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December 11, 1992

Paul McLaughlin  
National Park Service  
2525 Gambell Street, Rm 107  
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Dear Mr. McLaughlin:

Thank you for the opportunity to review the final draft Resource Management Plan for the Kenai Fjords National Park. This letter contains the consolidated comments of interested State resource agencies. State agencies appreciate the opportunity to be involved in this phase of the resource management plan development.

Considerable time has transpired since we were directly involved in specific aspects covered in the plan. (Scoping meetings were held in March and April of 1990.) Therefore, numerous concerns are noted which would have been easily resolvable with subsequent and more recent communication. We strongly encourage further communications between appropriate staff if necessary to clarify these concerns prior to completing the public document.

Similarly, we are aware that the Service is rapidly trying to complete resource management plans (RMPs) for several park units. Many of our comments likely apply to other RMPs under development. We therefore encourage additional communication with the State prior to completion of these internal drafts to reduce repetition of our comments.

Statement for Management

The State strenuously objected to the adoption of the Statements for Management for the newly created parks in the 1980s principally because they were developed with little or no participation by the State or public. We are concerned that the

RMP references management guidelines contained within the Statement for Management (e.g. pages 5 and 6). The adoption of this early management direction without State participation was contrary to the spirit of compromise and cooperation which accompanied passage of the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). More importantly, the unilateral adoption of these management guidelines was contrary to Congressional intent in ANILCA Section 1301, which clearly laid out NPS management planning procedures for Alaska, calling for State participation in preparation and revisions of management plans.

Since the NPS continues to cite the Statements for Management and reinforce their constraints and guidelines in subsequent planning efforts, we wish to take this opportunity to urge that these documents be redrafted with opportunities for active State participation.

#### Water Rights

Since this plan does not directly change or make recommendations concerning public use, it is not necessary to include the State's guidelines for management of the beds of navigable waterbodies. The plan should, however, acknowledge the role of the State regarding water rights. To do this, we request inclusion of the following language:

"Federal reserved water rights are created when federal lands are withdrawn from entry for federal use. They are created for the minimum amount of water reasonably necessary to satisfy both existing and reasonable foreseeable future uses of water for the primary purposes for which the land is withdrawn. The priority date is the date the land is withdrawn for the primary purposes.

Federal reserved water rights in Alaska can be claimed and adjudicated in basin-wide adjudications in conformance with the McCarran Amendment under state law, AS 46.15.165-169 and 11 AAC 93.400-440, either administratively or judicially. Alternatively, federal water rights may be applied for and granted under state law for either out-of-stream or instream water rights. In any case, water claimed or requested must be quantified.

The FWS will work cooperatively with the State of Alaska to inventory and quantify its federal water rights under state law. Water resources of the Kenai Fjords National Park will be managed to maintain the primary purposes for which the park was established."

In addition to federal reserve water rights, the plan should note that a federal agency can apply for water rights through the existing state water rights system. By applying for water rights through the State it will, in many cases, provide the NPS with the senior water rights and save both the State and federal government the cost of a federal reserve water right adjudication. The issuance of state water rights will not preclude the federal agency from applying for its federal reserve water rights in the future if the need arises. The Alaska Water Use Act also allows public agencies to apply for reservations of water for instream uses including fisheries, recreation, and water quality purposes.

### Inholdings, State Lands, and Native Land Selections

In numerous locations throughout the plan, "native selections" and subsequent possible development activities are inappropriately portrayed as significant detriments to park management. For example, page 10 states: "This emphasis [development potential] runs counter to the purposes for which this nationally recognized park was established." The Service clearly views private and state lands as detrimental: "the integrity of the park coast will be segmented", and as inappropriately allowing "other land management practices not normally allowed in national parks" (page 136).

We object to this inappropriate bias against legal activities being conducted on nonpark lands adjacent to (though within the exterior boundaries of) the park. The enormity of the conservation system units established in Alaska intentionally vacated the necessity to create buffer zones. Furthermore, Congress directed that nonfederal lands and their associated activities are not "within" national parks as evidenced in Section 103(c), which directs that regulations specific to conservation system units do not apply to nonfederal lands within such units. We request all references to adjoining lands and associated activities be revised to more appropriately emphasize cooperation in land management planning with the land owner.

Nuka Island and Nuka Passage are NOT "in [federal] park status" as page 26 indicates. Legislative history indicates that the outer park boundary included Nuka Island and other land in order to incorporate future visitor facilities; e.g., through a State transfer to the Service. (By including the island within the exterior boundaries, a transfer to the Service would not reduce the maximum of 64,000 acres which the park can add).

These lands are owned and managed solely by the State of Alaska, and management planning for these lands is addressed in the State's December 1986 Nuka Island and Vicinity Management Plan. We request all references clarify that the Service has no

jurisdictional interest in Nuka Island, Nuka Passage, and other State and private lands within the exterior boundary or adjacent to the park. We further request acknowledgement that hunting, trapping and other activities is allowed on these State lands.

In light of our comments above, we question what is meant by "Special use zones within the original park boundary accommodate private inholdings and State land selections."

### Visitor Figures

The visitor figures used to justify various proposed studies and activities appear to be inconsistent: Page 72 states there were 1000 in 1980 compared to 50,000 in 1991, page 54 states there were 10,000 in 1980 compared to "over 100,000" in 1991, and page 103 shows a growth from 5,649 in 1981 to 107,973 in 1991. In clarifying these figures, we suggest the plan make a distinction between those who visit the Seward visitor center and adjoining trail and those who actually travel within the park.

### Subsistence

Although subsistence activities are not specifically authorized in the park, they do occur in adjoining areas. Consequently, we are concerned that the Service appears to desire to control activities in these adjoining areas. We do not object to the Service's concerns about the uses to which non-park lands are put, but we cannot endorse the Service having authority to determine what activities can occur on non-park lands.

Nearly all of the Project Statements include provisions for ANILCA Section 810 evaluations. It is unclear why the Service intends to conduct these evaluations when subsistence uses are not authorized in the park. The 810 evaluation contained in this draft plan (pages 147-149) is basically a self-fulfilling prophecy: the plan will not significantly restrict subsistence uses, as subsistence uses do not occur in the park. We suggest further consolidation and refinement of the treatment of 810 evaluation discussions.

Page 148 states that "No subsistence activity is known to occur on land in the park." While this is essentially an accurate statement, we recommend the plan acknowledge historic uses of some coastal areas of the park by ancestors of the current residents of Port Graham and Nanwalek (English Bay), perhaps as recently as the 1940s or 1950s. The present-day residents continue to have an interest in and substantial knowledge about these areas.

## Cultural Resources

Section IV (pages 105-110) discusses the scope and content of a cultural resources management program for the park. We endorse its goals and encourage the Service to confer with the Alaska Department of Fish and Game's (DFG) Division of Subsistence in developing a study plan to address such issues as CO4 and C10 (pages 106 and 108). Further documentation of subsistence resource harvest and use patterns in the vicinity of the park and adjoining areas deserves careful consideration, especially if the Service wishes to influence subsistence activities outside the park.

Cultural Resource Project Statements KEFJ-C-204, 205, 210 and 211 are of interest to the Division of Subsistence, as they could or will address subsistence uses and related topics. We endorse cooperative research efforts, when feasible, to minimize impacts on the study communities and to maximize the utility of the data collected for management purposes by state and federal agencies.

## General Comments on Studies

DFG staff request an opportunity to review specific study plans and participate in the design of such studies. References and descriptions of possible studies in the plan are quite broad and contain few specifics. When NPS staff considers pursuit of funding through drafting of study proposals, numerous DFG staff have indicated an interest in providing constructive input. In addition to the design of possible studies, DFG staff are interested in participating in conduct of cooperative research projects when feasible.

We request that the narrative descriptions of studies on goats, moose, and other wildlife be rewritten under each "RECOMMENDED ACTION" to specifically recognize participation and consultation with DFG. We suggest the language on page 63 for murrelets be included for each species, such as: "Consult with the \_\_\_\_\_ and Alaska Department of Fish and Game to design a sampling scheme for \_\_\_\_\_ along \_\_\_\_\_ of Kenai Fjords National Park."

## Fisheries Studies

The following comments apply to the problem statement on page 34 in KEFJ-N-101.1: Assess Composition, Distribution and Abundance of Fish Species in Streams and Lakes.

The problem statement should more specifically address where information is lacking. In paragraph 2, we suggest changing the first sentence to read ". . . limited budget has restricted its activities to monitoring the escapement of only three species (pink, chum, and sockeye salmon) and the commercial harvest of all five species of salmon within two drainages, Nuka and Aialik Bays." Following the first sentence, we suggest adding:

"ADF&G also collects age composition data but only from the sockeye salmon commercial harvest. Age composition is required to estimate spawner-return (i.e. catch and spawning escapement) relationships. Spawner-return relationships reflect fresh water carrying capacity; are unique to each drainage and species; and are used to evaluate the effects of human and wildlife consumption of the spawning population. Because sockeye salmon mature and return to spawn anywhere between 3 and 6 years of age, four consecutive years of catch and escapement age composition data are required to estimate the returns from a single spawning escapement. To obtain area-specific age composition data, ADF&G must fly to the harvest areas and intercept the fish before they are mixed with the catch from other areas. This activity is dependent, of course, on weather and the cooperation of the fishers and processors.

In Aialik Bay, the area-specific catch samples are presumed to be stock-specific samples because there is only one significant spawning stream within this drainage. In Nuka Bay, however, there are at least four significant spawning streams (Delight, Desire, a third drainage unofficially named *Delectable*, *Delusion*, or *Ecstasy*) and James Lagoon. ADF&G does not have a stock identification program for Nuka Bay (e.g., scale pattern analysis, genetics, morphometrics, parasite analysis, etc.). ADF&G assumes that the stock composition of the Nuka Bay catch is either proportional to the escapement or is a function of area closures. Errors in the stock composition estimate of the commercial catch show up in the spawner-return relationships which in turn affects decisions regarding resource use and protection.

We also suggest adding to the end of the existing paragraph:

Salmon runs have declined recently and there is speculation but no studies on how wild stocks within the park are affected by hatchery released fish in Prince William Sound or by interception fisheries downstream in State or international waters.

On page 36, we suggest the following addition to RECOMMENDED ACTION 4: ". . . monitoring such that species interaction, population growth, and resources consumption models can be built to support the decision-making process." In the second to last paragraph, we suggest the following:

- 1) Age composition data be included with species composition, distribution and abundance.
- 2) Mark and release and plankton tow nets be part of the standard techniques.
- 3) Simple annual estimates of juveniles entering the population and overwinter mortality be estimated along with the relative population index. Add simple stomach content analysis and predator-prey relationships.
- 4) Add to the list of simple water quality data: both sea and stream temperatures, vertical temperature gradient in the lake, stream, and spawning gravel dissolved oxygen, index monthly snow cover where salmon spawn and record incidents of freshets.
- 5) Suggested contract studies--stock discrimination methodology for stocks within the park affected by commercial fishing; smolt emigration timing from the streams and distribution with the fjords; environmental and predator/prey variables affecting spawner-return relationships; carrying capacity of the lakes and fjords.

The Project KEFJ-N-101.2 Document colonization process by Aquatic Invertebrates and Anadromous Fish in Fjord Drainages does not include stomach content analysis. The text for invertebrate studies needs to clarify whether it includes plankton. We suggest the research also consider addressing the evolution of predator-prey relationships and ultimately carrying capacity as they document ecological succession, the development of macroinvertebrate communities and colonization by new species.

#### Bear Studies

The proposal is appropriately designed to avoid adverse bear-human encounters for an area where bears are not a primary emphasis of management effort or a major problem. We request that on pages 76 and 77, "Develop a bear management plan" include "in cooperation with the Department of Fish and Game."

We suggest the explanations of bears killed in "Defense of Life or Property" (DLP) be less sensationalized. Have there been more DLPs since the 3 in 1986? Are the "20 case incident records" documenting damage to human resources and/or bears derived from voluntary park records or Alaska State Trooper Division of Fish and Wildlife Protection records? The policy and plan should also include specific steps for providing bear proof containers. Page 77 (paragraph 2) addresses this in less depth than may be appropriate. Implementation objectives designed to "remove unnatural food sources" requires addressing visitor behavior and possibly more intensive efforts at facility maintenance (e.g., garbage pickup). Such steps may be more expensive than the proposal indicates. The local planning staff may wish to consult with other NPS staff recently involved in a review of such programs in the Denali park area for more current cost figures and options.

Concerning black bear studies on page 80, we are concerned about the implications of the qualifier "the NPS must first secure concurrence, and hopefully, cooperation from the Alaska Department of Fish and Game." We suggest the following rewording: "The Service will cooperate with the Alaska Department of Fish and Game in design and conduct of a black bear movements study."

Similar language should be included in the first paragraph under RECOMMENDED ACTION. Tracking frequency and numbers of collared animals will depend upon the study design, and more importantly the available manpower and money contributions of involved agencies. We suggest revising the last sentence of the first paragraph "NPS may wish to cooperate with Chugach National Forest and ADF&G in the Exit Glacier area, and with ADF&G for the coast" to read "The Service will seek participation of the Forest Service, Fish and Wildlife Service, and Alaska Department of Fish and Game." Each agency will probably participate in only those areas related to its areas of responsibility.

#### Vegetation Studies

The proposed study and mapping of park vegetation (page 65 MAP PARK VEGETATION) seems to merit a much higher priority than currently given in the RMP. In fact, based on the following language in the plan, mapping vegetation should be one of the highest priorities of the park:



"Assessment of critical habitat for various wildlife species such as mountain goat winter ranges and nesting areas for bald eagles or marbled murrelets is not possible without vegetation maps for the areas of concern. . . .".

### Trail Plan

Page 73 entitled "Update the Kenai Fjords National Park Trail Plan" should be coordinated with historical information available from the departments of Natural Resources, Transportation and Public Facilities, and Fish and Game. It is not evident whether the park trail plan completed in 1991 was coordinated with the State.

We also request that the Service elevate the prioritization of completing an access and transportation plan for the park. Other resource data needs and planning cannot be thoroughly evaluated without completion of that process. ANILCA Section 1301 required the Service to prepare an access and transportation plan for the park as part of the General Management Plan with full State participation. Such a plan was never completed. The State remains ready to participate in this Congressionally-mandated effort.

### Wolverine Studies

Pages 32 and 49 reference radio-collaring and aerial tracking of wolverine as part of the current survey methods. However, Service staff advise that this will only be done if and when current studies indicate this is a viable option. Current plans do not include radio-collaring and subsequent radio-tracking as part of the initial interagency study plans. Consistent with this significant point, we suggest the following clarifications:

Page 32, paragraph 3, last sentence: Replace the word "ultimately" with "potentially" so the statement more accurately reads: "and potentially a radio-tracking program to determine range and demographic factors."

Page 49, continuation paragraph. The last sentence would be more accurate if rewritten to read: "The primary method to achieve these objectives involves aerial surveys of track intercepts during winter after a fresh snowfall, and if studies prove feasible, radio-collaring and aerial tracking throughout the year."

Page 48, paragraph 2 makes reference to one isolated incident of a trapper successfully trapping eight wolverine, only one of which was male. Annual wolverine harvest records give no reason to indicate that this one isolated incident is a trend. We request this misleading discussion be corrected appropriately.

Page 48, paragraph 2 states "Wolverine are trapped throughout the Kenai Peninsula, except in the park." We request this be corrected to note that Game Management Unit 15A is also closed to trapping.

Page 48, paragraph 3: After "trapping pressures", insert "or other factors" so the sentence reads: "It is not known if this area has always had a low density of wolverine, or if trapping pressure or other factors have diminished the population."

Page 48, paragraph 3 also describes the failure of the Fish and Wildlife Service to locate any wolverine in unit 15A or adjacent areas over a two year period. The discussion should also clarify the degree of effort that was invested in attempting to locate wolverine.

Page 49, paragraph 1 should reflect that radio-collaring is not in the immediate study plans. We suggest: "Kenai NWR has aircraft with which to survey its land and will provide barrel traps and radio collars for captured animals if at a future time this becomes a viable study option."

Page 49, paragraph 1 should clarify the DFG's role. The Department of Fish and Game is taking the lead on this project at the request of the interagency committee and is providing staff and money to conduct aerial surveys.

Page 49, RECOMMENDED ACTION. Paragraphs 1 and 2 discuss aerial surveys of wolverine tracks in the parks as two steps when in fact they will be done as one study. We request the separation of jobs be eliminated.

Page 49, last paragraph: We suggest the following wording be substituted: "After the distribution and relative abundance study is completed in FY94, all cooperating agencies will address whether it is worthwhile pursuing a feasibility study of trapping in the Exit Glacier area or other areas on the Kenai Peninsula."

### Goat Studies

We request these studies (pages 51-54) include involvement of DFG in study plans and actual conduct of goat research.

### Murrelets Studies

DFG sources indicate that the number of seabirds thought to perish in the Exxon Valdez Oil Spill is more likely "thousands" rather than "hundreds" (page 62). Our information also indicates that murrelets are the primary prey of peregrines. Falcons all along the coast are believed to prey upon murrelets throughout the breeding season. We suggest the RMP consider including studies of this relationship.

### Coastal Resource Studies

Page 84 describes intent to CONDUCT BIOLOGICAL INVENTORY OF COASTAL RESOURCES as follows: "Such an inventory should include, but not be limited to: intertidal flora and fauna, near shore marine fauna and flora which may visit the coast or wash ashore, coastal flora and vegetation types to some elevation or distance from shore, and coastal fauna." We note that nearly all of these studies would be in areas adjacent to parklands rather than resources within the park. We suggest that studies outside the park should be given a lower priority.

This discussion goes on to state "A large part of the inventory should focus on smaller, less visible biological components in the intertidal and near shore areas which would be most susceptible to human disruption." The state already has a land management plan adopted for the state-owned tidelands and submerged lands in the vicinity of Kenai Fjords National Park. If the Service intends to propose new studies or actions which could be used to alter public use activities in these state lands and waters, it would be more appropriate for this section to reflect a desire to cooperate with the State in the conduct of studies and additional land planning.

### ANILCA "No More Clause"

Page 86 states: "Length, widths and flow rates of streams and rivers are also needed for wild and scenic rivers determinations". We note that ANILCA stated there would be no further studies for Wild and Scenic River designations and other

conservation system units unless specifically directed by Congress. Consequently, we do not believe this is valid justification for undertaking these data collection activities.

### Relationship to Other Planning Documents

We request clarification of the relationship between the RMP and other NPS plans be included in the introductory section of the plan and other sections as appropriate. The following two comments illustrate the need for this clarification.

Page 105 Inadequate Planning Documents: "the revised Statement for Management needs to be printed." See our earlier comments regarding revision and the State's participation in the preparation of the Statement for Management. Also, any reference or intent to update the General Management Plan should include appropriate participation and involvement of the public and the State of Alaska as directed in ANILCA Section 1301.

Page 136 DEVELOP A MANAGEMENT PLAN IN RESPONSE TO NATIVE LAND CONVEYANCES: What is the difference between this and the existing Land Protection Plan which already addresses these native land selections? Concerns over changes in land ownership and activities are addressed in both the General Management Plan and in the Land Protection Plan for the park. We question the need to do ANOTHER management plan for these same park lands.

### Page-Specific Comments:

p. 22 "a runaway hunter fire"--was the hunter a runaway? Doesn't this mean a runaway campfire?

p. 23--DFG is not considering a black tail deer transplant.

p. 26--"Change wording in hunting regulations to clarify for hunters areas closed to hunting along the Resurrection River." We agreed to this change over a year ago and have changed the regulation booklet accordingly.

p. 26--"The primary goal of the natural resource management program is to maintain natural processes to the greatest extent possible while . . ." Amend this to include "while protecting recreational opportunities and user activities also protected by ANILCA".

p. 27--Northwestern Lagoon. We suggest clarification of ownership and jurisdiction in light of the plan's intent that "developments will not be allowed in the Northwestern Lagoon."

P. 35 "Field research will be contracted to qualified individuals with the USFWS, a Cooperative Park Study Unit, or other University researcher." The State should also be listed, particularly since it is currently the state who collects data, particularly for management of the fisheries.

Sincerely,

Sally Gibert  
State CSU Coordinator

cc: Gary Vequist, National Park Service  
Carl Rosier, Commissioner, Department of Fish and Game  
Glenn Olds, Commissioner, Department of Natural Resources  
John Sandor, Commissioner, Department of Environmental  
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