

# STATE OF ALASKA

**SARAH PALIN, Governor**

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

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June 13, 2008

Joel Hard, Superintendent  
Lake Clark National Park and Preserve  
240 W. 5<sup>th</sup> Avenue  
Anchorage, AK 99501

Dear Mr. Hard:

The State of Alaska reviewed the Environmental Assessment (EA) for Management of Off-Road Vehicles near Port Alsworth in Lake Clark National Preserve. The following consolidated state agency comments cover Alaska National Interest Lands Conservation Act (ANILCA)-related issues and other state interests, excluding coastal zone management, which will be addressed, as applicable, by the Alaska Department of Natural Resources, Division of Coastal and Ocean Management.

In concept, the State supports the proposed action and the objective to provide reasonable access opportunities to subsistence firewood resources in the Port Alsworth Woodlot area, while minimizing adverse impacts to park resources and values. We request the Finding of No Significant Impact (FONSI) clarify the following issues.

### Subsistence Access Closure

While we understand the Service intends to promulgate regulations at the end of the planning process to formally designate trails and restrict off-trail ORV use in the Woodlot area, consistent with the approach taken for the Cantwell Traditional Use Area at Denali National Park and Preserve, this intent is not explicit in the EA. Because this type of restriction constitutes a closure to subsistence access under ANILCA Section 811(b), we request the FONSI both confirm this intent and explain that the notice and hearing requirements pursuant to 36 CFR 13.460 will be incorporated into the regulation process.

### Timber Cutting in the Proposed Buffer

The EA indicates that cutting standing timber within the 25-foot buffer on each side of all primary trails would not be allowed. It also states this restriction would not apply to timber gathering and other subsistence activities within the buffer. While we understand the Service only intends to apply this restriction to timber resources subject to a woodcutting permit, as currently worded, it appears the restriction for cutting applies to *all* standing timber within the buffer zone. We request the FONSI make that distinction and clarify that existing Service regulation at 36 CFR 13.485 will still apply in the buffer as elsewhere; and that cutting standing timber of a diameter less than 3 inches at ground height, will still be allowed without a permit.

To illustrate our understanding of how 36 CFR 13.485 would apply to the buffer, we offer the following revision for page 7 of the EA:

*As a condition of the woodcutting permit issued pursuant to 36 CFR 13.485 (a)(1), the NPS would establish a 25 foot buffer on each side of all primary (main) trails (see Figure 3) where cutting standing timber of a diameter greater than 3 inches at ground height would not be allowed (timber gathering. Noncommercial gathering of dead or downed timber and other plant materials, cutting timber of a diameter less than 3 inches at ground height, and other subsistence activities could still occur within the buffer.*

Similar clarification may also be helpful where this information is repeated in the EA:

Page 15, Alternative 3, first and fourth paragraphs;  
Page 20, Proposed Action on Federal Land, last paragraph; and  
Page 22, Alternative 3 (NPS Preferred Alternative), first paragraph.

Other Page-Specific

Page 1, Purpose and Need, first paragraph, third sentence; and  
Page 19, Introduction, second paragraph, second to last sentence: To be more consistent with the cited regulation and not give the impression that all firewood cutting requires a permit, we request a correction to the following sentence in the FONSI:

*Subsistence firewood gathering is allowed and certain firewood cutting requires a permit ~~is permitted~~ under NPS regulations (36 CFR 13.485)*

Page 2, Park Purposes and Significance, last paragraph, third sentence: The only form of “commercial hunting” allowed in the State of Alaska is commercially guided hunting. We request a correction to the following sentence in the FONSI:

*Subsistence hunting, general hunting, and commercially guided hunting occur throughout the park and preserve depending on eligibility.*

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

Sincerely,



Susan E. Magee  
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator