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Title:

Comments: Please see the attached letter in regards to the Valdez site visit by the Chugach National Forest staff, which I greatly appreciate. I was warned not to expect much, that it would be a bunch of interns handing out brochures, so it was nice to see and meet the actual management team. This letter is written with a pro-technology theme that still compliments the USFS mission of public lands protection. If you have any questions about anything that I have written or mentioned, please do not hesitate to contact me.

A lot has changed in the world since the last United States Forest Service (USFS) management plan for the Chugach National Forest in 2004: the rise of alternative intellectual property right structures such as Creative Commons that more accurately describe commercial and non-commercial use for digital assets in a digital world, billions of people interacting in virtual worlds where they spend billions of dollars on [ldquo]goods[rdquo] that are not physically real and never will be, the rise and sophistication of drones, alternative digital currencies, and the ability to design and manufacture anything in your bedroom with 3D printing.

The only technology mentioned above that people tend to zero in on are drones, but the other technologies also impact the national forest and how it is utilized.

For example, I can use my phone to take a 3D scan of a tree or leaf, convert that into a 3D model and/or texture, and sell that asset commercially to all manner of game design platforms: Unreal, Unity, Second Life, High Fidelity, etc. This is a commercial product based on activity that could occur anywhere within a national forest, and it is impossible to regulate or track. Such assets would not be as obvious as someone selling pictures of popular locations and landmarks. I could also fly over a mountain, 3D scan it from the air just by using GPS and still images, and start selling 3D printed models of it, or just translate the entire area into a digital game environment for my next role playing trilogy on the Apple App Store. I could even choose to accept payment for any of those assets, as a content creator or commercial operator, using cryptocurrencies.

Luckily, my own interactions with the Chugach National Forest are easier to understand: as a Part 107 Unmanned Aerial Systems (UAS) pilot. The only area that I have flown, for now, has been around Portage Glacier, southwest of Whittier. While the FAA[rsquo]s Part 107 regulations are enough to ensure safe and responsible flight, I take extra precautions, such as high visibility, limiting my time in the air, and trying to fly where there are no people present, in order to be as respectful of the natural space as possible. Please ensure that responsible drone flights stay allowed within non-wilderness areas.

Here is an example of how I fly a drone in the field: with a mid-size DJI Mavic and DJI Phantom drone, the UAS cannot be heard any further than 700 feet away[mdash]or less if upwind[mdash]thanks to increasingly quiet motors and propellers. Depending on the drone color and the background color in conjunction with weather conditions, the maximum lateral distance I can fly while still keeping (useful) track of the drone[rsquo]s movements and surroundings is roughly 2,000 feet, provided the UAS is the opposite color of the background (light versus dark). I tend to keep the UAS within 1,500 feet, which is not very far. I fly from vantage points where

I have an unobstructed view of the entire airspace in the direction I am flying toward, even though my own activity within that airspace is essentially nonexistent in scale by comparison to a bird, helicopter, or airplane.

I have not done anything with the Portage Glacier footage yet. For other flights, media capture of crevice fields, calving faces, waterfalls, etc., are released online, for free, under a Creative Commons CC-BY 4.0 license, which is one step below public domain dedication. Creative Commons is an alternative [ldquo]copyleft[rdquo] structure that has stood in courts from around the world. I consider my flights noncommercial because I receive no real benefit from them. It is possible to release captured media online for sharing and utilizing in only noncommercial ways (CC-NC). However, the only requirement of CC-BY is for attribution, which I do not police.

The reason for this open content policy is not because I do not think that I could make money off of my media[mdash]I know I can[mdash]it is because I want to see what people around the world can do if they are provided with tools that are zero barrier to entry. The results have been fascinating: content creators who have used footage as the backdrop to rap videos in various languages, backdrops for sermons in every major religion around the world, inspirational footage for songs dedicated to lost loved ones, video blogs, etc. These are just the applications that I know about. I expect that my Portage Glacier footage will be utilized similarly. UAS technology has become an important first amendment tool for freedom of expression and speech.

I would like to continue operating as a responsible pilot around Whittier, and I have plans to film the Sheridan and Sherman Glaciers near Cordova, as well as a little bit of the Copper River Delta where the highway still exists, in the summer of 2019. If you ban drones anywhere with no reasonable, legal way for a responsible pilot like myself to prove that I can fly safely, you are not stopping UAS flight. You are only guaranteeing that the only people who fly in these areas are going to be the worst of the worst; people who do not care about the rules and do not care who or what they hurt, be it person or animal. Worst of all, they get to continue having a grand old time while everyone else simply watches from the sidelines in frustration. The longer such ridiculous bans are in place, the worse the rule breakers are going to be, and the more damage they will cause until, eventually, the people who do follow the law get tired of being left behind by the people who do not.

Snowmobile riders face this same issue. Just like drone operators, they are a convenient scapegoat for an elitist but vocal minority who, when it comes down to it, only want to enjoy nature by themselves, as if the national forest is their personal retreat and nobody else is allowed to be there and enjoy it in a different, but nondestructive, way. People complain that snowmobiles are loud. Tell that to the jets flying overhead. If you ban snowmobiles in an area, just like with UAS, it is not stopping the activity. At best, it limits it, but only for a short time. If snowmobiles and airplanes are allowed, why would a silent quadcopter drone not be? If an airplane can fly around an area, why can[rsquo]t a snowmobiler ride? I understand your difficult job of trying to balance competing interests and philosophies in a public space, but if the Chugach National Forest really is a public space, the best course of action would be to stop telling who can do what where and start focusing on holding the individuals who actively harm the public space accountable. Most of us are reasonable people and just want to get along.

Another way to think about it is this: if a ban cannot be reasonably policed, how effective is it in reality? Bans on

most activities relating to modern technology should be re-evaluated as an opportunity for revenue generation through accessible permitting that showcases responsible stewardship and activity on public land. The Wilderness Study Area is a great example. To say that chainsaws and snowmobiles and airplanes are allowed in an area, but helicopters and drones are not simply because they did not exist at the time the area was created, is ridiculous and you should not be managing public land policy on the basis of omission. Clearly, when this Study Area was created, technology was understood as being necessary and essential, and the spirit of that decision was that technological operations were and are allowed. In the case of airplanes, helicopters, and drones, an aircraft is an aircraft and of the three, drones are the least invasive by far.

The advancement of UAS in the public sector also shows how your management plan for the Wilderness Study area is, unintentionally, bilaterally racist. Management through omission, where new technologies that serve the same purpose and function of prior, outdated technologies that are allowed, is racist toward Alaska Natives in that it tells them what kinds of tools they are and are not allowed to incorporate into their traditions. After 1980? Not allowed. This policy is also racist toward non-Alaskan Natives because it says that their own traditions are not as valid as Alaskan Natives, not for any actual reason, but only because of race. While ANILCA was a positive step forward with what is and what is not allowed in Wilderness Areas, because your management plan has not adapted to changes in society, Alaska Native or otherwise, your plan overall is breaking down.

I understand that some of these rules are not in place because of the Chugach National Forest Supervisor or other USFS staff, but as the managers of all this land, it is still your responsibility to collect, understand, and advocate for changes that reflect public interests in public lands, wilderness areas and otherwise. In the case of modern aircraft, it is not about breaking your own policy of not easing restrictions on a zone once they are in place: the aircraft of our time (1980) were allowed then, the aircraft of our time (2018) are allowed now. If your organization really can only operate on the basis of, [ldquo]taking more freedom away over time because we are not allowed to give any back,[rdquo] the USFS is not going to last. Who would defend such a group? Intellectually, I understand the idea as it relates to lands protection, but in practice, it is a long-term setup for failure and public backlash.

Thank you for taking the time to read this. I do not want to see public lands organizations fail, but it feels like they are for individuals like myself who do have the resources to lobby. A policy that forbids easing of restrictions is only going to erode public support over time, even though that policy also acts as a public lands protection mechanism in theory. This lack of support eventually ends with the collapse and removal of said organization. Prior to that, there is a mess of contradictory rules and regulations, which is what I see now. Rules themselves do not prevent anything. There are strategies to accommodate non-motorized and motorized (snowmobiles, drones, helicopters, jetpacks) users that is flexible, lacks restrictions, and takes advantage of the sheer size of the Chugach National Forest without having to block or scapegoat any group of users: the size of the space. Keeping people spread out will, through the nature of space, ease conflicts and tension. Please keep all of the Chugach National Forest open for everyone[rsquo]s recreational interests.

There was a time where I used to believe that we should make all forests wilderness areas, but then I become an adult. Once the care-free, rebel attitude of youth settles down, all of the ways in which our freedoms are minimized become easier to notice. We need to do what we can to make sure future generations are even more free, not less.

Sincerely,

Don Bickley