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First name: Thomas

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Organization:

Title:

Comments: Please see attached letter commenting on the CNF Plan revisions. Thank you.

9500 Prospect Drive
Anchorage, Alaska 99507

February 19, 2016

Ms. Terri Maceron, Supervisor
Chugach National Forest
161 East 1st Ave., Door 8
Anchorage, Alaska 99501

Re: Chugach National Forest Plan

Dear Ms. Maceron:

Please accept these comments on the U. S. Forest Service's proposed Chugach National Forest Plan. I have lived in Anchorage since 1967 and am very familiar with portions, but not all, of the vast Chugach National Forest. It is a local and national treasure, and I am very disappointed to see that this second-largest national forest in the United States still has no areas formally protected under the Wilderness Act of 1964.

I wish to endorse the comments being submitted to your office by the Alaska Quiet Rights Coalition regarding the proposed CNF management plan revisions.

I particularly want to question the legal and factual position of the Forest Service in not protecting and maintaining as wilderness the entire 2-million acres of the original 1980 Nellie Juan Wilderness Study Area. It is to be the decision of Congress - not the Forest Service - as to what parts of that 1980 proposal should receive permanent protection by Congress under the Wilderness Act. To fail to manage any portion of this original proposed area as de facto wilderness until Congress makes its decision is a legal authority that the Forest Service does not possess. And to arbitrarily remove formerly protected areas - on whatever claimed grounds seem to be convenient - is particularly egregious.

I understand that approximately 500,000 acres of the original Nellie Juan Wilderness Study Area are intended by USFS to be removed from the wilderness proposal, including Knight Island, Wells Passage and the area around Columbia Glacier. The ostensible reason for this action is not that the wilderness character of these lands themselves has changed (it has not), but that vessel traffic on the waters bordering these areas has increased. This is neither a legal nor a factual reason to remove these areas from the original wilderness study area.

The ocean waters themselves were never part of the wilderness study area, and since they are not part of the Chugach National Forest, they could not have been. Wilderness areas will always border other lands and waters that -- public or private -- are not wilderness, or used as wilderness. Some of these lands and waters will be used for non-wilderness purposes.

But this does not change the essential wilderness character of the wilderness study lands themselves. If it did, then a formal wilderness or wilderness-study boundary would be meaningless, because there will always be non-wilderness uses adjacent to wilderness boundaries. If these non-wilderness uses legitimately determined the validity of wilderness across the boundary, then no suitable wilderness could ever exist, unless each wilderness

were to have a designated "wilderness buffer" to protect it from adjacent uses. The Wilderness Act contains no such concept.

There will always be non-wilderness activities and uses outside of and adjacent to land that is itself fully suitable for wilderness designation. I believe that the deletion of the areas mentioned from the original wilderness study area has no legal justification, because the essential wilderness character of the lands themselves has not changed to a character not suitable for wilderness.

An increase in vessel traffic on adjacent, non-wilderness waters is no legitimate excuse to delete these important areas from the original 1980 wilderness study proposal. Vessel traffic (a "non-wilderness use") existed when the adjacent lands were originally proposed, and that original proposal could not have been premised on the volume of adjacent vessel traffic remaining static. In fact, I would be surprised if the original proposal for these areas was predicated on any consideration of vessel traffic on adjacent, non-wilderness waters.

Thus I believe that USFS is on shaky legal ground in deleting these lands from the existing wilderness study area on the transparently-invalid basis that adjacent vessel traffic has increased since 1980.

Thank you for including my comments in your planning process.

Sincerely yours,

Thomas E. Meacham