

STATE OF ALASKA

SEAN PARNELL, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

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November 20, 2009

Adrienne Lindholm
National Park Service
240 West 5th Avenue
Anchorage, Alaska 99501

Dear Ms. Lindholm:

The State of Alaska reviewed the National Park Service (Service) Scoping Notice and associated briefing document and questionnaire regarding the Big Game Transportation Services Plan for the Noatak National Preserve (Preserve). This letter represents the consolidated views and comments from state resources agencies. We appreciate the Service's continued commitment to work with the State and others regarding planning on Service lands. In general, the State conceptually prefers solutions that rely on least-restrictive management tools, only phasing in federal regulatory solutions when voluntary and state-managed tools are first shown to be ineffective.

The State is keenly aware that fall hunting in Game Management 23 (GMU 23) has been the subject of user conflict since the early 1980s, primarily between local area residents and non-local hunters transported by commercial operators. We also understand the Service faces considerable pressure to act regarding this complex issue. We support resolution of this conflict and, while we support the Service's efforts to participate in a solution, we caution against getting too far ahead of concurrent interagency efforts.

The GMU 23 User Conflict Working Group (Working Group) is working toward solutions to issues associated with fall hunting. To date, the Working Group has submitted proposals, recently approved by the Alaska Board of Game, to alter the timing of the Noatak Controlled Use Area and require education on local issues for pilots carrying hunters in GMU 23. The Working Group also recommends expanding the Big Game Commercial Services Board (BGCSB) authorities to regulate transporter numbers and use areas. In addition, independent education and communication programs have shown progress in combating wanton waste. We support these efforts and trust the Service does as well.

The Service's interim decision to implement a competitive process for issuing commercial use authorizations to transporters has potential to further mitigate user conflicts in GMU 23. When implementing the interim competitive process, criteria could include giving preference to those operators that commit to minimizing impacts on

wildlife resources, habitat, and other users while remaining affordable. Additionally, all transporters and guides should be expected, to the best of their abilities, to provide safe, quality experiences for hunters. However, we also recommend the Service refrain from implementing a longer-term transportation plan until the effects of the interim competitive process on all users are properly evaluated.

We anticipate the Working Group's proposals, the Service's interim competitive process, and the efforts by State Representative Reggie Joule and State Senator Donny Olson to expand BGCSB authorities, may adequately address user conflicts in GMU 23 in a comprehensive manner. Pending the results of these processes, independent federal action may be premature. We recommend that, while drafting the transportation plan, the Service closely monitor progress of, and take into consideration, these other proposed solutions. For example, the Service should consider whether long-term restrictions on commercial transporters are warranted considering the recommendations from the Working Group, existing Service enforcement authorities, and State/Federal access restrictions within the Noatak Controlled Use Area.

The Alaska National Interest Lands Conservation Act (ANILCA) is another important consideration in this process. ANILCA Section 1110(a) permits certain motorized access, including airplanes, for traditional activities subject to reasonable regulation. By any reasonable standard, hunting by local and non-local hunters is clearly a traditional activity. Consequently, ANILCA requires that restriction of such traditional activities within the Preserve must be based on documented impacts to local resources and values. Since wildlife populations remain stable and non-local access is already partially restricted by the State via the Noatak Controlled Use Area, additional restrictions may be difficult to justify.

We realize that regulation of transporters, as a commercial activity, is technically different from regulating traditional activities under Section 1110(a). However, without commercial transporters, public access to this area for hunting is, for all practical purposes, closed to non-local hunters (Alaska residents and non-residents) that do not fly their own airplanes. For this reason, the fundamental intent of Section 1110(a) needs to be considered within the existing framework of issues.

The impact on local transportation costs is another factor to address when considering limits on transporters. The overwhelming majority of hunters (both resident and non-resident) utilize transporters to access the Preserve when hunting caribou, often in conjunction with a regional hub commercial flight. If the number of transporters is substantially limited by the Service, market economics may lead to a significant increase in transportation service costs due to limited competition.

Potential limits on public access within the Preserve may displace hunting pressure to other portions of GMU 23, which could interfere with the Alaska Department of Fish and Game's ability to manage wildlife populations or lead to diverting conflict elsewhere without improving the overall issue. To address this concern, we request the Service closely coordinate with the State throughout the planning process. We also encourage the

Service, as well as other federal land management agencies in the region, to “*coordinate their planning and management to the maximum extent possible.*” (Working Group, January 2009) Moreover, we recommend the Service provide a draft set of alternatives to local and non-local constituents prior to the formal comment period to better ascertain and address public sentiment.

Finally, we understand that ideas gathered from the questions in the scoping letter will only be used to supplement and inform the decision making process. We anticipate the input received will mainly reflect the views of local subsistence users due to the types of questions asked and the inherent difficulty in identifying and contacting resident and non-resident hunters. For this reason, we understand the Service will not be numerically compiling nor using the information gathered for statistical purposes. Care should also be taken to avoid unnecessarily attributing certain reported impacts to one or another user group, unless actual differences can be documented.

Thank you for the opportunity to provide these comments. If you have any questions, please contact me at 907-269-7477.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sally Gibert".

Sally Gibert
State ANILCA Program Coordinator

cc: George Helfrich, Superintendent, Western Arctic National Parklands