

STATE OF ALASKA

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April 13, 1994

Jack Ward Thomas
Chief, Forest Service
U.S. Department of Agriculture
P. O. Box 96090
Washington, D.C. 20090-6090

Dear Mr. Thomas:

The State of Alaska has reviewed the proposed rule concerning enforcement support activities, 36 CFR Parts 261 and 262. This letter represents the consolidated comments of the State's resource agencies.

The State of Alaska appreciates and supports efforts by the U.S. Forest Service to streamline its enforcement activities and close loopholes between federal and state enforcement activities. State agencies have identified no specific conflicts with state law or regulation.

These comments focus on the relationship of these regulations the Alaska National Interest Lands Conservation Act (ANILCA). Portions of the Tongass and Chugach National Forests are defined as conservation system units under Section 102(4) of ANILCA. As such, they are subject to numerous ANILCA provisions concerning the closure or restriction of public use. For example, ANILCA Section 1110(a) requires notice and hearing before access (either motorized or non-motorized) within a conservation system unit can be prohibited. We request language be added to the preamble of the final regulations clarifying that nothing in these regulations alters ANILCA requirements concerning restriction of public use or access.

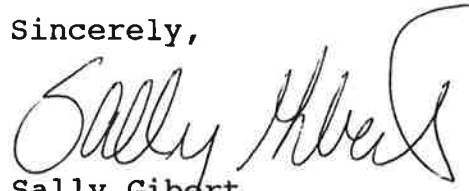
We also request that Section 261.50, which provides authorization to initiate public use closures, be expanded with the following:

These rules are superseded by ANILCA, related rulemaking and policies for Alaska National Forest units designated or expanded by that act and/or the Tongass Timber Reform Act of 1990.

Jack Ward Thomas, Chief, U.S. Forest Service

The State of Alaska does not object to these regulations so long as there is no implied expansion of authorities which would supersede state law or ANILCA. Thank you for the opportunity to comment on these regulations. If you have any questions, please call me at (907) 561-6131.

Sincerely,



Sally Gibert
State CSU Coordinator

cc:

Mike Barton, Regional Forester

Harry Noah, Commissioner, Department of Natural Resources

Carl Rosier, Commissioner, Department of Fish and Game

John Sandor, Commissioner, Department of Environmental
Conservation

Bruce Campbell, Commissioner, Department of Transportation and
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Richard Burton, Commissioner, Department of Public Safety

John Katz, Governor's Office, Washington, D.C.

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Subject of Distribution
April 13, 1994

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Jeff Otteson, Department of Transportation/Public Facilities, Juneau

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Cheri Jacobus, Attorney General's Office, Anchorage

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