

STATE OF ALASKA

FRANK H MURKOWSKI
GOVERNOR

ANILCA IMPLEMENTATION PROGRAM

550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981
susan_magee@dnr.state.ak.us

July 1, 2005

Maggi Arend, Planning Team Leader
U.S. Fish and Wildlife Service
Division of Conservation Planning & Policy
1011 East Tudor Road, MS-231
Anchorage, AK 99503

Re: Izembek National Wildlife Refuge Comprehensive Conservation Plan Revision,
Scoping Comments

Dear Ms. Arend:

As an active participant in the scoping process for the revision of the Izembek National Wildlife Refuge Comprehensive Conservation Plan (CCP), the State of Alaska appreciates the opportunity to identify issues for consideration in the plan. This letter identifies issues, concerns, or interests identified by state agencies through the scoping process to date. These issues are not listed in any order of priority.

Application of General Management Policies and Guidelines

We encourage the refuge to incorporate the general Management Policies and Guidelines that address common issues of statewide significance for other refuges in Alaska. This guidance, developed through considerable effort at the beginning of the Alaska Region's CCP revision process, is a significant improvement over the policies used in the 1985 CCP and EIS. We understand that, in some instances, it may be necessary to tailor these policies to meet the needs of individual refuges, although at this time we do not see a need to do so for the Izembek Refuge. If the scoping phase raises any issues that might lead to a change in the general Management Policies, we request a consultation opportunity to learn more about the issue(s).

Public Use Management Actions

The 1985 CCP did not prescribe limits on public use and access management above and beyond the general management direction currently used in the revision of other refuges' CCPs. Since the current and projected level of public use in Izembek continues to be lower than many national wildlife refuges in the state, we do not see a need for alternatives that restrict the number of commercial or non-commercial visits to the refuge.

Available Data and New Research

Common to many issues is the need for adequate data to support sound decision-making. The State is interested in the type, source, and scope of the data that will provide the basis of management actions in the revised CCP. When new research is undertaken or developed by the refuge to assist with management decisions, we request early consultation in the objectives, design and conduct of studies. Our experience has shown that controversial issues can often be resolved with the collection and application of objective, defensible data, and the State desires to be a partner wherever possible.

ANILCA Provisions

The Service is developing the plan in accordance with the provisions of the Refuge Improvement Act and the Alaska National Interest Lands Conservation Act (ANILCA, P.L. 96-487). Provisions of ANILCA important to the State include Sections 811, 1110(a), and 1316(a), among others.

Section 811 of ANILCA, addressing all federal public lands in Alaska, states that:

“...the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation...”

ANILCA Section 1110(a) mandates that:

“...the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover...), motorboats, airplanes, and non-motorized surface transportation methods for traditional activities...and for travel to and from villages or homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units...and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use is detrimental to the resource values of the unit or area.”

In addition, Section 1316(a) allows:

“On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure 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...”

Studies of Access for Traditional Activities

As a result of the King Cove Access Project, the State and Service worked together to document traditional (pre-ANILCA) access and activities for an off-road vehicle (ORV) closure of refuge lands adjacent to a portion of the hovercraft access terminal road. We encourage the Service to expand and complete traditional activities and access studies in this manner for the remainder of the refuge. This information is important for evaluating both current and future management of access, and essential if the Service intends to continue limiting traditional use of off-road vehicles for subsistence purposes to designated roads and trails that are already open to general public use.

Process to Limit Public Access

When compared to other conservation system units (CSUs) outside Alaska, ANILCA requires additional procedural steps to restrict public access in Alaska CSUs under Sections 811 and 1110(a). Congress expressly intended to “*limit the manager’s discretionary authority*” to protect on going public uses in the areas. [Senate Report 96-413] Congress intended that public uses generally occurring at the time of ANILCA’s passage be allowed to continue without burdensome paperwork (e.g., permits) and may only be restricted via reasonable regulation when managers demonstrate that such use is causing or will cause measurable harm to resource values. Various provisions of ANILCA and accompanying Department of the Interior regulations in 43 CFR Part 36 and Alaska-specific refuge regulations in 50 CFR Part 36, collectively guide management and regulation of access on refuges in Alaska.

In the State’s experience, the following elements help to assure compliance with ANILCA access provisions in Alaska (and consequently enhance the potential for State support):

- An understanding of the underlying issue or issues. Sometimes what appears to be an issue masks a hidden issue of possibly greater relevance. Reaching agreement about the nature of an issue is likely to point more quickly toward a viable solution.
- Credible baseline data are necessary, especially to determine what activities and access were generally occurring at passage of ANILCA, and for documenting trends that specifically address the management issues or concerns. The State strongly encourages cooperative design and evaluation of any new studies.
- Data used to support access restrictions under ANILCA Section 1110(a) must show that the activity would be detrimental to measurable resource values – e.g., damage to wildlife habitat. Managers need not wait for damage to occur. Scientifically verifiable data predicting future detrimental affects may be used if the studies are applicable.
- Reasonable standards that reflect measures of visitor satisfaction may be used if based on valid user surveys or other quantifiable measuring tools.
- Least restrictive means to mitigate impacts and achieve management goals, including: education, increased enforcement of existing regulations (e.g. speed limits), voluntary guidelines, non-federal management tools, and commercial permit stipulations, should be implemented.

- ❑ If other mitigation methods fail to prevent detrimental effects to resource values, mandatory restrictions/registration/prohibitions may be proposed through the ANILCA 1110(a) process at 43 CFR Part 36.11 or other applicable Alaska-specific regulations. Restrictions should be limited to the specific activity causing the concern, and be the minimum necessary (e.g. seasonal or temporal limits).
- ❑ Use of permits should be avoided except where necessary to protect visitor safety or when resource damage has been documented (not solely to collect visitor data) and where the permit system is (a) limited to the smallest area necessary to address the issue, (b) easily understood and used by the public, and (c) implemented through regulation.

Subsistence

Waterfowl and the South Alaska Peninsula Caribou Herd are important resources used for subsistence purposes by refuge area communities.

The Division of Subsistence has conducted several studies in refuge area communities since the original CCP was completed in 1985. We recommend the resulting reports be reviewed for more current information on subsistence use patterns in these communities. If paper copies aren't readily accessible to the planning team, most of the Technical Papers listed below are available as .pdf files on the Division of Subsistence website.

Technical paper & Topic

- 183 False Pass subsistence baseline
- 191 Subsistence uses of Southern Alaska Peninsula Caribou
- 227 King Cove subsistence baseline
- 197 Subsistence harvest of migratory birds in Alaska
- 234 Subsistence harvest of black brant, emperor geese and eider ducks in Alaska
- 229, 233, 236, 241, 246, 250, 266 & 273 Annual reports on the subsistence harvest of harbor seals and sea lions in Alaska.

Waterfowl Guiding

Concerns for guiding should be considered in cooperation with the State when it occurs on State waters within the refuge.

Grant Point Boat Launch

The State requests discussions with the Service regarding potential improvements to the boat launch ramp and associated facilities at Grant Point.

RS 2477

Consistent with most previous CCPs and the recent draft of the Alaska Peninsula/Becharof CCP, we request inclusion of a list and map of state-asserted RS 2477 rights of way.

Transportation and Utility Systems

In addition to anticipated general discussion in the common management direction about possible future transportation and utility systems within the context of ANILCA Title XI,

we request recognition of applicable potential corridors identified in the Bristol Bay Cooperative Management Plan process that was required by ANILCA Section 1203. We request the CCP also reference the potential transportation corridors across air, land and water identified by the Alaska Department of Transportation and Public Facilities through the 2004 Southwest Alaska Transportation Plan.

ANCSA 17(b) Easements

We request the CCP address management (signage, maintenance, etc.) of ANCSA 17(b) easements outside the refuge that provide access to the refuge. A list and map of 17(b) easements should also be included in the plan.

Memoranda of Agreement

Consistent with other CCPs, we request inclusion in the Appendix of the Master Memorandum of Understanding between the U. S. Fish and Wildlife Service and the Alaska Department of Fish and Game, and the 1986 supplemental agreement addressing the Izembek State Game Refuge and the Izembek National Wildlife Refuge. Both of these agreements are still in effect.

Thank you for considering these comments. If you have any questions, please contact me at (907) 269-7529 or email susan_magee@dnr.state.ak.us.

Sincerely,



Susan E. Magee
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator