



Sent Via Email to: recreationrivers@alaska.gov

March 5, 2024

Recreation Rivers Planning
Alaska Department of Natural Resources
550 West 7th Avenue, Suite 1050
Anchorage, Alaska 99501

Re: AIDEA Comments to the January 2024 Public Review Draft of the Susitna Basin
Recreation Rivers Management Plan

To whom it may concern:

The Alaska Industrial Development and Export Authority (AIDEA) is proposing the West Susitna Access Project (Project) to construct an approximately 78-mile access road from the west bank of Alexander Creek to the Skwentna River valley in the west Susitna River basin.

The Alaska Department of Natural Resources (DNR) and the Susitna Basin Recreation Rivers Advisory Board recently published the January 2024 Public Review Draft of the Susitna Basin Recreation Rivers Management Plan¹ (Plan). If adopted without changes, the Plan would have consequences for the development of the Project and other activities in the surrounding area.

AIDEA reviewed the draft Plan in consideration of the Project and respectfully submits the enclosed comments to DNR.

Sincerely,

Brandon Brefczynski
Deputy Director, AIDEA

cc: AIDEA Board Members (via email)
Randy Ruaro, AIDEA Executive Director (via email)

Enc: AIDEA Comments to DNR re: Draft Susitna Basin Recreation Rivers Management Plan

¹ DNR (Alaska Department of Natural Resources). 2024. Susitna Basin Recreation Rivers Management Plan. Public Review Draft. Prepared by Alaska Department of Natural Resources, Division of Mining, Land & Water Resource Assessment & Development Section. January 2024.

AIDEA Comments to DNR re: Draft Susitna Basin Recreation Rivers Management Plan
Submitted on March 5, 2024

Comment No.	Page / Line	Proposed Plan Language (emphasis provided)	AIDEA Comments
<p>1. General Comments</p>	<p>Pg. 2-23, lines 33-36</p>	<p>As mentioned in the Plan, the findings and intent section of the Recreation Rivers Act states, “The designation of the six rivers and their corridors is <u>not intended to become an undue impediment to ... the development of access within, across, and around the rivers and their corridors.</u>”</p> <p>Additionally, Section 41.23.440 of the Recreational Rivers Act requires the management plan to:</p> <ul style="list-style-type: none"> • Provide for necessary public services, <u>such as transportation and utility corridors, crossing or fording corridors,</u> public safety, and law enforcement; • Allow reasonable access to public land and private inholdings, including municipal land that is offered for sale or lease, <u>and to land beyond or adjacent</u> to the recreation river and the recreation river corridor; 	<p>To comply with the Recreational Rivers Act, the Plan must be more specific about potential transportation and access needs. DNR should coordinate with the Alaska Department of Transportation and Public Facilities (DOT&PF), AIDEA, and others to identify planned or potential road/trail improvements to identify routes needing to cross Recreational River boundaries. The Plan should provide specific allowance for known routes without foreclosing others not currently know/planned (with avoidance and mitigation measures identified through standard State and Federal permitting requirements).</p> <p>Similarly, RS 2477 routes should be coordinated with DNR and those routes that cross a Recreational River boundary should be identified in the Plan with language that preserve those access rights.</p>
<p>2. Upland Development, Management Guidelines</p>	<p>Pg. 2-15, lines 1-2</p>	<p>All construction below ordinary high water shall normally occur between May 15 and July 15 when there is the least potential for damage to fish or migratory birds.</p>	<p>The timing window is confusing and appears to be incorrect. Birds in Alaska are more likely to be nesting during this time and salmon are more likely to be spawning in the June-July timeframe. Please provide rationale for this timeframe.</p>
<p>3. Shoreline Development, Habitat</p>	<p>Pg. 2-24, lines 1-2</p>	<p>Road and trail crossings <u>must</u> provide for fish passage and habitat protection. <u>All water crossings</u> should be engineered <u>to avoid interference</u> with spawning areas.</p>	<p>It does not seem appropriate that road and trail crossings “must” provide for fish passage. Would roads and bridges need to provide for fish passage in streams or tributaries where no fish are present? The term “interference” is broad and unclear. As written, any bridge or culvert could be deemed an “interference.” “All” water crossings should be engineered to avoid interference with spawning areas is highly prescriptive and leaves no room for the judgement of engineers or regulators. What if it is not technically feasible to avoid a spawning area? The Plan should allow for the judgement of regulators and engineers. Rather than “All” use the phrase “To the extent practicable and technically/economically feasible, and as stipulated in Title 16 permits.”</p>

Comment No.	Page / Line	Proposed Plan Language (emphasis provided)	AIDEA Comments
<p>4. Shoreline Development, Hydrology</p>	<p>Pg. 2-24, lines 4-7</p>	<p>Any anticipated impact of bridge or culvert construction affecting stream volume, velocity, backwater, direction, sediment transport, or substrate characteristics shall be evaluated for significance and shall not cause a rise in upstream flood elevation or increase in erosion.</p>	<p>Nearly every bridge or culvert construction could be judged by a regulator to affect the metrics listed. The Plan may as well state that every bridge or culvert shall be evaluated for significance if that is the intent. That is overly restrictive and is unclear what is required if the impacts are significant. Is the phrase “and shall not cause a rise in upstream flood elevation” related to the 50-year event? If so, that was already stated, and this is duplicative. A future regulator may interpret this statement to mean under all circumstances, no rise is allowed (even under a 100 or 500-year event). For certainty, the sentence should be deleted. Furthermore, not causing a rise in upstream flood elevation is typically employed to protect people and development. In most of these rural and undeveloped areas, the requirement is not protecting anything. If this is critical to the health of the rivers, then DNR should be removing beaver dams. Also, the words “Any anticipated” on line 4 of pg.2-24 is too broad and implies that every possible change must be considered.</p>
<p>5. Shoreline Development, Clearance</p>	<p>Pg. 2-24, lines 16-19</p>	<p>Bridges and culverts shall provide adequate clearance for boat, pedestrian, horseback, and large game passage whenever these uses occur or are anticipated. All bridges shall be designed to provide adequate clearance for all watercraft that normally use the river during normal annual high water.</p>	<p>This requirement is poorly written. “Shall provide” is highly prescriptive, leaving no room for the judgement of the evaluators. Constructing culverts and bridges that provide adequate clearance for pedestrians, horses, large animals, etc., whenever they are “anticipated to occur” is overly broad. For example, large game can be anticipated to occur in every recreational river area covered by the Plan. The way this is written, every culvert would need to provide adequate clearance for large animal passage. In rural areas with low volume roads, like those that would be anticipated for most of the recreational river areas, these requirements are overly restrictive, expensive, and likely provide no benefit.</p>

Comment No.	Page / Line	Proposed Plan Language (emphasis provided)	AIDEA Comments
6. Shoreline Development, Construction Period	Pg. 2-24, lines 20-22	<u>All</u> in-water construction and maintenance <u>shall occur normally between</u> May 15 and July 15 when there is the least potential to damage fish habitat. This period may vary depending on the ADF&G Title 16 Permit.	Same comment #2 as above. Confirm the dates with ADF&G. As written, this means all in-water construction would need to occur in a 2-month window. This is overly restrictive given the short construction seasons in Alaska and likely means in-water construction will occur only during salmon spawning periods. AIDEA suggests leaving the timing windows to the engineer and ADF&G. "All...shall...occur normally between..." This is very confusing. It implies sometimes it might not occur during these times.
7. Shoreline Development, Materials and Fill	Pg. 2-24, lines 24-26	Only the minimum amount of material necessary to form the base for a bridge or culvert shall be removed from below the ordinary high-water level in the immediate vicinity of the structure.	This sentence is vague. We suggest letting engineers and regulators decide how best to design and construct bridge and culvert crossings.
8. Shoreline Development, Materials and Fill	Pg. 2-24, lines 26-27	<u>All</u> fill materials <u>shall be obtained</u> from upland sources.	We assume this requirement is meant to apply only when materials are being obtained from inside the recreational river corridor. If not, then this requirement is overly restrictive. As written, this language implies that even fill obtained from outside the recreational river corridor, even from a permitted source, will only be allowed if from an upland source. Given the difficulty in some areas of finding suitable materials, this requirement is too restrictive. Moreover, upland sources sometimes include greater amounts of fines and sediment, and when disturbed could be a detriment to water quality.
9. Shoreline Development, Spawning and Rearing Areas	Pg. 2-24, lines 36-37	When <u>feasible and prudent</u> , crossings of waterbodies should be located outside of important spawning and rearing areas.	<p>This requirement is preferable to the requirement at lines 1-2 on page 2-24, although the two requirements seem to conflict. Delete the requirement at lines 1-2 on page 2-24. However, the term "feasible and prudent" is up to interpretation.</p> <p>The Plan should establish standards so that it is clear what is allowed or not allowed, otherwise, the Plan will allow future regulators to create an undue impediment, potentially in violation of law, to the development of access within, across, and around the rivers and their corridors.</p>

Comment No.	Page / Line	Proposed Plan Language (emphasis provided)	AIDEA Comments
10. Upland Access, Protection of Hydrologic Systems	Pg. 2-54, lines 17-25	To minimize adverse impacts to the environment, and risks of degradation to fish and wildlife habitat and water quality, roads and vehicular trails <u>will not be approved</u> in the protection area <u>unless there is no feasible and prudent alternative route</u> ... Road and vehicular trail construction <u>will occur only</u> where it can be demonstrated that road design, construction, use, and maintenance will avoid, minimize, or otherwise mitigate impacts to important fish and wildlife habitat.	These requirements are highly restrictive and violate the law by creating an undue impediment to the development of access within, across, and around the rivers and their corridors. The Plan needs to establish standards such that roads can be reasonably designed to cross the recreational rivers where necessary and not rely on a future regulator’s opinions about what may or may not be feasible and prudent and whether an applicant has sufficiently demonstrated that that road design, construction, use, and maintenance will avoid, minimize, or otherwise mitigate impacts to important fish and wildlife habitat.
11. Upland Access, Protection of Hydrologic Systems	Pg. 2-54, lines 26-28	These types of access improvements should be located <u>to avoid influencing</u> the quality and quantity of water in adjacent rivers and lakes, <u>or detracting</u> from the recreational use of the waterway.	Again, the term “influencing” is broad and open to interpretation. All road and trail construction likely “influences” the water quality and quantity. Regarding the second phrase, some would argue that all roads could potentially “detract from the recreational use of the waterway.” This requirement gives an open license for future ambiguity & public perception to create an undue impediment to the development of access within, across, and around the rivers and their corridors. The Plan should establish more measurable standards to identify routes where future road and trail use is anticipated and allowed.
12. Upland Access, Protection of Hydrologic Systems	Pg. 2-54, lines 28-29	When routing through wetlands or peat, culverts <u>shall</u> be installed to <u>enable free cross-drainage</u> .	This requirement is too loose and open to interpretation. Does free cross-drainage mean a continuous row of culverts the entire stretch of road? A culvert every 5 feet? 20 feet? This requirement is likely not achievable except at great expense. Allow engineers and wetland regulators to use their expertise under existing laws and regulations to address drainage needs. Standard practice for cross-drainage culverts is to maintain hydrologic connection.

Comment No.	Page / Line	Proposed Plan Language (emphasis provided)	AIDEA Comments
13. Water and Solid Waste, Wetlands Drainage and Associated Discharge	Pg. 2-64, line 4	There shall be <u>no impediment</u> to fish passage.	As written, it will be argued that any culvert creates some impediment to fish passage, even if the culvert is designed and constructed in accordance with applicable fish passage culvert design standards. ADF&G already has standards for engineering, construction, and permitting of fish passage culverts, including those in wetlands. This requirement is highly restrictive and too open to interpretation as written. Let ADF&G standards and Title 16 fish habitat permitting process regulate fish passage.
14. Water and Solid Waste, Wetlands Drainage and Associated Discharge	Pg. 2-64, line 5	Ditches <u>shall not</u> physically connect to any natural bodies of water.	The hydrologic system is all physically connected. The majority of water flowing in ditches eventually ends up in natural bodies of water. This requirement will be impossible to achieve.
15. Water and Solid Waste, Wetlands Drainage and Associated Discharge	Pg. 2-64, lines 6-7	Settling ponds and grease separators <u>shall</u> be used to maintain water quality. A strict maintenance schedule <u>shall</u> be undertaken.	The stipulation of requiring grease separators on rural, low volume, gravel roads is not a standard engineering practice. This requirement will make road construction and maintenance extremely expensive and will violate the law by becoming an undue impediment to the development of access within, across, and around the rivers and their corridors.
16. Water and Solid Waste, Wetlands Drainage and Associated Discharge	Pg. 2-64, lines 8-10	Disturbed soil areas shall be <u>revegetated by the next growing season</u> . Natural revegetation is acceptable if the site is suitable and will revegetate itself within the next growing season.	"By the next growing season" could be construed to mean that revegetation must be complete by the start of the next growing season, an impossible criterion for a project constructed in the prior winter. Also, the word "revegetated" could be construed to mean that the disturbed area must be fully revegetated to original pre-construction conditions "by" or "within the next growing season", another impossible criterion depending on the types and sizes of original vegetation.

Comment No.	Page / Line	Proposed Plan Language (emphasis provided)	AIDEA Comments
17. Water and Solid Waste, Wetlands Drainage and Associated Discharge	Pg. 2-64, line 14	Side slopes shall not exceed 2:1.	<p>This requirement is unclear. First, is “2:1” intended to mean 2 Horizontal to 1 Vertical? If so, write that so that it is clear. “Exceed” could be interpreted to mean not steeper than 2:1. Presumably you mean that side slopes should not be shallower than 2H:1V. Making this a requirement may limit engineers’ abilities to design safe facilities. There may be locations where everyone agrees that a side slope would be better if it was more gradual (perhaps to facilitate wildlife movement, minimize erosion, or make roadside areas safer, etc.). A strict “shall not” will tie the hands of regulators and engineers.</p>