

STATE OF ALASKA

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August 13, 1993

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

ATTN: Bob Stevens

Dear Mr. Stieglitz:

The State of Alaska has reviewed the Fisheries Management Plan for the Izembek National Wildlife Refuge. This letter represents the consolidated comments of the State's resource agencies.

The State has few substantive concerns with the activities proposed in this fisheries management plan. Most of our comments address corrections to the plan which fully recognize the State's management authority over fishery resources. To assist in making modifications, our comments are organized by page number.

Cover letter. The second paragraph begins with an incorrect statement that the "Fishery Management Plan will direct the management of fishery resources on the refuge...." In fact, this plan directs the activities of the Service in cooperation with the State's management of fishery resources.

Executive Summary. Given the State's responsibility for management of fisheries on the refuge, the last part of the first sentence should be revised to read "...while maintaining DFG's ability to continue sustainable harvests."

Executive Summary paragraph 2. Change "lack of baseline fishery data" to "incomplete baseline fishery data".

Page 1, refuge purposes. The listed purposes are not all-inclusive. Revise last line of first paragraph to read "for the following purposes, among others:"

Page 5, map. It would be helpful to have the Izembek State Game Refuge recognized in the text and identified on this map (map enclosed).

Page 15, second line. State Game Refuge should be capitalized.

Page 19, Fishery Resource. This section should acknowledge the supplemental Memorandum of Understanding (MOU) between the Alaska Department of Fish and Game (DFG) and the Service designed to assist in cooperative management of the Izembek National Wildlife Refuge and the Izembek State Game Refuge (copy enclosed). We also recommend including the MOU in the Appendix.

Page 35-37, Subsistence Fishing. Additional information about subsistence fisheries in refuge area communities is available and should be acknowledged in the plan. Stephen R. Braund and Associates described subsistence fisheries in a 1986 report prepared for the Mineral Management Service entitled "Effects of Renewable Resource Harvest Disruptions on Community Socioeconomic and Sociocultural Systems: King Cove." The DFG Division of Subsistence has conducted subsistence studies in False Pass and King Cove and is preparing technical reports which detail the study findings, including descriptions of subsistence fishing and harvest levels for the period covered in the study. Further information about these studies is available from Jim Fall in Anchorage.

Page 43, Objectives A-1, A-3, A-4: Revise to indicate cooperation with DFG. For example: "To cooperate with DFG in administration of the fishery management program..." **Objective A-2** should be revised as follows: "To cooperate with DFG in the monitoring and enforcement of harvests of Izembek Refuge fish populations..."

Page 45, sentence 4. Revise this sentence to read "The Refuge manager will primarily be responsible for administrating the Service's activities in fishery management program and taking the lead in habitat management."

Page 46, paragraph 1. Revise first sentence to read "The Service will strive to cooperate with DFG to maintain fish populations at historic and cyclic levels..."

Page 46, paragraph 2. Revise fifth sentence to read "In emergency situations the Department may issue temporary closures..."

Page 49, paragraph 1. Revise second sentence to read "...the Service will cooperate with DFG in conducting aerial index surveys and operating state fish counting weirs."

Pages 49-51, Refuge River and Stream Management. We request the Service consult and coordinate with DFG staff in the Subsistence, Commercial Fisheries, and Sport Fish divisions in developing and conducting sport fish and subsistence surveys -- in part because most subsistence harvest occurs off-refuge. DFG does not monitor all subsistence fishery harvests, so the need for harvest information will vary among species.

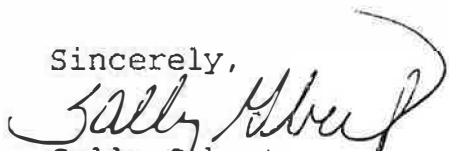
Page 51, Water Rights. We recognize the changes made to language in the fisheries management plans addressing water rights. These changes are acceptable in the context of this plan.

Page 53, Task A-3-4. "Use existing weir on Russell Creek to enumerate escapement of steelhead trout." This may not be feasible, unless the "existing weir" use is achieved through cooperative agreement with the Aleutians East Borough which is taking over the Russell Creek facility.

Pages 54-56, Task A-4-2, survey of roadside lakes; **Task A-4-3,** implement a stocking program; **Task D-1-1,** gathering water quality data; and **Task D-1-2,** monitoring streams and lakes. These programs could be conducted by the State under DFG's new lake survey program "Western Alaska Initiative". The current DFG research effort on lakes and their potential productivity in the Cold Bay area could be expanded to include the systems suggested.

Thank you for the opportunity to review this plan. The State looks forward to working with the service in implementation of the listed projects. If you have any questions, please feel free to call this office.

Sincerely,



Sally Gabert
State CSU Coordinator

Enclosures:

Map of Izembek State Game Refuge
MOU between DFG and the Service

cc:

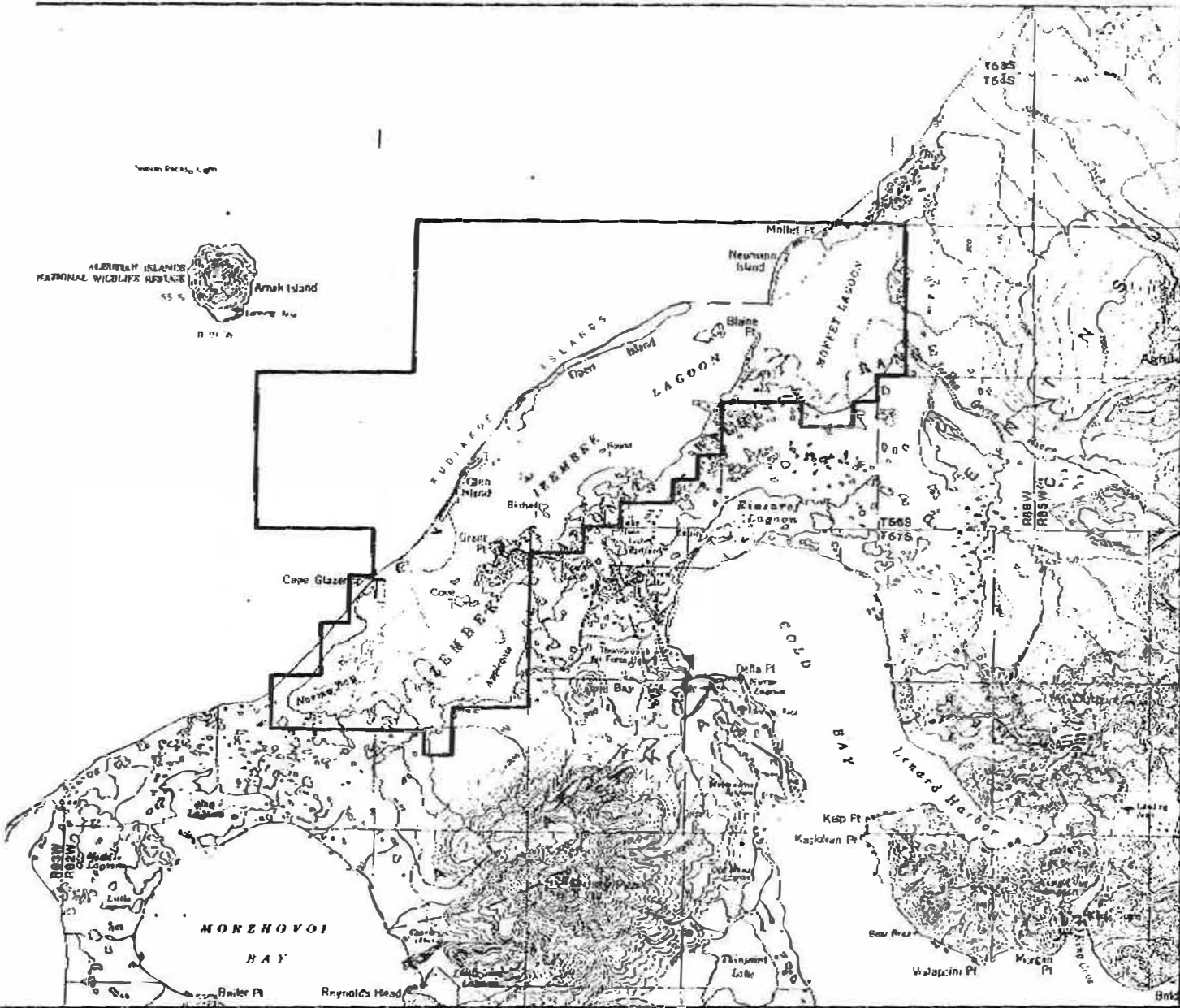
John Sarvis, Refuge Manager, Izembek National Wildlife Refuge
Carl Rosier, Commissioner, Department of Fish and Game
Harry Noah, Commissioner, Department of Natural Resources
John Sandor, Commissioner, Department of Environmental
Conservation
Bruce Campbell, Commissioner, Department of Transportation and
Public Facilities
Richard Burton, Commissioner, Department of Public Safety
John Katz, Governor's Office, Washington, D.C.

PLATE 2
IZEMBEK
State Game Refuge

Year Established 1960
Purpose Protect natural habitat and game populations (especially waterfowl)
Lands Involved Tidelands and submerged lands



Based on USGS Cold Bay quad at 1:250,000



SUPPLEMENT TO THE
MASTER MEMORANDUM OF UNDERSTANDING
Between the

U.S. FISH AND WILDLIFE SERVICE
Anchorage, Alaska

and

THE ALASKA DEPARTMENT OF FISH AND GAME
Juneau, Alaska

This Supplemental Memorandum of Understanding (MOU) is designed to assist the agencies in cooperatively managing the Izembek National Wildlife Refuge (NWR) and the Izembek State Game Refuge (SGR).

The United States Fish and Wildlife Service (Service) enters into this agreement pursuant to Section 304(f) of the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. No. 96-487, 94 Stat. 2371, 2394 (1980). The Alaska Department of Fish and Game (Department) enters into this agreement pursuant to Section 16.05.050(1) and 16.05.050(13) of Title 16, Alaska Statutes (1984).

WITNESSETH:

WHEREAS, there is in effect a Master Memorandum of Understanding between the Department and the Service which reflects the general policy guidelines within which the two agencies agree to operate;

WHEREAS, in that Master Memorandum of Understanding provision was made for supplemental MOU's to facilitate management policies; and

WHEREAS, the purpose in establishing the Izembek SGR (AS 16.20.020) is to protect and preserve the natural wildlife habitat and wildlife populations; and

WHEREAS, the purpose in establishing Izembek NWR [ANILCA S 303(3)] is to manage and conserve fish and wildlife populations and habitats in their natural diversity, and to provide the opportunity for continuation of subsistence uses by local rural residents; and

WHEREAS, The Bristol Bay Cooperative Land Use Plan Group, the Bristol Bay Area Plan, and the Bristol Bay Regional Management Plan recommend the formulation of a Cooperative Agreement for the management of the lagoon and surrounding federal lands; and

WHEREAS, certain waterfowl populations, particularly black brant and emperor geese, which depend upon Izembek Lagoon and adjacent marine waters and uplands have undergone serious declines.

NOW, THEREFORE, the parties hereto agree as follows:

THE DEPARTMENT AGREES:

1. To prepare and implement a refuge management plan and appropriate regulations for Izembek SGR which will protect and preserve the natural habitat and fish and wildlife populations within the boundaries as described in AS 16.20.030 and which is compatible, to the maximum extent allowable, with the intent and purposes of the Izembek NWR. The plan will provide for the continued harvest of fish and wildlife resources, including the opportunity for subsistence uses of wild, renewable resources by rural residents as provided for in Alaska law.
2. To review all proposed public and land use activities within Izembek SGR and authorize activities which are compatible with the conservation of fish and wildlife resources, habitats, and uses, as described in Title 16 of Alaska Statutes.
3. To conduct an active monitoring and enforcement program for land use activities authorized under AS 16.20.050-.060.
4. To review and comment on the Service's refuge plans, land use actions, and permits which affect Izembek SGR.
5. To permit the Service reasonable access to the Izembek SGR for purposes relating to the administration of the Izembek NWR.

THE SERVICE AGREES:

1. To assist the Department in monitoring land use activities within Izembek SGR and report any unauthorized activities promptly to the Department.
2. To prepare and implement a refuge management plan and appropriate regulations for Izembek NWR which provides that land use activities on the Izembek NWR are compatible, to the maximum extent allowable, with the purposes of the Izembek SGR.
3. To provide technical assistance to the Department during the development of a management plan for the Izembek SGR.
4. To review and comment on the Department's refuge plans, land use actions, and permits which affect Izembek NWR.
5. To continue present surveys and inventories of waterfowl populations and research on waterfowl usage of the Izembek state and federal refuges.
6. To provide the department and public reasonable access to Izembek NWR for purposes relating to the management and use of Izembek State Game Refuge.

THE SERVICE AND THE DEPARTMENT MUTUALLY AGREE:

1. Nothing in this MOU shall obligate any party to the expenditure of funds, or for future payments of money, in excess of appropriations authorized by law.
2. Each party will be responsible only for its own acts and the results thereof; and will assume all risks and/or liabilities resulting from its individual actions.
3. No member of Congress, or Commissioner, shall be admitted to any share or part of the agreement or to any benefit that may arise therefrom.
4. Each party will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.
5. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, the laws and regulations shall have precedence. This agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.
6. Either party may terminate its participation in this MOU by providing to the other party written notice 120 days prior to the effective date of termination.
7. A free exchange of research and assessment data between agencies is necessary to attain the management goals of the state and federal refuges.
8. To cooperate in conducting systematic surveys and inventories of fish and wildlife populations within the Izembek state and federal refuges.
9. To consult on the issuance, monitoring and enforcement of appropriate land use permits for activities on state and federal refuges.
10. To develop consultation procedures that are in compliance with the state permit reform regulations and appropriate federal regulations governing notice and review periods.
11. To permit land use activities consistent with the purposes described in AS 16.20.020 and Section 303(3) of ANILCA as outlined in the agencies' respective management plans and with agreements reached in the Bristol Bay Cooperative Planning Process and described in the State Bristol Bay Area Plan and Federal Bristol Bay Regional Management Plan.
12. To conduct cooperative research and studies on the effect of activities which may adversely affect waterfowl or other fish and wildlife populations.
13. Amendments to this agreement may be proposed by either agency and shall become effective upon approval of both agencies.

14-16-0007-86-8613

- 14. Both agencies agree to maintain regular contact pertaining to implementation of the MOU and to meet annually to discuss long-term direction and evaluation.
- 15. The effective date of this agreement shall be from the date of final signature.
- 16. This agreement is entered into under the conditions of the Master Memorandum of Understanding between the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service, dated March 13, 1982.
- 17. Contact points for coordination under this agreement are:

for the Service --

Refuge Manager, Izemoek NWR

for the Department --

Deputy Commissioner

DEC 22 1986

Robert E. Gilmore

 Robert E. Gilmore
 Regional Director
 U.S. Fish and Wildlife Service

WR

Date

Don W. Collinsworth

 Don W. Collinsworth
 Commissioner
 Alaska Department of Fish and Game

10-27-86

Date

**CSU Distribution List
Izembek FMP
August 19, 1993**

Tina Cunning, Department of Fish & Game, Anchorage

Terry Haynes, Department of Fish & Game, Fairbanks

Priscilla Wohl, Department of Environmental Conservation, Anchorage

Alice Iliff, Department of Natural Resources, Anchorage

Paul Rusanowski, Division of Governmental Coordination, Juneau

Stan Leaphart, CACFA, Fairbanks

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August 13, 1993

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

ATTN: Bob Stevens

Dear Mr. Stieglitz:

The State of Alaska has reviewed the Fisheries Management Plan for the Alaska Peninsula/Becharof National Wildlife Refuge. This letter represents the consolidated comments of the State's resource agencies.

The State has few substantive concerns with the research activities proposed in this fisheries management plan. Most of our comments address corrections to the plan which fully recognize the State's management authority over fishery resources. To assist in making modifications, our comments are organized by page number.

Page i, paragraph 3. The State takes issue with the statement that there is inadequate salmon escapement data to "adequately manage" refuge fish populations. First, the Alaska Department of Fish and Game (DFG) has fisheries management authority. Secondly, DFG has adequate data to conduct such management. This does not preclude the Service from suggesting new monitoring or research activities; however, the broad statement currently in the plan is misleading.

Page 1, Introduction. We understand that some of the referenced changes in boundaries for administrative purposes have already been informally implemented. We are interested in obtaining a copy of the draft legislation which would formalize these proposals.

Page 3, paragraph 1. Revise last sentence to read "The Becharof Refuge purposes include:" The listed purposes in ANILCA are not all-inclusive.

Page 51, Water Rights. We recognize changes made to the language in fisheries management plans addressing water rights. These changes are acceptable in the context of this plan.

Page 41, Subsistence Fishing. The first paragraph of this section seems to downplay the contribution of subsistence fishing to the economy of refuge area communities. In contrast, the discussion of subsistence in the draft public use management plan is more accurate. Data presented in Table 10 of the draft PUMP show that fish comprised between 24 and 85 percent of the subsistence harvest by weight in refuge area communities in the 1980s. The FMP also makes reference to subsistence harvests of salmon being "small and in no immediate allocation conflict with commercial and sport harvests." With subsistence being the priority consumptive use on federal public lands, this statement should be revised to indicate that commercial and sport harvests currently are not in conflict with subsistence uses (assuming this is accurate information).

Page 42, Competition Between User Groups. The final sentence of the first paragraph in this section says the subsistence harvest of chinook and coho salmon from the refuge appears minimal. In contrast, page 79 of the draft PUMP reads, "Five species of salmon are harvested with chinooks, sockeyes, and cohos being the most preferred." These statements appear to characterize the role of chinook and coho salmon in different ways. If the draft FMP remains very general in scope, perhaps reference should be made to documents which more thoroughly describe subsistence fisheries on the refuge.

Page 44, paragraph 3. Any reference to possible public access restrictions should include a statement that such restrictions, if necessary, will be proposed consistent with public notice and documentation requirements pursuant to ANILCA Sections 1110(a) and 811.

Page 44, "Inadequate Salmon Escapement...." To remove the incorrect implication that DFG does not have sufficient data for current management purposes, we suggest modifying this heading to read "Additional Salmon Escapement Data Bases Designed to Refine Management of Important Fish Stocks".

Page 50, Objective A.1.2. Re-phrase to state " To cooperate with DFG in the State's regulation of Complex fish populations...."

Page 47, heading. For the same reason noted above, change this heading to read "Additional Fishery Information Desired to Improve Management of Refuge Population".

Page 51, all five objectives. Incorporate cooperation with DFG in each of these statements. For example, "Cooperate with DFG in the evaluation of anadromous fish population characteristics...."

Page 51, Subgoals. Subgoal A.4 correctly states that the Service manages habitat. Subgoal A.3, however, is incorrect. Rather the Service may choose to work cooperatively with DFG in the State's management of resident fish populations.

Page 52, first two objectives and Subgoal C.1. Modify these objectives to include cooperation with DFG as noted above.

Page 55, continuing paragraph. The State of Alaska has filed suit in federal court contesting the Federal Subsistence Board's jurisdiction regarding management of fish and wildlife harvests on federal lands in Alaska. Given the importance of this issue, a public document of this nature should recognize this jurisdictional dispute.

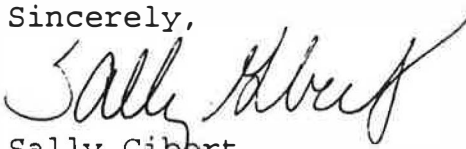
Page 56, paragraph 1. This section should recognize the ANILCA Section 1316 provision which provides for the establishment and use of temporary facilities, such as tent platforms.

Pages 56-58, fishery management concepts. Application of these fishery management concepts is inappropriate in light of the State's management authority over refuge fisheries. We request this discussion be deleted. This does not preclude the Service from presenting specific fishery management recommendations to the State for consideration.

Pages 64-73, Section 8: Fishery Management Activities, 1994-1998. Tasks A.1.2.3 and C.1.1.1 call for a combined annual budget of \$80,000 for five years to be allocated for subsistence fishery harvest monitoring. We urge the refuge to consult and coordinate with DFG's Division of Subsistence in determining how to most effectively address these subsistence data needs for management purposes. Such coordination will help eliminate or minimize duplication with ongoing state programs. Although we support plans for subsistence fishery harvest monitoring, the plan as written does not adequately describe what type of work would be done each year or justify the necessity of such studies.

Thank you for the opportunity to review this plan. The State looks forward to working with the Service in implementation of the listed projects. If you have any questions, please feel free to call this office.

Sincerely,



Sally Gibert
State CSU Coordinator

cc:

Ronald Hood, Refuge Manager, Alaska Peninsula/Becharof National
Wildlife Refuge

Carl Rosier, Commissioner, Department of Fish and Game

Harry Noah, Commissioner, Department of Natural Resources

John Sandor, Commissioner, Department of Environmental
Conservation

Bruce Campbell, Commissioner, Department of Transportation and
Public Facilities

Richard Burton, Commissioner, Department of Public Safety

John Katz, Governor's Office, Washington, D.C.

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