



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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April 11, 2024

General Services Administration
Attention: Aaron Evanson
Capital Project Manager
1301 A Street
Tacoma, WA 98402

Submitted via email to AlcanLPOE@gsa.gov

Re: Alcan LPOE Draft EIS

Dear Mr. Evanson,

The State of Alaska (State) reviewed the Draft Environmental Impact Statement (DEIS) analyzing the potential environmental effects of the proposed expansion and modernization of the existing Alcan Land Port of Entry (LPOE). The proposed project would expand and modernize LPOE facilities and could include easements on up to 2.5 acres of Tetlin National Wildlife Refuge (NWR). The below comments incorporate input from the Departments of Natural Resources (DNR), Fish and Game (ADF&G), Environmental Conservation (DEC), and Transportation and Public Facilities (DOT&PF).

The State recognizes the value of this vital U.S. Customs and Border Protection facility; the Alaska Highway is critical infrastructure for both private and commercial traffic between Alaska and Canada, and the LPOE serves to inspect vehicles and provide border security at the year-round port. The State acknowledges the unique challenges at this port location, and the need to modernize infrastructure to meet current and future demand. We offer the following comments regarding an ANILCA concern, and to note State interests in the area.

ANILCA Requirements for Management of Public Lands

The Alaska National Interest Lands Conservation Act (ANILCA), passed as Public Law 96-487 by Congress in 1980, applies special provisions to land management in Alaska, in part to preserve traditional and customary uses of the land, and to provide protection for subsistence users. One of those provisions is that federal actions affecting public lands¹ must be reviewed for their impacts to subsistence uses, often referred to as an "ANILCA 810 analysis". Section 810 of ANILCA states, in part,

SEC. 810. (a) In determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions, the head of the Federal agency having primary jurisdiction over such lands or his designee shall

¹ ANILCA 102, "(3) The term "public lands" means land situated in Alaska which, after the date of enactment of this Act, are Federal lands," and, "(2) The term "Federal land" means lands the title to which is in the United States after the date of enactment of this Act."

evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. No such withdrawal, reservation, lease, permit, or other use, occupancy or disposition of such lands which would significantly restrict subsistence uses shall be effected until the head of such Federal agency—

- (1) gives notice to the appropriate State agency and the appropriate local committees and regional councils established pursuant to section 805;
 - (2) gives notice of, and holds, a hearing in the vicinity of the area involved; and
 - (3) determines that (A) such a significant restriction of subsistence uses is necessary, consistent with sound management principles for the utilization of the public lands,
- (B) the proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of such use, occupancy, or other disposition, and (C) reasonable steps will be taken to minimize adverse impacts upon subsistence uses and resources resulting from such actions.

The Tetlin NWR, the Tanana Chiefs Conference, and the Friends of Alaska Wildlife Refuges all provided comments indicating potential impacts, some significant, to hunting access and subsistence resources. Given this information, the GSA should consider the need to give notice and hold a subsistence hearing, under ANILCA 810, in the project vicinity. The 810 process must be completed, and the results included, prior to issuing the decision documents. The State requests an opportunity to review the draft 810 analysis when it is prepared.

The Tetlin NWR may be a good source of information regarding how federal agencies prepare an 810 Analysis. If Tetlin NWR ultimately leases or transfers lands to the GSA, they will need to prepare a separate 810 Analysis before that action can be carried out.

After compliance with the procedural requirements of ANILCA 810, the federal agency “may manage or dispose of public lands under [its] primary jurisdiction for any of those uses or purposes authorized by this Act or other law.” (ANILCA 810(d))

Additionally, Section 103(b) of ANILCA requires, in the event of a minor change (defined as less than 23,000 acres) to the boundary of a Conservation System Unit designated by ANILCA, such as the Tetlin NWR, the Secretary of the Interior must provide Congress reasonable notice in writing before making any boundary adjustments. We recommend carrying out additional dialogue with the Tetlin NWR regarding the proposed boundary change. Please include information about this process in your decision documents.

Additional interests

ADF&G manages fish and wildlife on all lands in Alaska. Maintaining access to hunting, fishing, and trapping areas around the proposed site expansion is important to ADF&G. Should the proposed project impact access to these areas we request the agencies work with ADF&G staff to provide alternative access for hunters, anglers, and trappers. ADF&G notes the GSA failed to consult with ADF&G during preparation of this DEIS. Since ADF&G is the manager of fish and wildlife populations on all lands within the State, the GSA should consult with ADF&G on future project actions.

DEC is responsible for protecting human health and the environment by managing the cleanup of contaminated soil and groundwater in Alaska. DEC notes that there was a contaminated site located in this area, referenced as the Seaton Roadhouse site. Information about the site and cleanup process is available at <https://dec.alaska.gov/Applications/SPAR/PublicMVC/CSP/SiteReport/4446>. If more contaminated sites are identified during site studies or construction of the project, additional coordination with DEC would be needed.

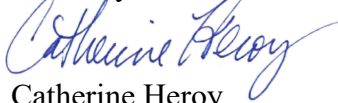
DNR has management authority for State lands (including the land, water, tidelands, and shorelands of navigable waters within the State). This authority includes management of navigable waters, tidelands, and shorelands within and adjacent to the boundaries of federal lands, including Conservation System Units created under ANILCA. DNR manages use of these lands through Generally Allowed Uses (11 AAC 96.020 subject to 11 AAC 96.025) and through commercial and recreational land use authorizations. If the project expands or shifts onto State lands or waters, additional coordination with DNR would be needed.

DOT&PF is responsible for maintenance and upkeep of many roadways in Alaska, including much of the Alaska Highway near and in the proposed project area. The State requests that any impacts to the highway right-of-way be coordinated with the State DOT&PF.

Closing

Thank you for the opportunity to review and comment on this proposed project. Please contact me at (907)269-0880 or by email at catherine.heroy@alaska.gov to coordinate any follow up discussions.

Sincerely,



Catherine Heroy
Federal Program Manager

Email cc: Shawn Bayless, Tetlin NWR Refuge Manager