

# STATE OF ALASKA

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June 13, 2002

Bud Rice  
National Park Service  
2525 Gamble Street  
Anchorage, Alaska 99503

Dear Mr. Rice

The State of Alaska has reviewed the April 2002 Environmental Assessment (EA) for Spruce Creek Access. The comments in this letter represent the consolidated views of the State of Alaska resource agencies.

#### **General Observations**

The preferred alternative appears to provide the inholders adequate access (both by air and road) to their properties without requiring extensive road improvements that would preclude access to their property because of financial considerations. The alternative does propose a minor reroute along Spruce Creek to an abandoned trail in order to avoid vehicles traversing up the bottom of Spruce Creek, which seems reasonable and appropriate. We understand that the Department of Fish and Game has been working with the inholders and the Service to assure that these changes will meet their Title 16 permit requirements.

The Moose Creek Road has been in place for many years and the preferred alternative appears to allow the inholders and public continuing use of the road. Continued use of the Glen Creek airstrip by both the applicants and the public is also allowed. Except for potential impacts to subsistence uses, public uses appear to be minimally affected by this alternative (pages 2-19, 4-17 and 4-18) and may in fact be improved, as the road and airstrip will receive more maintenance than is provided currently.

#### **Subsistence**

Regarding adoption of the preferred alternative, page 4-18 states, "The impacts of this project on subsistence uses would depend on the degree to which access to the road corridor is restricted, both for general access and specifically for discharge of firearms (safety closure)." It is further stated on this page "it is unlikely that the closed area would be extended along the proposed route." We strongly object to the implementation of any additional restrictions on subsistence

uses in this area. The level of subsistence use already is low and is not posing any threats to other users or to park resources. Additional subsistence restrictions through firearm or access restrictions totally unrelated to subsistence uses is inconsistent with the federal subsistence priority and sends the message that subsistence uses authorized by ANILCA in national parks can be chipped away piece by piece in deference to other uses.

The ANILCA Section 810 Analysis in Appendix C is well written, informative, and better than many we have reviewed. We agree with the findings, that neither the proposed action nor any of the other alternatives would result in a significant restriction to subsistence uses--but only if the Finding of No Significant Impact clearly states that no new access restrictions or expanded limitations on the discharge of firearms would be imposed as result of actions proposed in this EA.

**State Rights-of-Way under Revised Statute (RS) 2477**

Though not discussed in the EA, we wish to clarify that the state is not contemplating to vacate valid RS 2477 trails associated with the Spruce Creek access route. As you know, agencies of the state “may not vacate a right-of-way acquired by the state under former 43 U.S.C. 932 unless (1) a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses.”

Please contact me at 907-269-7476 if you have any questions regarding these comments.

Sincerely,

/ss/

Don Perrin  
Project Review Coordinator

cc: Patrick Galvin, Director, Division of Governmental Coordination  
Frank Rue, Commissioner, Department of Fish and Game  
Pat Pourchot, Commissioner, Department of Natural Resources  
Joseph Perkins, Commissioner, Department of Transportation and Public Facilities  
Deborah Sedwick, Commissioner, Dept. of Community and Economic Development  
Tina Cunning, Department of Fish and Game  
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