

## APPENDIX 2

### RESPONSE TO COMMENTS

In addition to discussion at meetings and subsistence hearing testimony, we received ten comments on the Environmental Assessment (EA) for the Prince of Wales Outfitter and Guide Management Plan. In this appendix, the Forest Service displays and responds to those ten comments.

#### Introduction

The Forest Service prepared and mailed the EA for the Prince of Wales Outfitter and Guide Management Plan to the public for their comments in March and April 2012. The 30-day comment period ended May 9, 2012. Ten comments were received via letters or documented conversation from the following individuals or agencies on this EA. A letter designator and comment number were assigned for tracking purposes.

This appendix displays the annotated comment letters followed by the Forest Service's response to those comments. In many of the responses to comments, we provide specific locations or page numbers in the EA where a particular topic or analysis is displayed or discussed.

References for literature cited in this appendix may be found in the EA if a document was originally cited in the EA or at the end of this appendix if it is a new citation.

<b>List of those who commented on the Prince of Wales Outfitter and Guide Management Plan EA and comment letter designator</b>	
<b>AKC</b>	Stephen Helgeson, Program Director Alaska Crossings, Alaska Island Community Services
<b>CW</b>	Charles P Wagner and Charles A. Wagner Alaska Coastal Adventures
<b>DW</b>	Dennis Watson Craig City Council
<b>JL</b>	Johnnie Laird
<b>MD</b>	Michael Douville
<b>MG</b>	Mark Galla Alaska Peak and Seas
<b>PP</b>	Paula Peterson Kasaan Tribal Association

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***Prince of Wales Outfitter and Guide Management Plan***

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**List of those who commented on the Prince of Wales Outfitter and Guide Management Plan EA and comment letter designator**

<b>RL-ST</b>	Ron Leighton, Organized Village of Kasaan and Sam Thomas
<b>SCL</b>	Larry G. McQuarrie Sportsman's Cove Lodge, Southeast Alaska Sportfishing Adventures, Inc.
<b>State</b>	Nina Brudie, ANILCA Project Coordinator State of Alaska, ANILCA Implementation Program, Office of Project Management and Permitting

# Prince of Wales Outfitter and Guide Management Plan

Stephen Helgeson  
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AICS Alaska Crossings  
333 Church St.  
P.O. Box 1231  
Wrangell, AK 99929



Susan Jennings  
Craig and Thorne Bay Outfitter and Guide Management Plan  
USDA Forest Service  
900 Main Street  
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Craig, AK 99921-9998

Dear Ms. Susan Jennings,

I am writing this letter to express my concern over the Thorne Bay Ranger District Outfitter Guide Management Plan (EA) and its impact on Outfitter/Guide AICS Alaska Crossings 2012 site request. The decision to allow OG existing use locations pre-2011 excluded Alaska Crossings 2011 sites and use from consideration in the OG EA

AKC-1

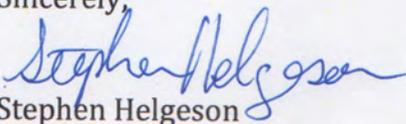
AICS Alaska Crossings guides Alaskan youth, 12-18 years of age, on remote, therapeutic wilderness expeditions. In the past, Alaska Crossings' guide activity on POW Island has been limited to ocean canoe expeditions, but on other Ranger Districts Alaska Crossings also engages in backpacking/mountaineering expeditions.

The existing use locations in the TBRD are insufficient for Alaska Crossings guiding. Specifically, in the area from Whale Passage north to Pine Point there are few existing use locations that are compatible with the Alaska Crossings guide activity. AICS Alaska Crossings planned in its 2012 Operating Plan to continue to guide canoe expeditions in the TBRD (220 Service Days, based on the 2011 permitted site locations) and in the future would consider expanding activities to include inland hiking expeditions. Without a mechanism in place to examine Alaska Crossings use locations and evaluate newly requested sites, it will be exceedingly difficult for Alaska Crossings to operate in the TBRD. Please take this into concern when ruling on the final OG Management Plan. If you have any questions or would like any additional information feel free to contact me. Thank you for your time and considering the needs of AICS Alaska Crossings.

AKC-2

AKC-3

Sincerely,

  
Stephen Helgeson

Attached: TBRD 2012 Requested Sites; TBRD 2011 Use Report

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## **Responses to Alaska Crossings/Stephen Helgeson's Comments (AKC)**

### **AKC - 1**

There are 210 established sites in the Prince of Wales project area that Crossings may use within the next two years, while this assessment and implementation takes place. Following this period, Crossings may request that new sites be assessed and possibly added to the Outfitter and Guide use areas. The locations in the EA include all outfitter and guide use requests through March, 2011. Unfortunately, Alaska Crossing's request for new use locations was received after the list of locations was finalized, so those new locations were never analyzed and thus could not be included in a decision at this time.

### **AKC - 2**

We recognize that there are only six sites between Whale Passage and Pine Point along the coast, which makes planning kayak trips difficult. Unfortunately, your request for service days came during the middle of the planning process. In order to meet the constraints of NEPA, we cannot add sites at this time. Since Crossings used 220 service days in 2011, we hope that you can continue using the sites you are already permitted to use until we complete this project and monitor effects for two years (EA page 22).

### **AKC - 3**

There is a mechanism in place for adding sites through adaptive management (EA page 22) after two years of monitoring. We understand that this time frame does not work with your planned expansion. However, in order to determine if the selected alternative meets our purpose and need, we require time to monitor effects. Maintaining forest resources and limiting conflicts are high priorities for both districts.

## **Charles P. Wagner and Charles A. Wagner**

### **Alaska Coastal Adventures**

#### **May 5, 2012, Telephone Comments on the EA**

I was called by Charles P. Wagner and Charles A. Wagner regarding the Prince of Wales Outfitter and Guide EA. They have been operating out of Prince of Wales for over 30-years. Charles P. has had 26 bears that he can harvest out of there for many years. He is a registered guide with 22 years on POW. spoke with only one Charles because they discussed each point listed so they had one answer.

I have been able to keep my livelihood for running hunts for all of those years. We're also transporters. We hunt POW from Exchange Cove all the way to Cape Pole. This area includes El Cap, Caulder, Shipley, Red Bay, Salmon Bay, and Buster Bay.

Over the years, we have seen a depletion of resources from unguided people. The people shoot an animal and when they can't find the wounded animal, they go after another bear – so, depleting resources.

They are leaning toward the listed alternatives for the following sites:

Caulder Bay	Alternative 1 Keep it as it is.
California Bay	they like Alternative 4.
El Cap Pass Shore	Lean toward Alternative 3
Exchange Cover East Shore	Alternative 4
Exchange Cove West	Alternative 3. A lot of boats float through there, he would like a number below 580 something like 250 or 300 at most.
Kosciusko Island Road	would like to see 200 to 250 service days he thinks Alternative 3 is too high.
Lava Creek	Alternative 3 this is a pretty active spot.
No Name Lake	Alternative 4
Pine Point	Alternative 4
Red Bay Creek/Lake	Alternative 4
Red Bay Lake Trail	Alternative 4
Salmon Bay	Alternative 4
Salmon Bay Creek	Alternative 4
Salmon Bay Lake	Alternative 4
Shakan Bay	Alternative 4
Shipley Bay and Shipley Bay Creek/Lake	Alternative 4
Trout Creek	would agree with at least 100 SDs there. There are quite a few fly fisherman going there for steelhead and Dolly Varden. The area is gorgeous so a lot of people flow in and out there.

CW - 1

CW - 2

CW - 3

## ***Prince of Wales Outfitter and Guide Management Plan***

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Charles would like a 60-day limit on the fall hunting days. For example, if you go to the same spot twice in a year with clients, you are over the 40 days.

CW - 4

(5 people x 5 days = 25 SDs x two visits = 50 SDs)

The revenue that they bring into town is pretty important. This includes Point Baker, small POW towns, and Wrangell.

CW - 5

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E-mail [charliepwagner@yahoo.com](mailto:charliepwagner@yahoo.com)

Notes by Sue Jennings

## **Responses to Charles P. and Charles A. Wagner's Comments (CW)**

### **CW-1**

Thank you for your comment, your concerns were considered before a decision was made.

### **CW-2**

Wounded bears count toward your bag limit for bears in Unit 2, therefore additional harvest by nonresidents who have wounded a bear would be unlawful. Unguided hunters are beyond the scope of this analysis, though we have provided your comments to the Alaska State ANILCA office to share with those State agencies that do have jurisdiction over your concerns.

### **CW-3**

Thank you for your comment, your concerns were considered before a decision was made.

### **CW-4**

So far no site has exceeded 40 days for fall hunting, so setting the limit at 60 seems unnecessarily high. Forty days is a compromise between allowing growth of guided hunting in fall for most sites, while mitigating for conflicts with subsistence users. See also response to comment DW-26.

### **CW-5**

Thank you for your comment, your concerns were considered before a decision was made.

## **Dennis Watson**

### **Craig City Council**

#### **April 23, 2012, Initial Call**

The Craig City Council did meeting last night and discussed this project. He will be in the area this week, April 25 and 27.

They don't understand why things happened the way they did.

#### **April 24, 2012, Meeting at Craig Ranger District Office**

Concern is a several fold increase in the area around Craig.

Dennis looked through the Craig City Council comments, which were written before he was on the Council. He feels it looked like Craig comments were summarily dismissed. People have lived here all their lives and when they are saying something, they are not just blowing air.

DW-1

What the Council found missing from the alternatives was a zero alternative, where there are no outfitter and guide permitted activities. The zero alternative should be available because he sees no place where there is pent up demand.

DW-2

The eastern side of the island is a high use area; the other side is what it is. The Craig side has much less outfitter and guide use and people like it that way.

Why would anyone want to go to Cora Point? He has been a commercial fisherman for other 30-years and he cannot see why anyone would go to Cora Point.

DW-3

El Cap – the City Council expect to see more use there.

DW-4

Pole Anchorage – this area is totally utilized and over, especially in the summer months.

DW-5

Hole in the Wall is totally utilized already – already used up. You don't see much use in the spring and fall but in the summer, it is full of people.

DW-6

The Council did actually single out the areas they wanted in their past comments.

DW-7

Sumez in particular Arena Cove, don't know why we would want more people.

DW-8

Tlevak Narrows – biggest problem is that this is already the highest use subsistence hunting area and there are already conflicts with guides. Don't want to see an increase here; don't want to be like Kuiu.

DW-9

Security Cove – Dall Island can be packed with commercial fishermen and packers in the summer. The number of guided clients is not going to bother the fishermen but it may bother the clients.

DW-10

Tenass Bay – there is a big oyster farm behind El Cap and Tuxekan. People have to understand that the State is trying to promote a mariculture area there. There are already problems with commercial fishers and other anglers and the oyster farms.

DW-11

## ***Prince of Wales Outfitter and Guide Management Plan***

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*(Sue Jennings explained the reasoning behind keeping the Central WAAs guide free and how the alternatives were developed.)*

If we don't keep guided hunters out of the Craig Circle, then they will take it to the Subsistence Board and will get the area taken out that way. They have been keeping Sealaska out for subsistence reasons and will keep the Forest Service out.

DW-12

The Council concern is mostly hunting. Dennis is also concerned about Klawock River steelhead and guided anglers in smaller streams. There used to be bigger and more steelhead in the Klawock River and now it seems over fished because the fish are fewer and smaller. The same overfishing concerns apply for the Karta River.

DW-13

Guided fly fishers are picking on the small streams and ruining the fishing there. These small streams cannot bounce back like the Klawock and Karta Rivers. There is a great fear that the guides that fish these smaller streams will wipe out the fish populations.

DW-14

Guides come to POW and don't live here. They pressure the delicate system in areas that don't have many people and when the spring steelhead run is done, they take people out salt-water fishing.

DW-15

He is worried that with the economy the way it is that more people will start guiding to supplement their income.

DW-16

The lodge at Steamboat Bay is putting on more pressure.

DW-17

A certain amount of guiding is good but it is good at the expense of other people, both their lifestyle and monetarily.

DW-18

Mr. Watson sees this EA as creating a conflict and not preventing one.

DW-19

There is already too much. He would like to see less – any increase will create more conflict.

DW-20

South Kanku Harbor lease let to a guiding lodge, now other boats can't pull in there even in the offseason, because they get tangled up in anchors.

DW-21

Heceta Lodge on Camp Island now you can't get close to shore when the weather is bad so the area is more dangerous.

DW-22

When someone gets an economical gain, it is by taking something from someone else.

DW-23

Zero alternative – why don't we have that. Dennis would only be happy with the status quo or less.

DW-24

Mike Douville does not like interactions. He would not like more. The island is totally utilized in areas and in resources; it doesn't take much to upset the balance.

DW-25

Keeping guides out of the central WAAs does not address Craig's concerns. As the stands close in within the Central WAAs, then hunting pressure will be more concentrated in other areas where people are hunting now. Don't see how the central WAAs offset impacts as the area constricts.

DW-26

Mr. Watson is also concerned about the Sealaska Lands Bill. Where are the guides going when Sealaska gets their land? The whole EA will need to be rethought when the Bill goes through.

DW-27

If we do not have the right decision, at least four cities and four tribes will be filing appeals on it. Mr. Watson would rather see a good decision and not have to hassle with appeals.

DW-28

It is a great concern that we are on the outside looking in to the process.

| DW-29

It seems arbitrary means of determining how many people will go into each place each year.  
This is a unique area and not one size fits all.

| DW-30

**Notes by Sue Jennings**

## **Response to Dennis Watson/Craig City Council's Comments (DW)**

### **DW-1**

We are sorry that you feel that the Craig City Council comments were summarily dismissed. We assure you that comments were considered and used to develop issues and alternatives in the EA. Issue 1 specifically addresses the conflict with subsistence hunting near communities (EA page 11), which is the major concern stated in the Craig City Council comments. Alternatives 3 and 4 include a limit on the number of hunting service days allocated to outfitters and guides at no more than 40 service days per area during the fall hunting season (EA page 19). This limit was added partially in response to the City of Craig comments. Under project monitoring, there is a requirement to monitor the number of deer and bear harvested by hunt each year and to re-evaluate hunts if conflicts arise (EA page 24). Impacts to subsistence are analyzed in Chapter 3 starting on EA page 52. This analysis includes the City of Craig's request for a "local use area" near Craig (EA page 53) and includes the map supplied in the City of Craig comments (Figure 3-2). Table 2-1, on the next page, shows how the alternatives address hunting near communities for the areas specified in the City of Craig comments. Please note that both Alternatives 3 and 4 have a lower number of fall deer hunting service days than the Proposed Action (Alternative 2) in response to the City of Craig concerns. See also Table 3-1 on page 59 of the EA. The comments from the City of Craig were not summarily dismissed but included throughout the analysis and document.

### **DW-2**

The interdisciplinary team (IDT) did consider a zero allocation alternative but eliminated it from detailed analysis (EA page 15). The zero alternative was eliminated because Forest Service regulations and the Forest Plan allow for and encourage outfitter and guide permitting as an economic opportunity. A zero alternative also does not meet the Purpose and Need. In NEPA, a zero alternative is not required. Section 1502.14(d) requires the alternatives analysis to "include the alternative of no action." The Council on Environmental Quality states "There are two distinct interpretations of "no action" that must be considered, depending on the nature of the proposal being evaluated. The first situation might involve an action such as updating a land management plan where ongoing programs initiated under existing legislation and regulations will continue, even as new plans are developed. In these cases "no action" is "no change" from current management direction or level of management intensity. To construct an alternative that is based on no management at all would be a useless academic exercise. Therefore, the "no action" alternative may be thought of in terms of continuing with the present course of action until that action is changed.'

In the case of the Prince of Wales Outfitter and Guide EA, the no action alternative is a continuation of the current use. Timber sales are an example of the second way to look at the no action alternative. The no action alternative is usually no timber harvest - it is a yes or no question on whether to harvest timber. This option is used because there is no current management of a stand trees. Since outfitters and guides are already authorized on Prince of Wales, we looked at the no action as a continuation of the current management, which meets our direction.

## ***Prince of Wales Outfitter and Guide Management Plan***

**Table 2-1: Service Days Allocated to Outfitting and Guiding\* in Areas of Concern Listed in the City of Craig's Scoping Comments**

Recreation Use Area	Access	Highest Actual Annual Use	Recreation Visitor Capacity Service Days (SD)	Alternative 1 - No Action - Current Permitted <sup>1</sup>	Alternative 2 - Proposed Action - 50% of recreation visitor capacity (SD)	Alternative 3 - 25% of recreation visitor capacity (SD)	Alternative 4 (SD)
Arena Cove	Shore	2	282		141	71	22
Bobs Place	Shore	3	847		424	212	33
Hole In The Wall	Shore	17	282	34	141	71	37
Nossuk Bay	Shore	15	2,822	828	1,411	706	911
One Duck Lake	Road	2	2,117		1,059	529	22
One Duck Road System	Road	1	2,117		1,059	529	11
Point Dolores	Shore	4	2,822		1,411	706	22
Port Alice	Shore	3	847		424	212	33
Port Refugio	Shore	8	2,822		1,411	706	55
Port Santa Cruz	Shore	1	2,822		1,411	706	22
Steamboat Bay	Shore	2	309		155	77	55
Suemez Island Road System	Shore	12	3,091		1,546	773	13
Tlevak Narrows	Shore	12	2,822		1,411	706	143
Trocadero Creek	Road	7	635	9	318	159	10
<b>Total<sup>2</sup></b>			<b>24,637</b>	<b>9</b>	<b>12,322</b>	<b>6163</b>	<b>1389</b>

\* Note not all service days are for hunting – service days can be for hunting, fishing, wildlife viewing, or any other outfitted or guided activity.

<sup>1</sup> Alternative 1 – rows have blanks if there is no 2011 permitted use in these areas; however, these areas have been used by outfitters and guides in the past and will probably be requested for use in the future.

<sup>2</sup> The number of service days in this “total” row was calculated using decimals, whereas data shown in the columns above were rounded to whole numbers. Thus, the columns do not add up exactly to match the total due to rounding.

### **DW-3**

There are many reasons that people choose to visit an area. The experience that each person seeks is unique, and one person's desolate landscape is another's inspiration.

**DW-4**

Use has increased at El Capitan Cave in the past 3 years with the increase of the small cruise ship visitors. El Cap has a finite capacity because only so many tours can be performed during a day. Full capacity has not yet been met at the cave.

**DW-5**

The marine anchorage is out of the scope of this project. The Forest Service does not manage the area below mean high tide. Portions of Cape Pole are private land, not managed by the Forest Service. On NFS land near Pole Anchorage, there has been a small amount of guided bear hunting during the spring season, which ends June 30th.

**DW-6**

Hole in the Wall is restricted from outfitter-guide use during the high use season of July and August (EA, page 90).

**DW-7**

You are correct, the Craig City Council pointed out areas of concern in their scoping comments. They also provided a map of their areas of concern. This map is Figure 3-2 on page 55 of the EA. Hunting pressure on the areas near Craig and the other communities on Prince of Wales were considered in the EA analysis (EA page 39, Subsistence section starting on EA page 51, and Table 3-1). Although the City of Craig voiced the concern, we assumed that other communities on Prince of Wales would have very similar concerns about hunting near their communities. For this reason, the analysis focused on hunting days within 15 miles of any community on Prince of Wales. This balanced analysis treats all communities equally, while including analysis of the Craig "local use area".

**DW-8**

Arena Cove is difficult to get to unless there is great weather; this limits its use. Based on monitoring, there has been no evidence to show overcrowding or competition for use of this beach (e.g. little sign of use on the beach, no encounters with other users during periodic checks). There has been a small amount of guided big game hunting at Arena Cove. By analyzing Arena Cove in this EA, we are prepared with numbers and mitigation measures, if an outfitter or guide requests use at Arena Cove.

**DW-9**

Alternative 1 considers an allocation to outfitter and guide use that is not an increase over the current allocation for this area. According to our records, displayed on page 57 of the EA, Tlevak Narrows received a high use of 7.6 service days in 2008. This equates to 7.6 days out of 161 total days for subsistence hunting. Hunting conflicts in the area may be due to unguided hunters.

**DW-10**

The Forest Service does not manage marine areas. Guides tend to self-manage based on the needs and desires of clients. Hence if clients are negatively affected by crowds of fishing boats, then the guides may wait for a different time to visit this site or may go to another permitted site.

**DW-11**

The Forest Service does not manage marine areas.

**DW-12**

Calls for subsistence wildlife proposals are issued in January of odd numbered years. Instructions for how to submit proposed changes to subsistence regulations can be found on pages 14 and 15 of the Management Regulations for the Harvest of Wildlife on Federal Public Lands in Alaska (2011-2012). We have shared also your concerns with the Alaska State ANILCA office who forwarded your concerns on to the State agencies with jurisdiction over your concerns. If the Federal Subsistence Board closes the Craig Circle to guided hunting, we would not permit outfitters and guides in that area (EA page 9).

**DW-13**

The Klawock River is not on Forest Service land and therefore the Forest Service does not permit guided fishing there. Fishing restrictions were recommended by Forest Service fisheries specialists seen in Alternatives 2 and 4 in small streams to protect these runs. There is no guided fishing permitted on the Karta River.

**DW-14**

The State of Alaska Department of Fish and Game manages harvest and sets sport fishing harvest regulations. If there is concern regarding a fish population being "wiped out" due to sport fishing, ADF&G is the agency that would take emergency action to close an area or stream to sportfishing. Outfitters and guides that are permitted by the Forest Service for service days to take clients to fish small streams also must follow ADF&G sportfishing regulations.

**DW-15**

Guides can take clients to remote areas that do not have many people. The Forest Service fisheries specialists assessed each stream that receives guided use and made recommendations on number of guided user days per year, with timing restrictions on certain streams. As described in response to comment DW-14, the ADF&G is responsible for the sustainability of fish and wildlife on all lands in Alaska and regulates freshwater harvest limits for sportfishing. Saltwater sportfishing is not managed by the Forest Service. Alternatives 2 and 4 have outfitter-guide fishing restrictions to maintain steelhead, summer run coho, and sockeye runs. The restrictions limit the number of service days and timing available to outfitter-guides (EA, page 26).

**DW-16**

Prince of Wales guided numbers decreased during the recent economic down-turn, more than likely due to the fact that non-local clients have less disposable income to spend on travel and guided trips. In the last two years, there have been new requests for service days so there is demand for the number of service days to increase. The size of the increase will depend on requests and the alternative selected for implementation.

**DW-17**

This is a private lodge and they may be providing skiffs from their lodge, which is not on National Forest System lands so they are not guiding or outfitting on Forest Service lands. We have no control over what the lodge does with clients on their land.

**DW-18**

The carrying capacity formula and this environmental assessment were designed to take into account different user groups and their resource needs. We feel it is possible to permit use in a way that minimizes conflicts with traditional uses and unguided recreationists. Permits allow the Forest Service to limit use in areas while moving use to under used areas, thus, reducing conflicts.

**DW-19**

We agree with Mr. Watson that there may be areas where conflict occurs between guided groups and other guided or unguided individuals. People like to recreate, hunt, and fish in the same areas, whether guided or unguided. The EA addresses ways to deal with the conflicts through the Elements and Assumptions Common to All Alternatives (EA page 15 - 17) and Adaptive Management (EA page 20-22). The elements common to all alternatives include no guided big game hunting in WAAs 1318, 1319, 1421, and 1422 (Central WAAs Closure); no big game outfitter and guiding within one mile of communities, recreation cabins, campgrounds, or picnic areas or within one mile of the Karta River, Karta Lake, or Salmon Lake; and limited outfitter and guide use in most Wilderness areas. Through Adaptive Management, guided use can be reduced or eliminated based on resource concerns and the number and content of complaints. The EA also makes assumptions about group size, limiting groups to a maximum size of 12 people with a group size of six for hunting and fishing groups (EA page B-17). Permitting allows the Forest Service to limit or restrict use in areas to protect resources and reduce conflicts, while encouraging outfitters and guides to use under used areas. Unguided users will have no restrictions, except in areas where there are resource concerns.

**DW-20**

Alternative 1 considers an allocation to outfitter and guide use that is not an increase over the current allocation for this area.

**DW-21**

The Forest Service does not manage areas below mean high tide. The State of Alaska manages areas below mean high tide. We provided your comments to the State.

**DW-22**

The Forest Service does not manage areas below mean high tide. The State of Alaska manages areas below mean high tide. We provided your comments to the State.

**DW-23**

The EA states that people can continue to enjoy POW recreation and subsistence opportunities in the same way they do now; a decision on this project will not regulate unguided use (EA page 3). It also states that, "Title 8 of ANILCA assures that a subsistence priority will be met for federally qualified subsistence users. Residents of all Prince of Wales communities have a positive Customary and Traditional Use determination for all waters above the mean high tide line" (EA page 57). Most of the outfitter and guide activities do result in an economic benefit for the company that is not at the expense of someone else. Based on use from 2004-2008, 52.9% of the guided use on POW was from passive touring (nature viewing, sightseeing, wildlife viewing) [EA page 11]. Passive touring does not take anything from the island other than pictures and memories. There were a total of 6,917 passive touring service days from 2004-2008, averaging about 1,384 service days per year (EA page B-21). Camping and active touring (biking, hiking, kayaking) combined for a total of 1,318 service days from 2004-2008, which averages out to about 264 service days per year (EA page B-21).

Based on your other comments, your concern is related to hunting and fishing, which make up 12.2% and 24.3% respectively, of the guided use (EA page B-11). From 2004-2008, there were a total of 1,756 hunting service days for an average of about 351 per year. There were a total of 3,240 fishing service days in the five years for an average of 648 fishing service days per year (EA page B-21). This level of use was analyzed in the subsistence section of the EA stating on page 51, the wildlife section starting on page 65, and the Fisheries and Hydrology section starting on page 107. The EA found that guided recreationists have not had any meaningful effect on deer abundance or distribution. It goes on to state that competition for deer may occur between guided sport hunters and subsistence users, and recreationists using hunting areas during hunting season may occasionally limit access to subsistence users. However, the EA also states that guided recreationists are not expected to contribute significantly to restrictions in access or competition in the foreseeable future (EA page 64). For fisheries, none of the alternatives in this project are expected to result in a significant possibility of a significant restriction for subsistence resources through changes in abundance and distribution, access, or competition, because fishing restrictions in Alternatives 1, 2, and 4, and regulatory controls under all alternatives, protect fisheries resources. Outfitters and guides are not authorized to collect or harvest other subsistence resources (EA page 51).

**DW-24**

The interdisciplinary team (IDT) did consider a zero allocation alternative but eliminated from detailed analysis (EA page 15). The zero alternative was eliminated because Forest Service regulations and the Forest Plan allow for and encourage outfitter and guide permitting as an economic opportunity. A zero alternative also does not meet the Purpose and Need. In NEPA, a zero alternative is not required. Please see response to DW-2. The current level of permitting is considered the no action alternative.

**DW-25**

We agree that there needs to be a balance of uses on the island and that the balance can be upset without careful consideration of all the resources and people's concerns. The analysis in the EA shows that most areas have not reached the limit on the amount of

recreation that can occur, based on the recreation visitor capacity formula. Some of these areas have reached the number of outfitter and guide service days available for use based on Forest Plan standards and guidelines; however, some areas do have room for expansion of outfitter and guide activity (EA Table 2-1). Appendix B of the EA discusses how the visitor capacity was analyzed, which includes a discussion on group size (page B-17) and encounters (page B-18). As provided for in the Forest Plan, the discussion on encounters shows that the number of people or groups you may encounter depends on where you are located. In primitive areas, like Wilderness, we expect that you will not encounter more than three people or groups in a day. In roaded areas, we expect that you will encounter up to 10 groups or people in a day. So, in areas along the road systems near communities, you should expect to encounter more people than when in Coronation Island Wilderness. We recognize that for some this number of encounters may be higher than they want. For others, this number of encounters may seem low compared to other National Forests.

**DW-26**

Retention of the Central WAAs closure was not intended to address Craig's subsistence concern alone. All communities on POW Island have subsistence priority, and the combination of the Central WAAs Closure and the cap on hunting service days across all sites described in Alternatives 3 and 4 are intended to address subsistence concerns fairly for all communities on POW Island. As described in the EA and Wildlife Resource Report, the Central WAAs are centrally located relative to all communities on POW Island. Of the 14 communities on POW, 11 are within 15 miles of at least one of these Central WAAs. This area is important for local subsistence hunters because it contains most of the current and future huntable young growth. Approximately 48% of all young growth currently <10 years old occurs within the Central WAAs. As you suggest, much of the currently huntable young growth on POW Island is approaching the stem exclusion stage, at which it will become less attractive for deer and deer hunters. However, roughly 82% of the stands likely to be harvested soon, (those that are already NEPA cleared or under contract) occur within the Central WAAs closure area as well. This means that most of the future huntable young growth on POW Island will occur within the Central WAAs Closure where there will be no competition with guides as long as the closure is retained. Most subsistence hunters prefer to hunt in young clearcuts or alpine, and the Central WAAs closure prevents guided hunters from blocking access to preferred hunting habitats where those habitats are most concentrated in the Zone.

The 40 service day cap on fall hunting service days by site was intended to reduce competition between subsistence and guided hunters all across the POW Zone. The number of days was limited to 40 because that would allow some growth for guides in most areas, but would not allow guided hunters to use any given site for either fall bear or deer hunting for more than 25% of the hunting season, which is currently 161 days long.

**DW-27**

We agree that the outfitter and guide use areas will need to be reviewed when a Sealaska Lands Bill is passed. The Forest Service cannot stop managing the National Forests because Congress is considering legislation. When legislation becomes law, we take a look at our projects to ensure they meet the law. This is part of the standard operating

procedure for the Forest Service. We address reductions in the Adaptive Management section of the EA, "Permit administrators would follow direction in Forest Service Handbook 2709.11 Chapter 40, Section 41.53 and Forest Service Handbook 2709.14 Chapter 50, Section 53 to make the reductions. In cases where reductions were needed, the permit administrator would work with the outfitter or guide to determine if the permitted activities could be accommodated at a different area with similar attributes and available service days" (EA pgs. 22 and 23).

**DW-28**

We would all like to see a good decision and not have to "hassle with appeals". The Decision Framework in Chapter 1 of the EA explains how the District Rangers will make their decision on which alternative to select and implement. Specifically, the Framework states that the Rangers will allocate "...a portion of the total recreation use for outfitter and guide use while taking into account the needs of unguided users and forest resources" (EA page 8). Your comments and the all of the other comments and concerns will be considered as part of the decision. The Rangers will also look at impacts to forest resources, laws, and regulations to determine which alternative to select. Hopefully, you will find that the decision is the "right decision"; however, if you still have concerns, then an appeal would be appropriate.

**DW-29**

We are sorry that you feel that you are "outside looking in to the process". We started requesting public involvement and concerns in April of 2007. This request included tribes, tribal corporations, outfitters and guides, and many other groups and individuals. Posters and notices were posted in Thorne Bay and Craig (EA page 9). In March 2010, through government to government consultation, the Rangers let the tribes know that we planned to start NEPA in the fall of 2010. Scoping on the proposed action was sent in February 2011; we received 18 comments. Open houses were held in March 2011 in both Craig and Thorne Bay. These comments are in response to the release of the EA in April 2012. No decision will be made on which alternative to select and implement until after all the comments and government to government consultations are considered. We have tried to include everyone interested in the process.

**DW-30**

We agree, all of the sites in the project area have unique characteristics and one size does not fit all. Through the Recreation Visitor Capacity Analysis (Appendix B), we tried to take some of those unique characteristics into account when determining the number of people that could recreate at each site. The Visitor Capacity Analysis looks at how many recreationists a site could accommodate each year, not how many will go into each place each year. Basically, we tried to determine if a site was more like an elevator or a conference room. The elevator can fit up to 10 people at a time, while a conference room could fit 50 or 60. Some recreation use sites can only accommodate a few people, like Aats Bay, while other sites can accommodate many, like Dog Salmon Fishpass Viewing site. The formula was not arbitrary, it looked at actual use at each site, types of use, ease of access to the site, group size, season of use, and the Forest Plan suggested number of encounters. To eliminate the need to set specific dates and times of use at each location, the formula also includes a temporal displacement factor (EA page B-20). This factor

reduces the number of days available at each site depending on how much management oversight occurs. To eliminate any arbitrary decisions on capacity, this formula was used for every recreation use area.

**From:** johnnie laird [<mailto:muskegex@yahoo.com>]  
**Sent:** Wednesday, May 09, 2012 5:18 PM  
**To:** Slayton, Melanie -FS  
**Cc:** Leslie, Scott J -FS  
**Subject:** EA comments

Mel ...

I submitted my comments through the auto response on the EA's web site.

I am sending along a copy to you just to make sure that it is received.

Thanks ..... Johnnie

I have been directly involved in the Unit #2 hunting issues for many years. I have had USFS Use permits since 1983 (hunting Guiding permits since 1994). I am very glad that we are getting this new EA as the current EA we have been working under is very out dated.

\*\*\*\*\*

Important issues to me that are noted in the EA are:

Outfitters and guides need opportunities for business growth on Prince of Wales Island to maintain their businesses and increase the local economy.

Permit administrators will annually monitor number of use days by sites for guided deer hunting. Outfitters and guides will be required to report the number of deer or bear harvested by hunt each year. If conflicts arise at particular sites, biologists and permit administrators will re-evaluate the permit allocations for these sites.

In compliance with the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), this document analyzes the potential effects of proposed land use activities on subsistence uses and needs, and includes a distinct finding on whether the proposed action may significantly restrict subsistence uses.

Use higher than the visitor recreation capacity would not be allowed in any alternative. If higher use (unguided plus guided use) is identified through monitoring in any recreation use location, administrative action may be taken to limit outfitter and guide use.

Unguided visitors would not be limited, unless resource damage is occurring. If resource damage is occurring (for example, trail erosion), visitors may be detoured away from the affected area until the concern can be resolved.

The action alternatives are designed to minimize environmental effects and meet Forest Plan standards and guidelines. Some measures are required in all areas. Some measures are specific to

JL - 1

location. These design elements and mitigation measures will be implemented through outfitter and guide permit conditions and administration of the permits.

\*\*\*\*\*

These along with other measures will assure that all problems including those within the Subsistence arena can and will be addressed.

Alternative #2 is the best choice.

Thank you ..... Johnnie Laird

JL - 1,  
Cont.

## **Responses to Johnnie Laird's Comments (JL)**

### **JL-1**

Thank you for your comment, your preference for Alternative 2 was considered before a decision was made.

USFS

I would made the following comments to the outfitter guide management plan, first I will address the proposed local use Area for deer, this Area is important for the following reasons. The usfs has closed hundreds of miles of roads on Prince of Wales Island; this has compressed the area geographically available for hunting deer by all users, this combined with the steady advance of young growth in clear cuts that produced many deer, are becoming less viable as deer habitat and much less accessible as roads close. The effect as a result is putting more hunters in a smaller area, increased competition between rural and nonrural hunters. The area circled to the north south and west of Craig and Klawock is critical to the local rural residents and is fully utilized geographically during the deer hunting season. We that live here are rural residents and have a subsistence priority on federal land however we are surrounded by private land that falls under state jurisdiction and does not offer a subsistence priority, making the land in the outline even more critically important for local use. If you would take the time to access and research deer hunter data you will find that it has increasing use in recent years by local hunters. I strongly recommend that no outfitter or guided hunts for deer in the proposed local use area. As it is fully utilized by local rural hunters.

MD -1

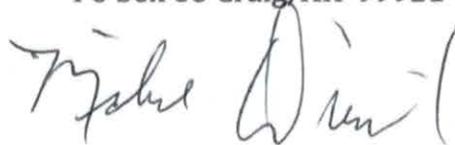
MD-2

I would recommend the status quo on the outfitter-guided fishing in fresh water streams, to increase or add more pressure to the small stream stocks of steelhead sockeye and Coho on Prince of Wales island/ unit 2, would be something less than responsible management of these small stocks, I will point out in the recent past some have required emergency action by the district ranger to protect from over harvest.

MD-3

I have lived in Craig for sixty-three years and have a seat on the Craig city council as well as a seat for the past eleven years on the federal regional advisory council

Michael Douville  
Po box 68 Craig, AK 99921



## Responses to Michael Douville's Comments (MD)

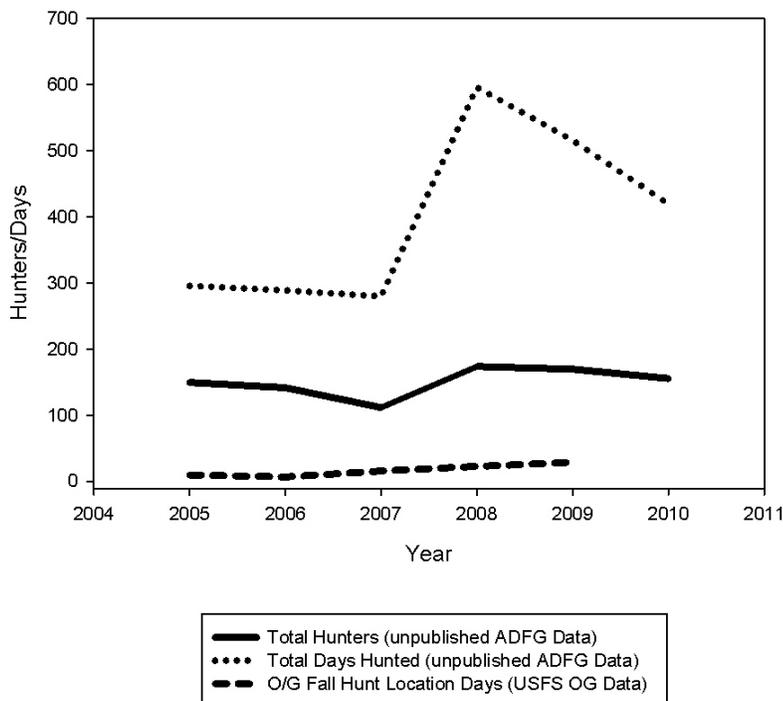
### MD-1

Road closures do not equate to hunting closures, but restrict access to means other than motorized vehicles. Many hunters prefer to hunt along closed roads because competition with those that hunt from a vehicle is reduced along closed roads. The designated hunter program provides a means for subsistence users to meet their subsistence needs if they are physically unable to hunt. Cumulative effects of large scale timber harvest were recognized in the Forest Plan FEIS (2008) as contributing to a significant possibility of a significant restriction for subsistence deer over the course of rotation assuming full implementation. However, the POW Zone applies silvicultural treatments to approximately 2,000 acres of young growth annually; these treatments usually improve deer habitat and lengthen the stand initiation stage that provides forage for deer. A large percentage of currently huntable and future young growth occurs in the Central WAAs closure which would be retained under this project as a place free from competition from guided hunters. This project does not affect unguided hunters. See also response to DW-26.

### MD-2

Data provided by ADFG indicate that total hunter numbers and total days hunted in WAAs 901, 902, 1003, and 1323 (which make up the bulk of the proposed Craig Circle) increased from 2005-2008, but have decreased since then. Guided hunter days across all guide use sites in the proposed Craig Circle also increased from 10 location days in 2005 to 29 location days in 2009. However, 29 guided location days comprise less than 6% of total hunter days in the Craig Circle (see graph below).

Number of Hunters, Total Hunter Days, and O/G Location Days Used by Year



**MD-3**

Alternatives 2 and 4 have more restrictions for guided fishing than the current management plan that the Forest Service operates under (see Alternative 1, EA page 119). Forest Service fisheries specialists recommended fish restrictions on number of service days allowed and timing on streams with species of concern, including small streams, which have limited run size, to address this concern (seen in Alternatives 2 and 4 EA page 120). The only alternative with higher number of service days allocated for guided fishing than what is currently allocated is Alternative 3.

## ***Prince of Wales Outfitter and Guide Management Plan***

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Hi Sue,

I would just like to inform you of the following areas that I have conducted hunting activities in for the past many years for both black bear and deer and also explain a bit of how it is conducted.

Since we only report time spent on USFS land our reporting does not portray an accurate calculation of the amount of users in a given area or display or demonstrate how much use is actually being done. During the spring black bear hunts you are only getting a fraction of the time that we actually spend in these areas due to the fact that we are off shore hunting from boats but still are utilizing these areas. All of my hunting trips are 7 to 10 days in duration and generally 3 to 4 hunters.

Of course I have reported use through all of these years when we have actually went ashore to pursue game but what has been reported is only a fraction of the time we spend hunting these areas. Since my operation is boat based we spend most of our time hunting the shorelines from boats in the spring and only go ashore once we have spotted an animal that we intend to harvest.

MG - 1

Generally I will have 3 or 4 hunters on these trips but often we may only record being on shore once per hunter when they actually harvest an animal. This being said all clients (hunters) hunt these areas every day until they harvest their animals even though they may not actually spend time on the forest lands. When these activities are being conducted we may be in two or three skiffs or boats hunting the shore lines and covering several miles.

As for hunting in the fall we spend all of our time on the USFS lands since fall is a different scenario in regards to how we hunt and I conduct my operations. Bears are in the streams eating fish inland from the beaches and of course deer are inland as well so we do utilize National Forest during this time. Following is a list of some of the specific areas that we hunt nearly every trip. In addition to these specific areas we also hunt all areas in-between while cruising to our next destination hunting the shorelines along the way.

I conduct hunting operations beginning at Kasaan Peninsula and run north around the northern end of POW and then south to Salt Lake Bay. This area is GOA's 02-03 & 02-04. The following areas are where I tend to conduct most of my hunting activities.

POW LOCATIONS -- Exchange Cove, Lava Creek, Salmon Bay, California Bay, Red Bay, Buster Bay, Merrifield Bay, Humpy Creek, Labouchere Bay, Hole In The Wall, Shakan Bay, Calder Bay, Dry Pass, El Capitan Passage, Nossuk Bay, Salt Lake Bay.

Kosciusko Is. Locations -- Shakan Bay, Dry Pass, El Capitan Passage, Devilfish Bay, Tokeen Bay, Shipley Bay, Cape Pole, Halibut Harbor, Survey Cove, Trout Creek, Fishermans Harbor, Pole Anchorage, Holbrook Arm, Seaotter Sound, Davidson Inlet.

Hamilton Island, Divide Island, Middle Island, Marble Island, Tokeen Island, Tuxekan Is, Heceta Island.

All of the above locations I have hunted every year for the past nearly 20 years and are vital to the viability of my business and livelihood. Simply put, without the ability to continue to operate my hunting activities in these areas as I have in the past I would not be able to maintain my business and means of livelihood. Thank you for your considerations

MG - 2

Sincerely,

Mark Galla

DBA -- Alaska Peak & Sea's  
Po box 362  
Wrangell, Ak 99929  
Home/Business phone # 907-874-2454  
Cell phone # 907-470-3200  
Web site - [www.wedoalaska.com](http://www.wedoalaska.com)  
Email - [mark@wedoalaska.com](mailto:mark@wedoalaska.com)  
Registered guide license # 763

Sent from my iPad. Mark Galla

**Response to Mark Galla's Comments (MG)**

**MG - 1**

Thank you for your hunting explanation. As described, guided hunters are using areas along the shoreline but outside of Forest Service jurisdiction. We have no means to quantify how much time is used outside of Forest Service jurisdiction, but this activity, like other boating activities, may contribute to competition with unguided hunters in the spring.

**MG-2**

Thank you for the list of areas where you would like to continue to conduct your hunting operations. We appreciate site-specific information. Your concerns about maintaining your business will be considered before a decision on which alternative to implement is made.

## **Paula Peterson**

### **Kasaan Tribal Association**

#### **April 11, 2012, Initial Call**

I spoke with Paula Peterson about the Prince of Wales Outfitter and Guide Management Plan EA. These are her comments.

The Kasaan Tribal Association will have elections on April 19, 2012. She would like to have formal government-to-government consultation meetings with the new members after the election.

PP-1

The Tribal Council does not want any outfitters or guides in their traditional area as shown in the *Haa Aani – Our Lands* Book. The traditional areas are on the map – this is a really good book.

PP-2

Everybody comes in to hunt deer – so much waste of deer meat, which is left sitting along the road to rot.

PP-3

Fishermen come in the bay and local people can't get fish for their personal need.

Lodges take people out from the lodges – these should be considered commercial users. Paula does not think that this use is regulated enough.

PP-4

Paula would only allow guided tours in the area if they are not harmful to the environment and do not include hunting or fishing.

PP-5

Notes by Sue Jennings

## **Response to Paula Peterson's Comments (PP)**

### **PP-1**

We have consulted with and had ongoing consultations with the Organized Village of Kasaan, the Hydaburg Cooperative Association and the Klawock Cooperative Association. We also tried to schedule meetings with the Craig Tribal association.

### **PP-2**

We actively consulted with the tribes about their traditional areas as defined on Haa Aani and worked with them to see what Outfitter and Guide activities they would accept.

### **PP-3**

According to Alaska Hunting Regulations, all meat of the neck, brisket, ribs, front and hind quarters, and along the backbone of a harvested deer must be salvaged. Wanton waste of big game meat is punishable by a fine of up to \$10,000 and one year in jail. If you see anyone wasting meat or violating any hunting or fishing regulation, please report them to the State or Forest Service office.

### **PP-4**

The Forest Service does not manage fishing in marine waters. Restrictions on service day allocations for outfitted and guided use recommended by Forest Service fisheries biologists accounted for streams and fish runs important for subsistence use.

### **PP-5**

When lodges take paying guests onto Forest Service System lands, it is considered a commercial use and requires a special use permit. Forest Service staff performs periodic checks of popular commercial use locations and communication with lodges to minimize unregulated commercial uses. There are existing laws and regulations to deal with illegal guiding.

### **PP-6**

Thank you for your comment, your concerns were considered before a decision was made.

## **Ron Leighton, Organized Village of Kasaan**

### **And Sam Thomas, former member of the Craig Tribal Association Council**

**April 26, 2012, Craig Ranger District**

I met with Ron Leighton and Sam Thomas at the Craig Ranger District Office at Sam's request. Also present were Tim Marshall and for the last half of the meeting, Mel Slayton. These are the notes I took. In most cases, I did not differentiate between comments made by Ron or Sam because it was a conversation and both spoke on most topics.

Both Ron and Sam requested formal government-to-government consultation more than once in the conversation. I did not include each instance in the notes; it is just included here.

We don't want this type of program in our area for several reasons. There is not much federal land and we are dolling it out to guides for 10 years. We can't do subsistence on our land or on State land.

RL-ST - 1

These people putting in viewing in Polk Inlet for guided deal in that area is a Shaman's grave; we don't want this.

RL-ST - 2

(Tim – They are not allowed to go to those sites.)

I had a bear guide almost shoot me (Ron).

(The guide or one of his clients shot toward the water and almost hit Ron when he was on the water in his boat. Ron was in Little Goose Bay in his skiff, he had to slow down for rocks. When he came out in one area, he saw a bear on the beach. A guy shoots at the bear right across his boat. The shot went across the bow – if he had been going faster, he would have been shot. This was in April 2011. Ron did not report the incident to the FS and feels reporting it now will just cause Ron trouble.)

RL-ST - 3

We are seeing a lot of orphaned bears due to sow killing. Now the orphans are a problem.

RL-ST - 4

What makes the guides more important than the locals?

RL-ST - 5

What have you set aside for us?

RL-ST - 6

This decision will have an impact for ANILCA. We are concerned about areas around viewing sites. On west coast, there is a problem with people viewing sea otters. What kind of effect will this viewing have on the sea otter plan?

RL-ST - 7

You don't realize what you are doing when you start shoving this stuff in our face.

RL-ST - 8

Kasaan will be doing an inventory in the traditional areas. While they are doing the inventory, bear hunters are shooting from boats and could shoot some of our people.

RL-ST - 9

Guided deer hunts we are totally against that. How can you bring in out of state people to deplete our resource?

RL-ST - 10

How are you going to police these people? You will have to hire more law enforcement officers (LEOs) to monitor the guides and the people from Ketchikan.

RL-ST - 11

One person in Kasaan took eight does and hunted two more for elders. You don't have a designated doe tag. As long as an officer did not stop him, he didn't put a deer tag on the deer. Once he was stopped, he tagged the deer. You never think about the impacts.

RL-ST - 12

I think it is time to have a real strong consultation on traditional foods and the impacts (Ron). There is not a lot of federal land around Kasaan Bay.

RL-ST - 13

Our specialist may have the answers but they won't have the right answers. The FS is putting this in for a small group of people that will impact the great number of people. Once you start permitting people, they have a financial gain and they come into a different light. The feds would honor them and not the people.

RL-ST - 14

It will take time for consultation so will have to take time to do it. We will look at all the traditional areas and we may be able to say where they can go year to year.

RL-ST - 15

Kasaan wants to go into an ecotourism lodge themselves. By doing this you are giving away our opportunity for the lodge.

RL-ST - 16

Polk Inlet people are flying in with planes so we can't hunt within a few miles of the viewing area. I am proposing a deal with elder hunts to hunt in mid-June (Ron). This hunt would be for elders and people with disabilities. If there are deer near the viewing area and it is hunting season, I will shoot the deer. I have a subsistence priority. You can see how nightmarish this deal is. These guys have a right because they have a permit and I have a subsistence right.

RL-ST - 17

People dump boats from Polk Inlet for people from Ketchikan. They come over and run the boats to hunt. There are more and more orphan bears – these are fragile, skinny, small bears by themselves. Hunters are not supposed to shoot sows with cubs. Now when people come around they push the cubs into hiding. This makes the bears dangerous.

RL-ST - 18

If you give them a permit, a ten-year permit, they will have paying customers and will displace residents. I can't hunt in the same area. If I am subsistence hunting, they can claim that they feel threatened and endangered when I am in the same area. If it goes to court, I would lose because the guide has exclusive right and would claim they were threatened.

RL-ST - 19

(Mel – no commercial permit grants exclusive rights – guides know they must share the areas where they are permitted.)

Around Kasaan, there is not much federal land to do early hunt. These are locations where they don't want these activities. They are starting the inventory at the beach and going inland ½ mile; they will log any findings of ancestry and traditional foods. They will propose that certain locations are not used. Don't want anything that will impact subsistence resources.

RL-ST - 20

There are going to be impacts where there are large groups of people. Guides on luxury liners with 50 or 60 people can break into groups of 12 so they spread out in this area being impacted. So, there is less area for subsistence.

RL-ST - 21

Sam is concern about permitting commercial use of fauna. There is a way to permit commercial gathering of forest products.

RL-ST - 22

The State doesn't recognize the FS system. The state has been telling people in Ketchikan that when they go to POW they are considered subsistence gatherers. However, if there is no seaweed on Grendel and I can scoot across to Camino to get seaweed; State regulations say I need to get a fishing license. I am getting fed up with regulations. We will issue them our own licenses so can gather subsistence anywhere.

RL-ST - 23

Subsistence is less than 1% of the consumption and most regulated activity. You have to have a pocketful of permits. I've been getting harassed out there. I was pulled over by the same person on the same day. They have protection acts for everything. They should have a Cultural Protection Act, so can gather resources. It would be much like consultation with the Forest.

RL-ST - 24

Notes by Sue Jennings

## **Response to Ron Leighton and Sam Thomas's Comments (RL-ST)**

### **RL - ST - 1**

Activities that would be permitted under this EA are not mutually exclusive to subsistence use. Guided harvest is currently estimated to account for <1% of deer harvest on POW Island. The Central WAAs Closure and service day cap for fall hunters found in Alternatives 3 and 4, as well as the Rangers' ability to make adjustments as necessary should alleviate subsistence concerns. Guided hunters are also not permitted within one mile of communities (EA page 16).

### **RL - ST - 2**

Forest Service Heritage personnel actively monitor areas used by the outfitters and guides to ensure they are not impacting existing cultural sites. Outfitter and guide visits to known archaeological sites, like the mentioned shaman's grave, are not permitted by Forest Service in any way. We will continue to work with the island's tribes to ensure that sites important to the tribes are protected from impacts by outfitters and guides.

### **RL - ST - 3**

This is a serious offense and should be reported to the State Troopers. It is illegal to shoot from a boat and the offender should be prosecuted. There are ample laws and regulations to deal with this offense. We do not know about and cannot deal with incidents like this if they are not reported.

### **RL - ST - 4**

Harvest regulations prohibit taking of sows accompanied by cubs in Unit 2 (ADFG 2011). Sealers are required to look for signs of lactation, and should they be found, citations may be issued.

### **RL - ST - 5**

The EA specifically states that unguided visitors can continue to enjoy POW recreation and subsistence the way they do now (EA page 3). The EA also states that the subsistence priority will be met for federally qualified subsistence users as outlined in Title 8 of ANILCA (EA page 57). Nowhere in the EA does it state that outfitters and guides are more important than any other users.

### **RL - ST - 6**

The central WAAs were closed to outfitter-guides for hunting due to subsistence concerns; the Karta River corridor was closed to outfitter-guides due to high local use; Hole-in-the-Wall is restricted during July and August.

### **RL - ST - 7**

Sea otter viewing takes place on the ocean, which is outside the scope of this project. Sea otters are protected under the Marine Mammal Protection Act (MMPA).

**RL - ST - 8**

We are sorry that you feel that we are "shoving this stuff" in your face. It has always been our intention to keep everyone informed and more importantly, involved in this project so that we address all sides and all concerns. The first scoping letter went out on this project in April 2007, when we were starting to develop the Visitor Capacity Analysis (EA page 9). This initial scoping included tribes, tribal corporations, outfitters and guides and others that were interested. In March 2010, the district rangers informed the tribes that we were planning to start the NEPA process in the fall of 2010, thus, starting the formal government to government consultation. At that time, the District Rangers tried to determine concerns. During the consultations, the rangers were asked if this project would affect subsistence uses and the tribal governments were assured that subsistence would not be restricted with any decision for this project. This has been confirmed through the analysis in the EA. We sent the Proposed Action out for comment on February 14, 2011 and received 18 comments. During the scoping period, we had open houses in both Craig and Thorne Bay. The EA was signed in March of 2012 and sent to the tribal corporations and governments for an early review. The document was mailed to the public at the beginning of April and the 30-day comment period started on April 9, 2012. A subsistence hearing was held in Craig on April 26, 2012 and testimony was taken. After the 30-day comment period, government to government consultation continued through formal meetings. Through all of these public involvement efforts, we have asked for feedback, suggestions, and specific areas that should have limited outfitter and guide activity.

**RL - ST - 9**

It is illegal to shoot from a boat. There are ample laws and regulations to deal with offenders. Shooting without knowing the target, is poor hunting practice by any hunter. Precautions are necessary in the field. Guides are required to follow all regulations and must be licensed by the State of Alaska. If you see anyone shooting from a boat, please inform the State Troopers.

**RL - ST - 10**

Nonresident hunters currently make up 8% of deer hunters on POW Island, and are generally less successful than are resident hunters (42% successful). Nonresident hunters have increased on POW between 1998 and 2009, but not all nonresident hunters are guided. Residents of Unit 1B (Ketchikan) make up 45% of deer hunters on POW Island and take an average of 751 deer annually (28% of deer harvested on POW annually). Local residents (those that live in Unit 2) make up 47% of the hunters on POW Island and have the highest success rate (75%). Most harvest of deer from nonlocal hunters is from resident Ketchikan hunters.

**RL - ST - 11**

Outfitter-guide fees are used for monitoring, enforcement and enhancement. An increase in outfitter-guide use warrants an increase in law enforcement. The Forest Service LEOs do not monitor the people from Ketchikan; that is the responsibility of the State of Alaska. In addition to LEOs, Forest Service permit administrators monitor the outfitters and guides. Other Forest Service employees note where and when they see outfitters and

guides, what activities they are doing, and how many clients. This information is used to check actual use at the end of each year.

**RL - ST - 12**

Harvest tickets are required for deer and must be carried in the field. Tickets must be validated by cutting the month and day immediately upon killing a deer and must be used in sequential order. Subsistence hunters are required to report harvests using a joint State-Federal harvest report. If members of the public witness poaching, they should report the offense to enforcement officers immediately so that an investigation can be conducted.

**RL - ST - 13**

This is a topic that applies to more than the Outfitter Guide EA and it is a part of ongoing government to government consultation on this EA and on other fronts.

**RL - ST - 14**

Current management allows any outfitter or guide to come in and request service days for any area. Permit administrators do an analysis just around that site to determine if outfitter and guide activity is okay. Because the analysis is small-scale, most of the time permits are issued. As you can see from Alternative 1, there are already outfitters and guides permitted on POW. The intent of the EA is to determine the number of service days to issue to outfitters and guides in each recreation use area, based on a landscape and site-specific recreation analysis. We started with the Visitor Capacity Analysis and determined how much recreation can occur at each recreation use area without causing resource damage. Based on the capacity, we developed a proposed action, which meets Forest Plan standards and guidelines. We sent out the proposed action for comment. From the 18 comments we received, we developed three alternatives, each with fewer service days than the proposed action. Our goal is to balance guided use with unguided use so that everyone is treated fairly. The environmental analysis will limit permitted activity more than the current management strategy, due to the visitor capacity and selected alternative. The point isn't to put everything in for a small group but to balance uses to meet the needs of everyone.

**RL - ST - 15**

The Forest Service actively worked with each of the tribes to further define their traditional areas and how the Forest Service can protect those in manner that preserves their importance and use by the tribes, but also allows for a certain amount of permitted use.

**RL - ST - 16**

Kasaan can get a special use permit to operate on federal land, just like any other outfitter or guide, if capacity is available. If competition occurs and more service days are requested than available, then the Forest Service may do a prospectus to determine the number of service days given to each operator. Outfitter-guide permits do not authorize exclusive use.

**RL - ST - 17**

Over flights of aircraft do not preclude subsistence hunting. Calls for subsistence wildlife proposals are issued in January of odd numbered years. Instructions for how to submit proposed changes to subsistence regulations can be found on pages 14 and 15 of the Management Regulations for the Harvest of Wildlife on Federal Public Lands in Alaska (2011-2012). If elder hunts are approved by the Board of Game, the Forest Service would follow the stipulations in the approval. Due to safety concerns, the FS is seeking a 1/4 mile hunting restriction in the vicinity of Dog Salmon Fishpass to prevent viewer/hunter conflicts.

**RL - ST - 18**

If someone is paid to stage a boat for a hunter, that person is outfitting and must have the proper permits. Otherwise, they are subject to state and federal citations. Harvest regulations prohibit taking of sows accompanied by cubs in Unit 2 (ADFG 2011). Sealers are required to look for signs of lactation, and should they be found, citations may be issued.

**RL - ST - 19**

Safe hunting regulations and ethics apply to guided and unguided users. Outfitter-guide permits do not authorize exclusive use in an area and this EA does not limit unguided users. If you feel there is a conflict, please contact the permit administrators at the Forest Service office.

**RL - ST - 20**

Calls for subsistence wildlife proposals are issued in January of odd numbered years. Instructions for how to submit proposed changes to subsistence regulations can be found on pages 14 and 15 of the Management Regulations for the Harvest of Wildlife on Federal Public Lands in Alaska (2011-2012). Forest Service outfitter and guide permits stipulate that all regulations must be followed, including those made by the Alaska Board of Game, Alaska Board of Fisheries, and the Federal Subsistence Board (EA page 9).

**RL - ST - 21**

Luxury liner season ends in September before the fall hunting season. The EA specifically states that other than hunting and fishing, there will be no gathering so there is no competition for food stuffs (EA page 7). Passengers aboard luxury liners do not enter the woods much and when they do it is usually on a well-defined trail.

**RL - ST - 22**

The EA specifically states that the analysis does not include any type of collecting (EA page 7). Collecting would not be allowed as part of outfitting or guiding.

**RL - ST - 23**

Residents of Ketchikan do not have subsistence priority. This project pertains to allocations and permitting of Outfitter and Guides and does not establish additional regulation for anyone else. These issues are beyond the scope of this analysis.

**RL - ST - 24**

These comments are beyond the scope of this analysis and this project. This project only relates to outfitters and guides and does not relate to permitting for subsistence users.



**Sportsman's Cove Lodge**  
Alaska's Friendly World-Class Sportfishing

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May 14, 2012

Mr. Francisco B. Sanchez  
District Ranger  
Craig Ranger District  
P.O. Box 500  
Craig, AK 99921-9998

Subject: Comments to POW Outfitter-Guide Management Plan EA

Dear Mr. Sanchez:

Thank you for the opportunity to comment on the POW Outfitter-Guide Management Plan Environmental Assessment, although I wish the FS could time these things so they did not occur during a time when we are extremely busy preparing for our seasons.

In reviewing the EA I was struck by several troublesome issues that would affect my business, and my position as a long-standing Outfitter/Guide in my local area. My concerns can be summarized in the words of the EA starting on Page 78:

*"All of the alternatives would allocate more service days to most sites than have been used in the past. Between 2004 and 2009, the highest number of service days reported for any year was in 2006 at 2,848 service days for all sites combined. This amounts to approximately 14% of the days allocated in Alternative 1, 2% of the days allocated in Alternative 2, 3% of the days allocated in Alternative 3, and 11% of the days allocated in Alternative 4. Exceptions to this pattern are sites where past use has been high. This would include sites such as Dog Salmon Fishpass and Klakas Inlet.*

*Should outfitter-guide use rise to the levels allowed under any of these alternatives, it would result in a dramatic increase in all of the potential impacts described for wildlife as outlined above. For example, if outfitter-guide use increased enough to fully utilize the allocation in Alternative 1, it would amount to a seven-fold increase in service days used across the Zone, whereas the increase associated with Alternative 2 would amount to a fifty-fold increase. Some species, particularly those sensitive to disturbance from human activities, may experience negative consequences such as disruption of feeding, reproduction, or other factors affecting short-term population levels. Though this analysis has assumed full implementation of allocations under each alternative, impacts to human recreation and social factors would likely cause a re-evaluation of these allocations long before major effects would occur to wildlife. This assumption is based on the nature of scoping comments received and POW residents' low tolerance for sharing recreation and subsistence sites compared to people from other parts of the country.*

*Adaptive management may be implemented to change allocations or other outfitter and guide management based on monitoring, observations, or feedback we receive during implementation of this project. In most cases, if adaptive management is implemented, it will result in a*

## ***Prince of Wales Outfitter and Guide Management Plan***

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*reduction of permit allocations or other management technique designed to reduce effects on affected resource/s; these management adjustments would likely either have no effect on or reduce effects on wildlife. In cases where adaptive management results in an increase in permit allocations, the allocations and their effects will not exceed the greatest allocations and effects described in this analysis.*

*Generally speaking, the estimated disturbance to wildlife is greatest for Alternative 2, followed by Alternatives 3, 4 and 1, respectively. This is based solely on the number of days allocated under each alternative. This pattern holds true for all but 32 of the 209 Outfitter-Guide Use sites. Most sites that do not hold to this pattern are sites where current permitted service days already exceed 25% or even 50% of estimated recreation visitor capacity.”*

I will try to address my concerns and preferences for each Alternative in sequence:

**Alternative 1, the No Action Alternative (and my Preferred Alternative):** Apart from the fact that it doesn't meet “*current Forest Service Handbook direction for outfitter and guide management (FSH 2709.14, Chapter 50, Section 53)*” and would need tweaking to address some already high use areas (which presumably could be dealt with using Adaptive Management measures), this alternative would still provide sufficient Service Days (“a seven-fold increase across the Zone”) for the foreseeable future and would appear to be the least disruptive to current established O/Gs and the Forest, while still providing controlled growth opportunities. This conservative approach has considerable merit in my view. I'm not sure how we get around the FSH problem, but if the Handbook doesn't meet the needs of the users or the Forest, perhaps it needs to be revised so that it does!

SCL - 1

**Alternative 2, the Preferred Alternative:** This begs the question: Preferred by whom? It proposes increases in Service Days that are quite frankly, stunning, and throughout the EA appears to carry the most negative of consequences not in keeping with good stewardship of the Forest. A selection of quotes from the EA:

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Page 79:

*“Generally speaking, the estimated disturbance to wildlife is greatest for Alternative 2, followed by Alternatives 3, 4 and 1, respectively. This is based solely on the number of days allocated under each alternative. This pattern holds true for all but 32 of the 209 Outfitter-Guide Use sites. Most sites that do not hold to this pattern are sites where current permitted service days already exceed 25% or even 50% of estimated recreation visitor capacity. Effects to individual species are described below.”*

SCL - 2

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*“As described above, overall, Alternative 2 has the greatest likelihood of disturbance to deer of any alternative, followed by Alternatives 3, 4, and 1, respectively.”*

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Page 80

*“While the estimated impact to deer populations is higher for alternatives that allocate higher service days (Alternative 2 in particular), the actual use is more important. We have no good means to anticipate future changes in use.”*

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*“Alternative 2 poses the greatest impact to Threatened, Endangered, and Candidate species because it allocates the most days and therefore offers the greatest opportunity for outfitter and guide access to shoreline sites via marine habitats important to these species. Following Alternative 2, Alternatives 3 and 4 pose the next greatest impact, respectively, and Alternative 1 poses the least impact because it allocates the fewest service days for marine access sites.”*

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Alternative 2 has one redeeming characteristic, according to the EA, that overrides all other considerations:

*“Chapter 3, Affected Environment and Environmental Consequences – Page 104*

*This alternative has the highest number of proposed service days, which would offer operators the greatest opportunity for growth and stability.*

<sup>2</sup>

*If an action alternative is selected for implementation, outfitters and guides may get 10-year priority use permits, which would allow businesses the opportunity for long term planning and investment. This could lead to stability in the outfitter and guide industry.”*

SCL – 2  
Cont.

**I could not disagree more.** Virtually unlimited, open access to finite natural resources, whether they be fish, game, wilderness, or the limited O/G sites of the Forest, is an invitation to chaos, and instability, particularly for long-standing operators who have developed their operations over many hard years and during recent economic downturns. Open access often invites operators who consider only their own financial gain and have little regard for the natural resources they are using. They incur additional enforcement and monitoring costs and more than occasionally do not live within the parameters of their permits. We have learned this lesson the hard way many times in resource management.

Furthermore, the operative word in the quote above (“*guides may get 10-year priority use Permits*”) is the word “*may*.” That does not suggest or instill any sense of stability.

Why is the Forest Service advocating this path? Where is this perceived demand going to come from? Who wants this increase in Service Days? Certainly not the small, established businesses that have forged out an operation over the years, only to see it jeopardized by largely unnecessary and unwarranted open access to the FS lands on POW.

**Alternative 3, The Dog Salmon Creek Fish Pass Alternative:** Although the Beaver Falls Trail is also part of the exception that this alternative provides, Dog Salmon Creek is part of my O/G permit area and is of particular concern to me.

SCL – 3

In the chart on Page 28 of the EA, access to all of the Dog Salmon Creek areas, including the popular Fish Pass, is described as being by road. While that is technically correct; there is a road leading to a trail that accesses the Fish Pass, in practice the greatest amount of access is via the Forest Service dock in Polk Inlet near the mouth of Dog Salmon Creek.

The dock is small. It will accommodate one floatplane on its face, and a small boat on each side of the dock if the boats do not interfere with the wings of a floatplane on the face.

In both Alternative 2 and 3, the greatly expanded access contemplated for the Dog Salmon Fish Pass will simply not work until and unless additional development of the Forest Service dock in Polk Inlet is provided. Without those improvements there will be considerable conflicts between the existing O/Gs authorized to use the area, and in fact, in my opinion, the air taxi operator currently using the facility will itself have difficulty in utilizing any increased allocation of Service Days above what is already authorized for the operation.

SCL - 3  
Cont.

Another aspect of the EA which is not addressed, and which comes into play at the Polk Inlet Forest Service dock, is the question of priority use among competing O/Gs in an area. My O/G permit has been in use for a decade and a half, yet my access to the Polk Inlet dock has on occasion been preempted in recent years by a less "senior" O/G with a large allocation of Service Days. Somehow that does not seem equitable. I do not begrudge the larger operator his increased access to the Fish Pass at all. There is certainly economic benefit from that access to the Forest that is proper and justified. But when my operation is denied access, or my right to be at the Polk Inlet dock is questioned by a newcomer O/G, then we have a problem.

SCL - 4

The original concept of an Outfitter/Guide envisioned one person, with perhaps an assistant guide or two, being responsible for an individual, or a small group of hunters, fisherpersons or other outdoor adventurers. That concept is changing. It appears that larger operations are becoming more prevalent and are demanding more access to the designated O/G sites. I suspect that is the impetus for this proposal.

SCL - 5

Given the new paradigm, it would seem reasonable to insist that Outfitter Guides (including their employees) who share access to common sites, be made aware of other O/Gs who have Service Days allocated at the site. Perhaps this could be accomplished as part of the permitting process. Further, it would be useful to establish access priority based on seniority as an O/G at each site(s) instead of access being determined by default according to the number of Service Days an operator is allocated. Long-standing operators would have some measure of protection by such a policy.

SCL - 6

Incidentally, on Page 78, the chart does not include a ranking for the Dog Salmon Fish Pass. Why is that very high use area not included?

SCL - 7

**Alternative 4, the 10% Alternative:** This alternative would appear to work well with Adaptive Management to adjust the problem areas. The EA cites "administrative burdens" associated with the alternative but does not specify what they are. This alternative would be my second choice after Alternative 1, because it is the next most conservative alternative.

SCL - 8

**In Summary:** I fail to see the need to rush into the stunning increases in Service Days recommended by the Preferred Alternative, and even Alternative 3, when the current SD allocations for the most part are not being used. Obviously there are a very few high use areas that need attention, however they should be addressed in a more surgical manner rather than the wholesale, scattergun approach being suggested to increase SD allocation.

SCL - 9

While the FS may have technical and administrative reasons to update policies in order to comply with the FSH/FSM and the Forest Plan, etc., it is difficult to understand the justification for the remainder of the Purpose and Need when, with but a few exceptions, there is largely no demand for the SD allocation already provided.

SCL - 10

The questions cannot be ignored: Who wants this increase in SDs? Is there a political agenda here? Are we opening up POW for industrialized guided operations? Who will be served by the huge access increases being proposed in the Preferred Alternative? And why are across-the-board increases being recommended (up to "fifty-fold") when currently there is a demand for only 14% of the days used across the Zone at the highest rate established in 2006?

SCL - 11

Certainly not the established Outfitter Guides and the residents of Prince of Wales Island.

Respectfully,

**L. G. McQuarrie**

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Southeast Alaska Sportfishing Adventures, Inc.  
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## **Response to Sportsman's Cove Lodge/Larry McQuarrie's Comments (SCL)**

### **SCL - 1**

Alternative 1 considers an allocation to outfitter and guide use that is not an increase over the current allocation for this area. According to our records, displayed on page 57 of the EA, Tlevak Narrows received a high of 7.6 service days in 2008. Alternative 1 does not meet the Forest Service Handbook because it does not allow for a growth in permitted outfitter and guide service days, this is not the addition of new outfitters and guides but allows currently permitted outfitters and guides to increase their number of service days. Alternative 4 was designed to allow a 10% growth opportunity for the outfitter-guides, which meets Forest Service Handbook direction.

### **SCL -2**

Alternative 2 is the proposed action, not the preferred alternative. A preferred alternative was not identified for this project. The Proposed Action (Alternative 2) was developed based on the Forest Plan direction that states, generally 50% of an area's use capacity may be allocated to outfitter and guide use. The Proposed Action does not allow for unlimited access to resources. If Alternative 2 were selected, permit holders would have to follow stipulations on the permit that limit access to specific permitted areas (EA page 7 - 8). Carrying capacity figures were determined based on a formula that incorporated several different variables such as Land Use Designation, Recreation Opportunity Spectrum, and travel mode (see carrying capacity analysis, Appendix B, for details). Other alternatives are being considered that have far less days allocated to outfitter and guide use. With Alternative 2, fishing would be limited based on the 1998 EA and no big game hunting would be allowed in the Central WAAs. There are also limits on some fish streams to protect sockeye, steelhead, and coho salmon stocks. Included in all of the alternatives are restrictions on use within Wilderness areas (EA page 4). Permits would be issued in ways to limit conflict (EA page 21). The advantage of permitting is that new use can be limited to areas where there will not be conflicts. Current outfitter and guide use will be considered before new permits are issued.

Your quote from the EA is correct; guides "may" be issued 10-year permits. We used the word may because all current and future guides may not meet the criteria for a 10-year use permit. For example, if a permit holder has no previous record of supplying outfitter or guide services, then a 2-year priority use permit could be issued. If an outfitter or guide meets all of the criteria for priority use permits, they could be issued 8 more years on a priority use permit. The 10-year permit would instill a sense of stability since the permittees would know how many service days they have available for the next 10 years. The way outfitter and guide permits are issued now, there is open access to the FS lands on POW. Currently, there are no limits established in any of the recreation use areas. This analysis established a carrying capacity for all the recreation use areas used by outfitters or guides, thus, setting a limit on use for the first time. Any decision will establish a limit on the number of service days available to outfitters and guides. Rather than open access, this document limits access based on resource and social concerns. This

is accomplished by taking a landscape level and site-specific view of outfitter and guide activity on both ranger districts.

**SCL -3**

The increases considered for the developed recreation sites: Dog Salmon Fish Pass and Beaver Falls were established because these sites are developed recreation sites, with hardened facilities that can better handle increased visitor use while protecting resources. The potential to increase use at these sites is an option that the Forest Service wanted to make sure was analyzed during this assessment, but it does not have to be selected as part of any of the alternatives. The dock as a limiting factor for use of this site was not considered for this assessment. Due to competition at the dock, it is likely that increased use at the dock would lead to a prospectus. Also, the dock could be expanded in the future, possibly through fee enhancement money, which is money that returns to the district for the purpose of enhancing outfitter and guide use areas.

**SCL -4**

Permitted outfitter and guides who have days at the Polk site should not be excluded from use of this site; however, we acknowledge that this competition exists. The capacity of the Polk dock was not considered during this assessment. Competition at the dock may be addressed through a prospectus, arranged timing, or expansion of the dock.

**SCL -5**

The impetus for this proposal is a national initiative to manage recreation use and resources in a more proactive rather than reactive manner. Although Prince of Wales Island has not experienced high use rates that would lead to a lawsuit, such use has occurred in other parts of the Tongass National Forest. This assessment is an attempt to manage outfitter and guide use and resources before problems occur.

**SCL -6**

When a decision is made on which alternative to implement, all outfitters and guides may be issued a 10 year permit, so their standing would be the same. Through lawsuits, the Courts have decided how much information the Forest Service can give out about guide activity because business information is proprietary. We will consider suggestions for implementation. Adaptive Management, as discussed on page 20 of the EA, is the process that would allow the FS to make adjustments to the allocation and/or management of locations. If adaptive management fails to resolve conflicts, a prospectus may be used to regulate allocations.

**SCL -7**

Ranking for Dog Salmon Fish Pass is discussed on page 77, ranks for alternatives were Alternative 3, 2, 4, and 1, respectively, from highest impact to lowest.

**SCL -8**

The description of the administrative burden, along with an example, can be found on page 99. In short, Alternative 4 would create an administrative burden because it incorporates the fishing restrictions and would require an immediate redistribution of use for fishing at 26 locations, but the ability to redistribute is limited by the low availability

of additional days in other locations. If Alternative 4 is selected, it is likely that a prospectus for freshwater fishing will be required.

### **SCL -9**

We do not have a preferred alternative. The proposed action is based on the Forest Plan standards and guidelines and is our starting point for this analysis. It is precisely our intent to manage individual locations in a surgical manner. With an outfitter-guide management plan, we have the ability to manage outfitter-guide services cumulatively, over a longer period of time. This saves both time and money, and through adaptive management, to add or remove locations, and adjust allocations, as indicated by monitoring. Although the process appears to be a "scattergun approach", it is, in fact, a "surgical" tool. Through monitoring, we can identify locations that are high use, and then make adjustments. Having additional use available at other locations allows us to move outfitter-guides to those locations. This prevents conflicts and resource degradation, but doesn't require additional analysis, which would cost more money and time. The landscape level approach allows us to see the whole picture and not just focus on the high use areas.

### **SCL -10**

The ranger districts on Prince of Wales Island do get requests for outfitter and guide permits on a regular basis. In the last two years, while we have been working on this environmental document, several requests have been made for additional sites. Permits have not been issued because our priority was to complete this document and monitor the use for two years (EA page 22). As you can see from the comments on the EA, some people feel there are currently conflicts between guided and unguided users, others feel that there is room to grow and wish to expand the number of permitted service days, and others do not see the need to increase the number of outfitter and guide permits. This environmental analysis lets us ask the questions about use and allows us to analyze on a landscape level the effects of outfitter and guide activities. There is a demand for new outfitter and guide permits, in 2011 there were nine new requests and in 2012, there were three new requests. In 2011, there were 5,818 service days service days requested, which included 2 requests for 20 (total) bear hunts that were denied. InnerSea Discoveries, a small cruise ship, was permitted 4,620 service days. In 2012, 650 service days were requested. In the last two years, the requested activities were bear hunting (denied), fishing, hiking, camping, and cave tours.

### **SCL -11**

As stated in the response to SCL-2, the current policy is open access and unlimited outfitter and guide growth. This analysis sets limits on outfitter and guide growth, while allowing for expansion in some areas. There is no political agenda, we are responding to regulations that require an overall (landscape) look at outfitter and guide activities. This required look allows us to look at cumulative effects of outfitter and guide use across both districts. Since this plan is for more than 10 years, we need to look at long range use. The EA looks at a range of alternatives, as required by law. We started with the Forest Plan standards and guidelines, which would have a fifty-fold increase. This is our proposed action. Based on comments, concerns, and issues, we developed two more alternatives, each successive alternative had a lower allocation than the proposed action.

This is how environmental analysis works; we develop a proposed action based on our purpose and need, regulations, and the Forest Plan and send that out to the public for review and comment (scoping). Based on these comments we develop alternatives to the proposed action. We send out our analysis of the alternatives for review and comment. Based on the analysis, public comment, laws and regulations, the District Rangers decide on which alternative to implement. Your input will be considered before any decisions is made. We assume that there will be more requests for service days in the future.

# STATE OF ALASKA

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

**SEAN PARNELL, Governor**

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May 7, 2012

Kent Nicholson, Acting District Ranger  
Tongass National Forest, Thorne Bay Ranger District  
P.O. Box 19001  
Thorne Bay, AK 99919-0001

Francisco Sanchez, District Ranger  
Tongass National Forest, Craig Ranger District  
P.O. Box 500  
Craig, AK 99921

Dear Mr. Nicholson and Mr. Sanchez:

The State of Alaska reviewed the March 2012 Prince of Wales Island Outfitter and Guide Management Plan Environmental Assessment (EA). The following comments represent the consolidated views of the State's resource agencies.

We appreciate the Plan's clear acknowledgement that the public and the commercial transporters they depend upon will not be affected by this plan, and recommendations for increased allocation of service days to outfitters and guides, with the exception of a few highly utilized areas. Outfitters and guides provide unique opportunities to the visiting public and local residents who may not have the means or skills to access public lands on their own, particularly for hunting or fishing.

Although the Wilderness Needs Assessments are now available for public review, as we noted in our scoping comments, the plan still lacks clearly identified user conflicts in the low use designated wilderness areas to justify closing specific areas to certain types of outfitting and guiding. We recommend leaving these low use areas available for all types of outfitter and guide activities. A monitoring process and adaptive management would likely address any future issues that develop, i.e., a specific conflict can be adaptively addressed by the appropriate administrative entity (federal or state) using the appropriate tool. In certain instances, state management tools may be more effective than federal tools, so we recommend looking at all available options.

The EA indicates that service days will be restricted where there are fish "species of concern" in the proposed action (Page 40). We understand that the Service considers steelhead, sockeye, and coho species of concern due to their importance to subsistence users, relatively low abundance,

State - 1

State - 2

and run timing. The Alaska Department of Fish & Game (ADF&G), which is responsible for the sustainability of fish and wildlife on all lands in Alaska, identifies fish stocks of concern using three categories: yield, management, and conservation. If fish stocks of concern require regulatory action, we request the Service utilize the appropriate regulatory entity, i.e., the Alaska Board of Fisheries or the Federal Subsistence Board. Any unilateral efforts by the District to minimize user conflicts, based solely on allocation concerns, would circumvent these existing regulatory processes. ADF&G is available to assist the Service during preparation of Board proposals, if necessary.

State - 2,  
Cont.

Lastly, the Affected Environment Wilderness discussion (Page 87), which focuses on “generally prohibited” activities in designated wilderness is incomplete and inaccurate. While the Alaska National Interest Lands Conservation Act (ANILCA) is referenced, there is no recognition of several relevant provisions, including Sections 1315 regarding cabins, and 1316 regarding temporary facilities and equipment related to the taking of fish and wildlife, which provide exceptions for wilderness areas in Alaska. In addition, Section 1110(a) states, “*the Secretary shall permit, on conservation system units...nonmotorized surface transportation...subject to reasonable regulation*” which includes mechanized modes of transportation, such as bicycles. Section 811 provides for subsistence access, “*The Secretary shall permit on public lands... surface transportation traditionally employed...subject to reasonable regulation.*” Any restrictions to ANILCA protected access in designated wilderness, including group size limits, must be implemented by formal regulation. While the Forest Plan may “generally prohibit” groups greater than 12 individuals, to our knowledge no such limit has been implemented by regulation. We request the final plan provide a broader discussion of ANILCA exceptions and recognize that the encounter rates and group size limits addressed in the Forest Plan are guidelines and, unless implemented by regulation, are not prohibitions.

State - 3

State - 4

State - 5

State - 6

State - 7

Thank you for the opportunity to comment. Please contact me at (907)334-2563 if you have any questions or concerns.

Sincerely,



Nina Brudie  
ANILCA Project Coordinator

cc: Susan Magee, ANILCA Program Coordinator

## **Responses to State of Alaska, ANILCA Implementation Program's Comments (State)**

### **State - 1**

The Wilderness Act prohibits all commercial services within wilderness areas (Wilderness Act, Section 4 (c)). Forest Service Handbook direction notes that, “when conducting a needs assessment for outfitting and guiding activities in a wilderness area, to assess whether these activities are necessary for realizing the recreational or other wilderness purposes of the area and the extent to which the activities may be authorized consistent with maintaining the wilderness character of the area” (FSH 2709.14.53.1f(1)(a)). The EA has identified an adaptive management approach where additional or new uses might be considered when a guide can demonstrate that their use would model appropriate wilderness practices and incorporate awareness for wilderness values in their interaction with clients and others (Element 7 WSC). The types, extent, and amount of use by outfitters and guides identified by the wilderness needs assessment are consistent with the management requirements for the protection of the wilderness character and wilderness resources as required by law. The Forest Service is required to protect the wilderness character and resources first (*Blackwell vs. High Sierra Hikers*).

### **State - 2**

The Forest Service will utilize the appropriate regulatory entity to address fish stocks of concern that require regulatory action.

### **State - 3**

There are several specific sections of ANILCA that are identified in the letter. Some of the sections of ANILCA identified by the State do not relate to the proposed use in this analysis. Since they do not relate to management of outfitting and guiding, they are not included in the EA. The sections of ANILCA that generally relate to outfitter and guide management are addressed in the document.

### **State - 4**

The EA addressed the sections of ANILCA that were relevant to the activities to be approved through a decision on this project. On page 7, the EA specifically says that; “this analysis will not address or authorize development of new recreation structures, ground disturbing activities...”

For example, ANILCA Section 1315(c), (d) addresses existing public use cabins and the installation of new public facilities where necessary for the protection of public safety. The use of public cabins by guides is discussed on pages 86 and 87 of the EA. The installation or development of new recreation structures is outside the scope of this analysis.

ANILCA Section 1316 addresses all public lands where the taking of fish and wildlife is permitted. This section notes that the existing and future establishment and use of facilities and equipment are subject to reasonable regulation where they are directly and necessary related to such activities. Similar to the above example, a new facility would involve ground disturbing activities which will not be addressed in this analysis.

The management of ANILCA provisions regarding activities in congressionally designated wilderness is provided in Region 10 Supplement 2320-2008-2. When addressing the public use of motorized transportation and mechanized equipment for the taking of fish and wildlife this direction states that;

“Equipment use authorized by Section of 1316 of ANILCA shall include all equipment directly and necessarily related as practical necessity to the taking of fish and wildlife but shall not include motorized forms of transportation other than snowmachines, motorboats, or airplanes. Use of such equipment is subject to reasonable regulations. The use of motorized equipment such as chainsaws of such activities shall be by permit.” (R10 Supplement, FSM 2326.1)

**State - 5**

You are correct in that ANILCA 1110(a) and Section 811 do allow for non-motorized transportation methods for traditional activities and for travel to and from villages and home sites. However, a bicycle is not specifically identified in ANILCA as an approved use. The determination of the use of motorized equipment/mechanical transport to implement the provisions of ANILCA is a determination specifically reserved to the Regional Forester and is outside the scope of this analysis (R10 Supplement, FSM 2326.04b)

**State - 6**

Groups size limits in wilderness areas follow the direction provided in the Forest Plan. The Forest Plan embodies the provisions of the National Forest Management Act, implementing regulations, and other guiding documents. The multiple-use goals and objectives, and the land use prescriptions and standards and guidelines, constitute a statement of the Forest Plans’ management direction. Group size guidelines for wilderness were developed and incorporated into the Forest Plan. The EA notes that a group of more than 12 is generally prohibited. While a District Ranger may consider adjusting group sizes for a specific request, a request of this nature is currently outside the scope of this analysis since the analysis must address uses that are expected in the reasonably foreseeable future. Our records show that the average group size in wilderness has been four people; the largest group recorded anywhere on POW is 12 people. Also, group size within the wilderness was addressed in the Forest Plan, and a reexamination of this issue is outside of the scope of this analysis.

**State - 7**

The limited number of activities identified on page 87 of the environmental analysis, address issues related to guided uses. Questions raised in this comment letter regarding other sections of ANILCA were addressed in the EA if they were related to the proposed use in this analysis or left out if they were outside of the scope of the analysis.

## **References Cited**

USFWS. 2010. Subsistence management regulations for the harvest of wildlife on Federal public lands in Alaska. Effective July 1, 2010 – June 30, 2012. Office of Subsistence Management. 137 pp. <http://alaska.fws.gov/asm/index.cfm>

Alaska Department of Fish and Game. 2011. 2011-2012 Alaska hunting regulations governing general, subsistence, and commercial uses of Alaska's wildlife. 128 pp. <http://hunt.alaska.gov>