction inconsistencies, 4) The plan incorporates waters currently under state [Illegible], 5) Discrimination between user groups [Illegible] the ANILCA mandate, 6) This goes beyond the intent of Congress which did not intend 'revising to mean' 'restricting'. 7) Top - sided favorites [Illegible] environmentalism
0035224-004	- Conflict between ANILCA error [Illegible]
0035225-002	I don't feel that the true user groups have been consulted or allowed to have input. We the users for various activities represent the greatest wealth of knowledge and experience. Its propositions that there has been an lock of input.
0035226-002	Economic [Illegible] studies to comments should be [Illegible] which has not been [Illegible]. This inclosurs [Illegible] Direct conflicts exist between [Illegible] plan [Illegible] ANILCA as it [Illegible] to [Illegible]. No legal analysis has been done by the office of [Illegible]. The Closurer of [Illegible] to [Illegible] use to benefit [Illegible] group [Illegible].
0035229-002	We need a lot more local user involvement working with the management decisions.
0035233-003	More local involvement in management.
0035240-006	I strongly disagree with any present plans.

Comment #	Comment
0035252-001	We cannot support the preferred plan as written because it discriminates between users which does not meet the multiple use requirements of ANILCA and the [Illegible]
0035257-003	Let the local user groups have more imput.
0035266-002	Seek and act upon local imput regarding the management of CNF.
0035270-002	Seek and act upon local imput regarding the management of CNF.
0035285-005	No Brown Bear areas.
0035310-003	2. I cannot support the preferred alt. Due to direct conflicts between the plan and ANILCA as it relates to access rights, 'no more' clause & other issue.
0035318-003	No local comment was put in it. Most of the info in it seems to be from the lower 48. The local user general opining is the only minor changer are needed if any.
0035325-003	Public lands usage should involve locals in the decision-making process.
0035326-001	I do not want to see this 'preferred alternative plans happen - the more I learn about how this has been shipped to us the more I believe it is illegal and has nothing whatever to do with local knowledge and use.

Comment #	Comment
0035329-003	I [Illegible] that there should be more local involvement by local people (Alaskans not people for out of the state) on [Illegible] plans.
0035330-003	I would like to see more local involvement. Local government and user groups should have priority say in helping form a new C. N. F. Plan.
0035360-001	Improve trails and keep all land open for everybody. If you stop use, that is illegal. Leave it [Illegible] way it is or improve it for all users.
0035548-007	I support local resources individuals having official involvement on all planning management issues on lands.
0035549-007	. I support local resources individuals having official involvement on all planning management issues on lands.
0035550-007	I support local resources individuals having official involvement on all planning management issues on lands.
0035640-002	At the same time, I do not support unbridled development.
0035645-003	The web page at http://arcticsun.wr.usgs.gov/website/chugach/titlepage.htm seems unworkable. The small frames loaded continuously. I found other things to do for 45 minutes, and it was still loading, with a cable modem. There were several errors initially that I just clicked OK on. I'm a network specialist, and can't figure it out. The typical web user is probably lost, like I am. I'll go back to the text version and maybe get some information. If I had hours or days to figure out the web page, that would be good, but I don't have that luxury, I'm working and trying to start my own business.

0035817-001

Thank you for the opportunity to comment on the proposed Revised Chugach National Forest Land Management Plan (CLMP).

The Resource Development Council (RDC) is a statewide, non-profit, membership-funded organization made up of businesses and individuals from all resource sectors. Included in our membership are business associations, labor unions. Native corporations and local governments. Through RDC these interests work together to promote and support responsible development of Alaska's resources. It is on behalf of this diverse community that we highlight our areas of concern regarding the proposed revision of the Chugach Land Management Plan.

RDC opposes the Preferred Alternative in the revised Chugach Land Management Plan and Draft EIS. We support the No-Action Alternative and ask that you withhold publication of a record of decision on this plan until the concerns highlighted in these comments have been adequately addressed. Specifically, RDC opposes the proposed Wilderness designations in the forest, as well as the proposed Wild and Scenic River designations, which we believe violate the 'no more' clause of the Alaska National Interest Lands Conservation Act (ANILCA).

We find our concerns returning again and again to a central point: that the preferred alternative does not meet the Forest Service's mandate to manage for multiple use in the Chugach National Forest. All of our concerns, (whether it be the lack of an ASQ for timber harvests, insufficient data, restrictions on mineral exploration, access, or ANILCA 'no more' legalities) derive from this overwhelming issue. To those of us that have been intimately involved in the planning process, the singular emphasis in the preferred alternative is disingenuous to both the intent and purpose of the public process. Policies should reflect the interests of the entire community, and not the interests of a single faction. That is why the Forest Service was given a mandate to manage for multiple-use; the reason we have a public process. We ask you to fulfill your obligation, and adopt a plan that represents the best combination of uses for the benefit of the entire community.

The planning process and the proposed CLMP are derived from a biased premise. The declared intent of maintaining the 'wild character' of the forest was a predetermined conclusion to what should have been an objective process. Initiating the revision process from a biased position is an arbitrary violation of the intent of the public process and can never lead to a consensus. Without consensus any management plan is destined to fail. The Chugach National Forest is the backyard of almost half of Alaska's residents and a vital resource enjoyed by thousands of Americans every year. As we consider revision of CLMP, we must bear in mind that man is as much a member of the forest's biotic community as the soil, water, plants, and animals we all treasure.

RDC has been an active member in the planning process, and as it comes to a close we are concerned that the preferred alternative does not reflect the best combination of uses in the Chugach National Forest. If we are to manage the Chugach for the benefit of the entire community, we must, in any management plan, emphasize a responsible multiple use of this valuable resource.

RDC does not intend to imply that preservation is not a valuable use of the Chugach National Forest. Conservation of our natural resources is of vital importance both to our members and the American people. Rather, it is RDC's concern that the over emphasis on Wilderness and other restrictive designations in the preferred alternative fails to meet the needs of the community the Forest Service is mandated to represent.

We would encourage the Forest Service to take a step back, and view the Chugach National Forest not as an island to be managed in isolation, but as an integral part of a

larger national system. Alaska already contains 62% of all federal Wilderness in the U.S., 70% of all U.S. park land, and 90% of all federal wildlife refuge land in preservation. The 'No More' intent of ANILCA does not allow the Forest Service to study the Chugach National Forest for additions to conservation system units (including Wilderness or Wild & Scenic Rivers) without congressional approval. We believe this intent is rooted not in the idea that preservation isn't a valuable use, but in the premise that there must be a balance between strict conservation and responsible, sustainable development. Rather than a reasonable range of alternatives and a realistic combination of uses, the public is asked to comment on what amounts to varying degrees of preservation. The preferred alternative would be more fitting for the management of a National Park, and it is our concern that the Forest Service has strayed dangerously from its mandate of multiple use.

Of the 22 prescriptions used in the management alternatives:

-- 1 allows for future resource development.
-- 1 allows for current mineral development.
-- 1 pertains to transportation/utility corridors.
-- 19 are preservation oriented.

RDC does not see any balance in the prescriptions, and are concerned that while conservation units are broken into specialized categories, Resource Development prescriptions are lumped into a single category. Our concerns are exacerbated by the fact that under the preferred alternative none of the Forest's 5.5 million acres are designated for Resource Development.

While there are many areas within the Chugach National Forest that may have moderate to high mineral potential, the preferred alternative closes the majority of the forest to real exploration and development. While we have asked the Forest Service to conduct a modern airborne geophysical survey of the forest on several occasions no such survey has been completed. We are concerned that without an adequate inventory of mineral resources, any plan restricting exploration and development is fatally flawed.

Four reasons for revising the 1984 Forest Plan (NFMA deadline aside) are outlined in the executive summary. The first and second reasons are redundant:

1. Improved information about forest land and resources;
2. Improved and/or altered scientific knowledge and application

That the minerals data used for the DEIS dates from the 1930s concerns us greatly. If we are not using the best possible data, how can we develop the best possible plan? All indications are that the bulk of the CNF contains evidence of undiscovered mineral wealth and that existing claims are not an accurate measure of mineral resource potential.

The DEIS offers that: 'Revising the Forest Plan provides an opportunity to better identify suitable lands for timber management using 'current methodology.' The 'current methodology' is what we believe we must not only identify, but dissect in detail.

Consider the next statement:

> 'Market demand for South-central Alaska's timber is expected to remain low during the next 10-15 years. During the same period, a decrease in the supply from Native Corporation lands is anticipated. In response to public issues, a reduction in the current allowable sale quantity needs to be considered.'

Low demand implies some demand, and the DEIS's conclusion that a decreasing supply of timber from alternative sources necessitates a reduction in the ASQ makes us wonder if logic is involved in the 'current methodology.' What is involved in the 'current methodology' is obviously a vague 'response to public issues.'

Those issues are alluded to in the third reason given for the revision of the CLMP:

3. Changing professional and public concern for social, economic, and

environmental issues.

Which professionals determine the issues, and what their concerns are, is readily apparent in range of alternatives offered in the DEIS. Of the eight alternatives, three provide an opportunity for timber development in the CNF. According to the DEIS, based on the 1978 Forestwide and 1987 Kenai Peninsula inventories (hardly improved information), 23.6% of the CNF's Forest land is tentatively suitable for timber production. No alternative would allow a timber harvest on more than 11.8% (the other alternatives allow for 5.02% and 6.47% respectively) of the forested land in the CNF. That 11.8% represents only 2.7% of the total land in the CNF.

We should also consider professional reasoning behind the DEIS's conclusion that 'a reduction in the current allowable sale quantity needs to be considered.' The DEIS notes that:

> 'The financial efficiency of the Chugach National Forest's timber sale program is a public concern both locally and nationally. Between 1987-1996, timber program revenues and expenses (which do not include payment to states) indicate the Forest's timber sale program was below cost each year. The average annual revenue of $40,090 was exceeded by average annual program expense of $557,918 leaving an annual average deficit of $518,946.'

A slump in the price of oil in FY 1999 led many to contend that oil development on the North Slope of Alaska was economically unfeasible, and this argument was tossed quickly into the debate over development on the coastal plain of ANWR. We should be concerned if inefficiencies in timber sales, or the current climate in the market for Alaskan timber, are used to close the door on future development in the CNF. Even professionals cannot predict real changes in technology, an unforeseen increase in demand for Alaskan timber (Just as oil prices have achieved orbit above $30 a barrel), or organizational changes in the timber community. Locking up these resources only removes a sustainable timber harvest from Alaska and the world market and benches a sector of the Southcentral economy for the next ten to fifteen years. What are the lost economic opportunities to Alaska with no ASQ for the Chugach National Forest?

RDC believes that the any management plan should emphasize specific actions to restore forest health and reduce the risk of catastrophic fire, especially given the experiences of several western states this past summer. Logging of beetle-killed timber should be considered the first stage in a reforestation process that Will lead to healthier forests faster than if nothing is done. The new plan should provide for modern silviculture practices to encourage artificial regeneration in places where natural regeneration is not adequate. Forested portions of the Chugach should be managed toward a varied species composition and different age classes to reduce the risk of large beetle infestations in the future and help restore long-term forest health. We are concerned that the preferred alternative fails to protect the economic diversity of south-central Alaska, and threatens the health of the forest and the people that live around it.

More distressing though is the fact that no analysis of the impacts restrictive designations would have on access to developable areas is included in the DEIS. RDC is concerned that without this analysis, even well intended designations could have unintended impacts on the overall use of the forest and its resources. Whether it is access to private inholdings or recreational use of the forest, RDC believes that inadequate access is perhaps the single greatest threat to the community interest in the Chugach National Forest. If there is no access too much of the forest (be it for recreation or development) then there is no use, and if there is no use there certainly cannot be any multiple use.

The preferred alternative ignores congressional language in Section 501(b) of ANILCA by assigning prescriptions in the Copper River area that are far more restrictive than those established by Congress. Highly restrictive prescriptions in the preferred alternative, including Wilderness, will restrict multiple uses in the delta that are allowed by Congress. In expanding the boundaries of the Chugach, Section 501(b) mandated by statute how both the Copper/Rude River addition to the forest and the Copper/Bering River portion of the forest would be managed. The statute stated that multiple use activities would be

permitted in these areas as long as those activities were consistent with conservation of fish and wildlife.

The DEIS recognizes that Alaska has an aging tourist base, and that this demographic requires a more accessible forest. RDC is concerned that excessive limits on motorized access, and restrictions on helicopter access would drastically effect who would be able to enjoy the forest. RDC does not see provisions in the preferred alternative to facilitate access for Americans with disabilities, and is concerned that the revised plan would not meet the projected demand an aging tourist base would place on the forest. Under the new plan, many recreational activities and infrastructure (including lodges, cabins, new trails, roads, campgrounds, boat landings etc.) would not be allowed in much of the forest.

Given Alaska's growing and aging population, more infrastructure and access is needed in the Chugach National Forest. Flightseeing and helicopter landing sites should not be scaled back since restrictions are already too severe. The Forest Service is supposed to develop a management plan that balances the interests of the entire community. How does restricting amenities on vast tracts of the Chugach (like campgrounds, boat landings, helicopter landings, trails etc.) fulfill the Forest Service's obligation to manage for the benefit of the American people? For the most part, is the forest being managed for those in youthful, peak physical condition?

In concluding, RDC opposes the Revised CLMP and Draft EIS. We support the No Action Alternative and ask the Forest Service to withhold publication of a Record of Decision on this plan. It is our belief that the proposed CLMP does not meet the 'best combination of uses.' Finally, with regard to new Wilderness proposals, it is interesting to note that the original massive Wilderness recommendations under the old plan were never submitted to Congress for approval. Yet these lands in Western Prince William Sound continue to be managed as if they were Wilderness. This begs the question, 'When will the Forest Service take its new Wilderness recommendations, as well as those from the old plan, to Congress?'

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Ken Freeman
Executive Director
(907) 276-0700 Fax: (907) 276-3887 e-mail: Resources@akrdc.org

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles
Senate President Drue Pearce
House Speaker Brian Porter
Alaska Legislature
Mayor George Wuerch
Mayor Dale Bagley
Rick Rogers, Chugach Alaska Corporation
John Sturgeon, Koncor Forest Products

0035818-004

Twenty years ago ANILCA made much of Alaska's wilderness areas inaccessible and unusable, preserving them for conservation purposes only. ANILCA's 'no more' clause (Section 1326 (b)) promised that there would not be further restrictions of this nature on the use of Alaska's lands. The proposed revisions to the Chugach Land and Resource Management Plan violate this clause.

0035823-001

The Alaska State Snowmobile Association (ASSA) has reviewed (and participated heavily) in the revision of the plan and offers the following comments, observations and suggestions, primarily in the area of snowmobile access, use and restriction. A petition, under separate cover, is also offered as confirmation of the position the ASSA has in relation to the plan and the preferred alternative.

As you know, ASSA representatives attended many of the meetings and discussions over the last two years, trying to get IDT members and the forest supervisor to change their attitudes and desires for snowmobile restrictions before the preferred alternative was published. It is truly unfortunate that the effort was apparently for naught, is demonstrated by the current preferred alternative. It has been particularly distressing to snowmobilers who regularly use the parts of the forest slated for closure and restriction, as well as our congressional delegation and numerous State Legislators.
The preferred alternative, when issued, only served to confirm the belief of many Alaskans that regardless of the 'open' nature of the process, your minds were made up and nothing would change. The prevailing opinion was and is' They're listening but they're also ignoring'. I can only hope that the recent round of public meetings and recent public comment will have some effect on the Supervisor and a more reasonable, usable and equitable final draft will be issued. I also hope that the Supervisors' (and Alan VanDevers') indication that meetings to do 'final tweaking and adjustments' after the comment period closes will be borne out by your and their actions. The ASSA requests that you contact us at the earliest to schedule meetings with the Chief Rangers of the districts as well as other Forest service personnel to get on with the process of working through the many differences we have.

The ASSA has reviewed comments from the Alaska Miners Association, Chugach Alaska and the State of Alaska pre-comment letter of May 19, 2000, as well as many comments from ordinary citizens. As a group vitally concerned with access and the steady erosion of that access, we stand with the aforementioned groups and individuals in the area of their concerns and recommendations. Through our conversations and discussions about access (and the loss if it) with other groups and organizations we have also become much more aware and conversant with ANILCA, RS2477, NEPA and other statutes, documents that you and the IDT and the Supervisor have embarrassingly ignored, grossly misinterpreted, or both. We do hope that your analysis of comments and recommendations after the final comment period is complete will result in a document that acknowledges the rule of law and the way it is written, not the way an activist staff has interpreted it.

Since you are familiar with most of the problems we have in the area of snowmobile access I'll attempt to be brief and to the point. I hope you and the Supervisor will take our comments and make changes to the final plan.

A few general comments about the forest as a whole, then some specifics:

The problem of errors in the plan, in the form of conflicts between the CD and the text, MUST be resolved and proofed before a final plan is issued. We've all seen them and discussed them but I hope the IDT is working on fixing them.

The definition of snowmobile seasons by a specific date MUST include a statement specifically allowing the local authority to open early or close late any area where sufficient snowcover exists. Something as simple as and additional sentence saying 'opening dates may be earlier and closing dates may be later if there is sufficient snow cover to allow for such opening or closing.' This would be clear for all subsequent rangers and authorities that

succeed the current assignees.

Comments from your rangers about providing a 'quiet experience for those that want one' blatantly favors a very small group (by her own count) when compared to the number of snowmobilers who want access to these areas. Remember that the forest is essentially 'quiet' from May to December of every year and the non-snowmobiler has access to 100% of the forest 100% of the time. The problem for snowmobilers is they (the anti access groups) want it quiet all the time. Many of the forest staff agree and are trying to make it that way.

The idea of time-share seems to be one that says all users other than snowmobilers can use the forest all the time but snowmobilers will be the only group restricted, even when there is good snow to ride. This is NOT time-sharing. It is discrimination of a part-time user group, making the part-time user group an occasional part-time user group. This is not fair, especially when the anti-snowmobilers have the entire forest to use 100% of the time. If you still decide to restrict snowmobilers at certain times of the year, then restrict non-snowmobilers during the time snowmobilers are allowed and swap the time periods on a weekly or seasonal basis.

If you still think you have to close an area completely to snowmobiles then open a previously closed area to snowmobiles, and swap those closures on a weekly or seasonal basis.

At the least, use ALL of the principles that a joint snowmobile-skier group produced and presented to you and Steve Hennig long before this plan came out. To pick and choose parts and pieces of what we produced is unfair, to both groups but especially snowmobilers.

Weekly time splits for an area can work, especially if non-snowmobilers as well as snowmobilers really use an area.

One season an area could be open to snowmobilers Sunday through Tuesday and closed Thursday through Saturday (Wednesday being the truly shared day-open to all) and the next season the times could swap. Wednesday would always be the shared day. It seems too easy for you (or Dave Gibbons) not to have thought of it, especially when it was one of the principles we provided to you.

Revisit the current closures in the forest and consider changing the time frames and changing the areas. We were led to believe that ALL areas and ALL restrictions would be looked at but it appears the same restrictions and closures in Turnagain Pass, Manitoba Mountain and the Resurrection Pass trail will remain exactly as they have been for the last 20 years, only more restrictions will be imposed on our user group.

Glacier Ranger District

Do not close the 20 Mile River drainage. It is an excellent locale for family and novice riders to have a good, safe experience near Anchorage. And there is no reason to close it.

Do not close the Skookum Glacier valley. It also is a safe, excellent area to ride and provides access to Skookum Glacier, one of the most enjoyable glaciers to ride.

Do not close Seattle Creek drainage. This is an excellent area for experienced snowmobilers and making it off-limits will only serve to funnel skiers through the snowmobile area, contributing to the safety problem of skier-snowmobiler conflict and accident. There is NO WAY to get to Seattle Creek except via helicopter or through the snowmobile area.

Close the snowmobile areas at Turnagain Pass, 20 Mile River and Placer/Skookum valleys to non-snowmobilers (except for rescue, traditional subsistence, trapping or safety operations) to prevent accidents between snowmobilers and non-snowmobilers. Closing these areas to non-snowmobilers will result in no more than a fraction of the 100% of the forest currently open to non-snowmobilers.

Swap the snowmobile and ski areas at Turnagain Pass on a weekly, monthly or seasonal basis, to give all citizens equal access to the snow.

Leave the Johnson Lake/Bench Lake trail as it is.

Seward Ranger District

Either open the Resurrection Pass trail to snowmobiles on a full-season, truly shared basis or swap the springtime restriction of snowmobiles on a seasonal basis.

Do not close Lost Lake to snowmobiles at any time. There are plenty of other areas closed to snowmobiles, such as along the Seward Highway north of Lost Lake and the Skilak Lake area.

You've had plenty of input from the Seward snowmobile club and other individuals, as well as Soldotna and other Kenai Peninsula user groups. They are more familiar with the specifics of their needs and the ASSA stands with them in their recommendations as to changes to the preferred alternative. This also holds for the Cordova Ranger District.

Please take these and other access group comments to heart, Gary, and understand that there is another user group out here that wants access as much as the anti-mechanical crowd. We deserve as much attention and consideration as anyone. Push for better access for ALL user groups. themes you have seen from everyone so far. The best way to get more people into the forest without concentrating them on limited facilities is to improve and add to those facilities currently overloaded and overworked.

We are ready at any time to work with ranger staff, IDT members or supervisory staff to identify solutions to problems and ways to make it better for all. We are the ones who want to share.

Kevin Hite, President
(907) 566-0210

0035900-002

The wilderness, wild and scenic river, and research natural area recommendations are a violation of ANILCA. It is flawed with insufficient data, totally biased toward preservation, violates the principle of managing our National Forests for multiple use, and violates ANILCA and the intent of the American Disabilities Act.

0035906-002

ANILCA clearly stated that 'no more' land in Alaska would be considered for set-aside into special restrictive designations. Your proposal violates the provisions of ANILCA and therefore is not lawful or legal.

Comment #	Comment
0035954-005	As you (and I and the most Cordova residents) are aware, there is now tremendous political pressure to develop the eastern Delta for: -- oil and gas through the CNI settlement agreement (the legal clause allowing for this expires in 2004); -- coal through the private subsurface rights held by KADCO; -- road-building through Native Corporations and Princess Tours (Copper River Highway), and Chugach Alaska Corporation, oil companies and KADCO (Katalla route, Martin River corridor); and -- industrial-scale tourism through the Whittier road and the potential for the deep water port in Cordova.

0035955-001

The Alaska Forest Association (AFA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Chugach National Forest Land and Resource Management Plan (CLMP). This letter is AFA's response to that document. The AFA represents approximately 90 regular and 200 associate member companies doing business in the forest products industry throughout Alaska. The AFA, its members, and their employees in Southcentral Alaska depend on the Forest Service to provide economic timber sales of sufficient volume to meet some of the raw material needs of the Southcentral Alaska timber industry. The AFA has been a regular participant in the Chugach Land Management Plan revision process and has periodically submitted comments and regularly attended IDT meetings.

Background & General Comments

The collaborative working group that was formed after the settlement of the 1994 Plan appeal met continuously on issues of interest to the environmental industry appellants, apparently without public notice, until 1998. Other interests were not included in the process until the IDT was activated in late 1998 and 1999. No FORPLAN nor any other systematic analysis was ever made to develop a factual information base, which is needed to make an accurate evaluation of the Forest. Had the forest products industry been represented on the working group it would have demanded that a FORPLAN evaluation be run so that various alternatives could be evaluated in terms of resource utilization. Meetings held with one interest group are a violation of the Federal Advisory Committee Act (FACA). FACA requires all meetings be held in a public forum, not in unadvertised, closed, private sessions with one interest group.

The IDT process was compromised very early on by then-Acting Regional Forester Jim Caplan prescribing a strong non-resource development bias during a public meeting of the IDT. Thereafter, all discussions centered on issues that were adverse to resource development interests. No effort was made to determine ways in which timber harvest and mining could enhance recreation and other forest uses. It is self-evident that some forms of recreation and fish and game management benefit from the access created by timber harvest and the associated roads, but this is integrated into the IDT plans, despite efforts of timber industry representatives to have it included.

The Analysis of the Management Situation identified the items necessary to make a complete industry. The impacts on timber management of the alternatives and the standards and guides were not described in the DEIS. This results in a Plan that is incomplete and contrary to the National Forest Management Act (NFMA) and the National Environmental Policy Act (NEPA).

Standards & Guides

The Standards and Guides do not provide for forest management standards that address utilization, timber yield or second growth management. Although silvicultural systems are identified for each forest type, the purpose of selecting any particular system is determined on the basis of what the system will do to enhance all other uses besides forest management. No attempt was made to measure the selected system's effect on growth, yield, and second growth management or any other forestry related activity. This bias permeates the entire document. Forestry issues are discussed in terms of how different systems can enhance every management objective except the management of the forest for producing timber. This omission is in direct violation of the Organic Administration Act of 1897, the Multiple Use Sustained Yield Act of 1960 (MUSYA), and NFMA.

The Organic Administration Act sets forth two basic purposes of the National Forest System. It states that the Forest Service's mission entails a responsibility to protect watersheds and to furnish 'a continuous supply of timber for the use and necessities of citizens of the United States.'

According to the Strategic Plan for the USDA Forest Service developed earlier this year, 'The USDA Forest Service must comply with its legislated authorities and responsibilities ...' (page 2). The provisions of the Organic Administration Act have not been overturned by subsequent legislation which direct Forest Service activities and responsibilities. In fact, the MUSYA states

that the new multiple uses established by that Act, such as outdoor recreation and wildlife and fish are 'declared to be supplemental to, but not in derogation of, the purposes for which the national forests were established as set forth in section 475 of this title [i.e., favorable conditions of water flows and timber production].'

Furthermore, the National Forest Management Act of 1976 takes the MUSYA priorities as a given, saying that the 'Secretary shall assure that such [forest] plans ... provide for multiple use and sustained yield of the products and services obtained therefrom [that is, among other commodities, timber products] in accordance with the Multiple-Use Sustained-Yield Act.'

The bias and neglect of the law regarding commodity outputs in the CLMP DEIS leaves the public and the decision maker without the ability to determine the cost of the preferred alternative or the Standards and Guides. Without stating how much timber volume is forgone by selecting a 200 year rotation over a 100 year rotation, or the cost of selecting a partial cut, multiple entry system over a single entry clearcut system the picture is not complete. Each Standard and Guide must be stated in terms of its impact on forest management and economics, Standards and Guides which provide buffers around bird nests, or buffers for anadromous fish streams, must be analyzed for their effect on forest yields and costs, and the impact must be clearly set forth for the public and the decision maker. Standards and Guides in the DEIS must include not only the wildlife, fish or tourist management objective, but also the effects on silviculture, management costs, and yield. By not including this information, the DEIS violates NEPA.

Suitable Timber Lands

Suitable Timber Lands were determined by a three-step process laid out by the Forest Supervisor in a planning directive of May 14, 1999. Step 1 was to determine the lands that were not appropriate for timber production. This process took place during the Analysis of the Management Situation. Lands were eliminated for consideration of timber production based on the following four criteria:

1) Not forested;
2) Technologies not available to access without damage;
3) Will not restock;
4) Withdrawn from timber production.

Step 1 resulted in identifying 305,700 acres of Tentatively Suitable Timber Lands out of total forested lands of 1,208,820 acres.

Step 2 was a financial analysis of the 305,700 acres of Tentatively Suitable Timber Lands. A cost and return analysis was made to stratify the area into strata of similar costs and returns. Roaded and unroaded watersheds were assessed for both even and uneven aged management. Highest present net value was determined using stumpage payments and payments in kind (not described) from timber harvest. Future supply, demand, and timber production goals of the regional guide were considered in evaluating the areas. Costs of producing the benefits were logging and development, sale preparation and administration, reforestation, NEPA costs, appeals and litigation, stand inventories, silviculture prescriptions, precommercial thinning and pruning. It appears that 282,610 acres of tentatively suitable acres survived this analysis. This evaluation was done prior to selection of alternatives and it appears that the information was not used in evaluation of alternatives or Standards and Guides.

Step 3 was to reclassify the tentatively suitable lands identified in step 2 as inappropriate for timber harvest if other management objectives limit timber production to the point where the minimum specific management requirements cannot be met. The objectives that limit timber harvest are forest-wide Standards and Guides (resource protection, riparian areas, vegetative manipulation, restrictions on even-aged management, soil and water, diversity and silvicultural requirements). There were no priority guideline associated with this directive. Why other objectives take priority over timber harvest is not explained. The preferred alternative has no tentatively suitable timberlands; therefore all of the acres identified in step 2 were reclassified. There were 282,610 acres identified in step 2 as tentatively suitable timberlands. To come up with a preferred alternative which has no tentatively suitable timberlands means that all other objectives took priority over timber harvest. (See Table 1)

Chugach National Forest Total Acres	5,200,000
Forested Acres	1,208,820
Timber Land Acres	305,700
Tentatively Suitable Timber Lands	282,610
On the Timber Lands	
Volume @ 20 MBF per acre	5,640,000 MBF
Potential ASQ @ 150 year rotation	37,600 MBF

Table 1

There are almost 100,000 acres classified as pending wilderness study, 67,000 acres reserved for Dispersed Backcountry Recreation, 28,000 acres reserved for Fish and Wildlife Conservation areas and the balance in various other classifications that do not permit timber harvest. To reserve this amount of acreage at the expense of any one of the multiple uses that the National Forest System was designed to provide is not a balanced or legal approach to management of the Forest.

Finding no Suitable Timber Lands in the Alaska National Interest Conservation Act (ANILCA) 501(b) lands is not consistent with the intent of the Act. Fish and Wildlife are to be given special attention but not to the extent that other uses are eliminated. The DEIS fails to explain how the 501(b) lands can be compatible with a Wilderness designation. Furthermore, the AFA holds serious concerns that wilderness study areas and Wilderness recommendations not specifically authorized by ANILCA violate ANILCA Section 1326 (generally referred to as the 'no-more clause').

Market Demand Analysis

There was no attempt to determine the demand for scheduled timber harvests. The first step in such an analysis would have been to determine the installed capacity of mills in the operating areas in and around the Chugach. There are several towns in and around the Chugach National Forest that need and desire a diversified economic base. There is considerable discussion in the plan regarding different kinds of tourism activities but no discussion of the potential year-round employment base that would result from the inclusion in the CLMP of a full 37 MMBF ASQ provision.

The economic benefits forgone by the preferred alternative can be derived from information in the DEIS, but are not clearly stated. The job total estimated in the Preferred Alternative is 32, with an average annual income of $1.78 million. Alternative A, with a 16 MMBF ASQ, generates an annual income of $43 million with 398 jobs. To generate these jobs during this planning period will affect 7,050 acres or 2.5% of the Tentatively Suitable Forest Land (a mere 0.1% of the Chugach's total acreage). Full utilization of the Tentatively Suitable acreage would produce an average annual ASQ of 37 MMBF and would generate 800 jobs with an annual payroll of $86 million.

An Environmental Impact Statement that does not examine and display the fall economic potential of the Forest is not following the intent of NEPA. The public and the decision maker must be shown the cost and effects of all the alternatives to understand the potential consequences of the final decision. This information can be derived on a gross basis from the plan. However, in order to assess each alternative and each Standard and Guide, economic and forestry effects must be displayed as a part of the description of each alternative and Standard and Guide.

Market Demand was addressed in two ways during the planning process. Round table discussions were held on total economic evaluation of forest-wide market and non-market outputs. These discussions did not include a FORPLAN or any other systematic analysis of the timber resources in the Forest. This is contrary to NFMA. Even so, there is no apparent display of the results of this minimal evaluation.

The second approach was an indirect derivation using Timber Products Output and Timber

Harvests in Alaska: Projections/or 1997-2010, produced by David Brooks and Richard Haynes in September, 1997 as part of the revision of the Tongass Land Management Plan. According to the DEIS, the Chugach represents 0.8% of the Alaska Region harvest. Brooks and Haynes estimated the demand for the Alaska Region to be between 132 and 223 MMBF. Therefore annual demand from the Chugach was said to be 1.1 to 1.8 MMBF.

The conclusions of the Brooks and Haynes analysis have been critiqued and called into question by at least two independent studies. Robert Flynn and Associates, of Tacoma, Washington, prepared Meeting 'Market Demand' for Timber on the Tongass National Forest in December, 1997 and identified significant inadequacies in the methods Brooks and Haynes used to determine future demand. Among his observations, Flynn found,

> 'm the Brooks/Haynes analysis, market demand for Tongass timber is a derived demand, based on the quantity of forest products manufactured and exported from Alaska. Declining production and reduced market share in the 1990s led to a much lower forecast of timber demand in the current Brooks/Haynes report than was forecast in earlier studies. Because declining production levels in the 1990s have themselves been largely a function of the inadequate Tongass timber sale program, the methodology used by Brooks and Haynes is inappropriate. It places too much emphasis on current consumption, rather than potential demand based on wood product demand trends in the major markets.'

The conclusions of Brooks and Haynes have also been disputed by the McDowell Group, a Juneau-based research firm. In The Global Market for Timber from the Tongass National Forest, prepared for the Ketchikan Gateway Borough in April, 2000, McDowell wrote, 'demand [for Tongass-type timber products] is large and extremely broad-based. In fact, the demand for products of the type that could be produced from Tongass timber far exceeds the USDA Forest Service's allowable sale quantity (ASQ), the installed mill capacity in the region, and even the Forest's biologically sustainable yield.'

In the report's findings, McDowell noted that,

> 'The potential market for Tongass-type timber products is huge. To place demand in perspective, the U.S. market consumed more than 17 billion board feet of Canadian timber alone in 1997. The total Tongass harvest that year was 107 mmbf.
>
> World timber demand is likely to be stronger than the 1996 estimates used by the Forest Service to derive demand estimates for Tongass timber. Forest Service estimates of demand for Tongass timber are based in part on gross domestic product growth of 2.9 percent per year in Asia through 2010. More recent estimates place Asian GDP growth at 4.5 percent annually. GDP growth in the Americas, Africa and Europe is also projected to be stronger than earlier estimates. Other influences also call existing demand estimates into question...'

Since 1990, Brooks and Haynes have produced three different timber demand reports, with each successive report showing a declining demand. The declines are based for the most part on reductions in the size of the Alaska forest products industry (installed capacity). However, the declines in harvest levels and manufacturing capacity have not been the result of shrinking markets; they are the result of politically-driven land management decisions that have constrained the supply and economic viability of the Forest Service timber offerings and have forced purchasers out of business. In short, the demand evaluations used during the CLMP process do not consider what could be sold from the Chugach if a reliable supply of economic timber were available.

Determining demand for Chugach timber

The DEIS does not reflect a genuine attempt to determine how much the forest industry was depending on the Chugach for raw material. There is no evidence that potential investor interest was explored under an alternative that offered a reliable, economic ASQ. A complete demand analysis would have found that there are 37 mills within a geographic area having reasonable access to the Chugach National Forest. These mills currently have an installed capacity of more

than 37 MMBF annually. The following table lists each mill and its installed capacity. This type of list is needed to establish a baseline of potential timber purchasers from the Chugach National Forest. Were the Forest to develop and maintain a consistent sales program, new investments would likely be attracted to the region and would easily be capable of supporting an ASQ of over 37 MMBF while providing a competitive and viable contribution to the economy of the region.

Chugach Area Mills

Mill	Location	Installed Capacity MBF	PROD	EQUIPMENT	PRODUCTS
Afognak Logging	Seward	50	0	Kiln	
Alaska Log and Timber Homes	Wasilla	50	0		Log Homes
Alaska Mountain Timber	Anchorage	50	0		
Alaska Quality Homes	Sterling	5000	2500	Scragg	Log Homes
Alaska Spruce Products	Kasilof	0	0	Band mill	Fire 5/2000
Alaska Wood Products	Anchorage	250	50	Portable Band	
Anchor Point Sawmill	Anchor Point	5000	0	Scragg	Lumber
Bald Mountain Lumber	Wasilla	250	100	Circle mill	Lumber
Barker Wood Products	Sterling	250	100	Portable Band	Lumber
Bloodworth	Soldotna	1000	0	Circle mill	Lumber
Burkhardt. R.	Anchor Point	250			Lumber
C&B Timber of Alaska	Wasilla	250	100	Portable Band	Beams cants
Central Peninsula Lumber Co.	Wasilla	1000	250	Portable Band	Beams cants
Daves Woodworks	Kenai	250	150	Portable Band	Lumber
Elkhorn Log Horn Builders Inc.	Wasilla				
Frontier Timber Co.	Cooper Landing	1000	100	Circle mill	Timbers
Great Alaska Birch Co.	Wasilla				
Griffin J.	Willow	1000	200	Circle mill	Lumber
Harris & Associates. Inc.	Homer				
Joe's Lumber	Valdez	1000	50	Band mill	Lumber
Koch Lumber	Anchor Point	250	50	Portable Band	Lumber
Martin E.	Cooper Landing	250	100		
Mat-Valley Timber	Palmer	1000	100	Circle mill	Lumber
Northwest Logging and Milling	Anchor Point				
Regal Enterprise	Copper Center	5000	250	Circle mill	Cants
Small Potatoes Lumber Co.	Homer	250	170	Portable Circle	Lumber
Smith, R.	Cooper Landing	1000	50		
Sorensonn's Sawmill	Seward				
Spruce Works, Inc.	Nikiski	5000	1000	Circle mill	Lumber
Sunset Mills Estates	Wasilla				
Superior Products Inc.	Anchorage				
Thompson, D.	Chugiak				
Timberline, Inc.	Kodiak	1000	100		
Tower Milling and Log Homes	Anchor Point	1000	400	Circle mill	Lumber
Valley Sawmill	Anchorage	5000	1000	Circle mill	Lumber
Wood N'Stuff	Wasilla	1000	500	Band, Pole Peeler	Cants House Logs
Wood Plus	Homer				
TOTAL		37400	7320		

Evaluations

A 'Present Net Value for Timber' analysis was conducted for the next 50 years using a 16 MMBF ASQ. This analysis shows a positive return of over $16 million. This is the direct return from harvest and processing. In addition to this return, the benefits of employment and associated economic activities will add more to the total economic benefit of an active timber industry. This 16 MMBF ASQ is less than one half the potential sustainable level of the Forest. The evaluations were based on a residual value system with logging, marketing and program administration costs subtracted from the pond log value. Given the positive results, one would assume that there is no economic impairment to an ASQ.

'Existence Valuation' was discussed using a survey of 380 households conducted after the Exxon Valdez oil spill. The results showed a willingness of each household to pay $61 to preserve 88.5% of all natural areas in the State of Alaska. Harvest of all the tentatively suitable timberlands (282,610 acres) would affect only 5.4% of the total Forest acreage. A 16 MMBF annual ASQ for the planning period will affect only 8,000 acres. The results of this 'Valuation' indicate that harvest of all the tentatively suitable timberlands would fall well within the range of the expressed desires of the 380 households surveyed.

Impacts of an ASQ

On page 2-26 it is clearly stated that none of the alternatives threatens the maintenance of ecological systems or biological diversity. The No-Action, A and B alternatives, the only alternatives with ASQs, would not result in significant changes to ecological systems or biological diversity. In fact, it is stated that the A, B and No-Action alternatives would present the greatest opportunity for active reforestation of the beetle-infested forests on the Kenai.

Local Preference was determined by a survey in the two communities closest to the timbered portion of the Chugach (the Crone Study). The survey is used to justify eliminating so much tentatively suitable timberlands in the preferred alternative that there is no ASQ. Since there has bee a no reliable ASQ in the past in these areas, the population has never experienced steady, reliable year-round timber jobs. It is not surprising that 60% of the respondents to the survey wanted an ASQ of less than 2 MMBF. This results in a self-fulfilling prophecy given the data that were presented. The data provided did not present a real picture of the capability of the Forest nor of the potential development possibilities utilizing the Forest's timber resources.

Had the economic benefits of a vibrant local timber processing industry been made known to the survey's respondents, the results of the survey may well have shown a more positive response to timber harvesting in the Chugach National Forest.

Monitoring

An elaborate scheme to monitor the various limited activities allowed in the Plan is outlined in the DEIS. Without any activity related to an ASQ (i.e., timber harvest and road building) there will be no opportunity to determine the effects of commercial timber harvest. This will lead to a long-term policy of no commercial timber harvest and continued disregard for NFMA's mandate, which provides for supplying the timber needs of the nation from the National Forest

System. The preferred alternative completely ignores one of the main purposes for establishing the National Forest System, and it is also at odds with several of the laws that govern the management of the National Forest System, as mentioned above.

Chugach Alaska Corporation

The rights of Chugach Alaska Corporation (CAC) have not been fully addressed in the DEIS. These rights include reasonable access and the right to enjoy the use and development of CAC lands as envisioned by ANCSA, ANILCA, and the 1982 CNI Settlement Agreement. It is the responsibility of the Forest Service to not only protect those rights, but to ensure their enjoyment through provisions in the revised CLMP. The Forest Service has not met its obligations to CAC. Throughout the DEIS and the proposed plan documents, reference is made to valid and existing rights, but the essence of those rights, foreseeable access routes, complimentary land use

prescriptions adjacent to CAC parcels, recognition of difficulties imposed by placement of recommended Wild and Scenic River and proposed Wilderness designations, and recognition of selected lands are absent, or at best, minimized to the point of being virtually invisible. In January 1999, CAC submitted a digital coverage of all reasonably foreseeable access routes to the Forest Service. The Forest Service, while accepting the coverage, has refused to display the access routes on base maps used in alternative formulation. Nor have these routes been displayed on maps of the individual alternatives considered in the DEIS. The Forest Service ignored the foreseeable access route to CAC lands adjacent to the Nellie Juan River, and by doing so, did not properly evaluate this river under the implementing regulations of the Wild and Scenic Rivers Act. The analysis of the Montague Roadless area fails to disclose CAC's clearly stated intention to utilize the access corridor from Macleod Harbor to the Patton Bay tract. While the Forest Service asserts that valid and existing rights of access are provided for in the plan, provisions for such access are not included in the plan. That omission creates the risk of posing significant hardships on CAC when, in the future, it seeks to obtain its rightful access.

Desired Future Condition of the Forest

No 'desired future condition' for the Forest was described in the DEIS. Planning the management of a 5.5 million acre forest is a complex and challenging task. Failing to identify the desired future condition of the forestlands for which the Forest Service has responsibility is irresponsible. It also violates NFMA. By law, the DEIS must include information on the 'desired future condition' and must identify goods and services expected from the Forest during the planning cycle.

Spruce Bark Beetle Forest Restoration

The risk of fire and/or conversion to other vegetation types was identified as a primary issue slated to be addressed by the Plan. The DEIS fails to adequately address the situation created by the spruce bark beetle epidemic within the Forest. Approximately 1.3 million acres of white and Lutz spruce tree stands have been damaged or killed by the beetle epidemic.
The DEIS cursorily notes the potential risk of wildfire due to fuel loading from beetle killed trees, and fails to pro-actively address the situation. Instead, the preferred alternative chooses to allow 'natural processes' to prevail. This approach is an inappropriate and lazy way to 'manage' a forest. The Forest Services has the responsibility to manage the Forest for its owners, the public. Failing to respond with active management when the Forest has been decimated by an insect infestation, causing a great threat to its inhabitants and surrounding landowners, is detrimental to the public interest. The DEIS should set specific reforestation goals to rejuvenate areas destroyed by the beetle for the health of the forest, its neighbors, and its owners.

The AFA appreciates this opportunity to provide comments on the Draft Environmental Impact Statement for the Chugach National Forest Land and Resource Management Plan. The Association requests that you use the above comments to revise the DEIS so that the FEIS follows the laws governing the National Forest System, including the Organic Administration Act, NFMA, NEPA, MUSYA, and other applicable laws. The people depending on the Forest Service for raw materials to run their mills must be given consideration in the NEPA process. The DEIS addresses the concerns of the environmental industry and ignores the people depending on timber from the Chugach National Forest for the operation of mills, production of Alaska-made forest products and the provision of year round jobs.

Comment #	Comment
0036031-001	I have read and agree with this sample letter so I will attach my name to it. I wish to emphasize one part of this letter in particular and that is the need to 'RESTORE NATURAL QUIET TO THE FOREST.' I kayak, use a motor boat, ski, snowshoe, and snow machine and recognize the viability of all these recreational activities but the one outstanding feature that Alaska has to offer is the QUIET of its mountains and valleys. PLEASE DO NOT DESTROY THIS MOST IMPORTANT RESOURCE. Quiet should be the resource we protect. As a 50 year resident of Alaska, I believe that the Chugach National Forest is 'the crown jewel' of the national forest system because of its unique wild character and unsurpassed fish and wildlife habitats. Communities have depended on the fish, wildlife and scenic values of the Chugach National Forest for generations to meet subsistence, economic and spiritual needs. Today visitors flock to the Chugach to experience a pristine and wild Prince William Sound rainforest and marine sanctuary, to catch a world-class Kenai River salmon, admire the magnificence of the Copper River Delta shorebird migration or hope to view a wondrous Kenai Peninsula brown bear in a wilderness setting. Industrial mining, logging, road-development, oil and gas development and utility corridors, and motorized recreation are in direct conflict with the wild values of these spectacular places and the local economic health of Chugach communities that value the wildness of their homeland. As an Alaskan, I strongly recommend that more Wilderness areas to be recommended across the Chugach National Forest to ensure the long-term health of critical watersheds, fisheries, wildlife corridors and migratory species staging areas. The current Forest Service Preferred Alternative recommends that most (almost 60%) of the wilderness areas be in regions that are rock and ice, not the critical biologically important areas that need this type of long term land management protection. Areas still recovering from the tragic Exxon oil spill need to be protected for conservation and restoration, not development or industrial-scale tourism. I know that in Alaska, under ANILCA, Wilderness and Wild River designations are unique because Congress made certain these management tools would reflect the Alaskan way of life and allow access for subsistence activities, access to private inholdings, and aquaculture on wild rivers for fisheries enhancement and riparian restoration projects. By comparison, the Tongass National Forest has 5.8 million acres of designated Wilderness (5 wilderness areas that were added in 1990), and more than half of the eligible rivers in the Tongass are protected, either by Wild and Scenic river designations or by being in wilderness areas or LUDs. The Chugach has not one acre of designated wilderness and no rivers as Wild or Scenic. I am also aware that many of the regions in the Chugach National Forest that are presently eligible for wilderness or Wild River designations, such as the Southeast Copper River Delta, the Snow and Nellie Juan Rivers, large portions of the Copper and Twentymile River, may never be eligible again in future plans because of potential roads and industrial development that now threaten the ecological balance of these regions. It is therefore CRUCIAL that the Forest Service listens to public desire for wilderness and Wild Rivers in the Chugach and recommend these areas now. I specifically request that the Forest Service recommend and manage the following areas as Wilderness. Wilderness will ensure that the critical fish and wildlife habitats are protected, recreation impacts are minimized, and that prized areas are not turned into industrial-scale mining zones or developed tourism sites for Outside cruise ship companies to control. The Chugach's economic viability and

future ecological integrity lies in preserving its wild character through conservation-oriented land management practices.

Copper River Delta Wetlands (east and west of the River): Wilderness designation for the Delta wetlands would permanently protect the management intent of conservation as the 'primary purpose for management' of the fisheries and wildlife habitat of this rich wetlands complex as stated in ANILCA (Section 501(b)). Road construction, oil and gas development, and coal mining are extractive industries that would permanently alter and scar the wild character of these magnificent wetlands and fisheries. Wilderness would keep the Delta wild for generations to come. This could be the last chance to protect this region as Wilderness. Roads and development would make the area ineligible for wilderness and threaten the valuable salmon spawning habitat for commercial and subsistence fishing, the critical staging areas, for over 16 million shorebirds and other migratory waterfowl species, and from unregulated and excessive ORV recreation activities that can seriously harm wetlands habitat. In addition, protect the Martin, Copper, Bering, Katalla Rivers as Wild for their outstanding and remarkable ecological values for fish and wildlife habitat. The Alaganik Slough, Martin and Bering Lakes also deserve special designations that recognize their fish and wildlife values over harmful developments.

Kenai River Headwaters (the Snow River area). The headwaters of the world-famous Kenai River not only fuels the river with healthy and robust salmon populations, local economies downstream also rely on the health of this river for its economic health and security. The river remains so healthy, in large part, because its headwaters are still pristine. Road construction and other developments in the Snow River and South Fork Snow River could threaten the health of this region. I strongly recommend this region be protected as Wilderness for these reasons, as well as the entire length of the river recommended as Wild. Wild river designation would still permit aquaculture conservation and riparian habitat projects.

The College Fjord/Nellie Juan/Whittier Region. The entire Wilderness Study Area (WSA) of the 1984 plan should be protected as Wilderness. The Nellie Juan River should not have been taken out of the WSA wilderness plan since this watershed is a natural link between the Kenai and Prince William Sound--a river that also needs Wild River status to prevent hydro-projects and road construction that would permanently alter the wild character of this outstanding waterway. The upper Nellie Juan must be given added protection since development threatens the region on adjacent private lands. Wilderness of the entire WSA is especially critical now that the state has developed the road to Whittier, opening a recovering ecosystem (from the Exxon Oil Spill) to hundreds of thousands of visitors. Ignot, Story, Naked, Eleanor, Peak, Disk, and Smith Islands should also be ensured as Wilderness for their preservation to prevent unnecessary human developments such as destination lodges and other tourism facility developments. In particular, I recommend removing the 313 prescription for facility development on Glacier Island.

Knight Island. Knight Island is still recovering from the Exxon oil spill. Spill research shows that the 'AB' Orcas pod population that uses the Knight Island area frequently has decreased dramatically and is listed as 'Not Recovering' from the spill by the Trustee Council. Knight Island passage is also critical herring habitat, another species hit hard by the oil spill. The Forest Service's rationale for not recommending Knight Island as wilderness is that it has favorable mineral potential, but this fails to account for the important fish and wildlife habitat of the region and the economic and recreational value

of Knight Island as a jewel within the larger kayaking paradise. The environmental consequences of copper mining on Knight Island would add insult to injury on the island and it's intertidal areas. Additionally, the Forest Service should include the adjacent Ingot, Story, Naked, Eleanor, Peak, Disk, and Smith islands in its wilderness recommendation for the same reasons as Knight Island, which it has done in the Preferred Alternative.

Montague Island. The management prescription proposed for Montague island (244 - Fish & Wildlife Conservation Area) is unacceptable and clearly does not meet the management directive needed for the fish and wildlife habitat since it 'conditionally' allows for commercial timber harvesting, all minerals activities, year-round motorized recreation use, new roads (built by forest service and 'others'), destination lodges (for cruise ships and other private interests), developed day-use facilities and campgrounds, utility systems, year-round helicopter landings, and special use permit 'hut to hut' type of recreation. All of these activities would dramatically alter the wild character of Montague Island. I strongly urge the Forest Service to recommend the entire Montague Island, especially the northern region, as Wilderness. Do not allow helicopters, industrial-scale tourism, commercial mining and logging to destroy this remarkable island. While the island has experienced some logging in the past, it is necessary to let the forest be restored to its natural state. I also support the removal and restoration necessary for the Patton Bay road on the Island.

Twentymile River Valley. The spectacular scenery and remote character of the Twentymile River Valley, between Girdwood and Portage valleys, is an area well-suited for Wilderness and Wild River protection. Close to the Anchorage Bowl, the Twentymile wetlands produces 'outstanding habitat' for numerous fish and wildlife species, including three salmon species (sockeye, coho and king), hooligan, beaver, and river otters. The wetlands and alpine ecosystem is also home to numerous wolves, brown bear, minks, wolverine, eagles, moose and other species. Twentymile serves as a staging areas for the migrations of a large number of birds, including swans, ducks and numerous other waterfowl. The spawning coho of Twentymile river feed the belugas of Cook Inlet. The spectacular scenery and remote character the Valley has long been enjoyed by people who recreate and visitors who raft, hike, hunt and fish up the river. Wilderness for Twentymile provides local economies with a special wild protected area for visitors to enjoys, especially those who do not want an industry tourism package, but a more remote and recreational experience. Most importantly. Wilderness and Wild Rivers designations would guarantee the region would not have future road development whether for commercial logging or tourism. The current Scenic recommendation for Twentymile River would permit road construction and never make the area eligible for wild or wilderness designation in the future, therefore it must be changed to Wild status. Anchorage needs locally protected and accessible Wild Rivers and Wilderness areas.

Critical Kenai Peninsula Brown Bear Habitat. The proposed Brown Bear Core Area is not going to meet the management goal with a utility corridor, conditional commercial timber harvesting, summer SUP helicopter landings, new roads and winter motorized recreation activities. These activities do not ensure the protection of the most important bear habitat on the Kenai Peninsula and lead to more development spin-offs in a region where bear habitat is already shrinking dramatically. I ask that the forest service change these 'conditional' activities to 'no' or change the management prescription to wilderness as the best option for bear habitat protection. The Resurrection Creek-Russian River area, in particular, should be changed to Wilderness.

RECREATIONAL WILDERNESS ON THE KENAI. The Resurrection Pass Trail area, another critical brown bear corridor, is a region of the forest that is eligible for wilderness and is a great choice for a recreational wilderness region. One of the most important purposes of wilderness is to provide people with a broad array of outdoor recreational opportunities, including hunting, backpacking, hiking, fishing, camping, skiing, wildlife viewing, canoeing, rafting and kayaking. I recommend that a buffer for mountain hiking be placed along the Resurrection Pass Trail corridor in this recommended wilderness area.

RESTORE NATURAL QUIET TO THE FOREST. Natural quiet, and the opportunity to hear and enjoy natural sounds, although once taken for granted, is a vanishing resource; its loss disturbs me a great deal. I appreciate and support the many proposals in the Draft Plan to help restore natural quiet to the Chugach, such as: the plan's explicit recognition of natural quiet as a resource that needs to be protected; your continued generally responsible management of summer ATV'S and the new Developed Recreation/Reduced Noise prescription (which should be placed in more areas across the forest). Regarding the winter recreation opportunities, I support the creative time-share for the Twentymile (odd year snow machining, even year no snow machining), and proposals like the ones for Lost Lake (except that the split season closure, rather than beginning so late (March 31), should begin on February 15, as it does now on the Resurrection Pass Trail), Winner Creek, Seattle Creek, Bear Valley, and Skookum Glacier.

But in addition, in order to establish a management scheme that is truly fair and balanced, I suggest that you also close to snow machines, either with full closures or time-shares, Johnson Pass Trail (north end). Snow River (South Fork), Fresno Ridge, Carter/Crescent lakes, Russian River Trail, Jack Bay, Sawmill Bay, and Marshall Pass (the last three would provide quiet opportunities for Valdez residents). In addition, it is very disturbing to see so many areas authorized for helicopter landings in the plan (subject to permit). Helicopter over flights and landings, as well as small plane flight seeing, have gotten way out of hand not only in other parts of the country, but in several locations in Alaska as well. These areas should be greatly reduced in the final plan. Finally, jet skis and airboats are exceptionally annoying, and for most purposes there are alternative types of watercraft, both motorized and non-motorized, that could be used. Jet skis and airboats should not be allowed in the Forest. Section 2(a) of the Wilderness Act states that: 'preservation of wilderness is necessary to assure that increasing human population and human developments should not occupy or modify all areas of the country.' I believe that this section of the Wilderness Act is of particular importance to the Kenai Peninsula, Prince William Sound and the Copper River Delta. I urge the Forest Service to please recommended more Wilderness areas that are accessible and vegetated across the Chugach National Forest. In

addition, the outstanding values of numerous rivers in the Chugach need to be protected with Wild River recommendations to Congress for their inclusion in the wild and scenic rivers system. Lastly, I ask that you support the timeshares and restrictions on motorized recreation in the preferred plan in addition to significantly reducing the high frequency of helicopter landings and activities you are proposing in the revised forest plan. Thank you.

Sincerely,

Karen Miller

Comment #	Comment
0036228-002	The web page at http://arcticsun.wr.usgs.gov/website/chugach/titlepage.htm seems unworkable. The small frames loaded continuously. I found other things to do for 45 minutes, and it was still loading, with a cable modem. There were several errors initially that I just clicked OK on. I'm a network specialist, and can't figure it out. The typical web user is probably lost, like I am. I'll go back to the text version and maybe get some information. If I had hours or days to figure out the web page, that would be good, but I don't have that luxury, I'm working and trying to start my own business. I'll try to get some more information from the web, and make some comments if necessary before the Dec 14 deadline.
0036314-008	-- A legal analysis by the Office of General Counsel has not been completed. We must know the complete impacts of the plan here.
0036314-011	-- The plan discriminates between users and user groups, which directly conflicts with ANILCA.
0036315-002	What ever happened to Alaska National Interests Land Conservation Act, as it relates to access to rights. The Preferred plan as written is filled with restriction and closures by the words of the forest service planning team like (may or may be) these words are found in the executive summary report. Not only do these Preferred Plan designations violate the' no more' clause of ANILCA they close the door on future exploration and development opportunities.
0036318-002	First, there is this underlying theme to restrict, close and diminish use of timber, motorized access, reduce noise areas and creation of more wilderness. We won't call it that because that might wake up the people to the illegality of this Plan and the ANILCA 'No More Clause' so, we will call it 'Backcountry Prescription' and with controlled access create wilderness. There is more bull sign in this Plan disk than one citizen could possibly understand and digest with all the interconnecting dots contained within it. However, as a group we were able to find specific items that were illegal and others that were for an elite narrow minded user group, which points to the underlying directive of this plan, outside environmental extremists.
0036319-006	(4) Your Proposed Alternate is in direct violation with A.N.I.L.C.A. in the 'MULTIPLE USE ACTIVITIES', 'NO MORE CLAUSE' AND OTHERS.

Comment #	Comment
0036321-011	-- The Alaska National Interest Land Conservation Act (ANILCA) basically guarantees access to public lands in Alaska for multiple use purposes. The Proposed Revised Plan provides for very little, if any, additional access to the Chugach National Forest. This appears to be a 'roadless' treatment to these public lands - a practice not condoned by ANILCA. It is my strong belief that we need to ADD access facilities in the Chugach National Forest to accommodate users. Management of the forest seems to be very similar to many wilderness and monument areas - no additional facilities. This does not meet the intent of a National Forest. -- Conversations with USDA Forest Service personnel indicates that scientific justification was NOT the prevailing rationale used in the application of land use prescriptions in the Proposed Revised Plan. Instead, human desires/needs/etc, were extensively used in setting up the prescription pattern. While I agree that there are needs for dealing with people's feelings and needs -- I do not agree that these should totally outweigh scientific information. I strongly believe that by establishing a land use prescription plan such as is proposed will establish segregated land usage in perpetuity. Once an area is prescribed for a more restrictive usage range, that prescription will never be changed to a less restrictive usage range. -- Several conversations with USDA Forest Service representatives has led to the fact that the Proposed Revised Plan has not been thoroughly reviewed to determine its basic legality. Specifically, this plan has not been subjected to a technical legal review by the federal Office of General Counsel. I believe that it is the USDA Forest Service's responsibility to conduct such a review - it is not the responsibility of 'John Q. Public' to question the legality of federal programs. I personally view this omission as a strong-armed tactic on the part of public servants who are not truly serving in the best interests of the public. Why should I have to spend serious money to legally challenge the legality of a federal program? -- The Proposed Revised Plan assumes federal jurisdiction over State of Alaska maritime waters. The State of Alaska has jurisdiction over its maritime waters as a result of the Alaska Statehood Act - and further defined in ANILCA. As far as I can determine, the State of Alaska has not relinquished jurisdiction over the waters in Prince William Sound to the US Government. The plan should be modified to eliminate this change. Similar to individual citizens - the State of Alaska should not have to question the legality of the plan and consequently have to fight for something that is already theirs.
0036323-001	I am a business owner and travel the entire peninsula. After every meeting I would ask people, 'Why weren't you at the meeting?' The standard reply was always 'I didn't even know about it.' The Forest Service did a lousy job of Informing the local communities when these meetings were being held In their towns. The fact that a Federal agency can spend the money and time that they did on a plan that breaks so many federal laws is a travesty for the American taxpayer. If I as an American citizen started breaking federal laws I would find myself In jail Immediately.

0036324-011

Comment #6: The evaluation of mineral resources in the forest was based on inadequate, outdated, and insufficient data. At a minimum the FS should have contracted for a modern state-of-the-art geophysical data collection and analysis program like the State of Alaska has performed recently in various parts of the state to evaluate mineral potential in the Forest, This is especially important in areas to be recommended for 'Wilderness' status. The mineral potential of these areas should be evaluated before they are 'locked up' to properly analyze the economic impacts of the designation.

Comment #7: The proposed CLMP does not meet the Forest Service's mandate to be a multiple use land manager. The plan looks more like a prescription for a National Park rather than a National Forest. The proposed plan and the planning process have been illegally biased due to the declared intent of maintaining the 'wild character' of the forest. Such a process with a predetermined conclusion is arbitrary and capricious.

Comment #8: The recommendations for new Wilderness and Wild and Scenic Rivers violate the intent of the several 'No More' clauses of ANILCA, These proposed designations should not be implemented. The provisions of ANILCA supersede the NFMA, the Wilderness Act and the Wild and Scenic Rivers act as those acts apply to Alaska.

Comment #9: The DEIS does not include a reasonable range of alternatives and a realistic combination of uses. The public is being asked to comment on what amounts to varying degrees of preservation.

Comment #10: There is no analysis of the impact that Wilderness and Wild and Scenic Rivers will have on access to private inholdings and adjacent private lands and potentially developable lands within the forest.

Comment #12: The DEIS and the analysis of the alternatives do not contain an Initial Regulatory Flexibility Analysis (IRFA) as is required by the Regulatory Flexibility Act (RFA) (5 USC 601-612). The RFA requires agencies to consider the impact that a proposed rulemaking will have on small entities. The CLMP qualifies as a proposed rulemaking within the meaning of the RFA.

Because the proposal will have a significant impact on a substantial number of small entities, including small communities, Native Alaskan ANCSA Corporations, and other small businesses, the agency is required to prepare an initial regulatory flexibility analysis (IRFA) describing the reason the actions are being considered; a succinct statement of the objectives of, and legal basis for the proposal; the estimated number and types of small entities to which the proposed rule will apply, etc. The analysis or a summary of the analysis must be published with the proposal for public comment.

I have not been able to find an IRFA or summary of an IRFA anywhere in the proposed CLMP or in the DEIS, This constitutes a significant flaw in the proposed plan that must be addressed before a final plan is adopted. The final plan will require a Final RFA.

Comment #13: Regarding Recreation and Tourism Groups, the Semi-primitive Groups category includes motorboats etc. Maximum party size is limited to a group of 100, Table 2-6, p. 2-18. This level appears to be adequate to accommodate the small cruise ships presently plying the Sound area that may do occasional bow landings to put tourists ashore for temporary day trip activities. This party size should not be reduced.

0036333-002 Encl: City of Seward Resolution 20000-129
Kenai Peninsula Borough Planning Commission November 13111 opinion

Sponsored by: Janke

CITY OF SEWARD, ALASKA
RESOLUTION 2000-129

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, SUPPORTING MULTIPLE USE TRAILS AND OUTDOOR RECREATIONAL SPORTS, WITH RESPECT TO THE CHUGACH NATIONAL FOREST REVISED LAND MANAGEMENT PLAN

WHEREAS, outdoor recreational sports and their participants are a valued winter industry in the Seward area; and

WHEREAS, this industry provides jobs and a benefit to the local economy in the city of Seward and the surrounding area and the board recognizes the positive economic impact of outdoor recreational activities; and

WHEREAS, the Council recognizes the importance of involvement of its citizens in winter recreational activities and the need for citizens to access the Chugach National Forest; and

WHEREAS, the Council agrees with the Forest Services' concept of conserving fish and wildlife habitat while providing diverse recreational opportunities; and

WHEREAS, the Council recognizes that the current limited access to the Chugach National forest concentrates various user groups in the same areas, accentuating conflict between groups. Improving over all ingress, with new trails for recreational uses, would permit access to a greater area of the National Forest and reduce user conflict; and

WHEREAS, the Council deems all recreational users should have access to trails in the Chugach National Forest and that these trails should not be further restricted to any one user group; and

WHEREAS, the Port and Commerce advisory board fully supports a 'no closure' alternative with respect to the current proposed Chugach National Forest Plan; and

WHEREAS, the Council fully supports a concept that would provide additional access for recreational users to the Chugach National Forest;

WHEREAS, with the passage of Resolution 2000-004, the Seward Port and Commerce Advisory Board recommended the Seward City Council pass a resolution supporting multiple use trails and outdoor recreational sports, with respect to the Chugach National Forest Revised Land Management Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ATTESTS, that:

Section 1. The Seward City Council supports multiple use trails and outdoor recreational sports, with respect to the Chugach National Forest Revised Land Management Plan.

Section 2. The Seward City Council encourages a clearer statement of objectives by the United States Forest Service for the proposed revisions, especially in local communities that are being impacted by the revised plan.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Seward. Alaska, this 6 day of November, 2000.

THE CITY OF SEWARD, ALASKA

Edgar Blatchford, Mayor

AYES: Blatchford, Brossow, Calhoon, Clark, Orr, Shafer
NOES: None
ABSENT: King
ABSTAIN: None

ATTEST:

Patrick Reilly
City Clerk

(City Seal)

SEWARD PORT AND COMMERCE ADVISORY BOARD
RESOLUTION 2000-004 (Wille)

A RESOLUTION OF THE PORT AND COMMERCE ADVISORY BOARD RECOMMENDING THAT THE SEWARD CITY COUNCIL SUPPORT MULTIPLE USE TRAILS AND OUTDOOR RECREATIONAL SPORTS, WITH RESPECT TO THE CHUGACH NATIONAL FOREST REVISED LAND MANAGEMENT PLAN

Whereas, outdoor recreational sports and their participants are a valued winter industry in the Seward area; and

Whereas, this industry provides jobs and a benefit to the local economy in the City of Seward and the surrounding area and the board recognizes the positive economic impact of outdoor recreational activities; and

Whereas, the board recognizes the importance of involvement of its citizens in winter recreational activities and the need for citizens to access the Chugach National Forest; and

Whereas, this board agrees with the Forest Services' concept of conserving fish and wildlife habitat while providing diverse recreational opportunities; and

Whereas, the board recognizes that the current limited access to the Chugach National Forest concentrates various user groups in the same areas, accentuating conflict between groups. Improving overall ingress, with new trails for recreational uses, would permit access to a greater area of the National Forest and reduce user conflict; and

Whereas, the board deems all recreational users should have access to trails in the Chugach National Forest, and that these trails should not be further restricted to any one user group; and

Whereas, The Port and Commerce Advisory Board fully supports a 'no closure' alternative with respect to the current proposed Chugach National Forest Plan; and

Whereas, the board fully supports a concept that would provide additional access for recreational users to the Chugach National Forest;

NOW, THEREFORE BE IT RESOLVED BY THE PORT AND COMMERCE ADVISORY BOARD;

Section 1. The Port and Commerce Advisory Board urges the

Seward City Council to adopt a similar resolution with respect To the Chugach National Forest Revised Land Management Plan.

Section 2. The Port and Commerce Advisory Board urges the City Council to encourage a clearer statement of objectives by the U.S.F.S. for the revisions, especially in local communities that are being impacted by the revised plan.

ADOPTED BY THE PORT AND COMMERCE ADVISORY BOARD
This 1st day of November 2000.

Ron Wille

STAFF RECOMMENDATIONS: The No Action Alternative represents 'no change to current management' and is, therefore, the 1984 Forest Plan expressed in the management area prescriptions being used in this revision effort. The primary theme of this alternative is a mix of recreational opportunities, Wilderness recommendations (within the Wilderness Study Area), wildlife and fish habitat, minerals, and forest products.

When a specific alternative was mentioned in letter or phone conversations, snow machine users most often identified the No Action Alternative as the desired alternative. The remaining snow machine users simply stated that they wanted to see 'no trail closures,' or that they wanted to see the lands available to all land use. The Kenai Peninsula Borough Administration endorses the No Action Alternative.

On the Kenai Peninsula the 'Fish, Wildlife and Recreation Prescription' is applied throughout most of the area to provide a variety of multiple use activities. The No Action Alternative provides a mix of active and natural processes to sustain ecological systems and fish and wildlife habitat. It provides a mix of motorized/non-motorized recreational activities in the summer and winter, recommends development of facilities to accommodate public demand on the Kenai Peninsula recreational settings. The No Action Alternative provides a variety of natural resource products including forest products and minerals. It recommends Wilderness in portions of the Forest. No recommendations are made for Wild and Scenic Rivers. A network of Research Natural Areas is recommended. Subsistence activities are emphasized.

Because of its focus on multiple uses, and with consideration given to the aforementioned discussion, staff endorses the No Action Alternative with the following advisory.

It is the opinion of Staff the No Action Alternative provides the best combination wildlife, habitat, recreation, and resource management. However, the proposed 'trails and routes management' (see attachments D) for the Forest within the Kenai Peninsula Borough is entirely inadequate to meet the needs of local winter motorized use.

According to the Forest Plan Revision:

Management direction may be amended as the need arises. The need to amend the management direction may result from:

-- Recommendations of an Interdisciplinary Team, based on the results of monitoring and evaluation.

-- Determinations by the Forest Supervisor that existing or proposed projects, permits, contracts, cooperative agreements, or other instruments authorizing occupancy and use are appropriate, but not consistent with elements of the Revised Forest Plan management direction.

-- Administrative appeal decisions.

-- Planning errors found during Forest Plan implementation.

It is Staffs perspective that the trail closures represented in attachments D are either in error or that they are not consistent with the management direction described in the No Action

Alternative. Therefore, Staff suggests that the KPB Planning Commission request that this specific management direction be substantially amended or revised to better reflect the needs and perspectives of local Forest users.

Therefore, Staff recommends that the Planning Commission:

1. Endorse the No Action Alternative.

2. Require the Forest Service revise the No Action Alternative trails and routes management practices to meet local concern for motorized winter recreation access.

   a. Recommend that the Forest Service actively maintain trails and routes access to allow entry to all areas for winter-motorized use within the Kenai Peninsula Borough.

END OF STAFF REPORT

0036353-001 I

0036559-004 The lessons of the
Carbon Mountain Basement are fresh in our memory. There will be oil drilling at Katalla on Chugach Corporation lands in the near future. This has been ongoing off and on for the past 100 years. It doesn't seem to have effected the environment.

If Native Corporations want to log their lands then they should be allowed to do so as ANSCA intended.

The efforts by the environmentalists, EVOS Trustees Council and the Forest Service to harass Natives until they agree to sell their lands is very clear. This is wrong and should stop immediately.

In addition, unrestricted access to Native Corporation lands should be stated in whatever alternative is chosen so as to remain consistent with the spirit of the Alaska Native Claims Settlement Act (ANCSA). All of these reasons would seem to be contrary to a Wilderness designation in the Chugach National Forest

The Native Village of Eyak requests that the Forest Supervisor address these comments. With over 500 members, the Native Village of Eyak is the largest Tribe in the Chugach National Forest and the concerns of its members should be considered.

0036562-001

Thank you for this opportunity to present comments by the Alaska Wilderness Recreation & Tourism Association (AWRTA) on the Draft Chugach Forest Plan. AWRTA, as you know, is an Alaska-based trade group representing over 300 members, including over 200 tourism businesses. Many of our business members use the Forest for their operations, ranging from single person guide companies who work with a hundred clients per year, to larger businesses who serve that many clients each day. All these businesses, big and small, depend on the continued good management of the Forest for their success. Of particular importance is the maintenance of the wild character of most of the Forest, and the opportunity for residents, communities and business to enjoy that unspoiled world. AWRTA therefore takes a keen interest in the decisions presented in the plan and EIS.

AWRTA was active in the multi-year planning process that led to the recommendations presented in this document. We are pleased to see that much of what is in the plan reflects the views of our organization. Key areas we support, along with a select set of topics where we believe the plan should be changed, are described below.

PLAN RECOMMENDATIONS MERITING STRONG SUPPORT

Overall, AWRTA strongly supports the Plan's general strategy of emphasizing maintenance of the natural character of the Forest. Today and into the future, we believe the Forest's dominate use and greatest economic value is recreation/tourism. Managing the Chugach to maintain the integrity of these resources is good for the Alaska's economy, good for AWRTA businesses, and good for resident quality of life. Specific policies in the plan that AWRTA supports include:

-- Wilderness in much of the Wilderness Study Area, particularly upper Port Wells and Harriman Fjord, Unakwik and Eaglik Bays, Naked Island, Kings Bay, Icy/Whale Bay and the Bainbridge area.

-- No commercial timber

-- The plan's reliance (mostly) on non-Forest service lands for future facility development in PWS, such as lodges

-- The plan's support (mostly) for the package of land use designations prepared by residents and businesses in Cordova for the eastern parts of the Forest

CHANGES RECOMMENDED BY AWRTA

1. Glacier Ranger District/Western and Central Prince William Sound

A. Wilderness Designations In the Wilderness Study Area (WSA) One of the most important decisions made by this plan concerns the level of development on USFS lands in the Wilderness Study Area in western Prince William Sound. AWRTA accepts that some of this land near Whittier should be given a Backcountry prescription, to allow facilities needed to accommodate growing recreation and tourism use. However, the preferred plan goes way overboard on this issue, applying the backcountry prescription for all USFS land within an approximately 30-mile radius of Whittier. The Backcountry prescription allows many uses that disrupt the character of wild lands: boat docks and ramps, viewing sites, 'hut to hut cabins', electronic sites, new trails, day use facilities, campgrounds, USFS public use cabins, and personal use timber harvests. The Recreation Opportunity Spectrum (ROS) 'cap' associated with the Backcountry prescription - Semi-Primitive Groups - sets limits for development at a level that would permit significant changes in the character of the area, for example, allowing party sizes of up to 100 people. Blackstone Bay is designated Backcountry

winter-motorized, which additionally allows snowmachines and helicopter skiing.

AWRTA strongly believes that several of the bays, passageways and islands within this 30-mile radius should be given a wilderness prescription. The Forest Plan sets out the goal of providing a range of recreation and tourism experiences. To live up to this goal, the plan needs to provide accessible wilderness in the Western Sound. The experience of a true wilderness environment - a place without boat ramps, day use facilities and similar facilities - should be available to boaters, kayakers and day cruise passengers for a day or weekend trip out of Whittier. Importantly, even in recommended Wilderness areas, the USFS has the option to 'harden' camp sites where needed to protect environmental quality. Specific areas that should be switched from Backcountry to Recommended Wilderness are listed below:

-- Knight Island - At minimum the northern half -- see discussion following section.

-- Perry Island - Important habitat values (marine mammals, birds), very popular wilderness camping, boating and kayaking areas. At some point, the large parcel of state land here is likely to provide facilities if any are needed. USFS land should remain undeveloped.

-- Blackstone Bay - Blackstone Bay provides 'wilderness next door' - a place with spectacular tidewater glaciers that can be reached conveniently on a short trip by boaters, day cruise boats and kayakers. The facilities permitted under Backcountry would take away from this experience.

-- Culross Passage - This narrow, intricate passage has long been one of the Sound's most popular boating and kayaking destinations. The values that make the area attractive will only deteriorate with the construction of facilities permitted under a Backcountry prescription.

B. Prince William Sound Islands (Glacier and Cordova Ranger Districts)
One or more of PWS's large islands should be designated wilderness. Of the three candidates - Hinchinbrook, Montague, and Knight - AWRTA most strongly favors a wilderness designation for Knight Island. Knight jumps to the head of the list due to its stunning topography; complex coastline and intricate bays and islands, and very high habitat values. We recognize that there are mineral values on the island. But Chugach Alaska Corporation already holds the area with most promising mineral potential, and mining could take place on USFS lands within a designated wilderness.

Montague Island also has outstanding recreation and habitat values, including brown bears, and a location on the outer coast. The island merits greater protection than would be allowed under the current Fish & Wildlife Conservation prescription. With the single exception of commercial timber harvest, the Fish and Wildlife Conservation prescription allows or conditionally allows every use permitted in the Forest. This prescription should be changed to Backcountry non-motorized, or 501 B wilderness.

2. Cordova Ranger District - Eastern PWS and the Copper River Delta

A. Bays between Cordova and Valdez:

One of the main areas of consensus in both Valdez and Cordova is the desire to protect the wild, unspoiled character of Port Gravina. This is

particularly critical because of the timber harvests, commercial float lodges, and large areas of private ownership in the other bays between these two communities. The plan should change the prescription in this area from Backcountry to either Primitive or 501 b Wilderness. Few if any areas on the east side of Prince William Sound offer the chance to maintain natural areas without facilities. This opportunity - which is the Sound's greatest asset - should be protected at Port Gravina.

B. Valdez area

Land along the western shore of Valdez Arm should be changed from Backcountry Motorized to Backcountry. This area is important for commercial and recreational camping, day use, kayaking and boating. The Backcountry non-motorized prescription will maintain these important opportunities, while still giving flexibility to the Forest Service for accommodating diverse recreational users.

C. Copper River Delta - East Side - This area currently has relatively limited use by AWRTA member businesses and local residents. Over time, however, this area is likely to become better known and more heavily used. Consequently, AWRTA supports the recommendation that this area be designated as 501 b Wilderness, to protect the area's unique wildlife, habitats and wilderness recreation values.

3. Seward Ranger District - Kenai and the Turnagain Arm

A. Brown Bear Core Habitat. The habitat values of the Resurrection River area between the Kenai River and Seward must be protected. If the area retains the Brown Bear Core Habitat prescription, delete the conditional approval for new utility corridors. Such corridors pose too much risk of the construction of roads that would degrade prime bear habitat. Preferably, change the prescription to Recommended Wilderness, using the 501b prescription that allows vegetation and habitat management.

B. Resurrection Trail Area, West Side - Change the prescription for land west of the Resurrection Trail between Hope and the Sterling Highway to Recommended Wilderness. This prescription would allow the continuation of traditional uses along the trail itself, but ensure that the land on the west side would retain the wilderness character that makes this area so popular for skiing, hiking and mountain hiking. This revision would match the wilderness designation of the land in the adjoining Kenai Moose Refuge.

4. Forest Wide Issues

A. Winter Motorized Use

Some parties have argued that too much of the Forest, particularly the Seward Ranger District, is restricted to motorized use. In our view, the opposite is the problem - only a very small percentage of the Forest will be given prescriptions specifically for non-motorized, quiet recreation. If any broad change were needed, it would be to create more balance, and reduce areas open to motorized recreation in the draft plan.

B. Prescriptions

Electronic Sites in Backcountry Prescription - should be conditional (rather than allowed)

C. Capacity/Recreation Opportunity Spectrum (ROS)

Comment #	Comment
	Outfitter Guide Capacity in Backcountry Prescription is 30%. As we understand the plan, this means if the USFS sets limits on use, of the total allowed number of visitor days, 70% would go to general recreation, and only 30% to commercial trips. Given that guided trips tend to be lower impact than private trips, and that nearly all other prescriptions use 50%, the outfitter guide ratio in Backcountry should be shifted to 50%. The ROS 'cap' for the Backcountry prescription is 'Semi-Primitive Groups' - a ROS category that allows groups sizes of up to 100 people. If this party size is allowed on a regular basis in the western Sound the impact on other users, and on sensitive habitats and landscapes will be unacceptably high. This is a particular problem given the large percentage of the area currently given a Backcountry designation. Consequently, large groups (e.g. 25-100) should only be allowed in Backcountry areas as a conditional use. A set of specific conditions should be established, that on a case-by-case basis, would control the times, places and rules of behavior where such large groups would be permitted. Thank you again for the chance to comment on the Forest Plan Revision, and all the work you and your staff have put into this project. Please call if you have any questions. Sincerely, Sarah Leonard Executive Director AWRTA

0036570-001

Trustees for Alaska, on behalf of the Alaska Center for the Environment, the Center for Marine Conservation - Alaska Region, the Coastal Coalition, the Eastern Kenai Peninsula Environmental Action Association, the Eyak Preservation Council, the Sierra Club, the Turnagain Arm Conservation League and the Wilderness Society, submits the following comments on the Draft Environmental Impact Statement and Revised Proposed Land and Resource Management Plan Revision (DEIS and Revised Forest Plan). The purpose of these comments is to focus on issues surrounding tidelands and submerged lands throughout Chugach National Forest. Other issues will be addressed by the above organizations in their individual comments on the DEIS and Revised Forest Plan. Also, Trustees for Alaska is submitting separate comments on the DEIS and Revised Forest Plan dealing with access issues under Section 1110 of the Alaska National Interest Lands Conservation Act.

History of Withdrawal and Management of Tidelands and Submerged Lands

The Chugach National Forest was first withdrawn in 1907 and combined with the Afognak Forest and Fish Culture Reserve in 1908, Chugach National Forest, since its earliest withdrawals, has included the tideland and submerged lands of Prince William

Sound as well as the barrier islands that fringe the mainland of the forest. The Chugach National Forest also encompasses the tidelands and submerged lands found at the head of Turnagain Arm. The original purposes of the withdrawals of Chugach National Forest included fisheries management and protection, as well as the protection of timber and watersheds.

In addition to the purposes of the Forest that depended on the submerged lands of the forest, there were other obvious needs for including the submerged lands in the original withdrawal of the forest. For example, at the time the forest was created, access was almost exclusively by water. Today, recreational and commercial access to much of Chugach National Forest continues to be by water, and the Forest Service likely could not effectively manage the forest or enforce the Forest Plan and other laws without the ability to control access to the tide and submerged lands.

As is clear from the history of the withdrawal of Chugach National Forest, and as the Forest Service has long recognized,1/ the tidelands and submerged lands of Prince William Sound are part of the Chugach National Forest withdrawal. Because the tidelands and submerged lands were part of the National Forest prior to statehood, they did not pass to the State of Alaska under the Submerged Lands Act or the equal footing doctrine.2/

Despite its ownership of the tidelands and submerged lands of Chugach National Forest, the Forest Service entered into a Memorandum of Understanding with the State of Alaska, Department of Natural Resources that allows the State to manage the tidelands and marine submerged lands of Prince William Sound. The MOU encompasses only those lands that became submerged as a result of the 1964 Good Friday Earthquake.

Regardless of the limited scope of the 1992 MOU, there appears to be a growing deference by the Forest Service to State management of marine submerged lands in Prince William Sound. Tideland permitting through the Chugach National Forest has been undertaken by the State, and it appears that the State disputes the ownership of the submerged lands by the U.S. Forest Service. The State has even opened parts of the Chugach National Forest to oil and gas leasing in the current Cook Inlet Areawide Oil

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1/ The Forest Service has made its ownership of the submerged land clear in the past. Correspondence surrounding clean-up efforts following the Exxon Valdez oil spill, as well as the 1992 Memorandum of Understanding between the Forest Service and the State of Alaska, Department of Natural Resources acknowledge the Forest Service's ownership of submerged lands. The Forest Service recently asserted its

ownership of submerged lands in the Chugach National Forest when the State of Alaska, Department of Natural Resources attempted to transfer submerged lands to the City of Whittier. The State is currently reconsidering that decision, based in part on the Forest Service's ownership of the submerged lands. Some documents concerning ownership of submerged lands, impacts from the currently-stayed Whittier transfer, and impacts from the expansion of the Whittier Harbor are attached.

2/ The Forest Service is currently defending its title to tidelands and submerged lands on the Tongass National Forest in a Quiet Title Action filed by the State of Alaska. The Forest Service's filings in that case are attached.

and Gas Lease sale. This expansion of State authority on property of the United States, and the Forest Service's acceptance of it, may be the reason that that the Forest Service has undertaken an inadequate consideration of tidelands and submerged lands in the current Chugach National Forest Land and Resource Management Plan Revision process. The Forest Service may not, however, simply rely on State management of Federal Resources. It must consider the management and resources of the entire forest, including the tidelands and submerged lands, in its current planning process.

Legal Requirement to Consider Entire Forest

The DEIS and Revised Forest Plan must be reviewed together to determine if the Forest Service has met the requirements imposed by the National Forest Management Act and the National Environmental Policy Act. The National Forest Management Act requires that the Chugach National Forest Land and Resource Management Plan must form one integrated plan for all of the lands and resources of the conservation unit. See 16 U.S.C. Section 1600 et seq. The National Environmental Policy Act further requires that the Forest Service prepare an Environmental Impact Statement on the Chugach National Forest that encompasses all of the resources found there, including the tidelands and submerged lands of Prince William Sound, See 42 U.S.C. 4321 et seq.

The Proposed Revised Forest Plan states that it will set the direction for the future management of lands and resources within its boundaries. Revised Forest Plan 1-1. The DEIS states that the planning area is the entire Chugach National Forest. The purposes and needs for the proposed revision, set out in the DEIS, include consideration of ecological systems management, DEIS 1-4, habitat for fish and wildlife, DEIS 1-5, recreation and tourism, DEIS 1-7, and subsistence, DEIS 1-9, These goals cannot be adequately addressed without including consideration of the management of tidelands and submerged lands of Chugach National Forest.

The DEIS establishes eight decisions that will be made by the Regional Forester in adopting the new Land and Resource Management Plan. Seven of these eight decisions cannot adequately be made without considering the environmental impacts to tidelands and submerged lands in Chugach National Forest. These decisions include: Forestwide multiple-use goals and objectives, including a description of the desired future condition of the National Forest; Forestwide standards and guidelines; Management areas and management prescriptions; Identifying lands available for oil and gas leasing; monitoring and evaluation requirements for implementation of the Revised Forest Plan; Wilderness recommendations to Congress, and; Recommending rivers eligible for Wild and Scenic river designation. See DEIS 1-10, 1-11.

Examples of Impacts that Are not Considered

Vital information that will affect the forest in the future has been completely overlooked as a result of the inadequate scope of the DEIS and the Revised Forest Plan. The tidelands and submerged lands of Prince William Sound provide the primary means of access for commercial and recreational users of the forest. These users in turn affect the quality of the fish and wildlife habitat, air quality, visitor experience, cumulative effects and many other significant issues that need to be examined in the DEIS and Revised Forest Plan.

Visitor use on the water as well as the associated increase in demand for visitor facilities could be the biggest impact to the natural resources of the forest in the future.

The U.S. Forest Service cannot simply leave these issues to the State of Alaska, hoping that the State will commit the necessary resources to planning, protecting and enforcing the management policies that will control the future of Chugach National Forest. The failure to consider the impact of recreational and commercial vessels on the marine areas of the forest affects almost every area of analysis undertaken in the DEIS.

The Forest Service's analysis of cumulative effects to air quality, discussed at DEIS 3-9, does not even include air quality emission from vessels in Prince William Sound, The DEIS and the Revised Forest Plan make no attempt, as required by the federal Clean Air Act, to evaluate management activities to ensure they will not cause or contribute to any violations of ambient air quality standards, increase the frequency of any existing violations, or impede the State's progress in meeting their air quality goals. The DEIS simply concludes that none of the alternatives considered would substantially change the existing air quality of the forest. DEIS 3-6. Yet none of the alternatives factor in regulation or increases in marine vessels throughout the forest.

The Access Management Plan does not address the primary form of access to many parts of the forest. See Revised Forest Plan, Appendix C. Road Management and Trails and Route Management are addressed in detail, but no consideration is given to managing recreational and commercial access on the tidelands and marine submerged lands throughout the forest.

The Revised Forest Plan and DEIS do not adequately consider impacts to wildlife because of the failure to include the tidelands and submerged lands of Prince William Sound and Turnagain Arm in the Forest Plan. Recreational and commercial vessel operators are not even considered in Table 3-51, listing potential risks to wildlife. DEIS 3-209. Marine waters are not listed on Table 3-50 in describing general habitat types and geographic areas of concern. Increased access to the Forest cannot be analyzed or controlled until the Forest Service undertakes planning that includes the tidelands and submerged lands.

Because the Forest Plan does not incorporate the marine areas of the forest, the DEIS also fails to consider specific impacts on marine-associated wildlife found within the forest. Killer whales and fur seals are just two species of marine mammals that may be in jeopardy in Prince William Sound, yet they are not even acknowledged in the DEIS.3/ The DEIS does briefly discuss the marine threats to Marbled Murrelets, DEIS 3-197, but nowhere does the DEIS or Revised Forest Plan discuss the impact of the Revised Forest Plan on the marine environment of the Marbled Murrelet.4/

The DEIS also notes, in a table on 3-190, the importance of some tidelands and nearshore areas to endangered Stellar sea lions, but nowhere does it address the impacts of forest planning on Stellar sea lions. The Forest Service also briefly notes the existence of Stellar sea lions and humpback whales in the forest, DEIS at 3-201, and notes that a Biological Assessment will be prepared to assess the effects of the Forest Plan revision on these species. However, the DEIS and the Forest Plan, as noted above, do not discuss impacts to and management of the tidelands and marine areas that are the habitat for these species within the Forest.

The Black Oystercatcher, discussed at DEIS 3-210, is a species that is still recovering from the Exxon Valdez Oil Spill, and one that is dependent on undisturbed tidelands during its nesting season. The Forest Service simply cannot effectively consider impacts to the oystercatchers without including tideland and submerged lands access issues in the Revised Forest Plan. The Forest Service has also inadequately considered impacts to river otters, even while acknowledging that projected increases in recreational users are a threat to them. DEIS 3-225. The Forest Service simply cannot adequately consider the impacts, cumulative, direct or indirect, from the Forest Plan on most species of wildlife in the Forest until the Forest Plan includes planning for and access control on the tidelands and submerged lands of the forest.

The monitoring and evaluation plans outlined in the Revised Forest Plan do not address management of and impacts to the tidelands and submerged lands of the forest. The Forest Service has not met the requirements of 36 CFR 219 because it has not

included even minimal consideration of the effects of this revised plan to these important resources of the Chugach National Forest.

The Forest Service has failed to address management of and impacts to the portion of Turnagain Arm that is within Chugach National Forest. The DEIS and Revised

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3/ Correspondence from leading killer whale researchers and two killer whale studies are attached. There is additional work on the genetic isolation of killer whales in British Columbia and Alaska that has been submitted by four biologists in draft form to the Proceedings of the Royal Society, London B. Information can be obtained from Lance G, Barrett-Lennard, the lead author, Department of Zoology, University of British Columbia, 6270 University Blvd, Vancouver, V9R 5K6, Canada.

4/ Table 3-49 notes concern about gillnet mortality and other at-sea effects, but nowhere does the Revised Forest Plan or DEIS consider those effects. DEIS 3-207. Only timber harvest is discussed in the 'Environmental Consequences' section of the DEIS. DEIS 3-223, 224.

Forest Plan fail to address the importance of this section of the Forest to the depleted population of Cook Inlet beluga whales 5/ or otherwise consider the marine resources in upper Turnagain Ann.

The Forest Service's failure to assert jurisdiction over this portion of the forest has resulted in DNR offering sections of Chugach National Forest for lease in the Cook Inlet Areawide Oil and Gas Lease Sale,6/ Any oil and gas leasing within Chugach National Forest must be conducted in compliance with federal environmental laws and pursuant to the Land and Resource Management Plan for the Chugach National Forest.

Evaluation of Prince William Sound for Marine Protected Area Status

President Clinton signed E.O. 13158 on May 26, 2000 to strengthen and expand protection for marine habitat in the United States, See 65 Fed. Reg. 34909. The order directs federal agencies to enhance protection of existing Marine Protected Areas, to establish new ones where appropriate, and to bring all Marine Protected Areas under an umbrella of a comprehensive national system. See id. To guide agencies in implementing this mandate, the order defines a Marine Protected Area as 'any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.'

The Forest Service has a duty to review Prince William Sound for nomination as a Marine Protected Area. The DEIS should consider this possibility and any significant effects arising from it.

Conclusion

Despite the Forest Service's ownership of the submerged lands, the legal mandates for planning for the entire forest, and the clear purpose and need for this revision set out by the Forest Service for Chugach National Forest, the DEIS and the Revised Forest Plan completely fail to address significant impacts to and management of the tidelands and submerged lands that are a part of Chugach National Forest.

We urge you to complete the Forest Planning Process through an expansion of the planning process to include an Environmental Impact Statement and a Land and Resource Management Plan that address all of Chugach National Forest. Prince William Sound is

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5/ There is pending federal court challenge to National Marine Fisheries Service's failure to list Cook Inlet beluga whales as endangered. See District of Columbia District Court. Case No. Case No. 1:00CV01017-JR.

6/ Based on its concern for the plummeting Cook Inlet beluga whales the National Marine Fisheries Service

requested DRN make tract deletions in the portion of Turnagain Arm that is part of Chugach National Forest. The 1998 and 1999 letters NFMS submitted to DNR on its concerns about beluga whale habitat in Cook Inlet are attached.

an integral part of the forest and the forest planning process. The DEIS and the Revised Forest Plan are legally inadequate without consideration of the tidelands and submerged lands of Prince William Sound.

Thank you for this opportunity to comment on the Draft Environmental Impact Statement and the Revised Forest Plan. Please feel free to contact me to discuss these issues further.

Sincerely yours,

Valerie L. Brown

cc: Jim Caplan, U.S. Forest Service, P.O. Box 21628, Juneau, AK 99802
Irene Alexakos, Sierra Club
Kris Balliet, Center for Marine Conservation, Alaska Region
Gabrielle Barnett, Turnagain Arm Conservation League
Cliff Eames, Alaska Center for the Environment
Dune Lankard, Eyak Preservation Council
Mark Luttrell, Eastern Kenai Peninsula Environmental Action Association
Rick Steiner, Coastal Coalition
Nicole Whittington-Evans, The Wilderness Society

0036572-004 4) The Native Village of Eyak directs the Forest Supervisor's attention to comments submitted regarding the Ran revision by Chugach Alaska Corporation. A comprehensive legal analysis should be completed regarding the Jurisdiction of the USFS in revising a Forest Plan that was specified in ANILCA.

0036574-001

The Center for Marine Conservation (CMC) and our partners in the Alaska Ocean Wilderness Campaign and Coastal Coalition submit these comments on the Draft Environmental Impact Statement (DEIS) and Revised Proposed Land and Resource Management Plan Revision (Revised Forest Plan) for the Chugach National Forest.

CMC's mission is to protect ocean ecosystems and conserve the global abundance and diversity of marine wildlife through science-based advocacy, research and public education. Headquartered in Washington, DC, CMC has regional offices in Alaska, California, Florida and Virginia and field offices in Maine, Santa Barbara and Santa Cruz, California, and the Florida Keys. We are concerned that the preferred alternative neglects to contain enough areas as recommended wilderness in Prince William Sound or the Copper River Delta. In addition, the DEIS and Revised Forest Plan fail to comprehensively discuss and analyze impacts to the entire Chugach National Forest because the documents do not address the tidelands, submerged marine lands, and marine waters of Prince William Sound. Finally, the Forest Service does not adequately discuss and address a number of species found in the Forest area, including Prince William Sound.

Recommend More Areas of Prince William Sound for the Wilderness Prescription

CMC urges the Forest Service to revise its proposed alternative for the Chugach National Forest Management Plan to provide the protection of a recommended wilderness prescription for portions of Prince William Sound, including the lands and marine waters of the Nellie Juan - College Fjord Wilderness Study Area (WSA). Recommended wilderness is the most effective way to protect biologically important lands and waters of the Chugach National Forest. Wilderness, by virtue of a Congressional designation, permanently protects important areas from impacts associated with roads, utility lines, and recreation and industrial infrastructure; wilderness designation avoids habitat destruction, reduces human - wildlife interaction, and prohibits the incremental development that ultimately erodes the wildlife carrying capacity of forest lands and waters. The terrestrial and marine resources of the Chugach National Forest are of national importance, deserving the highest level of permanent protection.

Although CMC is encouraged by the recommendation that a majority of the WSA as wilderness, the area covered by the wilderness prescription must be expanded. It is important to point out that sixty-five percent of the recommended wilderness area consists of lands dominated by largely inaccessible rock and ice formations. In addition, the wilderness recommendation excludes two important areas in the WSA - a thirty mile area around Whittier, and Knight Island.

This no-wilderness zone near Whittier includes Blackstone and Cochrane Bays, and Culross Passage -- areas that the Forest Service recommended as wilderness in 1984 -- as well as the west side of Port Wells, Esther Island and the north shore of Esther Passage, Perry and Lone Islands. Presumably, the opening of the Whittier Road and the increase in visitors to the northwestern Sound caused the Forest Service to back off of recommending wilderness near Whittier. The Forest Service must not allow the motorists and tourism industry to displace the wilderness values in this most accessible part of northwestern Prince William Sound. Instead of avoiding the wilderness prescription, the agency should use appropriate management tools to preserve wilderness values and keep wilderness accessible despite the increased visitation. The Forest Service can harden frequently used camping areas, add trails, and build recreational cabins where appropriate in accordance with the wilderness prescription. If such management measures fail to maintain wilderness conditions and preserve opportunities to have a wilderness experience, the Forest Service should limit the number of visitors to certain areas.

Knight Island is a prime candidate for the wilderness recommendation. The island, its bays and the surrounding marine waters are of incredible biological significance. Knight Island Passage is an important feeding area for killer whales and Dall and harbor porpoises and Knight Island is home to at least two killer whale rubbing beaches. Herring Bay, Lower Herring Bay, and Drier Bay are also important areas for herring. The area offers world-class wildlife viewing and recreational opportunities. The Forest Service must consider the

marine-based values when classifying forest uplands.

Also, there are other areas within Prince William Sound that are appropriate for wilderness designation outside the WSA, such as Montague Island. The northern end of Montague Island is one of the most biologically productive areas in all of Prince William Sound. The Forest Service has designated Montague Island as a 'Fish and Wildlife Conservation Area' -- a prescription that deceivingly sounds protective, but in reality allows a multitude of activities that cause significant impacts to habitat and to the species directly. For example, the prescription conditionally allows destination lodges, summer and winter helicopter landings, utility systems. Forest Service-built roads, parking lots, ferry terminals, boat ramps and docks, marine transfer facilities, campgrounds, summer motorized recreation use, mineral entry and pipelines, power generation and powerlines, transmission systems, and utility corridors. Revised Forest Plan 3-61 - 64. In sharp contrast, a wilderness prescription allows none of these activities. The only prohibited activity in a Fish and Wildlife Conservation Area is commercial timber harvesting. Revised Forest Plan 3-62. In effect, this prescription is one of the least protection prescriptions for fish and wildlife. Given the high biological importance of Montague Island, it is dear that the proposed prescription is vastly inadequate to protect the area's values. We urge the Forest Service to recommend wilderness for Montague Island.

Consider Marine Waters of Prince William Sound in the DEIS and Revised Forest Plan

We are very concerned that the DEIS and Revised Forest Plan fail to adequately address the entire Chugach National Forest area, including Prince William Sound because the documents do not include analysis regarding the the marine environment -- marine waters, tidelands and submerged lands, nor sensitive marine species.1/ This oversight results in inadequate protection for the marine resources, no regulation for the activities impacting the marine resources, and no consideration of the impacts.

Forest Service Ownership and Management Authority of tidelands and submerged lands

A historical review of the executive proclamations and other reservations establishing the Chugach National Forest demonstrates that the federal government reserved Prince William Sound as part of the Forest in the early 1900s. Because the tidelands and submerged marine lands were part of the National Forest prior to statehood, they did not pass to the State of Alaska under the Submerged Lands Act or the equal footing doctrine. Prince William Sound is part of the Forest, and therefore, the DEIS and Revised Forest Plan should address the management of these tidelands and submerged lands, not only the uplands as reflected in the current analysis.2/

The Proposed Revised Forest Plan states that it will set the direction for the future management of lands and resources within its boundaries. Revised Forest Plan 1-1. The DEIS states that the planning area is the entire Chugach National Forest. The purposes and needs for the proposed revision, set out in the DEIS, include consideration of ecological systems management, DEIS 1-4, habitat for fish and wildlife, DEIS 1-5, recreation and tourism, DEIS 1-7, and subsistence, DEIS 1-9. To adequately address these areas, however, the Forest Service must consider the management of tidelands and submerged lands of Chugach National Forest. In fact, as set out in the DEIS, the Regional Forester must make

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1/ Please note that CMC signed onto the comments submitted by Trustees for Alaska specifically regarding the Forest Serviced failure to address significant impacts to and management of the tidelands and submerged lands that are part of the Chugach National Forest.

2/ The DEIS states the following, 'In the Sound, lands managed by the Forest Service have extensive saltwater shorelines. On the adjacent saltwater, uses and activities are not regulated by the Forest Service, nor does any other agency control the number, types, and concentrations of vessels. For the purposes of forest planning, only the characteristics and uses of the uplands are considered in the [Recreation Opportunity Spectrum] analysis. While we recognize that activities on the saltwater can affect peopled recreation experiences on the

uplands, in the current regulatory framework those effects are considered outside the scope of this analysis.' DEIS 3-272.

eight decisions in adopting the Land and Resource Management Plan, seven of which must consider impacts to tidelands and submerged lands to be sufficient.3/

It appears that the Forest Service has allowed the State of Alaska to manage the tidal and submerged marine lands of Prince William Sound, despite the Forest Services' ownership of the tidelands and submerged lands of the Chugach National Forest. This expansion of State authority on property of the United States, and the Forest Service's acceptance of it, may be the reason that that the Forest Service has inadequately considered the tidelands and submerged lands in the current planning process. Nonetheless, the Forest Service must consider the management and resources of the entire forest, including the tidelands and submerged marine lands, in the DEIS and Revised Forest Plan.

The DEIS and Revised Forest Plan should address, at a minimum, the fish and wildlife resources of Prince William Sound; the most biologically significant areas in the Sound, and associated appropriate management direction for those areas; subsistence areas for hunting and fishing; subsistence, commercial, and sport fishing, impacts on fish and wildlife and wilderness values from motorized vessels such as cruise ships, tour boats, and personal watercraft; impacts on fish and wildlife, and wilderness values from helicopter, and airplane use; the impacts from coastal development on those values; and the value of marine protected areas, The Forest Service should manage the marine environment of Prince William Sound as it does the upland terrestrial environment. In addition, the Forest Service must regulate the activities on Prince William Sound's marine waters to protect designated uplands.

Failure to Address the Marine Waters of Prince William Sound

The DEIS and Revised Forest Plan fail to consider important information regarding the marine waters of Prince William Sound that will impact the Forest in the future. The DEIS Environment and Effects section discusses Water/Riparian/Wetlands, specifically addressing watersheds, surface water, and groundwater, but wholly neglecting to discuss the marine environment -- the marine waters, tidelands and marine submerged lands. DEIS 3-3-22--39. The Forest Service should include discussion of the marine environment, specifically discussing its value as habitat for fish and wildlife, the resident and migrating species, the human use and access of the area, as well as impacts of such use and access on the Forest resources.

For example, the DEIS contains a sections entitled 'Effects on wildlife from access management' and 'Effects on wildlife from transportation/utility corridors' that briefly discusses the effects of roads, trails, and corridors on wildlife. DEIS 3-238. However, the DEIS and Revised Forest Plan do not consider the impact of commercial and recreational

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3/ These decisions include: Forestwide multiple-use goals and objectives, including a description of the desired future condition of the National Forest; Forestwide standards and guidelines; Management areas and management prescriptions; Identifying lands available for oil and gas leasing; monitoring and evaluation requirements for implementation of the Revised Forest Plan; Wilderness recommendations to Congress, and; Recommending rivers eligible for Wild and Scenic river designation. DEIS 1-10, 1-11.

vessels on the marine areas of the Forest or the fish and wildlife. The waters of Prince William Sound, including the tidelands and submerged lands, clearly provide significant access for commercial and recreational Forest users. These users affect the fish and wildlife habitat, water quality, air quality, visitor experience, as well as contribute to the cumulative impacts on the Forest and to many other significant issues. Visitor use on the water and the associated increase in demand for visitor facilities will be responsible possibly for the largest future impacts to the Forest's natural resources. Thus, the DEIS should include a section addressing the effects from marine transportation, including discussion about cruise ships, fishing vessels, power boats, personal watercraft, kayaks, rafts, and other vessels, etc.

The Access Management Plan also does not address the marine waters as the primary form of access to many parts of the Forest. Revised Forest Plan, Appendix C. The Plan addresses 'Road Management' and 'Trails and Route Management,' but does not consider managing recreational and commercial access on the tidelands and marine submerged lands throughout the Forest. Consequently, the Access Management Plan fails to address the modes of transportation used to access the marine environment. The Access Management Plan must address the marine waters, including the locations where such access occurs and the appropriate modes of access such as cruise ships, fishing vessels, power boats, personal watercraft, kayaks, rafts, and other vessels, etc.

Failure to Consider Impacts to Fish and Wildlife in the Marine Environment

The DEIS and Revised Forest Plan fail to adequately consider impacts to wildlife because of the failure to include consideration of the tidelands and submerged lands of Prince William Sound. For example. Table 3-51 that lists potential risks to wildlife does not include commercial and recreational vessels. DEIS 3-209. Additionally, 'tables 3-46,3-47, and 3-50 do not include 'marine waters' in describing general habitat types and geographic areas of concern for management of indicator species and species of interest. The Forest Service cannot analyze increased access to the Forest and its waters until the agency includes the marine environment - water, tidelands and submerged marine lands in its planning.

The DEIS also fails to consider specific impacts on marine wildlife found within the Chugach National Forest.

Killer Whales

The DEIS does not address killer whales at all within the Forest. There are at least two groups of killer whales regularly found in Prince William Sound, the AT1 transient group, and the AB resident group. The DEIS and Revised Forest Plan must discuss these whales and address any impacts that are reasonably expected to occur within the Forest.

The AT1 group of transient killer whales, also known as the Prince William Sound transients, is in severe decline, with only ten whales remaining. This group of transients (meaning they eat marine mammals as opposed to residents who eat fish) has been documented year round in Prince William Sound. AT1 transients follow convolutions of the shorelines as they hunt, swimming quietly along beaches and close to rocky areas, entering bays and circling small islands, in search of harbor seal, one of their preferred food items. AT1 whales are genetically distinct, and have a unique acoustical dialect. Part of the transients' acoustic behavior does not involve vocalizations at all, but rather, silence. Researchers believe that transients employ a passive listening strategy for finding prey, as opposed to the active searching exemplified by resident echolocation. 'For that reason, a quiet underwater environment is probably important to transient whales searching for food. No doubt they expend much time and energy listening for the telltale sounds of harbor seals and Dall's or harbor porpoises. As a result increased vessel traffic and noise may affect the ability of transients to find their prey. It is no surprise that foraging transients can be very elusive, staying submerged for up to ten minutes, swimming an erratic path and avoiding close approaches by boats. These whales are probably much more susceptible to harassment than residents and their need for quiet should be respected to ensure their long-term survival.' Craig Matkin, et al. Killer Whales of Southern Alaska (1999) at 20. Clearly, the Forest Service must address impacts of increased vessel traffic and any activities that might occur on the tidelands on the AT1 killer whales. This small population is extremely vulnerable to adverse impacts and all efforts must be made to ensure activities within the Forest do not jeopardize the survival of the AT1 transients.

The resident AB pod is made up of 25 whales. These whales eat fish and not marine mammals. They have a complex social structure, traveling in matrilineal groups and using a sophisticated system of echolocation to detect, identify and pursue prey. Generally resident killer whales are loud, boisterous, and active at the surface when socializing or hunting salmon in the middle of passages.

Superpod gatherings that include several pods of resident killer whales, numbering over sixty

individuals, have been observed within the Forest waters of Prince William Sound, around Knight Island and Montague Strait. 'Such social gatherings provide mating opportunities.' Killer Whales of Southern Alaska at 60. The Forest Service must consider potential impacts to this area of Prince William Sound.

Critical killer whale habitat includes habitat essential to their prey. Thus, it is essential to protect uplands and watersheds surrounding important marine environments. Healthy salmon stream systems in these uplands directly benefit resident killer whales by insuring a constant supply of salmon. Protecting these lands from development reduces soil erosion and stream sedimentation, which can reduce the productivity of nearshore waters. The nearshore environment is vital not only for salmon - the prey for resident killer whales, but for harbor seals and sea lions - the prey for transient killer whales. Killer Whales of Southern Alaska at 24.

Researchers know little of the winter habits of killer whales but believe that the bays and 'passages of southwestern Prince William Sound are important feeding and socializing areas for killer whales, both historically and at present. ' Killer Whales of Southern Alaska at 24.

The Forest Service must specifically address the impacts of its planning on the killer whale populations in Prince William Sound and ensure adequate protection to minimize adverse impacts to the transient and resident whales.

Stellar Sea Lions

The DEIS also notes briefly the importance of some tidelands and nearshore areas to endangered Stellar sea lions, but nowhere does it address the impacts of forest planning on Stellar sea lions. DEIS 3-190. The Forest Service also briefly notes the existence in the Forest of Stellar sea lions and humpback whales, species listed under the Endangered Species Act, and notes that a Biological Assessment will be prepared to assess the effects of the Forest Plan revision on these species. DEIS at 3-201. The documents, however, do not specify when the biological assessment will occur. Common sense dictates that assessment of the effects of the Forest Plan revision on these listed species should occur prior to the finalization of the Plan. Otherwise the Plan may allow activities that will jeopardize the recovery of these species.

The Forest Plan notes that Stellar sea lions haulouts are sensitive for breeding and pupping from mid-May through June. Revised Forest Plan at 2-10. The Plan, however, fails to include either rookeries or the marine waters as significant habitat for Stellar sea lions. In addition, the Forest Service fails to recognize 'foraging' as a sensitivity of Stellar sea lions. The Biological Opinion issued by the National Marine Fisheries Service on November 30, 2000, required under the Endangered Species Act to authorize groundfish fisheries to occur, contains much information regarding the importance of foraging to Stellar sea lions. See Endangered Species Act - Section 7 Consultation Biological Opinion and Incidental Take Statement Section 4.8.6 (November 30,2000).

The draft Forest Plan contains three standards 4/ for 'Stellar Sea Lions/Other Marine Mammals,' including (1) locating long-term concentrated human activities 3,000 feet landward and seaward from sea lion critical habitat; (2) requiring aircraft overflights to maintain a minimum altitude of 3,000 feet from critical habitat except during takeoffs and landings, with the exception of permitted flight-seeing operations that must maintain a minimum elevation of 1,500 feet when viewing marine mammals outside critical habitat; and (3) regulating human activities on uplands to maintain a 750 foot no-disturbance distance from hauled out sea lions or seals. Revised Forest Plan at 2-10. Notably absent, however, are any standards regarding distance limitations by vessels in the marine waters near critical habitat or the marine mammals themselves. In addition, there are no limitations specifically regarding vessel distances near foraging Stellar sea lions or foraging habitat.

Harbor Seals

The DEIS is utterly devoid of information regarding harbor seals in Prince William Sound. The only specific reference is found in the Revised Forest Plan in Table 2-1 entitled, 'Important wildlife/tideland habitat sensitivity and seasonality.' Revised Forest Plan 2-10.

This table appropriately reflects harbor seal haulouts as important for pupping and molting

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4/ 'Standards are actions that must be followed or are required limits to activities in order to achieve forest goals.' Revised Forest Plan 2-7.

in late May through mid-July, and June through October respectively. Revised Forest Plan 2-10. Also, harbor seals are presumably included under the heading entitled 'Stellar Sea Lions/Other Marine Mammals,' where the Forest Service lists the three standards described above in the Stellar Sea Lion section.

The DEIS should discuss harbor seals in Prince William Sound as well as the planning impacts on the seals and their habitat. These seals have experienced a severe population decline of over forty percent in the last twenty years and are continuing to decline. Harbor seals are probably the most wary seal species, taking shelter in the water at the slightest provocation. Disturbances caused by human activities generally have widespread effects, frequently frightening animals into the water. Being distributed primarily along shorelines and on nearshore islands, and having a strong sight fidelity, they are especially at risk from any coastal development activities. Two particularly critical periods are during the annual molt when seals haul out in large numbers to shed their hair, and the breeding season, especially the two to four week lactation period. During the molt, seals spend more time out of the water than any other time of the year, apparently to enhance palage growth by warming the skin. They also have decreased metabolic rates, and hence food requirements during this time, to allow them to spend less time in the water feeding. In the case of lactation, if seals are spooked off the rookery too often during lactation, pups may experience reduced growth rates due to decreased nursing time and increased thermal stress caused by heat loss in water, or may even be abandoned by mothers who chose to move to a less disruptive site. During the molt, thermal stress could also be a factor if animals with reduced metabolic rates are forced to spend too much time in the cold water.

As discussed above regarding Stellar sea lions, there are no standards for harbor seals regarding distance limitations by vessels in the marine waters near important habitat or the seals themselves. Restrictions must be placed on vessels to minimize disturbance to harbor seals, especially in times of molting and pupping. In addition, there are no limitations specifically regarding vessel distances near foraging harbor seals or foraging habitat.

Seabirds and Shorebirds

The draft Forest Plan contains guidelines for Seabird Rookeries Habitat Management and Waterfowl and Shorebird Habitats Management. Revised Forest Plan 2-11. While the guidelines recommend restrictions on aircraft overflights and human disturbance on uplands and the ground, they fail to discuss distance restrictions on vessels in the marine waters that can disturb the birds. Revised Forest Plan 2-11.

Marbled Murrelets

The DEIS briefly discusses the marine threats to marbled murrelets such as the gillnet mortality, oil spills, and cyclic changes in marine food productivity, but fails to discuss the impact of planning on the marine environment of the marbled murrelet. DEIS 3-197,3-207. The 'Environmental Consequences ' section of the DEIS regarding marbled murrelets discusses only timber harvest, and the conservation option presented is to 'Maintain productive old growth in heads of bays, emphasizing those near aquatic or terrestrial concentration areas. DEIS 3-223-224,207. The DEIS should also discuss the activities that can impact the marine habitat, and the marbled murrelets when in marine waters, such as impacts associated with vessel traffic and disturbance. Moreover, the Forest Service should add a conservation option regarding preservation of marine waters as marbled murrelet habitat.

Black Oystercatcher

The black oystercatcher is a species that is still recovering from the Exxon Valdez Oil Spill,

and depends on undisturbed tidelands during its nesting season. DEIS 3-191,210. The DEIS acknowledges that '[c]ontinual disturbance from human activities is the greatest threat to breeding black oystercatchers. Disturbance often prevents pairs from nesting or causes them to abandon their nests.' DEIS 3-191. The DEIS includes seasonal no-use restrictions and buffer zones around high concentration of nesting oystercatchers to mitigate potential effects from dispersed recreation activities within Prince William Sound. DEIS 3-210. Such management measures may not go far enough because the Forest Service cannot effectively consider impacts to the oystercatchers without including tideland and submerged lands access issues in the Revised Forest Plan.

River Otters

The Forest Service has not adequately considered impacts to river otters, even though it acknowledges that projected increases in recreational users threaten them. DEIS 3-225. The DEIS states that river otters feed on fish and marine invertebrates, but fail to provide for protection of marine habitat where the prey species live.

The Forest Service cannot adequately consider the impacts, cumulative, direct or indirect, from the Forest Plan on most species of wildlife in the Forest until the Forest Plan includes planning for and access control on the tidelands and submerged lands of the forest.

Shortfalls in Monitoring and Evaluation

The monitoring and evaluation plans outlined in the Revised Forest Plan do not address management of and impacts to the marine environment, including the waters, tidelands and submerged lands of the forest. The Forest Service has not met the requirements of 36 CFR 219 because it has not included even minimal consideration of the effects of this revised plan to these important resources of the Chugach National Forest.

Beluga Whales

The DEIS and Revised Forest Plan fail to address beluga whales despite the fact that beluga habitat in Turnagain Arm and specifically Chickaloon Flats falls within the Chugach National Forest. The National Marine Fisheries Service (NMFS) has declared the Cook Inlet beluga stock as 'depleted' under the Marine Mammal Protection Act because its population has dramatically declined. There is currently a lawsuit filed in federal court challenging the NMFS failure to list the belugas as endangered under the Endangered Species Act. The fact that these whales have experienced precipitous population declines and that their habitat exists within the planning area warrants the Forest Service to consider the impacts of planning on Cook Inlet beluga whales. As mentioned previously, in its planning the Forest Service must discuss the marine environment, including the tidelands and submerged lands of Turnagain Arm within the Forest.

It is interesting to note that it appears the State Department of Natural Resources Division of Oil and Gas, as part of its Cook Inlet Areawide leasing scheme, annually offers tracts within the Chugach National Forest near Chickaloon Flats for oil and gas leasing.

Recommend the Copper River Delta as Wilderness

CMC urges the Forest Service to protect the entire Copper River Delta as wilderness. Congress recognized the exceptional environmental value of the Delta in the Alaska National Interest Lands Conservation Act, directing the Forest Service to manage the region primarily for 'the conservation offish and wildlife and their habitat.' The Delta is one of only two areas in the U.S. Forest system subject to this statutory directive. This wild, pristine, and scenic area is one of the nation's premier wetland ecosystems. It is the largest intact wetlands complex on the Pacific coast of North America, providing some of the most important shorebird habitat in the western hemisphere. The Delta has been declared a Western Hemisphere Shorebird Reserve Network Site, an emphasis area in the North American Waterfowl Management Plan, and a State Critical Habitat Area. It also sees the world's largest concentrations of sea otters, beaver, and nesting trumpeter swans, is home to the entire population of dusky Canada geese, and to a host of marine mammals, as well as brown bear, moose, and mountain goats. Copper River sockeye, Chinook, and coho are

world-renowned.

As now written, the preferred alternative recommends non-wilderness management prescriptions for every part of the Delta in which someone has expressed an interest in motorized recreation or development. The following activities threaten this biologically unique and significant area: oil and gas activities, coal mining, logging and related road building, and tourism. The Forest Service must exercise leadership and vision and consider the national significance of the Copper River Delta and the inevitable threats to the resources of this area worthy of the highest protection afforded by a wilderness recommendation.

Evaluate Prince William Sound Marine Protected Area

On May 26,2000, President Clinton signed E.0.13158, directing federal agencies to enhance protection of existing marine protected areas (MPAs), to establish new MPAs where appropriate, and to develop a comprehensive national system of MPAs. 65 Fed. Reg. 34909. The E.O. Defines an MPA as 'any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.' Id.

In accordance with this E.O., the Forest Service should review the marine waters of Prince William Sound for establishment of an MPA. The Wilderness Study Area in the western Sound is an obvious candidate for inclusion as an MPA. The DEIS should consider this possibility and analyze any significant effects from an MPA designation.

Natural Quiet

CMC is heartened by the Forest Serviced recognition of natural quiet as a valuable resource in its planning and the proposal of several additional quiet areas and a few quiet campgrounds on the Kenai Peninsula. We applaud the creation of the new developed Recreation/Reduced Noise Management Area', (Revised Forest Plan 3-85), recognizing that users of developed campsites and recreation areas still enjoy, appreciate, and deserve the chance to hear the natural sounds of the Forest rather than mechanized and motorized noise. To achieve a better balance between quiet and motorized recreation, and allow both Forest users to sample and enjoy natural quiet and fish and wildlife to exist unimpacted by significant noise, we recommend that the Forest Service provide additional areas for natural quiet.

While the snowmachine -- quiet recreation conflict has received the most attention, it is not the only problem. The preferred alternative inappropriately allows helicopters to fly in a vast majority of the Kenai Peninsula. Helicopters are extremely disruptive, flying at low elevations, covering large areas in a short amount of time, and being heard from a great distance away. As industrial tourism increases in the Forest area, there will be increased pressure to increase helicopter usage. The creation of a prescription that allows helicopter access in the management plan creates the expectation on the part of helicopter operators that helicopter use will be accommodated. The Forest Service should revise the Revised Forest Plan to strictly limit helicopter use in the planning area.

In addition, the DEIS and Revised Forest Plan fail to discuss and address impacts from personal watercraft (PWC) use on the fish and wildlife, users, and natural quiet values of the Forest, including Prince William Sound. PWC use adversely impacts the marine environment by creating noise pollution, disruption and displacement of wildlife, and polluting the marine environment.

The way that PWC are used creates excessive noise of a variable nature that is loud and has a high pitch over a long duration. In one study, PWC idle noise levels ranged from 74 to 80 decibels, while at full throttle, the same machines ranged from 101 to 102 decibels. J. Cacciutti, Quiet Riot, Boating World (June, 1998), 81-83. PWC frequently exit the water. When a PWC leaves the water, the water no longer has any muffling effect and the engine noise increases by approximately 15 decibels. The resultant noise carries at a level equivalent to the original loudness for a distance eight times the original distance. C. Komanoff, and H. Shaw, Drowning in Noise, Noise Costs of Jet Skis in America, Noise Pollution Clearinghouse,

Montpelier, VT, 2000. This noise is exacerbated when the PWC loudly slaps back against the water surface.

The high pitch sound produced by PWC engines running primarily at full throttle adds to the noise. In addition, PWC often operate at high speeds in a limited area for extended periods of time. PWC often operate in groups, which is encouraged by the industry for safety reasons, compounding the noise impacts.

There is increasing scientific evidence that PWC use impacts wildlife. The Woods Hole Oceanographic Institute conducted a controlled study of PWC in the San Juan Islands, Washington, concluding that PWC, which lack a low-frequency long distance sound, do not signal surfacing birds or mammals (including humans) of approaching danger until they are almost on top of them. The high frequency sounds PWC produce in both air and water also startle birds and other wildlife. One study found that PWC impacted the flights of terns over a colony. J. Berger, 'Effects of motorboats and personal watercraft on/light behavior over a colony of Common Terns, Condor, 100, 528-534,1998. Research also shows the negative effect of frequent disturbances that result in upflights from bird colonies on reproductive success. C.R. Brown, and M.B. Brown, Coloniality in the Cliff Swallow, Chicago University Press, Chicago, 1996. In addition, PWC increase turbidity, foul water with their discharge, and negatively impact benthic invertebrates. S. Snow, A. Review of Personal Watercraft and Their Potential Impact on the Natural Resources of Everglades National Park, Technical Paper, 1989. Tom Wilmers, a U.S. Fish and Wildlife Biologist at Key Deer National Wildlife Refuge, reported that he saw a jet ski repeatedly flush an Osprey from its nest site eleven times in less than one hour. Moreover, there are numerous anecdotal reports of impacts to marine mammals, birds, fish from PWC.

PWC pollute more than other conventional two-stroke motors because of the way they are frequently operated with high motor intensity, frequent throttle changes, long periods of use and multiple machines in limited areas. Two-stroke engines run on an oil and gasoline mixture, and discharge ten to fifty percent of this mixture unburned into the water. Tahoe Research Group, The Use of 2-Cycle Engine Watercraft on Lake Tahoe: Water Quality and Limnological Considerations, University of California, Davis, 1997. PWC are capable of traveling in shallow and remote areas, where water and other wildlife are most prevalent and most sensitive to environmental pollution. Discharged hydrocarbons float on the surface and settle within the shallow marine ecosystems, areas where many organisms at the base of the food chain reside such as fish eggs, algae, shellfish, and zooplankton. Hydrocarbon pollution can then bioaccumulate within the food web, threatening the health of the marine environment.

PWC use occurs within Prince William Sound and is reasonably expected to increase with the accessibility to the Sound afforded by the Whittier road. The Forest Service must discuss in its planning PWC use in the Sound and its impacts on the fish and wildlife, habitat, noise effects in the marine waters and uplands, and impacts to natural quiet.

Conclusion

We urge the Forest Service to recommend more areas under the wilderness prescription in Prince William Sound and the Copper River Delta as discussed above. In addition, we urge you to include an EIS and Land and Resource Management Plan that address all of the Chugach National Forest, including the waters of Prince William Sound. The DEIS and the Revised Forest Plan must consider the tidelands and submerged marine lands of Prince William Sound to be legally adequate. Finally, we urge you to discuss species pointed out above that occur in the Forest area, including Prince William Sound, addressing the planning impacts to the species and their habitats.

CMC thanks the Forest Service for the opportunity to comment on the DEIS and the Revised Forest Plan.

Sincerely,

Kris Balliet
Alaska Region Director

Comment #	Comment
0036574-012	Failure to Address the Marine Waters of Prince William Sound The DEIS and Revised Forest Plan fail to consider important information regarding the marine waters of Prince William Sound that will impact the Forest in the future. The DEIS Environment and Effects section discusses Water/Riparian/Wetlands, specifically addressing watersheds, surface water, and groundwater, but wholly neglecting to discuss the marine environment -- the marine waters, tidelands and marine submerged lands. DEIS 3-3-22--39. The Forest Service should include discussion of the marine environment, specifically discussing its value as habitat for fish and wildlife, the resident and migrating species, the human use and access of the area, as well as impacts of such use and access on the Forest resources. For example, the DEIS contains a sections entitled 'Effects on wildlife from access management' and 'Effects on wildlife from transportation/utility corridors' that briefly discusses the effects of roads, trails, and corridors on wildlife. DEIS 3-238. However, the DEIS and Revised Forest Plan do not consider the impact of commercial and recreationalvessels on the marine areas of the Forest or the fish and wildlife. The waters of Prince William Sound, including the tidelands and submerged lands, clearly provide significant access for commercial and recreational Forest users. These users affect the fish and wildlife habitat, water quality, air quality, visitor experience, as well as contribute to the cumulative impacts on the Forest and to many other significant issues. _____ 3/ These decisions include: Forestwide multiple-use goals and objectives, including a description of the desired future condition of the National Forest; Forestwide standards and guidelines; Management areas and management prescriptions; Identifying lands available for oil and gas leasing; monitoring and evaluation requirements for implementation of the Revised Forest Plan; Wilderness recommendations to Congress, and; Recommending rivers eligible for Wild and Scenic river designation. DEIS 1-10, 1-11.

Comment #	Comment
0036574-022	Marbled Murrelets The DEIS briefly discusses the marine threats to marbled murrelets such as the gillnet mortality, oil spills, and cyclic changes in marine food productivity, but fails to discuss the impact of planning on the marine environment of the marbled murrelet. DEIS 3-197,3-207. The 'Environmental Consequences ' section of the DEIS regarding marbled murrelets discusses only timber harvest, and the conservation option presented is to 'Maintain productive old growth in heads of bays, emphasizing those near aquatic or terrestrial concentration areas. DEIS 3-223-224,207. The DEIS should also discuss the activities that can impact the marine habitat, and the marbled murrelets when in marine waters, such as impacts associated with vessel traffic and disturbance. Moreover, the Forest Service should add a conservation option regarding preservation of marine waters as marbled murrelet habitat. Black Oystercatcher The black oystercatcher is a species that is still recovering from the Exxon Valdez Oil Spill, and depends on undisturbed tidelands during its nesting season. DEIS 3-191,210. The DEIS acknowledges that '[c]ontinual disturbance from human activities is the greatest threat to breeding black oystercatchers. Disturbance often prevents pairs from nesting or causes them to abandon their nests.' DEIS 3-191. The DEIS includes seasonal no-use restrictions and buffer zones around high concentration of nesting oystercatchers to mitigate potential effects from dispersed recreation activities within Prince William Sound. DEIS 3-210. Such management measures may not go far enough because the Forest Service cannot effectively consider impacts to the oystercatchers without including tideland and submerged lands access issues in the Revised Forest Plan. River Otters The Forest Service has not adequately considered impacts to river otters, even though it acknowledges that projected increases in recreational users threaten them. DEIS 3-225. The DEIS states that river otters feed on fish and marine invertebrates, but fail to provide for protection of marine habitat where the prey species live. The Forest Service cannot adequately consider the impacts, cumulative, direct or indirect, from the Forest Plan on most species of wildlife in the Forest until the Forest Plan includes planning for and access control on the tidelands and submerged lands of the forest. Shortfalls in Monitoring and Evaluation The monitoring and evaluation plans outlined in the Revised Forest Plan do not address management of and impacts to the marine environment, including the waters, tidelands and submerged lands of the forest. The Forest Service has not met the requirements of 36 CFR 219 because it has not included even minimal consideration of the effects of this revised plan to these important resources of the Chugach National Forest. Beluga Whales The DEIS and Revised Forest Plan fail to address beluga whales despite the fact that beluga habitat in Turnagain Arm and specifically Chickaloon Flats falls within the Chugach National Forest. The National Marine Fisheries Service (NMFS) has declared the Cook Inlet beluga stock as 'depleted' under the Marine Mammal Protection Act because its population has dramatically declined. There is currently a lawsuit filed in federal court challenging the NMFS failure to list the belugas as endangered under the Endangered Species Act. The fact that these whales have experienced precipitous population declines and that their habitat exists within the planning area warrants the Forest Service to consider the impacts of planning on Cook Inlet beluga whales. As mentioned previously, in its planning the Forest Service must discuss the marine environment, including the tidelands and submerged lands of Turnagain Arm within the Forest. It is interesting to note that it appears the State Department of Natural Resources Division

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