



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

550 West 7th Avenue, Suite 1430
Anchorage, AK 99501-3561
Main: 907.269-8690

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USDA Forest Service
Tongass National Forest
Monique Nelson, Forest Supervisor
648 Mission Street, Suite 110
Federal Building, Ketchikan, AK 99901

Submitted online at <https://cara.fs2c.usda.gov/Public/CommentInput?Project=64039>

Re: Tongass National Forest Land Management Plan: Preliminary Draft Plan Content

Dear Ms. Nelson,

The State of Alaska (State) is a Cooperating Agency in the ongoing Tongass National Forest Plan (Plan) revision process. Since the first draft Roadless Rule was proposed in 2000 (Volume 65 FR 30275–30288, May 10, 2000), the State has provided extensive feedback on the Tongass National Forest’s planning efforts. The State has been actively involved in the current plan revision process, including reviewing the Assessment documents drafted in 2024, and the Notice of Intent published February 18, 2026, as well as participating in ongoing agency focus group meetings. Continuing this involvement, the State reviewed the preliminary draft Plan content shared by the Tongass National Forest (Tongass) on March 23, 2026, and offers this input.

Much of the information provided in our March 2026 comments has not yet been transitioned into the preliminary draft documents. Our issues and concerns with the pre-review of the 2026 Preliminary Draft Tongass Forest Plan Revision align with those same concerns in our previous comments. Our consistent comments are rooted in statutory obligations, state management authority, and the need for a balanced approach to habitat conservation and economic use. We appreciate that Forest Service (Service) staff have been engaged and interested in receiving our input during Cooperating Agency meetings.

The comments below incorporate input from the Departments of Natural Resources (DNR), Fish and Game (ADF&G), Environmental Conservation (DEC), and Transportation and Public Facilities (DOT&PF). These comments are provided in addition to our earlier and ongoing contributions, including our comments of March 20, 2026¹, and Cooperating Agency consultation input.

¹ <https://dnr.alaska.gov/commis/opmp/ani/ca/pdf/2026%20Letters/26-3-20%20SOA%20comments-%20Tongass%20NOI%20w%20attach.pdf>

State Authority Over Fish and Wildlife

ADF&G reiterates that the State of Alaska holds primary authority for managing all fish and wildlife within its borders—including anadromous and resident fish, and wildlife, while the Service manages their associated habitats—and that this authority, reaffirmed by the Alaska National Interest Lands Conservation Act (ANILCA) §§ 505 and 1314, requires the State to set population objectives, determine harvestable surplus, and regulate all uses. The draft Plan fails to clearly reflect these jurisdictional boundaries and must be revised to align management with State law.

In addition, habitat and wildlife standards should be based on sustainability rather than the narrower concept of viability mentioned in the draft Plan, ensuring long-term biological health and continued human use consistent with State constitutional and ANILCA mandates. Finally, the Tongass supports important economic activities such as fisheries, timber, and mineral development. The aging conservation strategy should be updated using adaptive management principles and the best available science to maintain both ecological integrity and economic opportunity.

Conservation Strategy and Habitat Management

ADF&G will review the alternative conservation strategies the Service proposes in the draft EIS and draft Plan. We support concentrating economic activities in intensively managed areas to minimize impacts and maintain larger undeveloped areas for wildlife, recreation, and subsistence. ADF&G is open to exploring flexibility, provided any adjustments maintain strong habitat protections and do not increase risks to long-term species sustainability. It will be essential for ADF&G and the Service to work cooperatively to meet respective management mandates, using sound, best available science to ensure sustainable management of fish and wildlife populations, habitat, public access, subsistence, recreation and economic opportunity, and wilderness values.

To effectively support a clear conservation strategy, the draft Plan should also ensure that descriptions of ecosystems and forest types include the wildlife species and habitat functions associated with them, consistent with the requirements of the 2012 Planning Rule. Identifying species–habitat relationships within each forest type is essential for evaluating ecological conditions, assessing habitat needs, and applying science-based management across the Tongass.

Species of Conservation of Concern

We reiterate our comments from our March 20, 2026, letter regarding Species of Greatest Conservation Need and anticipate changes will be made to this section based on our Cooperating Agency comments. One point to note is that the species distribution information for Eulachon is missing some spawning populations in the Yakutat area, specifically the Situk River and the Alsek River. These two populations are well known and actively monitored by the Service; they should be captured in the draft Plan and or EIS.

Preservation of Board Authorities

We are concerned the proposed community use areas could, in effect, make allocation decisions about fish and wildlife resources. We oppose any standards or guidelines within any Management Areas (MAs) that would establish outfitter and guide exclusion areas or a

maximum number of service days or permits based on land-use designations, as this would constitute an allocation of fish and game resources.

Decisions about how fish and wildlife harvest opportunities are allocated among commercial and non-commercial users are the responsibility of the Board of Game (BOG), Board of Fish (BOF), and the Federal Subsistence Board (FSB) (Boards). These bodies were specifically established to manage harvest levels and user-group distribution through transparent public processes informed by biological expertise and local input. Attempting to replicate or replace these processes within a Service planning document raises significant concern for ADF&G. The Service's primary role is the management of habitat and broad land-use suitability, while management of fish and wildlife populations—including decisions about who may harvest, when, and how much—must remain under the jurisdiction of the established regulatory boards. If the draft Plan uses MA standards to restrict outfitter and guide access based on use intensity or community sensitivity, it risks overstepping its authority and preempting the established regulatory processes of the State and Federal boards. Given that the Boards are responsible for the allocation of fish and game resources, sport fishing and hunting outfitters and guides should be exempt from any proposed recreation limitations.

The existing Board-led processes are a long-standing and effective mechanism for public engagement and adaptive management based on real-time biological data. By contrast, rigid management area prescriptions in a 15-to-20-year Forest Plan lack the flexibility required to manage commercial use in a dynamic ecosystem.

Impact of Management Area Designations on Outfitters and Guides

ADF&G recognizes that many communities are experiencing increased visitation and are concerned about how commercial recreation may affect local use patterns, access points, and the character of nearby public lands. These concerns are valid, and we appreciate the Service's efforts to address them through this Plan revision. However, given the remote and challenging landscapes of Southeast Alaska, outfitters and guides are often essential in enhancing public safety and recreational opportunities. Their services help visitors navigate difficult terrain, reduce search-and-rescue risks, support the responsible enjoyment of the Tongass, and for many hunts are legally required.

The existing outfitter-guide permitting framework under 36 CFR 251.50(c) already provides effective tools to respond to these issues. Through screening criteria, capacity analyses, and permit terms and conditions, the Service can adjust use levels, seasons, timing, and operating requirements to mitigate congestion, resource impacts, and community-identified concerns without creating exclusive zones or limiting lawful public access. Special-use regulations prohibit permits that confer exclusive or perpetual rights of use, and any geographic area management must not grant exclusive community control or access.

Over-restricting these operations through site-specific standards or MA designations could undermine local economic stability and the Service's recreation and socioeconomic objectives. Therefore, the draft Plan should ensure that MA designations—including, but not limited to, Community Use, High/Low Commercial Recreation Use, Key Fisheries Watersheds, and Old Growth—do not function as de facto caps or geographic restrictions on sportfishing or hunting

outfitter permits, and do not limit access in ways inconsistent with multiple-use directives or unsupported by sound, resource-based justifications.

The Service should ensure that any tools proposed in the draft Plan do not restrict individual hunters, seasons, or bag limits set under State law. Under 36 CFR 251.50(c), non-commercial recreational activities, including hunting, do not require a special-use permit. This provision was designed to prevent guide permit limits from being used to restrict lawful recreational or hunting access for the public. In areas as remote as much of Southeast Alaska, where guide use is often needed for access, the intent of that regulation as well as of the Dingell Act² and its direction that federal lands remain open to hunting and fishing unless officially closed, must be taken into consideration.

We recommend the draft Plan explicitly affirm that access-management tools will not substitute for regulatory control over wildlife, and that any limitations imposed on guide services will not affect state-authorized hunting. The draft Plan should also include coordination with ADF&G to ensure access decisions do not inadvertently impede licensed hunters.

Tribal Relations and Indigenous Knowledge

The proposed section Honoring Tribal Relationships, as well as other sections, outlines the Service's intent to expand co-stewardship and incorporate Indigenous Knowledge into land management. While ADF&G respects the deep cultural and historical connection of the Tlingit, Haida, and Tsimshian people to the Tongass and values local input in management decisions, we must emphasize the legal framework governing resource allocation in Alaska.

- **Special Use and Other Permits:** Regarding special use and other permits, it is important that the draft Plan clearly identify that:
 1. The Service can engage tribes to gather information and perspectives that may inform permitting decisions, but that the Service retains exclusive authority to approve, modify, or deny permits.
 2. Prior to approving or renewing any Special Use Permit, including permits for hunting or fishing guide operations under 36 CFR 251 within the Tongass National Forest, the Service shall consult with professional staff of ADF&G staff to confirm the proposed activity will not materially interfere with conservation -- including the sustained use - - of fish and wildlife and their habitat. This consultation is to ensure the Service integrates state fish and wildlife priorities when issuing permits or authorizations that affect wildlife, fish, multiple uses, and their habitat.
- **Co-Stewardship:** Any co-stewardship agreements should be formal in nature and ADF&G must be included in the coordination loop. This aligns with the direction in the 2012 Planning Rule to engage State fish and wildlife agencies early and throughout National Forest planning. It is essential that the Service does not enter into agreements that inadvertently overstep into the jurisdiction of the BOG, the BOF, the FSB, or the statutory authorities of ADF&G.

² 16 U.S.C. § 7912, John D. Dingell, Jr. Conservation, Management, and Recreation Act, March 12, 2019

- Consistency with ANILCA Section 805: ANILCA Section 805 established a specific structure for local participation in subsistence management through Regional Advisory Councils. This process is the established venue for integrating local knowledge into federal subsistence regulations. The draft Plan cannot create parallel or conflicting systems that circumvent this established process.
- Legal Context of ANCSA: While local and tribal perspectives on biological and cultural health are valuable, the Alaska Native Claims Settlement Act (ANCSA) of 1971 officially extinguished aboriginal titles in Alaska, including aboriginal hunting and fishing rights, including any claims based on traditional use or occupancy of land and water. Consequently, the legal authority to manage and allocate fish and wildlife harvest remains vested in the State, exercised through established statutory and regulatory processes – namely, the BOG and BOF – except in explicitly preempted federal contexts (e.g., subsistence under ANILCA or other federal fisheries/navigable water statutes).
- Balancing Tribal and State Rights: In the Section “Honoring Tribal Relationships (TRIBE), the preliminary draft describes that: “Part of the intent of this land management plan is to “continue developing relationships and partnerships with tribes and Alaska Native Corporations [(ANCs)] to support socio-economic sustainability,” including identifying opportunities for co-stewardship where traditional and customary uses occur. The Service should clarify where it is *mandated* to “[develop] relationships and partnerships” with tribes or ANCs for socio-economic sustainability. The 2012 Planning Rule, at 36 CFR 219.4(a)(1), requires the Service to actively engage a broad range of participants early and throughout the planning process, including: federally recognized tribes and ANCs; State and local governments; other federal agencies and the public.

The preliminary draft also refers to “balancing tribal rights and state rights.” ADF&G requests that all partnerships and shared-stewardship arrangements and co-stewardship concepts be addressed in the section “Partnerships and Shared Stewardship,” where roles and authorities can be clearly distinguished.

Importantly, the land management plan must explicitly recognize that any co-stewardship agreement involving fish or wildlife must include ADF&G. The State of Alaska holds constitutional and statutory primacy for managing fish and wildlife populations—a role established through the Alaska Statehood Act, which required transfer of fish and wildlife management authorities to the State, and formally implemented by the President’s subsequent delegation of those authorities once Alaska established its fish and game agency. This state authority was later reaffirmed in ANILCA.

- Collaborative Stewardship: ADF&G supports collaboration on habitat improvement or restoration projects that incorporate local and Indigenous Knowledge to improve habitat conditions or restoration efforts. However, any co-stewardship initiatives involving harvest or traditional and customary uses of fish or wildlife must:
 - Respect ADF&G’s primacy in managing fish and wildlife populations per Alaska Statehood Act, ANILCA, and 16 U.S.C. §§ 2113;
 - Meet all statutory and regulatory consultation requirements, including:
 - 16 U.S.C. § 2113, which mandates the inclusion of state fish and wildlife agency representatives in federal forest planning and coordination;

- 36 CFR § 219.4(a)(1)(iv), which requires the Service to engage state fish and wildlife agencies—as well as Tribes and ANCs—early and throughout plan development;
- Multiple Use Sustained Yield Act, 16.U.S.C. 528-530, which mandates the Service to manage fish and wildlife as equal components of multiple use and sustained yield objectives without affecting the jurisdiction or responsibilities of States with respect to fish and wildlife on the national forests. and is explicitly authorized to collaborate with interested state agencies. Determinations for activities affecting fish, wildlife, or habitat in national forests must be grounded in coordination with state agencies;
- Fish and Wildlife Coordination Act (16 U.S.C. § 661–666c), which obligates federal agencies to consult with state wildlife managers on actions impacting aquatic resources.

Parallel allocation systems cannot replace or undermine these frameworks.

Co-stewardship agreements must be structured within existing state and Federal regulatory and allocation systems, not outside them.

Cultural Resources and Sacred Sites

The State recognizes that sacred sites and cultural resources of importance to Tribes are not mutually exclusive – much in the way that many traditional subsistence practices may be viewed as both socioeconomic and deeply cultural – and should be considered with a multi-lens approach. The authorities guiding management of these sites, practices, and resources, are more limiting, however. While the State recognizes and appreciates broader definition of “cultural resources” being used by the Service (citing Forest Service Manual (FSM) 2360) as opposed to “historic properties,” the inclusion of sacred sites in the Cultural Resources discussion is not consistent with the authorities under the American Indian Religious Freedom Act (AIRFA) and Executive Order (EO) 13007, which provide for the free exercise of traditional indigenous religious practices and access to religious or sacred sites. By contrast, Section 106 of the National Historic Preservation Act and its implementing regulations do not consider religious importance an aspect of significance (although in rare instances religious sites may be determined eligible for listing for other reasons).

Conflation of resources with differing regulatory mandates could result in inconsistent and potentially ineffective land management or planning decisions. The same management decision could have vastly different implications for a sacred site than it would an archaeological site or traditional cultural place, depending on their key characteristics; and mechanisms to avoid or minimize impacts to the latter cultural resource types may not be sufficient to guarantee access to the former. As such, the State recommends that discussion of sacred sites (and relevant law and EO) be separated from the Cultural Resources section and included in the Tribal Relationships discussion.

Sacred Sites

The authorities governing Sacred Sites (primarily AIRFA and EO 13007) aim to accommodate practice of indigenous religion and access to sacred sites. The Service has also employed the term *Sacred Places* which are defined in FSM 1563.04 as “any specific location on National

Forest System land, whether site, feature, or landscape, that is identified by an Indian tribe, or the religious societies, groups, clans, or practitioners of an Indian tribe, as having important spiritual and cultural significance to that entity, greater than the surrounding area itself.” This definition is in contrast to the stricter scrutiny afforded to sacred sites as defined in EO 13007. The State recognizes that Sacred Sites (and Sacred Places, per FSM 1563.04) must be identified by Tribes and that consultation is required to understand potential impacts to access or use of those sites. Moreover, the State understands that the degree to which the authorities protecting the practice of indigenous religion and access to sacred sites has been a subject of litigation. The State is concerned, however, that the Service consultation with Tribes to “determine what activities are acceptable” at Sacred Sites raises the specter of limited access for otherwise allowable uses guaranteed under law. The Service should provide clarity on how the definitions would be applied, to ensure a balance can be struck between all relevant legal mandates and user group interests.

Infrastructure, Facilities and Access

With regard to infrastructure and access, the Plan should integrate natural hazard risk management into all infrastructure and access related guidance, as required by the 2012 Planning Rule. The 2016 Tongass Land and Resource Management Plan did not adequately address this, making it appropriate and necessary to develop guidance in the new forest plan. To align more closely with the 2012 Planning Rule, the Plan should explicitly address natural hazards in ways that guide management so that natural systems and built infrastructure function together to reduce risk to the traveling public and to critical transportation assets. The Plan should include clear provisions for regular periodic review of Service roads, trails, and facilities to identify damage trends, emerging vulnerabilities, and opportunities to adapt design or maintenance strategies.

Additionally, the Service should reaffirm the commitment to ongoing coordination with DOT&PF to ensure that transportation planning acknowledges the State’s role in road design, construction, and maintenance. Further, the Plan should direct the Service to work closely with DOT&PF and local partners when forest management activities may influence slope stability, hydrology, or avalanche conditions that could affect public transportation corridors. Strengthening this coordination will improve data sharing, support joint hazard mitigation efforts, and enhance long-term infrastructure resilience.

In addition to the constructed infrastructure described in the “Infrastructure, Facilities and Access” chapter, the revised Plan should reference the extensive networks of trails, traditional routes, and navigable waterways that many Alaskans rely on for access in the Tongass. These systems are integral to community connectivity and subsistence use and should be recognized as part of the region’s broader access framework.

The State of Alaska has long sought acknowledgement of state interests, including but not limited to the ownership of submerged lands beneath navigable and tidal waters, management authority of flowing waters above state-owned submerged lands, and management authority of state-owned RS 2477 rights-of-way. Though State management interests are outside the scope of the Tongass National Forest Land Management Plan, explicit acknowledgement of state lands

and interests in the revised plan would improve state and federal relations and add clarity to land management issues on lands within or adjacent to the Tongass.

The State of Alaska owns the submerged lands beneath all navigable-in-fact and tidally influenced waters within the Tongass pursuant to the Equal Footing Doctrine of the United States Constitution, the Federal Submerged Lands Act, and the Alaska Statehood Act. However, the Service has actively resisted acknowledging state ownership, management and control of waters within these and other federal areas. The revised plan should specifically acknowledge state ownership and management authority over all navigable-in-fact and tidal waters within the Tongass and include a table enumerating the water bodies that meet this legal threshold. DNR can provide a list of these water bodies upon request, including the specific reaches in which they are navigable and/or tidally influenced.

The State of Alaska also owns and manages a network of RS 2477 rights-of-way that are located within the Tongass. These routes represent vital public access for all Alaskans for diverse purposes and are often the only land-based access corridors by which Alaskans can reach their destinations. Forest Service land managers have frequently limited and restricted uses of state-owned RS 2477 rights-of-way far beyond the generally allowed uses allowed by state law.

Secondary uses of RS 2477s, including broadband and other utility uses, in locations such as federal areas could be a simple solution for balancing competing priorities such as conservation and infrastructure development (e.g. broadband cables). Efforts to explore the idea of using RS 2477 routes for secondary purposes have been rebuffed by federal land managers that seek to broadly prohibit secondary uses of state-owned RS 2477 rights-of-way in federal areas. The State recommends further dialogue between state and federal land managers regarding the use of RS 2477 rights-of-way on federally managed lands for secondary purposes.

The revised Plan should also specifically acknowledge state ownership and management authority over all RS 2477s rights-of-way in the Tongass and should consider including all known RS 2477 trails and navigable waters in an appendix or attachment. DNR can provide lists of RS 2477 trails and navigable waters upon request.

Lands and Land Use

The Service should consider the importance of continuity of public land management across ownership boundaries, and the potential of the revised plan to proactively address potential land use conflicts. The Service can find comprehensive information related to the management intent of state lands in the DNR Area Plans that are available at:

<https://dnr.alaska.gov/mlw/planning/areaplans/> and in the DNR Division of Forestry and Fire Protection (DFFP) State Forest Management Plans at <https://forestry.alaska.gov/stateforests.htm>.

State of Alaska Area Plans describe DNR's regional management intent, resource management objectives, and resource use information for land managers. The management intent of specific state lands is based on resource and use inventories, the review of existing and potential economic trends, state authorizations, existing plans and similar resource management documents, agency review and comment, and public participation.

Of note to the Tongass planning process, DNR has initiated the planning process that will result in a revision to the Prince of Wales Island Area Plan (POWIAP). When adopted, the revision will guide the management of state owned and selected lands within the plan boundary surrounded by the Tongass National Forest.

Mineral Resources

The mineral industry is a critical part of a sustainable future for Southeast Alaska, and the revised Plan must reflect this fact. Mineral resources existing within the boundaries of the Tongass include gold, silver, molybdenum, and uranium, and nationally designated “strategic” and “critical” minerals such as lead, zinc, copper, tungsten, and platinum group metals. The Service recognizes that minerals are fundamental to the Nation’s well-being and, as policy, encourages the exploration and development of the mineral resources it manages. The Secretary of Agriculture has provided regulations (36 Code of Federal Regulations [CFR] 228) to ensure surface resource protection, while encouraging the orderly development of mineral resources on National Forest System (NFS) lands. The 2008 Forest Plan Amendment provides a summary of Mineral Resource Inventory and Development potential on the Tongass including identified mineral resources and undiscovered resources. There has been no update to mineral inventories since that time. The 2012 Planning Rule in 36 CFR 219.6 requires the Forest Service to identify and evaluate resource inventories, including economic conditions, renewable and nonrenewable energy and mineral resources, and multiple uses of plan areas and their contributions to local, regional, and national economies.

Going forward, the production of these minerals will be increasingly important to the regional economy of Southeast Alaska and to the national supply chains needed to supply the advanced technology and renewable energy needs of the United States. Inventories that identify these resources, as well as the permitting and authorization processes that allow existing mines to continue and expand operations and new prospects to advance their developments, will be increasingly critical for the region and the nation.

The identified mineral resources on the Tongass were described by the U.S. Bureau of Mines, Alaska Field Operations Center, in *An Economic Analysis, Tongass Land Management Plan, Mineral Resource Inventory* (Mineral Resource Inventory), which is the most recent comprehensive study of mineral resources for the Tongass. The gross metal value of the identified mineral resources within the boundaries of the Tongass was estimated at \$37.1 billion (expressed as 1988 dollars) in the Mineral Resource Inventory³. Highest among the individual minerals were molybdenum (\$14.4 billion) and iron (\$12.7 billion), with gold third at \$2.26 billion.⁴ These data show the significant economic potential mineral resources present in the Tongass. These data will need to be updated based on current mineral market conditions, known geology, and adjusted for inflation, but they still underscore the economic potential that can be realized by rescission of the 2001 Roadless Rule and should therefore be considered in the planning process.

The methods used by the U.S. Geological Survey, Branch of Alaskan Geology to identify

³ USDA/USFS (2016). Tongass Land and Resource Management Plan, Final Environmental Impact Statement, Plan Amendment. (June 2016). R10-MB-769e, f. P. 3-351 to 3-353.

⁴ USDA/USFS (2008). Tongass Land and Resource Management Plan, Final Environmental Impact Statement, Plan Amendment. (January 2008). R10-MB-603c. P 3-356.

"undiscovered" locatable mineral resources are detailed in their report, *Undiscovered Locatable Mineral Resources of the Tongass National Forest and Adjacent Lands, Southeastern Alaska*.⁵ That report included estimation of the gross metal value of undiscovered mineral resources for the Tongass National Forest. In 1990, this value was \$28.3 billion (expressed as 1988 dollars). Highest among the individual minerals were copper (\$6.8 billion), iron (\$4.6 billion), molybdenum (\$4.35 billion), and tin (\$3.4 billion). These totals cover the entire Tongass National Forest, and thus include areas currently withdrawn from mineral activity.⁶ Similarly, updates to these data would further inform the Service and the public about economic opportunities in the region.

Recognition and Implementation of ANILCA

The Forest Service Manual R-10 Supplement 2300-2008-2 Recreation, Wilderness and Related Resource Management⁷ clearly identifies as its Objectives:

1. The Forest Plan will specify provisions for integrating authorized uses and management activities within wildernesses in a manner that avoids degradation of, or unacceptable change in, existing wilderness resource conditions.
2. The Forest Plan prescriptions will describe the management emphases, standards, and guidelines for the wilderness resource, including permitted and prohibited activities and exceptions to the prohibitions of the Wilderness Act allowed by ANILCA.

These objectives align with the requests the State has been making regarding including a separate section in the Forest Plan regarding ANILCA management provisions.

ANILCA governs access, subsistence, transportation, and wilderness decisions on the Tongass. The plan must recognize that ANILCA prevails in cases of conflict. The revised plan should acknowledge the unique allowances from ANILCA, even within designated Wilderness. For example, ANILCA Section 1316 provides the legal authority to use motorized equipment in wilderness. In conjunction with these allowances, a Minimum Requirements Analysis ensures they are conducted in the least impactful manner consistent with wilderness stewardship principles.

Given the Tongass' challenging terrain, reliable access via aircraft, boats, and other means, including helicopters is essential. The plan should avoid creating de facto restrictions.

ANILCA references

The State recommends that rather than simply listing ANILCA within the plan sections' introductory lists of applicable authorities, more specific references should be included as relevant throughout the document. For example, relevant sections from ANILCA Title VIII should be addressed more explicitly in the Subsistence sections of the Plan, and ANILCA Title XI should be more specifically referenced in the Infrastructure section and areas addressing

⁵ Brew, D.A., L.J. Drew, L.M. Schmidt, D.H. Root, and D.F. Huber. 1991. Undiscovered Locatable Mineral Resources of the Tongass National Forest and Adjacent Areas, Southeastern Alaska. USGS Open-file Report 91-10. P. 370., 16 maps, 11 figures.

⁶ USDA/USFS (2008). Tongass Land and Resource Management Plan, Final Environmental Impact Statement, Plan Amendment. (January 2008). R10-MB-603c. p. 3-359.

⁷ [USFS Reg 10 \(AK\) Manual Chapter 2320 Wilderness Mngt 11-25-2008.pdf](#)

access to inholdings. This will provide beneficial guidance to future Tongass and Service staff who may be unfamiliar with the unique management guidance and exceptions provided for federal lands in Alaska. The complex nature and size of ANILCA may otherwise deter future staff from attempting to locate the relevant information within the law itself. Simply saying “as required by ANILCA” is not sufficient guidance for future Tongass line staff.

Designated Areas, Designated Wilderness, and ANILCA

As noted in the State’s comment letters on the Wild and Scenic Rivers Eligibility Study scoping (May 15, 2024) and on the Wilderness Inventory scoping (September 13, 2024), the State does not support the recommendation to identify areas with wilderness characteristics as recommended wilderness or to manage them under restrictive de facto wilderness standards. Existing Wilderness designations on the Tongass are adequate and provide a significant amount of wilderness on the Tongass National Forest. Additional administrative designations are unnecessary and exceed the intent of the comprehensive compromises reached by Congress.

We recognize that 36 CFR 219.7(c)(2)(v)–(vi), directs that forest plan revisions “shall identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determines whether to recommend any such lands for wilderness designation,” as well as “identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System”. However, these requirements directly conflict with ANILCA’s explicit limitations on further wilderness reviews in Alaska. Congress addressed the suitability and designation of wilderness and wild and scenic rivers through three separate provisions of ANILCA (Sections 101(d), 708(4), and 1326(b)) – which collectively restrict the federal agencies from reopening or expanding wilderness or wild and scenic river evaluations beyond those completed at the time of ANILCA’s enactment. Reapplying the Planning Rule’s mandate to “evaluate” and “recommend” lands for wilderness effectively restarts a process that ANILCA deems complete—contradicting Congressional intent.

Given that the 2016 Tongass Forest Plan Amendment conducted and documented an inventory of the rivers in the Tongass National Forest, despite Congressional direction, the planning standard at 36 CFR 219.7(c)(2)(vi) also directs this Forest Plan Revision should not include a WSR inventory unless changed circumstances warrant additional review.

Accordingly, the draft Plan should:

- Eliminate any mandatory wilderness suitability assessment and recommendation under § 219.7(c)(2)(v) for Tongass lands, since ANILCA has already resolved this issue. Congress has proven itself willing to address situations where it believed additional designation of wilderness was appropriate, including within the Tongass itself, as seen by the designation of the LUD II management areas (Public Law 113-291). The requirement in the National Forest Management Act (enacted in 1976) Section 6, which requires plans to consider wilderness resources is superseded by the Congressional direction in ANILCA, enacted in 1980.
- Withdraw the requirement to inventory or recommend rivers for Wild & Scenic designation, unless post-1980 Congressional authorization specifically directs these studies under ANILCA § 1326(b).

Lastly, the revised plan should acknowledge Section 1326(a) of ANILCA, which prohibits the federal government from withdrawing more than five thousand acres in aggregate unless acted on by Congress. In 2022, the Service withdrew 4,560 acres of federally managed lands at Mendenhall Lake adjacent to an existing withdrawal at the Mendenhall Glacier Recreation Area (PLO 829), thereby circumventing ANICLA 1326(a). The State maintains that ANILCA 1326(a) applies to this situation and to any future withdrawals, and that allowing incremental additions to withdrawals for slightly different purposes is contrary to the intent of ANILCA.

Wilderness Management and Research Access

The State, through ADF&G, has a constitutional mandate to manage fish and wildlife for the benefit of the people of Alaska. Fulfilling this responsibility requires the ability to conduct timely, science-based research across all land designations, including congressionally designated wilderness. To support effective shared stewardship, the Plan and environmental impact statement (EIS) should provide a clear, efficient framework that enables essential State management activities, including helicopter-supported research where necessary.

Under the 2012 Planning Rule (Rule), the Service must identify and evaluate ecosystem, wildlife, fish, vegetation, watershed, and recreation conditions **across the entire plan area**, which explicitly includes wilderness. These requirements are further strengthened by the Rule's direction to coordinate with State agencies and incorporate State wildlife data and programs into the forest-wide assessment. Coordinated research between ADF&G and the Service is therefore essential for both agencies to meet their statutory and regulatory obligations.

Recent ADF&G efforts to collect wildlife and habitat data within designated wilderness have encountered significant delays and, in some cases, denials. In several instances, Service staff did not apply the Alaska-specific allowances provided under ANILCA that permit certain continuing uses and access methods in Tongass wilderness. These misinterpretations hinder both the State's management responsibilities and the Service's ability to complete the comprehensive inventories required for modern forest planning.

Helicopter use is a critical tool in many areas of the Tongass due to safety, terrain, remoteness, and the need for statistically valid research design. The Service currently relies on conclusions from the 2008 Forest Inventory and Analysis (FIA) Wilderness EIS, which determined that helicopters would not be used to collect FIA data. However, that decision predates the 2012 Planning Rule's expanded inventory requirements and does not reflect contemporary needs, improved mitigation practices, or the collaborative State–Federal research now required for forest-wide assessments.

The draft Plan and draft EIS should therefore:

- Clearly state that wilderness resource inventory is a required obligation under current forest planning regulations.
- Recognize that protections for wilderness character must be achieved through **how** work is conducted—not by foregoing inventory or research entirely.
- Re-evaluate helicopter use in designated wilderness in light of current scientific needs, safety considerations, and modern impact-mitigation strategies.

- Develop Forest Plan components that specify when helicopter use may be authorized, outline required minimization and monitoring measures and describe how project-level NEPA and special-use authorizations will be implemented.
- Establish a streamlined, predictable permitting process for State-conducted management and research activities consistent with ANILCA, the 2012 Planning Rule, and the agencies' respective mandates.

This approach will support a balanced, science-based framework that protects wilderness values while ensuring that the Service and ADF&G can meet their legal responsibilities. We request that the draft EIS and Revised Plan incorporate these changes to enable coordinated, effective, and sustainable resource management across the Tongass.

Potential Activity-specific Preliminary Direction

The DFFP recently entered into a Shared Stewardship Agreement with the Service and strives to work cooperatively to responsibly manage timber resources and meet the needs of the timber industry which is an important part of the economy in Southeast Alaska. The State's collaboration with the Service will aid in meeting the intent of EO 14225 to further the immediate expansion of the timber industry. Additionally, the State has been successfully collaborating on Good Neighbor Authority projects to meet forest management goals and improve resource conditions. As a partner in these management goals, the State offers the following suggestions for potential activity-specific direction to be included in the Tongass Plan.

Timber harvest management, Lands suited for timber production

During community engagement and cooperator meetings associated with the preliminary draft Plan content, the Service asked whether mapped Timber Management Areas (static mapped areas) are needed to identify where the primary management goals include old-growth and young-growth timber production. If mapped timber management areas are being considered as part of the proposed action or potential alternatives, the Plan should clarify that identifying such areas would not preclude timber harvest in other locations where harvest is compatible with applicable management area direction and purpose.

Based on the preliminary draft Plan contents, it appears that timber harvest in other management areas may be allowed primarily where it is needed to achieve another management area's purpose. The Plan should clarify whether timber harvest may also occur in areas where it is compatible with, but not required to meet, those purposes. Developing this decision space within the Plan would help ensure that lands-suited determinations appropriately allow timber harvest to occur where it does not conflict with another purpose. This approach would support a multiple-use compatibility framework similar to how timber harvest is evaluated within state land classifications, where activities may occur when they are consistent with the primary objectives of the area.

The Service should also evaluate whether differentiating mapped timber management areas by old-growth versus young-growth, rather than identifying timber production more generally, could unintentionally exclude portions of the available young-growth resource associated with previously harvested stands from contributing to the suitable timber base. This issue is

particularly important given the patchwork distribution pattern of existing young-growth across the forest outside legislatively restricted areas.

Planned timber sale program (Projected Timber Sale Quantity)

The preliminary draft Plan contents indicate that the Service is considering maintaining the transition framework established by the 2016 Forest Plan Amendment in which, by approximately 2032, the average annual projected timber sale quantity (PTSQ) would total approximately 72 million board feet (MMBF), composed of roughly 67 MMBF of young-growth and reducing old-growth offered for sale to 5 MMBF across the Tongass.

Maintaining a 72 MMBF PTSQ assumption may underestimate the timber volume needed to support industry stability and growth during the transition period, particularly given recent observations of fall-down between offered and harvested volume. Recent work indicates fall-down rates of approximately 40 percent, suggesting that higher offered volumes may be necessary to achieve intended delivered volume outcomes.

As the Service refines the proposed action and develops alternatives, the Plan should evaluate an alternative planned timber sale program assumption that includes a higher total PTSQ during the transition period. DFFP recommends a PTSQ of approximately 130 MMBF in order to account for expected fall-down between offered and harvested volume, support continued operation and potential growth of the regional forest products industry, and provide flexibility during the young-growth transition period.

Planned timber sale program (Young-growth Transition)

The preliminary draft Plan contents and engagement questions indicate that the Service is considering retaining the intent of the transition to primarily young-growth timber harvest while extending the transition period by an additional five years (to 2037) and increasing the annual old-growth component during the transition period.

DFFP supports maintaining the intent of the transition to a primarily young-growth timber program and supports offering additional old-growth timber annually until the transition is achieved. However, the timing of that transition should be responsive to market conditions and the operational readiness of the forest products sector rather than a predetermined transition date. As the Service refines the proposed action and develops alternatives, the Plan should evaluate an approach that links completion of the transition to market conditions suitable for young-growth supply rather than to a predetermined transition date.

Timber harvest management, Lands suited for timber production (Inventoried Roadless Areas)

During engagement associated with the draft Plan, the Service asked whether lands within Inventoried Roadless Areas (IRAs) could be identified as suitable for timber production following completion of rulemaking, after applying the same feasibility and legal criteria used for other lands.

Deferring suitability analysis until after rulemaking could delay implementation for several additional years and limit the effectiveness of the plan.

DFFP recommends evaluating suitability for both roaded and other potentially available IRA lands during the current planning process. DFFP also recommends that roaded portions of IRAs (roaded roadless areas) be identified as suitable in the plan, unless otherwise legislatively restricted.

Old-growth management areas, Lands suited for timber production

During engagement associated with the draft Plan, the Service asked whether to maintain the current approach of the Old-Growth Conservation Strategy by retaining mapped, static Old-Growth Management Areas and other nondevelopment land use designations as generally not suitable for timber production, with limited exceptions for habitat improvement or administrative purposes.

DFFP recommends that areas not otherwise legislatively restricted from timber harvest be included in the suitability analysis during plan revision to determine whether they are appropriate for inclusion within the suitable timber base.

Old-growth watershed-level harvest cap framework

During engagement associated with the draft Plan, the Service asked whether the Old-Growth Conservation Strategy should be revised to rely on forestwide standards and guidelines applied at the watershed level through successional-stages and harvest caps based on percent of each watershed harvested, rather than mapped, static reserve areas.

DFFP has concerns about a watershed-level harvest cap framework being used as the primary mechanism for implementing the Old-Growth Conservation Strategy. This approach could limit the ability to implement timber harvest in the most economically feasible areas (i.e. previously roaded areas) and limit opportunities for active management in parts of the Tongass with existing infrastructure.

Subsistence and Timber Harvest Management, Lands suited for timber production

During engagement associated with the draft Plan, the Service asked whether wildlife units with the greatest subsistence harvest should be identified where timber harvest could occur only if it maintains or improves habitat for subsistence species such as deer.

The examples of harvest activities described for these areas, such as thinning and small openings to improve vegetation heterogeneity and forest resilience, are activities that typically occur within young-growth management. Young-growth stands within these areas should continue to be considered for inclusion within lands suitable for timber production where consistent with subsistence habitat objectives.

Disclosure of Data Limitations

It is important to recognize that, particularly in Alaska, substantial data limitations may exist depending on the area and resource under consideration. The draft Plan directives should clearly describe these limitations so that the basis for management decisions is transparent. When qualitative or anecdotal information represents the best available information, its use should be

clearly disclosed, along with transparent documentation of its limitations, uncertainties, and the context in which it is appropriate to apply.

The Plan should also distinguish between different types of qualitative information and provide clear guidance on when and how such information may be incorporated into planning. This includes specifying:

- When anecdotal or experiential information may be used to inform or supplement scientific data,
- When it is inappropriate to use such information for plan-level determinations, and
- What documentation, verification, or context is required to ensure that this information is applied consistently and responsibly.

These steps align with the overarching quality principles – utility, objectivity, and integrity, provided by the Office of Management and Budget Guidelines issued, 67 FR 8452 (February 22, 2002).

Page specific comment:

Page 22, Please identify that low elevation lakes play an important role in supporting recreational fishing also.

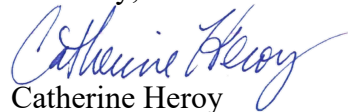
Recommended revision (include underlined language): Low elevation lakes provide essential freshwater habitat for spawning, overwintering and rearing of salmonid species, which support subsistence, recreational, and commercial fishing.

Closing

Thank you for the opportunity to review and comment on these preliminary drafts. The State recognizes that the proposed draft Plan places significant emphasis on strengthening partnerships with state agencies, local communities, federally recognized tribes, and the business sector. The State supports this commitment and agrees that effective collaboration is essential to achieving shared resource-management objectives. To this end, the State commits to ongoing involvement as a Cooperating Agency in the review of the draft Plan, and future management discussions. We reiterate that these key themes should be addressed in the draft Environmental Impact Statement and draft Plan anticipated for release in November of 2026.

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