

STATE OF ALASKA

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

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Mr. Steve Hoover
Alaska Federal Lands Long Range Transportation Plan
4610 DTC Blvd., Suite 700
Denver, CO 80237

Dear Mr. Hoover:

The Citizens' Advisory Commission on Federal Areas has reviewed the Draft Alaska Federal Lands Long Range Transportation Plan (LRTP). We offer the following comments for consideration by the four agencies primarily responsible for the management of federal public lands in Alaska as they finalize their step-down plans and policies.

The Commission appreciates the broad goals expressed in the LRTP and commends the efforts of each agency involved to describe, assess, analyze and plan for an issue as complicated as current and future transportation needs for the Federal public lands in Alaska. This is particularly important considering these agencies are responsible for managing some 60% of the lands in the State.

The Commission understands that the LRTP was written to address strategic and policy level issues as opposed to plan level or project level issues. Nevertheless, we are concerned, that on the policy level the LRTP focuses primarily on transportation needs for tourism, recreation and subsistence, but does not adequately address future transportation needs for resource development or community growth and development. This is not to imply that tourism, recreational activities and subsistence are not important components of the Alaskan economy and lifestyle. They increase in importance annually and are heavily dependent on Federal public lands for growth. However, Alaska's economy is not tourism driven, as stated in the LRTP (pg. 6).

At the same time, the potential for increased development of oil and gas, mineral, and timber resources on State, Federal and Native Corporation lands are directly affected by Federal land management agencies' laws and policies. While these development activities may not

be permitted on millions of acres of Federal lands within conservation system units or other withdrawn areas, in many cases they occur on State and private lands that are within or effectively surrounded by these areas. We found that even as strategic and policy level documents neither the umbrella plan nor the individual step down plans addressed this issue in sufficient detail.

Plans Lack Consistency of Goals

The scope of this planning exercise is considerable and the Commission recognizes the effort necessary for each agency to identify their various transportation assets. We also recognize that the four land management agencies are each governed by different statutes, policies, and regulations. The four agency drop down plans were intended as companion plans to the Alaska Federal Lands LRTP which establishes common federal land management agency transportation goals, objectives and strategies for Alaska. In turn, each drop down plan appropriately outlines agency specific transportation goals, objectives and strategies.

In reviewing the plans, we often found the transition from the LRTP purposes, goals and objectives stated in the umbrella plan to those found in the drop down plans to be confusing because of a number of inconsistencies. Discussions with reviewers from other agencies and organizations showed similar confusion.

For example, the umbrella plan lists five goals: *System Management, User Experience, Mobility, Environment and Climate Change* (pp. 10-12). The National Park Service LRTP also lists these same five goals: *System Management, Mobility, User Experience, Resource Protection and Climate Change*. The U.S. Fish & Wildlife Service LRTP lists five goals, four of which conceptually reflect the five listed in the umbrella and NPS plans, but adds a separate goal related to access for subsistence uses. The Forest Service plan lists five goals, similar to those in the umbrella plan, but includes “*Partnerships*” as a goal. The Bureau of Land Management LRTP lists only three goals: *System Management, Improve Public Understanding and Resource Protection*.

The umbrella plan states that the key objective of the Alaska Federal Lands LRTP (pg.5) is to “develop and maintain a coordinated, ‘seamless’ transportation system for public and administrative access to Federal lands.” We would submit that this objective could best be met by incorporating more consistent goals statements in each agency plan, recognizing that each agency has differing statutory mandates that will necessarily affect how those goals are reached.

There are other statutory mandates which apply equally to Federal lands in Alaska, such as the National Environmental Policy Act and ANILCA, which have to be addressed similarly by each agency. To use another example of inconsistency in the stated goals, in its list of goals the U.S. Fish and Wildlife Service included a goal fulfilling the Service’s ANILCA obligations as they relate to subsistence use and access. The Commission supports the inclusion of this goal in the Service’s LRTP, and suggests that both the umbrella plan and the

other step down plans incorporate the same goal since each agency shares the same obligations.

We also suggest that since each agency step down plan is intended to stand on its own, the final plans include the Purpose Statement and the LRTP Goals and Objectives listed in the umbrella plan in addition to the agency specific goals and objectives.

The Alaska Federal Lands LRTP and ANILCA

Page 1 of Appendix D in the Bureau of Land Management LRTP contains the following statement:

“The federal land management agencies involved in this LRTP recognize the importance of ANILCA and carefully consider the Act in addressing access issues in this, and subsequent transportation plans.”

While we appreciate its inclusion in the BLM plan, this statement should have been included in the LRTP Purpose section of the umbrella plan. Not only should it have been included in the umbrella plan, the umbrella plan and each agency step down plan would benefit from an analysis of the relevant provisions of ANILCA that affect access and transportation on all the federal public lands in Alaska. Current and future access and transportation needs in Alaska cannot be realistically addressed without fully incorporating the provisions of ANILCA into the discussion. Simply including excerpts of this Alaska specific statute in footnotes or in the appendices of what are intended to be Alaska specific plans is unacceptable.

Including only the text of selected provisions of ANILCA in the LRTP without putting it into its proper context, provides the reader no insight or understanding into how access issues will be addressed in agency management plans or subsequent transportation plans.

For example, only the Forest Service LRTP (Figure 3, page 13) provides even a minimal depiction that ANILCA is integrated into the National Forest System Road and Trail Planning and Regulatory Framework. However, there is no discussion or explanation of how and under what situations it is integrated into that framework.

We found no discussion or even reference in the U.S. Fish & Wildlife Service LRTP to the requirement in ANILCA Section 304(g)(2)(D) that each comprehensive conservation plan (CCP) for each national wildlife refuge in Alaska identify and describe:

“(p)resent and potential requirements for access with respect to the refuge, as provided for in Title XI;”

In addition, the National Park Service LRTP fails to include any reference or discussion of ANILCA Section 1301(b)(4) which requires each general management plan prepared for Alaskan units of the national park system to include:

“A plan for access to, and circulation within, such units indicating the type and location of transportation routes and facilities, if any.”

There are two major provisions of ANILCA which need to be discussed in considerably more detail in a policy level plan. These sections, 1110(a) and 1110(b), provide the most important authorization for access into conservation system units in Alaska.

Section 1110(a) *Special Access* directs the Federal land management agencies to permit on all conservation system units the use of snowmachines, motorboats, airplanes and non-motorized surface transportation methods for traditional activities and for travel to and from villages and homesites. This authorization is the primary reason the National Park Service and the U.S. Fish & Wildlife Service are directed to address access in their management plans.

Section 1110(b) *Access to Inholdings* is arguably the most important access provision in ANILCA when future potential access and transportation needs are considered. There are hundreds of thousands of acres of State and private lands (primarily ANCSA Corporation lands) within or effectively surrounded by conservation system units. There are also hundreds of privately owned parcels such as Native allotments, home sites, trade and manufacturing sites and patented mining claims, within conservation system units.

The Commission strongly recommends the inclusion of an overview of ANILCA Title XI and its provisions. This should include an explanation of the process for applying for, approving and authorizing a transportation and utility system corridor across a conservation system unit. We also suggest that in addition to the full text of Title XI, the regulations at 43 CFR Part 36, which regulate the Title XI process, as well as the provisions of Sections 1110(a) & (b), be included for reference. There is a flow chart of the process that we believe was prepared several years ago by the National Park Service that is very useful in understanding the process that should be included.

Assets Inventories

We appreciate inclusion of the lists and inventories of the transportation assets in each of the agency plans. We found the Forest Service inventory with maps the most useful. Maps depicting the listed BLM roads and trails would be a good addition to the BLM LRTP, but we understand that could be problematic given the number of roads and trails and their locations. The USFWS Region 7 Transportation Factsheets would benefit from larger scale maps for those refuges that have transportation assets.

The Commission would also like to see winter trails that are used regularly for village to village travel in many parts of the state listed as assets and depicted on the appropriate maps. These winter trails are important assets that should be included in a discussion of existing and future transportation needs in Alaska. Since one of the purposes for this LRTP is to find ways to leverage funding for transportation needs, recognition and identification of the trails as permanent assets could help fund maintenance and trail marking activities.

Inland Barge Traffic

The Alaska Federal Lands LRTP provides an overview of the existing transportation system. It discusses roads, air access, rail, trails and water access. While the Alaska Marine Highway system ferries is identified as a mode of travel for passengers, cars and freight, the LRTP makes no mention of inland barge traffic as a vital component of the State's transportation system. Hundreds of thousands of tons of freight and millions of gallons of fuel are delivered by inland barge to Alaska communities along the Tanana, Yukon, Kuskokwim and the lower portion of the Koyukuk. A large number of these communities are located adjacent to or are surrounded by federal conservations system units. We suggest inclusion of information about this important transportation method in the final LRTP.

Revised Statute 2477 Rights of Way

The Commission is aware that Federal land management agencies do not recognize rights of way established under Revised Statute (RS) 2477 unless they have been adjudicated in court. We are also fully aware of the controversies surrounding these rights of way, particularly when they are located within a conservation system unit. Only the National Park Service LRTP Appendix contains even a minimal discussion of RS 2477. The final LRTP and each agency step down plan should at least acknowledge the fact that the State of Alaska has identified and claims numerous roads and trails under RS 2477.

The Commission appreciates the opportunity to comment on the Alaska Federal Lands Long Range Transportation Plan and the four agency step down plans. We would also like to thank representatives from the Bureau of Land Management, the National Park Service, the U.S. Fish & Wildlife Service and the U.S. Forest Service for providing briefings and updates at our regular Commission meetings during the development of this plan.

Please contact our office if there are questions about our comments or if we need to clarify anything.

Sincerely,


for- Stan Leaphart
Executive Director