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Comments: Portions of the new proposed cabin policy do not comply with law, and Alaska Land Use Council management policy and direction.

The Alaska National Interest Lands Conservation Act, Public Law 96-487 (ANILCA) designated Wilderness and mandated those areas be managed according to the 1964 Wilderness Act and ANILCA.

The Wilderness Act established the National Wilderness Preservation System "...for the permanent good of the whole people." The law also directs federal land management agencies to manage these wilderness areas and preserve wilderness character. The Arthur Carhart National Wilderness Training Center (jointly staffed and funded by the USDA Forest Service) teaches the Wilderness Act states that Wilderness is different from other Federal lands. And further teaches that Federal Agencies that manage those areas must manage them differently from the other lands they manage. Carhart teaches managers to ask a question of any management action in Wilderness: What is being done different in the action that affects Wilderness? Where is this question being asked and analyzed for the proposed cabin policy?

Many of the permitted cabins in the Alaska Region-Tongass National Forest are in Congressionally-designated Wilderness. The proposed policy completely fails to manage the cabins within Wilderness differently and thus does not comply with the law. Cabins within designated Wilderness need to be managed differently from cabins not in Wilderness. I suggest the proposed policy needs to include different policies for Wilderness cabins and non-Wilderness cabins to align with the law - as it stands it is not legally defensible.

One of the characters of Wilderness is undeveloped. The goal is to have no human-made structures within designated Wilderness. The current Region 10 (R10) ANILCA cabin policy allows for only one transfer of ANILCA 1303(d) cabin permits within Wilderness. Current policy limits holders of 1303(b) cabin permits to certain family members who were alive and using the cabin within Wilderness with the passage of ANILCA in 1980. Both of these elements in the current R10 policy provide for the eventual sunset of the uses for cabins in Wilderness. The permits would end, the cabins would be removed, and the Wilderness moved toward the undeveloped character provided by the 1964 Wilderness Act.

After the passage of ANILCA, the Alaska Land Use Council (ALUC) was set up to help the Federal Agencies consistently interpret the law. Attached are direction from the ALUC (AK Land Use Council Guidelines and Management Policy Recommendations), and the Forest Service implementation of ANILCA and ALUC direction for certain ANILCA section 1303 cabins. (Dear Alaskan 1987 0501 letter).

The current R10 ANILCA cabin policy has been understood for almost 40 years to be consistent with ANILCA and ALUC direction. Why the shift now? How can the proposed policy, which fails to manage cabins within Wilderness different from cabins not in Wilderness, and fails to manage ANILCA section 1303(b) cabins different from 1303(d) cabins, be consistent with ANILCA and the ALUC direction? It appears that ANILCA and ALUC recommendations are being compromised in response to past poor Forest Service special uses administration and political pressure.

Direction for management of the permitted cabins on the Tongass National Forest is also included in the Tongass Land and Resource Management Plan (Forest Plan). See page 3-9 to 3-11, 4-26 to 4-28 and 4-45. Changes to the Forest Plan were completed through a public process to comply with the National Environmental Policy Act. To align with federal regulations (36 CFR 219) doesn't the agency have to amend the Forest Plan before developing a new policy? I would like to be included on the list of interested persons for that process.

The original R10 supplement to Forest Service Manual 2320 Wilderness Management blue pages issued in the 1980's included direction for the management of the permitted cabins in Wilderness, and recognized Wilderness was to be managed as being different. Direction for cabins not in designated Wilderness was included in the Alaska Region supplement to Forest Service Manual 2720 lands blue pages. Having cabin management direction in two different parts of the R10 Manual proved confusing for special uses permit administrators and line officers. Therefore, in 2006 all R10 direction for cabin administration was included in the 2720 lands blue pages, with a note in the Wilderness blue pages to look in the lands blue pages for cabin management direction. This action was consistent with ANILCA and the Alaska Land Use Council direction because policy for Wilderness and non-Wilderness was different as described above.

To conclude, I submit that cabin permits in Wilderness need to include a provision for sunset of the authorization and structure removal of the structure from the Wilderness; and that all the cabin permits need to be managed according to the ALUC guidelines and management policy recommendations.

Also, I would like to ask why this new policy hasn't not been included in the Federal Register - for review and comment nationwide - not to a limited Alaska audience?

I look forward to receiving a response to my comments as required under Forest Service regulations at 36 CFR 216.3(a)(2)

David Rak