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October 24, 1994

Bill Trembley
Team Leader
Tongass National Forest
Stikine Area
P.O. Box 309
Petersburg, AK 99833

Dear Mr. Trembley:

The State of Alaska has reviewed the Forest Service scoping document regarding preparation of an Environmental Impact Statement for proposed helicopter landing sites in designated Wilderness areas in southeast Alaska. The document proposes to designate 41 helicopter landing sites within seven of the nineteen Tongass National Forest Wilderness areas. This letter represents the consolidated comments of the State's resource agencies. We appreciate the opportunity to participate in this phase of the Service's efforts. Parenthetical references correspond to page numbers in the scoping document.

Overview

The State is supportive of designating carefully-selected helicopter access sites in Tongass Wilderness areas. Such access is consistent with existing law. Furthermore, the designation of landing sites provides the Service with a management tool to manage the impacts of overflights through commercial use permits, which it would not have otherwise.

ANILCA and the Wilderness Act

We concur with the Forest Service's interpretation of statutory access provisions contained in the Alaska National Interest Lands Conservation Act (ANILCA) and the Wilderness Act (page 1) such as:

- 1) The Wilderness Act (1964) provides discretionary authorization of helicopter access.
- 2) ANILCA (1980) amended the Wilderness Act for wilderness areas in Alaska.

3) ANILCA provisions clarify that certain types of mechanized access for traditional (pre-ANILCA) activities "shall" be permitted unless special closure procedures are followed.

We are pleased that this document contains a straightforward explanation of these statutory provisions. We encourage future documents on these subjects to continue to provide such information for the public's benefit.

We urge caution in the phrasing, however. For example (page 1), "helicopter access . . . is not authorized" could be misinterpreted to mean "is not permitted". We suggest this be reworded to say "is not specifically addressed, hence the Wilderness Act's provisions for allowing helicopter access apply in Alaska units."

More Background Information Needed

We suggest future documents provide more background information about why "this project responds to the request for continued helicopter access to over 400 landing areas" (page 3). How many requests does this represent? From whom are these requests being received?

It would also be helpful to provide more information about the inclement weather conditions and inaccessibility of much of the area, in combination with major numbers of tourists who visit the area in cruise ships who desire to briefly "touch" the wilderness areas. This combination results in considerable interest in helicopter tours. Many non-southeast reviewers may not be aware of these factors.

The scoping document also indicates that the 400 sites have been "identified by air carriers as having been used for general public access prior to Wilderness designation...." Were other segments of the public also surveyed? What about members of the public who didn't use the area prior to ANILCA but have knowledge of such landings? This apparent identification method seems to be very narrow in scope, perhaps resulting in insufficient information to adequately weigh or even establish the criteria for evaluating continued use of these sites. Were other access documentation studies conducted or referenced? What kind of studies have been done to show these are traditional (pre-ANILCA) sites/areas or have involved pre-ANILCA activities?

We are concerned that the decision-making process has inappropriately excluded the option for "landing area development or maintenance" (page 1). Some of the possible sites may be considerably more acceptable if sanitation facilities or hardening of the site was also considered.

With the above concerns in mind, we question why only seven of the seventeen Wilderness areas believed to have pre-ANILCA access will have designated landing sites. At a minimum, 1.2 million acres will be excluded from pre-ANILCA access. Will there be future opportunities to consider designation of additional sites based on evaluation of additional information? What process for appeals of site decisions is available? What process will be used to establish restrictions on the use of these sites? We strongly encourage adoption of a regulatory process which involves the State of Alaska and general public in site selection decision-making and review of restrictions criteria.

The scoping document consistently refers to 19 Wilderness areas, but the list of Forest Wilderness areas on page 2 lists 20. The legend also fails to distinguish which 17 areas were created by ANILCA but modified by the Tongass Timber Reform Act in contrast to those created by the latter Act.

Preliminary Issues (page 4)

1. **Access for traditional activities.** Helicopter landings should continue to be authorized to provide public access to Wilderness for traditional activities. In adopting ANILCA, Congress chose not to establish minimum elevation or overflight restrictions for wilderness areas in Alaska. Even if the Service prohibits permit landings by commercial operators at designated areas, helicopter overflight activities cannot be regulated by the federal land management agency. Demand for helicopter tours is expected to increase, leading to increased pressure on wilderness areas with no method to control their activities. Although federal and state regulations prohibit the harassment of wildlife, enforcement efforts would need to be increased at considerable expense over a vast area. Through a permit system for designated landing sites, helicopter tour operators can be held accountable and restricted to certain seasons, times of day, and routes of travel to protect sensitive wildlife populations and reduce impacts on other wilderness values.

2. **Wilderness.** This issue, addressing numerous undefined wilderness values, is not constructively-worded and will lead to biased responses. The public has not been given the alternative--unregulated helicopter access without landings. Neither has the public who is impacted by the loss of access been solicited. The document fails to clearly recognize that Congress specifically weighed helicopter access and provided for its continuance in wilderness areas, including in areas where helicopter access was already in existence.

3. **Heritage Resources.** Has the Service solicited information on effects of increased helicopter landings on cultural resources from appropriate agencies (e.g., University of Alaska) and the public for consideration in contrast to unrestricted and increased

helicopter overflights? As worded, the question will solicit biased responses.

4. **Wildlife.** We presume that the Forest Service will seek out and consult with all known experts and available literature regarding helicopter routes of travel and landings in relation to wildlife populations. The Alaska Department of Fish and Game (DFG) has considerable expertise regarding several of the species listed (page 5) who are willing to work with the Service in assessing impacts. The Service should also consider whether (regulated) landings will be less intrusive than unregulated overflights in combination with landings on adjacent private and state lands (including tidelands and shorelands).

5. **Recreation.** We again note the bias of the questions and urge a re-evaluation of what "recreational use patterns may" have already changed because of the recent prohibitions of helicopter landings, as well as the recent increases in demand for helicopter tours and reintroduced landings.

6. **Subsistence.** This question is too limited in scope. In addition to landings, one must also evaluate the overflights, their timing, seasons, locations, and access routes outside as well as within the designated Wilderness lands.

Goats

The wildlife species of most concern in areas proposed for reopening to helicopter landings is mountain goat. Ten of the sites proposed within Misty Fjords are either within or adjacent to known mountain goat populations. These sites are MF-20, MF-17, MF-89, MF-91, MF-92, MF-117, MF-148, MF-162, and MF-98. Another site in goat range is SL-14 at the Horn Cliffs near Le Conte Bay. Given the proximity of these goat populations, the Service should work with DFG to conduct site-specific evaluations of these sites for the EIS to determine what, if any, restrictions on landings (e.g. timing) may be necessary to avoid disturbances to goats during the kidding period of May and June.

This EIS's site-specific evaluation should include recognition of likely flight paths. All of the previously mentioned Misty Fjords sites as well as TA-23 in Tracy Arm-Ford's Terror, and SL-15 and SL-16 on Le Conte Glacier should be assessed in this regard since flights could be expected to pass over goat populations at low altitudes. Management decisions which lend themselves to routing of flights away from high density goat populations should be encouraged. In assessing impacts of designating helicopter landing sites, the EIS should also assess the potentially greater impacts of unregulated flights if landing sites are not provided for and subsequently managed by commercial permits.

The EIS should also address, on a site-specific basis, the impacts to hunters during the hunting season, from the standpoint of disturbances to goats as well as people. Unlike viewers who would benefit from easier access into wild country, hunters are prohibited from use of helicopters for any part of their hunting and so would not benefit from wilderness landing sites.

Relationship to Alternative Access

Page 1 of the document lists "availability of alternate access (such as float planes)" as a criteria affecting site selection. It is not clear if this is a factor which favors or discourages a particular site. For example, all the landing sites in Kootznoowoo Wilderness, South Etolin, and the Endicott River seem to be at lakes large enough to accommodate float planes, as may some of the proposed sites in Misty Fjords. Are these sites selected because the Service is attempting to consolidate public use? In this vein, more information is needed on available facilities (e.g., sanitation, garbage, other tourist support services). On the other hand, it may be preferable to disperse use to other locations which are not accessible to float planes. In any event, the EIS should clarify the reasons for the selection of each site along with the potential impacts of the reinstatement of use of these sites. The intended use of the site should also be discussed and evaluated, e.g., scenic/wildlife tours, charters, delivery of supplies, and personal use of individuals.

Subsistence

The EIS should also address subsistence. Most of the wilderness areas designated in southeast Alaska that could be reinstated as landing sites encompass areas used for subsistence and sport harvest of a variety of marine and upland resources. We urge the Service to review the proposed designations and other potential designations with communities likely to be affected with respect primarily to subsistence uses. These include: Haines/Klukwan and Juneau for Endicott Arm; Sitka, Hoonah, Pelican, Elfin Cove, and Gustavus for the Chichagof-Yakobi area; Yakutat for Russell Fjord; Angoon for the sites on Admiralty Island; Kake, Petersburg, and Wrangell for the Stikine-Le Conte area; Wrangell, Meyers Chuck, Thorne Bay, Coffman Cove for Etolin Island; and Hydaburg, Edna Bay, and other Prince of Wales communities including Thorne Bay, Kasaan, Craig, and Klawock for the south Prince of Wales area; Saxman, Ketchikan, Hyder, Meyers Chuck for the Misty Fjords area.

ANILCA Section 810 requires that the decisions involved in this process, and specifically the EIS, must include an analysis to determine whether the proposed action will significantly restrict subsistence uses, and if so, holding hearings in affected communities. Other Section 810 requirements include determining that

- (a) the restriction on subsistence is necessary and consistent with sound management principles for the utilization of public lands;
- (b) the proposed activity will involve the minimal amount of land necessary to accomplish the purposes; and
- (c) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such action.

Over recent years, DFG's Division of Subsistence has worked closely with Forest Service planners on timber sale documents. The protocol developed for these sales works well to represent subsistence data, evaluate impacts to subsistence, and fulfill ANILCA Section 810 obligations. We encourage further cooperation and discussion of these approaches. In addition, we note that Cindy Hartman of the Chatham Area has worked closely with us and is familiar with our subsistence data.

Regulations from the Alaska Coastal Management Program concerning subsistence (6 AAC 80.120) should also be considered relevant to activities in wilderness areas. Management plans exist for communities in the region and should be consulted for their subsistence and other evaluations.

Use of Designated Landing Sites

The EIS should address how many landings will be allowed at each designated site and how those landings will be allocated among individual operators, including criteria used to make these decisions. The EIS should also address how fees will be assessed.

Appropriate Coordination with the State of Alaska

The scoping document indicates that a criteria for evaluating historical landing sites was prepared by an interdisciplinary team. We are disappointed that there was no formal solicitation for input from this office or other state agencies which track ANILCA issues.

For future reference, please keep this office informed of progress on this project. This Division coordinates state agency involvement in federal activities which relate to ANILCA. Because this office was not notified in a timely manner, numerous state staff received the document too late to review or were not provided an opportunity to participate in preparation of the document. In other cases, mis-directed agency comments were sent directly to the Forest Service rather than appropriately channeled through the agencies' coordinators and this Division for consolidation. All state agency input has been consolidated in this letter, and we request that you disregard any individual agency responses you may have received.

Thank you for the opportunity to review this document. If you have any questions, please contact me at 561-6131.

Sincerely,

A handwritten signature in cursive script that reads "Sally Gibert". The signature is written in black ink and is positioned above the typed name.

Sally Gibert
State CSU Coordinator

cc:

Harry Noah, Commissioner, Department of Natural Resources

Carl Rosier, Commissioner, Department of Fish and Game

John Sandor, Commissioner, Department of Environmental
Conservation

Michael Barton, Commissioner, Department of Transportation and
Public Facilities

Richard Burton, Commissioner, Department of Public Safety

John Katz, Governor's Office, Washington, D.C.

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