



October 18, 2019

Objection Reviewing Officer
USDA Forest Service, Alaska Region
709 W. 9th Street
Juneau, AK 99801

Submitted electronically via cara.ecosystem-management.org

Re: Objection to Chugach Forest Plan Revision #40816

To whom it may concern,

Objector Winter Wildlands Alliance (WWA) files this objection to the Chugach Forest Plan Revision Draft Record of Decision (draft ROD), Final Land Management Plan (Plan), and Final Environmental Impact Statement (FEIS), noticed August 30, 2019. Jeff Schramm, Chugach National Forest Supervisor, Responsible Official.

WWA filed timely comments on the Notice of Intent and Draft Environmental Impact Statement (Draft EIS) for this Forest Plan revision on February 18, 2016 and October 23, 2018 respectively (note that we submitted 2 separate scoping comment letters on February 18, 2016, one related to sustainable recreation management and one related to the Wilderness Study Area). We also submitted comments on the Assessment in June 2013 and the Preliminary Need to Change on November 24, 2015. Therefore, we have standing to object under 36 CFR 219.54.

We offer the following objections and resolutions to improve forest wide management and the final forest plan.

I. THE PLAN DOES NOT CONTAIN SUFFICIENT GUIDANCE TO ACHIEVE DESIRED CONDITIONS.

Throughout our engagement in the forest plan revision we have repeatedly called upon the Chugach to include a full complement of plan components for each section of the plan. This must include a combination of standards, guidelines, and measurable objectives that will help guide the Chugach towards achieving its desired future conditions. These plan components should also link to monitoring questions and adaptive management approaches. We provided many example plan components in both our scoping and DEIS comments.

Unfortunately, the Plan lacks much in the way of plan components. The Plan includes many admirable desired conditions and goals, and many management approaches, but it lacks detail. This is not to say that there are *no* objectives or standards in the Plan, but many parts of the plan contain nothing more than an aspirational desired condition or set of desired conditions. For example, there are no objectives, standards, or guidelines associated with the Kenai Mountain-Turnagain Arm National Heritage Area, Key Coastal Wetlands, or Scenic Byways Special Areas designations. It leaves us wondering what the point is of designating these, and other special areas, if the Plan provides no guidance for how they are to be



managed. Likewise, there are no objectives and only one standard associated with recreation management on the forest, despite a long list of desired conditions.

The Plan is supposed to guide forest management for the next 15-20 years, but without including roadmap for success, in the form of standards, objectives, guidelines, and monitoring, we do not see how this Plan will aid future forest managers in their duties.

Using recreation as an example, it is not clear how the Chugach will achieve its desired conditions - or how the public will hold the Forest Service to its plan - without any objectives. Table 21 in Appendix A is titled "Visitor Use, Visitor Satisfaction, and Progress toward Meeting Recreation Objectives". However, because the Plan does not include any recreation objectives, the monitoring questions the selected plan components monitoring is supposed to address tier back to desired conditions. Because desired conditions are not firm, the recreation monitoring question is also vague: "Are recreation opportunities and infrastructure achieving desired conditions and are they sustainable?" While it is fine to leave this question in the plan, there should also be specific recreation objectives that the Forest can tie its monitoring program to.

Remedy

- Ensure that there is at least one standard, guideline, or objective associated with each desired condition articulated in the Plan.

II. THE PLAN FAILS TO FULLY, AND ACCURATELY, UTILIZE THE RECREATION OPPORTUNITY SPECTRUM

We have discussed the Recreation Opportunity Spectrum (ROS), and requested that the Chugach include a winter-specific ROS since our earliest engagement in this planning process. Most recently, we discussed this issue on pages 3-5 of our scoping comments and pages 9-12 of our DEIS comments.

The Forest Service is required to use the ROS to integrate recreation with other resource values to derive sustainable recreation outcomes, and the ROS is the best tool the Forest Service has for forest-scale planning.¹ The Planning Rule requires that a plan "must include plan components, including standards or guidelines, for integrated resource management to provide for ecosystem services and multiple uses."² Likewise, the 2012 Planning Rule states that plans "must include plan components, including standards or guidelines, to provide for sustainable recreation," including "[s]pecific standards or guidelines where restrictions are needed to ensure the achievement or movement toward the desired [ROS] classes."³

¹ FSH 1909.12

² 36 C.F.R. § 219.10(a)

³ FSH 1909.12, ch. 20, § 23.23a(2)(g)



Currently, the Plan lacks components related to the ROS settings and descriptions of ROS settings that will aid in integrating aspects of the Plan and help future managers and the public, to understand the intent of each setting. We do appreciate that the Plan includes Table 2 (Desired level of social encounters by recreation opportunity spectrum classes) and Table 8 (Recreation opportunity spectrum setting indicators) but these metrics do not fully capture what the ROS should convey. The Glossary definitions included on page 166 of the Plan provide some direction, but at the very least these definitions should be incorporated as Desired Conditions in the Recreation and Recreation Special Uses section of the Plan. Unfortunately, the Plan as currently written fails to adequately build out and incorporate the ROS. Furthermore, confusion over the ROS generated thousands of public comments inaccurately confounding Wilderness protections in the Nellie Juan-College Fiord Wilderness Study Area with loss of snowmachine opportunities on the Kenai.

The ROS has proven to be a difficult concept for the Forest Service to communicate, and for the public to understand, throughout this planning process. Most notably, there was significant confusion during the DEIS comment period because the Alternative A ROS map, which was explained to represent the current plan, does not align with current over-snow vehicle management. This is because the 2007 Kenai Winter Access Plan does not align with the 2002 Forest Plan ROS. Therefore, many who looked at the DEIS (and likely FEIS) ROS maps believed that Alternatives C and D drastically reduced over-snow vehicle use and access on the Kenai, when in fact these Alternatives maintain the 2007 Kenai Winter Access Plan. We will delve into the consequences of this confusion in a later objection.

Under the 2012 Planning Rule the ROS is intended to reflect desired future conditions. However, the Plan merely adopts the 2002 ROS maps for key parts of the forest, such as the Wilderness Study Area (WSA). These are outdated and inaccurate. Specifically, the 2002/2019 map show many thousands of acres of mountains, ice fields, undeveloped rain forest, and open peatland bogs and meadows that see very low levels of use as semi-primitive non-motorized (SPNM) instead of the more appropriate primitive class. This decision does not show any serious attempt at analyzing current conditions. These are lands highly valued for solitude, primitive recreation, research, education, and enjoyment of an undeveloped landscape. Not only is a “desired future condition” of SPNM for these lands contradictory to what the public desires, it clearly undermines maintenance of ‘presently existing character’ within the WSA – in conflict with management language in the Plan.

A ROS setting of SPNM across much of the WSA allows inappropriate and unnecessary increases in the amount of commercial use authorizations (allocation of user days) and the levels of permissible development, undermining the ‘presently existing character’ the Plan purports to protect. A more appropriate ROS map, that reflects WSA’s ‘existing character’ is what is depicted in the unmodified Alternative C. This more judiciously applies the SPNM class to specific coastlines in Harriman Fiord, Blackstone Bay, and a few other popular areas. Contrary to the ROD and FEIS claims, the application of a Primitive ROS setting across much of the WSA will not preclude growth in commercial use or negatively affect recreation opportunities on the forest.



Finally, because the ROS is supposed to reflect desired future conditions and guide plan development, any suitability determinations made in the Plan should align with the ROS. Thus, future management actions and authorized activities should also align with the ROS. This is necessary for the Plan to achieve the desired future conditions as mapped in the ROS. Therefore, it is necessary to modify FW-REC 03 from a Guideline that allows management activities and actions that are not in line with the ROS to a Standard that requires management activities and actions to be in alignment with the ROS. This may require that the Chugach take a second look at its ROS maps to ensure they accurately reflect desired future conditions

We encourage the Chugach to consult with the forests in Region 1 that are undertaking, or recently completed, Forest Plan revision (Flathead, Helena-Lewis and Clark, Custer Gallatin). All of these forests have taken a much more robust approach to utilizing the ROS and set excellent examples for the Chugach to follow.

Remedies

- Add additional Desired Conditions to the Recreation and Recreation Special Uses section of the Plan that describe the desired condition for each ROS setting, for both summer and winter. We provided suggested plan components in our DEIS comments.
- Add plan components to the Plan that describe motorized suitability for each ROS setting, for both summer and winter.
- Modify the ROS maps, especially for the WSA, to accurately reflect desired future conditions that will protect and preserve the existing wilderness character of the area.
- Modify FW-REC 03 to read “Management actions and authorized activities *must align with the recreation opportunity spectrum. If a conflict exists between the ROS and management actions or authorized activities*, management actions and authorized activities *must* include specific measures (such as the timing of activities or removal of roads that were needed for temporary access) to minimize effects to recreational opportunities. [Standard]

III. THE PLAN MISREPRESENTS WHETHER THE CHUGACH IS FULLY IN COMPLIANCE WITH SUBPART C OF THE TRAVEL MANAGEMENT RULE

We appreciate that the Chugach recognizes that forest plan revision is not the place to make travel management decisions. We also support much of the programmatic-level management in the Plan related to winter use, such as GAKP-GL2-REC-DC 01, FW-GL2-INFRA-OBJ 05, FW-GL1-REC-DC 01, FW-INFRA-G 09, and FW-REC-G 04. However, FW-INFRA-G 08 should be amended to read “Regulate winter motorized access by forest order until such time that *winter travel management is completed* and the regulatory over-snow vehicle use map is implemented. The winter motorized use season is December 1 through April 30 and may be extended or shortened by forest order based on snow conditions and coverage.” As currently written, the Plan fails to clarify that winter travel planning is needed across much of the Forest before an Over-Snow Vehicle Use Map (OSVUM) is implemented.



In Volume Two, page 39, of the FEIS (response to Concern Statement 159), the Chugach incorrectly states that:

“The Travel Management Rule and Forest Service policy clearly state that a new environmental analysis is not needed to designate roads, trails, and areas that are already managed for motor vehicle use where the existing use will continue unchanged (Forest Service Handbook 7709.55-10.3). The travel management decisions made during the course of land management plan revision in 2002, which included public involvement as required under the National Environmental Policy Act and the 1982 Planning Rule, and the Kenai Winter Access project in 2007, comprise valid decisions under the Travel Management Rule.”

We are concerned that the Chugach does not fully comprehend what is required by the Travel Management Rule, specifically in regard to over-snow vehicle use designations. We discussed Travel Management on pages 3-6 of our February 18, 2016 scoping comments and on pages 9-12 of our October 23, 2018 comments on the DEIS. Until reviewing the FEIS we were under the impression that the Chugach planned to conduct site-specific winter travel planning following forest plan revision. However, the statement quoted at the beginning of this objection (from the FEIS, Volume two, page 39) leaves us concerned that the Chugach intends to publish an OSVUM without conducting winter travel planning.

Executive Orders 11644 and 11989 require federal land management agencies to plan for off-road vehicle use (including over-snow vehicles) to protect other resources and recreational uses. Specifically, the executive orders require that, when designating areas or trails available for ORV use, the agencies locate them to:

- (1) minimize damage to soil, watershed, vegetation, and other resources of the public lands;
- (2) minimize harassment of wildlife or significant disruption of wildlife habitats; and
- (3) minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands.⁴

The 2005 Travel Management Rule codified these “minimization criteria.” This requirement to “minimize impacts” was carried over when the Rule was revised in 2015 to include over-snow vehicles. Revised Subpart C, or the OSV Rule, requires each national forest unit with adequate snowfall to designate and display on an OSV use map (OSVUM) a system of areas and routes where OSVs are permitted to travel; OSV use outside the designated system is prohibited.⁵ Forests must apply and implement the minimization criteria when designating each area and trail where OSV use is permitted.⁶

Upon public notice, the OSV rule permits the Forest Service to grandfather previous decisions made with public involvement that restrict OSV use to designated areas and routes.⁷ Prior to grandfathering

⁴ Exec. Order No. 11644, § 3(a), 37 Fed. Reg. 2877 (Feb. 8, 1972), *as amended by* Exec. Order No. 11,989, 42 Fed. Reg. 26,959 (May 24, 1977).

⁵ 36 C.F.R. §§ 212.81, 261.14.

⁶ 36 C.F.R. §§ 212.81(d), 212.55(b).

⁷ 36 C.F.R. § 212.81(b).



existing winter travel management decisions by adopting them on an OSVUM, however, the Forest Service must ensure that those decisions were subject to the executive order minimization criteria and other relevant legal requirements.

In the FEIS the Chugach states that “The travel management decisions made during the course of land management plan revision in 2002... and the Kenai Winter Access project in 2007, comprise valid decisions under the Travel Management Rule”⁸ However, we have reviewed these decisions and do not believe that the travel management decisions made during the course of land management plan revision in 2002 comply with the Travel Management Rule. This is not to say that the Chugach needs to start from scratch when it undertakes winter travel planning. The 2007 Kenai Winter Access Plan is a detailed, site-specific travel management plan that explicitly addresses the minimization criteria. It is likely that this plan can be grandfathered under the Travel Management Rule. Outside of the Kenai, however, the travel management decisions made in 2002 do not comply with the Travel Management Rule.

The 2002 plan lacks the detail, minimization, and site-specificity of the Kenai plan. Furthermore, the 2002 Record of Decision ROD states that there is a need to gather information on snowmachine impacts to ungulates and bears⁹ yet it is not clear whether this research has occurred and/or how it is informing current OSV management decisions. Rather than grandfather management direction from 2002, which doesn’t comply with the Travel Management Plan and at the very least needs to be updated to reflect what has been learned through monitoring, the Chugach must undertake site-specific winter travel planning for the areas of the forest not covered by the Kenai Winter Access Plan.

Remedy

- Amend FW-INFRA 08 to read “Regulate winter motorized access by forest order until such time that *winter travel management is completed* and the regulatory over-snow vehicle use map is implemented. The winter motorized use season is December 1 through April 30 and may be extended or shortened by forest order based on snow conditions and coverage.” [Standard]

IV. THE FINAL ROD SHOULD PROVIDE A SPECIFIC TIMEFRAME FOR WHEN WINTER TRAVEL MANAGEMENT PLANNING WILL OCCUR

The Plan contains many admirable and aspirational desired conditions. Without a plan for action, however, these desired conditions will not be achieved. We object to the lack of a timeline by which the Chugach will comply with the Over-Snow Vehicle Rule. On pages 9-11 of our DEIS comments we provided specific plan language – in the form of objectives tied to the Recreation Opportunity Spectrum – as one example of how the Chugach could set a timeline for winter travel planning. The ROS reflects desired conditions, but without a commitment to initiate and complete winter travel planning, there is no way to reach these desired conditions.

⁸ Chugach National Forest Land Management Plan: Final Environmental Impact Statement – Volume, page 39

⁹ 2002 Chugach Forest Plan Record of Decision, page 14



Remedy

- The Forest Service should commit to beginning site-specific winter travel management planning where needed (areas suitable for winter motorized use, outside of the Kenai) within one year of the completion of the Forest Plan revision. This commitment should be clearly articulated in the final ROD and stated as an objective in the Plan.

V. THE PLAN FAILS TO PROVIDE ADEQUATE DIRECTION REGARDING INVENTORIED ROADLESS AREAS

We provided comments regarding inventoried roadless area management on pages 6-7 of our October 23, 2018 comments on the DEIS. While we appreciate that the Plan includes a desired condition that “The undeveloped character of inventoried roadless areas is retained consistent with the 2001 Roadless Area Conservation Rule” and that roadless areas are mapped with ROS settings of Primitive or Semi-Primitive, this is insufficient. The final plan should include more specific direction, in line with how other forests have addressed inventoried roadless areas in their plan revisions.¹⁰ In our DEIS comments we suggested a suite of desired conditions, standards, guidelines, and suitability components for the Chugach to apply to inventoried roadless areas. These are:

- **Desired Condition:** These areas provide large, relatively undisturbed landscapes with high scenic quality that are important for backcountry recreation where visitors feel as if they are in a natural place devoid of roads where they can explore, observe nature, and challenge themselves. Because these lands are minimally disturbed, they provide clean drinking water and function as biological strongholds for populations of at-risk wildlife and plants. They also serve as buffers against the spread of non-native invasive plant species and serve as reference areas for study and research.
- **Desired Condition:** This MA will be managed for primitive, semi-primitive non-motorized, and semi-primitive motorized recreation opportunity settings (ROS). Management activities conducted within this MA should be consistent with the scenic integrity objective of High.
- **Standard:** A road shall not be constructed or reconstructed, unless the responsible official determines that a road is needed according to the circumstances allowed in the Roadless Area Conservation Rule (66 FR 3244).
- **Standard:** Timber shall not be cut, sold, or removed, unless the responsible official determines that activities meet the circumstances provided in the Roadless Area Conservation Rule (66 FR 3244).
- **Guideline:** When developing the proposed action for a NEPA project, consider conducting restorative activities such as road decommissioning and mine reclamation within the project area to move towards desired conditions.
- **Suitability of Lands:** Not suitable for commercial timber activities.
- **Suitability of Lands:** Not suitable for road building.

¹⁰ For example, see Flathead’s 2018 Forest Plan, which includes detailed direction about which uses are suitable in inventoried roadless areas. See also, Custer Gallatin 2019 draft EIS and draft plan and Santa Fe draft EIS and draft plan, which designate inventoried roadless areas as a unique management area with associated plan components.



Protecting roadless areas is paramount for protecting water quality, habitat for culturally and economically significant species such as salmon, outdoor recreation experiences, and the undeveloped character of the Chugach National Forest. While we certainly support the plan referencing the 2001 Roadless Area Conservation Act, it must be more specific in its direction in order to adequately address inventoried roadless areas. Adding additional direction is not repetitive, as this is an approach that is commonly adopted by forests revising their management plans under the 2012 Rule.

Remedy

- Include the above-listed plan components as part of the direction for Inventoried Roadless Areas in the final Plan.

OBJECTIONS SPECIFICALLY CONCERNING THE NELLIE JUAN-COLLEGE FIORD WILDERNESS STUDY AREA

We are disappointed with how the forest plan revision evolved from the 2018 DEIS to the current Plan, particularly in regards to the Nellie Juan-College Fiord Wilderness Study Area (WSA). Not only did the Chugach disregard the majority of our DEIS comments concerning the WSA, the Plan puts forth WSA management and a Wilderness recommendation that go against the public's desire for greater protection of the WSA and significantly dilute protections for this critically important landscape. We offer the following objections and resolutions to improve the Plan and protect wilderness values within the WSA.

VI. THE PLAN SHOULD RECOMMEND ADDITIONAL AREAS WITHIN THE WSA FOR WILDERNESS.

Throughout this planning process we have advocated for an increase in the amount of Recommended Wilderness within the WSA. We raised this issue on page 5 of the scoping comments we submitted in conjunction with Alaska Wilderness League on February 18, 2016 and page 2 of our October 23, 2018 DEIS comments. Many others submitted substantive comments advocating for greater protection, and recommendation, of Wilderness-quality lands in the WSA throughout the plan revision process.

In the FEIS the Chugach reveals that "Most people who commented during scoping would like to see more than the 2002 proposal of 1.4 million acres within the wilderness study area recommended for wilderness area designation."¹¹ There is no indication in the FEIS that the public would like to see the Wilderness recommendation stay at the status quo. Despite the public's expressed desire, the Chugach simply repeated its 2002 Wilderness Recommendation in the final plan. This appears to be a sharp reversal of where the Chugach was leaning during the DEIS, especially as one of the only parts of Alternative C that the Chugach modified between the DEIS and final plan is the Wilderness recommendation.

The FEIS and draft Record of Decision provide little rationale for why Supervisor Schramm has decided to carry forward the existing administrative recommendation that 1,387,510 acres within the Nellie Juan-College Fiord Wilderness Study Area be included in the National Wilderness Preservation System. In the draft ROD Supervisor Schramm writes "There was approximately an equal interest from those

¹¹ Chugach National Forest Land Management Plan: Final Environmental Impact Statement – Volume 1, page iv



who desired more recommended wilderness and those who preferred less recommended wilderness.”¹² NEPA comments are not votes. The Forest Service cannot make decisions based on how many comments they received in support, or opposition, to a particular proposal. Rather, the Agency must analyze the substantive issues raised in public comments and base its decision on this analysis.

In reviewing the documents associated with the plan revision, we were able to discern some rationale for why the Forest Service chose to stick with 2002 Wilderness recommendation, however, this rationale is insufficient and faulty. The FEIS states that the Forest Service did not recommend some areas of the WSA for Wilderness due to these areas either being split estate lands (surface owned by the federal government, subsurface owned by Chugach Alaska Corporation) or areas being adjacent to Chugach Alaska Corporation lands where use of National Forest System lands may be needed to enable Chugach Alaska Corporation to access their private lands for long-term development.

This rationale does not justify simply carrying the 2002 recommendation forward, both because it is essentially the same rationale as was used in 2002 and because it fails to address all of the Wilderness-eligible lands in the WSA. The 2002 Record of Decision provided detailed rationale for why specific parts of the WSA were, or were not, recommended for Wilderness. Not only does the 2019 Plan bury this rationale deep in the FEIS, it appears that the Chugach is relying on the same rationale used in 2002 to support the 2019 recommendation. There are many reasons that this rationale no longer applies.

For example, the Plan’s recommendation does not appear to consider how the marketability of minerals has changed for Prince William Sound since the 2002 plan, and indeed continues to rely on faulty assumptions in denying Wilderness recommendation for Knight Island. Knight Island was not recommended for wilderness in 2002, and again in this Plan, based on a now-outdated analysis of mineral values and inaccurate assumptions about a wilderness designation affecting legal access to Chugach Alaska Corporation lands. Parts of the upper Columbia Glacier drainage were also not recommended in 2002 (and presumably, today), based on now-outdated mineral estimates.

The Forest Service’s rationale for not recommending split-estate lands for Wilderness ignores precedent set by other federal wilderness areas where portions of the subsurface are privately owned, including approximately 100,000 acres in the Boundary Waters Canoe Area Wilderness of Minnesota, established by the 1964 Wilderness Act. It also contradicts the logic of the MA6-OBJ 01, described on page 88 of the Plan, which seeks to explore land exchanges or acquisitions “to fulfill the intents and purposes of the EVOS Trustee Council restoration and habitat protection objectives.” We will discuss EVOS lands later in this objection letter, but that objective, coupled with continuing to recommend the lands as wilderness, is the most logical and appropriate option for fulfilling EVOS Restoration Plan objectives for the lands and the legally binding Purchase Agreement requirements that they be managed “in perpetuity for conservation and wilderness purposes.”

Additionally, the Plan’s Wilderness recommendation shows no real analysis of current conditions. For instance, in 2002 the Anton Anderson Memorial Tunnel to Whittier had just opened, allowing an enormous influx of visitors and motor vessels to western Prince William Sound. The 2002 Wilderness

¹² Chugach Forest Plan Draft Record of Decision, page 10



Recommendation cited this (at the time, new) development as a reason for not recommending wilderness within a “day use radius” of Whittier, with the justification that new tourism development might be needed. Today, nearly two decades after opening of the tunnel, there is no indication that more development will be needed to accommodate tourism.

The Wilderness recommendation in this Plan also fails to account for how climate change is changing the landscape in the Prince William Sound. The continued exclusion of upper Columbia Bay ignores the radical changes to this region in recent years. Given how much the Columbia Glacier has retreated over the past decade, it is clear that the glacier will continue to retreat and that several miles of open water will eventually exist north of the recommended Wilderness line. It will be quite difficult to manage an area where the boundary line crosses open water and it makes much more sense to include upper Columbia Bay in the Plan’s Wilderness recommendation. We also find fault with the Forest Service’s decision not to recommend parts of the upper Columbia Glacier drainage because unregulated helicopter use is impacting wilderness character. Commercial helicopter flightseeing landings are prohibited in the WSA per Regional policy – the fact that the Forest Service has previously failed to regulate, or prohibit this activity¹³ is insufficient rationale for not recommending this area for Wilderness. Presumably the Forest Service will better enforce restrictions on commercial helicopter use within the WSA in the future, as required, thus doing more to protect the WSA’s character.

Other areas that we explicitly called out for Wilderness recommendation in our DEIS comments, such as Elrington Island and the lands around Paddy Bay, are not even mentioned in the draft ROD, Plan, or FEIS. Therefore, we have no way of knowing why these areas were not recommended for Wilderness in this Plan.

Finally, a common criticism of the 2002 recommendation is that the recommended Wilderness area is divided into two separate units. This adversely affects manageability of the area and this forest plan revision is an opportunity for fixing this problem. Failure to recommend Elrington Island, Glacier Island, and EVOS-acquired areas within the boundaries of the WSA will disrupt the continuity of the proposed wilderness, adversely affecting its manageability. Failure to recommend these areas will also degrade overall wilderness character on adjacent lands, especially where these excluded lands are gaps in otherwise recommended areas. Elrington and Glacier are also worth of recommendation because they represent unique scenery and habitat not common in the WSA.

In our comments on the DEIS we advised the Forest Service to incorporate the Wilderness recommendation from Alternative D into the final Plan, modified to include the lands around Jackpot Bay, Paddy Bay, Elrington Island, all national forest lands on Knight Island, and the Nellie Juan Lake area, and to exclude Blackstone Bay. Recommending the majority of the WSA for Wilderness, and managing these lands to maintain their Wilderness character for eventual designation, will protect unique ecological areas, subsistence activities, and wild places that hold incredibly high intrinsic value.

¹³ As implied in the FEIS, V1 page 190



Remedies

- The final Plan should incorporate the Wilderness recommendation from Alternative D, modified to include the lands around Jackpot Bay, Paddy Bay, Elrington Island, all national forest lands on Knight Island, and the Nellie Juan Lake area, and to exclude Blackstone Bay.
- The final ROD must include detailed rationale explaining the final Wilderness recommendation, including why any area that is eligible for recommendation was not recommended.

VII. WE OBJECT TO MANAGING THE WSA TO MAINTAIN “PRESENTLY EXISTING CHARACTER” RATHER THAN “WILDERNESS CHARACTER”

The issue of whether to manage the WSA to preserve “presently existing” or “existing” character versus “wilderness character” is one that we discussed in-depth on pages 2-4 of our October 2018 DEIS comments and pages 2-4 of our February 2016 scoping comments.

We object to the Plan language that expresses a desired condition, management guideline, standard, or objective of maintaining “existing character” (or “presently existing character”) rather than “wilderness character” when discussing Management Area 1 (the WSA). The term wilderness character is specified in the 1984 and 2002 Forest Plans and ties area management to specific, definable qualities, including intact natural systems and undeveloped character. It also meets the direction of USFS Alaska Region policy to manage the WSA in the same way as national forest wilderness areas in Alaska, pending further action by Congress.¹⁴ Alaska Region Supplement R-10 2300-2008-2 requires that management of the WSA must follow the same direction provided for wilderness established by ANILCA. To be consistent with ANILCA, the WSA must be managed for its wilderness character.¹⁵

Changing the forest plan to manage the WSA to manage to retain ‘existing character’ is a much looser standard with no obvious definition. It can easily be inferred by future managers to accept constant change in conditions, including increasing development in the western Sound. Despite the Chugach’s assertions to the contrary,¹⁶ this change will, over time, degrade the wilderness character within the WSA, which would be in conflict how the Forest Service must manage the WSA.

The Alaska Regional Policy regarding Wilderness and WSA management, R10 FSM 2320, has been in place for over 30 years and has not prevented an obstacle to use within and management of the WSA.

¹⁴ R10 FSM 2320.2 Objectives: *Manage designated wilderness and the wilderness study area to meet the spirit and intent of the 1964 Wilderness Act, while recognizing and allowing for specific exceptions authorized in ANILCA and R10 FSM 2320.3 Policy: Subject to valid existing rights, 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. Management of the study area will follow the same direction provided for wildernesses established by ANILCA, to the extent consistent with law.*

¹⁵ ANILCA Sec. 102

¹⁶ Chugach National Forest Land Management Plan: Final Environmental Impact Statement – Volume 2, Appendix C, Responses to Concern Statements 61 and 296, pages 32-37.



Every activity currently occurring in the WSA is occurring under the existing policy and the current Plan language which requires managing to maintain wilderness character. Activities from tourism to commercial fishing to hatchery management are thriving under this policy. The Forest Service has presented no rationale for why a change is needed. Furthermore, it is our firm belief that the Forest Service cannot manage the WSA in the “same direction provided for wilderness established by ANILCA”, as required by Region 10 policy, without specifically striving to manage to maintain “wilderness character.”

As per the 1987 Wilderness Study Report and EIS, the WSA must be managed to retain its presently (1987) existing *wilderness* character until Congress acts upon the Forest Service’s recommendations. In addition, both Forest Service policy and ANILCA require that the Forest Service manage the WSA in much the same way as Wilderness established under ANILCA, which “have the same meaning as when used in the Wilderness Act”.¹⁷ Under the Wilderness Act, the primary purpose of designating Wilderness is to protect an area’s Wilderness character.¹⁸ This term, “wilderness character” has a very specific meaning that is lost if the draft plan simply requires that “presently existing character” be maintained. The definition of “wilderness character” has been jointly agreed upon by all of the federal land management agencies that manage Wilderness areas – it is very clear and guides management to achieve specific social and ecological qualities. In contrast, “presently existing character” does not have a clear meaning or legal definition.

The character of the Prince William Sound has already changed dramatically since the WSA was designated in 1980. Improved technologies have changed the way people recreate and work in the WSA, increasing the human footprint. For example, even in the past 10 years the range of a “day trip” by motor boat has vastly increased. Likewise, the opening of the Anton Anderson Memorial Tunnel has increased boat traffic and human activity in the WSA. Climate change is also affecting the WSA, altering ecological systems that amplify human disturbance. Managing the area to maintain today’s presently existing character is a completely different standard than managing to maintain the character that existed in 1980, 1990, or 2000. “Presently existing character” is a slippery standard that changes over time with a shifting baseline. Indeed, as the past 39 years have shown, even managing to maintain wilderness character doesn’t prevent the character of the WSA from changing over time. Managing for “wilderness character” presents a clear and measurable standard.

Remedy

- In all places where the Plan refers to actions or intentions to manage for “presently existing character” or “existing character” within the WSA it should be changed to “wilderness character”.

¹⁷ See ANILCA Sec. 12(13)

¹⁸ See 1964 Wilderness Act (Public Law 88-577) Section 2(a), which established the National Wilderness Preservation System “for the protection of these areas, *the preservation of their wilderness character*” (emphasis added)



VIII. THE PLAN UNDERCUTS WSA MANAGEMENT BY REMOVING MINIMUM REQUIREMENTS ANALYSIS FROM WSA MANAGEMENT.

Minimum requirements analyses (MRA or MRDG) is a critical tool that must be applied to manage the WSA to maintain its existing character (and wilderness character). We discussed WSA management on pages 2-6 of our October 2018 comments on the DEIS. At that time the draft plan contained direction for managers to use MRA to assess the effect of uses and activities in the WSA on the area's character and potential for inclusion in the National Wilderness Preservation System. We were surprised, and disappointed, to see this tool removed from the final Plan. The new language in the Plan,¹⁹ replacing the MRA requirement, is discretionary and not clear enough to guide future managers towards taking a hard look at activities and acting to preserve the WSA's character. These changes undermine the Plan's intent and strategy to maintain "presently existing character" within the WSA.

The 2018 draft Plan included specific direction to conduct minimum requirement analysis on a variety of management actions that could impact the WSA's character.²⁰ This direction was consistent with the Alaska Region Supplement R-10 2300-2008-2, which states:

All management decisions affecting wilderness or wilderness study areas must be consistent with the minimum requirement concept in the Wilderness Act. The Forest Service will apply this minimum requirement concept to management activities that affect the wilderness resource and character by conducting a minimum requirement analysis (MRA). The MRA will use a Minimum Requirement Decision Guide or other similar MRA format.²¹

Section 2322.03 of the Supplement goes on to describe the two-step process the Forest Service must use to apply the minimum requirement concept to determine whether a proposed action is necessary and will not pose a significant impact to wilderness character, and the management tool to use to achieve the proposed action while causing the least amount of impact to wilderness character. However, the Plan merely hints at this two-step process. Although managers are required to "document" their decision and rationale,²² the Plan provides no criteria for documentation. Unlike the 2002 Plan, under the 2019 Plan managers are no longer clearly and specifically tasked with determining whether an activity is necessary or appropriate in the WSA. This will lead to a cumulative degradation of the 'existing character' of the WSA.

As previously explained in this objection, management of the WSA must follow the same direction provided for wilderness established by ANILCA. Also as previously explained in this objection, to be consistent with ANILCA, the WSA must be managed for its wilderness character.²³ The MRA is the primary management tool for ensuring decisions maintain the specific qualities of an area's wilderness

¹⁹ MA-ADM-G 01 and MA-NONFS-G 03

²⁰ See, for example, 2018 Draft Forest Plan, pages 72-74: #9, #11, #17, #21, #22

²¹ USFS Supplement no: R-10 2300-2008-2, 2322.03, #6

²² See for example, MA1-NONFS-S 03

²³ ANILCA Sec. 102



character. By removing the MRA requirement from the 2019 Plan and instead telling managers that they “should” weigh unspecified effects to social and ecological conditions, the Plan will fail to protect the existing (wilderness) character within the WSA.

We understand that the Chugach is basing its decision to eliminate the MRA requirement in the fact that the WSA is not designated Wilderness, but there is nothing in federal law or Agency policy stating that an MRA is inappropriate for recommended wilderness or WSAs. Indeed, the MRA is the *only* analysis tool available to the Agency to ensure that the WSA maintains its “presently existing character”. We would also like to point out that the Chugach is incorrect, in its response to Concern Statement 188, stating that “...the policy does not require application of the minimum requirements concept for all management actions with the potential to affect the wilderness study area’s character.”²⁴ To the contrary, as we described above, FSM 2322.03 Policy #6 states that “**All management decisions affecting wilderness or wilderness study areas** must be consistent with the minimum requirement concept in the Wilderness Act. The Forest Service **will apply** the minimum requirement concept to management activities that affect the wilderness resource and character by conducting a minimum requirements analysis (MRA).”²⁵ (emphasis ours).

The MRA is a widely accepted tool that managers across all of the federal land management agencies use to ensure authorized activities do not negatively impact essential qualities of Wilderness Study Areas and Recommended Wilderness Areas. These qualities include (but are not limited to) lack of development, solitude, and naturalness. They are the same as listed in Section 72.1 of FSH 1909.12, the Land Management Planning Handbook. As described in Chapter 70 of FSH 1909.12, the Forest Service relies on the criteria included in the Wilderness Act of 1964, section 2(c), when determining which areas to recommend for Wilderness during forest planning. The Planning Rule’s Chapter 70 process is explicitly tied to the Wilderness Act, as is management of the WSA and recommended Wilderness areas. To claim that the Chugach cannot use Wilderness management tools for these areas is inconsistent with the Planning Rule.

Finally, on a related note, we also object to the Forest Service removing the guideline “Fire suppression actions should use minimum impact suppression tactics.”²⁶ This is a reasonable guideline for maintaining the area’s presently existing character and is an unnecessary loosening of protections much along the lines of removing the MRA requirement.

Remedies

- Restore the following standards and guidelines, from the Draft Plan, to the Final Plan:
 - Minimum requirements analysis shall be conducted prior to authorizing any use of motorized equipment and mechanical transport related to reconstruction, operation, and maintenance of existing authorized non-federal infrastructure and improvements or prior to authorizing new uses that require use of motorized equipment and mechanical transport. [Standard]

²⁴ Chugach National Forest Land Management Plan: Final Environmental Impact Statement – Volume 2, page 41

²⁵ USFS Supplement no: R-10 2300-2008-2, 2322.03, #6

²⁶ Chugach National Forest 2018 Draft Land Management Plan, page 74, #22



- Use of mechanized transport and motorized equipment for administrative purposes should be rare, must be approved by the Forest Service officer with delegated authority, should be the minimum necessary tool for administration of the area, and should be authorized only after completing a minimum requirements analysis. [Guideline]
- Fire suppression actions should use minimum impact suppression tactics. [Guideline]
- Restore the MRA requirement to the following plan component, as was initially written in the Draft Plan:
 - MA1-ADM-G 02: Administrative sites and visitor facilities may be established in the wilderness study area only if they are compatible with maintaining the area's presently existing character and potential for inclusion in the National Wilderness Preservation System. New structures and improvements for administrative purposes should be limited to those needed for the management, protection, and use of the wilderness study area and should be authorized only after completing a minimum requirements analysis. [Guideline]
- Modify the following plan component:
 - MA1-NONFS-G § 03: When evaluating a proposal for use of motorized equipment, landing of aircraft, other forms of mechanical transport, structures, and installations, the authorizing officer ~~should weigh the effects to the social and ecological characteristics of the Wilderness Study Area with the need for area management~~ shall first conduct minimum requirements analysis. If the decision is to authorize the activity, the decision and rationale should be documented and the authorization should include provisions that maintain presently existing character and potential for inclusion in the National Wilderness Preservation System. [Guideline Standard]

IX. THE PLAN FAILS TO ADDRESS SEVERAL SPECIFIC ACTIVITIES IN THE WSA THAT IMPACT PRESENTLY EXISTING AND WILDERNESS CHARACTER.

Throughout this planning process we have commented on the need for the Chugach to prohibit or strictly manage activities within the WSA that impact wilderness character. This includes the WSA's presently existing character. Specifically, we discussed this issue on pages 2-4 of our scoping comments and pages 4-5 of our DEIS comments.

The 2018 draft Plan prohibited, with a few exceptions, chainsaws, generators, other motorized equipment and mechanized transport within the WSA. We applauded this standard as essential to maintaining the WSAs presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. We object to the Forest Service removing this language from the final Plan. The WSA is, and always has been, highly valued as a generally non-motorized environment. Furthermore, where these activities do currently occur, forest monitoring shows that they are degrading the character of the WSA. For example, the Forest Service has already documented that recreational use of chainsaws is having widespread impact on the character of the WSA, especially in the high-value coastal environments where most public and commercial visitation occurs. By failing to rein in these uses, the Plan all but ensures the presently existing character of the WSA will be diminished.



The new Plan allows for the agency, the State, permit holders, and others to use a wide array of motorized equipment, permanently altering the social and ecological characteristics of the area. As written, the Plan presents an impossible conundrum for land managers. On one hand, they are required to manage the WSA to retain its presently existing character and potential for inclusion in the National Wilderness Preservation System. On the other, they have no real tools with which to achieve this management, and the Plan allows for the very activities that will degrade the presently existing character.

The failure of the Plan to address non-conforming uses within the WSA will certainly increase these uses by the agency and others in the WSA. This will prevent the forest from meeting its desired conditions, a failure that will be documented during monitoring. Appendix A of the Plan outlines the monitoring program and we are pleased to see the Forest Plan Monitoring Program includes the WSA. For the WSA, the Forest Service will be considering whether the presently existing character of the wilderness study area, including areas recommended for wilderness, is being maintained.²⁷ It makes no sense for the Plan to set management that directly contravenes the desired future conditions.

The 2018 draft Plan also included direction for commercial filming in the WSA that reflects the current policy, in line with national policy.²⁸ The 2019 Plan waters down this guidance significantly.²⁹ Direction to limit commercial enterprises in areas managed for wilderness character help to ensure that visitors to these places can experience solitude, primitive recreation, and a natural, non-motorized environment. Understandably, the Chugach is a popular location for commercial filming. Current management allows this activity but sets a high standard for the types of commercial filming allowed. The new Plan language will open the WSA to increased commercial activity which will undoubtedly affect its presently existing character and pose a barrier to the area's potential for inclusion in the National Wilderness Preservation System.

The final Plan must adequately address all of the activities that affect the presently existing, or wilderness, character of the WSA. From motorized and mechanized uses, to fire management, to aquaculture, and more there are a number of activities that currently occur in the WSA for which management standards and guidelines in the new Plan will fail to maintain the area's presently existing character and potential for inclusion in the National Wilderness Preservation System. The Plan, as currently written, all but guarantees a future where the WSA's presently existing character is chipped away to a point where no part of the Prince William Sound will be eligible for inclusion in the National Wilderness Preservation System.

Remedies

- Restore the following standards and guidelines, from the Draft Plan, to the Final Plan:

²⁷ Chugach National Forest 2019 Land Management Plan, page 103 (monitoring program).

²⁸ Chugach National Forest 2018 Draft Land Management Plan, page 73, #16

²⁹ Chugach National Forest 2019 Land Management Plan, page 78, MA1-NONFS-G 10



- No new permanent structures or improvements shall be authorized, except as provided for in ANILCA (sections 1303, 1315(b), and 1316) or as described in other management. [Standard]
- The use of chainsaws, generators, and other motorized equipment, mechanized equipment, or mechanical transport shall not be authorized, except for uses directly and necessarily related to:
 - a. activities described in ANILCA (sections 1303, 1315(b), 1316),
 - b. mineral activities under an approved plan of operations,
 - c. utilization of subsistence resources, or
 - d. activities described in other management area 1 standards and guidelines and management intent sections. [Standard]
- Snowmachine use will not be authorized, except as provided for by ANILCA (section 811, 1110, 1315(b), 1316). [Standard]
- Helicopter landings in the wilderness study area will not be authorized except for emergencies, activities allowed by ANILCA (section 1010(a), 1310, 1314(a), 1315(b)) or Forest Service policy, for access to the Wolverine Glacier Research Natural Area, or for use in mineral operations where helicopter use is determined the minimum necessary tool and essential to the mining operations. [Standard]
- The landing or taking off of unmanned aircraft (drones) in the wilderness study area should not be authorized except where use of unmanned aircraft is determined the minimum necessary tool. [Guideline]
- Use of mechanized transport and motorized equipment for administrative purposes should be rare, must be approved by the Forest Service officer with delegated authority, should be the minimum necessary tool for administration of the area, and should be authorized only after completing a minimum requirements analysis. [Guideline]
- Authorized use and resource-related work being accomplished by other agencies and cooperators should be the minimum necessary to accomplish project objectives while preserving the area's presently existing character and potential for inclusion in the National Wilderness Preservation System, subject to ANILCA provisions (sections 1314(a), 1315(b), 1316). [Guideline]
- Modify the following management approach and guideline to strengthen protections for the WSA's presently existing character:
 - ~~Authorize new~~ Continue to permit existing air and water navigation aids, communications sites and related facilities, and facilities for weather, climate, and fisheries research and monitoring. Reasonable access to and operation and maintenance of these facilities shall be granted and authorized within the special use authorization subject to stipulations that maintain the area's presently existing character and potential for inclusion into the National Wilderness Preservation System.
 - MA1-NONFS-G 10: Commercial filming may be authorized when the following conditions are met:
 - a. The activity does not include the use of helicopters or drones.



- b. The authorization includes stipulations to maintain the area’s presently existing character.
- c) The primary objective of filming is to inform the public or to disseminate information about the use and enjoyment of the wilderness study area or its features and values
- d. The activity being filmed requires a wilderness study area dependent location
- e. There is no suitable location outside of the wilderness study area where the activity could be filmed under the same conditions [Guideline]

X. THE PLAN INADEQUATELY MANAGES EXXON VALDEZ OIL SPILL (EVOS) LANDS

On pages 5-6 of our comments on the 2018 DEIS we discussed how the Chugach should manage EVOS lands. Namely, the Chugach should treat all forest lands within the WSA boundary as part of the WSA and recommend them for Wilderness. We oppose the removal of certain lands around Jackpot Bay, Paddy Bay, and Knight Island from the WSA Management Area. Moving these lands to the “EVOS Acquired Lands” Management Area (MA6) is a change from the current Forest Plan that substantially weakens their protection.

The EVOS Trustee Council still lists the WSA as unrecovered from the oil spill because of lingering oil and other factors and the WSA continues to be listed as an injured resource.³⁰ Injuries exist in the form of development, abandoned materials, trammeling of wildlife, effects on solitude, and lingering oil in WSA beaches. So long as the WSA is listed as an “injured resource”, it is still subject to the direction of the 1994 EVOS Restoration Plan,³¹ which emphasizes restoring injured resources, including both in areas where they were directly damaged or in areas where they exist (such as the broader WSA). In order to meet this direction, the final Plan must set the most protective level of management for these lands – classifying them as MA1.

We appreciate that MA1-DC 08 of the Plan states that recovery from EVOS is desired. Yet, the Plan weakens overall WSA management (as we’ve described previously in this objection letter) and weakens management for EVOs lands within the WSA specifically by classifying them as MA6 rather than MA1. Furthermore, despite the fact that these lands were purchased specifically to restore wilderness services damaged by the spill, and their legally binding purchase agreements require they be maintained "in perpetuity for conservation and wilderness purposes"³², no EVOS lands are recommended for Wilderness in the Plan. To meet MA1-DC 08, and comply with the purchase agreement, EVOS lands should be managed as MA1 and recommended for Wilderness.

In Appendix C of the FEIS – response to concern statements 3 and 90 – the Forest Service states that the easements and restrictive covenants are the “actual prevailing document” for management of EVOS

³⁰ <http://www.evostc.state.ak.us/index.cfm?FA=status.wilderness>

³¹ <http://www.evostc.state.ak.us/Universal/Documents/Restoration/1994RestorationPlan.pdf>

³² See Chenega Purchase Agreement Sec. 6a, page 132: “Chenega is only willing to undertake the sale of the Federal and State Conveyance Lands under this agreement because of their intended management for conservation and wilderness purposes respectively by the United States as National Forest System Lands...”



acquired lands, not the purchase agreements and that the covenants do not say the lands should be managed as wilderness. This is incorrect. The Chenega deed and restrictive covenants state that certain activities are prohibited except for as necessary to provide public information, safety, resource protection, research, or for “management of the subject lands consistent with the goal of maintaining the land in perpetuity for conservation and wilderness purposes.”³³ While the covenants do grant the land manager discretion in determining what actions will be authorized, the Plan fails to provide guidance for land managers to maintain EVOS lands for wilderness purposes when authorizing activities. Therefore, the Plan does not ensure that EVOS lands will be managed as required.

We object to the Plan misrepresenting the Chenega Purchase Agreement, which dictates that EVOS lands are to be maintained “in perpetuity for conservation and wilderness purposes.”³⁴ Throughout the planning documents the Forest Service has eliminated the word “wilderness” and replaced it with “restoration.” This is evident, for example, on page 87 of the 2019 Plan.³⁵ By misrepresenting the purchase agreement the Forest Service gives itself leeway to apply less protective management to EVOS lands. This is unacceptable.

Remedies

- Classify EVOS lands within the WSA as MA1 and recommend these lands for Wilderness

CONCLUSION

Thank you very much for your consideration of the above objections. The Chugach is a unique forest that is globally recognized as a winter recreation destination. Likewise, the Nellie Juan-College Fiord Wilderness Study Area is beloved for the opportunities it provides for solitude, unconfined primitive recreation, naturalness, and other Wilderness values. To preserve these attributes, and ensure that future generations can experiences on the Chugach much the same as we do today, it is critical that the Chugach adopt the remedies we have outlined above.

WWA would appreciate the opportunity to meet with the Reviewing Officer at a mutually convenient time to discuss our objections and proposed remedies. Please inform me in writing of any responses to these objections, opportunities to participate in an objection resolution meeting, or opportunities to submit additional comments.

³³ Agreement for Sale and Purchase of Lands and Interest in Land Among the Chenega Corporation and the United States of America and the State of Alaska. June 26, 1997.

³⁴ *Id.*

³⁵ Chugach National Forest 2019 Land Management Plan, page 87: “These are lands where the surface estate has been purchased in fee with the goal of maintaining the land in perpetuity for conservation and restoration purposes by the federal government.” Emphasis ours – the original purchase agreement states that intended management is for conservation and wilderness purposes.



Sincerely,

A handwritten signature in black ink, appearing to read "Hilary Eisen". The signature is fluid and cursive, with a prominent loop at the end.

Hilary Eisen, Lead Objector
Policy Director
Winter Wildlands Alliance
heisen@winterwildlands.org