



THE STATE
of **ALASKA**
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Department of Natural Resources

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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July 31, 2026

USDA-Forest Service
Sidney Yates Building
1400 Independence Avenue SW
Attn: Director-Policy Office
Washington, DC, 20250

Submitted online at [regulations.gov](https://www.regulations.gov)

Re: Organization, Functions, and Procedures; Public Notice and Comment for Standards, Criteria, and Guidance Applicable to Forest Service Programs, RIN 0596-AD74

To Whom It May Concern,

The State of Alaska (State) reviewed the proposal to amend regulations governing the Forest Service Directive System (including the Forest Service Manual and Forest Service Handbooks). The proposed amendments would affect the scope of notice and comment requirements for the “formulation of standards, criteria, and guidelines applicable to Forest Service programs,” (required in Forest Service statute 16.U.S.C. 1612(a) Public Participation), and related agency procedures. This submittal is in response to the Request for Information published in the Federal Register on July 1, 2026, as RIN 0596-AD74, and includes input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

The State is supportive of the intent to simplify and streamline the system so employees can make decisions more quickly and effectively. However, while generally supportive of updating and streamlining regulations, the State also recognizes the importance of Forest Service handbooks or supplements that offer clear and consistent guidance for the Forest Service employees tasked with managing National Forest lands in the State of Alaska. Management practices on federal lands in Alaska are unique due to the legal framework established by laws and rules such as the Alaska National Interest Lands Conservation Act (ANILCA), the 2020 Alaska Roadless Rule (subsequently repealed in 2023), and the Tongass Timber Reform Act (TTRA).

For example, given the unique land management situation in Alaska, we request an exception for Alaska to the proposal in 36 CFR 216.1(b) to eliminate mandatory public notice and comment periods for:

- the rescission or removal of directives
- the Forest Service Handbooks and other advisory and information guidance.

Providing Guidance for Unique Federal Mandates in Alaska

Alaska's two National Forests, the Tongass and the Chugach, collectively comprise approximately 17 percent of all Forest Service lands. Federal land management is unique in Alaska, as ANILCA and other laws overlay and modify many provisions of other federal land management statutes. ANILCA, the Alaska Roadless Rule, and the TTRA create a land management paradigm that has no equivalent with other National Forest lands outside the State of Alaska. Many of the Region 10 supplements include essential context and direction that is necessary for Forest Service employees to effectively navigate the unique complexities of forest management and interagency coordination in Alaska. This guidance becomes even more critical during periods of staff turnover in which institutional knowledge is lost within Forest Service regional offices or, following the Forest Service reorganization, in state director's offices and National Forest supervisor's offices.

Because Forest Service national regulations do not address ANILCA, if the Forest Service intends on removing supplements from the Region 10 catalogue, the State requests that careful consideration be given to the retention of any supplements that provide context and direction for how to comply with ANILCA or other Alaska-specific laws and rules. Retaining such documents provides critical guidance to Forest Service line officers to fulfill their agency mission in a consistent and legally defensible manner and improves the effectiveness and efficiency of National Forest management within the state of Alaska.

Importance of Public Participation in Alaska

Although the State appreciates goals to increase efficiencies, eliminating public notice opportunities in Alaska will inadvertently reduce the State's and public's abilities to support shaping the Forest Service's day-to-day management practices within Alaska, as they relate to unique conditions in Alaska, including under ANILCA. Reducing review opportunities on guidance documents including Handbooks will substantially limit Alaska's opportunity to assist in ensuring that federal guidance accurately reflects ANILCA's requirements. This affects a wide range of daily management activities, including:

- special use permitting,
- subsistence access decisions,
- fish and wildlife management direction,
- wilderness operations under ANILCA sections 1110, 1310, 1314–1316,
- review of Transportation and Utility Systems under ANILCA Title XI, and
- land management planning.

One of the biggest hurdles regarding Forest Service management in Alaska is that staff outside of Alaska are unfamiliar with ANILCA's intricacies. Maintaining notice and comment for Handbooks and other guidance documents in Alaska would ensure that Alaska can help identify omissions and correct misapplications before they affect on-the-ground management. Additionally, making proposed, current, and archived versions of the Manual, Handbooks, and Supplements publicly available would help both staff and the public better understand the regulatory environment in which management decisions were made.

An example of the importance of public notice and comment can be found in an administrative change the National Park Service made in 2024 to its Director's Order #41, Wilderness

Stewardship. The 2024 Director's Order #41 significantly expanded the National Park Service's authority beyond what Congress provided in the Wilderness Act and ANILCA by redefining "wilderness" to include eligible, proposed, and recommended lands and by applying wilderness-character standards outside Congressionally designated areas. These changes were implemented without public notice and comment, omitted ANILCA's Alaska-specific statutory mandates, and created de facto wilderness management over millions of acres that Congress has not designated—an approach inconsistent with both statute and long-standing congressional direction.

The Forest Service Has Authority Under 16 USC 1612(a) to Provide an Exception for Alaska

The National Forest Management Act (NFMA) of 1976 directs the Secretary to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs. The NFMA statutory text appears to not limit these terms to only those portions of the Directive System in the Forest Service Manual to constitute the binding, mandatory direction available for public review. The language in 16 USC 1612(a) gives authority to the Secretary to establish procedures for review, including to provide for an exception for Alaska to review guidance in the Forest Service Handbooks and other documents.

If the Forest Service redefines "standards, criteria, and guidelines" subject to public review to include only the Forest Service Manual and excludes the Forest Service Handbooks as "advisory or informational", then the State requests an exception to be consulted on changes to those "advisory or informational" documents as well.

Currently, specific guidance exists in the Forest Service Manual Chapter 2320 regional supplement, which guides Forest Service staff awareness and direction for Alaska-specific management. The State requests an exception to ensure continued opportunities to review management documents, to work with the Forest Service to find ways to authorize ANILCA-protected uses, reduce the burden on the public, and guide agency action. As the State suggested to the Forest Service on June 3, 2005,¹ this may involve some combination of agency ANILCA regulations, policy manual, and Alaska-specific policies in the Alaska Region's Handbook.

Public Notice in Alaska Must Remain Accessible

In Alaska, the proposed changes to "any broadly accessible public forum" in 36 CFR 216.3 will likely result in a heavy reliance on internet-only publications. Many Alaskans live in remote communities and lack high speed, reliable internet access, and so an exception in Alaska is warranted to avoid web-only postings that would significantly reduce meaningful public participation, especially among communities most directly affected by Forest Service decisions.

To ensure access consistent with ANILCA's rural and subsistence protections, public notice in Alaska must continue to include **local newspapers and postings in community offices**. These methods remain the most reliable means of communicating with rural residents in a timely and equitable manner.

¹ https://dnr.alaska.gov/commis/opmp/nilca/pdf/2005%20Letters/050603_FS_WildBrochure.pdf

Supporting Partnerships with the State of Alaska

The Forest Service and the State have a strong partnership which benefits from clear guidance that supports the efficient implementation of on-the-ground projects. The Forest Service and the State recently signed a Shared Stewardship Agreement further strengthening our partnership. The Good Neighbor Authority Handbook (Forest Service Handbook 2409.19—Chapter 80) is an important tool for both the Forest Service and the State to implement cross-boundary forest management projects. Chapter 80 establishes consistent direction that enables the State to develop successful projects by minimizing administrative uncertainty on both sides. The State requests that Chapter 80 be retained as Forest Service direction, and that it be updated to include statutory changes since its development. Just as Good Neighbor Authority is a collaborative effort, revisions to Chapter 80 should also be a collaborative effort.

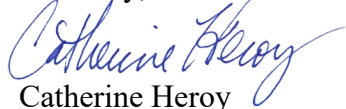
Closing

Thank you for the opportunity to review and comment on this proposal to amend regulations governing the Forest Service Directive System. The State supports improving efficiency and clarity in Forest Service directives. However, in Alaska, eliminating public review of Handbooks, rescissions, and other guidance documents would materially undermine the State's ability to ensure Forest Service direction in Alaska accurately reflects ANILCA and other applicable statutes. For these reasons, we respectfully request that for Alaska:

1. The Forest Service retain mandatory public notice and comment for rescissions, removals, and revisions to Forest Service Handbooks and related guidance; and
2. Public notices continue to include newspaper publication and postings in local community offices to ensure meaningful participation for all affected residents.

The State looks forward to continuing collaboration with the Forest Service to ensure the effective and lawful management of Alaska's national forests. 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