



June 27, 2022

Eric Sandeno
Wilderness/Wild and Scenic Rivers Information Manager
USDA Forest Service
1627 Cemetery Road
Marlinton, WV 24954

Submitted via email to eric.sandeno@usda.gov

Dear Mr. Sandeno:

On April 28, 2022, the USDA Forest Service (USFS) published in the Federal Register an Information Collection Request (ICR) regarding Wilderness and Wild and Scenic Rivers Program Administration. The State of Alaska reviewed the related Visitor Permit and Visitor Registration Card forms. The following comments represent the consolidated views of state agencies, including the Alaska Department Fish and Game (ADF&G).

The ICR states the objectives of the Visitor Permits Form (FS-2300-30), and Visitor Registration Cards (FS-2300-32) are to:

- (1) disperse use,
- (2) protect natural and cultural resources,
- (3) provide for the health and safety of visitors,
- (4) allocate capacity,
- (5) provide restrictions or important information the visitor should know, and
- (6) address overuse and site deterioration in environmentally sensitive areas.

The ICR requests comments on:

- (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility;
- (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- (3) ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Neither FS-2300-30 or FS-2300-32 references Wilderness or Wild and Scenic Rivers. Both forms must include information indicating they are only for use in designated wilderness and wild and scenic river areas.

In Alaska, designated wilderness areas (currently there are no USFS wild and scenic river areas in Alaska) are managed in accordance with the Wilderness Act and the Alaska National Interest Lands Conservation Act (ANILCA). ANILCA designates these areas as “conservation system units” (CSUs) and provides for certain unique allowances, which take into account “the economic and social needs of the State of Alaska and its people,” for activities within these units, including the use of snowmachines, motorboats, airplanes, and surface transportation for traditional activities and for transportation to and from villages and homesites.

Unlike other federal land management agencies in Alaska (e.g., the National Park Service and the Fish and Wildlife Service), the USFS has not promulgated Alaska-specific regulations to assist in managing USFS lands in Alaska, instead relying on general statements such as is found in 36 CFR 293.6 “commercial enterprises, roads, motor vehicles, motorized equipment, motorboats, aircraft landing facilities, airdrops, structures, and cutting of trees” which excludes those listed activities except as allowed by “the Wilderness Act [and] subsequent legislation establishing a particular Wilderness unit.” ANILCA is just such subsequent legislation and allows many of the excluded activities listed in 36 CFR 293.6 to occur in Alaska wildernesses (the USFS manages 20 areas of designated wilderness in Alaska); given this, we believe that without specific reference to ANILCA, achieving objective (5) is not possible. This objective would generally be obtainable within Alaska with recognition of ANILCA. Additionally, Alaska CSUs are “open” for access and use unless closed in accordance with ANILCA Sections 1110 and 811. Thus, neither form can be used to disperse use, allocate capacity, or address overuse and site deterioration via restrictions that have not been incorporated into regulation, to include notice and hearing for closures to access for traditional activities under ANILCA Section 1110.

Regarding the ICR questions specifically:

Question (1) Is the collection of information necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.

We understand that the difference between the two forms is that the Permit is required to note special restrictions the visitor should know while Visitor Registration Card is collected at un-staffed entry locations, such as trail heads, and is completed by the visitor without Forest Service assistance. We believe access to designated wilderness areas in Alaska occurs almost exclusively at un-staffed locations, therefore do not believe it is necessary or appropriate to approve Visitor Permit Form FS-2300-30 for use in Alaska. Many visitors to Alaska designated wilderness areas are residents using the Forest for traditional activities; we believe requiring a permit on these types of visitors imposes an unnecessary burden on these local residents. (The burden aspect is also related to Question 4.) We are not opposed to the voluntary completion of Registration Card FS-2300-32 in Alaska, where practical and where demonstrated benefit to forest resources is demonstrated.

To help ensure the application is not administered in Wilderness areas where it is not applicable and to improve clarity (also applicable to Question 3), we request the titles of the “Visitor Permit” and “Visitor Registration Card” be revised as shown at the end of these comments.

Alternatively, a separate form(s) could be created for Alaska to ensure the inclusion of the Alaska-specific allowances.

We recommend the changes below to the forms, including eliminating the use of Form FS-2300-30 in Alaska, and, to improve clarity and eliminate misinformation and confusion for a significant number of park visitors and Alaskan residents, revising Form 2300-32 to clarify that in Alaska exceptions apply, allowing for unique access methods and uses in designated wilderness (e.g., motorized, and mechanized access).

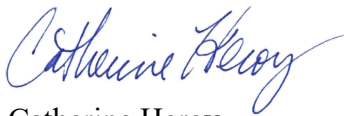
We recommend the following underlined revisions. The proposed additions could be added to the title block or elsewhere in the documents and are suggested to provide for more accurate information collection and to provide clarity on where regulations apply.

FS-2300-30
Forest _____, Wilderness/WSR Area _____
Designated Wilderness/Wild and Scenic River Visitor's Permit
(Not Applicable in Alaska)

FS-2300-32
Forest _____, Wilderness/WSR Area _____
Designated Wilderness/Wild and Scenic River Visitor Registration Card
(Alaska Areas include specific access and use allowances in accordance with the
Alaska National Interest Lands Conservation Act (ANILCA)

Thank you for this opportunity to comment. Please contact me at catherine.heroy@alaska.gov or 907-269-0880 if you have any questions and for follow up discussions.

Sincerely,



Catherine Heroy
State ANILCA Program Coordinator