



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

## ANILCA Implementation Program

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September 20, 2013

Sue Masica, Alaska Regional Director  
National Park Service  
240 W. 5<sup>th</sup> Avenue  
Anchorage, AK 99501

Dear Ms. Masica:

The State of Alaska reviewed the Alaska Region Programmatic Fire Hazardous Fuels Management Plan Environmental Assessment (EA) for specified park units in Alaska. The following comments represent the consolidated views of the State's resource agencies.

We support the plan's overarching intent to implement consistent protocols to protect life and infrastructure within Alaska park unit boundaries with proactive management of hazardous vegetation associated with fire risks. Alternative C, the Environmentally Preferred Alternative, would allow for the use of mechanical fuels reduction as well as prescribed fire. These important management tools will ultimately help protect people, property, and valuable park resources in a cost-effective manner.

The plan, however, may be overly restrictive in areas classified as having an "eligible" wilderness land status as defined by the Director's Order 41 Reference Manual. While the plan recognizes and provides direction for "eligible" lands, there is no recognition of the subcategory "*eligible – not proposed*" (page 1-11, Section 1.2.4) even though there are lands within Alaska park units that were identified as "eligible" but not proposed for wilderness designation in the wilderness reviews conducted in accordance with Section 1317 of ANILCA. According to Service policy, these lands are not subject to a minimum requirements analysis.

*Eligible – Lands that have been determined eligible, but upon completion of a formal wilderness study are not included in the proposal, are identified as "eligible – not proposed" for wilderness designation. According to NPS Management Policies Chapter 6, this is the only wilderness category that does not require the application of "minimum requirement" for the administration of the area. However, "eligible – not proposed" lands are still managed according to the 1916 Organic Act, other NPS wilderness management policies, and to preserve their eligibility (wilderness character) for possible future designation. (DO 41 Reference Manual, Definitions)*

Furthermore, the plan indicates that “*the entire Alaska eligible wilderness acreage [will be] managed under NPS policies that project wilderness character until Congress can act*” (page 3-79). However, the ANILCA Section 1317 wilderness review recommendations were never submitted by the Secretary of Interior to the President or Congress for consideration. Therefore, while the park units include lands that were assessed and recommended by the respective Superintendents and approved by the Regional Director, there are no pending recommendations waiting for Presidential or Congressional action, nor will there be as ANILCA Section 1317 directs the completion of these reviews and subsequent recommendations within an explicit seven year timeframe.

None of the wilderness land status categories in the Director’s Order 41 Reference Manual apply to the current status of the ANILCA Section 1317 reviews. At most, these lands qualify for management under the subcategory “eligible – not proposed” and as previously noted, in accordance with Service policy, would not be subject to the minimum requirements analysis.

Additional related and other page-specific comments are provided below.

### **Page Specific Comments**

Page 1-11, 1.2.4 Wilderness Policies, first paragraph, third sentence: This sentence truncates Service Management Policies, Chapter 6.3.1, 2006. We request the following edit to fully capture this important exception:

This includes use of the minimum requirements concept regardless of wilderness category. The only exception is for areas that have been found eligible, but for which, after completion of a wilderness study, the Service has not proposed wilderness designation.

Page 1-15, second paragraph. This paragraph states “*Where private inholders may need to perform minimal Firewise maintenance on NPS lands near their buildings, a special use permit issued from the appropriate superintendent would be required pursuant to 36 CFR Part 1.6. See Appendix D for an example.*” We request the Service identify whether there are provisions that waive the permit requirement in emergency situations where there is an immediate risk to life or property.

Page 2-7, 2.4.8 Operations in Wilderness, second bullet: Consistent with the above general comment and the definition of “eligible” wilderness in the Director’s Order 41 Reference Manual, we request the following edit:

*In backcountry areas in wilderness and within areas eligible - proposed for wilderness a minimum requirement/minimum tool analysis will be completed for each project that will include access method options. If aircraft are used, such use would be programmed to coincide with other uses of aircraft, where practicable.*

Page 2-7, 2.4.8 Operations in Wilderness, Use of Tools, second paragraph: Motorized tools can be authorized within designated wilderness when determined to be the minimum tool through a minimum requirements analysis. Subsequent use of motorized hand tools may be necessary at some sites where

alder and willow are present since both can sprout from the root crown and/or roots after top-kill. We request the following edit:

*Subsequent maintenance work would be accomplished only with non-motorized hand tools at all sites within a designated wilderness unless a minimum requirement analysis is completed and motorized equipment is determined to be the minimum tool.*

Page 2-7, 2.4.8 Operations in Wilderness, Use of Tools, third paragraph: Lands that are eligible – not proposed for wilderness designation do not require a minimum requirement analysis. We request the following edit:

*Motorized tools may be permitted for subsequent work at sites outside a designated wilderness, subject to an MRA on eligible - proposed wilderness lands.*

Page 3-79, third paragraph: For clarity, we request the following edit in the final plan:

*ANILCA provides a number of special provisions that modify the Wilderness Act. These special provisions include, but are not limited to.*

Page 3-79, fourth paragraph: This section states “*There are no special provisions for motorized access for administrative activities; administrative activities that propose a Wilderness Act 4(c) prohibition are subject to a minimum requirements analysis.*” ANILCA amends the Wilderness Act in Alaska and motorized methods of access (e.g. snowmachines, motorboats and airplanes) are allowed in designated wilderness. To remove the implication that motorized methods of access allowed for public use are prohibited in designated wilderness for administrative activities, we request the sentence be revised as follows:

*~~There are no special provisions for motorized access for administrative activities;~~  
Administrative activities that propose a Wilderness Act 4(c) prohibition are may be subject to a minimum requirements analysis.*

Page 4-3, third paragraph: The EA does not indicate the methodology used to determine the total number of miles of roads and trails that traverse the park units covered in this EA, nor is it clear how the number of airstrips in the planning area were determined. The State has identified numerous RS 2477 rights-of-ways, 17(b) easements, roads, trails, airstrips, etc. in the planning area. If the Service is going to definitively cite the total number of miles of roads, trails, airstrips, etc. within this and other planning documents, we request that the data be supported by the methodology and/or a source citation, and that the State be given the opportunity to contribute to this data before the EA is finalized.

Page 4-25, 4.8.1.2 Cumulative Effects, sixth paragraph, second sentence: The plan asserts:

*The impacts to subsistence resources from various past and ongoing uses and developments has been widespread, extensive, displaces vegetation and wildlife habitat and fractures wildlife distributions, and may result in reduction of and competition for resources with subsistence*

*users. Because ANILCA Title VIII recognizes a preference for subsistence uses of these resources, the larger impacts should be reduced by closures to general uses.*

The description of cumulative impacts to subsistence resources and uses attempts to generalize all past impacts on all park lands. This statement grossly misrepresents the overall health of subsistence resources within the Park Units and provides no scientific evidence to document negative impacts. The statement also inaccurately interprets Title VIII of ANILCA, Title VIII establishes a subsistence priority opportunity, but makes it clear the priority has sideboards.

Congressional direction in ANILCA requires subsistence uses to be “*the priority consumptive uses... when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population*” (Section 802(2)). Additionally, Section 804 of ANILCA further describes the criteria to implement appropriate limitations to restrict the taking of fish and wildlife in order to protect the continued viability of populations or continue such uses. The last sentence misrepresents the Title VIII priority and also inappropriately suggests a closure which is not relevant to an effects analysis. In addition, this is the first time the term “larger impacts” is introduced in this section, so the reader is left to guess what the larger impacts are that should be reduced by closures to general uses. We request this entire paragraph be re-evaluated and any related conclusions be revised, as needed.

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

Sincerely,



Susan Magee  
ANILCA Program Coordinator

cc: Bud Rice, Alaska Region  
Adrienne Lindholm, Alaska Region