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First name: Dune

Last name: Lankard

Organization:

Title:

Comments: February 19, 2016

Ms. Terri Marceron,  
Supervisor Chugach National Forest  
U.S. Forest Service  
161 East 1st Ave., Door 8  
Anchorage, Alaska 99501

Comments submitted via email and online:

RE: Comments on Chugach National Forest Plan Revision

Dear Supervisor Terri Marceron,

I appreciate the opportunity to provide comments on the Proposed Chugach National Forest Plan Revision.

My name is Dune Lankard; I am an Eyak Athabaskan Native from the Eagle Clan of the Copper River Delta. My Eyak name is Jamachakih. I am an active local subsistence and commercial (gillnetter) fisherman in both Prince William Sound and the Copper River Delta. I am also a village tribal member of the Eyak Village Traditional Council and the Eyak Traditional Elders Council (made up of actual Eyak tribal ancestors) and also a shareholder of both the Eyak Corporation and the Chugach Alaska Corporation.

I was present in the region (Cordova) during the 1964 "Good Friday" Earthquake, and on the anniversary of the 25th anniversary of the quake, witness to the 1989 "Good Friday" Exxon Valdez oil spill. The earthquake was a natural disaster and the spill a manmade catastrophe, yet both had devastating impacts to the habitat, our fishing economy and our traditional and subsistence way of life here in the Chugach National Forest.

Below is a basic outline of the regions "body of law" that has completely changed and impacted our homelands over time:

- 1741 - Russians enter the region as explorers and start building fur trading outposts and killing Alaska's Natives
- 1790's - Spanish explorers invade the region
- 1867 - Sale of Alaska to America; "Seward's Folly" begins
- 1887 - Numerous canneries are built in the region
- 1906 - Annexation of our ancestral lands so Cordova could be incorporated by Michael J. Heney
- 1910 - The Copper River Northwestern Railroad is built along the Copper River, turning Cordova into the Copper Ore terminus for the Kennicott Copper Mine
- 1918 - Last marriage between two full blooded Eyaks
- 1933 - Dr. Fredrica DeLaguna rediscovered the Eyaks
- 1959 - Alaska Statehood
- 1964 - Good Friday Earthquake
- 1971 - ANCSA supposedly extinguishes aboriginal rights
- 1975 - Limited Entry - taking our wild salmon rights away
- 1980 - ANILCA
- 1986 - Net Operating Loss Scams
- 1989 - Exxon Valdez oil spill - it is what it was - a disaster

- 1991 - Exxon Valdez Oil Spill Trustee Council is formed with no Indigenous representation (ANCSA inholdings are purchased in fee title in the name of conservation)
- 1992 - The Shepard Point Deep Water Port and Road project is spawned, land owners and developers want to turn Cordova into a "Port City"
- 1997 - Bering River Coalfield is transferred through Chugach Alaska Corporations bankruptcy reorganization to a South Korean company to mine
- 1998 - Chugach Road Rider is introduced by Don Young to build a 55-road across the Copper River Delta - we help, with support of many grassroots activists, stop it
- 2004 - Chugach Alaska Corporation tries to drill for oil in the eastern Copper River Delta - project is stopped and CAC has to relinquish rights to 65,000 acres of pristine habitat in the Katalla and Bering River region
- 2015 - The EVOSTC refuses to collect \$100M owed by Exxon for additional restoration in the Exxon spillzone

Numerous other intrusive development projects are introduced every year that would certainly diminish the wilderness aspects and characteristics of one of our Nation's national treasure - the Chugach National Forest, not only for its absolute beauty, but its vibrant bounty.

As a fisherman and Native conservationist I was involved in the Exxon oil spill cleanup (which was a joke and for PR purposes only), including the EVOS Habitat acquisitions in the region. I continue to commercially fish on the Copper River Delta and have been a wilderness river guide for adventures down the Copper River with our local non-profit, the Eyak Preservation Council, based in Cordova.

The beloved homelands of our Eyak Nation has continually been under attack over hundreds of years and the following comments are offered in hopes that they will help keep the region as wild and thriving as can be and be incorporated into the Final Chugach Forest Plan Revision.

## Overview

Overall, I feel the Proposed Forest Plan Revision is a step in the wrong direction, as it undermines existing protections and enshrines as future policy the Forest Service's negligent management of the region in recent years. The Chugach National Forest should be protected as much as possible for current and future generations. The original 1.9 million acre Wilderness Study Area (WSA) of western Prince William Sound (PWS) should be recommended for congressional designation as wilderness; the WSA should be managed as wilderness until it is congressionally designated; the Copper River/Bering River area should be protected; additional protective acquisitions should be identified; the entire Forest should be withdrawn from mineral (including oil & gas) and forestry activity; additional Wild and Scenic River designations should be recommended on some of the rivers; and the Exxon Valdez Oil Spill (EVOS) Restoration mandate for the region must be upheld. The Proposed Forest Plan Revision, must be re-written to protect the region more completely.

## Introduction

The Proposed Plan Revision is not sufficient for conservation or sustainability of the region, and thus needs considerable improvement. The Plan degrades the proposed Wilderness area in western Prince William Sound (PWS); leaves most of the Forest open to mineral development; doesn't protect many of the wilderness and sustainable values of the region; and contravenes goals of the Exxon Valdez Oil Spill (EVOS) Restoration program.

The Forest Service's nationwide "multiple use" mandate sanctions often conflicting uses, including recreation, timber production, watershed protection, and fish and wildlife protection, etc. This mandate also requires balanced management, providing that no one use can dominate; and requires sustainability. However, the current Proposed Forest Plan Revision continues to emphasize certain high-impact uses (motorized recreation, mining, habitat manipulation, small-scale timber harvests, etc.) in direct conflict with other low-impact, sustainable

uses (wilderness recreation, tourism, scenery, fish and wildlife habitat, etc.). The Proposed Plan Revision compromises the legal requirement for balance and sustainability, and this must be corrected. The Chugach Plan Revision should emphasize multiple, non-consumptive, sustainable use of the region.

The Chugach National Forest must be considered a special case in the National Forest System. As stated it was ground zero for one of the most damaging natural disasters, the 1964 Earthquake and one of the most damaging industrial environmental disasters in U.S. history - the 1989 Exxon Valdez Oil Spill - from which it has not recovered. As well, the region is facing unprecedented pressures from climate change, other changing environmental conditions like Ocean Acidification, Fukushima fallout disaster and dramatically increasing pressures from human activities. In the past 20 years, because of the Whittier Tunnel and easy accessibility, western PWS has become one of the most heavily visited coastal areas of Alaska. Together, these factors act synergistically and cumulatively to further degrade this magnificent region, and to compromise its future sustainability and thriving and renewable fishing economy.

Additionally, there remains the real risk of more major oil spill disasters in PWS, albeit a reduced risk due to precautions adopted post-Exxon Valdez. The Forest Plan Revision must address and accommodate this residual risk by protecting the resilience of the ecosystem to aid its recovery from future oil spill disasters. But the Proposed Plan Revision does not address this.

Given this cumulative context, the Forest Plan Revision must emphasize ecological sustainability, or multiple, non-consumptive, sustainable use, as the overarching management goal for the region. This emphasis will also ensure the long-term economic sustainability of the region, as economics in the Chugach National Forest are derived largely from its scenery, fish and wildlife, recreation, and wilderness values. The Plan Revision must emphasize these non-consumptive, sustainable uses of the region as its main goal.

In addition, while the Wilderness Study Area (WSA) of western PWS should be legally protected as Wilderness and withdrawn from the multiple use mandate, Forest Service management of the region since the oil spill and Whittier tunnel road opening has contributed to further injury and degradation - not recovery, balance, sustainability, or Wilderness protection. Enshrining this same ineffective management approach in the Forest Plan Revision would only further degrade an already ailing ecosystem that we should instead be doing everything possible to assist in recovery and sustainability.

The Forest Plan Revision process is an important opportunity to redirect federal management of the region toward sustainability, and enhance the recovery and protection of the region for future generations, including our wildlife and salmon.

#### Specific Comments

1. Western PWS Wilderness Recommendation -- The Forest Plan Revision should recommend western PWS in its entirety for congressional designation as Wilderness, including all of the original 1.9 million acres in the Nellie Juan-College Fjord Wilderness Study Area (WSA) established in 1980 by ANILCA. The Proposed Plan Revision recommends only 1.4 million acres as available for Wilderness designation, removing Knight Island, Port Wells, Harriman Fjord, Columbia Glacier, Glacier Is., Perry Is., Eshamy, etc. from its Wilderness recommendation. All of these areas should be returned to the official Wilderness recommendation.

Since the 1980 ANILCA, the Forest Service mandate has been to manage the 2 million acres of the Wilderness Study Area (WSA) in western PWS as Wilderness. The public has come to expect it. But now the Forest Service wants to remove Wilderness protections entirely from nearly a third of the area. The Plan proposes to split the area into two separate units and remove some of its most scenic, recreational and biologically rich areas. This is unacceptable, and must be remedied.

In addition (as discussed below in section 2.a. Existing Wilderness Management), the Forest Plan proposes to loosen protections across the entire WSA.

Astonishingly, the Forest Plan Revision proposes to permanently remove the five following areas from Wilderness protection (see Plan's Wilderness Area Inventory and Evaluation, and 2002 ROD). This proposal must be reversed:

A. Knight Island: Knight Island has some of the best wilderness character on the entire Chugach National Forest, and has been valued as Wilderness for decades. The Forest Service acknowledges the area's outstanding wilderness character in the proposed Plan's Wilderness Area Inventory and Evaluation. USFS rationale for removing current protection is to make Knight Island available to mineral extraction. This ignores the current economic benefit of Knight Island to recreation, commercial fishing and the tourism economy.

The proposal to remove Knight Island removes a crown jewel from the WSA. Knight Island hosts unique biota, geology, scenery, and outstanding opportunities for subsistence, hiking, kayaking, camping, hunting, birding, safe anchorages, and more. And as PWS has become busy with motorboats following the opening of the Whittier tunnel road, Knight Island has remained a refuge from busier areas closer to Whittier. Its sheltered bays, islands and rugged peaks, with stands of ancient rain forest, would be a national park anywhere else in the world, and are enjoyed by thousands of Alaskans and their visitors every year. And Knight Island was the biggest island in PWS that is still enduring impacts from the Exxon oil spill. But while acknowledging all of this, the Forest Service proposes stripping protections so the area can be mined. This must be corrected.

B. Columbia Glacier: Also some of the best Wilderness character in the region, the Plan removes Columbia Glacier from Wilderness. USFS rationale for removing protections is mineral development and heli-skiing/hiking. Glacier Island nearby is also proposed to lose protections.

The proposal to remove protections from Columbia Glacier and nearby Glacier Island is a true travesty. The Columbia is world renowned -- the largest glacier in PWS, and rapidly receding. As it retreats, it is revealing an spectacular fjord complex with shore birds, migratory birds, marine mammals such as humpback whales, minke whales, seals, and orcas, terrestrial wildlife that includes wolverines, bears, and mountain goats, and a unique array of plants. Along with Glacier Island, it is also a favorite place for subsistence, camping, kayaking, hiking, sightseeing, camping, anchoring the family boat, and more. But the Forest Service wants to remove the upper basin, which is becoming a fjord, from protections to assure mining and helicopter skiing and hiking can replace current non-intrusive uses. Nonsensically, it wants to remove Glacier Island to provide for subsistence, even while the current protections are the best way to preserve subsistence activities and resources permanently into the future.

C. West Port Wells: The Forest Service wants to remove much of the land surrounding Port Wells and Esther Island and Perry from current protections. These lands are within a day trip of Whittier and host stunning scenery, recreation cabins, marine mammals and seabirds, terrestrial wildlife, and some of Prince William Sound's most spectacular opportunities for hiking and camping. They include Harrison Lagoon, Hummer Bay, and other favorites. The area's calm bays and lagoons are part of a unique migratory flyway linked to nearby Harriman Fiord and they contain dozens of wild salmon runs. Keeping these lands under current protections benefits commercial fishing, subsistence, and a lucrative recreation and tourism industry. And the Forest Service reason for eliminating protections is largely to provide for mining, and because the lands are within a single day's boat trip of Whittier. By that obtuse reasoning, only lands more than a day trip away from Whittier should be protected for the thousands of Alaskans who have recreated and worked in these areas for decades. That is irrational.

D. Main Bay: The mainland near Eshamy and Main Bay is currently slated to lose protections. While it might be understandable to remove the area immediately around the Main Bay Hatchery, the area actually proposed to lose protections is far too extensive. It contains some of PWS' best wild sockeye runs and cutthroat trout lakes

and rivers. It is a refuge for black bears, which have been eliminated from many other areas in PWS due to loose hunting regulations. It hosts idyllic beaches and islands for camping and mainland valleys for subsistence and sport fishing and Wilderness recreation, all benefiting under current protections. Its healthy sockeye, chum and pink salmon runs provide food and jobs through PWS's commercial fishing. The Forest Service claims these many miles of shoreline are too close to the fish hatchery to be protected, even though they've thrived under current protections for over 35 years.

E. Nellie Juan Lake: Lake Nellie Juan is among the most remote places in the PWS watershed. It is a biologically rich valley corridor linking PWS with the Kenai Peninsula. It is the only such valley, as glaciers and high mountains separate the two ecosystems. Wolves, brown bears, moose and unique plant life use the corridor to enrich biodiversity on both the Kenai Peninsula and PWS. The Nellie Juan River is proposed for Wild and Scenic status, citing its long free-flowing condition and the presence of all five species of Pacific salmon. Along with the nearby Paradise and Snow River drainages, the area is full of spectacular scenery, recreation cabins, and outstanding opportunities for subsistence, solitude, hiking, camping, and more. It is wild Alaska only a few hours from Anchorage and even closer to Seward.

Again, all of the above five areas should be returned to the Wilderness recommendation.

2. Management of WSA as Wilderness Until Designated by Congress -- Until Congress designates the WSA as Wilderness, the entire area must be managed as Wilderness, as it had been after ANILCA, but not in recent years. In fact, Forest Service negligence has resulted in the degradation of the Wilderness characteristics of many areas in the WSA. The Proposed Plan Revision takes this negligence even further and terminates the former Wilderness management mandate across the entire WSA, and allows additional damaging activities to be permitted in the area.

In 1980, the Forest Service promised to protect western Prince William Sound until Congress designates the areas as Wilderness. But after EVOS and the Whittier tunnel road opening, the Forest Service strayed from the Wilderness mission and now proposes to further reduce Wilderness protections. Even as it acknowledges the challenges facing the area, the Forest Plan Revision proposes to allow continued expansion of motorized uses (disguised as traditional access), small-scale timber harvests by residents, and other damaging activities.

Although the Alaska Region Forest Service standard has been to manage all WSAs in their entirety as Wilderness, the new plan envisions dropping this mandate, reverting to an ANILCA standard, thus no longer managing the WSA as Wilderness. This would be disastrous for western PWS Wilderness values.

The proposed Plan appears to downgrade overall management protection for the entire WSA. The 2002 Plan says:

Manage WSA and recommended wilderness consistent with the provision of the Wilderness Act and ANILCA, pending congressional action (Goal for WSA, p. 3-11), and;

Forest Service regional manual direction controls the management direction of the Wilderness Study Area until Congress considers the Wilderness Study (WSA Management Area, Theme p.4-12)

Regional manual direction describes managing the area consistent with the Wilderness Act and ANILCA Wilderness areas, guided by the principal of non-degradation of Wilderness character.

But this direction is replaced in the Proposed Forest Plan Revision with:

Management of the WSA will follow the direction provided by ANILCA to the extent consistent with law until Congress determines otherwise. (p. 44 of proposed Plan)

The problem is that ANILCA provides no management direction for the WSA, except ordering the Wilderness Study (ANILCA Sec. 704) and certain references in ANILCA 1315b (aquaculture) and ANILCA 1110 (access).

In other words, the policy is weakened and made even more vague. This exacerbates the problem cited on page 11 of the Proposed Forest Plan Revision, which describes "confusion" as a management challenge for the WSA. It fails to respond to the challenges of increased visitation and motorized uses described earlier in the Proposed Plan (p. 11, 14) and the Assessment (Chapter 3, pages 160, 161, 175).

The proposed Plan also opens the WSA to various activities currently not allowed (soil/watershed/wildlife projects and personal use timber harvest-compare proposed Plan p. 42 to 2002 Plan, 4-13, 4-17), and it relaxes restrictions on other activities (fish habitat projects, compare proposed Plan p. 42 to 2002 Plan, 4-13, 4-17).

This enables the State, researchers, and other private and public entities to manipulate and experiment with natural processes in western Prince William Sound, and to alter vegetation, watercourses, and habitats. As stated, it also allows individuals to perform small-scale timber operations.

Allowing such manipulation contravenes the Plan's stated purpose of preserving Wilderness character. Additionally, the allowed activities will likely bring motorized equipment and permanent structures to western PWS. Already, USFS has altered western PWS with weirs, fish ladders, impoundments, five of the largest fish hatcheries in the world, and a large communication site. The opening of the Whittier tunnel road has brought a huge increase in motorized traffic on the marine waters adjacent to the WSA.

The proposed Plan weakens WSA protections and fosters confusion by omitting any direction on motorized uses and mechanical transport in the WSA. Even as the proposed Plan recognizes that motorized uses compromise the WSA's Wilderness character (proposed Plan, p. 11, 14; Assessment, p. 160-1), it appears to eliminate any restrictions or guidelines on motorized uses. If maintaining the area's Wilderness character is a goal, which it clearly should be, then the Plan should outline restrictions and limitations to motorized uses and mechanical transport that are consistent with ANILCA and Alaska Region Wilderness management policy for the WSA.

In contrast to the Proposed Forest Plan Revision, the 2002 Plan and Alaska Region policy contain specific prohibitions or guidelines for motorized uses including helicopters, snow machines, airplanes, generators, chainsaws, and more.

The Forest Service Should Manage the WSA to Only Allow Snowmachine Use for Activities that are truly "Traditional" under § 1110(a) of ANILCA.

The WSA should be protected from an overly-broad interpretation of what qualifies as a traditional use under ANILCA. The Forest Service's definition of "traditional" allows the exception to swallow the rule and will cause the degradation of the wilderness resource by activities that are not those sought to be protected by ANILCA § 1110(a).

ANILCA provides guidance on Wilderness management that reflects the unique conditions in Alaska and the unique relationships that Alaskans have with the land based on gathering resources from the land. The traditional activities that Alaskans engage in are not locked in the past, but represent a fluid and meaningful relationship with the land. The Agency has an obligation to allow traditional activities but must be careful to avoid an inappropriate expansion of the definition of traditional activities, particularly when new technologies - in some instances - may impact the wilderness character of the WSA. Western Prince William Sound offers unique opportunities for a wilderness experience in close proximity to Anchorage and there are extensive opportunities for mechanized, non-wilderness-dependent activities on other lands in and around the Chugach.

The Forest Service interpretation of ANILCA Sec 1110 'traditional activities' is too broad when it includes recreational snow machine use. While sightseeing and primitive recreation are appropriate uses of Wilderness, 36 CFR 13.950 rejects recreation and sightseeing as traditional activities. In addition, Sec 1110(a) of ANILCA states that the use of snow machines for traditional activities "shall be subject to reasonable regulations...to protect the natural and other values..." This language clearly gives discretion to the Forest Service to ensure that the wilderness character remains intact. Nothing in ANILCA implies "traditional activities" include recreational use. The Park Service defines "traditional" as an activity that occurred when ANILCA was enacted and that involves the consumptive use of one or more natural resources of Old Denali Park, such as hunting, trapping, fishing, or berry picking. We encourage the Forest Service to utilize this same definition. There are few places left for those who are seeking to enjoy pursuing traditional activities and recreation without non-mechanized transport. The Chugach is a land of many uses, and we hope the Forest Service will support the abilities of Alaskans and visitors to enjoy the wilderness experience.

While we recognize the importance of ANILCA's direction on permitting certain motorized uses for traditional activities, motorized use in Western Prince William Sound can be detrimental to the WSA's wilderness character if allowed improperly (proposed Plan, p. 11, 14; Assessment, p. 160-1). The Plan appears to do away with guidelines or reasonable checks on motorized uses. The Plan should outline restrictions and limitations to motorized uses and mechanical transport that are consistent with ANILCA and Alaska Region policy for the WSA to maintain the wilderness characteristics of the WSA.

While there are many areas on the Chugach where recreational snow machine use is appropriate, this use is not an activity that is compatible with management that aims to protect wilderness character. In contrast, snow machine use for traditional activities such as hunting can be managed in a way that does not detract from wilderness values. We are confident that the Forest Service can craft reasonable regulations that allow snow machine use for traditional and subsistence activities while also protecting wilderness character.

At a time when PWS is increasingly threatened by reckless and unaccountable management, increased development and motorized access, the Forest Plan Revision proposes further weakening protections.

For instance, in recent years:

- \*Over-hunting has devastated the area's black bear population, harming a species of both ecological and economic value.

- \*USDA Wildlife Services has killed most mink on some islands in an experimental scheme to increase bird populations.

- \*The Forest Service has allowed unregulated recreational snowmobiling to occur on hundreds of square miles of once-quiet mountains and glaciers, some in the wildest parts of the area. This worrisome trend is increasing.

- \*The State of Alaska and U.S. recently abandoned its legal \$100M Reopener case against Exxon-Mobil, leaving over 20,000 gallons of Exxon Valdez oil polluting beaches.

- \*None of the area is permanently withdrawn from large-scale mining or oil & gas. The Forest Plan Revision encourages mineral exploration, despite the fact that mining would be catastrophic for subsistence, commercial fishing, Wilderness, recreation and tourism, which are the backbone of the area's economy.

- \*There are many reports in recent years of scores of beaches in western PWS where chainsaws were used to cut trees, clear campsites, cut firewood, etc.

The USFS has allowed steady encroachment by development and motorized uses. It has permitted the

construction of a large communication site and five fish hatcheries, with roads, heavy equipment, and buildings. Thousands of fish stray from hatcheries each year, threatening wild salmon streams.

This direction is unacceptable, and the Forest Plan Revision is the place to remedy this, not make it worse.

3. Consistency with EVOS Restoration Plan -- The Proposed Forest Plan Revision makes no mention of the 1994 Exxon Valdez Oil Spill (EVOS) Restoration Plan, and does not discuss the need for consistency between Forest Plan objectives and EVOS Restoration Plan objectives. In fact, while the EVOS Restoration Plan calls for greater protection of populations, habitats, and the ecosystem in the region, the Proposed Forest Plan Revision calls for less protection. This is a significant flaw in the Proposed Forest Plan Revision that must be remedied. The EVOS Restoration Plan should be the dominant management plan for the region. As well, all EVOS protected lands should be managed for conservation and Wilderness purposes, consistent with the legal purchase agreements, and protected from further manipulation or degradation. And all Chugach National Forest public lands should be evaluated for additional protective designations as called for in the EVOS Restoration Plan.

The Chugach National Forest is a member of the EVOS Trustee Council, and is well aware of EVOS Restoration goals. The Forest Service should request that the EVOS Trustee Council conduct a thorough review of the Proposed Forest Plan Revision, and identify all inconsistencies between it and the EVOS Restoration Plan. The Forest Service should then correct those identified inconsistencies in the Final Plan Revision.

The EVOS Restoration Plan was developed pursuant to the 1991 Consent Decree between the State of Alaska, the U.S., and Exxon resolving claims from the 1989 Exxon Valdez spill. The EVOS Restoration Plan places virtually all of the Chugach National Forest west of the Copper River in the defined oil spill impacted region. Overall, the EVOS Plan seeks to restore the ecosystem to its pre-spill condition. Restoration is defined in the EVOS Plan and the guiding Memorandum of Agreement between governments as follows:

Restoration means any action...that endeavors to restore to their pre-spill condition any natural resource injured, lost, or destroyed as a result of the Oil Spill and the services provided by the resource, or that replaces or substitutes for the injured, lost or destroyed resource and affected services.

Recognizing the dynamic nature of the coastal ecosystem injured by the spill, the recovery objective for each of the 32 monitored injured resources and services was then established as follows:

The primary goal for all recovering injured resources and services is a return to conditions that would have existed had the Spill not occurred.

Full recovery is defined in the EVOS Restoration Plan as follows:

Full ecological recovery will have been achieved when the population of flora and fauna are again present at former or pre-Spill abundances, healthy and productive, and there is a full complement of age classes at the level that would have been present had the Spill not occurred. A recovered ecosystem provides the same functions and services as would have been provided had the Spill not occurred.

Today, Trustee agencies, including the U.S. Forest Service, acknowledge that many populations, habitats, resource services, and the ecosystem of the region have not achieved these recovery objectives.

Clearly the overarching government management policy for most of the Chugach National Forest region must be to manage fish and wildlife populations, habitats, resource services and the ecosystem to return to their condition prior to the 1989 spill, or the condition that would have existed absent the spill.

However, the Proposed Forest Plan Revision does the opposite, and essentially ignores the pre-existing goals of

the EVOS Restoration Plan. In fact, the only place in the Proposed Forest Plan Revision that EVOS Restoration is even mentioned is in Management Area 6: EVOS Acquired Lands.

On the issue of public lands and waters management and protection, the EVOS Restoration Plan stipulates (p. 22) as follows (emphasis added):

"Habitat protection on existing public land and water may include recommendations for changing agency management practices. The purpose, in appropriate situations, is to increase the level of protection for recovering resources and services above that provided by existing management practices. The Trustee Council may conduct studies within the spill area to determine if changes to public land and water management would help restore injured resources and services. If appropriate, changes will be recommended to state and federal management agencies. Recommendations for special designations, such as parks, critical habitat areas, or recreation areas, may be made to the Alaska legislature or the U.S. Congress."

While the EVOS Restoration program successfully purchased habitat protections on private lands (Alaska Native Village Corporation lands) in the region, it also, as discussed above, calls for establishing additional protections on public lands and waters in the oil spill region, as measures to protect and/or replace resources and resource services lost or injured in the oil spill.

For instance, designating and managing western PWS as Wilderness would be supportive of the EVOS Restoration Plan goals, and should be endorsed as such in Forest Plan Revision. Injured resources and services, still listed by government Trustees as not recovered, include Wilderness, recreation and tourism, subsistence, and passive use. Designating and managing the entire 2 million acre western PWS area as Wilderness would be a low cost/high value Restoration measure to replace and offset injuries from the oil spill. And designating additional Wild and Scenic Rivers, withdrawals from mineral development, habitat protections on public and private lands and waters, etc., would also be supportive of the EVOS Restoration Plan. Yet the Forest Plan Revision not only ignores these EVOS Restoration goals, it actually does the opposite.

The current Forest Plan Revision removes many oil spill impacted areas from the WSA, and relaxes Wilderness protections on the entire area, and is therefore entirely inconsistent with, and compromises the intent of the EVOS Restoration Plan. Thus, the Forest Plan Revision must be re-envisioned to become fully consistent with, and supportive of, the EVOS Restoration Plan. All projects proposed on the Chugach National Forest in the future should receive a consistency determination with the EVOS Restoration Plan prior to approval.

All EVOS protected lands (MA-6) should be managed for conservation and Wilderness purposes, consistent with the legal purchase agreements, and protected from further manipulation or degradation. Appropriately, the Forest Plan Revision states EVOS acquired lands are to be "protected against devaluation or loss;" "intact fish and wildlife habitats are maintained;" protected from "removal or destruction of native plants;" protected from "the removal or harvest of timber;" and that "manipulating natural water courses, shores, marshes, or other water bodies is not compatible with management area desired conditions." These EVOS acquisitions were in and of themselves Restoration, as defined by the Consent Decree, Restoration Plan, and purchase agreements, and they do not envision or permit additional enhancement or manipulation to take place. The Forest Plan must clarify the overall protective intent for managing these lands.

As well, the Forest Service should submit the Forest Plan Revision to the EVOS Trustee Council for review and evaluation of its consistency, or lack thereof, with the EVOS Restoration Plan. All inconsistencies identified by the Trustee Council should be corrected in the Final Forest Plan Revision.

In summary, while the EVOS Restoration Plan calls for greater protection of resources and habitats in the region, the Proposed Forest Plan calls for less protection. This must be corrected.

4. Acquisition and Protection of Carbon Mountain/Bering River -- The Proposed Forest Plan Revision does not now, but must be amended to recommend acquisition of Carbon Mountain/Bering River in Management Area 5 [ANILCA 501 (b) lands].

ANILCA 501 (b) lands are the Copper River Delta and Bering River (CR/BR) areas on the eastern Forest, east of Cordova (see attached map). The Korean Alaska Development Company (KADCO) and Chugach Alaska Corporation (CAC) have indicated their willingness to negotiate sale of their interests in this spectacular, wild, remote 73,000 acre (both surface and subsurface) area for conservation purposes, and the Forest Plan Revision must endorse and call for such. This acquisition would be consistent with and supportive of the overall management objectives for the CR/BR area established by ANILCA 501 (b) - conservation of fish and wildlife - as currently discussed in the Plan Revision, as well as the goals of the EVOS Restoration Plan.

5. Withdrawal from Mineral Leasing -- All Chugach National Forest lands should be permanently withdrawn from mineral, including hydrocarbon, leasing. Mining and hydrocarbon development are incompatible with the multiple sustainable uses of the region, including recreation and tourism, commercial fishing, Wilderness, intrinsic value, and subsistence.

6. Withdrawal from Commercial Forestry -- All Chugach National Forest lands must remain permanently withdrawn from commercial forestry (no Allowable Sale Quantity) as they are now in Plan Revision. Commercial forestry in this region is incompatible with sustainable uses (Note: there is pressure from developers to remove this forestry withdrawal). As well, small-scale, personal use forestry should be prohibited in the WSA.

7. Acquisition of Subsurface Estate -- The Forest Plan Revision must include a recommendation for acquisition and retirement of privately held subsurface estate beneath all Alaska Native Village Corporation EVOS habitat acquisition parcels (Chenega, Tatitlek, Eyak). While the surface habitats of these areas were protected with EVOS money, the subsurface remains in title of the regional corporation, Chugach Alaska Corporation (CAC). This problem became evident in the current CAC mine project in Port Gravina, under lands previously bought and protected with EVOS funds. CAC has indicated a willingness to negotiate sale of the subsurface beneath these EVOS surface protections, and the Forest Plan Revision must acknowledge this, and establish this as a management objective.

8. Additional Protective Acquisitions -- The Forest Plan Revision stipulates that one of the Desired Conditions in the region shall be as follows:

MA 6-DC-04: Land ownership interests are exchanged or acquired from willing sellers to fulfill the intents and purposes of EVOS restoration objectives. [Note: this is the only mention of EVOS Restoration objectives in the Forest Plan Revision}}

This Desired Condition should be expanded and discussed in more detail, particularly in concert with the EVOS Restoration Plan goals and for additional lands beyond those already protected by EVOS Habitat deals. There are many additional private lands in the region that should be evaluated and considered for acquisition into federal protected status (e.g. with conservation easements), as well as additional protections on public lands, in order to fulfill the overall goal of the EVOS Restoration Plan and the Forest Plan Revision.

This includes, but not limited to, the Carbon Mt./Bering River acquisition discussed in Comment 4 above. Such areas should be identified in the Plan Revision. This goal should be clearly identified in the Forest Plan.

9. Additional Wild and Scenic River Recommendations -- The Forest Plan Revision must expand recommendations for designation of Wild and Scenic Rivers (WSR) in PWS and in the Katalla and Bering River areas. Currently, the Plan Revision recommends only 10 river segments for inclusion in the National Wild and Scenic River System (NWSRS). Except for 3 miles of Child's Glacier recommended as a Scenic River, there are

no recommended WSR designations in PWS and the Katalla and Bering River areas (Nellie Juan River is recommended for Wild designation, but is considered to be part of the Kenai).

Rivers that were analyzed, considered eligible, but considered by the Forest Service as "not suitable" for WSR designation include the Copper River, Bering River, Martin River, Columbia Glacier, Alaganik Slough, Coghill River, Katalla River, Martin Glacier, Rude River, and Portage Lake. The Plan does not even discuss the spectacular and rich habitat of the "Heads of the Bays" in eastern PWS - Bear Trap, Gravina, Fidalgo, Sheep, and Simpson - for protective designation as WSR or other. All of these deserve, and should be recommended for, Wild and Scenic River designation.

10. Stream Protection -- The Forest Plan Revision should prohibit projects that alter stream flow in any way, such as ostensibly for fisheries "enhancement." PWS already has enough (or too much) fisheries enhancement with its several large salmon hatcheries and remote releases. Altering in-stream flow in wild salmon systems with further "enhancement" techniques (e.g. adding woody debris, impoundments, manipulating watercourses, etc.) should be prohibited in the Plan Revision.

11. Addressing Risk of Future Oil Spills, Ensuring Ecological Resilience -- Although important oil transport safety precautions were implemented in PWS after Exxon Valdez, as long as tankers continue to carry crude oil through PWS there remains a very real risk of another major oil spill disaster in the region. As well, cruise and cargo ships present the risk of major fuel spills in the region. Another major oil spill would present significant challenges to the sustainable management of the Forest, but the Forest Plan Revision does not address this issue. While ship safety is not within the purview of the Forest Service, the Forest Plan Revision must address and accommodate this residual risk of major oil spills by protecting the resilience of the ecosystem to aid its recovery from future oil spill disasters.

12. Establishing a Chugach Advisory Committee -- Given the importance of informed public participation to sustainable management of the Chugach, the Forest Service should establish in the Forest Plan a Chugach Advisory Committee (similar to the recently established Tongass Advisory Committee). The Chugach Advisory Committee should be comprised of representatives of major stakeholder groups in the region (e.g. Alaska Native Tribes, Alaska Native Corporations, tourism and recreation businesses, conservation groups, commercial fishing, and so on), to be appointed by the Secretary of Agriculture. The Chugach Advisory Committee should be tasked with reviewing and advising Forest Service implementation of all aspects of the Final Forest Plan Revision, including an annual review of all management decisions made pursuant to the revised plan, and overall adherence to the goals of sustainable management.

With definitive, clear direction and language, the Plan Revision must emphasize these non-consumptive, sustainable uses of the region as its main goal.

Thank you for the opportunity to comment, and I look forward to your consideration and incorporation of these and other suggestions, as appropriate. We urge you to clarify, strengthen and expand this Chugach National Forest Plan Revision so it can stand as an outstanding document of conservation and permanent protection of one of the most important ecological regions in Alaska and America.

In Spirit of our Planet's remaining Wild Places,

Dune Lankard  
PO Box 456  
Cordova, Alaska 99575