



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

DIVISION OF WILDLIFE CONSERVATION
ANILCA Program

333 Raspberry Road
Anchorage, Alaska 99518-1565

February 25, 2016

Terri Marceron, Forest Supervisor
Chugach National Forest
161 East 1st St, Door 8
Anchorage, Alaska 99501

Dear Ms. Marceron:

The Alaska Department of Fish and Game (ADF&G) reviewed the Chugach National Forest Proposed Revised Land Management Plan (RLMP) and offers the following comments. We look forward to ongoing participation as the planning process progresses, and we support the U.S. Forest Service's (Service) efforts to date to engage the public.

Application of 2012 Planning Rule: Reference to other guidance

We recognize that the 2012 Planning Rule states that plans should not repeat laws, regulations, or policies that are covered in the Forest Service Directive System. Nevertheless, by omitting references to key management authorities and direction specific to Alaska and to the Chugach National Forest, the RLMP does not provide a complete view of the management possibilities and constraints. We are concerned that in the absence of references to other management guidance, including the role of ADF&G and the provisions of the Alaska National Interest Lands Conservation Act (ANILCA), the public will lack background information necessary to understand the RLMP, its upcoming alternatives, and its implementation. We request the RLMP refer to other sources of law, regulation, and directives as described at FSH 1909.12 Chapter 20 22.1(2)(f) as appropriate (see page-specific comments).

Management of Wildlife and Fisheries

We request the RLMP appropriately acknowledge ADF&G's management responsibilities and authorities, including deference to the state's regulatory process when decisions may affect management of hunting, fishing, trapping, and wildlife viewing opportunities. While fish and wildlife management are outside the scope of this RLMP, if any significant effects on activities associated with the use or scientific research of fish and wildlife are considered, we urge the Service to continue to work cooperatively with ADF&G and fully utilize the Boards of Fisheries or Game processes, as appropriate, to seek cooperative resolutions.

Considering many of the RLMP's goals, desired conditions, and objectives do relate to resident fish and wildlife, for which ADF&G has primary management responsibility regardless of land ownership, a

statement to that effect should be included in the document. Clarification of this role and a commitment to cooperate in related matters is addressed in the Master Memorandum of Understanding (MMOU) between the U.S. Forest Service Alaska Region and ADF&G, which we request be included as an appendix. We also request the RLMP accurately describe the Service's habitat management role as a land manager, and ADF&G's role as the manager of fish and wildlife populations, with those limited exceptions where Congress has expressly provided that responsibility to the federal government.

ANILCA Access and Uses

The Alaska National Interest Lands Conservation Act (ANILCA) provides for public and administrative access and uses to continue on both general Forest Service land as well as special areas such as the Nellie Juan-College Fiord Wilderness Study Area (WSA). 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 in Alaska. We request that the Service confirm a continuation of ANILCA direction under these two systems to insure uniform management. The RLMP correctly notes that the WSA is not a Conservation System Unit (CSU) under ANILCA; however, the RLMP should also clarify that ANILCA includes many public use and access provisions which apply specifically to the WSA and are important for fish and wildlife related recreation, including wildlife viewing, hunting, and fishing. Further, to ensure the WSA is not managed more restrictively than designated Wilderness, we request the plan also recognize that ANILCA provisions that apply to congressionally designated Wilderness in Alaska also apply to the WSA.

In particular, we request the RLMP reference ANILCA Titles V, VIII, XI, and XIII, which provide direction related to access and use (public and administrative), management authorities, and subsistence use. We also request the RLMP reference the guidance from the 2005 "What Can I Do In Wilderness?" document, which clarifies many of the public's questions about allowable activities in the WSA.

Wilderness and Wild and Scenic River Evaluation

We oppose the development of any alternative which would recommend new Wilderness or Wild and Scenic River designations or would manage recommended Wilderness or Wild and Scenic Rivers more stringently than areas or rivers previously designated by Congress. Doing so is contrary to the intent of ANILCA Section 1326(b).

As previously noted, ANILCA amended the Wild and Scenic Rivers Act and there are currently no designated rivers on the Chugach National Forest, and pursuant to ANILCA Section 1326(b)¹, Congress has since provided no further direction to the Forest Service to conduct additional Wild and Scenic River studies in Alaska. Further, we are concerned that despite explicit direction in ANILCA Section 1326(b) to not conduct any new studies, the Service continues to manage the 10 rivers recommended in the 2002 Revised Forest Plan consistent with National Wild and Scenic River System (NWSRS) designation classes. The Wild and Scenic Rivers Act only authorizes protective measures when Congress directs the Service to conduct a study, which is not the case here. Therefore, we request the plan clarify that wild and scenic river management prescriptions only apply if Congress designates the river.

¹ ANILCA Section 1326(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**. (Emphasis added)

The RLMP indicates NWSRS management will continue until Congress takes action; however, the RLMP does not disclose any details on how or when the recommendations were submitted to Congress and what occurred subsequent to the submission. We do not support NWSRS management for recommended rivers that resulted from a study conducted in violation of ANILCA, nor do we support applying management prescriptions on that basis indefinitely. Further, we request the RLMP include specific information about the recommendations' submittal to Congress and any subsequent actions taken by Congress in response.

Page Specific Comments

Unique Physical and Biological Characteristics, page 10, 6th paragraph. We request the following edit:

Except for the dusky ~~the~~ Canada goose

Social and Cultural Systems, page 14, 5th paragraph. When describing human use pressures challenging the administration of the WSA, we request the RLMP differentiate between activities which occur outside of the wilderness study area (and jurisdiction of the Forest Service) and those that occur within. For example, some recreational kayaking and sightseeing tours may take place entirely on marine waters outside of the National Forest.

Desired Conditions for Goal 1: Provide Ecological Sustainability, Species diversity, page 19. The desired conditions refer to "species" in general. Similar language is used for the Ecological Sustainability objectives on page 26. We assume that these desired conditions and objectives refer to *plant* species, rather than fish and wildlife species for which ADF&G is the primary manager, but we recommend clarification.

Subsistence activities, FW-G2-DC-18, page 24. We request the following edits for consistency with ANILCA Title VIII, which refers to the subsistence priority in general, and to customary and traditional uses.

Consistent with ANILCA, ~~Federal~~-subsistence use remains a priority for the harvest of wild renewable resources across the national forest, including the utilization of customary and traditional wildlife and fish species for eligible rural residents.

The national forest remains integral to providing the opportunity and resources necessary to pursue ~~Federal~~-subsistence uses, as well as state sport and personal use activities under federal and state regulation.

Table 4 Applicable managerial Recreation Opportunity Spectrum class characteristics, page 35. ANILCA Section 1110(a) allows access by snowmachines, motorboats, fixed-wing airplanes, and non-motorized surface transportation methods for traditional activities, which includes recreation activities, in the WSA. According to the 2005 "What Can I Do In Wilderness?" document, the Forest Service does not require proof of pre-existing use in order to use a snowmachine, motorboat, or airplane in the WSA. The ROS map depicts most of the WSA as being in the "Primitive" or "Semi-primitive non-motorized" ROS classes, neither of which list snowmachines as a type of surface access. We request either the ROS maps be revised, or snowmachines be added as an allowed method of surface access.

Table 6 General suitability determinations for management areas, page 42. Several of the activities listed as “unsuitable” for the WSA or the recommended Wild and Scenic Rivers are allowed by ANILCA in the WSA, designated wilderness, designated Wild and Scenic Rivers, and/or general national forest land. Additionally some of the uses or activities can strike an appropriate balance between conservation of resources in the management area and providing for public use (e.g., hardened campsites, outfitter/guide assigned sites, day use facilities). For consistency of management we request the following be listed as generally “suitable” in the MA 1 Wilderness Study Area and the MA2 Wild, Scenic, and Recreational Rivers: wildlife habitat projects, day use facilities, electronic sites permitted under ANILCA Section 1310 (particularly for fisheries research), campgrounds, and outfitter/guide assigned sites permitted under ANILCA Section 1316.

Management Areas, MA 1 Wilderness Study Area, Standards and guidelines, Administrative activities and facilities, page 44. We request the following edit to recognize guidance at FSM 2326.1, the 2005 “What Can I Do In Wilderness?” document, and better align the proposed guidance with Section 1314 of ANILCA.

***Guideline MA 1-GL-01:** To help maintain wilderness character, the Minimum Requirement Decision Guide (MRDG) or similar minimum-tool analysis should be used when considering special use or administrative activity proposals within the WSA that propose motorized methods not provided for by ANILCA.*

Management Areas, MA 1 Wilderness Study Area, Standards and guidelines, Special uses (non-recreation), page 44. This standard may conflict with ANILCA Section 1316 which allows temporary facilities directly and necessarily related to the taking of fish and wildlife, including commercial fishing (see 2005 “What Can I Do In Wilderness?” document). We request the following edit.

***Standard MA 1-GL-02:** Shore ties, shore caches, waterlines, or other onshore facilities associated with floating residential and commercial facilities (except temporary facilities necessary for the taking of fish or wildlife) shall not be authorized or permitted.*

MA 2 Wild, Scenic, and Recreational Rivers, Management intent, Standards and guidelines, page 47. We recommend deletion of the standards that misapply the Wilderness Act to wild sections of rivers. The Wild and Scenic Rivers Act directs management of designated Wild and Scenic Rivers.

*~~**Standard MA 2-ST-03:** For designated or recommended Wild River areas, applications for competitive group events shall not be approved.~~*

*~~**Standard MA 2-ST-05:** For designated or recommended Wild River areas, construction of new Forest Service cabins shall not be authorized unless necessary to ensure public health and safety.~~*

Part 4—Plan Monitoring Program, Table 9, 6th row. We request the following change to reflect the Service’s role as manager of habitat:


Status of a select set of the ecological conditions required by § 219.9 to contribute to the recovery of federally listed threatened and endangered species, conserve proposed and candidate species, and to maintain a habitats to support viable populations of each species of conservation concern.

Terri Marceron

February 19, 2016

Thank you for the opportunity to comment. Please contact me at (907) 267-2145 if you have any questions.

Sincerely,

Brad Palach 
Natural Resource Manager III