

# STATE OF ALASKA

**SEAN PARNELL, Governor**

## **ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting**

550 W. 7<sup>TH</sup> AVENUE, SUITE 1430  
ANCHORAGE, ALASKA 99501  
PH: (907) 269-7529 / FAX: (907) 334-2509  
[susan.magee@alaska.gov](mailto:susan.magee@alaska.gov)

October 26, 2010

Jeff DeFreest, District Ranger  
Ketchikan-Misty Fiords Ranger District  
3031 Tongass Avenue  
Ketchikan, AK 99901-5743

Dear Mr. DeFreest:

The State of Alaska reviewed the September 28, 2010 scoping newsletter for the Ketchikan-Misty Fiords Ranger District (District) Outfitter/Guide Management Plan Environmental Impact Statement (EIS). This letter constitutes the consolidated state agency comments covering Alaska National Interest Lands Conservation Act (ANILCA)-related issues and other state interests, excluding coastal zone management, which will be addressed, as applicable, by the Alaska Department of Natural Resources, Division of Coastal and Ocean Management.

We appreciate the considerable effort of the District to involve the public through multiple scoping meetings this past year. We also appreciate the District's meeting summaries were provided to participants as well as other interested stakeholders who may have been unable to attend these meetings in person.

While the newsletter specifies this plan "*will not limit or regulate use by unguided visitors,*" we are generally concerned that, over time, reduced outfitter/guide allocation could effectively curtail general public access within the District. Even though the plan does not apply to transporters, a high percentage of the public depends on commercial operators to safely access the Tongass National Forest, including designated wilderness areas. We request the District be mindful of this during the planning process and include an analysis of the potential indirect effects on public access in the EIS.

We appreciate the plan will implement an adaptive management process, which will "*increase or decrease allocations for specific areas based on standards and level of effects.*" We request the EIS fully describe these standards and indicators given their pivotal role in affecting future allocations. Furthermore, we recommend the District avoid highly restrictive allocations in areas with current low use levels. We also recommend the District consider alternatives to limits in high use areas. Information and education may also be an effective approach to influence visitor behavior (thus reducing impacts) and inform visitor expectations.

While reducing user conflicts is oftentimes an appropriate goal, the scoping letter does not provide specific examples of past, existing, or anticipated conflicts. To provide context and a basis for proposed management actions, we request the EIS clearly identify specific examples of user conflicts. The public meeting notes generally refer to crowding in certain areas. We request the EIS also include more specific information about perceived crowding since such perceptions can vary depending on location and circumstances.

We support the District's stated intent to establish a monitoring process to ensure that site-specific conflicts are addressed using the appropriate management tool. However, since encounter rates are used to evaluate crowding associated with *public use*, we do not agree with factoring in *administrative use*. In addition, we request state management tools also be considered in managing user conflicts as they may be more effective in some instances. We specifically recommend including non-federal entities (e.g., Alaska Department of Fish and Game (ADF&G), Alaska State Troopers, lodge owners) in the monitoring process.

The State is responsible for sustainability and management of all fish and wildlife, including for subsistence purposes, regardless of land ownership or designation, unless specifically preempted by federal law. ADF&G, if necessary, utilizes emergency orders to ensure sustainability of fish and wildlife. Currently, we do not have concerns with fish stocks or the level of guided effort in freshwater streams within the District. In addition to allocating fish and wildlife among all user groups, the Boards of Fisheries and Game provide a subsistence preference on all lands and can address both direct and indirect effects on fish and wildlife. The Federal Subsistence Board assures a priority under ANILCA Title VIII for subsistence use among consumptive uses of fish and wildlife by rural residents on federal lands. At times, the state and federal Boards have worked together to address issues of mutual concern. Any unilateral efforts by the District to minimize user conflicts, based solely on allocation concerns, would circumvent these existing regulatory processes. We request the District recognize these existing authorities and processes during the development of the EIS.

We understand the District completed a Wilderness Needs Assessment (WNA) in 2009. As was done in other District outfitter and guide plans, we assume the WNA will be included in the EIS to provide the public with an opportunity to review and comment on the document's recommendations. To assist the public, we request the EIS provide a clear explanation of the document's purpose, and the relationship to and potential affects on the proposed plan.

Finally, the meeting notes occasionally reference possible restrictions to airplane landings or motorboat use in certain areas or waterbodies. We urge the District to consult with the State before considering recommended restrictions on state-owned navigable waterbodies. The EIS should also appropriately recognize and comply with ANILCA Sections 1110(a) (within conservation system units) and 811 access provisions, including the high bar established to protect these important modes of access in Alaska.

Thank you for this opportunity to comment. Please contact me at (907) 269-7529.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Magee". The signature is fluid and cursive, with the first letter of the last name being a large, stylized 'M'.

Susan E. Magee  
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator