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June 14, 1993

Bob Shallenberger
Chief, Division of Refuges
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Room 670
Arlington, VA 22203

Dear Mr. Shallenberger:

The State of Alaska has completed its review of Refuges 2003 - A Plan for the Future, and accompanying Environmental Impact Statement. This letter represents the consolidated comments of the State's resource agencies.

With nearly 85% of the national wildlife refuge system located in Alaska, all managed according to comprehensive Alaska-specific legislation, this plan must clearly distinguish between management of Alaska refuges and those in the lower 49 states. We recommend the addition of a special section devoted to how the DEIS/Plan applies to refuges and refuge management in Alaska, or completely exempt Alaska refuges from the *Refuges 2003* process.

OVERVIEW

The State of Alaska concludes the DEIS/Plan contains an unrealistic set of alternatives; lacks a complete list of clear and attainable goals and objectives; fails to fully recognize and evaluate legislative directions for individual refuges, especially for Alaska; and provides vague discussions of important management directions. The DEIS/Plan appears to merely justify continuing the current management direction at an accelerated, more costly pace without a realistic analysis of the impacts. Consequently the State seriously questions the adequacy of the *Refuges 2003* DEIS/Plan as an environmental impact statement.

In spite of these major shortcomings, the plan accomplishes some tasks well. The format is thorough and systematic in its effort to show some interrelationships between goals, uses, and actions. The quantification of expected changes shown in the tables suggests its predictions are based on a detailed analysis. These attributes are not enough, however, to rescue an otherwise faulty document.

We urge the Service to revise and re-issue the plan in draft form with more realistic alternatives, more detailed management goals and objectives, and improved analyses of impacts. The majority of the State's concerns can be addressed effectively in a new section of the DEIS/Plan which focuses specifically on refuge management in Alaska. In its present form, the DEIS/Plan does not consistently describe how Alaska refuges would be affected by the various alternatives or how they are exempted from provisions applicable to refuges elsewhere. More detailed recommendations applying to the plan as a whole are included at the conclusion of this letter.

APPLICABILITY OF REFUGES 2003 TO ALASKA REFUGES

The State's comments to the U.S. Fish and Wildlife Service on earlier versions of this document (May 9, 1991; March 2, 1989; May 3, 1986) clearly state that any national management decisions must either exempt Alaska or clearly give deference to the tailored Alaska legislation which established refuges in Alaska. This general concern is only briefly addressed on page 1-11 with a statement that primary management statutes would supersede other actions governing refuge operations. We urge that more specific discussion be provided to accurately reflect legislated differences between refuge management in Alaska and the other 49 states. Unless such guidance is specifically included in the final alternative, our experience shows that future managers will tend to first apply the more recent national guidelines, only recognizing applicable Alaska legislation if those impacted by the erroneous decisions seek reconsideration.

Passed in 1980, the Alaska National Interest Lands Conservation Act (ANILCA) was a major Congressional compromise which established nearly 80 million acres of refuge land in Alaska with many unique management provisions. These provisions include recognition of the State's management of fish and wildlife, guaranteed traditional public access, and requirements that many pre-ANILCA uses continue (subsistence activities, recreational hunting, recreational and commercial fishing, trapping, and motorized access, among others). The

Refuges 2003 DEIS/Plan occasionally notes applicability of ANILCA but does not consistently recognize the major management differences which were legislated for Alaska refuges.

For example, page 1-22 refers to hunting as an acceptable form of wildlife-oriented recreation but says nothing about continued opportunities for subsistence hunting being one of the specified purposes for which many Alaska refuges were established. In applying management guidelines, hunting on Alaska refuges cannot be equated with recreational hunting on refuges elsewhere.

COMPATIBILITY DETERMINATIONS

The DEIS/Plan contains descriptions of proposed actions or allowed activities which are frequently qualified as being subject to a compatibility determination which would be rendered by the refuge manager. No clear process is provided for consideration of individual refuge purposes, the establishing legislation, or other considerations. More importantly, the DEIS/Plan fails to detail a process which clarifies the role of the public, affected state and federal agencies, or any other aspects of refuge administration in the rendering of such determinations. The DEIS/Plan itself is nullified if a manager exerts this implied authority to restrict allowed activities which he/she deems incompatible.

We request that the DEIS/Plan include clear criteria and a public process for determining compatibility. Legislation creating Alaska refuges specifically provided for the continuation of many existing activities such as commercial fishing, use of cabins, traditional motorized access, subsistence activities, and reindeer grazing. The DEIS/Plan provides an avenue for an Alaska refuge manager unfamiliar with these activities or their respective ANILCA provisions to render an incompatibility determination. Criteria need to be established to consider these legislated provisions and a public process (including already agreed upon consultation with the State of Alaska) that must be followed. Otherwise a refuge manager may look to inapplicable national standards or special interests to render determinations which would threaten the continuation of current uses and preclude legitimate new uses.

ALTERNATIVES

Choices Provided

Five of the seven alternatives contained in the DEIS/Plan feature single uses. Each single-oriented use alternative apparently makes allowances for other uses only to the extent that existing laws specifically require. Obviously, each alternative will be strongly opposed by a large number of interest groups and individuals. Each violates the refuge system's mission statement to provide the ". . . widest spectrum of benefits . . ." Each is inconsistent with the intent and perhaps letter of the legislated purposes of many refuges as well as a number of existing laws and policies. For these reasons, these alternatives should have been considered unfeasible and omitted. Their primary purpose seems to be to provoke sufficient conflict to demonstrate the viability of the selected alternative.

The only feasible alternatives presented in the DEIS/Plan appear to be the "Projected Current (No Action)" and "Balanced (Proposed Action)" alternatives. These two alternatives mainly differ in levels of staffing and funding and the rate at which existing activities would be curtailed.

Based on the diversity of legislated purposes, biological characteristics, and user interests within the entire refuge system, we suggest that the public and the Service should be provided the opportunity to select from several "balanced" alternatives that strive to accommodate different mixes of goals, priorities, and methods of accommodating conflicting elements. The DEIS/Plan gives little indication that such alternatives were identified and considered.

The Preferred Alternative

Some sections of the preferred alternative (pages 2-15 through 2-20) require revision, clarification, or consistent treatment. For example, the plan should clarify how establishment of the National Biological Survey will affect the objectives in *Item 3: Collect and Manage Data*. We also recommend that the preferred alternative clearly specify in *Item 23: Provide Hunting Opportunities* that hunting on refuges in Alaska will continue as provided in ANILCA, as is included in other alternatives.

The preferred alternative must also affirm implementation of the full scope of individual legislated directions for each refuge, ensuring conservation of fish and wildlife habitats

while providing for public uses. The selected alternative should recognize that specific ANILCA provisions for hunting, fishing, trapping, access, and other public uses on Alaska refuges take precedence over general guidelines developed for the 15 percent of the nation's refuge lands which occur outside of Alaska.

WILDERNESS

Wilderness additions in the "No Action" and the "Balanced" (preferred) alternatives (11 million and 29 million, respectively) are not appropriate for Alaska. Any addition in Alaska of the over 1,000 miles of proposed Wild and Scenic River designations are also not appropriate in Alaska. Section 101(d) of ANILCA specifically states that additional CSU designations are not necessary. Studies concerning wilderness (Section 1317) and wild and scenic rivers (Section 604) have already been completed under ANILCA and recommendations are slated for Congressional consideration. Further administrative action in the context of this plan/EIS is unjustified and not consistent with Congressional intent.

The document is so vague about wilderness that it is conceivable that its wilderness recommendations are somehow intended to be an indicator of the ANILCA Section 1317 wilderness review process. If so, we strongly object to the recommended acreage that is implied, but not specified. Based on an exhaustive public review process completed in 1988, the Regional Director recommended approximately 3.5 million acres of new wilderness in Alaska refuges. (The plan states that 8.6 million acres were recommended, although no documentation of the source of this apparently erroneous figure is given.) If the entire 3.5 million acres were designated, then nationwide refuge wilderness would total approximately 24.1 million acres. Yet page 2-16 states that the preferred alternative would increase the acreage of wilderness in the refuge system "to 50 million acres, most of it in Alaska". While it does not state how much wilderness is proposed for Alaska (an inexcusable omission), it is clear that the plan is relying on some figure much larger than 3.5 million acres, or even 8.6 million acres.

The State generally opposes all new wilderness designations in Alaska, and will strongly object to any attempts to further increase the acreage already proposed. We urge that the document clarify the location and extent of wilderness proposals since this is now impossible to discern. A more

thorough presentation and analysis of wilderness is a necessity to evaluate the possible effects on refuge management and public uses in Alaska.

The document should also recognize that ANILCA amended the Wilderness Act, thereby allowing activities in Alaska wilderness areas that are not necessarily allowed in other wilderness units. Suggested limitations in the DEIS/Plan for conduct of certain activities in wilderness areas are frequently not applicable in Alaska. Since Congress has already made determinations regarding allowable activities in Alaska wilderness, there is no justification for revisiting wilderness management provisions in Alaska.

GOALS AND OBJECTIVES

The only statements specifically identified as goals are those in the Service's current Refuge Manual. None of the alternative in the DEIS/Plan have identified goals, yet clear goals and objectives are essential in forming the foundation of any good plan. Some goals are implied in the narrative; but they are difficult to distinguish from predicted effects of the alternative. For example, the document states that the preferred alternative would produce moderate increases in hunting opportunity. We question whether increasing hunting opportunity is a goal or merely a consequence of the action. In Alaska, hunting opportunities are provided by the State of Alaska throughout the state, including refuges. Thus improving hunting opportunities is not an appropriate goal for the Service. A related goal that is appropriate for Alaska would be to improve cooperative relationships with the appropriate states in their provision of hunting opportunities.

Where goals are indicated, priorities among them are sometimes unclear. The DEIS/Plan does not clarify to what extent goals on all refuges are intended to be addressed versus whether conflicting goals might be accommodated by setting different priorities for different refuges.

ADDITIONAL ISSUES

The DEIS/Plan fails to clearly address many issues. Some issues are mentioned, sometimes repeatedly; but little indication is given of how the issues will be resolved. The following are a few examples:

Vagueness in Addressing Differences Among Refuges.

Differences in purposes, size, habitat types, species and human uses of different refuges are mentioned, and specific examples of some refuges are included. No overall philosophy is provided, however, on how such diversity should be accommodated. For example, the 16 refuges in Alaska are vast and largely remote compared to the hundreds of small refuges protecting remnant habitats in developed areas of the lower 49 states. This difference alone dictates the need for a different management strategy.

In addition, there is little indication of the impact of the plan in cases where individual refuge purposes or characteristics are inconsistent with nationwide programmatic goals. Many of the impacts discussed refer to "most" refuges but do not explain the (possibly major) exceptions. For example, the document states that most refuges were not established for game mammals; but then fails to address those refuges where game mammals were an important factor in establishing the refuge.

Relationship to Existing Laws and Policies. Existing laws and policies are identified in the introduction, but no discussion indicates if or how these affect the alternatives. In some cases, changes in law or existing policy would be necessary to implement the alternative but neither those changes nor the process are identified.

Non-Refuge Lands. The necessity of considering management of adjacent non-refuge lands is only superficially mentioned and should be further justified. Private and state lands in Alaska which are within or adjacent to refuges are not subject to refuge-specific regulations (ANILCA Section 103(c)). Therefore guidelines for "considering" such lands should be different than for lands commonly referred to as inholdings in other refuges.

The State is pleased to see the statement on page 1-4, item 4, that "...public uses on ...refuges...shall be consistent with state laws and regulations." However, the remainder of the section implies that this is applicable only to fish and wildlife-related activities. Since Alaska accounts for the majority of acreage in the refuge system (page 1), it would assist the public to know that in Alaska, the Service and the State also work closely on other issues, such as water rights, access, and submerged land management.

State-Federal Cooperation. The issues of overlapping jurisdictional responsibilities and authorities of state and federal agencies is mentioned on page 1-4 of the introduction, but no further information is provided. The success of implementing the DEIS/Plan will largely depend upon the impact of the selected alternative on agencies' current programs. More importantly, clear and consistent emphasis should be placed on cooperation with the state(s). In the absence of such discussion, we request that the DEIS/Plan clearly acknowledge and affirm the guidelines contained in the March 13, 1983 43 CFR Part 24 *Department of the Interior Fish and Wildlife Policy; State-Federal Relationships*.

In the 2nd paragraph on page 1-7 (item 8), delete the sentence, "The vast majority of fish...problems that threaten...occur on private lands." This sentence contains misplaced punctuation (the vast majority of fish and wildlife habitat does not necessarily occur on private land) and bias ("vast," "problems," "threaten" = private land). The sentence is awkward and inflammatory. Many private landowners cooperate with and encourage compatible management, especially in Alaska.

Diversity. The terms "diversity", "biodiversity", and "natural diversity" are used frequently, implying that all forms of natural diversity apply to all refuges; (e.g., genetic diversity). Although possibly appropriate for some refuges, this guideline creates conflicts for refuges where "species diversity" is the legislative intent. Application of the "diversity" criteria may also be impractical or contrary to legislated purposes, yet recognition of such circumstances is missing. For example, some heavily managed refuges may have been designated for, or appropriately strive to, artificially enhance diversity or enhance target species at the expense of diversity.

Incomplete Discussions. Numerous sections contain incomplete discussions of issues. For example, the DEIS/Plan states that prescribed burning will be limited in wilderness areas because of equipment restrictions. Application of this restraint to wildfires is not clear. In another example, hunting is portrayed as detrimental to wildlife viewing although this has been proven to not always be the case, especially in large, lightly used areas and in areas where potentially competing demands are managed through time and space zoning.

CULTURAL RESOURCES

While the DEIS discusses cultural resources, the State is concerned that efforts to identify and protect significant sites remains inadequate. Currently only one full-time archaeologist is employed to manage the thousands of known sites in the refuge system. Further, since much of the refuge system is unsurveyed, we confidently predict that thousands more sites remain to be discovered.

Hundreds, perhaps thousands, of undocumented sites are likely being damaged or destroyed by coastal and riverine erosion and vandalism. The "No Action" alternative (aptly described in this instance) states that "sites impacted by erosion, looting, and vandalism would be expected to increase from the current 2,600 to 3,700" (page 2-15). Even the preferred alternative which promises that "systematic inventory of cultural resources on refuges would be accelerated significantly" (page 2-20), is inadequate. For this alternative, the plan admits that "the number of sites impacted by erosion, looting and vandalism would not decrease significantly", presumably remaining at the 2,600 figure. That amount of loss of non-renewable resource should not be acceptable.

Regardless of alternative selected, the State recommends establishing a long-term, systematic cultural resource inventory of Alaska refuges. This program should include:

- * a baseline overview and assessment of what is known for each refuge,
- * establishment of a preservation plan, including evaluation of known resources,
- * establishment of priorities for lands most needing inventory, and
- * a prioritized program for evaluation of and nomination to the National Register of Historic Places of significant sites and districts.

Adequate funding and staffing levels must also be identified as an objective to insure implementation. Presently the Service's compliance with Section 106 and 110 of the National Historic Preservation Act is sporadic and irregular. We support the Service's attempt to begin long-term planning to improve cultural resource management in Alaska and throughout the refuge system generally.

RECOMMENDATIONS

To develop a more functional and measurable plan, we recommend the following as part of the DEIS/Plan rewrite:

1. Clearly define compatibility criteria used to evaluate the conduct or elimination of activities. The relationship of a manager's determination of compatibility to the legislated purposes should be clarified and limited to more closely adhere to refuge purposes.

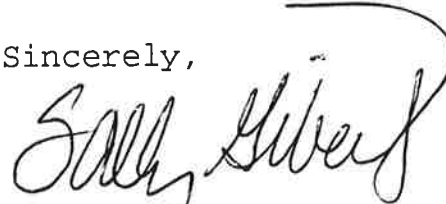
2. Comprehensive goals should be developed with clear statements of direction (more specific than those in the Refuge Manual). Goals should be developed for all key resources and uses. These goals should then be arranged in different combinations and priorities, thus forming the basis of a new set of "balanced" alternatives.

3. Each new alternative should address:

- * Any aspects with unique applications to Alaska, unless the document exempts Alaska upfront.
- * The relationship between individual refuge goals and programmatic goals, including how many refuges will achieve specified program goals and to what degree.
- * Conformity to existing laws and policies, and what changes must be made to implement the proposed management direction.
- * Relationship of refuge management to management of adjoining lands.
- * Effects of the alternative on the programs of those state and federal agencies with overlapping interests, responsibilities, and authorities.
- * Specific role of concepts such as natural diversity and ecosystem management to management of the refuges.
- * Definition of compatible uses, the process for determining compatibility, and boundaries for management decisions.

Thank you for the opportunity to provide these comments. We look forward to reviewing a revised draft EIS. We would also be willing to informally review any Alaska-specific language in advance of publication if such assistance would be valuable. If you have any questions concerning these comments or wish to seek additional input, please feel free to call this office at (907) 561-6131.

Sincerely,



Sally Gibert
State CSU Coordinator

CC:

Walter Stieglitz, Regional Director, USFWS
Carl Rosier, Commissioner, Department of Fish and Game
Glenn Olds, Commissioner, Department of Natural Resources
John Sandor, Commissioner, Department of Environmental
Conservation
Bruce Campbell, Commissioner, Department of Transportation and
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Richard Burton, Commissioner, Department of Public Safety
John Katz, Governor's Office, Washington, D.C.

**CSU Distribution List
Refuges 2003
June 15, 1993**

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Terry Haynes, Department of Fish & Game, Fairbanks

Priscilla Wohl, Department of Environmental Conservation, Anchorage

Joyce Beelman, Department of Environmental Conservation, Fairbanks

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