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April 25, 1988

Mr. Walter Stieglitz
Regional Director
U. S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mr. Stieglitz:

The State of Alaska has reviewed the draft Comprehensive Conservation Plan/Environmental Impact Statement/Wilderness Review (CCP) for the Arctic National Wildlife Refuge (ANWR). This letter is submitted on behalf of state agencies and represents a consolidation of agency concerns and comments.

ALASKA COASTAL MANAGEMENT PROGRAM

The state has completed an advisory consistency review of the draft ANWR CCP. Based on the information presented in the draft document, it appears that the plan will be consistent with the Alaska Coastal Management Program. A conclusive review of the U. S. Fish and Wildlife Service (FWS) determination will be made after the final CCP has been issued for public review.

RANGE OF ALTERNATIVES

The state commends the FWS for the broad range of management alternatives presented in the CCP. Other recent CCPs have presented a considerably narrower range. In addition, the state wishes to express its support for the Preferred Alternative (Alternative A). Alternative "A" represents a reasonable balance between the protection of refuge resources and the opportunity to consider more intensive uses of the refuge in the future.

REVISION OF THE CCP

Page 179 - The state requests that the CCP clearly acknowledge the possible need for major revision of the CCP following congressional action on management of the "1002" coastal plain area. Management of the "1002" area may have significant bearing on management of the rest of the refuge (e.g., on the need for transportation and utility corridors; facilities siting; air and water quality; subsistence activities; fish and wildlife management; and public use of the non-1002 portions of the refuge.)

CABINS

Page 30, Paragraph 1 - We suggest revising the first sentence as follows: "The use of cabins by local residents is allowed ... for trapping, subsistence, and other traditional activities," consistent with Section 1303(b) of the Alaska National Interest Lands Conservation Act (ANILCA).

Page 172, Subsistence Activities - We suggest substituting the term "traditional" for "subsistence" and adding "private" before "recreational", under the topic heading "Cabins," consistent with Section 1303(b) of ANILCA. In addition, we suggest moving this section on "Cabins" to page 175 under "PUBLIC FACILITIES."

Page 202, Cabin Management - We suggest replacing the second sentence of this section with the following: "The Service currently has no plans for constructing or designating new public use cabins, however, cabins may be constructed or designated during the 10-15 year life of this plan, if deemed necessary for resource management and/or public health and safety."

In addition, we note that there may be cabins on the refuge which are not currently under permit. The state encourages FWS to allow intermittent, public use of these cabins on an informal basis for authorized refuge activities. The National Park Service has adopted a policy which allows such use in the Gates of the Arctic National Park and Preserve. (See Gates of the Arctic General Management Plan, page 158).

The state also encourages the FWS to carefully research patterns of use for particular cabins before declaring them abandoned. Cabin use can vary from year-to-year for a variety of reasons. Cabins should not be considered abandoned based on a single year of non-use.

WILDERNESS MANAGEMENT

Page 43, Paragraph 1 - The state disagrees with FWS's position that "wilderness designation would preclude the development of ... new permanent facilities by guides or outfitters * * *." Section 1303(b) of ANILCA provides for the construction of new cabins if necessary for the "continuation of an on-going activity or use otherwise allowed within the unit..." The state interprets this section of ANILCA as amending implementation of the Wilderness Act in Alaska, consistent with the following statement of congressional intent (SR 96-413, November 14, 1979, pg. 308 - 309):

It is recognized that some uses which are allowed within wilderness areas designated by this bill, most notably guiding and trapping, may in some areas require the use of rudimentary line cabins,

shelters, caches, and other minimal support facilities. Without recognition of these incidental uses and facilities, guiding, trapping and other allowed uses, while technically allowed, would be impossible to conduct as a practical matter. Therefore, the Committee intends that those related uses and facilities required to accomplish uses otherwise allowed within wilderness areas shall also be allowed, consistent with the allowed use and the purposes of the areas designated as wilderness.

We therefore request revision of this policy statement in the CCP.

In addition, the state reiterates its request that the CCP clarify that the FWS has the discretion to allow limited use of motors (e.g. chainsaws and generators) within wilderness areas, if such use was established prior to designation of the area. (See 50 CFR 35.5). We note that the Alaska Land Use Council, at its November 24, 1987, meeting, unanimously adopted a motion urging the FWS to maintain flexibility to allow limited use of machanized equipment where necessary to support traditional activities and where it would not significantly detract from wilderness values.

TEMPORARY FACILITIES

Page 178 - 179 - The narrative under "Moderate Management" states that "guiding and outfitting services and related temporary support facilities would be permitted." This provision for temporary support facilities, however, is omitted under the headings "Minimal Management," "Wild River Management," and "Wilderness Management." The state requests that this allowance be explicitly addressed in the narratives under these headings, consistent with Section 1316 of ANILCA and the central management table on page 175.

ACCESS

Page 175, Public Facilities - We suggest footnoting this section with a reference to Title XI, similar to the footnote included in the Public Access Methods section on page 173.

Page 200, Paragraph 1 - The state requests that off-road vehicles be added to the list of access means traditionally used for subsistence purposes. The CCP notes on page 138 that "three-wheelers are commonly used in and around all of the communities * * *."

Page 216, Public Use and Access Management - The state requests that FWS modify its statement that "the use of off-road vehicles... for recreational purposes would be prohibited" to

acknowledge FWS authority to designate ORV routes and areas. Executive Order 11644 and 43 CFR 36.11 provide FWS with this authority.

AIR AND WATER QUALITY

Page 194, Air Quality - The state suggests that this section reference the discussion of arctic haze on page 59 and potential airshed impacts associated with existing and future north slope oil and gas development. In addition, the state urges the FWS to put a priority on collecting ambient air quality data, in cooperation with the Alaska Department of Environmental Conservation, in the near future.

FISH AND WILDLIFE

Data provided in the wildlife narrative (e.g., muskox, page 110; dall sheep, page 112; brown bear, page 114; Wildlife Management Goals and Objectives, page 188-189) refer to "population" of the refuge rather than to "numbers" occurring on the refuge. For example, the muskoxen that occupy ANWR are not a discrete population; many animals occur outside the refuge boundary, hence the number of animals in the actual population is greater. We suggest the FWS edit this portion of the CCP to avoid potential misapplications of the term "population" and include the most current numbers available for publication in the final CCP.

Page 188 refers to "Alaska Lands Act obligations to maintain natural diversity of managing indigenous populations so that they do not decline unnaturally below the levels that existed on December 2, 1980." We request this statement be deleted since the FWS and the Alaska Department of Fish and Game (DFG) should not be bound to an artificial population level goal, and ANILCA does not specify management be based upon any single year (1980) population level. In addition, we note that there is little data documenting "natural population levels" and/or levels in 1980.

Page 153, Sport Hunting - The following 1987-88 harvest figures* (through 2/10/88) should be used to correct and update this section:

Sheep harvest (north side only) = 172 sheep/252 hunters

Moose harvest (north side only -- most moose probably taken outside the ANWR) = 39 moose/59 hunters

Caribou harvest (few are taken in ANWR on north slope in 26B) = 17 caribou in GMU 26C/30 hunters; 64 caribou in GMU 25/87 hunters.

* Source: DFG, Game Division, preliminary data.

Page 210, First Paragraph - The FWS's intent to allocate areas to outfitters "to reduce the potential for overharvest of game animals in the more popular hunting areas" appears inappropriate. Harvest, monitoring, game regulations and the prevention of overharvest are the responsibility of the Board of Game and DFG. According to the DFG/FWS Memorandum of Understanding, problems will be resolved via the state's regulatory process if at all possible prior to "intervention" by the FWS. We hope that FWS will exhaust these available avenues first before attempting to regulate users to avoid conflicts. We request opportunities for further discussion on this concern.

OIL AND GAS POTENTIAL

Page 71, Oil and Gas Resource Potential - The state reiterates its request that the CCP acknowledge the presence of large subsurface structures trending east of the Aichilik River to the Canadian border. The state notes that surficial geologic mapping along the Leffingwell Ridge, which extends into this region, also indicates the presence of good source and reservoir rocks.

MANAGEMENT COSTS

Page 397, Relative Cost of Implementing the Seven Alternatives - Alternative A is described throughout the CCP as the "Current Situation," in other words, status quo. However, we note the projected management costs on page 397 require an 80 percent increase in funding over current levels. The only apparent reason for this projected increase is an intent to hire 10 more permanent staff. Analysis of Alternative A indicates most of these staff would be used for fisheries and wildlife management and research related projects. The state encourages FWS to consider alternative options for meeting these needs, such as funding existing DFG staff to conduct management and research projects, particularly given DFG's primary responsibility for fisheries and wildlife management. Use of this option is likely to substantially reduce the project funding needs for this alternative as well as provide a valuable way for FWS to utilize existing knowledge and expertise.

Page 398, Table 28. Are the "Refuge Development Costs" presented in this table an annual cost or a one-time expenditure? The accompanying discussion on page 392 does not answer this question.

LAND STATUS

Page 55, Land Status - Consistent with previous state comments, we request that this section address state tidelands and those submerged lands that are not in dispute.

Page 57, Land Status Table - The state requests that the

following footnote be added to this table, as was included in the final Selawik CCP:

This table does not include submerged lands beneath navigable and nonnavigable waters; and unknown acreage of submerged land within the refuge boundaries. Lands under navigable waters are in state ownership. The navigability of many of Selawik Refuge's waters has not been determined. There is also an undetermined amount of land that is or may be encumbered under 17(b) easements or RS 2477 rights-of-way.

Page 193, second paragraph - This paragraph should reference tide and submerged lands, including definitions of these terms, along with the discussion about shorelands and water.

SUBSISTENCE

Page 34, Effects of the CCP on subsistence activities. This section states that the FWS "generally" would not permit activities that would significantly restrict subsistence activities. The state requests clarification regarding the circumstances under which such activities would be permitted.

Page 89-123, Biological Environment, Fish and Wildlife. Although harvest and use of fish, wildlife, and marine mammal resources should be discussed in this section, we believe the most detailed discussion of harvest and harvest levels belongs in the section on "Subsistence Uses" (pages 140-150). We recommend that the FWS review and revise both sections accordingly.

Page 109, Porcupine Caribou Herd. More recent harvest data sources are available and should be considered for acknowledgement in the plan. These sources are:

- a) Ray Quock and Jean Carey, 1987. Porcupine Caribou Harvest by Canadian Users, June 1986 - December 1986. A progress report prepared for the Porcupine Caribou Management Board. Whitehorse, Yukon: Yukon Department of Renewable Resources; and
- b) Norman Barichello and Jean Carey, October 1986. Porcupine Caribou Harvest by Canadian Users, January 1985 - June 1986. Whitehorse, Yukon: Yukon Department of Renewable Resources.

Page 114, Dall Sheep. North Slope Inupiat continue to harvest Dall sheep for subsistence purpose, as do non-Native residents of Kaktovik and Athabaskan residents of Arctic Village. We have no information on the non-village-based residents of the refuge south of the Brooks Range.

Page 118, Wolves. It appears that the first sentence of the fourth paragraph should read "The number of wolves harvested * * *."

Page 123, Whales. We recommend that the first sentence in the last paragraph of this section be revised to read "subsistence culture and economy in Kaktovik." To refer only to the importance of whaling in cultural terms understates its importance in the Kaktovik economy.

Page 127, Population Patterns. We suggest that the third sentence of the first paragraph would be more accurate if it read "Refuge lands currently are used most heavily by * * *." The likelihood of substantial change occurring in use of the ANWR for subsistence purposes may be low, but it is important to note that subsistence activities are dynamic and can be influenced by a wide range of factors beyond the control of local communities. We also recommend replacing "basically common" with "similar" in the last sentence of this section.

Page 130-131, Subsistence and Economic Orientation. We suggest that the FWS present a more balanced discussion of the mixed economies in Kaktovik and Arctic Village. In our view, the mixed cash-subsistence economies in both communities are vitally important and working effectively. The 1983 Caulfield report cited on page 131 includes some historical information for Arctic Village and Venetie comparable to that presented for Kaktovik on page 130. The 1983 Caulfield citation is listed in the text in a way that leads the reader to conclude that it concurs with the Nelson citation, i.e., that a movement away from a subsistence lifestyle is occurring in South Slope communities. This is not the case. We also request that the FWS check the Nelson 1973 citation to determine whether the comments attributed to him refer to the communities focused on in this CCP or on other villages in the area. As we have noted in the past, it is possible that Nelson would not make the same statement today about the Gwich'in communities he observed. The fact that the observations of Caulfield and Nelson differed and occurred a decade apart may illustrate the dynamism inherent in economies which utilize fish and wildlife resources.

Page 140, Subsistence Uses. The third paragraph in the introductory section is essentially correct. Recent revisions to the state subsistence law resulted in all communities in the ANWR area being classified as rural for purposes of the subsistence priority. Consequently, residents of these communities will harvest fish and wildlife resources managed by the state under any subsistence regulations which may be in effect for areas in which they have a customary and traditional use of the particular resource. The only exception is furbearer trapping, which currently is not regulated as a subsistence activity, but is an

important component of the seasonal round of harvest activities in rural areas.

Page 146, Figure 28. This map excludes the Bureau of Land Management (BLM) managed Venetie Strip lands from those utilized by Arctic Village for subsistence purposes. The accompanying text says that areas used "in and near the refuge" are depicted, which is not entirely true if the BLM lands are excluded. We suggest either their inclusion or a modification of the text.

Page 149, Figure 29. This map depicts only areas on and near ANWR that are used by Chalkyitsik, Fort Yukon, and Venetie for harvesting resources. As such, it is not comparable with Figures 27 and 28, which depict all or most of the areas used during an unspecified time period by Kaktovik and Arctic Village. We recommend that the title of Figure 29 be revised to specify that only refuge area uses are shown. We also note that the Fort Yukon subsistence use area data collected by Caulfield was based on a very small sample size and may underrepresent areas within the refuge used by that community. The DFG Division of Subsistence is updating the Fort Yukon subsistence use area maps and later this year will have more current information available. If the FWS actually used maps it developed based on the Caulfield maps and modified during the community visits associated with planning for the Yukon Flats Refuge, then this should be noted on the maps.

Page 151, Figure 30. As in Figures 28 and 29, this map depicts only refuge areas used by non-village-based residents. Either the title should be changed or the BLM lands used should be portrayed. Lands used outside the refuge boundaries are depicted, so all lands used within the boundaries should be shown.

Page 185, Cooperation and Coordination. We appreciate the FWS commitment to continuing a close working relationship with the state in the ANWR area. In addition to working with other divisions in DFG, we encourage FWS to also cooperate with the Subsistence Division regarding subsistence research efforts for the ANWR area. Since the Subsistence Division has an annual harvest monitoring program in place in Kaktovik and the FWS has found these data helpful for management efforts, we encourage the FWS to support future monitoring efforts. We have noted the FWS's interest in documenting subsistence use of fishery resources on the refuge (page 187), and consider cooperation in this area as an excellent opportunity for the FWS to carry out ANILCA Section 809 and 812 directives. We also have noted the FWS' commitment to cooperative subsistence monitoring with the DFG cited on page 199 in the fourth paragraph.

Pages 213-260, Description of the Alternatives. The "Subsistence Management" section of each Alternative indicates that the FWS

will work "with local residents to ensure that big game populations are maintained on the refuge." We recommend that this statement be amended to include marine mammals, furbearers, small game, birds, and fishery resources.

Page 261, Environmental Consequences. We found this section of the draft plan to be informative, though largely speculative. Oil and gas exploration and development are occurring and may accelerate in some areas offshore, nearshore, and on the North Slope. Therefore, we believe an accurate assessment of environmental and other impacts must take into consideration the cumulative effects of other development activities and should not be limited to the refuge. Otherwise, the full scope and potential magnitude of land use activities and their potential impacts will remain unexamined. The FWS should emphasize that their assessment only partially addresses the impact scenario in ANWR excluding the 1002 area, and acknowledge that development activities collectively may have a very different effect on the environment and resource user groups than may be portrayed at this time.

Pages 263-265, General Assumptions. Should one or more of the assumptions used in the plan prove to be incorrect, the consequences could be significant. Therefore, we suggest that the FWS note in the plan that these assumptions will be reassessed both during the step-down planning process and when the plan is periodically considered for revision.

Page 265, Alternative A. To underscore the concern expressed in our comment regarding page 261, it is unclear what effect an increase in the number of recreational hunters might have on subsistence hunting on and near the refuge if an evaluation is based solely on the projections presented here. Other factors may intervene to influence where and to what extent the refuge area is used for subsistence purposes. Expansion of oil development activities on the North Slope could influence where Kaktovik hunters hunt moose and caribou, for example, and could affect the availability and distribution of big game animals.

Pages 277-278, Alternative A, 810(a) Evaluation and Finding. The FWS should be cautious in concluding that Alternative A would not affect the subsistence needs of ANWR area residents relative to 1987 use levels, when supporting quantitative data are not presented. While we may not dispute the finding of no significant restrictions on subsistence uses, we urge the FWS to strengthen its subsistence data base so that the effects of implementation of this plan (whatever Alternative is selected) can be measured more accurately. The final sentence in the third paragraph assigns responsibility for monitoring subsistence use levels to DFG and the FWS. As we indicated in our comment on page 187, the Subsistancy Division is eager to cooperate with the FWS in the ANWR area. The next to last sentence in the Findings

section on page 278 refers to "subsistence user needs" and "subsistence use." We request that the FWS define the terms being used so that the reader can better assess how to distinguish between "needs," "uses, and "opportunity."

Pages 308-310, Alternative B, 810(a) Evaluation and Finding. We question the FWS conclusion that this alternative "has the highest potential to adversely affect subsistence uses of refuge resources * * *," but that it "would not affect the subsistence needs of local residents," which are projected to neither increase or decrease relative to their 1987 level. The information presented in this section does not adequately support the later conclusion. We also question the FWS assertion that residents who find subsistence resources displaced due to development activities need only move to a nearby area to find adequate alternatives. This may be true, but should be supported with more convincing evidence based on an understanding of local land and resource use patterns.

The discussion of displacement on page 308 and conclusion that any such problems can be resolved by residents moving to "nearby areas" does not consider the fact that this might increase competition in these nearby areas and that nearby areas may not be available for activities that could be displaced by development (e.g., furbearer trapping). Nor does the FWS comment on the possible limitations related to nearby areas being used for other economic purposes. Since "needs" or "demand" for fish and wildlife resources should not be expected to change if local residents are displaced due to development (and, in fact, could increase if the development somehow had a negative effect on the cash economy of the community), the FWS should not assume that simply shifting harvest efforts to nearby areas is a panacea.

In the Findings section on page 309, the FWS should specify why the potential effects of Alternative B on Porcupine caribou would not also reduce the number of caribou available to Kaktovik. The last sentence of this section suggests that the FWS and the DFG have the power to guarantee that "subsistence user needs" will not be adversely affected by increased public use of the refuge. We are uncertain whether this is a responsibility of the DFG, and believe the state's obligation is rather to ensure that continued opportunities are provided for subsistence uses and that the subsistence priority be implemented if necessary.

Page 382, Mitigation. In the first full paragraph on this page, the FWS mentions "instituting eligibility requirements, limiting use, or restricting activities" to protect refuge resources if public use reaches certain levels. It is unclear if these possible restrictions are aimed at local communities or the general public. Clarification is requested.

On behalf of the State of Alaska, thank you for the opportunity to review this deaft. If we can be of assistance in clarifying these comments, please contact this office.

Sincerely,

Robert L. Grogan
Director


by: Michelle Sydeman
CSU Coordinator

cc: Commissioner Judith M. Brady, DNR
Commissioner Don W. Collinsworth, DFG
Commissioner Dennis D. Kelso, DEC
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