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Thank you for the opportunity to comment. Thanks also for all the work reflected in the proposed Forest Plan, and especially the efforts to respond to public comment submitted in early 2016. The proposed Forest Plan is much improved and clearly takes into account the 2016 public comments.

Before making suggestions for continued improvement, I want to highlight just a few of the proposed plan's many examples of good, forward-looking guidance for managing the Nellie Juan-College Fiord Wilderness Study Area (WSA). They include:

- \* Expressing continued commitment to restoring resources (not just fish and wildlife) injured by the 1989 Exxon oil spill;
- \* Objectives to create Forest Orders to prohibit helicopter and drone landings in the WSA;
- \* Committing to an interdisciplinary WSA stewardship plan to guide area management in a transparent, efficient and strategic way;
- \* Maintaining commercial group size limit at 15;
- \* Guiding managers toward consistent use of the Minimum Requirement Analysis (MRA) for activities that affect the wilderness character of the WSA;
- \* Including a desired condition that emphasizes prevention, early detection, and rapid response to invasive species in the WSA;

While the plan is much improved, several areas related to the WSA and EVOS-acquired Lands still could align better with USFS Alaska Region policy, ANILCA, the EVOS Purchase Agreements, and the long-held public interest in maintaining the wilderness character of western Prince William Sound. That public interest represents generations of close human connection to the landscape, for subsistence, recreation, sport hunting and fishing, a thriving recreation and tourism industry, and public use and enjoyment of a wilderness setting. With those values in mind, please consider the following brief suggestions for improving the plan:

## 1. Managing for Wilderness Character

### Issue

Throughout Wilderness Study Area Management Area 1 (MA 1), the proposed plan changes the current Forest Plan requirement to "maintain presently existing wilderness character" to "maintain presently existing character"

(omits the word 'wilderness'). This is a change from both the 1984 and 2002 forest plans. The change establishes conflict between the Plan and USFS Alaska Region policy and potentially ANILCA Sec. 1315b. It also opens the potential for confusion that could over time undermine the otherwise clear MA1 management intent, objectives, standards and guidelines.

## Solution

Restore the 1984 and 2002 Forest Plan language to maintain the [ldquo]wilderness character[rdquo] of the WSA. This change would neatly tie together MA1 Management Intent, Objectives, Standards, and Guidelines and eliminate the potential for confusion and disagreement that may result from the proposed [ldquo]existing character[rdquo] language.

## Discussion

The conflict arises with 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.

The objective to manage the WSA [ldquo]to meet the spirit and intent of the 1964 Wilderness Act,[rdquo] and the policy to [ldquo]follow the same direction provided for wildernesses established by ANILCA,[rdquo] both necessitate managing the WSA specifically to maintain its [ldquo]wilderness character.[rdquo] Congress, legal scholars, courts, and the four agencies that manage federal wilderness all agree that the primary direction of the Wilderness Act is to preserve an area[rsquo]s [ldquo]wilderness character.[rdquo] ANILCA Sec. 102 (13) affirms that wilderness areas established by ANILCA [ldquo]have the same meaning as when used in the Wilderness Act.[rdquo] Dozens of citations are available to confirm the centrality of wilderness character, but for two quick examples see the introductory paragraphs of Landres et al 2012 found here: [https://www.fs.fed.us/rm/pubs\\_other/rmrs\\_2012\\_landres\\_p001.pdf](https://www.fs.fed.us/rm/pubs_other/rmrs_2012_landres_p001.pdf), or the Wilderness Act section of High Sierra Hikers v. Blackwell, 2004, found here: <https://www.wilderness.net/toolboxes/documents/outfitter/HSWA%20v%20Blackwell%202004.pdf>.

The proposed plan's change from "wilderness character" to "existing character" appears based on one sentence in R10 FSM 2320.3 that instructs the Forest Service to maintain the WSA's "existing character." However, basing the entirety of the proposed plan's MA1 direction on this phrase ignores the next sentence in R10 FSM 2320.3, which specifically refers to the Wilderness Act as the model for management. The preponderance of legal and scholarly literature shows it is simply impossible to direct that an area's management "will follow the same direction provided for wildernesses established by ANILCA" without committing to preserving the area's "wilderness character."

From a more practical manageability standpoint, the term "wilderness character" carries a specific definition developed jointly by the four federal agencies that manage wilderness areas. It details a unique suite of social and biophysical qualities relative to a landscape. The definition is an unambiguous tool that guides managers in determining appropriate authorizations for an area. In contrast, "existing character" has no specific definition or identified qualities that can be found in the draft Forest Plan or US Forest Service policy. It would even be hard to find a single, agreed-upon definition in modern English discourse. Absent a definition, the management intent to maintain the WSA's "existing character" will likely create confusion and disagreement over time, complicating the role of managers to answer public needs.

It is also relevant to consider that courts have supported USFS discretion to preserve "wilderness character" on lands not protected by the 1964 Wilderness Act, including WSAs and Recommended Wilderness Areas. See *Ten Lakes Snowmobile Club v US Forest Service*, 2017, p. 33-34: <https://earthjustice.org/sites/default/files/files/17-10-18%20Doc.%2064%20Order%20on%20Summary%20Judgment.pdf> or *Bitterroot Ridge Runners Snowmobile Club v. US Forest Service*, 2018, p. 18-21: <https://www.casemine.com/judgement/us/5b4f64947ba35f5d386e29ee>.

It is also helpful to consider that ANILCA Sec. 1315b requires some level of protection for the Chugach NF WSA's "wilderness character" when considering aquaculture projects and fisheries research and management. As shown in comments below, applying "existing character" to a number of activities in the WSA conflicts with this section of ANILCA.

Furthermore, the Exxon Valdez Oil Spill Trustee Council still lists the wilderness services of the WSA as unrecovered by the spill. Weakening overall management of the WSA from "wilderness character" to "existing character" undermines the Council's ongoing direction to maintain, restore or enhance the wilderness services in the WSA (See 1994 Exxon Valdez Oil Spill Restoration Plan).

Additionally, the proposed plan directs managers to use a Minimum Requirement Analysis (MRA) while considering certain authorizations in the WSA. The MRA process is fundamentally centered on the US Forest Service definition of "wilderness character." Emphasizing "existing character" throughout the proposed plan while continually pointing managers toward a tool that is defined by "wilderness character" may create confusion, debate and an eventual weakening of WSA management. For instance, it

could invite claims that the MRA is an improper tool for WSA management decisions because it demands consideration of [ldquo]wilderness character[rdquo] over [ldquo]existing character.[rdquo] Such debate would further undermine the proposed plan[rsquo]s management intent, and the goal of the 2012 CNF Plan Assessment to reduce confusion surrounding WSA management.

Finally, it is important to acknowledge that the question of [ldquo]wilderness character[rdquo] over [ldquo]existing character[rdquo] is crucial to defining how the WSA will be managed. Throughout the proposed plan, readers are assured the WSA will be managed to maintain its [ldquo]potential for inclusion in the National Wilderness Preservation System[rdquo] (NWPS). This phrase establishes almost no standard for area management when one considers the landscape conditions that Congress has commonly accepted into the NWPS over the past half century. They include logged over lands, extirpated species, altered water courses, altered forest composition, dams, airstrips, structures, lodges, and millions of acres affected by invasive species, livestock grazing, and both fire suppression and pre-suppression activities. Protecting the WSA for [ldquo]potential inclusion in the NWPS[rdquo] means any of these conditions could develop over large parts of western Prince William Sound. Thus the strength of area management comes from a clear and grounded definition of the area[rsquo]s present condition, which is only appropriately achieved through use of the term [ldquo]wilderness character,[rdquo] as was used in the 1984 and 2002 Forest Plan.

## 1. Wilderness Character Monitoring

### Issue

In another change from the 2002 Forest Plan, the draft plan drops the question, [ldquo]Is the wilderness character of the WSA being maintained?[rdquo] from the Forest Monitoring Program. This change would hamper the ability for the Forest Service to meet MA1 management intent, objectives, and standards and guidelines.

### Solution

Include the following monitoring question in the revised Forest Plan, under the heading [ldquo]Desired Conditions, Including Social, Cultural and Economic Sustainability:[rdquo]

Are the qualities of wilderness character being maintained in the WSA?

### Associated Indicators

Changes in five qualities of wilderness character (Untrammelled, Undeveloped, Natural, Solitude/Primitive Recreation, Other Features)

## Selected Plan Components

Desired Conditions Management Area 1 Wilderness Study Area (p. 25):

- \* Visitors to the WSA find outstanding opportunities for solitude, remoteness, closeness to nature, and self-reliance in a natural environment of coastal rain forests and tidewater glaciers.
- \* The WSA provides opportunities for the full range of subsistence uses, a robust recreation and tourism economy, and research, while maintaining its presently existing character and potential for inclusion in the NWPS.
- \* Visual and noise impacts from authorized mechanical access and use of motorized equipment are minimized.
- \* Evidence of recreation use is generally only apparent at popular sites.
- \* Ecosystems function primarily without direct human manipulation. The landscape is undeveloped and appears primarily influenced by the forces of nature.
- \* The WSA's injured resources and services identified in the 1994 Exxon Valdez Oil Spill Restoration Plan have largely recovered from the effects of the 1989 Exxon Valdez oil spill.

\*Note: could also reference:

Goal 1 DC 10, page 12: [ldquo]Restoration of EVOS-affected resources, and management of lands acquired with EVOS Trustee Council funds continue through partnership with the EVOS Trustee Council.[rdquo]

\*

WSA remains listed as an injured resource. CNF wilderness character monitoring demonstrates the spill continues to adversely affect three discrete qualities of wilderness character. Monitoring WSA conditions the only sure way to describe trends in the injured wilderness resource described by EVOS TC.

## Discussion

The proposed plan's direction to maintain a complex array of conditions relative to a fixed point in time (i.e. [ldquo]presently existing[rdquo] conditions) requires the prioritized monitoring that is only possible through the Forest Monitoring Program. It represents a unique Chugach NF need for [ldquo]information for adaptive management of the plan area,[rdquo] with a purpose of [ldquo]testing relevant assumptions, tracking relevant changes, measuring management effectiveness,[rdquo] as described in Appendix A Monitoring Program, page 81.

The existing WSA monitoring protocol makes use of existing data sources and partnerships, demonstrating it [ldquo]is augmented by broader-scale monitoring by the Alaska Region of the Forest Service and monitoring with partners,[rdquo] as described in Appendix A Monitoring Program, page 82.

The Chugach NF approved a WSA monitoring protocol in 2011, updated it in 2013, and compiled its first preliminary findings in 2016. The work described trends both positively and negatively affecting specific qualities

of WSA wilderness character. The effort showed the protocol can be successfully implemented with application of limited resources, meaning it can fit [ldquo]within the financial and technical capabilities of the Forest Service,[rdquo] as described in Appendix A Monitoring Program, page 82.

Placing the WSA monitoring question under [ldquo]Desired Conditions, Including Social, Cultural and Economic Sustainability[rdquo] is supported by the statement on page 5-6 that the WSA offers unique [ldquo]social, economic, and ecological contributions.[rdquo]

Monitoring of trends in WSA wilderness character addresses at least three of the eight topics associated with the Forest Monitoring Program, listed in Appendix A Monitoring Program, page 82:

- \* The status of visitor use, visitor satisfaction, and progress toward meeting recreation objectives;

- \*

Measurable changes within the plan area related to climate change and other stressors that may be affecting the plan area

- \*

- \* \*Note: while climate change is certainly affecting the WSA, the primary stressor addressed by WSA monitoring is human visitation and other activities. Visitation is desired and meets the objective of providing use and enjoyment, education, subsistence, and activities associated with a robust recreation and tourism industry. Yet it must be acknowledged that visitation and other human activities stress WSA resources. Specific examples include air pollution, invasive species, noise, fisheries enhancements, research, and physical and social impacts from recreation. Each of these is monitored as part of the established WSA wilderness character monitoring protocol currently included in the Forest Monitoring Program.

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Progress toward meeting desired conditions and objectives in the forest plan, including providing for multiple-use opportunities. It is hard to imagine how the Chugach NF can meet the desired conditions described on pages 24-25 without including a WSA monitoring question in the Forest Monitoring Program.

In addition to its alignment with the proposed plan[rsquo]s criteria for the Forest Monitoring Program, WSA wilderness character monitoring is necessary for meeting Management Area 1 management intent/desired conditions because of the dynamic rate of change in western Prince William Sound. Since the 1980 designation of the WSA, the area[rsquo]s character has significantly changed in response to the 1989 Exxon oil spill, the 2000 opening of vehicle traffic to Whittier, the rise in cruise ship traffic that spiked in 2008, population and wealth increases in south-central Alaska, additional increases in commercialism, black bear hunting, and hatchery fish production, and the technological advances that have enabled significant increases in snow machine and marine vessel traffic within and adjacent to the WSA. As the CNF Forest Plan Assessment, the Prince William Sound Framework, current WSA monitoring, and other sources indicate, human-driven change will continue to impact [lsquo]presently existing[rsquo] conditions in the WSA, supporting the need for inclusion in the Forest Monitoring Program.

Current WSA wilderness character monitoring has also substantially improved understanding of the [ldquo]unrecovered[rdquo] status of the WSA from the 1989 Exxon Valdez oil spill, as described by the EVOS Trustee Council. The findings demonstrate the vital role WSA monitoring plays for both Forest Plan management intent/desired conditions and the ability of the Trustee Council to assess the status of the injured resource. (For this reason, it is also an obvious imperative that WSA wilderness character monitoring be supported by the funds managed by the Trustee Council.)

#### 1. Certain EVOS-Acquired Lands should be included in Management Area 1 WSA, page 24-25

##### Issue

EVOS-Acquired Lands around Jackpot Bay, Paddy Bay, Hogan Bay, and Junction Island should be included in MA1, not the less protective MA6 EVOS-acquired Lands. Their placement in MA6 weakens protections and undermines attainment of the legally binding goal of the Chenega Purchase Agreement, potentially exposing the Chugach National Forest to legal action.

##### Solution

Place Chenega EVOS-Acquired Lands within or adjacent to the WSA under Management Area 1 WSA.

Note: This may establish a separate management standard for Chenega purchase lands compared with other EVOS-Acquired Lands. But it is easily resolved by explaining in the Management Intent for MA6 that [ldquo]lands within or adjacent to the WSA purchased under the Chenega Purchase Agreement are managed under MA1 WSA.[rdquo] A comparison between MA1 and MA6 shows no conflict between MA1 and the EVOS Purchase Agreements that could not be resolved through minor edits. See below.

##### Discussion

Retaining the Chenega purchase lands in MA1 is supported by three facts:

1. the lands were purchased in large part because of their location within the boundaries of the WSA;
2. the lands are intended to be managed [ldquo]in perpetuity for conservation and wilderness purposes,[rdquo] as described in the legally binding Chenega Purchase Agreement;
3. the relevant protections found in MA1 are stronger and more appropriate than those found in MA6

To the first point, see the May 31, 1996, transcript of public testimony before the EVOS Trustee Council pertaining to the lands ultimately acquired under the Chenega Purchase Agreement (attached). Federal negotiators describe the lands as [ldquo]an inholding within a proposed wilderness area[rdquo] (pages 4-8,

attached). They cite their location within WSA boundaries and their high potential to restore wilderness values as key reasons behind the proposed purchase (ultimately completed in 1997). Members of the public, including recreation and tourism industry representatives and conservation specialists, corroborate the testimony by federal negotiators that the Chenega lands proposed for purchase have unique and highly valuable wilderness qualities specific to the WSA and relative to the recovery of the EVOS injured wilderness services (pages 13-21, attached). The testimony is consistent with the 1997 FEIS and ROD that support the purchase and describe the Chenega-purchase lands as having high restorative values for the WSA and EVOS injured wilderness resources.

To the second point, the Chenega Purchase Agreement unequivocally shows the EVOS acquired lands within and adjacent to the WSA are to be managed [ldquo]in perpetuity for conservation and wilderness purposes.[rdquo] Consider the following references from the Purchase Agreement:

\*

Sec. 6a, page 322: Chenega Corporation

[ldquo]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,[rdquo]

and,

[ldquo]the Federal and State Conveyance Lands purchased pursuant to this Agreement shall be maintained in perpetuity in their natural, pristine state in accordance with the terms of the Restrictive Covenants contained in the applicable[hellip]Warranty Deeds.[rdquo]

The Agreement goes on to say that if lands cease to be in compliance, non-compliance issues must be immediately resolved or the lands can be conveyed to the State. This clause creates a legal responsibility that the Forest Service manage the lands for conservation and wilderness purposes.

\*

Sec. 18n, page 331: says the State shall have the right to conduct research, but:

[ldquo]To the extent reasonably possible such sites shall be constructed, managed and operated in a manner that is consistent with the goal of maintaining the land in perpetuity for conservation and wilderness purposes.[rdquo]

\* Under the Warranty Deed, Section II Restricted Activities 1, page 423, the United States again agrees to manage and maintain the lands [ldquo]in perpetuity for conservation and wilderness purposes.[rdquo]

As the public testimony before the EVOS Trustee Council reflects, [ldquo]wilderness[rsquo] is not a random, subjective or general term. Rather, it is a precise reference to the values of the WSA and its EVOS injured resources, which relate specifically to the qualities of wilderness character described in the 1964 Wilderness Act. It is clear from the testimony that federal negotiators and EVOS Trustee Council members expect the lands may eventually be included in the National Wilderness Preservation System, and that expectation is driving the recommendation for the lands purchase. Not managing the lands under the WSA Management Area conflicts



with a big part of the reasoning behind the purchase.

To the third point, the current (2002) Forest Plan and the proposed plan's MA1 standards and guidelines provide protections more aligned with the wilderness values of the EVOS-acquired lands (Chenega) than the proposed MA6 language. The MA1 strength comes from two specific sources:

1. The alignment of management intent and standards/guidelines with the qualities of wilderness character
2. The required use of the minimum requirement analysis to ensure maintenance of wilderness character

In contrast, as presently written the proposed MA6 standards and guidelines are ambiguous, inconsistent, and include no meaningful provisions for meeting the legally binding Chenega Purchase Agreement goal to manage the lands "in perpetuity for conservation and wilderness purposes." Under MA6, stream channels, water courses, and even the topography of the land can be altered at the unspecified discretion of the land manager, and MA6 offers the manager no tools or guidelines for exercising discretion. MA1 does offer tools and guidelines to assist in manager discretion when approving actions on the land that involve activities "restricted" by the Purchase Agreements.

In summary, the only appropriate way for the Forest Service to uphold the intent of the purchase and meet the "conservation and wilderness purposes" mandate of the Chenega Purchase Agreement is to include them in MA1.

## 1. Management Area 1 WSA Desired Conditions, page 25

### Issues

- \* Desired Condition #3 should be reworded to better describe the desired non-motorized environment of the WSA
- \* Desired Condition #7 conflicts with ANILCA. It combines wildlife and fish management activities, but ANILCA 1315b applies a higher and more specific standard to fisheries activities than is expressed in the DC.

### Solution

- \* Desired Condition #3: Add the following sentence to the beginning of the DC:

"Visitors experience a generally non-motorized environment while on land, although motorized uses do occur on adjacent air space and marine waters."

Keep the existing sentence: [ldquo]Visual and noise impacts from authorized[hellip][uses] are minimized.[rdquo]

\*

Desired Condition #7: Either break out fisheries into its own DC or change the language to be consistent with ANILCA 1315b by:

\* a: replacing [lsquo]existing character[rsquo] with [lsquo]wilderness character[rsquo]

\* b: eliminating the [lsquo]to the greatest extent feasible[rsquo] clause, which is not consistent with ANILCA.

## Discussion

### Desired Condition #3

R10 FSM 2320.2 & 2320.3 direct WSA management to use the 1964 Wilderness Act and ANILCA as models. Both laws require management based on [ldquo]wilderness character.[rdquo] All four federal agencies agree wilderness character is comprised of five qualities, including [ldquo]undeveloped.[rdquo] The Forest Service and others include a non-motorized environment, as supported by Sec. 4c of the Wilderness Act, as critical to the undeveloped quality.

Existing DCs adequately address the other qualities of wilderness character, but come up short on the non-motorized component of undeveloped quality by only referring to [ldquo]authorized[rdquo] uses. The suggested edit resolves this problem.

Some might say the forest plan is limited to only discussing authorized motorized uses, as expressed in the proposed DC. But the Forest Order objective on page 50 clearly shows an appropriate attempt to address unauthorized motorized uses in the WSA. Other DCs on page 25 also show appropriate attempts to influence activities the Forest Service cannot directly control through the Forest Plan, including evidence of recreational use and opportunities for solitude.

Some might argue against the suggested edit because motorized uses on marine waters or in air space adjacent to the WSA are outside Forest Service jurisdiction. This concern is adequately addressed in the suggested edit.

### Desired Condition #7

The following clause is problematic:

[ldquo]Fisheries and wildlife management activities[hellip].are consistent, to the greatest extent feasible, with

maintaining the area's presently existing character and potential for inclusion in the NWPS.

The clause creates two problems. First, ANILCA Sec. 1315b specifically refers to "wilderness character," not the much looser and ill-defined "existing character." It states that fisheries management, research, enhancement and rehabilitation may occur but only in a manner that "adequately assures protection, preservation, enhancement and rehabilitation of the wilderness resource." It requires any hatchery, weir or other aquaculture facility "shall be constructed, managed and operated in a manner that minimizes adverse impacts on the wilderness character of the area." Temporary use of motorized equipment may also be permitted, but it is subject to "reasonable regulations as the Secretary deems desirable to maintain the wilderness character, water quality, and fish and wildlife values of the area."

The second problem is that the proposed DC includes a "to the greatest extent feasible" standard that is not consistent with ANILCA Sec. 1315b. The only discretionary allowance provided by Sec. 1315b is that "reasonable access, solely for the purposes of this subsection...shall be permitted," but that it is "subject to reasonable regulation." These legal requirements strike a more specific and restricted balance than the proposed plan's "to the greatest extent feasible."

#### 1. MA6 Management Intent/Desired Conditions, page 29-30

##### Issue

Language under heading "Lands Acquired by the United States" (page 29) include inconsistencies and errors that conflict with the legally binding purchase agreements.

##### Solutions

\* To resolve conflict with purchase agreements, change "conservation and restoration purposes" to "conservation and wilderness purposes" in the following sentence:

"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." (page 29)

\* To resolve conflict with purchase agreements, change wording of the following sentence:

"Development activities are typically allowed when necessary to protect public safety or natural resources, or for research or management of the area for conservation or wilderness area purposes." (page 29)

First, drop the word "area" from "conservation and wilderness area purposes."

Second, it is not accurate to say, "Development activities are typically allowed when" This infers far too general an allowance for development on EVOS-Acquired Lands. Instead, specific development activities related to fish, wildlife and ecosystem research and monitoring may be allowed consistent with maintaining the land in perpetuity for conservation and wilderness purposes, and in accordance with Purchase Agreement Restricted Activities and Prohibited Activities. Also, "such sites" must be designed in a rustic manner so as to blend into the natural character of the land.

\*\*\* (See Chenega, Tatitlek and Eyak purchase agreements under "SELECTIONS," 18(n), and under US Warranty Deed, Section II RESTRICTIVE COVENANTS.)

\* To resolve conflict with Purchase Agreements, change language in Desired Conditions #4, page 30:

"The Forest Service continues to support projects to improve acquired lands, including projects that will restructure habitat to restore fish and wildlife productivity on lands purchased and acquired with EVOS Trustee Council funds."

The language misrepresents the Purchase Agreements. The agreements do not provide blanket allowances to "improve acquired lands" or "restructure habitat." Instead, certain research, restoration or management activities may occur, but they must be consistent with the Restrictive Covenants and the overarching goal of managing the lands "in perpetuity for conservation and wilderness purposes."

## Discussion

Throughout Management Area 6 EVOS Acquired Lands, the proposed plan's language incorrectly or inadequately portrays the specific instances or conditions under which activities are allowed, or the overriding principle that all EVOS-Acquired Lands are to be managed first and foremost "in perpetuity for conservation and wilderness purposes."

### 1. Suitability of MA1 WSA Lands, page 36

#### Issue

Suitable determination for "Hardened dispersed camping sites" is inconsistent with Alaska Region

WSA policy

Solution

Change the determination from Suitable to Conditional

Discussion

The description of hardened campsites on page 39 is accurate, but the modifications described may include platforms, trails, retainers, vegetation management or other features that constitute an installation or development within the WSA. Such modifications are subject to an MRA (see R10 FSM 2320.2, 2320.3 and 2322.03(6)). See also Guideline #18, pages 73-74, where hardened campsites would be included as [ldquo]structures or improvements[rdquo] requiring an MRA.

1. Suitability of EVOS-Acquired Lands, pages 36-37

Issue

At least six activities that are listed as [ldquo]conditional[rdquo] on EVOS-Acquired Lands do not appear consistent with the legally binding Purchase Agreements.

Solution

Look at Purchase Agreements and determine whether a mistake has been made that is confusing EVOS-Acquired Lands with lands that were put under conservation easements.

Move the following activities from Conditional to Not Suitable on the Suitability Table, page 36-37:

- \* Day-use Facilities
- \* Communication Sites
- \* Energy-related Infrastructure/Utilities
- \* FS Recreational Cabins
- \* Assigned Sites for Outfitter/Guides.
- \* And shouldn[rsquo]t Personal use Special Forest Products be Suitable, not Conditional?

All this may be linked to an apparent error in EVOS-Acquired Lands standards/guidelines, page 77, where Standard #1 says [ldquo]all lands shall be managed consistent with their conservation easement covenants.[rdquo] Shouldn[rsquo]t this refer instead to Purchase Agreements? If so, then Appendix F Suitability MA6, page 132, is all screwed up. See comments below for Appendix F.

## 1. MA1 WSA Objectives and Management Approaches, page 50

### Issues

For greater consistency with Alaska Region WSA policy, [ldquo]existing character[rdquo] should be replaced with [ldquo]wilderness character.[rdquo]

EVOS language only acknowledges fish and wildlife as injured resources, omitting the wilderness resource.

Objectives should address unauthorized chainsaw use in the WSA.

### Solutions

\*

Bullets 2-6 should say [lsquo]wilderness character.[rsquo]

\*

Bullet #3, replace monitoring of [ldquo]fish and wildlife species affected by[rdquo] the spill with [ldquo]resources[rdquo] affected by the spill. This creates consistency with Goal 1 DC10, page 11, and acknowledges that injured resources are not limited to fish and wildlife but also still include the WSA wilderness resource itself, as described in 1994 EVOS Restoration Plan and 2014 EVOS Trustee Council update of injured resources.

\*

Objective #2: Chugach NF should also commit to some way of addressing widespread and ongoing recreational use of chainsaws in the WSA. I understand no CFR exists, but 2012 Planning Rule 74.1 gives discretion for curbing activities that affect the social or physical character of an area recommended as wilderness. Monitoring and reports from the public and outfitter/guides indicate damage from recreational chainsaw use is more widespread and long-lasting than the helicopter and drone activities addressed in the current objective. It leads to removal of both green trees and the non-renewable resource of [ldquo]earthquake trees[rdquo] left standing after the 1964 earthquake, harming both natural and heritage resources integral to the character of the WSA. Recreational use of chainsaws in the WSA is not authorized by ANILCA or Alaska Region policy. Addressing it in the Forest Plan is well within the 2012 Planning Rule Sec. 74.1 direction that [ldquo]all plan components applicable to a recommended area must protect and maintain the social and ecological characteristics that

provide the basis for wilderness recommendation,[rdquo] and may [ldquo]eliminate existing uses, except those uses subject to valid existing rights.[rdquo]

## 1. Management Area 6 EVOS-acquired Lands Objectives and Management Approaches, p. 51

### Issue

The EVOS Purchase Agreements include important goals and management approaches that should be included in this section because they are not widely acknowledged or easily located by managers.

### Solution

Include at least one management approach so managers understand the specific and legally binding terms for managing EVOS-acquired Lands. Here[rsquo]s suggested language:

Continue permitting or conducting appropriate research, monitoring and management activities that are consistent with managing EVOS-acquired Lands [ldquo]in perpetuity for conservation and wilderness purposes,[rdquo] and that abide by the Restrictive Covenants of the Purchase Agreements.

### Discussion

Throughout the proposed plan, the legally binding requirements of the purchase agreements are underrepresented and at times inaccurately or inconsistently portrayed. An additional challenge is that the Purchase Agreements are not always consulted by Forest Service managers or project leaders. When they are consulted, the length and legalese of the agreements often cause confusion for the lay reader.

Including a little more information from the Purchase Agreements helps resolve the issue and reminds managers of key aspects of the agreements that need to be considered. Management Approaches is an appropriate place to include direction. The appropriate direction would highlight the key requirements of the Purchase Agreements, including the legally-binding and central direction to manage [ldquo]in perpetuity for conservation and wilderness purposes,[rdquo] as summarized above in the suggested language.

## 1. Management Area 1 WSA Standards and Guidelines, pages 72-74

### Issues

1. Order of standards and guidelines may be confusing to some readers
2. Several standards and guidelines conflict with Alaska Region policy by not allowing for activities found to be necessary to meet minimum requirements for the administration of the WSA for the purposes referenced in Alaska Region policy
3. Standard #4 too strict, conflicts with Alaska Region policy
4. Standard #5 is misleading because it inadequately conveys Alaska Region policy
5. Guideline #9 needs clarification to align with Alaska Region policy and help managers determine appropriate authorizations
6. Standard #11 conflicts with USFS Alaska Region policy
7. Guideline 18 should include [“installations.”]
8. Several standards and guidelines create potential confusion or conflict with USFS Alaska Region policy by not clearly specifying MRA requirements.

### Solutions

1.  
Re-order Standard #5 to follow Standard #3 so the broadest standards appear first.
2. To better align with Alaska Region policy, include the following language in Guideline 2, Standard 3, Standard 4, Guideline 9 (see additional comments below), and Standard 11:

[“]or when found to be necessary to meet minimum requirements for the administration of the WSA for the purposes described in Alaska Region policy.”]

1.  
Correct Standard #4 by deleting [“]mechanized equipment.”] Alaska Region policy only addresses motorized uses and mechanical forms of transport.

2.  
Bring Standard #5 into alignment with USFS Alaska Region policy by including requirement that MRA is also conducted:

[“]prior to authorizing new or improved structures and installations or other actions that affect the wilderness character of the WSA, including actions that manipulate ecological functions.”] (Suggested language in quotes aligns with Alaska Region policy.)



3.

Improve and clarify Guideline 9 alignment with Alaska Region policy in two ways:

1. Add a clause ensuring projects are [ldquo]the minimum necessary for administration of the area for the purposes described in Alaska Region policy[rdquo]
2. Because [ldquo]wildlife habitat improvements[rdquo] should be removed from Guideline 24 (see Aquaculture/Guideline 24 comments below), include it in a clause in Guideline 9. Also include [ldquo]research activities[rdquo] in Guideline 9.

The edited guideline could read:

[ldquo]Authorized use and resource-related work being accomplished by other agencies and cooperators, including research and wildlife habitat improvements, should be the minimum necessary for administration of the area for the purposes described in Alaska Region policy, and should use the minimum tool necessary to accomplish project objectives while preserving the area[rsquo]s[hellip][rdquo]

1.

Bring Standard #11 into alignment with USFS Alaska Region policy by clarifying that helicopter landings, while allowable under the ANILCA special provisions listed, are not automatically allowed. Instead, an MRA must be conducted prior to authorization. As written, an unspecified minimum tool determination is required only for mineral operations. The standard should also be clarified to specify the MRA requirement.

2.

Add [ldquo]installations[rdquo] to Guideline 18 (i.e. [ldquo]new structures, installations and improvements for administrative purposes[hellip][rdquo]). This will aid managers in analyzing proposals for hardened campsites, wildlife collars, remote cameras, and other installations, bringing the guideline into better conformity with Alaska Region policy regarding the undeveloped quality of the WSA.

3. Clearly state the need for an MRA in Guideline 6, Guideline 9, Standard 11, Guideline 12, Standard 17, Guideline 24, and Guideline 25. Use Guidelines 18 and 21 as examples of effective language.

Discussion

Standard #5

R10 FSM 2320.2 & 2320.3 direct WSA management to use the 1964 Wilderness Act and ANILCA as models. This direction necessitates maintaining the area's wilderness character. Any actions that potentially degrade one or more of the five qualities of wilderness character must be analyzed through the MRA process. This is supported by R10 FSM 2322.03(6), which states "all management decisions" affecting the WSA must be analyzed through the MRA process.

R10 FSM 2322.03(6) includes a qualifier that actions are analyzed through an MRA unless authorized under ANILCA or other authorizing legislation. However it is important to acknowledge that the broad special provisions for wilderness in ANILCA are often qualified by phrases such as "subject to reasonable regulations," "consistent with protection of the area," or subject to "compatibility" with surrounding lands. These qualifiers require managers to exercise discretion when authorizing uses. The MRA process is the appropriate tool for making determinations, even when a use appears at first glance as consistent with a special provision of ANILCA.

Adding "minimum requirements for administration of the area" language to standards/guidelines 2, 3, 4, 9, 11

As written, the standards/guidelines listed above may preclude activities determined through the MRA process to be the minimum necessary to administer the area for the purposes referenced in Alaska Region policy. The purposes include managing the area consistent with the spirit and intent of the 1964 Wilderness Act and ANILCA provisions. The suggested language derives from the Wilderness Act Sec. 4c.

A recent example that might help explain the suggested edit is the 2016 removal of the abandoned communication site on North Dutch Island, which was conducted by contractors hired by the FAA (Non-Forest Service authorized activities). This entailed use of chainsaws, four-wheelers, heavy equipment, and construction of a temporary road (all Sec. 4c prohibited uses). The activities were authorized because they were determined to meet the minimum necessary for administration of the WSA for the purposes referenced in Alaska Region policy (Wilderness Act requirement to preserve an area's wilderness character).

While including the language in Standards/Guidelines 2, 3, 4, and 11 appropriately makes more room for authorizations, the same addition to Guideline 9 assures managers scrutinize proposed activities for their support of administering the area to preserve its character.

#### Guideline 9

Wildlife research and management are not directly addressed in current standards and guidelines. Only "wildlife habitat improvement" is addressed in Guideline 24, which is not an appropriate place for it (see Aquaculture/Guideline 24 comments below). Wildlife research, management, and habitat improvement should be addressed in standards and guidelines for two reasons:

1. The wide range and frequency of such work in the WSA by both USFS and other agencies or partners.

2. The potential for such projects to affect WSA character through activities that include capturing, collaring, culling, monitoring, or sampling of wildlife, among other activities.

Including a reference to wildlife projects in Guideline 9 addresses the factors above and obviates the need for an additional guideline.

Clearly state need for MRA in certain Standards/Guidelines (6, 9, 11, 12, 17, 24, 25)

To varying degrees, most of the above indicate an action may be taken but [ldquo]should[rdquo] be the minimum necessary tool, but they do not specify how a determination is reached.

1. Management Area 1 WSA Authorizations for Aquaculture and Fisheries Activities, p. 72-74

Issue

Guideline 24 includes inaccuracies and gaps that conflict with ANILCA Sec. 1315b.

Non-Forest Service Facilities and Authorized Activities needs a stand-alone standard for aquaculture and fisheries activities to assure compliance with ANILCA Sec. 1315b.

Solution

\*

To resolve conflict with ANILCA Sec. 1315b, make the following six changes to Guideline 24:

- 1.
- 1.
- 1.
- 1.

Needs to be a standard, not a guideline, because it discusses specific federal law requirements (ANILCA Sec. 1315b).

- 2.

[ldquo]While evaluating the need for aquaculture projects, fish habitat improvements, or wildlife habitat

improvements[rdquo] needs to be changed to [ldquo]While evaluating the need for fishery research, management, enhancement, and rehabilitation activities,[rdquo] as described in ANILCA Sec. 1315b.

3.

[ldquo]While evaluating the need for aquaculture projects[hellip].the following should be considered[rdquo] must be changed to [ldquo][hellip]the following shall be considered,[rdquo] as expressed in ANILCA Sec. 1315b.

4.

[ldquo]Wildlife habitat improvements[rdquo] must be removed because most of the Guideline 24 text refers to ANILCA 1315b, which only address fishery projects, not wildlife projects.

5.

[ldquo]b. Impacts on the area[rsquo]s presently existing character[rdquo] must be changed to [ldquo]b. Measures that minimize adverse impacts on the area[rsquo]s wilderness character,[rdquo] as expressed in ANILCA 1315b.

6.

Require use of the minimum requirement analysis and specify its use to inform authorization of any proposed structures, installations, use of motorized equipment or mechanical transport, or actions that manipulate ecological functions.

\*

To efficiently incorporate the six changes, consider the following revised standard:

[ldquo](Standard) While evaluating the need for fishery research, management, enhancement, and rehabilitation activities, the minimum requirements analysis shall be used to evaluate the following:

1.

1.

1.

1.

1. Availability of suitable opportunities outside of the wilderness study area

2. Measures that minimize adverse impacts to the area[rsquo]s wilderness character, including actions that manipulate ecological processes or introduce species not indigenous to the watershed

3. Proposed structures, installations, use of motorized equipment or mechanical transport[rdquo]

\*

For best alignment with ANILCA, corrected Standard 24 should be moved to Non-Forest Service Facilities and Authorized Activities since the most significant aquaculture projects in the WSA entail hatcheries, weirs, diversions, and dams constructed, managed and operated by the State (see Cannery Creek, Main Bay, and Coghill River weir).

\* After moving Standard 24, an aquaculture standard should still be included under Forest Service Administrative Activities and Facilities. This will ensure USFS fisheries enhancements such as weirs, in-stream structures, and diversions are consistent with ANICLA Sec. 1315b (see Solf Lake, Shrode River, Pigot River, and others). This standard could be very simple and just state that [ldquo]Forest Service aquaculture and fishery projects shall follow the same standard described for Non-Forest Service Facilities and Authorized Activities.[rdquo]

#### Discussion

The need to move Standard 24 to Non-Forest Service section is supported by the Appendix F, page 126, description of Fish Habitat Projects:

Authorized use and resource related work being accomplished by other agencies and cooperators should be the minimum necessary to accomplish project objectives while preserve the area[rsquo]s[hellip].[rdquo]

Although this language contains its own flaws, it demonstrates that fisheries projects are accomplished by Non-Forest Service agencies and cooperators.

1.

MA 6 Standards #1 & #5, p. 77-78

#### Issue

The standards refer to [ldquo]conservation easement covenants[rdquo] when they should refer to [ldquo]Purchase Agreements.[rdquo]

## Solutions

Rephrase to Standard #1 to: [ldquo]All lands shall be managed consistent with the restrictive covenants of their purchase agreements.[rdquo]

Similar change for Standard #5.

## Discussion

This error seems to throw off the Suitability Table on p. 36-37 and the Appendix F discussion on EVOS-acquired Lands, p. 132. EVOS-acquired Lands (Jackpot, Junction, etc) seems to be discussed at the same time as the lands where ownership was retained by Chenega Corporation but put under conservation easement (Chenega Island, southern Knight Island, etc). It be best to separate these to avoid confusion.

## 2. Appendix F [ldquo]Soil and Watershed Projects,[rdquo] page 125

## Issues

The ordering of bullet points is potentially confusing.

Includes language on aquaculture and fish habitat improvement projects that conflicts with ANILCA and R10 FSM 2323.35b.

## Solutions

\*

Re-order the bullets so that reference to 2300-2007-1 is listed first. The referenced policy more completely addresses soil and watershed projects, while the bullet pertaining to aquaculture/fisheries represents a smaller component of soil/watershed projects. In listing the FSM reference last, readers may miss it.

\* Adopt the same language suggested above for Guideline 24, page 74. This will create clean alignment between Suitability Table, page 36; Standards and Guidelines, page 72-72; and both ANILCA and Alaska Region policy.

## Discussion

See discussion above: [ldquo]11: MA1 Authorizations for Aquaculture/Fisheries Activities[rdquo]

## 1. Appendix F Wildlife and Fish Management and Research, page 125-126

### Issues

- \* The ordering of bullet points is potentially confusing.
- \* First bullet needs clarification to align with Alaska Region policy and help managers determine appropriate authorizations
- \* Second bullet on aquaculture and fish habitat improvement projects conflicts with ANILCA and R10 FSM 2323.35b.

### Solutions

\*

Consider re-ordering the bullets so that reference to 2300-2007-1, FSM 2323.3 is listed first, since they provide the broadest guidance. In listing the FSM reference last, readers may miss it.

\*

Adopt edits suggested above for Guideline 9, page 73, including required use of MRA.

\* Adopt the same language suggested above for Guideline 24, page 74. This will create clean alignment between Suitability Table, page 36; Standards and Guidelines, page 72-74; and both ANILCA and Alaska Region policy.

### Discussion

#### Guideline 9

The use of minimum requirement analysis should be consistent and clear throughout the Forest Plan. See discussion above on Guideline 9 (10: MA1 Standards/Guidelines)

#### Guideline 24

See discussion above on Guideline 24 (11: Aquaculture and Fisheries Authorizations).

## 1. Appendix F Suitability Wildlife Habitat Projects page 126

### Issues

- \* Ordering of bullets is potentially confusing.
- \* Guidance is muddled and potentially conflicts with ANILCA by including language specific to Fish Habitat Projects
- \* Conflicts with Alaska Region policy by not referring to minimum requirement analysis, the tool that should be used to determine project suitability
- \* Should include an edited version of Guideline #9, page 73 (see above, [ldquo]10. MA1 Standards/Guidelines).

### Solution

- \* Re-order the bullets so that references to 2300-2007-1, FSM 2323.3 are listed first, since they provide the broadest guidance. In listing FSM references last, readers may miss it.
- \* Delete language pertaining to aquaculture and fish habitat improvements. Their relevant locations are Soil/Watershed; Wildlife and Fish Management and Research; and Fish Habitat Projects. Including them under Wildlife Habitat Projects creates an inconsistency between guidelines needed for wildlife projects and standards needed for fisheries (since ANILCA 1315b provides specific WSA fisheries requirements).
- \* Adopt edits suggested above for Guideline #9, page 73. This will establish protection of WSA character and use of minimum requirement analysis to determine project suitability, which may appropriately provide broader allowance for projects. Also creates clean alignment between Suitability Table, page 36; Standards and Guidelines, page 72-74; and both ANILCA and Alaska Region policy.

## 1. Appendix F Suitability Fish Habitat Projects, page 126

### Issues

The order bullet points is potentially confusing

Includes redundancies, inconsistencies, and gaps that bring it into conflict with ANILCA and USFS Alaska Region policy.

### Solutions

\*

Re-order the bullets so that references to 2300-2008-2, FSM 2323.35(b) and 2300-2007-1, FSM 2323.3 are listed first, since they provide the broadest guidance. Readers might miss them if they[rsquo]re listed last.



\*

Delete first bullet. It is Guideline 9, page 73, and would conflict with ANILCA Sec. 1315b, as described above (see 11: Aquaculture/Fisheries Authorizations).

\* Adopt the same language suggested above for Guideline 24, page 74. This will create clean alignment between Suitability Table, page 36; Standards and Guidelines, page 72-72; and both ANILCA 1315b and R10 FSM 2323.35b.

## Discussion

See discussion above for MA1 Authorizations for Aquaculture/Fisheries Activities

### 1. Appendix F Suitability Forest Service Recreational Cabins, page 127

See suggested edits above, (10: MA1 Standards and Guidelines). Include requirement of MRA as the tool used to determine suitability.

### 1. Appendix F Suitability Conditional in MA6, p. 132

## Issues

The whole section appears inaccurate and to conflict with EVOS Purchase Agreements.

## Solutions

Re-write to incorporate applicable language from Chenega, Eyak, and Tatitlek Purchase Agreements. The section must include the over-arching requirement to manage the area [ldquo]in perpetuity for conservation and wilderness purposes,[rdquo] and that activities must be consistent with the Restrictive Covenants described in the Purchase Agreements.

## Discussion

The problem seems to begin in the first paragraph, under [lsquo]Note,[rsquo] which steers readers to Standard 1, page 77. As discussed above, that standard perhaps mistakenly refers to conservation easements instead of purchase agreements. Or perhaps it was meant to also include Purchase Agreements? Either way, the next sentence appears to me to be inaccurate:

[ldquo]Thus, these easements are the primary reason why many uses are [ldquo]conditional.[rdquo]

But the primary reason the activities are conditional should relate to the goals and Restrictive Covenants described in the Purchase Agreements. These would apply to soil/watershed projects; wildlife/fish management and research; wildlife habitat projects; and fish habitat projects. They are all activities listed as conditional on the page 36 Suitability Table, but they are not addressed in Appendix F. The only activities addressed in Appendix F for MA6 are ones that might be allowed in conservation easements, but that are clearly not suitable for EVOS-acquired Lands in the Chenega, Eyak and Tatitlek purchase agreements.

Also, Chenega Purchase Agreement lands should be included in MA1 WSA since they were purchased specifically to restore wilderness services and for their location within the boundaries of the WSA (described by EVOS TC purchase negotiators as [ldquo]inholdings[rdquo] in the WSA).

### 1.

#### Recreation Opportunity Spectrum (ROS)

The Alternative D ROS map is the most appropriate for the WSA. Alternative C may reflect higher areas of marine vessel traffic through its application of [ldquo]Semi-Primitive Non-Motorized[rdquo] category, but it establishes higher on-shore use thresholds than currently exist. The Alternative C ROS map could encourage conditions that do not exist today and that could detract from the wilderness qualities of the areas not listed as Primitive. In contrast, the Alternative D ROS map allows for continued and generous growth in the commercial recreation/tourism sector without compromising the conditions described in the WSA management intent.

### 1. ANILCA 1110 and Chugach NF

A simmering issue not addressed in the Forest Plan is recreational use of snowmachines in the WSA of Prince William Sound. At the time of the 1980 ANILCA designation of the WSA, the use likely existed in limited areas such as the South Fork of the Snow River up to Nellie Juan Lake and possibly out of Whittier. That use has

increased over time, with a steep acceleration in recent years. As numbers increased and snowmachine technology improved, the use spread over thousands of acres and continues to spread today within the WSA. The Chugach NF must anticipate that increase in both user numbers and expanse of WSA acres will continue. Monitoring of visitor trends is the first necessary step to understanding the issue. A protocol for monitoring visitor trends in snowmachining should be developed and included in a WSA monitoring plan that is incorporated into the Forest Monitoring Program. This would aid the agency and both motorized and non-motorized visitors.

The Forest Service must also acknowledge that the Alaska Region policy interpretation of ANILCA Sec. 1110a erroneously grants snowmachine use in the WSA for broad uses that include recreation and sightseeing. ANILCA Sec. 1110a clearly allows the use of snowmachines in the WSA for subsistence, travel between villages or home sites, and traditional activities. But no part of ANILCA or its legislative history or any other subsequent law indicates that recreation or sightseeing are included in traditional activities as described by ANILCA Sec. 1110a. The Forest Service in Alaska is increasingly an outlier in this policy stance and should revisit its ANILCA Sec. 1110a interpretation to address changes occurring in the WSA.

The increase to date of snowmachine use in the WSA and its expected continuing increase must be acknowledged as a trend that adversely impacts the existing wilderness character of the WSA. The change in character contradicts the management policy for the area to maintain existing wilderness character. The use should be expected to spread into more WSA areas, continuing to impact wilderness character and increasingly create user conflict. Already, those wishing for remote, non-motorized skiing in the high elevations of the western WSA can no longer rely on wintertime solitude or primitive recreation opportunities that are supposed to be afforded in the WSA.

At the same time, it must be acknowledged that some level of snowmachine activity will remain in the WSA. Some of it should remain because it was established before ANILCA. But the Forest Service must acknowledge that a lack of action on this developing issue will only lead to more motorized incursion into the WSA and increasing likelihood for conflict. Fortunately, this does not require closing new areas to snowmachine use, but instead working to more responsibly prevent the use from spreading into areas that have long been valued for their non-motorized character. The geography of the Chugach NF lends itself well to reaching an appropriate compromise where historical motorized uses remain intact on the Kenai Peninsula, while a generally non-motorized environment is perpetuated in the WSA, with full respect to all ANILCA special provisions for certain motorized uses in the WSA. Developing winter ROS standards and revisiting over-snow policy for the area could help bring about such a compromise and would certainly reduce the confusion that presently surrounds the issue.

## 1. Wilderness Recommendation

Alternative D from the DEIS best represents the bulk of public comment received in 2016. It also best serves the businesses, families and others who have been accustomed to over 30 years of WSA management to maintain the area's wilderness character (1984 and 2002 Forest Plans). Not recommending areas within the WSA would be a change in long-term management strategy that could disrupt recreation and tourism businesses, subsistence activities, and other long-standing expectations and activities of residents and visitors alike.

Alternative C's exclusion of Elrington Island, Glacier Island, and EVOS-acquired areas within the boundaries of the WSA would disrupt the continuity of the proposed wilderness, adversely affecting its manageability. Overall wilderness character on adjacent lands would also be degraded, as these excluded areas would act like gaps or inholdings in the recommended wilderness. Subsistence activities on Elrington and Glacier could also suffer under Alternative C. Also, both Elrington and Glacier represent unique scenery and habitat not common in the WSA. Examples include the outer coast environment on Elrington and the mixed geology of Glacier Island, which are both unique PWS features worthy of continued protection.

While Alternative D is preferred, it has two flaws that should be corrected, described below: has two flaws that should be corrected, described below:

\* It fails to recommend the EVOS-acquired Lands represented in the Chenega Purchase Agreement (Jackpot, Paddy, Hogan, Junction Island). The Alternative D Recommendation should be modified to include these lands. As the discussion above (MA1 Management Intent), they were purchased specifically to restore wilderness services damaged by the oil spill and for their location within the boundaries of the WSA (described by EVOS TC purchase negotiators as "inholdings" in the WSA). Consistent with this goal, the Chenega Purchase Agreement mandates that the lands be managed "in perpetuity for conservation and wilderness purposes." It is counter to this goal not to recommend the areas as wilderness.

If the Chenega Purchase Agreement lands are not recommended as wilderness (or managed under MA1), they continue to be an inholding, with adverse effects for the wilderness character of adjacent WSA lands or a future wilderness area. In other words, not recommending the Chenega Purchase lands undermines both their management and that of adjacent WSA lands. It is well established through national wilderness character monitoring definitions and protocols that inholdings have the potential to negatively impact wilderness character of designated areas.

Recommending the areas as wilderness is also consistent with EVOS Trustee Council goals to implement the 1994 EVOS Restoration Plan. In contrast, not recommending the Chenega Purchase Agreement lands undermines the goals of the EVOS Restoration Plan by weakening their protections as undeveloped, untrammeled, natural lands with outstanding opportunities for solitude and primitive recreation.

Some will say the Chenega Purchase Agreement lands should not be recommended wilderness because their subsurface is privately owned. But this ignores precedent for 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 itself. It also contradicts the logic of the proposed plan's MA6 objective described on page 50, which seeks to explore land exchanges or acquisitions "to fulfill the intents and purposes of the EVOS Trustee Council restoration and habitat protection objectives." 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."

\* Alternative D should be modified to include as recommended wilderness the NFS lands around Nellie Juan Lake, for their unrivaled wilderness character and the unique corridor they provide between the Kenai Peninsula and western Prince William Sound, which provides a unique ecological niche in the area.

Thank you again for considering my input.

Tim Lydon