

STATE OF ALASKA

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August 30, 1985

Boyd Evison
Regional Director
National Park Service
2525 Gambell Street
Anchorage, AK 99503-2892

Dear Mr. Evison:

The State has completed its review of the National Park Service (NPS) draft General Management Plan (GMP) for the Bering Land Bridge National Preserve (NPr). This plan generally lacks detailed management intent and/or appears overly restrictive. Overall, it does not provide enough specific information to adequately assess the proposed actions. The provisions of Section 1301 of ANILCA appear to be inadequately addressed.

While selected access restrictions may be needed to protect the unit's values, we believe that many of the proposals as written are unnecessary and/or presented without adequate justification. The plan should consider accommodating existing access uses and needs as a part of the plan, rather than making existing uses conform to the plan. The State feels that public use restrictions should be applied judiciously based on definable needs to protect resource values, preferably on a site-specific basis.

Our comments are grouped into four major categories, Access and Transportation (next page), Natural Resource Management (page 8), Visitor Use and Facilities (page 21), and Remaining Comments Organized by Chapter (page 22). Therefore the order of our comments does not reflect their importance. We realize that some of these comments may appear repetitive. This is due in part to the organization of the GMP itself, which contains discussions of selected topics in different contexts throughout the document.

ACCESS AND TRANSPORTATION

We recommend that NPS make several changes to the portions of the GMP that address transportation and access. ANILCA Section 1301(b)(4) requires GMPs to include "a plan for access to, and circulation within, such unit..." (emphasis added). Currently statements addressing access are spread throughout the GMP making it very difficult to ascertain NPS management intent. All management intent regarding access and transportation should be consolidated in a single location and logically organized. In this manner, the "plan" required by ANILCA may be more evident. We have the following general recommendations regarding the organization and content under Environment, The Proposal, and the Land Protection Plan. Following these comments are page-specific recommendations for additions or revisions and the identification of other State concerns.

GENERAL ORGANIZATION OF ACCESS ISSUES

The sections on access and transportation in the Environment chapter should be consolidated and should include a summary of the existing roads, trails, airstrips, and waterways used at one time or another for transportation within the NPR boundaries, including a brief discussion about the historical use, current use, and management status of each. The information in this section should include, but not be limited to 17(b) easements, and RS 2477 rights-of-way.

More specifically, the discussion of 17(b) easements reserved pursuant to Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) should include a description of the easement types and uses for which each easement was designated. A list of all 17(b) easements within the NPR or on adjacent lands that terminate at the NPR boundary should also be included. Enclosed is a partial list of the 17(b) easements that should be included in the plan. A more complete list and additional information about these easements may be obtained from the Bureau of Land Management (BLM) or affected ANCSA corporations. We also suggest referencing the section of the GMP which will be addressing management of these easements.

The discussion of Revised Statute (RS) 2477 should briefly describe the nature of these rights-of-way and include a list of possible RS 2477 rights-of-way in the NPR with available information regarding the current and historical use and the management status of each. The Alaska Existing Trail System, 1973 was asserted by the State in April, 1974 and therefore should be considered as a source of possible valid RS 2477 rights-of-way and included in the plan. (Pertinent portions are enclosed). A reference to the section of the plan addressing management of these rights-of-way is also recommended.

In addition to the proposed reorganized sections above, the document should contain a map of access patterns similar to the

"Existing Condition" map on page 5 of the Bering Land Bridge GMP. It should include all traditional access routes, airstrips, easements, the above-referenced Alaska Existing Trails System, and travelled waterways. This map would assist in meeting the requirements of ANILCA Section 1301(b)(4).

As in the Environment chapter, the Proposal should also address 17(b) easements and RS 2477 rights-of-way. Non-exclusive use easements should also be discussed.

The section on 17(b) easements should reference the list of easements in the Environment chapter. It should also indicate what additional restrictions, if any, NPS intends for these easements, or state that policy for NPR management does not apply to 17(b) easements.

The discussion of RS 2477 rights-of-way in the Proposal chapter should similarly reference the rights-of-way listed under Environment and include the following language:

"The National Preserve is subject to valid existing rights, including rights-of-way established under Revised Statute (RS) 2477 (43 U.S.C. 932). The State may identify and assert additional RS 2477 rights-of-way within the unit.

"The State has authority to manage public rights-of-way and may do so cooperatively with the underlying fee landowner. The National Park Service, as landowner, may petition the State to disclaim an interest in or vacate any rights-of-way and/or may enter into a cooperative management agreement with the State."

Unless a cooperative management agreement between the State and NPS is developed, it is inappropriate to state that users of any rights-of-way must comply with applicable NPS permit requirements.

The requested discussion of non-exclusive use easements in the Proposal chapter should outline the NPS position on the use of these easements. Non-exclusive use easements may be reserved by BLM across Native allotments when trails or areas of prior established public use overlap an allotment application. The use of non-exclusive use easements is established in the Regional Solicitor General's Opinion dated December 22, 1983 (attached). We suggest that NPS consider the benefits of requesting that BLM reserve an easement for important trails. The reservation of such easements in appropriate circumstances could protect long-standing public access to adjacent public lands and resources within the NPR while retaining the allotment holders' property rights. Management questions associated with this land

protection alternative should be addressed in this section. Pursuit of this option (and incorporating cooperative agreements or cooperative management with the State) would reduce or avoid confrontation and expensive litigation over RS 2477 rights-of-way that overlap these easements.

PAGE-SPECIFIC COMMENTS

Page 9, Subsistence - One of the stated management objectives is to provide opportunities for traditional subsistence activities; however, the plan proposes to prohibit the use of off-road vehicles. The plan fails to recognize that these vehicles have been traditionally used by the local residents for subsistence activities and reindeer herding. Because this issue is potentially a major conflict, NPS should either reevaluate the proposed prohibition or expand the explanation of the prohibition and its affect on local residents.

Page 56, Paragraph 3 - The fact that the route between Deering and the Taylor Highway branches out in wet areas indicates that its use has not been limited to "periods of adequate snow cover". Rather than ignoring the fact that summer use occurs on this route (and others), and trying to regulate future use to exclude summer travel, the need for route improvements and/or alternate access must be recognized and considered.

Pages 82 - 87 Access and Circulation - This section could be clarified by reorganizing the parts around subheadings. There should be a separate section for 17(b) easements and RS 2477 rights-of-way as we recommended earlier. (On page 85, RS 2477 is referenced as an Alaska Revised Statute. This should be corrected to note that RS 2477 is a Federal Statute.)

We also request that the following language (modified slightly from page 3 - 25 of the NOATAK GMP) be inserted in this access discussion:

Routes and new modes of access for subsistence will be analyzed in terms of potential for impacts on the resources (vegetation, wildlife, soils, etc.) of the unit and upon other uses of the area. New modes of access that originate from technological advances might be permissible in the unit if they do not create unacceptable impacts upon the resources and uses of the unit.

Pages 82 - 86 - The paragraphs concerning snowmachines and off-road vehicles are currently misleading. They imply that NPS permits are required for use of RS 2477 routes. The CSU units were established by ANILCA subject to valid existing rights. Therefore this section should identify that State management authority applies to valid RS 2477 rights-of-way, and indicate that the management of these rights-of-way may be addressed through cooperative management agreements with the State. The second paragraph on page 3-16 should be consistent with the language proposed on page 3 of this letter.

Page 84, Table 7 - The GMP proposes to prohibit all forms of off-road vehicles. This policy should be revised to allow traditional access to continue as provided in ANILCA Title XI; closures must follow the legislated procedures which should be clarified in the plan.

We also note that the table indicates that use of fixed-wing aircraft is prohibited in connection with subsistence harvests of wildlife but is allowed for recreational harvest. Such a distinction in a preserve raises considerable concern, particularly when the statement on page 65 is referenced: "all local harvest of game will be considered subsistence." In effect, NPS may be precluding all use of aircraft for consumptive uses of wildlife. We request this portion of the table and associated text be revised.

We also note there may be an error in the last row; we suggest the footnote be removed from the first "No" and the second "No" be replaced by "Yes" with the footnote.

Page 87, paragraph 1 - The exception which allows road construction to provide access for subsistence activities seems inconsistent with the policy prohibiting the traditional use of off-road vehicles for subsistence activities. The last sentence of this paragraph refers to designated landing areas; when and how these designations will be defined should be included.

It should also be made clear that existing RS 2477 routes are not "new roads" and that use of these routes is not considered "off road use" for purposes of this GMP.

Page 96, Cooperative Agreements - We suggest that the section listing possible future cooperative agreements be expanded to include 17(b) easements, navigable waterways, and RS 2477 rights-of-way.

Page 97 - Serpentine Hot Springs - Maintenance of the airstrip is indicated as being inconsistent with the present character of the Hot Springs. No justification for this conclusion is given. Not allowing maintenance (or improvements) of existing airstrips within the Preserve seems irresponsible and hazardous. This is especially true for Serpentine Hot Springs in light of the significant current use, and the attention drawn to the facility by its National Park System status.

Considering the limited means of public access into the Preserve, it is likely that the airstrip will become more heavily used in the future. The airstrip maintenance restrictions proposed in the GMP could result in deterioration of the facility to the extent that it becomes hazardous to the user. The GMP should not preclude basic maintenance activity on any airstrips that may be necessary to provide a safe, useable access for the visitors of the NPr.

We recommend that general language be included in this and other GMPs to adequately address this important safety issue. We suggest the following:

The NPS will not expend funds for the maintenance or upgrade of backcountry airstrips. However, traditional uses of these strips, including minor safety measures such as rock removal and brush trimming, may continue as in the past.

The NPS states their intention to construct a new NPS cabin at Serpentine Hot Springs. If maintenance of an existing airstrip is not consistent with the present character of the Hot Springs, how can construction of a new NPS cabin at the Hot Springs be consistent? NPS appears to be trying to structure the Preserve and Serpentine Hot Springs for its own use over the use of others.

This section also states, "To maintain the present character of Serpentine Hot Springs, the Park Service will not make any access improvements. The trail from Taylor will not be improved, and off road vehicle use will continue to be prohibited." This management statement conflicts with the second to last sentence on page 3 which lists, as a management purpose for the unit, "to provide for outdoor recreation and environmental education, including public access for recreation at Serpentine Hot Springs".

Once the changes outlined above have been made, the Land Protection Plan should be revised accordingly to address all private or other non-federal lands or interests within its authorized boundaries. The State recommends the following changes or additions regarding access.

Page 121 - The summary should acknowledge potential RS 2477 rights-of-way, even though specifics of the corridors and actual acreages affected are not known at this time. The proposed method of protection should also reflect these rights-of-way.

Page 130 - Table 11 should acknowledge that there is an undetermined amount of land that is or may be encumbered with RS 2477 rights-of-way or 17(b) easements. This could be added as a footnote to the table.

Page 133 - Potential Road from Ear Mountain to Shishmaref - Because Shishmaref and the surrounding area is landlocked by a narrow strip of Preserve land, the possible future need for a general access route should be recognized. The purpose of such a route should not be limited to access to gravel and rock. Other land conveyances that have occurred subsequent to ANCSA have included access provisions to preclude landlocking. While one of the existing RS 2477 routes across this narrow strip may be adequate if the need to build such a road develops, a new alignment might be necessary for engineering, environmental, economic or access reasons and should not be summarily dismissed in this plan as it now is. We request that the GMP address this concern.

Land Status Map (page 142) - This or a similar map should include the various RS 2477 rights-of-way and 17(b) easements identified in the attachments. Additionally, the legend to this map should refer to a document that will be available at various NPS offices where the reader can find the exact location of the 17(b) easements on more detailed maps than those included in the plan. The Department of Interior manual (601 DM 4) requires that this information be made available. The legend to the map should also mention that there may be additional trails that might be asserted under RS 2477 in the future. It should also include a statement that since Native conveyances have not been completed, the total list of 17(b) easements in the NPr is not yet known.

Land Protection Priorities (page 143) - The priority for protection of 17(b) easements and RS 2477 rights-of-way should be included or referenced on this map.

Pages 141 - 146, Recommendations - RS 2477 rights-of-way and 17(b) easements should be addressed here, including when and how a future tract-by-tract and trail-by-trail evaluation will be made, with an explanation about how the State and public will be involved in these decisions.

The section addressing RS 2477 rights-of-way should include a discussion of non-exclusive use easements as a method for protecting RS 2477 routes. The management intent for RS 2477 rights-of-way should be consistent with the language proposed above.

NATURAL RESOURCE MANAGEMENT

FISH AND WILDLIFE

Page 3, Purpose of Preserve - The Alaska National Interest Lands Conservation Act (ANILCA) summarizes the purposes of Bering Land Bridge NPR in Section 201(2). Two of these include protection of habitat for fish and wildlife and protection of the viability of subsistence resources. Management decisions included in the plan are so conservative that future management options to provide the required protection seems to be excluded. We do not believe these decisions are consistent with Congressional intent and, therefore, request NPS moderate their approach in the final plan. This does not imply that we are requesting liberal management, but rather flexibility to conduct sound and necessary resource management practices. For example, the current assessment of the impact of herbivores on the browse vegetation in the Kuzitrin drainage may point to the need to crush overmature plants to encourage regrowth. It appears that crushing may be prohibited, however, crushing could occur during the winter months without any discernible damage to the area.

Page 9 to 10, Management Objectives - The plan fails to include management intent regarding sport or commercial fisheries. The plan should be modified to include language similar to that in the Noatak draft plan reiterating the intent to work within the framework of the Master Memorandum of Understanding and the State's regulatory process.

Page 10, Subsistence Activities - We request the sentence be ended "from other activities such as recreation, reindeer grazing, and potential developments." to remove the bias against sport hunting. Conflicts between subsistence and recreational hunters is anticipated to be virtually nonexistent for the life of this plan. If conflicts develop, the Board of Game will consider methods to resolve them through changes in allocation or temporal spacing.

- Page 40, Large Mammals, paragraph 2 - Revise the first line to read: "Grizzlies typically tend to use river valleys or coastal areas after emerging from their upland hibernation den."
- Page 43, Large Mammal Habitat Map - There are additional important moose wintering areas within Bering Land Bridge NPr not illustrated on the Wildlife Habitat Map (page 43). Recent information on moose wintering areas can be obtained from Carl Grauvogel, ADF&G, Nome.
- Page 45, paragraph 1 - The Preserve overlaps only a portion of Game Management Unit (GMU) 22, mostly encompassing Subunit 22E. The reported harvest from this subunit in 1984 was 2 bears, with a mean annual harvest from 1979-1984 of 1 bear. Most GMU 23 harvests also occur outside the Preserve. The discussion needs to clarify that the GMU 22 harvest in 1984 of a total of 54 bears (not 46) occurred primarily outside the Preserve. We also note the ADF&G 1984 Survey and Inventory report includes an estimate of the bear population which varies from the NPS estimate. We suggest that NPS contact Carl Grauvogel, ADF&G, Nome to cooperatively resolve these differences.
- Page 45, paragraph 3 - Revise this paragraph to note that since 1982, the Western Arctic caribou herd has been migrating along the eastern boundary of the Preserve. Their total migration route has been progressively moving west back toward the Preserve.
- Page 45, last paragraph - We suggest the second sentence be rewritten to indicate the muskoxen transplants numbered 36 in 1970 and 35 in 1981, rather than approximately 70 in each.
- Page 46, Furbearers and Other Small Mammals - Revise the text to note that foxes in this area are somewhat cyclic and that red and arctic fox densities are high during years that microtine numbers are high. We suggest changing "are the most likely targets" to "are the preferred species." The second paragraph should be changed to reflect that the low reported harvest of furbearers may not necessarily reflect furbearer densities. Most furs are used locally, so there is little incentive for local residents to bring their furs to ADF&G for sealing. Also, the majority of the furbearer harvest is not by incidental means as suggested in the plan but by selective harvest.

Page 46, Fish - The plan's information on known salmon streams should be updated with information available in the following two ADF&G reports concerning salmon stocks in the area: (1) Kneupfer, G. 1984, Assessment of salmon stocks in the Deering area, NS/KOTZ, Resource Inventory Rept. #12; and (2) Cunningham, P. 1974, Norton Sound-Kotzebue annual report, ADF&G, Division of Commercial Fish, Anchorage, Alaska. The salmon range map on page 41 should be corrected accordingly.

Page 47, paragraph 2 - The first line "No ADF&G fishery management projects are currently underway in the Preserve, and no commercial fishing exists." is misleading. The ADF&G conducted aerial salmon surveys during 1974 and 1984. This information can be obtained at ADF&G Kotzebue or Nome offices. Routine management programs include monitoring salmon runs and evaluation of seasons and bag limits.

Page 65, Hunting - The decision that "all local harvest of game will be considered subsistence" has numerous implications, and we request it be rescinded. The previous statement of management intent "Regulations are currently broad enough to accommodate all uses." is adequate for NPS management needs.

Page 74, Fish and Wildlife Management - In order to maintain healthy fish and wildlife populations, active management practices may be required. Manipulation of fish and animal populations or habitats may be the most efficient method to obtain this management goal. The NPS should adopt a flexible management program in cooperation with ADF&G so that, if problem situations are identified by cooperative research, the most effective and appropriate action can occur.

Contrary to NPS' contention that habitat manipulation is not permitted on their lands, laws and NPS policies allow such manipulation in some cases. NPS Administrative Policies (1978) state: "In those areas where recreational hunting, trapping, and fishing programs are authorized by law and consistent with park objectives, management programs may be directed toward the maintenance and enhancement of habitat for game animals." This policy applies to National Preserves in Alaska. The NPS policy also mandates that management of fish or wildlife populations on NPS lands be a cooperative endeavor with the State. Park policies also allow for prescribed burning of areas where natural fires cannot meet Park objectives.

We recognize that NPS does not routinely authorize prescribed burning or mechanical crushing activities. However, fire management plans, trail management, and campsite locations are all forms of habitat management. As agreed in the NPS/ADF&G Master Memorandum of Understanding and for the efficient management of resources, the State and NPS should plan for all forms of habitat management through cooperative efforts.

Quoting a portion of the statement from the ANILCA Congressional Record as policy is misleading. This statement was a part of the legislative history dealing with ANILCA and not a policy statement when standing alone. NPS has excluded the following sentence which clarifies the statement: "The National Park Service recognizes, that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain." We request the full statement quoted, if at all.

Page 75, paragraph 2 - Management studies of moose, caribou, and muskoxen cannot be conducted separately within and outside the Preserve. For example, the ADF&G has just completed a Seward Peninsula moose identity study (Grauvogel, 1984). Results indicate that moose residing within and outside the Preserve are part of the same population and should not be managed under conflicting management strategies.

Page 75, paragraph 3 - The first line in this paragraph is in error. The ADF&G has moose population size and composition data for the area and the moose harvest has been monitored closely. The ADF&G also has baseline data on the gyrfalcon population within the Preserve. All this information can be obtained from ADF&G, Nome. In addition, there are salmon stream survey data available from ADF&G, Kotzebue.

The GMP's lack of both recognition and coordination with ADF&G management studies is a major oversight. Given the ADF&G management responsibilities previously recognized and the cooperative management intent discussed later, this list should be cooperatively reevaluated prior to development of the final plan. We also recommend NPS review the summary of current studies described in Dave Anderson's Regional Subsistence Bibliography, Volume III, Northwest Alaska, 1984 printed as Division of Subsistence Technical Paper No. 94.

The third item in the list refers to estimates of wildlife harvests. We would appreciate any assistance NPS can offer in our harvest information collection. However, we are concerned that NPS may be indirectly proposing an overlapping harvest reporting system specific to the

Preserve and we oppose such proposals because of their duplication of effort and inappropriateness. Also, the ADF&G's game management units are more appropriate for management of wildlife populations than political boundaries. We look forward to further discussions with NPS to clarify this proposal.

Page 75, paragraph 4 - An additional study that should be included in this priority list is one that deals with the dynamics of human utilization of wildlife resources. The NPS should cooperatively develop a long term socioeconomic study concerning human utilization of wildlife in the Preserve and adjacent areas.

Page 76, paragraph continued from page 75 - Regarding the described needs to consider management actions to respond to degradation of vegetation, the ability to conduct sound and necessary management actions must also be possible. Please see related comments for page 3.

Page 76 - Fire management policies should reflect related comments for page 74.

Page 88, paragraph 3 - The Regional Advisory Council consists of the chairmen from local fish and game advisory committees. These committees serve as a primary source of local involvement in making recommendations to the Alaska Boards of Fisheries and Game on harvest regulations. We suggest insertion of a clarification that local interests are served by the Regional Advisory Council.

Page 92, paragraph 3 - A blanket prohibition of temporary structures related to "the taking of fish and wildlife in Bering Land Bridge Preserve" is not necessary in light of the present and projected levels of this type of use. A more appropriate alternative proposal is that temporary structures be removed after the hunting or fishing trip has been completed.

Page 93, Carrying Capacity - If "resources of the preserve are being degraded", restrictions on uses should not wait for completion of a carrying capacity study. At least where fisheries and wildlife resources are involved, the ADF&G and Boards of Fisheries and Game will manage to assure continuation of recreational and subsistence uses while protecting the health of the populations. This discussion needs to be clarified accordingly. We also request clarification of the meaning underlying: "If . . . subsistence uses or levels appear to be compromising the quality of either subsistence or recreational activities," We are not aware of any method to determine the "quality" of subsistence activities nor restrictions on subsistence uses based on it.

Page 134, Sociocultural Characteristics, paragraph 1 - Within the sentence "Subsistence uses include hunting and gathering", add ", fishing, trapping,".

Subsistence

Page 17, Economy - The statement "regional economy is a mixed subsistence and cash system" is misleading. Subsistence is defined by ANILCA Title VIII to include customary trade, which the legislative history clarifies to include the contribution of subsistence activities to the local cash flow and economy. The discussion of this concept is accurately included on page 59.

Page 59, Subsistence Use, paragraph 2 - Dog sleds and skin boats are not being totally replaced by motorized equipment. ADF&G Division of Subsistence research does not support the level of expansion due to modern equipment that NPS asserts.

Page 60, paragraph 1 - The correct citation should be "Sobelman, 1985" instead of "ADF&G, 1984c." The full citation is: "Sobelman, S.S. 1985. The economics of wild resource use in Shishmaref, Alaska. Tech. Paper No. 112. Alaska Dept. of Fish and Game, Div. of Subsistence, Fairbanks."

Page 89, paragraph 2 - The GMP states that it will protect subsistence uses by allowing traditional access and considering listed factors in order to allow new structures. These statements contradict limitations on access discussed elsewhere in the plan, i.e. Table 7. We also note that the GMP has not established a research priority to acquire the data necessary to apply the factors. We urge that research into subsistence uses of fish and wildlife, with meaningful local and State participation, be given a higher priority (Page 75).

Page 89, paragraph 3 - We infer an intent to limit subsistence uses in the future to only those locations where such uses presently occur: "subsistence use maps . . . for defining areas where subsistence may occur." Such intent conflicts with ANILCA legislative intent which discusses the "natural evolution" of subsistence uses and use areas. If the GMP intends to restrict the areas in which subsistence uses can occur, this should be clearly detailed and justified. Such restrictions will be a major issue and we suggest resolution prior to development of the final plan.

There is currently no complete set of data available that would allow NPS, or any other agency, to draw a map that accurately portrays subsistence uses on the Seward Peninsula. Mapping subsistence information requires an explicit methodological approach to determine seasonality, transportation methods, portrayable time depth, sufficient sample size, and community review, among others. The ADF&G Division of Subsistence will continue to provide mapped information for land and resource use decisions as it becomes available. The NPS is encouraged to recognize, prioritize, and cooperate in these efforts.

Given the intent to develop a "subsistence management plan," it will be necessary to have the data discussed above. These data are omitted from the identified research priorities on page 75. We urge funding and direction given to efforts in gathering these and other subsistence data. The development of such a plan is likely to be controversial and should involve local community participation from the earliest time. A timetable for development and provisions for public involvement should be addressed.

Page 89, paragraphs 4 and 5 - The State's role, including that of the Regional Resource Council, in development of a subsistence use plan seems to have been inadvertently left out of this discussion. It would also be appropriate to annotate the criteria used by the Boards of Fisheries and Game in determining subsistence uses (5AAC 99.010 Joint Boards of Fisheries and Game Subsistence Procedures). This section may also need to be amended to reflect the outcome of current Boards actions in response to recent judicial rulings.

Page 89, paragraph 5 - In order to construct an accurate subsistence management plan, NPS will also need to address types of transportation that have been traditionally used in subsistence activities and the importance of those vehicle types to the local residents conducting subsistence activities.

Trapping

Page 8, Management Objectives - "Manage Bering Land Bridge National Preserve in the same manner as a national park except that subsistence uses, reindeer herding, and sport hunting, fishing, and trapping will be allowed, as required by the legislation." In plans for other NPS units in the region, trapping is being categorized as either subsistence or commercial. Such a distinction is not evident in this plan, although we infer it being incorrectly categorized as only a recreational activity. NPS intent regarding these categories is important to clarify so we can assess the affect on trapping on the Preserve.

In rewriting the second part of this sentence we suggest ". . . except that subsistence uses, reindeer herding, hunting, fishing, and trapping are allowed by the legislation."

Grazing

Page 90, last two paragraphs - The last sentence should be omitted or revised as it is contrary to ADF&G/NPS Memorandum of Understanding (Article 5) and current NPS management policies. Such a prohibition also precludes flexibility to conduct management programs when sound and necessary. We question whether this prohibition, located only in the Reindeer Grazing section, was intended to only apply to programs designed for reindeer management; if so, an appropriate limiting clause should be included in the sentence. If intended to apply to all wildlife management, the policy is unacceptable and in conflict as previously stated.

We request reconsideration of the following NPS position: "No priority for the range resource will be given to either reindeer or caribou." We recognize the legal mandates to continue reindeer grazing and to protect habitat for wildlife. The State has a policy to not encourage reindeer husbandry where conflicts with caribou are likely to occur. We, therefore, encourage NPS to carefully consider incorporation of this policy in a position clearly detailed in the final plan. This position also should clearly define criteria for approving reindeer grazing activities, particularly when new or increasing.

We also request that the DNR Division of Agriculture be consulted when changes to the existing reindeer range management strategy within the preserve are being considered. Additionally, the Alaska Soil and Water Conservation Board is organized under State soil and water conservation law (AS 41.10) and has authority to review and comment on range management plans and any proposed changes to the existing reindeer range management strategy within the preserve. A statement should be inserted in the Proposal making this clear.

In Summary

Overall, we are concerned that the GMP, particularly pages 74-75, does not ^{adequately} reflect consistent intent to coordinate and cooperate with ADF&G regarding fisheries and wildlife. We request adoption by the NPS of the following language in this section to resolve many of the above concerns and clarify management intent and policies:

"The National Park Service (NPS) is mandated by the Alaska National Interest Lands Conservation Act (ANILCA) and other laws to protect the habitat for, and populations of, fish and wildlife within the Bering Land Bridge NPr, ANILCA Section 201(8). The NPS management of fish and wildlife will generally consist of management of the human uses and activities which affect such habitat and populations, rather than the direct management of fish and wildlife resources.

"The Alaska Department of Fish and Game (ADF&G), under the constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the state. Within conservation system units, including Bering Land Bridge NPr, State management of fish and wildlife resources is required to be consistent with the provisions of the ANILCA and NPS policy.

"The NPS and the State of Alaska will cooperate in the management of the fish and wildlife resources of Bering Land Bridge NPr. A memorandum of understanding between the NPS and the ADF&G (see Appendix C) defines the cooperative management responsibilities of each agency. The 'Department of the Interior, Fish and Wildlife Policy: State and Federal Relationships' (43 CFR 24) further addresses intergovernmental cooperation in the protection, use, and management of fish and wildlife resources. The closely related responsibilities of protecting habitat and wildlife populations and providing for fish and wildlife utilization require close cooperation of the ADF&G, the NPS, and all resource users.

Hunting, fishing, and trapping are allowable uses in the Preserve (ANILCA Sections 1313 and 1314, and applicable State law). The ANILCA requires that such harvest activities remain consistent with maintenance of healthy populations of fish and wildlife, ANILCA Section 815(1). Congress recognized that programs for the management of 'healthy populations' may differ between the NPS and the U. S. Fish and Wildlife Service due to differences in each agencies management policies and legal authorities (Senate Report 96-413, p.233).

"The State of Alaska, through the Boards of Game and Fisheries, is responsible for establishing fishing, hunting, and trapping regulations for the preserve, consistent with provisions of the ANILCA. The NPS will cooperate with the State wherever possible in establishing those regulations in a manner that is compatible with preserve management goals and objectives.

"The ANILCA authorizes the State to manage the taking of fish and wildlife for subsistence purposes on federal lands if a State program is implemented which satisfies certain criteria in the ANILCA Title VIII. Such a State program has been implemented.

"Customary and traditional subsistence use is considered to be a natural human role, as indicated by the legislative history of the ANILCA: 'The NPS recognizes, and the Committee agrees, that subsistence uses by local rural residents have been, and are now, a natural part of the ecosystem serving as a primary consumer in the natural food chain. The Committee expects the NPS to take appropriate steps when necessary to insure that consumptive uses of fish and wildlife populations within the NPS units not be allowed to adversely disrupt the natural balance which has been maintained for thousands of years (Senate Report 96-413, p.171).'

"Within the preserve the NPS ' . . . may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral or faunal protection, or public use or enjoyment', ANILCA Section 1313. Additionally, the NPS ' . . . may temporarily close any public lands . . . , or any portion thereof, to subsistence uses of a particular fish or wildlife population only if necessary for reasons of public safety, administration, or to assure the continued viability of such populations', ANILCA Section 816(b). Except in emergencies, all such closures must be preceded by consultation with appropriate state agencies. If it becomes necessary to restrict the taking of populations of fish and wildlife in the preserve, non-wasteful subsistence uses are accorded priority over the taking of fish and wildlife for other purposes.

"The State has developed resource management recommendations containing management guidelines and objectives that were generally developed for broad regions. Therefore, some of the guidelines and objectives may not be applicable to the preserve. The master memorandum of understanding indicates that the NPS will develop its management plans in substantial agreement with State plans unless State plans are formally determined incompatible with the purposes for which the preserve was established.

"Habitat and animal population manipulation will not be permitted within the Bering Land Bridge NPr except under extraordinary circumstances and when consistent with the NPS policy. Congressional intent regarding this topic is presented in the legislative history of the ANILCA.

"In recognition of mutual concerns relating to protection and management of fish and wildlife resources, the NPS and the ADF&G will continue to cooperate in the collection, interpretation, and dissemination of fish and wildlife data. The NPS will continue to permit and encourage the ADF&G to conduct research projects that are compatible with the purposes of the preserve. The NPS will ensure access for State officials for purposes of conducting research and managing fish and wildlife resources.

"The Bering Land Bridge informational programs will inform visitors about the occurrence of human use activities in the preserve in order to avoid user conflicts. Information will also be provided about activities that can result in disturbance of wildlife and their habitat.

"The NPS Resources Management Plan for the Bering Land Bridge NPR will be developed and subsequently revised in cooperation with the State and is anticipated for initial completion by (date). The plan will be reviewed by the public and any major change in direction, philosophy, or goals is subject to public involvement requirements of the ANILCA Section 1301. The plan will describe in detail the scope of scientific research and resource management methods that will be cooperatively employed so that the NPS has a better understanding of preserve resources for utilization in future resource-related decision-making. The highest priorities of the resource management plan over the next 5 to 10 years follow." [A list should be included here accompanied by appropriate discussion.]

TIDE AND SUBMERGED LANDS

Several additions or changes should be made to the GMP to more adequately address the State's management authority over tide and submerged lands.

Pages 67 - 100 - The Proposal should include a section on tide and submerged lands. We suggest the following paragraph:

All tide and submerged lands in the preserve which vested in the State of Alaska at Statehood are under the jurisdiction of the State of Alaska. The NPS will submit proposals for the management of these lands to the appropriate State agency.

Pages 141 - 146, Recommendations - A section should be included to address Tide and Submerged Lands. Appropriate portions of the above paragraph could be included in this discussion.

NAVIGABILITY

The GMP proposes to work with the State to mitigate any adverse human activity on navigable rivers (page 3-35). The State is willing to consider NPS management proposals for management of the rivers, but only upon application by NPS to DNR Division of Land and Water Management.

The Environment chapter of the plan should include a section titled Navigable Waters where the current and historical use and the navigability status of the various waterways in the NPR is indicated.

The following paragraphs should be added to the Proposal under the heading Navigability:

At the time of Statehood, the State received ownership of the beds of navigable waters to the "ordinary high water mark". At present the (name of waterways) have been determined navigable. Navigability determinations have not been made on other rivers within the NPR.

The NPS will seek cooperative agreements with the Department of Natural Resources concerning the management of submerged lands under navigable waters. NPS will make requests for the use of these lands to the appropriate State agencies.

Page 121, Summary and page 130, Table 11 - The summary should include a footnote or other acknowledgement of the unresolved navigability status of many of the waterbodies in the NPR.

WATER RIGHTS

Federal reserved water rights are created either expressly or by implication when federal lands are withdrawn from entry (by Congress or other lawful means) for federal use. It is the State's position that federal water rights, both instream and out-of-stream, are either generally or specifically reserved for the primary purposes of the reservation. Characteristics of a federal reserved water right include:

- 1) it may be created without actual diversion or beneficial use,
- 2) it is not lost by non-use,
- 3) its priority date is from the date the land is withdrawn for the primary purpose(s) involved,
- 4) it is the right to the minimum amount of water reasonably necessary to satisfy both existing and reasonable foreseeable future uses of water for the primary purpose(s) for which the land is withdrawn. Water for secondary purposes must be obtained under State law, AS 46.15.

Discussion at the March, 1985 meeting of the Alaska Water Resources Board emphasized the importance of two aspects of federal reserved water rights. First, they are recognized only for the primary purposes for which the land was withdrawn, and second, they apply only to the minimum amount of water reasonably necessary to satisfy the primary purposes of the withdrawal. Legislation establishing the withdrawal of land is critical, because it establishes the priority date for the federal reserved water right, and often expressly states the primary purposes of the withdrawal. All of these aspects of federal reserved water rights - the priority date, the primary purposes, and the minimum amount of water reasonably necessary to maintain the primary purposes - are important concepts that should be reflected in the plan.

To reflect these concerns, we recommend that the following language be included in the Proposal under the heading Water Rights:

"The water resources of the Bering Land Bridge National Preserve will be managed to maintain the primary purposes for which the unit was established. The primary purposes of this NPr are _____, as cited in the following legislation establishing this national park and preserve (reference to legislation). Water for secondary purposes and all other uses within the NPr will be applied for under AS.46.15. Specific water resource requirements for the primary purposes of the NPr will be identified and the minimum amount of water reasonably necessary to maintain these purposes will be quantified in cooperation with the State of Alaska. Once federal reserved water rights have been quantified, the National Park Service will file this information with the State in accordance with State laws."

Pages 141 - 146 - Although addressing the water appropriation issue is different from addressing inholdings within the NPr, some mention of these "non-federal interests" within the unit boundary should be made in the Land Protection Plan. Portions of the language suggested above could be used. NPS water needs above and beyond the minimum amount reasonably necessary to maintain the primary purposes of the unit should accordingly not be considered a federal reserve right or interest.

MANAGEMENT OF THE WATERCOLUMN

We request that the Proposal discuss the management of the watercolumn of waterbodies in the NPr. These watercolumns remain subject to management authority by the State, although the State may choose to cooperatively manage such areas with NPS on a case-by-case basis.

Page 84, Motorboats - The wording should be revised to acknowledge the State's management authority over the watercolumns in the NPr.

OTHER NATURAL RESOURCE COMMENTS

Page 60, paragraph continuing from page 59 - The areas proposed as special use areas in the Bering Straits Coastal Resource Service Area plan should also be addressed.

Page 79, - The Alaska Board of Geographic Names endorses a similar policy of using local, Native names for unnamed features. NPS policy to discourage the naming of unnamed geographic features is contrary to this State policy.

Pages 79 - 80, Air and Water Quality - We request that language discussing pollution control and abatement be included in this section. Appropriate treatment may be found on pages 70-71 of the Kobuk GMP or page 3-22 of the Noatak GMP.

VISITOR USE AND FACILITIES

Page 7, paragraph 4 - The Serpentine Hot Springs area is also important for several forms of outdoor recreation, which should be noted.

Page 63 and 83, Recreational Use and the Corresponding Table - The estimated number of visitor days in relation to visits does not correspond and should be corrected. The number of expected visits was estimated by adding both recreational and nonrecreational (including subsistence) visits, however, the number of expected visitor days was estimated using just nonrecreational visitors. Also, Table 6, page 83 projects a doubling of subsistence related visitation to the Preserve by 1995. This appears to be an extreme overestimation. Subsistence is an integral part of the unit and local residents conducting subsistence activities do not "visit" the Preserve. We suggest the information be reanalyzed and presented accordingly.

Page 91, Recreational Activities - Statements such as "Recreational visitor use . . . is expected [to] increase slowly . . ." and ". . . features that attract visitors will probably not result in very high levels of visitor use over the next five to ten years or even longer." and similar statements on page 92 contradict Table 6 on page 83. This table projects over the next ten years a 40-fold increase in backcountry use, a tripling of Serpentine Hot Springs use, an increase from 0 to 500 in guided trips, and a general total that is a 5-fold increase in nonlocal recreational visitors. Projected increases in some categories may not be realistic because of the small numbers involved. However, the overall projected increase indicated here could be significant. We request clarification of these apparent inconsistencies and appropriate related management decisions, particularly regarding access and facilities.

NPS intends to request "visitors" to notify NPS of their intentions to use the Serpentine Hot Springs area. We are concerned whether this intent includes subsistence and other local uses; NPS attributes over 90% of the present "visits" to subsistence uses. Although the intent may be to assist in avoiding user conflicts, the provision may itself create unnecessary conflict with local residents. We suggest that a "voluntary registration" program be described as an intended management provision when conflicts become an actual management concern.

Page 94, Administration - Given the low volume of uses other than by local subsistence users in Bering Land Bridge NPR, we question the need for district ranger stations and the associated costs of manpower and facilities. It seems that the high priority fish and wildlife program needs listed on page 75 should be funded before ranger stations whose listed purposes are to "greet visitors, provide information about areas of interest such as traditional native subsistence practices, hiking, locally guided outings . . . and the availability of native crafts and shops." These are certainly worthwhile services but are questionable priorities given their high estimate of use will only be 100 visitors by 1995.

The required relocation of district rangers from Shishmaref and Deering to Nome each winter may preclude availability of local hire for these positions. Given the "cash poor" economy, we suggest reconsideration of this proposal.

REMAINING COMMENTS BY CHAPTER

ALTERNATIVES

Page 101, Alternative A - The only substantive differences between this and the preferred alternative involve staffing, facilities, and involvement in other agencies' ongoing research, monitoring, or management programs. Consequently, our comments on the preferred alternative also apply to this alternative.

Page 102, Natural Resources - We question the validity of the following statement: "Consumptive uses [under Alternative B] of commercially valuable wildlife would increase through the adjustment of bag limits and hunting season." Increases above sustained yield levels are not consistent with ADF&G current species management plans which were provided in the State's Resource Management Recommendations of February 24, 1984. The Greater Alaska Furbearer Management Plan has a primary objective to provide sustained opportunities for commercial use of furbearers. Appropriate seasons and bag limits, consistent with this management objective, have already been set by the Board of Game.

Page 102, Alternative B - The changes in access in this alternative are rather superficial, indicating feasibility studies of constructing or maintaining airstrips in locations where such access presently or historically exists. The only substantive differences in this alternative address further increases in staffing, facilities, information promotion, and in already permitted reindeer herding.

ENVIRONMENTAL CONSEQUENCES

Page 107, Natural Resources - paragraph 4 - Cutting of willows may also have positive effects if it stimulates accessible moose browse.

Page 108, Table 9 - The summary of environmental consequences is not an accurate representation of the alternatives, particularly in assigning adverse effects to the status quo alternative. The majority of effects listed here and included in this section are not supported by the related discussions of the proposals. No information is provided that indicates status quo management of fish and wildlife is having adverse effects as implied here and on page 113. The comparisons therefore seem to be based purely on speculation.

Page 113, Subsistence Uses - Regarding Alternative A (status quo), the following statement is extremely speculative and should be deleted: ". . . a lack of research would make it extremely difficult to determine whether wildlife populations were being used to such an extent that they could not be sustained over the longer term." The assessment is more accurately portrayed in a subsequent statement "even with resource monitoring, adverse effects might not be identified until they were already significant." This assessment is applicable to all alternatives.

Page 113 and 114, Natural Resources - The negative values assigned to current resource monitoring levels are unsubstantiated as previously discussed.

Page 115, Subsistence Uses - Please see our related comment for page 113.

LAND PROTECTION PLAN

The Land Protection Plan should include a rough estimate of the cost of implementation. These figures should then be compiled for all nine GMP's and Statewide recommendations for acquisition reconsidered based on this information. Until this is done, it will be unclear how realistic the acquisition recommendations are for the various NPS units.

In light of budget constraints, we question the viability of the emphasis on acquisition as a preferred method of protection. Greater emphasis on other methods such as cooperative agreements and easements would be more cost effective, increase NPS flexibility, and likely improve working relationships with local landowners.

Land Status Map (Back Pocket) - This map shows tidelands in Shishmaref Inlet, Arctic Lagoon, Lopp Lagoon, and the Bering Sea coast as being interimly conveyed or patented to village corporations. This is incorrect, as these are State lands which are not available for federal conveyance or patent to village corporations. We suggest inclusion of a note in the legend which clarifies that State tidelands are not subject to conveyance.

Page 145, Boundary Adjustments and Land Exchanges - This map labels tidelands within Arctic Lagoon and the northeastern-most portion of Lopp Lagoon as "boundary adjustment(s) or land exchange(s) negotiated with village corporations, BLM, and NPS." This land is not available for federal land conveyance for the same reasons as stated in the above paragraph.

WILDERNESS SUITABILITY

This section should acknowledge that transportation corridor routes which cross the preserve have been identified. A Wilderness designation may restrict existing use of those routes, and may restrict future development of those routes to serve regional transportation needs. Therefore, a wilderness suitability determination must include analysis of those routes and/or practical alternatives.

The GMP has identified as being unsuitable for wilderness areas with roads or trails that are improved by mechanical means and regularly used by motorized vehicles (page 152). However, the Wilderness Suitability map on page 157 shows areas suitable for wilderness that include regularly used corridors for public access. The State recommends that NPS reevaluate their wilderness suitability map by overlaying this map with a map showing the possible RS 2477 rights-of-way and 17(b) easements that have been provided by the State. Areas that overlap with these easements or trails should not be considered suitable for wilderness.

POPULATION AND THE ECONOMY

Pages 17-18 - The Alaska Department of Labor has provided some revised statistical data regarding employment in the region. This information is included in the attachments. Questions regarding this information should be directed to John Boucher, Research and Analysis, at 465-4500.

THE ALASKA COASTAL MANAGEMENT PROGRAM

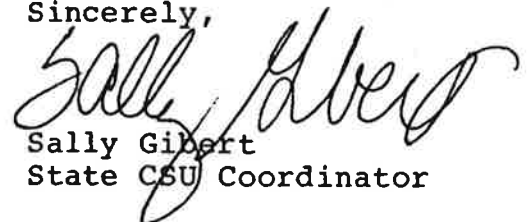
The Division of Governmental Coordination has also completed the coastal consistency review of this draft plan. Based on our review, the Division agrees with the NPS determination that the plan is consistent with the Alaska Coastal Management Program (ACMP). However, we wish to note that the more detailed Resource Management Plan as well as permitted activities and NPS actions on federal lands that "directly affect" coastal resources are also subject to the requirements of the ACMP. In other words, State agreement with the federal consistency determination of the GMP at this time does not automatically guarantee that the recommended activities will be consistent with the ACMP when detailed later in specific management proposals. We therefore recommend that NPS involve the local Coastal Resource Service Area Boards and State agencies in the development of the more detailed actions.

We request that the final GMP acknowledge the ACMP and outline the process under which NPS will ensure that more detailed management plans, NPS actions, and permitted activities will be consistent with the ACMP. Reference should be made to the MOU between NPS and DGC (currently in draft) which addresses this process.

We have commented only on parts of the plan to which we have concerns. However, State agency reviewers wish to be advised of any changes to other parts of the plan that may result from comments of other agencies or individuals. Many of the comments included here will reappear in our comments on the remaining National Park Service GMPs. Unless there is a reason why the response to these comments should be different, they deserve a consistent response on a statewide basis.

Thank you for the opportunity to review this draft General Management Plan for Bering Land Bridge NPr. As noted at the beginning of this letter, we request that our concerns be addressed as consistently as possible in this and all remaining GMPs. If we can be of any assistance in clarifying these comments, please contact this office. The State looks forward to resolution of our concerns prior to the adoption of the final plan.

Sincerely,



Sally Gibert
State CSU Coordinator

ATTACHMENT

cc: R. Davidge, DOI
J. Katz, Governor's Office, D.C.
S. Leaphart, CACFA
J. Leask, AFN
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State CSU Contacts

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