



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

ANILCA Implementation Program

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Eric Veach, Acting Superintendent
Wrangell-St. Elias National Park & Preserve
P.O. Box 439
Copper Center, AK 99573-0439

Dear Mr. Veach:

The State of Alaska reviewed the draft Proposed Action for the Wrangell-St. Elias National Park and Preserve (WRST) Backcountry and Wilderness Stewardship Plan. The following comments represent the consolidated views of the State's resource agencies.

The State's scoping comments dated December 3, 2015 commended the Service for its extensive outreach efforts at the beginning of this planning process and for the scoping newsletter's express recognition of the provisions in the Alaska National Interest Lands Conservation Act (ANILCA) that significantly affect management of park units in Alaska. Currently, the Service is providing the public with an opportunity to review a draft proposed action for early feedback before proceeding with the development of the full plan. We understand this is an additional step in the public process and welcome the opportunity to review and comment on the proposed action prior to the release of the plan.

Unfortunately, much of the context for the proposed action, including ANILCA's legal framework, the need for place-based assessments of impacts and criteria, and continued commitment to downstream public involvement, which is typically included in a proposed plan, is absent. It is also unclear which aspects of the 1986 plan are being carried forward or amended. This results in an incomplete understanding of the basis for the proposed action and gives the impression that the sideboards in ANILCA, which limit a manager's discretion to curtail protected uses and access to Alaska's vast park units, such as WRST, have been ignored. Based on conversations with park staff, we understand the full plan will include this context.

Given the limited information presented at this time, we have significant concerns with the proposed action, which are specifically addressed in the following comments. Our primary concerns are centered on the missing ANILCA context; lack of intent to follow existing closure processes contained in federal regulations; and, the loss of access to vast and remote areas through attrition of public use cabins and restrictions on the public's ability to maintain remote airstrips. We look forward to working with the Service to address these issues before the release of the draft plan and environmental assessment (EA).

ANILCA Access and Use

ANILCA includes numerous special provisions that facilitated public use and access in the vast and remote areas designated across the state, including provisions for motorized methods of access for subsistence and traditional activities; cabins and temporary facilities for various uses, including for public health and safety in designated wilderness; and commercial services. In 1981 the National Park Service and U.S. Fish and Wildlife Service promulgated regulations to implement this special management direction for park units and national wildlife refuges in Alaska. In 1986 the Department of Interior (DOI) promulgated ANILCA Title XI

regulations at 43 CFR 36, which superseded existing agency regulations that at the time implemented Section 1110(a) of ANILCA. The DOI regulations established a common standard and process for managing ANILCA-protected methods of access on all conservation system units (CSU) and other designated areas managed by DOI agencies, and when litigated, the regulations were successfully defended by DOI (*Trustees et.al v. DOI*).

Due to the extensive size and remote nature of CSUs in Alaska and the overall lack of road system in the state, which makes certain methods of transportation essential for accessing public lands, ANILCA and DOI regulations require a finding, following notice and public hearings, that the authorized method of access would be detrimental to the resource values of the area. Rulemaking is then required to implement any permanent restrictions or closures determined necessary.

The proposed action restricts or closes many of these protected uses and methods of access in a variety of ways without providing context, justification, or recognizing the unique provisions in ANILCA or its implementing regulations. The State supports managing uses and methods of access authorized under ANILCA to protect park resources. We also support the concept of establishing standards and indicators to manage *actual* use; however, we strongly object to imposing unnecessary area closures and other onerous restrictions (such as imposing “no cost” mandatory visitor registration or permit requirements for data collection purposes), absent a demonstrated need.

Recreational Snowmachine Use

The proposed action identifies large areas where recreational snowmachine use is not allowed without recognizing ANILCA Section 1110(a), which opened all national park units in Alaska to snowmachine use for traditional activities and for travel to and from villages and homesites, subject to reasonable regulation to protect natural resource values.¹ This “open until closed” concept is unique to Alaska and applies uniformly to all conservation system units and other areas designated by the Act, *including designated Wilderness*.

Instead of referencing ANILCA Section 1110(a), the proposed action selectively quotes one section from the 1986 WRST General Management Plan (GMP) out of context as apparent justification for limiting recreational snowmachine use to specific areas where the use “occurred” in 1986 or has since “evolved” within designated Wilderness.² This quote is from the “Wilderness Access” section of the 1986 GMP, which is a simple summary of legal access provisions that combines elements of section 4 of the Wilderness Act and sections 811 and 1110 of ANILCA. This section also references Appendix H for further discussion on wilderness management, which includes the following statements.

¹ “(a) Notwithstanding any other provision of this Act or other law, the Secretary **shall permit**, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of **snowmachines** (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and non- motorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and **shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area**. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.” (Emphasis added, ANILCA Section 1110(a))

² “The WRST General Management Plan (GMP) stated “airplane, snowmachine, and motorboat access for recreational activities within the designated wilderness is currently permitted where such use is already established.”; “This information will be used to identify and delineate specific areas where recreational snowmachine use occurred, has evolved, and will be permitted within designated wilderness in WRST.”; “In designated wilderness outside of the areas described above, recreational snowmachine use did not occur as an established pattern in 1986, nor does it occur now. For these areas, the NPS will clarify that recreational snowmachine use is not allowed.” (WRST Proposed Action, page 7)

- “Most of the wilderness is rugged and relatively remote; however, airplanes, motorboats, and snowmachines have been used to gain access to the unit for traditional activities.”
- “Snowmachine access occurs throughout the park/preserve and will continue to be allowed in the designated wilderness under the above cited sections of ANILCA and the Code of Federal Regulations (CFR).”

Appendix G (Access Provisions) specifically identifies snowmachine use for subsistence and recreation as being allowed, with the caveat that “the superintendent may close an area or restrict an activity on an emergency, temporary, or permanent basis. 36 CFR 1.5 and 13.30 and 43 CFR 36.11(h).” To date, no regulatory closures have been implemented. Further, the “Recreation Access” section of the 1986 GMP does not differentiate between wilderness and non-wilderness, and states “Use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods for recreation purposes is permitted pursuant to existing regulations.”

The approach applied to snowmachine closures in the proposed action is vastly different from direction in ANILCA and the GMP, and is contrary to the manner in which ANILCA-protected special access within CSUs, including WRST, have been managed in Alaska since the passage of ANILCA. Areas that “may” not have experienced a particular form of use (e.g. recreational snowmachine use) are not automatically closed to that use, as indicated in the proposed action. As discussed above, permanent closures must be implemented by regulation. Further, if a use is not occurring or has not been documented as occurring within a particular area, it is illogical to assert that an area closure is necessary to protect park resources. It may also be likely that a use is not occurring in certain areas because they are inaccessible either physically or practically due to remoteness and/or terrain; therefore, imposing closures is not only unnecessary but doing so would be a waste of public resources. The approach taken in the proposed action, which would require exhaustive historical use studies to determine which uses were *not* occurring (as opposed to uses that were generally occurring) in specific areas before and since the passage of ANILCA, would be administratively burdensome to the Service and other federal agencies managing over one hundred thirty million acres of CSUs in Alaska. Further, many local residents who possessed that historical knowledge may no longer be alive to validate that type of determination.

The meaning of ANILCA Section 1110(a) was affirmed when the Title XI implementing regulations at 43 CFR 36 were litigated in 1988 and successfully defended by the DOI. DOI’s defense brief states:

...Plaintiffs misconstrue the nature of the provisions of Section 1110(a). Plaintiffs view Section 1110(a) as a provision limiting access. To the contrary, Section 1110(a) is a positive provision which guarantees the right of access. The statute provides that “the Secretary shall permit...the use of snowmobiles..., motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities.... (Emphasis added.)” That access “shall be subject to reasonable regulations...” To emphasize that the purpose of Section 1110(a) is to provide access, the statute provides that access “shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental... (Emphasis added)

This intent is confirmed in the legislative history. See S. Rep. No. 413 at 247-48:

The Committee amendment guarantees access subject to reasonable regulation by the Secretary on conservation system units...for traditional or customary activities such as subsistence and sport hunting, fishing, berry picking, and travel between villages.

The Committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use test. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.

In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit.

See also H.R. Rep. No. 97, pt. I at 305.

Rights for the general use of snowmobiles, motorboats, airplanes which may land on snow, ice, water or designated sites, are specifically provided for. ... These are rights subject to reasonable regulation by the Secretary to protect the values or (sic) the unit. This removes the discretion for allowing or not allowing use of these vehicles that currently exists.

Section 1110(a) and the regulations implementing it must, therefore, be interpreted and reviewed in light of its clear purposes – to assure the access guaranteed by Section 1110(a). Plaintiffs interpretation of Section 1110(a) as a limiting provision must be rejected. (Trustees et al. v. U.S. Department of Interior, et al., Defendant’s Brief in Response to Motion for Summary Judgement, page 26-28)

The only subsequent change made to the Title XI regulations as a result of this litigation was a revision to an unrelated definition applicable to the Transportation and Utility System process. It did not affirm the contention that ANILCA Section 1110(a) is a provision that limits access. To the contrary, DOI put forth an argument that 1110(a) guarantees the right of access.

In 1999, Denali National Park and Preserve initially applied a similar non-regulatory approach to close snowmachine use in 2 million acres of the “Old Park.” The primary basis for the blanket closure to all snowmachine use was a general prohibition that was put into place in the 1970s prior to the passage of ANILCA. This approach ignored the application of ANILCA Section 1110(a) and DOI implementing regulations to the expanded and re-designated park unit, which require that permanent closures and restrictions be implemented by regulation following public hearings and a finding that the use would be detrimental to the resource values of the area. However, as a result of subsequent litigation, the Service promulgated a revised closure by regulation. While the State did not agree with the Service’s justification for the closure, the appropriate regulatory process was ultimately followed and the final rule clarified that the justification provided was specific to the “Old Park” of Denali.

The proposed action also does not define recreational use so it is unclear what form of snowmachine use the Service based its determination on and is prohibiting as a result. We request the Service remove the intent to implement unnecessary area closures to any form of snowmachine use and instead focus on actual use in specific areas of concern, if any, where management action is warranted, as intended by ANILCA and implementing DOI regulations.

Airstrip Maintenance and Management

Airstrips are extremely important portals of access within WRST, an area comprising over 12 million acres of mostly roadless and challenging terrain. Airstrips are used to facilitate access for traditional activities, access for subsistence harvest, for emergency landings, and in support of administrative activities. In 1995, the Alaska

Department of Fish and Game (ADF&G), in consultation with the Service, conducted an access study³ that identified 144 airstrips and an additional 32 glacier landing areas within the current planning area. Due to the unwillingness of some study participants to identify certain airstrips publicly, that number should be considered a minimum. Of the identified airstrips, the Service proposes to maintain or allow maintenance of just 19 within 9.4 million acres of Wilderness, and 13 in 1.7 million acres of backcountry, for a total of only 22% of current airstrips in the nearly 12-million-acre park unit.

The proposed action also places a variety of limits on maintenance activities, including requiring permits in designated wilderness and backcountry areas. Airstrips can rapidly deteriorate to an un-useable state without regular maintenance. It is unclear if removal with non-motorized hand tools would require pre-authorization (states “may” occur); however, since airstrip conditions may be unknown until landings take place, it would be unreasonable to require a permit in advance. Additionally, the criteria under which Service staff could allow maintenance is not provided, and the proposed action further indicates that maintenance with power equipment will be “discouraged.” Further, the statement “Any airstrips located in wilderness other than those listed above will not be considered for maintenance by NPS or an outside entity” (page 3) indicates a prohibition on maintaining any airstrips that are not listed within designated wilderness. Based on discussions with Service staff, we understand the intent is to continue to allow users to conduct minor maintenance of non-designated airstrips in designated wilderness (i.e., maintenance using hand tools, cutting brush less than 3 inches in diameter).

We therefore request the draft plan clarify the proposed allowances and prohibitions on airstrip maintenance, including the allowance for users to conduct minor maintenance without a permit. To avoid future confusion and potential conflict in the field, we request the Service identify criteria under which maintenance would be approved and remove vague terminology, such as “discouraged.” We also request the Service incorporate a broader range of allowances for airstrip maintenance into the alternatives developed for the EA.

Cabin Maintenance and Management

Of the known 150 cabins in the planning area, five cabins would be made available for public health and safety purposes in designated wilderness, and seven would be made available as public use cabins in backcountry zones. The proposed action also indicates that cabins in wilderness will not be rebuilt if destroyed by fire or other causes, and public use cabins in backcountry areas will have varied levels of maintenance and management. The proposed action does not elaborate or provide criteria on how maintenance resources will be allocated. In addition, cabins used by concession operators will transfer to park ownership when the concession changes hands or is terminated, and will not be maintained for public use.

Cabins facilitate public use of WRST for activities such as hunting, fishing, trapping, and commercial services by allowing for extended trips into backcountry and wilderness areas. Cabins are also important for public health and safety, particularly during inclement weather conditions, including winter. Absent commitments to active maintenance or replacement when destroyed, the proposed action will likely result in an increased demand for a limited number of cabins and may ultimately result in fewer people accessing these public lands.

Most related comments in the scoping report indicated that cabins were important for public safety, making the park more accessible for visitors, especially during the winter, and that cabin maintenance should be conducted. Service staff recently stated that the proposed action reflects on-going management and that they have not rigorously maintained cabins in the past due to budget constraints. While that may be the case, planning direction that specifically restricts maintenance and/or does not allow for rebuilding cabins regardless of future funding availability appears to be a deliberate effort to phase cabins out of the wilderness altogether.

³ “Documenting Traditional and Subsistence Access in Wrangell-St. Elias National Park and Preserve.”

ANILCA recognizes both the historical prevalence and importance of cabins in Alaska, and allows existing cabins to be retained, maintained, and replaced within CSUs, including designated wilderness. In addition, ANILCA requires the Secretary to notify the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources of any intention to remove an existing cabin or construct a new public use cabin or shelter in designated wilderness (ANILCA Section 1315). The 1986 GMP carried forward these allowances and direction by referencing ANILCA and Service implementing regulations at 36 CFR 13.17 (5) and (6). Discretionary allowances in ANILCA for cabins need to remain available for consideration into the future and should not be taken off the table through a planning effort.

With the exception of the Esker Stream Cabin, all of the public use and health and safety cabins in WRST were built by former commercial operators, miners, or rural residents. WRST would not have the rich cultural history that it does today if the 1986 GMP included direction similar to the proposed action, nor would the public have the opportunity to access and enjoy the park throughout the year as it currently does. We therefore request the cabin allowances in ANILCA and Alaska-specific regulations be recognized and carried forward into the plan amendment. We also request the Service work with stakeholders to develop a meaningful cabin management program for WRST that includes retention of existing cabins (including maintenance), consideration of replacement cabins for those destroyed by fire or other causes, and the consideration of new cabins where necessary to facilitate recreation and subsistence use. As an alternative to prohibitions on maintenance, we request the proposed action outline how maintenance will be prioritized, pending funding, and provide a mechanism by which user groups could contribute to cabin maintenance, similar to user maintenance of airstrips.

We also request that cabins transferring to park ownership from concessionaires continue to be evaluated for future public uses under 36 CFR Part 13, rather than being left to benign neglect. Opportunities for public enjoyment of WRST should not be reduced simply because a concessionaire service changes ownership. Partnerships with user groups could also be pursued to maintain these cabins for public use, including providing subsequent concessionaires with the opportunity to continue maintenance.

Temporary Facilities

The proposed action only addresses temporary facilities related to subsistence use. ANILCA Section 1316(a) and Service regulations at 36 CFR 13.166 and 36 CFR 13.182 provide for general public use of temporary facilities where the taking of fish and wildlife is allowed. Temporary facilities are often used by hunters, trappers and hunting guides staging spike camps that allow for access to areas with little viable access other than on foot. We have been assured by park staff that this is an inadvertent omission that will be corrected in the draft plan.

Off Road Vehicle Use

The proposed action states that recreational ORV use is prohibited in backcountry zones. As a result, there are several existing routes, such as the Dan Creek Road and Nugget Creek Trail, that would be closed where they extend into backcountry zones. Executive Order 11644, *Use of Off-Road Vehicles on Public Lands*, only limits general ORV use in designated wilderness areas, not in administratively designated backcountry zones. We request the Service manage existing routes for all users and consider adding new, or extending existing ORV trails/routes into backcountry zones, where resource conditions support such use.

In addition, the desired conditions for the Malaspina forelands area (Rock and Ice Zone) states that ORV use will be limited to support only subsistence activities. We request the desired conditions be amended to account for the current allowance of ORVs for commercial fishing support per 36 CFR 13.40(c), and to reflect potential use for access to inholdings, as noted in the NPS Technical Report NPS/NRWRD/NRTR-2006-346.

Management of Public Use and Commercial Services

As illustrated by the following statement, the proposed action applies the same management direction to public and commercial uses: “Management actions related to “modern human use” in the following tables would be applied first to recreational and commercially supported visitors. If standards are still not met, then management actions would be applied to subsistence users.” (page 2) This seems to be a departure from other planning efforts that recognize public and commercial use’s inherent differences, including the available tools for managing each use. We request the Service address the issues unique to each type of use separately to avoid user conflicts and the potential to impose unnecessarily burdensome restrictions on the public.

Planning Framework Tables

Private Pilot Use - Common to All zones

The proposed action requires all private pilots to register with WRST. We understand the intent behind this requirement was to gather information regarding aircraft use of WRST and was not in response to concerns over resource damage. While we support making informed management decisions, imposing registration requirements for information gathering purposes would pose an unnecessary burden on private pilots and would be inconsistent with ANILCA 1110(a), which requires a finding that the restriction was necessary to protect the resource values of the affected area and would need to be implemented pursuant to 43 CFR 36.11(h). We understand the Service has recently decided not to carry the permit requirement forward into the draft plan, which we support. We recommend the Service consider other ways to gather the desired data, such as voluntary user surveys, CUA reports, etc.

Commercial Services – Common to All Zones

We request the Service reconsider direction that would not re-fill a concession area or CUA that becomes vacant until all standards identified under “modern human use” are met. Commercial service providers are essential for many members of the public to access both wilderness and backcountry areas of Alaska park units. Section 4 of the Wilderness Act recognizes commercial services may be necessary to facilitate the recreational and wilderness values of the area. Guides often teach and model behavioral standards that mitigate the identified impacts, so it seems counter-productive to eliminate a potential solution to management issues. We also question implementing this direction on a broad scale rather than site specific, and because of its open-ended nature (no set schedule for addressing issues), we are concerned that this direction could lead to de-facto zone-wide closures.

Standards

Thresholds for certain standards within the Planning Framework Tables seem unnecessarily high, the result of which will be the implementation of more restrictive management actions earlier than perhaps necessary. Also, in some categories, standards have yet to be identified. There seems little room for adaptive management actions to address specific issues before restrictions are imposed. When it appears that standards may, or are being met, we request that flexible, adaptive, non-regulatory management actions, such as those that sustain use (e.g. trail or site hardening or occasional maintenance/clean-up) be considered prior to implementing closures, restrictions, or limitations. Given the vast size of WRST, the intensive monitoring needed to manage according to the proposed indicators and standards, which require a trend be calculated every five years, may be too ambitious. We also request that the plan only impose restrictions where there is a known resource concern, and refrain from restricting use as a preventative measure, absent monitoring data.

In several instances, impacts near “portals” are to be managed less restrictively; however, it is unclear what constitutes a portal or where the portals are located. We request the plan clarify the definition and location of portals.

Wilderness Zones

Campsites

The standard for campsites in designated wilderness is “less than or equal to 10% of sites have detectable degradation in a 5-year period.” We request the Service re-evaluate this standard as it could be a very small number of sites depending on how many sites are designated (i.e. 10% of 20 sites is only 2). We also request that the distribution of education information in Management Action Phase 1 be provided to all park visitors, not just subsistence hunters and recreational visitors. Further, it is not clear if the 2nd or 3rd action phases (limiting group size and/or limiting length of stay) will have any effect on detectable degradation of campsites. For example, in the Rock and Ice zone, the standard is “no detectable degradation of sites assessed in a 5-year period.” This would require management action for any trace of human use in this zone. Action Phase 1 focuses completely on CUA’s, followed by phase 2 and 3, which limit group size and length of stay. This seems to be an overly restrictive approach for potentially minimal resource damage, which could negatively affect CUA’s, administrative use, and public use. We suggest considering alternatives, such as occasional cleanup of known problem areas or primitive site hardening as a means to accommodate camping, while minimizing impacts to park resources.

Group encounter rate

The standard for group encounter rates is “To be determined based on results of a baseline user survey,” yet the tables include anticipated actions as well as management action phases. It may be premature to have management actions in place before baseline and standards are determined. We look forward to reviewing the encounter rates following the conclusion of the baseline survey.

Administrative Uses

We are concerned the proposed action may be grouping all administrative use, including Service activities, outside research, and Alaska Department of Fish and Game (ADF&G) management activities together under the “administrative uses” category. ADF&G’s need to conduct work in WRST varies over the years, depending on resource conditions and management needs. Unlike other researchers, ADF&G has management responsibilities for fish and wildlife resources, which may also cross park and wilderness boundaries. Installations and access by motorboats, aircraft, and helicopters may be necessary at times to fulfill these management responsibilities. The timing of these activities is largely dependent upon biological concerns (e.g., timing of calving or fish runs) and weather openings. We understand administrative activities need to be conducted in ways that minimize impacts to park resources; however, we are concerned ADF&G’s ability to meet its statutory responsibilities may be compromised by the proposed action’s hard limits on installations and access, and the application of these limitations to all groups. We note that the scoping report only reflected some concern with NPS administrative work; no concerns were raised about ADF&G’s activities or other outside research.

Additionally, the proposed action seems to negate the purpose of the required Minimum Requirements Decision Guideline (MRDG) process. The MRDG process does not consider arbitrary numerical limits, as proposed, but evaluates a full proposal to determine whether or not a proposed administrative use is necessary for management of the area. The addition of an arbitrary limit on the number of helicopter landings or installations adds an unnecessary burden to those with responsibilities for the management of wilderness resources, including ADF&G and other state staff, such as climatologists, geologists, and hydrologists. Both the Wilderness Act and ANILCA provide flexibility in considering the need for administrative uses, while the proposed action removes that flexibility for no identified reason.

Lastly, we are opposed to applying the MRDG process to backcountry areas. While these areas may have been determined “eligible” wilderness in the review conducted in 1986, since there are no outstanding wilderness recommendations the Service’s wilderness policy is not applicable. We request the Service consider administrative uses on a case by case basis, and consider each category of administrative use separately (i.e.,

NPS, State management activities, and other research groups) to avoid unnecessary competition and the perception that one group is being penalized for another group's activities, e.g., high number of helicopter landings. Discussion with park staff indicated that the intent was to apply the limits to NPS administrative use. We request this be clarified in the draft plan.

Installations in All Zones

ANILCA includes numerous provisions that allow for a variety of installations within park units, including designated wilderness (e.g. ANILCA Section 1310 - Navigation Aids and Other Facilities, Section 1315 - Wilderness Management, Section 1316 - Allowed Uses, etc.). The application of a standard of less than or equal to 3 above-ground installations per zone is unreasonable and arbitrary in its application. As with the application of arbitrary limits to helicopter use, setting a limit for installations ignores future unknown management needs and proposed projects that may reasonably need to be conducted for the administration of the area. Considering that these zones are hundreds of thousands to millions of acres in size, setting use limits at such low levels is unreasonable and potentially inconsistent with ANILCA. Instead of arbitrary hard limits, we request the plan recognize the various provisions in ANILCA that allow structures and commit to considering proposals on a case-by-case basis in accordance with existing laws and regulations.

Administrative use of Helicopters in all zones

The stated standard for all zones appears to be “no increase in helicopter use (baseline TBD).” It is unclear how the baseline will be determined, and similar to the above comments, we are concerned that the standard does not appropriately consider or allow for long term fluctuations in available funding or for studies that may be necessary for the administration of the park and park resources, particularly fish and wildlife resources for which ADF&G has shared management responsibility. We request this limitation be removed and instead allow consideration of helicopter use on a case-by-case basis in accordance with existing laws and regulations.

Subsistence

The proposed action provides very limited information on subsistence use and access. As noted above, management actions applicable to the modern human use standards would be first applied to recreational and commercial users, and standards that are not met would be applied to subsistence users last (page 2). Given the importance of subsistence use in WRST, this simplistic approach, which does not take into consideration the various state and federal subsistence-related regulations, may not be appropriate to address the wide-range and often complex management issues involving subsistence use. We request the plan provide more context on subsistence use and management, including applicable subsistence-related regulations, such as 36 CFR 13.450, 36 CFR 13.360 and 36 CFR 13.490.

Hunting

We understand that the Service's intent in describing hunting as a desired condition for the various zones is to acknowledge that hunting is an appropriate and desired use which will not be considered a trammeling action in regards to wilderness character.

Pack Animals

The Planning Framework tables for the Mid-Elevation Wrangells, Chisana, remote backcountry zones require stock users to obtain a permit for horse use on park lands. It is unclear if the intent is to require permits for all horse or stock use, or only for those entering into the specific zones. Also, the meaning of stock user is undefined and the difference between a stock trail and horse trail is unclear. There is also a requirement for concession operators to obtain a permit for the brushing of horse trails without clarifying if this is already a current stipulation for concession holders in their commercial use authorizations. We request the Service focus

on sustainable trail management and work with individual concession operators, if applicable, rather than add restrictions or requirements for all horse users in the park.

We are also concerned the standard of “no increase” in the footprint of areas used for base camps and spike camps is too restrictive and will take away opportunities for business expansion and the ability to use new areas if desired, or necessary to respond to changing conditions, such as to avoid areas recently burned by wildfires or during periods of flooding. We support the implementation of a monitoring system and the assessment of stock trails in the park and recommend the information gained from these programs be used for reasonable regulation in the future, if necessary.

Scoping Report

We appreciate the availability of the well-constructed and informative scoping report. However, we are concerned that a relatively small number of comments on certain subjects may have been over-emphasized in the development of the proposed action, and as a result, it appears the proposed action generally does not reflect the respondents’ comments or the interests of the general public. The leap from the concerns identified by a few commenters to specific proposed management actions, which will have significant and long term effects on users and use opportunities, are simply not supported by the limited information provided in the proposed action.

For example, only two respondents stated that unrestricted snowmachine use was a threat to WRST in general or to wildlife, while twelve respondents noted that snowmachine use was either self-limiting due to natural features or was not a problem in the presence of adequate snow cover. Yet, the proposed action singles out recreational snowmachine use; identifies closures in areas where it claims use does not even occur, and contemplates increasingly restrictive management actions, including permits, to address future unidentified management concerns.

Similarly, the majority of comments regarding cabins (twelve) indicated that public use cabins should be maintained, with a focus on retaining existing and historical cabins. It is unclear if the comments were referring to maintained public use cabins or the many cabins that are available for general use but are not on the reservation system. However, regardless, the public expressed a general interest in ensuring cabins are available for public use, which is not currently reflected in the proposed action. Though not specific, the scoping report also indicates that there is tension between commercial use providers. However, the proposed action does not identify what those issues are or what is being proposed to address them. It simply proposes a variety of management actions that may or may not resolve the issue(s).

The January 2016 scoping newsletter identified several dominant themes in the scoping comments, which are incongruent with the restrictions in the proposed action. These include a desire to retain the current lack of regulations, if possible, and an acknowledgment that there are very few issues or resource impacts that need attention. Therefore, as an alternative to the proposed action, we recommend that the Service embark on developing a robust and comprehensive monitoring program to address future use and to fill in any current information gaps. For example, our understanding is the proposed private pilot registration requirement, which has since been dropped from the proposed action, was based on a desire for more data. We assume the recommended requirement for “permitting” snowmachine use in designated wilderness (page7), which we similarly would not support absent a demonstrated need pursuant to 43 CFR 36.11, is for similar purposes.

Conclusion

We appreciate the opportunity to preview the proposed action prior to the development of the full draft management plan. Section 1301 of ANILCA directs the Service to include the State and others as participants in the development of land management plans. We remain available to work with the Service on exploring ways to

resolve management issues, including the use of state management tools, where appropriate. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Magee". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'S'.

Susan Magee
ANILCA Program Coordinator

cc: Bruce Rogers, Lead Planner