

SAR - Geo - PWS Only

<i>Comment #</i>	<i>Comment</i>
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0022727-003

0022883-001

0026810-004

Oil Spills: There is no mention anywhere in the plan of oil spill response. A tanker break-up in Hinchinbrook Entrance could easily lead to oil on the delta, and in that event the Forest Service will need to be ready for response strategies, and at a minimum have a plan for coordinating with clean up agencies (e.g., Coast Guard, oil companies). We recommend that the Chugach Plan address this issue and develop a clear strategy for dealing with oil spills, particularly on the Copper River Delta.

0028289-008

Concerns with the Preferred Alternative

-- The Forest Plan should address the management of the submerged and tide lands of Prince William Sound. The DEIS fails to address marine-based resources, activities and impacts in Prince William Sound. This oversight results in inadequate protection for the resources, no regulation for the activities, and no consideration of the impacts

0028289-012

Standards and Guidelines

A. Soils: Restoring desirable vegetated conditions on lands affected by undesirable human induced activities or natural events is a critical objective but why not also try to prevent these Negative effects? Proactively utilize tools such as Limits of Acceptable Change in an effort to protect the ecosystem.

B. Fish and Wildlife Habitat: While the recommended standard and guidelines are a step in the right direction, I am left wondering how the Forest Service will regulate and/or enforce this direction. How will the Forest Service work with NMFS, NOAA and the EVOS Trustee Council to ensure the protection of these species particularly if the Forest Service does not exert jurisdiction over the waters of PWS?

C. Recreation and Tourism: As stated earlier, I am glad to see at least a general reference to the concept of carrying capacity but I would also encourage the Forest Service to include a reference to the social and ecological importance of the Limits of Acceptable Change methodology. Not only does wilderness, as a resource, need to be established; it needs to be Actively managed. Without effective management tools in place, a designation alone will not provide long term protection of the natural processes.

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0029122-001

Attached is an outline of concerns regarding the lands between Valdez and Cordova that have been prescribed as backcountry prescription (non-motorized emphasis) and backcountry prescription winter motorized allowed. Any input from you regarding these areas, would be greatly appreciated.

0034169-005 Forest Service Ownership and Management Authority

A review of the history of Presidential Proclamations and other reservations establishing the Chugach National Forest indicates that the federal government reserved Prince William Sound as part of the forest long before Alaska became the 49th state. Accordingly, title to the submerged lands of the Sound did not pass to the state as it would have had the Sound not already been reserved. The Sound is part of the Chugach Forest and the forest plan should therefore address

I Trustees for Alaska has presented this analysis in detail in its comments, and NWF adopts Trustees' comments and incorporates them by reference.

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the management of these submerged and tide lands, not just the uplands as the draft plan does.

The forest plan should address, among other issues, the fish and wildlife resources of the Sound; the most biologically important areas in the Sound, and associated appropriate management direction for those areas; impacts from motorized boat (including cruise ships and jet skis), helicopter, and airplane use on fish, wildlife, and wilderness values; the impacts from shoreline development on those values; the significant subsistence, sport, and commercial fishing grounds in the Sound, as well as subsistence and sport hunting areas; and the feasibility of nonmotorized marine areas. In short, the Forest Service needs to manage the marine environment of Prince William Sound as it does the terrestrial environment.

Aside from the issue of its ownership, the Forest Service must regulate activities on the waters of Prince William Sound to protect designated uplands. The Forest Service's authority to regulate activities on non-federal lands to protect the values for which the federal lands were designated is well-established. *Kleppe v. New Mexico*, 426 U.S. 529, 146 (1976); *Minnesota v. Block*, 660 F.2d 1240 (8th Cir. 1981). It is untenable to suggest that water-based activities such as cruise ships or jet skis will not impact the wilderness values of the adjacent uplands.

Congress has stated that the goals of the national forests generally include recreation, range, timber, watershed, wildlife and fish, and wilderness management. See 16 U.S.C. § 1604(e)(1). Regulating uses and activities on the waters of Prince William Sound is reasonably necessary to protect recreation, fish and wildlife, and wilderness values of the uplands. See *U.S. v. Lindsev*, 595 F.2d 5 (9th Cir. 1979) (upholding Forest Service regulations limiting the number of campers on a state-owned riverbed in the national forest, because the campers could impact the forest). Otherwise, entirely unregulated motorized use of the waters will create the same imbalance in recreation management that the Forest Service is attempting to remedy on the forest lands by creating motorized and nonmotorized areas. The Forest Service needs to facilitate a public dialogue on this issue, and the forest plan must ensure a balance of recreation opportunities and ensure the protection of fish, wildlife, and wilderness values on the uplands adjacent to the waters of Prince William Sound.

0029470-001

Comment # Comment

0035386-003

0036240-002

0036574-003

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.

0036574-006

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

0036574-010

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.