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July 19, 1996

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

Re: Helicopter Landings in Wilderness Draft Environmental Impact Statement (DEIS)

Dear Mr. Tremblay:

The State of Alaska appreciates the opportunity to comment on the above-referenced document. The following represent the consolidated comments of the state resource agencies. Please note that our comments do not address the underlying premise of the DEIS that general public helicopter access into designated Wilderness is consistent with the Alaska National Interest Lands Conservation Act (ANILCA) and the Wilderness Act; these broad issues should be resolved through discussion and agreement among concerned Alaskans.

General Comments:

The State of Alaska appreciates the extensive effort by the U.S. Forest Service (USFS) in addressing through this DEIS what opportunities may be available to allow the use of helicopters for general public access within designated Wilderness Areas in Tongass National Forest. Certainly the State recognizes that helicopter access in the Tongass

provides a valuable opportunity for a variety of economic interests, including the growing package-tour industry. However, there are impacts associated with helicopters which should be addressed, including the potential for displacing or otherwise affecting existing and future wilderness recreation and eco-tourism activities; these activities also play an increasingly significant role in the Alaska economy. Therefore, any proposal for helicopter access in the Tongass must provide for these potentially competing interests in a fair and comprehensive manner.

The State notes that there is no forest-wide tourism/recreation plan, nor an air access plan, for the Tongass. These plans (whether developed independently or as part of broader land management planning) would provide a context within which a proposal for helicopter landings in Wilderness could be more adequately considered. In the absence of a forest-wide tourism/recreation plan, it is extremely difficult to consider the different demands of legitimate interests fairly. Without an air access plan as part of a forest-wide tourism/recreation plan, it is hard to determine whether helicopter landings in Wilderness, with associated impacts, are necessary to meet the demand for landing sites needed by the tourism industry. This demand relates not only to the number of sites available, but also to their quality and location. Additionally, the State notes that a detailed plan showing how the USFS will monitor and ensure compliance with use restrictions has not been provided as part of this DEIS.

Therefore, in the absence of a tourism/recreation plan, air access plan, and detailed compliance monitoring plan, the State does not support any of the alternatives in the DEIS. We urge the USFS to withdraw the DEIS and consider the question of recreation and tourism needs, including helicopter access in designated Wilderness, on a forest-wide basis, with full public and State agency involvement.

Wildlife Monitoring:

The State is concerned about the impacts that helicopter activity may have on certain wildlife species. It is our observation that large mammals tend to exhibit stronger reactions to helicopters than to fixed-wing aircraft. Funding levels are currently insufficient to enable the Alaska Department of Fish and Game (ADF&G) to unilaterally undertake a rigorous multi-year study to answer specific impact-related questions regarding large mammals, including mountain goats, a species believed to be especially sensitive to helicopters. Therefore, a long term wildlife monitoring program should be initiated by the USFS in cooperation with the State. A mountain goat study, for example, would require multi-year observations of goats exposed to increased levels of helicopter traffic (as well as a control group) to document individual animal movements, habitat use, activity budgets, and productivity. Study design would be

complicated by other possible disturbances, such as impacts from fixed-wing aircraft. This research is needed as we know little about goat populations that will be exposed to helicopter flights, and even less about the effects those flights and associated activities will have. Our expectation is that some level of displacement, decreased productivity, and other undesirable effects will occur.

Mountain Goats:

The DEIS presents several wildlife mitigation measures, including a minimum 1,500' vertical and horizontal separation distance between identified sensitive habitats and helicopters. The State has not been consulted as to the meaning of "key mountain goat habitat" and we note that most of the mountain goat protective measures consider only known kidding habitats. Other components of mountain goat habitat are also critical to the species.

We concur with the mitigation measures mentioned in the DEIS for mountain goats. In addition to these measures, we recommend that the USFS reserve carefully selected areas of goat habitat from helicopter activity, both as a hedge against potential impacts and as control sites for measuring the effects of increased helicopter traffic.

Recommendations concerning mitigative measures for other species are included in our page-specific comments below.

Hunting:

The DEIS largely ignores the question of the potential to negatively impact hunters, including sport hunters. While the DEIS acknowledges that helicopters can not be used for hunting activities, it does not address the potential for helicopters transporting non-hunters from inadvertently disturbing hunters and game. The State, in our scoping document comments dated October 24, 1994, specifically suggested that the EIS address, on a site-specific basis, the impacts to hunters during the hunting season from the standpoint of disturbances to wildlife as well as people.

Administration, Monitoring, and Compliance Measures:

The administration of authorized routes and landings should be flexible so that adjustments can be made if necessary to alleviate unforeseen concerns. We also recommend development of a helicopter pilot training program to heighten pilot

awareness, and development of an incentive program for the use of “quiet” helicopters.

The DEIS states that the agencies which regulate aviation do not require the collection or maintenance of site-specific landing information. The State notes that on-board Global Positioning System (GPS) recording instruments would provide a data base describing landing location and frequency, as well as information about flight routes. GPS recording systems are currently in use by helicopter tours elsewhere in the United States, and we recommend their use in the Tongass. Each helicopter should be equipped with a recording GPS system for data base development, enforcement of separation distances, compliance with closed area restrictions, and compliance with allowed number of landings.

State Lands:

The DEIS does not adequately delineate between federal and state lands. The DEIS needs to clearly state that this proposal would only apply to public land as defined by the Alaska National Interest Lands Conservation Act (ANILCA). The following sections from ANILCA should be included in the EIS discussion concerning the State land that is adjacent to or within Wilderness:

- Section 102(3)(A) states that lands confirmed, selected by, or granted to Alaska under any provision of Federal Law are an exception to the ANILCA definition of public lands. The Submerged Lands Act of 1953 is such a federal law and is recognized in Sections 901 and 902 of ANILCA.

- Section 103(c) states that “[n]o lands which, before, on, or after the date of enactment [of ANILCA], are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units”.

These sections apply to all tide and submerged lands within the depicted boundaries of Wilderness areas. Section 103(a) of ANILCA states that in coastal areas the boundary will not extend seaward beyond the mean high tide line to include lands owned by the State of Alaska. This also includes any navigable lakes and rivers. Therefore, the State asks that all maps showing coastal areas include the following footnote:

“The Monument/Wilderness shown includes only the public lands, islands, islets, rocks, and pinnacles above mean high tide within the depicted exterior boundary”.

There should also be a statement regarding the navigability determination process that will clarify state ownership of many lakes and rivers within the Wilderness Areas.

The purpose for pointing out these laws is to provide a more accurate picture of the land ownership patterns within these ANILCA-designated areas. There is a general public misconception that the exterior boundaries depicted on the Wilderness maps are the true boundaries.

Additional Issues Which Should Be Addressed:

If the USFS proceeds with this proposal, we recommend a supplemental DEIS be prepared to address the following issues associated with increased use of Wilderness areas, including cabin sites:

- The State is concerned with garbage collection and disposal, and we believe that garbage is a significant issue. It is important to prevent habituation of wildlife to putrescible garbage, and also to maintain high water quality in waterways supporting anadromous and other fishes.
- Increased demand for additional cabins: The DEIS does not identify construction of additional cabins as a potential result of increased demand for cabin use due to availability of helicopter access. Of major concern is the potential for increased human activity in sensitive wildlife areas.
- The DEIS considers the effects of destination landing, but not effects that may occur at or near the point of trip origination or conclusion, where sensitive habitats may occur.
- If general public access results in an increase in helicopter traffic in areas where conflicts already occur, including areas outside of Wilderness, additional measures to mitigate those impacts should be considered.
- The State suggests that the Federal Aviation Administration be a cooperating agency for preparation of this NEPA document, and for enforcement of helicopter travel routes and separation distances.

Coastal Zone Management Act:

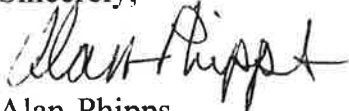
Per federal regulations 15 CFR 930.35(d), a negative determination was provided to the State by the USFS in the letter from Regional Forester Phil Janik to Sally Gibert, State CSU Coordinator, dated April 30, 1996. No significant impacts are likely to spill over from federal lands onto the coastal zone as a result of the designation of landing sites or the intermittent use of these sites. Therefore, the State agrees with the negative determination. As stated in the DEIS on page 2-82, use of helicopters for the "outfitting and guiding" category of use will require a permit from the USFS. Since there is potential for impacts to the coastal zone from this activity, helicopter use for outfitting and guiding will be subject to ACMP review at the time of permit application.

Page Specific Comments:

Please see the enclosure for more detailed, page specific comments.

The State of Alaska appreciates the opportunity to provide these comments. If you have any questions or need additional information, please do not hesitate to contact me at 269-7476.

Sincerely,



Alan Phipps

Project Review Coordinator

encl.

cc: Marilyn Heiman, Governor's Office
Diane Mayer, Director, DGC
Patty Bielawski, DNR
Janet Kowalski, DFG
Tina Cunning, DFG

ENCLOSURE to STATE OF ALASKA COMMENTS on HELICOPTER LANDINGS IN WILDERNESS DEIS, JULY 19, 1996

Page Specific Comments:

Chapter 1, Purpose and Need

Page 1-16, Public Scoping Comments, item G, Other Topics: The DEIS does not discuss garbage collection and disposal methods that would be required of Wilderness users; page 1-16 specifically mentions garbage among the topics “determined not to be significant issues to be addressed . . . in this EIS.” As mentioned previously, the State is very concerned with garbage, as we wish to prevent habituation of wildlife to putrescible garbage, and to maintain high water quality in waterways supporting anadromous and other fishes.

Chapter 2, Alternatives

Page 2-1, Inventory: The DEIS states that agencies regulating aviation do not require the collection or maintenance of site-specific landing information. The State notes that on-board GPS recording systems would provide a data base describing landing location and frequency, as well as information about the flight route. Such systems are currently in use by helicopter tours elsewhere in the United States, and we recommend their use in the Tongass.

Page 2-79, Wildlife: We support the minimum 1,500’ vertical and horizontal separation distances between identified sensitive habitats and helicopters. We have not been consulted as to the meaning of “key mountain goat habitat” and we note that most of the references to mountain goat habitat in the document consider only known kidding habitats; other components of mountain goat habitat are also critical to the species. We also recommend that as part of the development of an air access plan, research be conducted and public input taken on the need for any other areas that may be appropriate for minimum separation distances.

Page 2-79 and 2-80, Brown Bear: The document states “[t]he number of brown bears killed in defense of life and property due to people arriving by helicopter to Wilderness will be monitored.” We urge the USFS to develop a monitoring plan, including who will do the monitoring, and what criteria will be used to trigger

implementation of mitigation measures such as seasonal restrictions. Also, Wilderness users should be schooled in proper behaviors, including garbage and food management methods, and avoiding cow moose or sow bear with young, for example.

Page 2-80, Mountain Goat: we recommend the proposed restrictions for helicopter landings in identified sensitive mountain goat habitat be adopted. Helicopter activity should avoid, when possible, mountain goat kidding areas and south-facing, wooded, and broken cliffs. We further recommend that carefully selected areas of goat habitat be excluded from general helicopter use, so that some goat habitat may continue to provide optimal conditions, and can serve as control sites for a study about the impacts of increased helicopter traffic.

Page 2-80, Vancouver Canada Geese: we recommend the proposed seasonal restrictions for migratory waterfowl and shorebirds be adopted.

Page 2-80, Goshawk: we recommend the proposed seasonal restriction be adopted, and that if nest sites are located, that the restriction be continued.

Page 2-81, Trumpeter swan: we recommend the proposed seasonal restriction be adopted. We recommend that the second proposed mitigation measure not be adopted, as the swans are not likely to be seen until disturbed. Swan nesting and overwintering areas identified by US Fish and Wildlife Service, Migratory Birds (telephone 907-586-7243) should be avoided.

Page 2-81, Implementation: The State requests a role in the development of training curricula, including video recordings.

Page 2-82, Monitoring: The “detailed monitoring plan” is a critical component of the helicopter access proposal. This plan should be included in a supplemental DEIS, rather than left to the Record of Decision.

Page 2-83, Table 2-8: This Table apparently presents proposed elements of the monitoring plan. The only wildlife component is an annual report concerning the number of brown bears killed in defense of life and property. Such a report can not be considered a monitoring plan.

Chapter 3, Affected Environment

Page 3-32, Wildlife: The citation “ADF&G 1995” is not included in the Literature Cited, and we are unable to compare the reference with the commentary about wildlife

and aircraft overflights.

Chapter 4, Environmental Consequences

Page 4-123: We note that this chapter does not speak to the possibility of non-subsistence (sport) hunter success being diminished as a result of public-access-related helicopter activity. Rather, acknowledgment is merely made that “[a] potential conflict may exist between helicopter users and subsistence harvesters of wildlife during August and September”. Non-subsistence hunting does occur in Wilderness; non-subsistence alpine hunting can be very site and time specific, and if game is driven away from a hunter, the hunter may not have another chance for a successful hunt.

Pages 4-92 to 4-103, Wildlife: The citations “ADF&G 1995, Mancini et al 1988, Schoen and Kirchoff 1982, Chadwick 1983, Hodges and Robards 1981, Fox et al 1989,” and numerous other citations are not included in Chapter 7, Literature Cited, and we are unable to compare the references with the commentary about wildlife and aircraft overflights.

Page 4-95: The last paragraph states that habitat capability modeling was not used for this analysis because the models are vegetation oriented, and the proposed helicopter landings are not expected to alter overstory vegetation. We are uncertain how this explanation relates with a statement made on page 4-121 about the subsistence evaluation, which relied “heavily on the use of habitat capability models.”

Pages 4-99 to 4-100, Mountain Goat Habitat: In the experience of the State, cliffy areas used by mountain goats are better described by the phrase “broken cliffs.” The cliff definition should be reworded to include “broken.”

Page 4-100, General Effects of Disturbance: A citation is not provided for the ADF&G recommended separation distance.

Page 4-112, Summary of Wildlife Effects: The DEIS finds that “indirect effects to wildlife would result as a consequence of increased human presence”, presumably including in bear habitat. The DEIS further identifies bear-human encounters as the most likely significant effect. Rather than putting people in a position of a potentially fatal encounter with a bear, we recommend that the situation be avoided. Identification and avoidance of denning sites is critical, as is strict control and removal of garbage, for example.

Page 4-121, Section 810 Subsistence Evaluation Process: The second to last paragraph

of this section states that the subsistence evaluation process “relies heavily upon the use of wildlife capability models published with the 1991 Tongass Land Management Plan SDEIS.” At least some of the models are *draft*, and have not received verification; model outputs have missed *known* important habitats. We understand that the 1991 models do not consider factors such as aircraft disturbance (presence plus noise), and hence, none of the models may be applicable to the task at hand.

Page 4-122, Abundance or Distribution, Wildlife: We note that the state’s wildlife management agency is not the source of information on wildlife populations (the 1991 Supplement to the Draft Environmental Impact Statement and Proposed Revised Forest Plan is cited). We recommend that current information from the ADF&G Division of Wildlife Conservation be used instead.

Page 4-122, Abundance or Distribution, Potential Impacts on Abundance or Distribution: We agree that mountain goats may be the most sensitive species to helicopter and human disturbance, and we recommend that the mitigation measures reflect the sensitivity of mountain goats to the proposed action. If general public access via helicopters is approved, the mitigation measures must be appropriate and adequate. Also, the citation “Singer 1975” is not listed in Chapter 7, Literature Cited.

Page 4-127, Potential Additional Wilderness Helicopter Use by the Forest Service: The statement is made that “the Forest Service is performing environmental studies to determine the impacts of using helicopters in Wilderness.” State personnel, including ADF&G staff, would appreciate being consulted and/or involved in the design and conduct of these studies so we can help assure the relevancy of the studies underway to the questions associated with helicopter activity around and near sensitive wildlife species.

Page 4-128, Possible Conflicts with Plans and Policies of Other Jurisdictions: A section needs to be added regarding the Submerged Lands Act. Many lakes and rivers within Wilderness boundaries may be determined to be navigable and would therefore be owned by the State of Alaska. Wilderness regulations would not apply to these lakes and rivers. Article VIII, Section 14 of the Alaska Constitution provides for the broadest possible access to and use of state waters by the public.

Chapter 7, Literature Cited

Each citation made in the document should be listed in the Literature Cited section, and each citation should be complete, so that references may be located. Similarly, each entry in the Literature Cited section should be included in the document.