

STATE OF ALASKA

ANILCA IMPLEMENTATION PROGRAM

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Peter Wikoff, Planning Team Leader
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Dear Mr. Wikoff:

The State of Alaska reviewed the Draft Revised Comprehensive Conservation Plan (CCP) and Environmental Impact Statement for Alaska Peninsula and Becharof National Wildlife Refuges. The comments in this letter represent the consolidated response of Alaska's resource agencies. We appreciate the efforts of the U. S. Fish and Wildlife Service to involve the State in this planning process and the cooperative development of the standard management direction for Alaska refuges. We acknowledge that the first revision of the existing plans is always the most difficult, but the Service's extensive effort to assure accurate information and consider a range of management options is worthwhile and, in fact, is already paying off with other plans.

The primary issues addressed in these comments are wilderness studies, helicopter use, managing for quality recreation experiences and density, management of remote and non-wilderness areas, pre-existing uses in designated Wilderness, clarifying the process for limitations, and compatibility determinations. Discussion of these issues is followed by page-specific comments.

Wilderness Studies

We appreciate the draft CCP's direction regarding wilderness studies and recommendations as described on page 2-88. As you know, the State advocated that new wilderness studies in this round of refuge planning would be inconsistent with ANILCA for the following reasons:

- ANILCA Section 1317 is the only mechanism driving wilderness studies in Alaska refuges;
- Congressional Intent in ANILCA's "no more" clauses (Sections 101(d) and 1326) and the specific time requirements in Section 1317 confirm that this was a one-time directive;
- Reevaluating wilderness suitability is inappropriate and wasteful of government resources in light of the extensive analysis completed pursuant to Section 1317 in the late 1980s and no changes in land use since then that would change the analysis.

Helicopter Use

The Preferred Alternative (Alternative 3) proposes to restrict the use of helicopters for recreational access on approximately 4 million acres of uplands administered by the Service. Current regulations at 43 CFR 36.11 (f)(4) allow the Service to authorize helicopter landings on refuge uplands. Provisions in the Wilderness Act allow the use of motorized and mechanized equipment and the landing of aircraft in designated Wilderness, subject to valid existing rights, and permit uses (50 CFR 35) established prior to the Act, subject to reasonable regulations. The Service is, therefore, authorized to allow helicopter use for recreational activities on Service administered uplands. We strongly urge the Service to allow helicopter landings for recreational purposes within at least a few carefully selected locations. Selection of such areas should evaluate the seasonal use patterns of local residents to minimize conflicts, as well as the biological information and fisheries use information described below.

The discussion of biological impacts associated with the potential for helicopters to introduce invasive species is overstated. The CCP describes potential for long-term, irreversible impacts (page 3-29) while noting negligible short term impacts and a low likelihood of the possibility of introduction (page 4-45). The Service conducts extensive use of helicopters in this and other refuges, but there is no evidence presented in the draft CCP of incidents of introduced invasive species from this activity. With proper, recognized standards for the decontamination of helicopters for invasive species under Hazard Analysis and Critical Control Point (HACCP) methods, as shown by training offered at the Service National Conservation Training Center (HACCP Planning for Natural Resource Pathways, Course Code FIS2131), their use can be safely permitted throughout the refuges.

In addition, the potential for recreational helicopter disturbance of wildlife and impacts on fish populations is unsubstantiated. The two alternatives that would permit the use of helicopters for recreational use each require that sensitive areas for wildlife (as determined in cooperation with the State) be placed off limits to helicopter landings or other frequent disturbances such as low overflights. Under this scenario, threats from the disturbance to wildlife and fisheries by helicopters for recreational use would not be substantially different than if the use were not permitted.

The discussion of helicopters and their effects on recreational quality (page 4-17) does not accurately reflect the use of helicopters outside of designated Wilderness. While use of helicopters for recreation is not allowed in Wilderness unless prior use (prior to the enactment of ANILCA) is demonstrated, use may be authorized in the remainder of the refuge.

In a May 1998 letter denying an application for recreational helicopter landings in the refuge, the Service stated it would conduct a comprehensive analysis of helicopter use in this CCP process. Such an analysis was not conducted. Based on the lack of movement on this analysis, we object to the continued deferral of the commitment to evaluate the entire Refuge for sensitive areas prior to consideration of even a single case-by-case proposal as proposed in Alternative 2. We request the Service continue to adjudicate current permit

applications for recreational helicopter access on a case-by-case basis, with specific routes evaluated cooperatively by the Service and the State while also working jointly to complete the sensitive areas survey by the specified date of 2007.

We are also concerned that under the current situation, recreational helicopter landings within the Refuge occur solely on State shorelands, below mean high water on navigable rivers or lakes. Joint evaluation of landing sites and stipulations for related operations on Refuge uplands would serve to disperse overall use, reduce the potential of conflicts with other users immediately along navigable waters, and provide access to remote areas with less possible disturbances to wildlife within and adjacent to the state shorelands.

We also urge the Service to consider the benefits to permitting carefully managed helicopter use on the refuges. Benefits to the Service and public include increased access for fish and wildlife dependant activities for refuge users, and increased oversight on helicopter operations (including landing areas) on refuge uplands. This increased oversight through commercial permit stipulations will allow the Service and State to ensure that resources are being protected while allowing for limited helicopter access to refuge uplands. Additionally, helicopter access presents an opportunity for refuge users to disperse into areas that receive little to no use, thus reducing conflict situations at other refuge locations.

Managing for Quality Recreation Experiences and Density

The draft CCP suggests that the Service manages for “high quality” recreational experiences. The State agrees that the Service can manage for quality recreational experiences consistent with the definition and criteria provided on page xx of the glossary; however, we request the final CCP avoid referring to management for “high” quality experiences, and ensure consistency with the draft plan’s definition. Areas of the draft CCP that appear to be inconsistent with the recreation quality definition and ANILCA are found on the following pages:

- 1-12 and 2-9 (Goal 6 reference to “high quality” and “low density”)
- 2-10, Objective 53 (reference to high quality)
- 2-39, first full paragraph, first sentence (reference to “high quality” and “low density”)
- 2-103, first full paragraph, last sentence (“quality of angling experience”)
- H-7, last paragraph, second sentence (reference to high quality)
- H-15, last paragraph, second sentence (reference to high quality)
- H-42, Justification, third sentence (reference to high quality)

We also request the final CCP avoid referring to the national Service policy on quality (page 2-92, last paragraph, forth sentence). This text indicates that the Service policy on quality has been finalized; however, this policy had not been finalized at the time of publication of this draft plan. As such, we request the final CCP only refer to the definition and criteria of quality found on page xx of the glossary. The national policy should only be referenced if it is finalized and is applicable to Alaska.

The draft CCP provides direction for “opportunities for high quality wildlife dependent recreation, emphasizing short-term, low density uses...” (pages 1-12 and 2-9). It also states “The density of recreational use would be related to the management area. Moderate Management areas would be managed for greater concentrations of visitors than would be those classified as Minimal Management and Wilderness Management areas.” (page 2-39) We recognize the value of establishing management areas to reflect differences in use patterns and management emphases. We oppose statements of management intent such as these that predispose “density” as the primary attribute of quality, implying that a primary tool for achieving these attributes will be limits on public use throughout these large management units.

Use levels may need to be examined in specific areas where monitoring and data collection indicate detriment to resource values—consistent with the criteria Congress provided. We object to the implication that use levels will be limited in areas that are remote, inaccessible, and unlikely to experience overuse during the life of the plan. We also object to defining the administrative designation of management units defined in such a way to invite limits that may later be imposed without full compliance with ANILCA, specifically Section 1110(a) closure procedures. Some examples of the use of density that imply future limits/restrictions without suitable criteria include:

2-39, first full paragraph, second sentence (Refers to density of recreational use in a management area)

1-12 and 2-9 (Goal 6 reference to “density”)

In reviewing planning documents for other refuges, we find alternative language that addresses similar goals without raising ANILCA procedural concerns. We therefore request revising Goal 6 to be similar to draft refuge goal # 3 for Kanuti National Wildlife Refuge, excerpted here from the Spring, 2004 planning newsletter:

Continue to provide opportunities for wildlife-dependent recreation while emphasizing the current use patterns; short-term, dispersed uses that require minimal facility development or habitat alteration

Consistent with this approach, we also request the plan be revised to focus descriptions on density to the type and levels of uses that are available within that management area, not as an implied means to implement limits on public uses.

Remote Areas Outside Designated Wilderness

The draft CCP addresses recreational access to “remote and sensitive areas” of the refuge, primarily through the restriction of helicopter access on the refuge. We support continued cooperative studies and identification of “sensitive areas” of the refuge; however, we are concerned about management direction based on “remoteness.” We understand many refuge visitors seek remoteness as a characteristic of their trip, and this factor may be considered in the larger context of visitor satisfaction. We also recognize that virtually the entire refuge is, indeed, remote. Under the provisions of ANILCA and its implementing

regulations, the Service lacks laws, regulations, or policies applicable to Alaska refuges to specifically manage for a “remote” experience. Parallel to our comments on density above, we request that the Service treat “remoteness” as a descriptive tool and avoid the appearance of establishing an administrative standard which leads to limits on public uses in the future.

Pre-existing Uses in Designated Wilderness

We object to the following prohibition of “motorized equipment not related to transportation – such as generators or water pumps” (page 2-47, last paragraph):

Under 50 CFR 35.5 (U.S. Government 1996-2003), the director of the Service may allow use of motorized or mechanized equipment in designated Wilderness where such use was established prior to designation. Under this provision, regional policy allows local residents engaged in subsistence activities to use chainsaws. Other motorized and mechanized equipment not related to transportation – such as generators or water pumps – is not allowed (Section 4[c] of the Wilderness Act of 1964, PL 88-577).

The last two sentences above reflect a regional policy that is inconsistent with ANILCA. For example, Section 1316(a) of ANILCA provides, in part:

On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act...the Secretary shall permit, subject to reasonable regulation to ensure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to such activities.

The Service, through policy implemented at the Regional level despite long-standing objections from the State, prohibits the use of many types of mechanized equipment in Wilderness areas. These prohibitions are applied to non-transportation related equipment such as chainsaws, generators or pumps commonly used in areas prior to the establishment Wilderness. The only exception to the regional policy for use of this equipment allowed by ANILCA is specifically for chainsaws by local residents engaged in subsistence activities. This policy is inconsistent with the recommendations adopted by the Alaska Land Use Council (including the Service) and inconsistent with Congress’s clear intent to protect the Alaska lifestyle. Congress recognized this lifestyle with numerous exceptions to the general prohibitions of motorized and mechanized equipment in ANILCA, such as non-detrimental activities associated with hunting, fishing, and trapping among others. We request the final CCP appropriately reflect the rule making process at 50 CFR 36.42 and other applicable laws and regulations as the mechanism to prohibit this type of motorized equipment rather than through policy.

Process for Use Limits

Compared to the refuge system nationally, ANILCA requires additional procedural steps to restrict public access in Alaska refuges under Sections 811 and 1110(a). In essence,

ANILCA explicitly “raises the bar” regarding criteria and methodology, effectively limiting the discretion of refuge managers. We request the plan clearly articulate these various provisions of ANILCA, implementing access regulations in 43 CFR Part 36, Alaska-specific refuge regulations in 50 CFR Part 36, and applicable national regulations, that collectively guide the following framework for decision making in Alaska:

1. Credible baseline data – The collection of baseline data needs to comprehensively address the issue. We recognize and appreciate the draft CCP’s commitment towards more rigorous and cooperatively developed recreation use monitoring as described in Chapter 6 - Implementation and Monitoring.
2. Development of realistic standards that reflect measures of visitor satisfaction.
3. Data used to support restrictions under ANILCA Section 811 or 1110(a) must show detriment (including a likelihood of detriment) to tangible resource values –for example, damage to wildlife habitat.
4. Implement least restrictive means to reduce damage through mitigation methods, including: education, increased enforcement of existing regulations, voluntary guidelines, and commercial use permit stipulations.
5. Finally, if other mitigation methods fail to prevent detrimental effects to resource values, mandatory restrictions/registration/limitations can be proposed through the ANILCA 1110(a) and 811 process at 43 CFR 36 and 50 CFR 36.

General Comment on Compatibility Determinations.

The Draft Compatibility Determinations are written to support the selection of the preferred alternative. Like refuge plans, they are subject to public review. We request clarification about the Service’s ability to revise draft determinations, *and* how the public review requirement would be addressed if the final plan or Record of Decision selects another alternative or makes a final determination that differs from the Draft Compatibility Determinations. Our concern is particularly relevant if the Service selects a different alternative that supports the use of helicopters for recreational use, or allows fuel caches or other uses that the Draft Compatibility Determinations may prohibit.

We urge the Service to remain as consistent as possible with the development of Compatibility Determinations across the Alaska Region refuge system. Compatibility determinations guide Service personnel and the public in how some allowed activities are conducted within Service administered areas. Consistency within the Region will allow for better recognition and compliance of how activities may be conducted. While there may be some instances where site specific concerns necessitate differences between Refuges, in most cases the compatibility determinations and their stipulations should be constant across all Refuges.

Page Specific Comments

Page 1-8, 2nd full paragraph. Please correct the first sentence to read “responsibility for managing fish and resident wildlife...”

Page 1-35, footnote, Remoteness and access restrictions. See general comments on managing for remoteness above.

Page 1-37, Section 1.9.2, first paragraph. Reference is made to the State Tier II caribou hunt but not to the Federal subsistence hunt in the same area. Please correct the final CCP to note that Federal permits may be issued in conjunction with the State Tier II hunt. These Federal permits are available only to local rural residents who have been determined to have customary and traditional uses of caribou in the area and authorize hunting only on Federal public lands. This information is provided later in the draft CCP, but it would be beneficial to reference here as well.

Pages 2-2 thru 2-12, Section 2.2, Refuge Goals and Objectives. Several of the Objectives propose that the refuges collaborate with the Alaska Department of Fish and Game to monitor subsistence harvests of waterfowl, furbearers, and other resources. We appreciate this desire to work cooperatively and ensure that data required for management are available for application to regulatory issues. The Division of Subsistence has developed a variety of data collection instruments over the years that have provided timely and accurate information about subsistence harvests in rural communities.

Page 2-3, goal 1, objective 2, traditional access study. The State strongly supports conducting the proposed cooperative pre-ANILCA access study but requests the final CCP commit to an estimated target date by which the study will be implemented and completed. These studies are necessary to provide information on access in the area and activities that are protected by several provisions in ANILCA. Such a study is needed as baseline prior to development of restrictions through regulations. Delay will result in a loss of knowledge concerning the area through movement and ageing of residents.

Page 2-7, isolated paragraph. We request the first sentence be revised to read:

The opportunity for continued subsistence uses by local residents is one of the purposes of the Refuges established by ANILCA.

Page 2-9, Goal 6, Low Density Uses. We request this goal be rewritten per our general comments on quality, density, and process for limiting use.

Page 2-11, first sentence in 58: Consistent with our general comments on managing for quality, we request the phrase "... and increase the *quality* of recreation experiences..." be replaced with "...and increase the *satisfaction* of recreation experiences..."

Standard Management Direction

The following page-specific comments for pages 2-13 through 2-84 address the standard management direction for all refuges. Some of these comments reflect longstanding issues and others are based on new understandings or conditions since this direction was posted on the Service website.

Page 2-28, Fisheries Restoration. We request clarification of the statement at the end of the first paragraph concerning the Service’s Biological Integrity Policy. The policy discusses biological integrity, but the Service does not manage fisheries populations in Alaska. Through the Master Memorandum of Understanding (MMOU) and other policies and legislation, fisheries in all waters of Alaska are managed by the State of Alaska. Additionally, the Biological Integrity Policy mentions “natural densities” and “levels of variation” but these issues raised serious objections by all 50 states. We urge the final CCP avoid unnecessary flag waving. For example, the Service may have general direction on genetics concerning fisheries stocks, but the State of Alaska is the fish manager in Alaska and has one of the most conservative genetics policy in the nation. Therefore, we request the final CCP recognize the State of Alaska’s published genetics policy. We further request the final CCP clarify refuge management intent to cooperatively approach fisheries activities that may be controversial or conflict with the State’s policy.

Page 2-29, Fishery Enhancement, second paragraph, second sentence. The State reiterates its long-standing objection to the standard management direction statement that the artificial increase of fisheries populations “although authorized, would generally be discouraged.” No Service policy, including the Biological Integrity, Diversity, and Environmental Health policy (601 FW 3) or other regulations support this statement. Additionally, the Refuge Improvement Act of 1997, through which the above referenced Biological Integrity Policy was developed, states at 1.6.W, that:

U.S. Fish and Wildlife Service Mission. Our Mission is working with others to conserve, protect, and *enhance* fish, wildlife, and plants and their habitats for the continuing benefit of the American people. (italics added)

We therefore request replacing “generally discouraged” with the following current Service text for any enhancement project.

Interventions for the purpose of artificially increasing fish populations on the refuge through enhancement, while allowed, will be subject to the provisions of NEPA, an ANILCA Section 810 determination, the Biological Integrity, Diversity, and Environmental Health policy (601 FW 3), and a compatibility determination.

Page 2-37, third full paragraph, second sentence. We request the following revision be adopted as standard management direction for all plans:

In the absence of ..., the validity of all RS 2477 rights-of-way *will* be determined on a case-by-case basis, either through the courts or by legally binding agreement of all landowners *or disclaimer*. (italics added)

The first revision above returns to original language worked out in cooperation with the State. The second revision is a newly requested change to incorporate the new recognition of the recordable disclaimer process available for resolving RS 2477 right of way issues.

Page 2-38, second full paragraph, first sentence. We urge the following clarification and fine tuning of the standard management direction:

The physical location of an easement may be adjusted to meet the most practical on-the-ground location. When warranted due to unavoidable resource damage, the authorized use of an easement may also be adjusted.

Page 2-39, paragraphs two and three, Recreation and Other Public Uses. See proposed new standard management direction described under general comments on quality, density, and process for limiting use.

Page 2-47, Management of Designated Wilderness. We reiterate our long-standing request that the final CCP and standard management direction reflect the motorized uses provided in ANILCA 1316. See general comments on pre-existing uses in designated Wilderness above.

Page 2-49, Navigable waters, fourth paragraph. We request the following new standard management direction be adopted for all management plans due to recent changes in use of recordable disclaimers to resolve ownership of waterways:

In 2003, the Bureau of Land Management (BLM) amended a regulation regarding Section 315 of the Federal Land Policy and Management Act. The amended regulation allows the Secretary of the Interior to disclaim Federal property interests in lands, including lands beneath navigable waters, within the individual states. Upon the filing of an application by the State and following a determination that waters are navigable and the submerged lands were not part of a pre-statehood Federal reservation, the BLM will issue a “recordable disclaimer of interest” (RDI) to remove any clouds on title to the lands beneath the identified navigable waters. (None of the lands within the Alaska Peninsula-Becharof Refuge Complex are pre-Statehood withdrawals.) In October 2003, acting on an application filed by the State of Alaska, the BLM issued its first disclaimer of interest to lands underlying navigable waters, including lands within a national wildlife refuge.

Page 2-59, Minimal Management, third paragraph, second sentence. Consistent with our long standing disagreement with this regional management direction, we request the following revision:

Mechanized and motorized equipment *are allowed* where its use furthers management goals *or when the overall impacts are not detrimental to the resource values of the area as per ANILCA Sections 811, 1110(a) or 1316.*

Page 2-86, last bullet. We urge revising this bullet to read:

- Public use of the Refuges, including use of existing access methods, would be allowed pursuant to ANILCA.

Page 2-92, last paragraph, second to last sentence. Please change the text from “...high quality experiences, as *defined by Service policy...*” to “...quality experiences, as *defined in this plan...*” There is no definition in current Service policy, and the definition in the plan is supportable.

Page 2-92, Public-Use Management Plan, final sentence on the page. The statement, “Unless superceded by the Federal Subsistence Board, the state would continue to have the authority for setting regulations for recreational harvest of fish and wildlife,” is somewhat misleading. Please clarify that the Federal Board is not empowered to regulate recreational harvests; however, it can close federal public lands to non-federally qualified subsistence users, if doing so is necessary to implement the federal subsistence priority. The net result of such closures is that recreational harvests would be disallowed on the affected federal public lands.

Page 2-94, Aircraft, third sentence. We recommend deleting this sentence. It is not pertinent to the discussion in the paragraph (aircraft access in the Refuges). Additionally, conflicts concerning access and subsistence would more appropriately be discussed in the Environmental Consequences chapter.

Page 2-97, Trails and Campsites, third sentence. We request implementation of education efforts for hikers and other visitors to reduce the potential for conflicts with subsistence uses and wildlife.

Page 2-98, Temporary Facilities, second paragraph, food storage. We request clarification that food storage methods and requirements will be developed in consultation with ADF&G and recognition that existing state law that criminalizes attraction of wildlife to food, garbage, and other attractants.

Page 2-103, Public Use and Access. Please see general comments on quality, density, and process for limiting uses and revise accordingly.

Page 2-105, Management Direction, first bullet. Please see general comments on remoteness as a management criterion and revise accordingly.

Page 2-106, Public Use Management Plan, second paragraph, third sentence. Please see general comments on remoteness as a management criterion and revise accordingly.

Page 2-111 Yantarni Bay. The reduction of the Yantarni Bay moderate management area from 9,100 acres to 4,000 acres is a significant management action. Though we have no objections to this change, additional analysis on the change’s impact on activities in the standard management direction is warranted.

Page 3-15, Water Resources, second sentence. We are concerned that references to “...water resources *of* the Refuges...” incorrectly imply that the Service asserts jurisdiction over water and waterways managed by the State. To avoid confusion or unnecessary jurisdictional debate, we request the following revision, which does not imply jurisdiction:

“water resources *flowing through the Refuges...*” Also please revise accordingly on page 3-35,(Fish, third sentence, and the first sentence on the following page), page 3-63, (Refuge Contributions to the Economy, second paragraph), and page 4-38, (last paragraph, first sentence.)

Page 3-37, first full paragraph, first sentence. Reference to recreational fishing effort increasing in the mid-1980s as a result of “several articles in sportfishing magazines” is unsubstantiated. We recommend simply stating there was an increase in effort in the mid-1980s.

Page 3-63, Refuge Contributions to the Economy. The contribution of the refuges to the economy of the area is misconstrued, especially concerning the commercial fishery. While the Service does manage important refuge habitat, the State of Alaska manages both the waters and the commercial fisheries. The discussion would be improved by the following minor revisions in italics:

“Jobs and household income the Refuges *support* are usually viewed as beneficial for the regional economy. The *fisheries based economy* sustains nearly 1,500 local jobs and contribute \$70 million in income annually....”

Pages 3-67 thru 3-78, Section 3.3.2, Affected Environment: Subsistence Uses. This section concisely describes selected subsistence activities in refuge area communities and refers readers to other sources that contain more detailed information. Although the descriptions of subsistence uses are directed to activities occurring on refuge lands, the general pattern probably applies to state and private lands as well. Furbearer trapping and the hunting of small game are also seasonal subsistence activities important to some households.

Page 3-78, Brown Bear Harvests and Uses, second paragraph, first sentence. We suggest changing to “...redfish (spawned out sockeye salmon)...”

Page 3-82, Recreational Fishing, first paragraph. This paragraph is confusing. We recommend the following revision for clarity:

From 1987 through 1997, annual nonresident fishing license sales steadily increased from 140,000 to more than 250,000. In contrast, annual resident fishing license sales fluctuated at around 180,000 throughout the entire time period. Nonresident license sales exceeded resident license sales in 1992 and the gap has widened since, although nonresident sales have declined in recent years.

Page 3-84, Guided Recreational Fishing, third paragraph. “Hooked” should be changed to “caught,” as it seems impossible to know how many of each species were “hooked.”

Page 3-85, Guided Recreational Fishing, first full paragraph. “The top four streams...” should be changed to “The four most popular...” or “The four streams with the highest levels of guided effort...” Also, guided use at Nakaliliok Bay does not show a clearly decreasing trend. In fact, from 1998 to 1999 guided use increased. See also page H-5 (Appendix H) that states use at most locations has leveled off or slightly decreased since the mid-1990s. More recent numbers may show a decreasing trend, but this conclusion is not consistent with the presented data. For data, see Jennings, G. B., K. Sundet, A. E. Bingham, and H. K. Sigurdsson. In prep b. Participation, catch, and harvest in Alaska sport fisheries during 2002. Alaska Department of Fish and Game, Fishery Data Series, Anchorage.

Page 3-87, first paragraph, last sentence. Angler trips exceeded hunting trips in 1989 as well. Please clarify if the reference is only to the 1990s.

Pages 3-93 thru 3-96, Section 3.3.4, Affected Environment: Recreational Uses. The discussion of “Conflicts and Crowding” illustrates the kinds of conflicts that can occur between subsistence and recreational uses. Future studies that examine hunting conflicts should consider distinguishing between local Federally-qualified subsistence users, other residents who hunt under the state regulations, and non-resident hunters. Studies designed to measure satisfaction and other factors in managing recreational use should carefully adhere to the draft CCP’s definition of “quality.”

Page 3-109, Ruth River and Lake, first paragraph, last sentence. The type of Native selections, e.g., corporation selections or individual allotments, should be referenced here.

Page 3-114, second paragraph, Agripina River. This section reports “...this population appears small enough that it could be easily exploited if exposed to significant angling pressure.” We request this sentence be deleted. Significant angling pressure is not defined and the type of fishery is not identified. Furthermore, state fishery management is designed to avoid potential impacts through regular monitoring. We welcome the opportunity to address this issue with the Service if it has data or desires to coordinate in monitoring the fishery.

Pages 4-10 thru 4-14, Section 4.2.2, Alternative 1, Environmental Consequences: Subsistence Resources and Use. The first paragraph in the section on “Caribou and Moose,” cites percentages of caribou harvested on refuge lands in the mid-1990s. The low percentages should not be construed as meaning the refuge is not important for hunting caribou. Caribou abundance and migratory patterns can fluctuate over time. In some years the percentages of caribou harvested on refuge lands might be higher. At the top of page 4-12, the draft CCP states, “The Alaska Board of Game and the Federal Subsistence Board (not the Service) determine caribou-hunting regulations for recreational and subsistence hunters, respectively...” A more accurate statement is, “The Alaska Board of Game enacts resident and non-resident caribou hunting regulations, while the Federal Subsistence Board (not the Service) determines federal regulations, if needed for rural residents who have a customary and traditional use of caribou in the refuge area.”

Page 4-15, Effects on Recreational Fishing, first paragraph. See comments concerning page 3-85 about lack of data indicating a clear decreasing trend on Nakalilok Bay.

Pages 4-15 and 4-16, Effects on Recreational Fishing. The discussion of quality throughout this section implies that the Service intends to manage for pre-determined experiences. “Quality” can vary greatly among users, evolves over time, and should not be used to pre-determine the type of experience that the user may have. It is very important that the final CCP recognize the state’s responsibility to manage the fishery and to evaluate management options consistent with the definition of quality in the draft CCP per our general comments on quality, density, and process for limiting uses.

In the conclusions section, the text states:

Without limits on air taxis or recreational anglers, increases in unguided recreational fishing levels are likely to continue, which could lead to crowding at some popular areas that are most likely the same areas that are frequented by guided recreational anglers.

The data presented do not support the statement above (and on pages 4-27 and 4-37), especially considering it was collected from the mid to late 1990s and the economics of recreational fishing have since changed substantially, showing declining trends in the Bristol Bay area. The conclusion presented is also inconsistent with the last paragraph on page 4-17 that begins:

Given the generally stable trends in use patterns, the absence of a more rigorous program to monitor recreational opportunities and quality under Alternative 1,...does not appear to have resulted in significant impacts on recreational opportunities.

We look forward to working with the Service, in cooperation with ADF&G, to monitor the levels of use in the area for change. In the mean time, we do not anticipate that limits on air taxis or recreational fisherman will be necessary.

Page, 4-23, Helicopters, last sentence. We request rewording to:

If angling effort on previously inaccessible backcountry streams increased significantly, fish populations in those areas should be monitored and, if necessary, regulations developed through the Alaska Board of Fisheries to protect the populations’ historical size and age composition and abundance.

Page 4-29, Effects on Other Recreation Opportunities and Recreation Quality, second full paragraph. See general comments on quality, density, and process for limiting use.

Page 4-31, Caribou and Moose, last sentence. No evidence is presented to show that hunting pressure would likely increase over time, especially since it is illegal under state law to use a helicopter to assist in hunting. Legal hunting pressure, without the aid of

helicopters, has been stable or declining over the past few years, as shown on pages 4-14 and 4-15, Effects on Recreational Hunting. We request revision to reflect these comments and the removal of references to hunting as an impact related to helicopters.

Page 4-31, Caribou and Moose, conclusions. The text should indicate that the disturbances caused by helicopters in Alternatives 1 and 2 are considered to be minor, with a low likelihood of occurrence.(see Table 4-1, page 4-43). This comment is also applicable to the conclusions for bears, wolves, seabirds and other avian species (page 4-32) and Recreational Uses (page 4-37).

Pages 4-36 thru 4-37, Section 4.3.3, Alternative 3, Effects on Subsistence Uses. We agree that monitoring is important to assess the impacts of public uses on subsistence uses – as long as it does not become intrusive and disruptive. We also appreciate the discussion of the results of monitoring at these sites in Appendix H, pages H-5 and H-6.

Page 4-38, Recreational Uses, second full paragraph, first sentence. ADF&G's Division of Sport Fish conducts annual surveys of recreational fishers to estimate angling effort and harvest throughout the State, including the area referenced here.

Page 4-43 thru 4-46, Summary of Environmental Consequences by Alternative. The matrix fails to show why helicopters cause more impacts, including the introduction of invasive species, than other methods of access, nor does it show that proper decontamination techniques can largely mitigate the concern for introduction of invasive species. (see general comments on helicopters). We note that the matrix does show that the likelihood of impacts caused by disturbances from helicopters will generally be minor, low or negligible in most instances.

Page 5-2, Access to Remote and Sensitive Areas. Please see our general comments on managing for remoteness.

Page 5-4, second full paragraph: The first sentence indicates that a Wilderness designation increases the protection of fish and wildlife resources. We do not support this statement and further note that it contradicts subsequent statements that some fish and wildlife management activities (e.g. enhancement) may be precluded. From the State's perspective, loss of management flexibility is more problematic for fisheries protection than concern about activities that may not be compatible with Wilderness management.

Appendix C

We note the following discrepancies between the list of easements in appendix C and the BLM 17(b) easement maps located at http://www.dnr.state.ak.us/mlw/trails/17b/easement_maps.htm. (These are maps prepared by the Bureau of Land Management and posted under agreement with the State of Alaska on the Department of Natural Resources website.)

EIN 2a D9, This easement does not show on the easement map

EIN 2c D9, This easement does not show on the easement map

EIN 3 D9, This easement does not show on the easement map
EIN 7 C5, This easement does not show on the easement map
EIN 4 D9, This easement does not show on the easement map
EIN 6 D9, This easement does not show on the easement map
EIN 5a D9, This easement does not show on the easement map
EIN 5b D9, This easement does not show on the easement map

In addition, we request the following revision to the easements below:

EIN 1 D9, should read (50 feet wide: Black Lake southerly to *Chialtuak Creek* along east (left) bank of Chignik River. (italics added)
EIN 23, Should read “T43S, 60W”, not “T44S, R61W”.
EIN 3 D9, Should read “Sec. 22_ “Granville Portage”, not “23_Granville Portage”.
EIN 13 E, should read in its entirety:

Proposed access trail from the Port Heiden Road system southeasterly to Barabara Creek where the trail forks; the north fork parallels the right bank of Barabara Creek to public lands. The south fork roughly parallels the coastline and the right bank of the Meshik River to public lands (25 foot trail).

EIN 18 C4, change Chignik River to Portage Bay.

Is the Service only notating EIN’s through Service administered land or is there an intent to show all of the EIN’s that the Service is responsible for administering within the area? If the latter, the following should be included:

EIN 19 C4, Trail from Windy Bay to Public Land
Section 31, T46S, R60W, SM
Or Section 36, T46S, R61W, SM
Trail to Sec 7, T47S, R61W, SM

Page H-9, Appendix H, Draft Compatibility Determination: Recreational Hunting.

The second paragraph in the “Description of Uses” on page H-10 states in part: “...The Federal Subsistence Board subsequently closed all Refuges lands to caribou hunting by non-local users. Therefore, recreational hunting of caribou is not at this time allowed on the Refuges...”. Please revise the second sentence to read, “Therefore, hunting of caribou by non-residents and Alaska residents who are non-federally qualified subsistence users is not at this time allowed on federal lands in the Refuges.” This is an important distinction that, without change, misrepresents the State regulations.

Page H-14, Appendix H, Draft Compatibility Determination: Recreational Hunting,

stipulations, first bullet. This stipulation intends “to ensure that wildlife-dependent recreation does not exceed projected levels.” We are unaware of any “projected levels” of wildlife dependent activities or any agreements with the State to limit these activities, nor authority of the Service to enforce this stipulation. We urge removal of this inappropriate stipulation.

Page H-19, Appendix H, fifth full paragraph, last sentence. We suggest replacing “Native way of knowing” with the more commonly used expression “traditional ecological knowledge” or “local knowledge.”

Page H-27, Appendix H Commercially Guided Recreational Fishing, Description of Uses. The data used in this compatibility determination is sufficiently out-of-date (up to 6 years old) to be of use in assessing current trends. The data in the third paragraph on page H-27 showing use by drainage would be more valuable if it showed the trends in current visitor use rather than total use days over a seven year period ending four years ago.

Page H-27, Appendix H, Commercially Guided Recreational Fishing, Description of Uses, fifth paragraph, fourth sentence. The compatibility determination explains that it does not address helicopter access within the Refuges; however, the use of helicopters is prohibited in the stipulations for this activity. This appears to be a significant oversight and we request this section be revised appropriately.

Page H-49, Appendix H, Commercial Transporter Services, stipulations. Due to the distances involved in accessing this remote and expansive refuge complex, in addition to variability of the weather, the ability to cache fuel may be, under specific criteria, necessary to safely conduct otherwise legal activities. Without the ability to cache fuel, large portions of the units will be inaccessible and many activities will be largely curtailed – an important State concern. We request reconsideration of this stipulation and cooperative effort with State and commercial operators to address any legitimate concerns about fuel storage. Alternative measures may address the concerns without a prohibition. See also Page H-71, Scientific Research, stipulations.

Please contact me at 907-269-7476 if you have any questions regarding these comments.

Sincerely,

/ss/

Don Perrin
Project Coordinator

cc: Sally Gibert, Statewide ANILCA Coordinator