

STATE OF ALASKA

SARAH PALIN, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

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Jonathan Stephens, USDA Forest Service
Recreation, Heritage, and Volunteer Resources Staff
4th Floor Central, Sydney R. Yates Federal Building
1400 Independence Avenue, SW
Washington, DC

For submission electronically to <http://www.fs.fed.us/recreation/>

Dear Mr. Stephens:

The State of Alaska has reviewed the Interim Final Directive for the National Trail Classification System, FSM 2350 and FSH 2309.19, as noticed in the Federal Register on October 16, 2008. This letter represents the consolidated views and comments of the State's resource agencies.

Although the National Trail Classification System does not affect on-the-ground management and is *"merely a tool for clarifying [National Forest System] trails for purposes of survey, design, construction, maintenance, and assessment"* we nonetheless request the Forest Service Manual specifically address the relationship to the Alaska National Interest Lands Conservation Act (ANILCA) in Alaska. Management of federal public lands is different in Alaska because of provisions in ANILCA, particularly regarding the "open until closed" concept provided by Congress for select types of access. For example, *"...the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed..."* (Section 811). Additionally, *"...the Secretary shall permit, on conservation system units... the use of snowmachines... motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities... and for travel to and from villages and homesites"* (Section 1110(a)). We therefore request the Final Directive clarify that in case of conflict with statutory direction in ANILCA, ANILCA will prevail over this administrative policy guidance. Inclusion of such language will likely reduce the opportunity for unintended consequences.

We also call your attention to a concern that is presumably outside of the scope of this review, but warrants mentioning. The definition of "forest trail" in 36 CFR 212.1 (see page 61600, Background and Need for the Interim Final Directives), could be interpreted to include a reserved Forest Development Road (i.e. logging road) on State lands as a "forest trail" adjacent to and serving the National Forest System (NFS) that the Forest Service determines is necessary for the protection, administration, and utilization of the NFS, including use and development of its resources. The State requests clarification that a "forest trail" only applies to trails on national forest lands and that Forest Service authority does not extend to adjacent non-federal lands.

Specific Comments

FSH 2309.18, 05 – Definitions, All-Terrain Vehicle (ATV): As written, this definition excludes recent technological advances in the industry, e.g., side-by-side configuration for operator and passenger(s). Within the 50” maximum width, we request the definition take these advancements into account and provide for periodic updates to incorporate new technologies as they arise.

FSH 2309.18, 22.6 – Wilderness Considerations: The Wilderness Act does not require administrative actions to be carried out with non-motorized equipment. Rather, the Wilderness Act requires administrative actions go through a “minimum tool” analysis which may include motorized equipment as an appropriate alternative. We request removing this goal or, at a minimum, amending it as follows:

To construct and maintain trails ~~using with non-motorized equipment~~ the minimum tool.

FSH 2309.18, 23.11 – Exhibit 01: We request clarification as to why hiker/pedestrian trails in designated wilderness will be limited to a single lane and why that lane will be restricted to 24” in width except at steep side slopes. This size limit may burden some Alaskans who utilize these trails not just for recreation but for subsistence and other uses.

Lastly, we request the Final Directive include a process for coordinating with the States to, among other things, incorporate applicable state laws and management policies, e.g., fish habitat, wildlife management, and public use. The guidance should also encourage cooperation and coordination with affected local governments, community groups, and private landowners. Southeast Alaska communities have adopted a half dozen trail plans (e.g., Juneau non-motorized Transportation Plan, Juneau Trails Plan, Ketchikan Trails Plan, Sitka Comprehensive Trail Plan). We request the Forest Service keep local communities with trail planning interests and capabilities up to date regarding trail planning and decision making. Many communities in Alaska are surrounded by and/or interconnected with national forest lands. Since many trails traverse multiple jurisdictions, such coordination has numerous benefits, including:

- providing for long distance trails to connect communities and key trailheads to popular destinations, including keeping such trails in public ownership.
- consideration of cooperative agreements with other landowners and management agencies concerning formal trail reservation and designation and/or maintenance of specific trails with multiple ownership, and to ensure more consistency regarding adjacent land uses and management intent.
- coordination of signage and management direction with the Alaska Department of Transportation and Public Facilities when forest trails are accessed via a state highway right-of way.

- improved opportunities to work collaboratively with non-governmental organizations, such as Trail Mix in Juneau and Sitka Trail Works, on products, materials, maintenance, and other resources.

Overall, the State of Alaska appreciates Forest Service efforts to address trail management in the degree of detail presented in the Interim Final Directive. Much of the thinking represented here will likely be useful to us and other state, local and even international trail management entities.

Thank you for opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally Gibert". The signature is written in a cursive, flowing style with a prominent loop at the end.

Sally Gibert
ANILCA Implementation Program Coordinator