

# STATE OF ALASKA

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

**SEAN PARNELL, Governor**

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March 18, 2011

Jason Anderson, Thorne Bay District Ranger  
Tongass National Forest  
P.O. Box 19001  
Thorne Bay, AK 99919-0001

Francisco Sanchez, Craig District Ranger  
Tongass National Forest  
P.O. Box 500  
Craig, AK 99921

Dear Mr. Anderson and Mr. Sanchez:

The State of Alaska reviewed the February 14, 2011 Prince of Wales Island Outfitter/Guide Management Plan EA Scoping Notice. The following comments represent the consolidated views of the State's resource agencies.

The State supports increased opportunities for recreational activities, including guided recreational activities on national forest lands, including Conservation System Units established under the Alaska National Interest Lands Conservation Act (ANILCA). The limited information provided in the scoping notice makes it difficult to determine how the proposed allocations will affect actual use on the Districts. It is also not clear why outfitter and guides are being allocated 50% of the estimated visitor capacity across the board, except for certain areas within designated wilderness.

Because a high percentage of the public depends on commercial operators, including air taxis and charter services, to access wilderness areas and other parts of the Tongass, a fixed percentage allocation and possible limits would effectively restrict public access and use of an area. Other District Outfitter and Guide Plans we previously reviewed specifically did not apply to transporters, which helps moderate this concern. We request the EA specify whether this planning effort will apply to transporters.

We also request the EA clearly identify the basis for any allocations that have an on-the-ground affect on current use levels, such as user conflicts. If there are no known user conflicts or other issues at this time, and none are identified during scoping, we recommend establishing a monitoring process to ensure that, once identified, specific conflicts are addressed by the appropriate administrative entity (federal, state or local) using the appropriate tool. Note that state management tools may be more effective in some instances than federal tools, so we

recommend looking at all available options. Relying on carrying capacity and use allocation as a blanket solution may be premature. In addition, we recommend including non-federal entities (e.g., Alaska Department of Fish & Game staff, Alaska State Troopers, lodge owners) in the monitoring process.

The scoping notice indicates numerous areas would be limited due to “*fisheries resource concerns*.” (Page 2) The Alaska Department of Fish & Game (ADF&G), which is responsible for the sustainability of fish and wildlife on all lands in Alaska, identifies fish stocks of concern using three categories; yield, management, and conservation. In order for ADF&G to understand the issues identified by the Service and assist in addressing them, where necessary, we request concerns be individually identified for evaluation. If fish stocks of concern are identified that may require regulatory action, we request the Service utilize the appropriate regulatory entity (i.e. Alaska Board of Fisheries or the Federal Subsistence Board) to address them. ADF&G is available to consult with the Service during the preparation of the EA.

The scoping notice also refers to decisions affecting specific wilderness areas where there is no allocation proposed for commercial outfitter and guide use (page 2). We understand the Districts internally evaluated the “need” for commercial use within the two Districts’ five designated wilderness areas and appreciate the Districts making the individual assessments, known generally as “*Determination of Need for Commercial Services*” (Determination), available to us upon our request. While we may have specific concerns regarding the subjective and potentially arbitrary nature of these analyses, because the conclusions in these documents can impact the livelihood of individuals as well as the economies of local communities, we are currently more concerned about the apparent absence of *public review* associated with these documents.

We understand the Service characterizes the conclusions as “recommendations;” however, it appears they are being implemented as “decisions.” Some of the other Districts on the Tongass included their Determinations in Outfitter and Guide plans as an appendix, which we requested in the past and appreciate; however, the process could be further improved by incorporating the recommendations into the main body of the EA. Doing so will not only present the information within the context of the plan, it will also help clarify the information is being made available for public comment.

We are also concerned that once a decision is made to limit a use, making changes will be very difficult. The notice implies these “recommendations” are absolute prohibitions - “...*outfitter and guide activity is not authorized because no need for outfitters and guides was identified.*” There is no indication in the scoping notice or the Determinations that there would be an option for reconsideration based on changing conditions or new information. As such, future use is unnecessarily being precluded. Section 4(d)(6) of the Wilderness Act does not require this preemptive form of decision-making with regard to commercial services.

*“Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.”*

We therefore request the EA also clarify that these Determinations can be modified based on new information or requests from the public or commercial operators and then establish clear criteria and a process for considering such future modifications.

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

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, prominent "M".

Susan Magee  
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator