



April 14, 2021

Scot Shuler, District Ranger
Thorne Bay Ranger District
USDA Forest Service
P.O. Box 10991
Thorne Bay, AK 99919-0001

Dear Mr. Shuler:

The State of Alaska reviewed the March 15, 2021 scoping materials for the proposed Calder Quarry Access Road Project. The following comments represent the consolidated views of state agencies.

The scoping notice indicates the Forest Service is considering issuing a temporary special use permit to allow construction to begin to enable the applicant to access their private lands located within the Thorne Bay Ranger District on the Tongass National Forest. A long-term authorization may be considered once final as-built drawings are submitted.

Congress assured access to non-federally owned lands located within the boundaries of National Forest System lands in Alaska in section 1323(a) of the Alaska National Interest Lands Conservation Act (ANILCA).¹

SEC. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: Provided, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

As such, the Forest Service must grant access that is adequate to secure for the owner reasonable use and enjoyment of the non-federal lands.

The proposed access project is not a Right-of-Way (ROW) operated or maintained by the Alaska Department of Transportation and Public Facilities (DOT&PF), nor does it fall within an active DOT&PF operated and maintained travel way. There are also no imminent plans for development; therefore, all permissions must go through the Forest Service. However, by *Section 4407 of Public Law*

¹ Separately, ANILCA section 1110(b) grants access rights to state and private inholdings, valid mining claims, and other valid occupancies located within or effectively surrounded by conservation system units (e.g., congressionally designated Wilderness) managed by the USDA Forest Service in Alaska.

109-59; DOT&PF is granted an easement corridor for future road system development at this project's proposed access connections with North Prince of Wales Road.

DOT&PF advises that any such access construction also adhere to the *Alaska Highway Preconstruction Manual* (PCM) specifications. "Driveways that intersect public roadways are a type of at-grade intersection. The numbers of accidents at driveway intersections are disproportionately higher than at public road intersections and consequently, driveway intersection design merits special attention." (PCM, pg 273.) DOT&PF recommends appropriate supporting evidence be submitted to the Forest Service for two points of access as opposed to one. Less access is in general safer for the traveling public and appears to sufficiently meet the proposed purpose and need.

Lastly, there are no fish streams in the project area; therefore, Alaska Department of Fish and Game (ADF&G) Title 16 fish habitat permits are not required for this project. ADF&G also separately notified the US Army Corps of Engineers (COE) that it had no concerns or required permits during the COE's review of the project.

Thank you for this opportunity to comment. Please contact me at susan.magee@alaska.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Magee', written in a cursive style.

Susan Magee
ANILCA Program Coordinator