

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

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23 March 1983

Carl D. Johnson  
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P.O. Box 1150  
Fairbanks, Alaska 99707

Dear Carl,

State CSU contacts have completed their review of the draft River Management Plans for Birch and Beaver Creeks. We appreciate the deadline extension you have granted us to facilitate a more comprehensive review of these plans.

Overall, reviewers were disturbed by the lack of detail in the management plans (required by ANILCA Sec. 605(d)). As one noted:

The fact that both management plans are virtually identical, leads us to believe that issues specific to a particular river are not being addressed. We find these plans to be overly generalized. Major issues and questions have not been sufficiently addressed and in some cases, have not been mentioned at all. Therefore, we find difficulty in commenting on them. We can only restate these concerns and wait and see how the management plan will actually address them. It is inconceivable that a management plan for a wild river side-step paramount concerns. The Bureau of Land Management should re-evaluate this document and address the concerns of this and other agencies.

The State offers the following general comments on the plans:

The distinctions among and between Major Issues and Concerns and Management Actions are unclear. The issue should be clearly stated, the existing situation identified (not how wild river designation will impact the area), and management considerations listed. For instance, the Facility Management item in the Birch Creek Plan (item 6, page 29) is confusing. "Increased public use. . ." does not describe the existing situation and would be more appropriate if included as a management consideration. The

existing situation is best described by four statements now included in the management considerations, "Birch Creek provides a primitive recreational opportunity due to the overall lack of facilities or other evidence of human use; the present levels of dispersed recreation use have not created identifiable resource degradation or sanitation problems; a small number of trappers' cabins are known to exist within the river corridor; and no visitor facilities exist within the river corridor." Although the information required seems to be present, the poor organization confuses the reader. In comparison, the Unalakleet draft river management plan, which is also being reviewed, seems to clearly provide the information required. We recommend that BLM's Fairbanks District carefully follow the river management plan format, using the Unalakleet plan as a model.

The State is also concerned about the lack of concrete supporting material. Numbers and percentages--instead of "most miners," "a number of claims," and the like--allow a better overview of uses and impacts in the river corridors. We request that BLM use such data when appropriate and available.

Access is, of course, a major concern of the State. The Alaska Department of Transportation and Public Facilities noted that throughout these plans there is absolutely no mention of RS 2477 roads and trails, section line easements, the Bulenburg Trail or the Circle Hot Springs - Eagle Road corridor which would cross Birch Creek. What guidelines would be set for upgrading? What criteria would establish a need to set up guidelines? What type of crossings would be compatible on a Wild River? The creeks themselves are trails; in summer boats and other crafts are used and in winter the frozen creeks serve as trails for snow machines, sleds, etc. How is this taken into consideration? How will management of the "viewshed" affect access on existing trails or the acquisition of material sites? What type of access will be provided to Beaver Creek? None of these issues or questions have been addressed in the plans.

The issues of navigability and land status, which are of great concern to the State, are addressed in the attached letter from the Alaska Department of Natural Resources (DNR) to BLM.

Where sections of Birch Creek are determined to be navigable, the Alaska Department of Environmental Conservation (DEC) recommends further state-federal planning efforts. DEC would also like to achieve enforcement coordination where possible and also to carry over their concerns for water quality, waste-water and solid waste disposal, enforcement and management coordination to the Beaver Creek system where applicable.

It appears that the planning team directed little attention to subsistence and related resource use issues in developing these RMP's; whether or not this is the case, further consideration to these matters seems to be in order.

1. Both RMP's imply that Native peoples historically made little use of the Birch Creek and upper Beaver Creek areas for hunting, fishing, trapping, and other resource collection activities. This simply is not supported by information readily available in the published literature and through field research conducted by the Alaska Department of Fish and Game (ADF&G). For example, the Birch Creek Kutchin, one of 9 or 10 regional Kutchin bands identified at the time of first contact with white explorers in the mid-1800's, utilized a land area which included portions of Beaver Creek and most of Birch Creek. Hudson Stuck found a site in the early 1900's once occupied by the Birch Creek band, located near Beaver Creek at the base of the White Mountains. Specific references to, and additional examples of, historic use patterns of the area are available upon request.
2. Contemporary residents of Birch Creek, Circle, and Fort Yukon pursue a variety of resource harvesting activities in or near the Birch and Beaver Creek Wild and Scenic River corridors. ADF&G reports currently in preparation by Division of Subsistence will provide specific details for Birch Creek and some Fort Yukon residents, but further research may be required in order to ascertain areas currently utilized in the two River corridors.
3. Declining water quality in Birch Creek is associated with alterations both to resources and resource use patterns by area residents. A forthcoming ADF&G, Division of Subsistence report will assess the effects of turbid water associated with mining activity on Birch Creek, to residents of Birch Creek village. If water quality is improved in Birch and Beaver Creeks, use of the corridors and surrounding areas might occur to a greater extent than now is the case for resource harvesting activities. The extent to which this might conflict or be compatible with RMP objectives merits further consideration in the planning process, especially regarding application of Title XIII of ANILCA.
4. At some point in the planning process, the cumulative effects of the Birch Creek and Beaver Creek National Wild Rivers, the Steese National Conservation Area, and the White Mountains National Recreation Area (and any other proposed land actions) must be assessed vis-a-vis their influences on contemporary resource use patterns. We encourage acknowledgment of subsistence users as a group which might well experience increasing conflicts with other user groups, in the event more restrictions are placed on land and water uses.

ADF&G's Division of Subsistence has offered to provide more specific comments upon request. It is recommended that more attention by the planning team be given to resource use patterns in the areas within and adjoining the Birch Creek and Beaver Creek National Wild River corridors. It may also be advisable to consult with residents of local communities who pursue resource harvesting activities in the aforementioned areas.

State agencies also had specific comments on the management plans. Since the plans are similar the references given in the following section refer to the Birch Creek plan, unless otherwise noted, but they are generally applicable to both plans.

Page 3, Paragraph 1: Add Eagle Creek as an important tributary.

Page 3, Paragraph 4: Change the first sentence to read:

"While placer mining may adversely affect..."

Page 5, Paragraph 1: Omit the word "occasionally" from the last sentence. Add:

"Birch Creek itself has been a major mining access corridor since 1892."

DNR and DOT/PF can provide further information on trails.

Page 8, Paragraph 2: If turbidity data is available, it should be provided here.

Page 9, Paragraph 5: Change "improved gravel road" to "state highway". We do not agree with the last sentence regarding access. Please verify with DOT/PF the milepost of the state access and the location of mining access roads.

Page 10, Paragraph 3: We would appreciate a reference to the data which supports this statement.

Page 11, Paragraph 2: Rewrite the first sentence to read:

"Placer gold deposits have been continuously worked except during World War II in the headwaters of Birch Creek, notably Butte, Gold Dust, Eagle, and Harrison Creeks."

Page 11, Paragraph 3: The statement regarding no nominations within the river corridor to the National Register of Historic Places is erroneous. BLM should contact DNR regarding the status of the Fairbanks to Circle Historical Mining Trail. Also, please rewrite the second to last sentence of this paragraph to read:

"While much evidence of mining activities from the early 1900's is visible, modern large scale placer mining operations are extensively working new claims."

Page 11, Paragraph 3: The Fairbanks-Circle trail, which is within or adjacent to the river corridors, has been submitted to the State Historic Preservation Officer for nomination to the National Register of Historic Places. Since the trail has not yet been nominated, BLM is correct in stating no properties within the river corridors have been nominated to the National Register; however, the trail's eligibility for nomination requires consideration as a historic resource. The trail will facilitate non-river access to the rivers and we urge BLM to consider this factor in its management plans.

Page 16: A paragraph in this section should note that ADF&G has permit jurisdiction over activities affecting anadromous streams "frequented by fish" if those activities will result in the physical obstruction of that stream (A.S. 16.05.870 & A.S. 16.05.840). Birch and Beaver Creeks are listed in the current anadromous stream catalog (Interior Volume II) due to their use by king, chum, coho, sheefish and whitefish.

Page 13, Paragraph 1: Information should be included at the end of this paragraph (or a new paragraph added here) which gives the status of RS2477 trails and roads, section line easements, the Bulenburg Trail, the Circle Hot Springs to Eagle Corridor and any other traditional use trails in the Birch Creek area. BLM should coordinate with the right-of-way sections of DNR and DOT/PF.

Page 14, Paragraph 5: The correct terminology, when speaking of submerged lands beneath rivers and lakes, is "up to the ordinary high water mark" rather than "between mean high water lines."

Page 20-21, Item 1: Prohibition of ATV crossings through Wild or Scenic Rivers will effectively preclude access to sizable portions of public lands beyond the river. Such crossings would probably constitute an insignificant disruption of the aesthetic appeal of the river to most users, would not disrupt a significant amount of wildlife habitat and would not cause a great deal of disturbance to natural wildlife behavior.

Page 21, Paragraph 5: This sentence insinuates that all raptors are directly dependent on aquatic resources, perhaps another example would be more appropriate (e.g. waterfowl).

Page 22-23, Item 2: Aircraft access to Beaver Creek is the primary method of access. There is a large amount of aircraft use of gravel bars for access during the summer months, mostly for fishing purposes.

Page 25, Paragraph 1: Is it possible for DEC to look at the supporting data for the statement that most mining claims affecting the wild river are properly located and are in compliance with state and federal resource protection regulations?

Page 26, Item 4 - Water Quality: The first sentence is contradictory. We would prefer the following:

"The use of tractors, pumps, sluice boxes and other equipment related to placer mining activities has degraded the water quality of Birch Creek to the extent that some state water quality contaminant levels are exceeded."

Page 27, Paragraph 4: Please add the following clarifying statement:

"This department has been actively working with and will continue to work with, the mining community of Birch Creek to minimize water quality impacts from mining discharge effluents.

Page 27, Paragraph 5: We object to this statement since it is unfounded. The Birch Creek Mining Community has been cooperating with state agencies to mitigate the negative impacts of placer mining on Birch Creek. Examples of this cooperation includes meeting tri-agency permit requirements and putting in settling ponds after consultation with DEC.

Page 27, Paragraph 7: Change "Implementing existing water quality standards..." to "complying with existing water quality standards..."

Page 30, Item 7: Visitor Management: We recommend that the sentence "No on-site management controls are evident..." be stricken from the text since the statement is unfounded. Please refer to our comments on Page 27, Paragraph 5.

Page 32, Paragraph 5: There should be a listing of endangered plants and wildlife found within the corridors.

Pages 33 and 51: Section 13 of the Wild and Scenic River Act refers to hunting and fishing authorities, not section 12.

Page 34, Item 12: BLM does not adequately answer the question they pose: "What form of fire management should be practiced?" At the very least, an attempt to return to a natural fire regime should be made. ADF&G also encourages retention of the option to manipulate habitat further through prescribed burning in order to attain specific management goals.

Pages 34-35, Item 12, Fire Management: We would like to be kept informed of the progress and continue to participate in developing the area fire management plan. We would like the opportunity to review and approve this document.

Page 36, Item 14: A burned landscape should not be considered an impairment of the scenic quality since it is an inevitable temporary result of a natural part of the ecosystem (i.e. fire).

- Pages 37-38, Item 15, Water Resources Management: We would like a clarification of the federal position on water diversion for mining activities and settling ponds both within the river corridor and outside of it on Birch Creek tributaries. DEC has been working with the mining community to put in adequate settling ponds. Perhaps this issue needs to wait until the State Instream Flow Regulations are promulgated.
- Page 39, Item 17: Tree removal is a way of enhancing habitat for some wildlife, therefore cutting of cabin logs or commercial harvesting can compliment game management objectives. Since the view from the river is usually restricted, small-scale logging could be accommodated without visual distraction of floaters if cutting is kept back from the forest edge and stumps are low.
- Page 42, Action 1.1: This section should specifically state "...shall generally not be permitted within or across the river corridor unless there is no economically feasible and prudent alternative route or location." We feel that this exception is important enough to be included in the "Action" statement itself.
- Page 42, Action 1.2: The discussion section should define or at least give examples of "reasonable regulations" that would limit snow machine use, and give specific circumstances and criteria for imposing such regulations. Clarification of management intent is necessary wherever restrictions may be contemplated.
- Page 43, Action 1.3: What basis does BLM have for prohibiting all vehicle use (except snowmachines) without permits? What rationale and criteria were used in making this decision? What specific criteria are to be used for granting permits? It is our contention that BLM does not have authority to prohibit vehicle use on existing rights of way or RS 2477 roads and trails.
- Page 43, Action 1.3: ATV crossings should be permissible without a permit at designated points. Proposed restriction would unnecessarily interfere with hunting access to public lands and other resource or recreational uses.
- Page 43, Action 1.4: This discussion states that "airboats and hovercraft are not compatible and will not be authorized." If the rationale for this was "excessive noise for wildlife" as was stated at the March 1, 1983 meeting at BLM, then BLM should reference a study supporting this "finding". Additionally, it seems illogical that some noise from aircraft, which are allowed, could be any less "detrimental to wildlife" than noise from hovercraft.
- Page 43, Action 1.4: BLM, should clarify existing types of boats and horsepower, since these are going to direct future management decisions.

Page 44, Action 2.2: BLM should note that closure will occur only "after notice and hearing in the vicinity of the affected unit or area" (ANILCA Sec. 1110(a)).

Page 44, Action 2.2: This section states that landing of aircraft can be "closed to such access, for resource protection or visitor safety." Again, what criteria was used for establishing this policy? If the policy is adopted, under what specific circumstances would aircraft be considered detrimental to the resources or visitor safety?

Page 46, Action 3.4: This statement should be clarified by noting that recreational mining may occur only outside of existing claims.

Page 46, Action 4.2: We agree with this section and with all passages which stress cooperation between federal and nonfederal land owners. Please add EPA as a cooperating agency.

Page 47, Action 6.1: Please add: "The State Department of Environmental Conservation shall be included in the planning stages of any future facilities development." Concerns here include wastewater and solid waste disposal.

Page 48, Action 7.1: As it stands, this sentence conflicts with previous statements allowing access by boats, aircraft and snowmobiles.

Page 51, Action 9.2: "Protect...from...disturbance" is too restrictive. The term "disturbance" should be qualified by "unreasonable" or a similar term.

Page 51, Actions 9.1 and 9.3: ADF&G should also be included in fish and wildlife inventories.

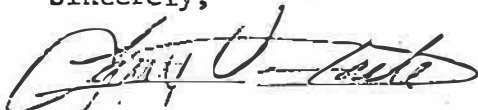
Page 52, Action 12.1: BLM should ensure opportunities for habitat manipulation techniques beyond maintenance of natural fire regimes. Managers may want to increase the frequency of ignition to achieve specific wildlife objectives.

Pages 59-71, Maps: The maps included in the plans are poor reproductions and difficult to follow. BLM should provide a key to the abbreviations it uses. For instance, what is a CE Pat or a ST Lse?



Thank you for the opportunity to review these management plans. We trust that these comments and those provided earlier in the State "General Issues List" will assist you in preparing final plans for Birch and Beaver Creeks. Please contact us if we can be of further assistance on these or other documents. We look forward to cooperating with your agency on future management plans.

Sincerely,



For: Sterling Eide  
State CSU Coordinator

by: Tina Cuning  
State CSU Assistant

Attachment

cc: State CSJ contacts  
Curtis McVee