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Maggi Arend, Team Leader
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Dear Ms. Arend:

The State of Alaska has reviewed the Fall 2001 Togiak National Wildlife Refuge Planning Update. We appreciate the opportunity to review the update and the additional time granted the state to respond during the holiday season, though we note the original comment period was unacceptably short for adequate review. For future reviews, the state and public would be better served with a one to two month period, which has typically been allotted for other planning Updates.

The comments below represent the consolidated views of the State of Alaska agencies and are intended to provide problem-solving information aimed at addressing planning issues identified in the Update. These comments are organized to generally follow the flow of the planning Update and are generally preceded with the relevant excerpt.

QUALITY OPPORTUNITIES

Excerpt from page 3, first column:

- To ensure that **quality** opportunities for recreational use and subsistence use continue to be available on the Kanektok, Goodnews and Togiak Rivers, establish a program to monitor indicators of recreation and subsistence **quality**. If monitoring suggests that standards are at risk of being exceeded, additional management action is taken. [Emphasis added]

We have a mutual desire and responsibility to manage the lands and resources of the Togiak Refuge area to assure conservation of resources and the continuation of the Alaskan way-of-life, consistent with the legislated purposes. However, the concept of "quality" is sufficiently problematic at this time that we again urge it be dropped as a specific management goal. We discuss several aspects of these problems in relation to "quality" for both subsistence and recreational uses below.

The concept of quality in the context of subsistence remains subjective, difficult to define, and lacks legislated authority. While subsistence uses of fish and wildlife have a legislated preference over other consumptive uses, the Service's intent to **ensure quality opportunities** for subsistence uses does not. We are concerned that, by wording the intent in this manner, the Service is setting up unrealistic expectations and misleading the public about its ability to manage for subsistence "quality." We are also concerned the Service or the public may misinterpret that a priority will be provided for the quality of subsistence users' experiences over providing equally protected legislated opportunities for other uses. We urge the Service to revise its priority focus regarding this issue toward improving the quality of experience of *all* users through, for example, education about appropriate human waste disposal and tolerance of differing cultural practices. Such a focus would go a long way toward serving expectations about "quality" without making distinctions between opportunities for different types of human use.

Additional questions and concerns about the issue of "quality," in the context of subsistence and recreational public uses, follow below.

1. How will the Service evaluate the concept of quality in terms of indicators?
2. What management actions are available if the results of monitoring suggest that standards (i.e., minimally acceptable conditions) are being exceeded?
3. The use of indicators for measuring the quality of experience is problematic given some of the attributes associated with indicators. For example, the following excerpts from Clark and Stankey's Limits of Acceptable change process provide guidance for one frequently used method of indicator selection:

Indicators should be measurable in a quantitative manner and should be logically and realistically related to the conditions described in the opportunity classes, (i.e., water quality standards, soil or trail erosion, campsite condition etc.).

Indicators should be capable of being measured in cost-effective ways at acceptable levels of accuracy.

The condition of the indicator should reflect some relationship to the amount and/or type of use that occurs; Social indicators should be related to user concerns (i.e., trail condition, campsite deterioration etc.).

The condition of the indicator should be, at least potentially, responsive to management control.

4. A commitment to rely on indicators should come with an understanding of how to overcome the practical challenges (above) as well as have clearly established authorities to implement management control. Management control would entail having authority to implement management actions to effect the quality of public

uses. We are unaware of any authority the Service has under federal law to provide for “quality” subsistence use. Section 801(4) of the Alaska National Interest Lands Conservation Act (ANILCA) states, “Congress uses its constitutional authority . . . to protect and provide the opportunity for continued subsistence uses on public lands by Native and non-Native rural residents . . .” Also, ANILCA Section 804 states “. . . nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes . . .” The Federal Subsistence Board is responsible for assuring a priority for the opportunity for subsistence uses among other consumptive uses on federal lands/waters in times of shortage.

5. The State of Alaska manages fish and wildlife on all lands in Alaska, including the lands and waters within the refuge. State law (AS 16.05.258) provides a preference for a “reasonable opportunity” to subsistence harvest, but it does not guarantee success and, similar to the federal law, does not address the quality of opportunities. As part of its management responsibility, the State monitors and regulates subsistence, recreational, and commercial uses of fish and wildlife, as well as the status of fish and wildlife populations. Monitoring uses of fish and wildlife include the annual statewide harvest surveys for sport fishing by the Alaska Department of Fish and Game’s Division of Sport Fish, annual management reports by the Division of Commercial Fisheries, and the Subsistence Division’s household surveys to monitor subsistence harvests.¹ Other existing monitoring includes assessing the status of fishery resources by means such as weirs, counting towers, and aerial surveys. Management decisions are made in-season to restrict and regulate uses among user groups under the directions of the Alaska Board of Fisheries. These monitoring efforts are adequate at present to manage subsistence and recreational uses of fish, opportunities to harvest fish are generally adequate, and subsistence needs are being met.
6. Management controls related to quality that would place limits on access within the refuge for subsistence and recreational activities would be required to meet the criteria established in the ANILCA implementing regulations in 50 CFR Part 36 and 43 CFR Part 36. Management control of other public use activities on refuge lands is legislated in ANILCA and the Refuge Improvement Act, and where those Acts conflict, ANILCA supercedes.
7. Management of activities on the three listed rivers is the responsibility of the State of Alaska. The state has established a Special Use Designation with specified limits on public activities to benefit all users and the habitat (e.g., camping limit). Any additional management actions on the uses of the rivers would entail cooperative assessment and implementation by the state.
8. Federal and state agency efforts to address “quality” of recreational experiences in Alaska are fairly recent and evolving. While some refuge users may have expressed concerns regarding competition for resources, available data indicate that recreational fishing activities in the

¹ See ADF&G reports: Annual Management Report for the Subsistence and Commercial Fisheries of the Kuskokwim Area 2000; Division of Commercial Fisheries Annual Management Report for the Bristol Bay Area 2000; Division of Sport Fish Summary of Effort, Harvest, and Catch Statistics for Sport Fishing in Southwest Alaska, 1977-1999; Area Management Report for the Recreational Fisheries of the Southwest Alaska Sport Fish Management Area, 1999.

refuge area have declined or leveled in the last 5 years. Due to their popularity during very short summer conditions, chinook, red, and coho salmon and rainbow trout recreational fisheries in Southwest Alaska often involve relatively congested conditions. Given this, some anglers' expectations of remote fishing opportunities are unrealistic. While low encounter rates may be attributes of fishing opportunities, the State of Alaska manages its fisheries based on the sustained yield principle after assessing historic harvest trends, stock assessment information, and public input. Alaskan residents through the Board of Fisheries are already extensively involved in determining how fisheries will be regulated while ensuring the conservation of the resources and the orderly development of the fisheries.

We request the Service to clarify in all its communications that management actions proposed to protect refuge users' quality of experience are based on ensuring that the indicators (cooperatively adopted) do not exceed acceptable standards to minimize conflicts, not based on providing priority of one user group's experience over another's. We also note that most of the State's and Service's management tools to affect specific user groups' experiences will be addressed through limits on commercial-service providers because the management tools available to limit unguided users are relatively limited, difficult to implement, and are not demonstrated to be necessary at this time.

MOTORIZED BOATS, CAMPING, AND OTHER ACTIVITIES ON STATE LANDS/WATERS UNDER STATE MANAGEMENT

Several issues identified in the Update involve public uses of state lands/waters within the refuge, which need to be addressed in depth by the full planning team prior to further development of alternatives committing state actions. These include:

1. Limits on horsepower and motorboats on the Goodnews River, page 3, first and second column:
 - Recommend to the State of Alaska that appropriate horsepower limits be established for the Goodnews River (including all forks). This could include recommendations that the Alaska Department of Natural Resources create a Special Use Area with horsepower limits on all forks of the Goodnews. The objective would be to reduce the risk of collisions in these narrow river corridors that have many blind curves. There have been potentially fatal accidents and many close calls over the years.

We are very interested in discussing with the Service how the issues of the state's management alternatives will be addressed in the Comprehensive Conservation Plan process, including data on uses and public review. The relationship to state land plans needs to be fully disclosed. We request this issue be included under an alternatives table in the state's component to the Comprehensive Conservation Plan/Draft Environmental Impact Statement (CCP/DEIS) rather than "actions common to alternatives."

The State of Alaska is not prepared at this time to recommend that limiting horsepower is the only management action being considered under all alternatives for the river. In fact, the

business involved in operating a large boat on the lower river has been sold and may not be the issue that it was just a few years ago. The state component to the CCP/DEIS would present a range of alternatives to address this issue. We do not object to the Service portion of the CCP/DEIS recommending that the state consider a range of alternatives before deciding on actions necessary to address this issue. We also hope future team meetings will discuss how the state alternatives to address the Togiak powerboat issue, camping limits, and other issues (formerly included in Chapter III of the Public Use Management Plan) will be included in the public review process for the CCP/DEIS.

2. Enforcement of state regulations on state shorelands, page 3, second column:

- Seek ways to encourage compliance with State regulations on the Togiak Refuge (such as the three-day camping limit). Currently, some people ignore the law even when informed about it by Fish and Wildlife Service personnel.

One step toward compliance with state (and federal regulations) would most appropriately be accomplished with an educational public use brochure developed cooperatively between the State of Alaska and the Service. Brochures of this type have been used in other parts of Alaska to inform users about differing land ownership patterns, regulations specific to the area, suggested camping techniques and behavior, and land ownership patterns.

In the past, refuge staff have assisted the Alaska Department of Natural Resources (DNR) in serving trespass notices, distributing the DNR/Department of Environmental Conservation Kanektok brochure, trip sharing, and providing the public with information about state lands. We look forward to exploring additional ways of working with the Service to encourage compliance with state laws and regulations on state shoreland and tidelands.

3. Alternatives Table, page 4, Non-Guided Use on the Upper Kanektok, Upper Goodnews, and Upper Togiak Rivers.

This alternative raises more questions than answers, and we urge the Service reconsider this issue. The following list outlines some of our questions and concerns.

- What evidence is available that there is a problem?
- How was the conclusion derived to address the “problem” solely with increased restrictions on use of these rivers?
- The original decision, based on data nearly two decades-old, to limit the amount of non-guided use once it has reached that of guided use should be reassessed, as it does not necessarily mean there is a problem.
- In the 1997 public use management planning process, it was noted that some guides were not utilizing the entire number of guests for which they were permitted. If this still the case, has the number of non-guided users only reached the number of actual guided users but not exceeded the number of allowed guided users?
- What measurable objectives are to be accomplished by restrictions in alternatives B or C or

requiring permits for alternative D? What specific problems will be addressed by these restrictions?

- Does the language speak to all guided activity, including hunting, kayaking, bird watching, and others?
- Would permitting be required for both local and non-local users?
- Has the Service considered procedures for distributing permits in villages and during the non-regular workdays that may be utilized by recreational or subsistence users?
- If rivers are considered to be too crowded, is there too much guided use?
- Is the Service prepared to explain why non-guided users should be limited to provide opportunities for guides?
- Do the benefits of implementing a registration program for unguided users outweigh the costs to both the agency and the public?

A suggestion that the refuge require registration by non-guided users in June 1991 was dismissed by the Togiak Refuge manager, who replied, “While we agree that registration of non-guided users would provide good data, we do not believe the cost of administering such a system is justified at the present time. We believe federal funds would be better spent on other items such as the river ranger program.” It is not clear what changes in use have occurred since 1991 that warrant such a substantial change in Service thinking on this topic.

We urge the planners work closely with the state to evaluate current data on use levels of various public activities and to assess the management tools necessary to protect refuge purposes and state resources and select the alternatives accordingly. Also, since there is already a monitoring program in place, future Updates and the CCP/DEIS should state that the current monitoring program for indicators would be continued and expanded for the three rivers. The Update implies that the monitoring program is not already established.

4. Uses of and Possible Limits on Motorized Boats, page 6, second column:

- Inform float and motorized groups about motorboat behavior (such as the need to get on step to navigate some stretches). Work with guides to voluntarily reduce motorboat use on upper rivers (such as the number of trips each boat makes up and down river in a day of fishing) to reduce conflicts with subsistence users on weekends. Work with all users to improve etiquette.

We support efforts to educate all users of the rivers about safe boating practices and etiquette through the use of educational techniques such as a public use brochure. We are concerned about the suggestion that voluntarily reducing guided use of the upper rivers is needed to reduce conflicts with subsistence users. Does the Service have data substantiating the nature and frequency of these conflicts? Are there data that show this is a problem specific to weekends or to the upper rivers? Many guided operations utilize weekends as “switch days” when clients of the week are flown back to town and new clients are brought in, so that use of the rivers on weekends in many instances is minimal. Do residents of other communities in the area use the rivers on weekends?

If there is a conflict, it is more likely that the conflict is with floaters and bank anglers than with subsistence users who are less numerous in these areas. We too have heard public comments about conflicts between subsistence users and powerboats on the lower rivers. However, we have not seen data that shows how much of this powerboat use is attributable to guides versus powerboats used by locals on weekends. Furthermore, much of the guided powerboat use on the lower river originates from lodging facilities located on lands owned by allottees and Native corporations, not state-owned shorelands or refuge-owned uplands. The team needs to acquire available data and discuss this issue in more detail before alternatives are further developed.

ACCESS AND PUBLIC USE AT CAPE PEIRCE

The update references Cape Peirce management on pages 3, 5, and 6. We have several concerns with how management of this area is addressed.

1. Page 3, second column states:

- To minimize disturbance of hauled out walrus, recommend that State of Alaska prohibit removal of ivory from beaches in the Cape Peirce area (similar to the regulation in place on Round Is.) One possibility would be to pursue State designation of the tidelands as Critical Habitat Area, Sanctuary, or Game Refuge. (Ivory collected by the Service from the Refuge is made available for sale to registered buyers and Alaskan Natives.)

The Service is interested in reducing disturbances to walrus at the Cape Peirce area, particularly by low flying aircraft and vessels transiting the area and landing on the beaches to recover ivory from carcasses. Disturbances are also caused by low flying aircraft involved in the herring fishery in the spring and flight seeing during the remainder of the year. By prohibiting the removal of ivory from these beaches, the Service believes that traffic in the area would be reduced. The lands proposed for access restrictions are state tidelands, so state action would be required to accomplish this. The Togiak Refuge Manager has suggested that prohibiting the removal of ivory from these beaches would reduce the occurrence of people driving by the haul out beaches, shooting into the beached animals, and wounding many that escape into the water where they eventually die. Presumably these walrus then wash up on the beaches where the shooters collect the ivory, days later.

There are numerous problems with this proposed action. A review of the annual status report² for 1997, 1999, 2000, and preliminary 2001 data of the marine mammals of the Togiak Refuge, prepared by the Service, shows that **the majority of disturbances on haul out beaches are from Service personnel conducting research work or by Service support flights**. Prohibiting the removal of ivory from these beaches would criminalize a legitimate use of beaches by residents of the area, including Togiak and other villages.

The Service has not noted an instance of “herd shooting” in a number of years. Under the Marine Mammal Protection Act, walrus hunting by Alaska Natives is allowed throughout the

² Abundance and Distribution of Marine Mammals in Bristol Bay and Southern Kuskokwim, Alaska

area without permit (except at Round Island, where a permit is required), including haul out beaches, as long as established regulations concerning utilization of harvested animals are followed. Herd shooting with the intent of recovering only ivory and intentional harassment of wildlife on foot, by vessel, or with aircraft is currently prohibited under both State and federal law. Unintentional disturbances by low flying aircraft spotting herring are few, especially since the herring fishery typically occurs in late April and early May when few walrus are present in the area. The proposal also lacks any discussion of the specific boundaries that would be covered by such an access restriction.

The previously mentioned Service status report for 2000 (most current available report) does not include any recommendations to prohibit removal of ivory from the beaches in the area. It does recommend, however, that the Service “Develop a study plan together with MMM, ADF&G and NMFS to analyze the effects of disturbances from aircraft and boat traffic on walrus, seals, and sea lions hauled out at Cape Peirce, Cape Newenham, Cape Seniavin and Round Island.” Such a study could show where, when, and how disturbances occur and what specific steps should be taken to avoid them. We would prefer that such a study be conducted to determine the extent of problems prior to seeking legislative action restricting access and limiting use of the area.

2. Alternatives Table, page 5, lists several access restrictions in column 3, Public use at Cape Peirce Wildlife Viewing Area:

While there is general agreement in the need to develop a structured program for this area, public use is low at the present time, so options for increased use should be considered. The Round Island viewing program could serve as a source of information in the development of public use in regards to marine mammals and other wildlife. A structured program with planned trails, viewing areas, camping areas, and other public use facilities as discussed in Alternatives B, C, and D should be considered along with other options to provide use of the area while avoiding unnecessary disturbances of wildlife, including marine mammals, land mammals, and nesting birds.

We are concerned about how the daily number and type of visitors (guided and non-guided) and access will be determined. We would like to see data that supports the overall number of people permitted to visit the area at one time. It is our understanding that the number of visitors is currently limited to 6 since that is the number of people that a Beaver aircraft will carry. Considerations should include whether larger aircraft could access the area. For example, could more visitors utilize the area if they were willing to hike from Sangor Lake to the viewing area rather than landing at the beach site?

We understand that the actual number of flights in and out in a day is a concern due to potential disturbances to wildlife. A number of questions need further evaluation, such as: Could landings be made at specific stages of the tide to reduce wildlife disturbances? If landings were made at high tide when most sandbars marine mammals haul out on are submerged, could disturbances be kept to a minimum? Could designated approaches be defined for aircraft that would avoid overflights of wildlife? Would there be consideration given for delays caused by poor weather?

More information is needed on uses, use patterns, and how permits are presently as well as would be awarded, especially between guided and non-guided users.

3. Page 6, second column of the update states:

- Establish a new seasonal position at Cape Peirce to monitor and control public use. Attend herring spotting meetings every year to present information about conservation of marine mammals and other species.

The Service has been invited to attend herring spotter meetings since the mid-1980s, and Service material concerning Cape Peirce and Cape Newenham is distributed by the Alaska Department of Fish and Game to personnel involved in the herring fishery. Having a Cape Peirce monitor to control public access should be considered as a part of an overall public use and access plan for the area in conjunction with the Alternatives for Public Use, described on page 5 of this Planning Update.

WATER QUALITY

The State of Alaska is concerned with water quality and views water quality as a high priority throughout the state. We have a mutual desire for increased monitoring of water quality, improving education on waste disposal, and increasing compliance with regulations and policies concerning disposal of human wastes by all users of the area, both local and non-local. The update addresses water quality in two locations that include concepts on which we look forward to working with the Service to developing alternatives and appropriate management intent, as follows:

1. Page 3, third column, states:

- Increase water quality, monitoring, improve education on waste disposal, and work to increase compliance with State, Refuge and Native Corporation policies regarding disposal of human waste on the main rivers and uplands. Require visitors to practice “Leave No Trace” behaviors on Refuge lands.

While we conceptually support the “Leave No Trace” ethics being encouraged and the public being educated accordingly, we are concerned with the implications of **requiring** “Leave No Trace” behaviors on refuge lands. What specifically is meant by “Leave No Trace”, how would it be applied to different activities (hunting, fishing, trapping, camping, berry picking, woodcutting), and how would violations be enforced? The goals of these issues could best be addressed through their inclusion in an educational brochure as was suggested for dealing with the issue of compliance with state and federal regulations. Such a brochure could educate and inform the public about existing regulations concerning waste disposal and methods that can reduce human impacts on the lands and waters of the area. For example, many people are unaware that Alaska Statute 18 AAC 72.020(b) requires a minimum separation of 100 feet “between the mean annual high water level of a lake, river, stream, spring, or slough, or the mean higher high water level of coastal waters” and the burial of human waste.

2. Alternatives Table, pages 4 and 5

In general, there is no evidence the water quality of the area has been compromised. We urge the Service to include intent for implementation of water quality measures that remain flexible to respond to changing public use patterns and available waste facilities. There is a large body of existing state law to protect water quality. No Alaska Department of Environmental Conservation certified dumping sites are available for waste at the terminus of any of the rivers, and air taxi operators are leery about carrying waste containers in their aircraft. Problems have been encountered with the use of “honey buckets” provided by the Village of Quinhagak, including unsanitary buckets and no certified disposal site. Additionally, river users reported that in 2001 the bucket program was discontinued. With this in mind, Alternatives B & C are unrealistic and unnecessary at the present time.

For Alternative D, we suggest the inclusion of a reliable water quality monitoring system in addition to educating all users of the rivers about existing waste disposal and the use of safe drinking water. To our knowledge, there are no rivers in Alaska from which it is recommended that water can be consumed without some sort of treatment. The development of waste facilities or outhouses at selected sites appears to be the most appropriate consideration at this time.

We look forward to working with the Service on developing alternatives and management intent for protecting this vital resource. In general, we would like the intent for implementation of water quality protection measures to remain flexible so that managers can respond to changing public use patterns and available waste disposal facilities. The lack of approved human waste disposal systems in villages in and adjacent to the refuge make requirements to carry out human waste problematic. We encourage cooperative evaluation of the placement of outhouses in areas of high public use and voluntary (or even mandatory) removal of human waste when water quality exceeds acceptable standards and/or there are DEC-approved facilities in place to dispose of such waste.

MANAGEMENT OF FISHERIES

The Update addresses fisheries on page 6, first column, by stating:

- Encourage anglers to avoid unnecessary impacts to fish populations (how to minimize damage to spawning areas; proper catch and release; disinfecting gear). Monitor fishing and adjust regulations as needed through cooperative state-federal effort. Collect additional information on anglers and knowledge/practice of catch and release on Refuge rivers. Support Quinhagak cultural program visits to sport fish camps as one way to inform non-local anglers about local culture and customs.

The above statement inappropriately suggests that recreational anglers have an overall negative impact on the fishery resources of the area. As previously stated, fisheries are managed by the Alaska Department of Fish and Game and regulated by the Alaska Board of Fisheries to assure sustained yield and to allocate among subsistence, recreational, and commercial fishermen. Carefully managed and regulated uses of the fisheries do not cause “unnecessary impacts to fish

populations.” Regardless of user group, people who damage the habitat or spawning salmon (e.g., using boats that grind props through shallow water that disturb spawning beds) can cause detrimental impacts.

In general, most of the suggestions made in this section are already being addressed by the state. For example, the Alaska Department of Fish and Game produces a brochure on proper catch and release techniques and includes this information in all sport fishing regulation booklets. Sport, subsistence, and commercial fishing harvests and activities are presently monitored in-season and reviewed annually by the department under direction of the Board of Fisheries with input by all user groups at public meetings.

As suggested earlier in this letter, most of the comments associated with this issue could be included in an educational brochure for distribution to users of the area. The brochure could include information on proper catch and release techniques, regulations on marking and tending subsistence nets, and the cultural values of sport and subsistence fishing.

HABITAT ISSUES

The Update addresses habitat issues associated with fish and wildlife on page 6, first column:

- Work cooperatively with the villages and the State to identify sensitive habitat areas (spawning beds), any threats to them, and ways to protect them. If needed, consider submitting or supporting proposals for protection measures to the State Board of Fisheries. Identify and map sensitive wildlife areas (such as caribou calving grounds, bald eagle nests, bear feeding areas) and consider limiting access or taking other measures as needed.

The State considers all riverbeds to be fairly sensitive habitat and is protective of disturbances to them, as shown by a large body of existing law and enforcement actions. Limiting access in response to sensitive habitat is an overly broad response. For example, some consider the entire Togiak Refuge to be a bear feeding area, thus without criteria for determining the relative sensitivity between areas. Caribou in the area are mostly Mulchatna Herd caribou that do not usually calve within the Refuge. There have been a few scattered instances of calves present the past few years, but, for the most part, the Kilbuck Herd has been absorbed by the Mulchatna Herd. Thus, the reference to caribou calving grounds is inappropriate. Bald eagles are currently protected under federal law and may not be harassed or disturbed. In all discussions or identification of areas that may be potentially sensitive, the Service should be scientific in its evaluations, specific in its goals, and aware of the ANILCA criteria that must be addressed before considering access limitations. Any identification of areas important for wildlife and consideration of limiting access related to fish and wildlife should be cooperatively addressed with the state.

COMMERCIAL GUIDING ON THE GOODNEWS FORKS AND TOGIAK TRIBUTARIES

1. Alternatives Table, page 5, column 1, Commercial Guiding on Refuge–Goodnews Forks

As presented, the alternatives are confusing and should be revised for clarity. The authors seem biased against, or portraying local residents' bias against, commercial services without clarifying the relationship to the state's management of the shorelands and waters. The state allows unrestricted guiding on its waters while the Service links use of the state's waters with its commercial use permits that allow guide camps on refuge lands. It is not clear what the Service is attempting to achieve with these restrictions, e.g., addressing biological concerns or meeting unstated prescribed social conditions.

The last cell under "Goodnews Forks" should say 1 guided float trip every other week (all the other cells under the column use this term with reference to float trips. The "282 use days" under "Goodnews Forks" should be further described in future updates and the CCP/DEIS. For example, what is the proposed limit of clients per week per operator, what portions of the river will they be limited to, and what is the estimated actual guided use days at this time.

2. Alternatives Table, page 5, column 2, Commercial Guiding on Refuge–Togiak Tributaries

This alternative is also confusing. The terms "self-reliant, adventurous, low-use wilderness experiences" could simply be rewritten to state "no guiding is allowed," if that is the Service's intent. As previously stated under Goodnews Forks, the Service also needs to be clear in defining what it is attempting to achieve with these restrictions.

3. The Update states on page 6, first column:

- Develop a competitive prospectus system for awarding commercial guiding permits to operate on the Goodnews, similar to the system that exists on other Togiak Refuge waters.

Given that recreational uses of the Togiak area have remained stable or decreased since the internal public use management plan alternatives were developed in 1997, it is important to assess current data on use levels, requests for commercial permits, and other factors before determining a need to move forward to a prospectus system. In fact, the current system should also be reconsidered. While we appreciate the inclusion of the alternative, which was cooperatively developed with the state in 1997, there should be a reevaluation prior to tying those commercial use numbers permanently into the current proposed alternatives.

BEAR-HUMAN CONFLICTS

Page 6, second column of the Update states:

- Promote proper food handling and storage techniques to minimize bear encounters and habituation. Monitor and document the extent and timing of the problem; if needed, consider changes in special use permits or proposals to State BOF or BOG to alter seasons or timing of sport uses to reduce game displacement, conflicts with subsistence use, and bear-human conflicts.

Promoting proper food handling and storage by all users of the refuge, state, and private lands to

minimize bear encounters could also be accomplished in an educational pamphlet. The Alaska Department of Fish and Game currently produces a “Bear Facts” brochure that would be of use. It is already illegal under Alaska Statute 5 AAC 92.230 to feed bears or leave garbage that attracts them. The guidelines for taking a bear in defense of life and property are set forth in regulation 5 AAC 92.410. Provocation of the animal and negligent food storage are not justifications for shooting a bear.

Educating the public about the use of portable electric fences would also be worthwhile, including their use in keeping bears out of fish drying racks, trash containers, cabins, and hunting and fishing camps. Monitoring and documenting these problems is a legitimate action. However, the aspect of altering seasons or timing of sport use to reduce game displacement, conflicts with subsistence use, and bear-human conflicts lacks sufficient justification without supporting data.

Game displacement and actions to remedy the problem are suggested prior to determining that game displacement actually exists and the extent to which displacement occurs. For example, displacing moose from river corridors is unlikely since there are so few moose in the area. The moose population is dependent upon immigration from other areas despite available habitat, primarily due to local hunting pressure. The Service and Department have recently begun investigating strategies to enhance moose populations in the area. Caribou from the Mulchatna Herd have, within the past 10 years, been seasonally present in large numbers in the area, but they are naturally very transient. Assurances that game will be observed along rivers in any area of the state during legal hunting seasons is unrealistic. Numerous regulations have been adopted by the Board of Fisheries to reduce subsistence conflicts. Bear-human conflicts are most appropriately addressed through educational awareness of all users of bear habitat.

RECOMMENDATIONS FOR WILDERNESS AND WILD AND SCENIC RIVERS DESIGNATIONS

(Alternatives Table, page 5, column 4)

The Service has not presented any specific data indicating that the lands or rivers recommended for designation need the additional protection that these designations portend to provide. We are also not aware of any features, resources, or values that would benefit from further designation. The majority of the acreage in the refuge not already in Wilderness status is managed under the “minimal management” classification, which normally allows administrative flexibility, has few environmental impacts, and retains the “status quo” public uses and existing resource management.

Wilderness assessments were conducted in the mid-1980s to fulfill ANILCA Section 1317, which required the Secretary review all lands not designated Wilderness and make recommendations. Those assessments were completed with public hearing and notice and await forwarding by the President to Congress for final action. We note there have been no significant changes in the refuge area since those reviews were completed. If the Service goes forward with repeating the assessment analysis, we ask that the prior questions raised by the state during the first analysis once again be addressed in any considerations of eligibility for Wilderness designation. These include:

- What, if any, outstanding scenic, natural, cultural or historic features would benefit by the maximum protection of a wilderness designation?
- What, if any, natural resources which merit special attention (fish and wildlife, water, ecological systems, etc.) would be affected by a wilderness designation?
- What, if any, primitive recreational values would benefit from a wilderness designation?
- What, if any, intensive habitat enhancement or rehabilitation methods would be restricted or precluded by a wilderness designation (e.g., use of permanent facilities and motorized equipment)?
- What, if any, potential transportation and utility corridors would be affected by a wilderness designation? Are reasonable alternatives available?
- What, if any, existing public access and use patterns would be affected by a wilderness designation (e.g., subsistence use patterns, other harvest patterns and recreational uses)?
- What, if any, opportunities for developed recreation and/or visitor use facilities (e.g., visitor centers, trail construction, cabins) would be restricted or precluded by wilderness?
- What, if any, commercial activities and/or services would be restricted or precluded by a wilderness designation (e.g., commercial fishing or use of permanent base camps for guiding)?

We recognize the requirement under federal law and policy to include alternatives for recommended Wilderness and Wild and Scenic Rivers, however, we find no justification for the three alternatives that include these recommendations. The Service has not made a convincing argument of the need for these additional designations. In addition, such designations may encourage additional public uses of the rivers and result in more conflicts than if left undesignated. We are particularly concerned about these proposed designations in areas adjacent to villages, areas that may be crossed by roads, trails, and utility corridors, and areas where public facilities may be needed to accommodate increasing public use.

We appreciate the fact that the maps have been improved from earlier drafts and no longer recommend that tidelands and large lakes (and presumably navigable waters – it is hard to discern at the current map scale) as recommended wilderness under some of the alternatives.

As previously stated in team meetings, we still question the need for an alternative (Alternative C) that recommends all remaining acreage in the refuge as wilderness. This is a totally untenable alternative that is unlikely to be supported by any local residents and should be dropped.

Concerning recommendations for Wild and Scenic Rivers, a study done of the Kanektok River under ANILCA direction as a possible Wild and Scenic River, by the National Park Service

concluded³ that:

The majority of the Kanektok River is within the Togiak National Wildlife Refuge wilderness. If designated, no acquisition or development costs would be involved, and the portion of the river within the refuge wilderness would continue to be managed by the Fish and Wildlife Service in accordance with the wilderness designation. **Inclusion in the national rivers system would not offer more protection than exists with the present wilderness designation.** The U.S. Fish and Wildlife Service is preparing a comprehensive management plan for the refuge (to be completed in 1984) and expects to continue current management practices to maintain the area as it is now. In addition, local residents do not support adding the river or their lands to the national rivers system. Therefore, the Kanektok is considered unsuitable for inclusion in the National Wild and Scenic Rivers System. [emphasis added]

It is unclear what has changed since 1984 to warrant a change in this conclusion by the Department of the Interior and, hence, inclusion of the Kanektok in the Wild and Scenic River system.

The remaining rivers suggested for designation as Wild and Scenic Rivers, except for the Arolik, also are within the existing Wilderness area of the Refuge. It is unclear what additional protections would accompany designating these as Wild and Scenic Rivers that Wilderness does not already provide. The uplands along the Arolik River have been conveyed to a Native Corporation. Designation of this river as Wild and Scenic technically cannot apply to or affect their use of the uplands (ANILCA 103(c) limits federal regulations to federal lands). Based on our experience in other areas of the state, designation may do more to damage the very conditions that lead to the designation than leaving it undesignated – it will become a flag to those seeking to visit all such locations and probably increase use from current levels more quickly than if left undesignated.

OTHER COMMENTS

1. Alternatives Table, page 4, Camping Opportunities on the Lower Kanektok

Why is the inclusion of comments concerning outhouses at Kagati Lake and Goodnews Lake in this section on the Lower Kanektok River? As for camping limits, consideration needs to be given to increase the duration of camping limits for non-guided users, e.g., to 5 days as discussed at team meetings, or to 7 or 10 days in the Lower Kanektok as mentioned in Alternatives C and D. Non-guided users accessing the area have commented that it takes a great deal of time, effort, and expense to access the Lower Kanektok, and three days does not allow enough time to utilize the area.

³ Final Wild and Scenic River Study, Kanektok River, Alaska, January 20, 1984

2. Recreational Fishing Study Update, page 8

There has not been adequate coordination with the state on the recreational fishing study. As such, we are somewhat handicapped in commenting on preliminary alternatives without the benefit of seeing the study results. The results may indicate that some areas have conflicts and warrant alternatives to address them, while other issues, which managers perceive as significant issues, are in fact, not. The results will also help us understand what the Service was seeking and the relationship of the study to our responsibilities and possible coordinated state land and resource management actions.

We are also concerned that there was minimal involvement with the state on the design and administration of the survey. For example, the Alaska Department of Natural Resources requested inclusion of a question about the length of camping on the lower Kanektok River, which was not included in the survey. In addition, as the manager of the State's fish and wildlife, we would appreciate the opportunity for greater involvement in such studies. This level of involvement would include early participation such as review of the draft study design and draft survey instrument with adequate notice, review schedule, and follow-up on those comments and recommendations offered.

3. Hagemeister Island

Whether or not the island is part of the plan continues to be a mystery. This issue needs to be resolved before the alternatives are developed and the CCP/DEIS is released.

4. Land Status for Areas Adjacent to the Refuge

We request that maps in the CCP/DEIS show the ownership of lands adjacent to the refuge. The CCP/DEIS will address several issues concerning areas around Goodnews and areas north and east of the refuge where the team (and presumably the public) were not able to provide informed comments because this information was not readily available in preliminary planning documents.

5. State-owned Lands within the Refuge

Map keys note other ownerships (Native, other federal, other private etc.) but do not mention tidelands and shorelands in state ownership. We realize this ownership is difficult to portray at the scale of maps used in the update (and probably the CCP/DEIS). Nonetheless, the map keys should at least note this fact (along with the existing note that states that "small parcels may not appear at this scale").

6. Subsistence and Water Quality Study

We look forward to reviewing the draft results of these studies when they are completed.

In conclusion, we have a number of concerns with the direction that the plan revision is heading

in terms of state participation, management, and authorities. At the same time, we have a strong desire to sit down in an informal setting and work out not only those issues and concerns that are important to the state, but also those issues important to the Refuge, the Service, and the refuge users. We feel this approach, applied early and often, will go a long way towards issue resolution and problem solving resulting in a better refuge plan with state agencies as significant stakeholders.

Please contact me at 269-7476 if you have any questions regarding these comments.

Sincerely,

/s/

Don Perrin
Project Review Coordinator

cc: Patrick Galvin, Director, Division of Governmental Coordination
Frank Rue, Commissioner, Department of Fish and Game
Pat Pourchot, Commissioner, Department of Natural Resources
Joseph Perkins, Commissioner, Department of Transportation and Public Facilities
Michele Brown, Commissioner, Department of Environmental Conservation
Deborah Sedwick, Commissioner, Dept. of Community and Economic Development