

# STATE OF ALASKA

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November 3, 1993

Gary Vequist  
National Park Service  
2525 Gambell Street, Room 107  
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Dear Mr. Vequist:

The State of Alaska has reviewed the preliminary draft Resource Management Plan for the Gates of the Arctic National Park and Preserve. This letter represents the consolidated comments of the State's resource agencies.

We apologize for the delay in submitting these comments and hope that you are able to consider them in the current revision of the RMP.

Overall, the State is very concerned with an apparent bias throughout this plan which emphasizes the protection of wilderness values at the expense of mandated protection of subsistence uses and traditional mechanized access. The plan also contains sections that may be perceived as insensitive toward the Native culture. While these sections may be well-meaning, they seem to reflect an unfortunate paternalistic attitude. These biases are reflected both in tone and in substance, as our comments will illustrate. Before making further revisions to this plan, we suggest that park management and staff devote time to study the Congressional compromises that led to *balancing* wilderness protection with maintenance of traditional uses within Gates of the Arctic National Park and Preserve.

#### Public and State Involvement

The plan generally reflects a positive intent to include appropriate consultation and involvement of the State of Alaska and the public in implementing specific portions of the plan. We request, however, that the discussion on page 8 include the agreed-upon involvement of the State in subsequent updates or amendments to the plan. The following steps were identified at

the October 10, 1988 meeting between the State and the Service concerning the Yukon-Charley Rivers Resource Management Plan.

\* NPS Regional Director notifies DGC that an RMP process is underway and asks for scoping comments and contact person(s) for each element.

\* Park superintendent and key State contacts identify complete issues list for natural, cultural and subsistence resources and discuss possible projects.

\* Superintendent (in consultation with the State) develops list of project statements to address each issue, followed by meeting with State representatives to discuss the projects.

\* NPS completes draft RMP, including list of persons contacted, and submits to State for review/consultation.

\* NPS issues a notice of availability, concurrent with the Regional Director's review, to alert the public that a draft RMP is available for review.

\* Washington office review.

\* Superintendent and Regional Director sign document.

\* NPS and State cooperate with plan implementation and major revisions.

We also request that the Gates of the Arctic Subsistence Resource Commission be fully informed of this plan and have ample opportunity to review and comment on it. We understand the Commission has ideas and desires for research projects and likely will develop additional suggestions in coming months. Since the Service has routinely emphasized the importance of projects being included in resource management plans if they are to receive serious funding consideration, it is important that the Commission's proposals are recognized and addressed in this plan.

Concerning the "Standards for Natural Resource Inventory and Monitoring" (page 13), the Department of Fish and Game (DFG) expects to be fully involved in the development of these guidelines for fish and wildlife resources. We request the plan acknowledge opportunities for their active participation.

### Wilderness

The State is extremely concerned about statements in the introduction, and carried throughout, that reflect intent to manage portions of Gates of the Arctic non-wilderness areas more restrictively than statutorily directed. Specifically, the plan stresses wilderness protection above all other uses and

resources, such as subsistence, which the Alaska National Interest Lands Conservation Act (ANILCA) mandates also be protected.

It is inappropriate for the Service to pursue management direction divergent from that established by Congress and to pursue restrictions on uses which were protected by Congress. The Service should conduct a thorough analysis of management direction to eliminate this bias. As an example, we request that the following inaccurate sentence, which depicts this bias (page 1, INTRODUCTION, paragraph 3), be deleted:

"Congress clearly stated in the legislative history that all of Gates of the Arctic should be managed as wilderness, despite the fact that the preserves were not placed in the national wilderness preservation system."

This example also illustrates inappropriate use of legislative history. ANILCA was enacted after four years of intense congressional deliberations and compromise. Much discussion transpired by congressional committees and in floor debates. Therefore, statements of congressional intent and direction in the legislative history are not "valid" unless they accompany the version of the final bill. Furthermore, courts have issued directions that preclude use of legislative history in instances where the language of the legislation is clear. In establishing purposes and management direction for Gates of the Arctic National Park and Preserve, Congress was clear in the final bill: not all of Gates of the Arctic National Park and Preserve was designated wilderness.

Regardless of what version of ANILCA Congress was debating, human uses were recognized to have occurred for thousands of years as part of the natural ecosystem. We request removal of the Service's bias against recognizing human activities as part of the ecosystem. This statement, for example, should be deleted: "By most standards these are intact ecosystems nearly undisturbed by human activities." (page 1, paragraph 3) Recognition of the intrinsic role of human use is addressed in the subsequent paragraph but should be reflected throughout the document.

The following are additional page-specific instances of these biases and related corrections which we suggest:

**Page 7, PURPOSE OF PLAN, paragraph 3.** The second sentence states: "...balance and combine a wide variety of park uses with preservation mandates...." Revise so that the word "preservation" is replaced with "legal". ANILCA established many directions for management of Alaska park units; furthermore, "preservation" is not one of the purposes of the park ("protection" is).

**Page 9**, NATURAL RESOURCES, paragraph 1. Replace "untouched" with "undeveloped". Human uses have occurred throughout the area for thousands of years, including significant use of fish, wildlife, timber, and mineral resources over the last century, among others. These historic, and now congressionally protected, activities did not detract from the area's qualification as a park unit as evidenced by the Service's support for designation.

**Page 11**, carryover paragraph. Failure to equally recognize the public's rights to use the area along with the withdrawal of substantial acreage to form the park/preserve is reflected in the following sentence (the meaning and content of which is also not clear):

"Management of visitor distribution in time and space, as well as implementation of regulations necessary to ensure compliance for resource protection are management problems that need addressing."

**Page 62**, paragraph 1. The NPS is not "mandated by ANILCA and the Organic Act to maintain unimpaired protection of wildlife populations." The word "unimpaired" reflects the philosophical bias of the park's previous managers towards unaltered wilderness management without proper recognition of other ANILCA mandates.

**Pages 78, 94, and 153** address the following issues:

"Monitor Recreational and Subsistence User Impacts on Wilderness Values",  
"Promote Environmental Education in Communities Around the Park", and  
"Expand Subsistence/Environmental Education Program".

Each issue projects a bias toward management for "wilderness preservation" rather than for other purposes and mandates of ANILCA. This selective management direction detracts from the Service's credibility as managers of public lands consistent with Congressional direction to protect public uses.

In addition, the Service appears to have missed opportunities for working in partnership with local residents in favor of assuming a more paternalistic approach -- that the Service knows best who can do what and how to properly use the park/preserve. For example, page 94 paragraph 2 states: "evidence of modern human activity can compromise the wilderness experience the park is mandated to maintain" and educating "children in their early developmental stages to ingrain a wilderness ethic". Page 153 last paragraph states: "learning programs can be used to effectively convey wilderness values".

This attitude is further reflected on page 153 paragraph 2, which states "the level of understanding of subsistence lifeway values by the NPS, and park wilderness values by local rural residents is insufficient." We appreciate the recognition of a lack of understanding, but for the plan to proceed to state that the only solution is to educate the villagers about the wilderness values is insensitive and inappropriate.

To help rectify these difficulties, we suggest that the plan reinforce intent to study and document traditional (pre-ANILCA) activities. Congress clearly and repeatedly directed that traditional uses should also be protected. Such intent could include a comparable education program aimed at non-Alaskan visitor recognition of protected consumptive uses and the subsistence way of life.

**Page 143, SUBSISTENCE MANAGEMENT PROGRAM.** The first paragraph refers to consumptive uses on park/wilderness lands as a "contentious" issue within the National Park Service. Subsistence uses on park lands are clearly spelled out in ANILCA as allowable and guaranteed activities, regardless of wilderness designation. We are puzzled by this remaining controversy 13 years after passage of the Act. Service officials should ensure that all staff in regional and park offices are familiar with the law and its provisions.

#### Subsistence Uses

**Page 2, paragraph 2.** Correct the seventh sentence to indicate that eligibility for subsistence in the park is not restricted only to persons in resident zone communities. The discussion in the third paragraph of the "Community Characteristics" section on page 24 more accurately discusses subsistence eligibility.

**Page 24, top carryover sentence.** One exception to generalizing the pattern of most fishing occurring in the summer and fall is Anaktuvuk Pass, where the most intensive effort occurs in winter.

**Page 24, paragraph 3.** The discussion of resident zone communities should be qualified to give deference to the Subsistence Resource Commission (established by ANILCA Section 808) and its responsibility to pursue changes in designation of communities eligible to conduct subsistence activities in the park.

**Page 25, top carryover paragraph.** Trapping was specifically determined by Congress to not be a categorized activity; therefore, we request the first sentence on this page be revised to read: "Trapping, fishing, and subsistence hunting continue to be...."

**Page 25**, last paragraph and continuing on page 26. Delete "Summer" from the beginning of the first sentence; access to caribou is also important in other seasons. This section to cast use of all terrain vehicles (ATVs) by Anaktuvuk Pass residents in a negative light, without explaining their role and importance in the community.

Regarding the proposed land exchange, the State of Alaska continues to maintain that the issue could be addressed more easily than via the "complex land exchange agreement" and "controversial proposal" to Congress. We also continue to object to the Service's failure to conduct studies to document traditional (pre-ANILCA) access which has mandated Congressional protection in ANILCA Sections 811 and 1110, and implementing regulations (43 CFR Part 36).

**Page 26**, Subsistence Activities, paragraph 1. Revise the final sentence to read: "...to reach caribou, sheep, fishing sites, and berry picking areas in the summer and early fall months."

**Page 26**, last paragraph carryover to page 27. This is a skewed critique of subsistence access impacts on wilderness values. It implies that these uses are inherently incompatible with wilderness, even though ANILCA provides for them. We recommend deleting all but the first sentence of this paragraph. Instead of blanket statements about the negative consequences of access, the Service should identify area(s) of concern and address them specifically.

**Page 29**, paragraph 3. This discussion is confusing and strongly biased against activities which Congress protected. Paraphrased, it states that any activity threatens a healthy ecosystem and is potentially detrimental to subsistence, while subsistence activities themselves will have possible adverse effects on the ecosystem. We interpret the discussion as the Service's attempt to rationalize restricting or eventually eliminating consumptive activities in the park unit because the activities might jeopardize a healthy ecosystem, e.g., wilderness values. We disagree that subsistence activities will jeopardize park values, given the close monitoring of public uses in the park which the Service conducts.

**Page 31**, paragraph 1. We request the plan acknowledge the caribou study being cooperatively conducted in Anaktuvuk Pass by the Service, DFG's Division of Subsistence, and the North Slope Borough.

**Page 31**, paragraph 3. We suggest revising the first sentence to read: "Hunting and trapping by Alaska residents ineligible to conduct subsistence activities in the park are authorized in the preserve." Sport hunting is conducted under state regulations.

Trapping should not be categorized as a "sport" activity any more than a subsistence activity. Congress specifically chose not to categorize trapping.

This section should note that development along the Dalton Highway may encourage further competition for subsistence resources in and near the park unit, especially south of Anaktuvuk Pass and in the Itkillik area of the preserve. An increasing number of hunters are using the Dalton Highway to access some areas.

**Page 31**, paragraph 4. The McDowell decision occurred in 1989, not 1990.

**Page 45**, MONITOR POPULATIONS AND HARVEST OF FURBEARERS, paragraph 1. We suggest the Service rephrase the introduction regarding what ANILCA Section 802 mandates are in total. We object to the last statement which fails to clarify that the State of Alaska manages furbearer populations and has sufficient methods to "protect them from overharvest."

**Page 79**, Subsistence Use Impacts. Subsistence activities involving use of mechanized access were taking place in the park before the unit was established. The plan implies that the mere presence of these Congressionally protected means of transportation is unacceptable. While we understand the Service's interest in reducing incidence of litter and discarded equipment, the Service (and the visiting public) must accept that mechanized transportation is legitimate in Alaska wilderness. We also find paternalistic the statement that local residents must adopt a new "subsistence ethic which recognizes and protects the wilderness values for which the park was established".

**Page 80**, paragraph 1, and BUDGET AND STAFFING. We question how the Service can justify spending \$825,000 over three years with 3 full-time staff persons to monitor "impacts on wilderness values by subsistence uses" in addition to monies and staff proposed "in the Subsistence section of this plan."

**Pages 82-84**, COLLECT BASELINE DATA IN KOBUK TRANSPORTATION CORRIDOR. This major funding proposal should be coordinated closely with the Subsistence Resource Commission. The Service is requested to consult with subsistence specialists in addition to "outside agency biologists." Subsistence specialists are also capable of collecting subsistence harvest data.

**Pages 89-91**, CENSUS AND MONITOR UNGULATE POPULATIONS AND HARVEST LEVELS. We appreciate that the Service is recommending coordination with DFG. We urge specific consultation with DFG's Division of Subsistence regarding the harvest monitoring proposed in park resident zone communities.

**Pages 97-100, MANAGEMENT OF BEAR POPULATIONS, HABITAT, AND HARVEST.** To the extent that this study concerns subsistence uses, there is an abundance of relevant data already available. Although harvest data may be incomplete, the existing ethnographic and subsistence use data should be thoroughly reviewed before new work is done to prevent costly duplication potentially intrusive field interviews.

**Pages 123-125, ETHNOGRAPHIC OVERVIEW AND ASSESSMENT.** This is an important project for which substantial information already is available in published documents. It will be important to carefully coordinate any fieldwork done with that associated with other proposed studies, so as to minimize research impacts on the study communities.

**Pages 143-148, SUBSISTENCE MANAGEMENT PROGRAM, OVERVIEW.** We anticipated, but did not find, much discussion concerning the roles of the Subsistence Resource Commission and federal regional advisory councils in resource management within and near the park unit. We request that further discussion be included, especially as to the role of the Commission -- beyond indicating the need to "strengthen [its] functional role."

While recognizing that one purpose of the resource management plan is to justify the need for funding to carry out research in support of park management, the plan should nonetheless acknowledge the substantial documentation of subsistence already available for many park area communities (partial listing on page 147). Much of this work was done by or for the National Park Service. We acknowledge the presence of data gaps but do not believe the wealth of available information should be overlooked.

**Page 146, Loss of Park Resources Due to Consumptive Practices.** We suggest the authors review how this subject has been handled by other resource management plans developed for Alaska park units. As written, we question whether this is truly an issue meriting consideration in this plan or someone's personal bias against consumptive, but legally protected, activities in park units. The implication is that subsistence harvesting is bad and detrimental to park values. (This is another example of the negative connotations of legally authorized activities which should be eliminated from the plan and park management intent.)

**Pages 150-152, DOCUMENT CONTEMPORARY AND HISTORIC PATTERNS OF SUBSISTENCE USE.** The first paragraph of the "Problem Statement" incorrectly applies the park's "natural and healthy" standard to the preserves (see ANILCA Section 815(1)). As for the objectives of this project, much of the work already has been done and needs only to be repackaged into the desired product. A 3-year harvest monitoring program may essentially be the only new research identified.



**Pages 153-155, EXPAND SUBSISTENCE/ENVIRONMENTAL EDUCATION PROGRAM.** If the Service believes that local subsistence users are primarily responsible for litter problems in the park units, this topic should be raised with the Subsistence Resource Commission and solutions sought in consultation with the SRC and local residents.

**Page 154, paragraph 4.** The plan states: "Subsistence activities result in more impacts to park wilderness than other more traditional backcountry uses." What could be more traditional in Gates of the Arctic than subsistence? Bob Marshall didn't arrive until this century.

**Pages 156-158, STUDY TRADITIONAL USE AREAS.** We object to the Service reincarnating the pursuit of further limitations on subsistence uses in the park. Congress included the caveat of "where such uses are traditional" so that if areas existed where such uses had not occurred, such uses could be limited. The Subsistence Resource Commission, the State, and local communities have reviewed and objected to this Service proposal several times in light of available information that **all areas of the park had served as traditional use areas.** If the Service is convinced that this study must be conducted, the continued objections of local residents, the Subsistence Resource Commission, and the State of Alaska will continue to be voiced.

The proposed funding for the task is also inadequate unless the project is combined with another with which it is associated.

**Pages 161-162, DETERMINE CUSTOMS AND TRADITIONS OF SUBSISTENCE FURBEARER TRAPPING.** We object to the terminology "sport furbearer trapping" to describe trapping by non-local residents in the preserve. Congress deliberated and chose not to categorize trapping. Only the Service categorizes those persons eligible to participate in trapping activities within the park portion of the unit.

If funded, this study should also document areas not currently trapped that might be used again in the future, in keeping with traditional trapping practices. We also recommend the study recognize that trapping does not occur independently in the park and preserve, but occurs in context with trapping in the area.

**Pages 163-165, STUDY RESIDENT ZONE COMMUNITIES.** We object to this study and see it simply as another attempt to unnecessarily restrict subsistence uses in the park. The Service seems intent on removing from the park resident zone those communities that lack a "significant concentration" of pre-1980 residents who have customarily and traditionally engaged in subsistence uses. This intent contradicts the "rich" ANILCA legislative history favoring a community-based approach for subsistence eligibility. It also

ignores the intent of Congress that subsistence was not to sunset (new residents adopt the community way-of-life and are not excluded from eligibility so establish their own customary and traditional use of the park). Congress allowed the communities to determine that evolution and vested the Subsistence Resource Commissions with the responsibility to review eligibility issues -- not solely the National Park Service.

The plan indicates that NPS staff should conduct the studies described in this project statement because of the "obvious sensitivity of the resident zone issues." If the NPS researchers are honest with the communities targeted for study, indicating they might be deleted from the resident zone if they lack the Service's determined requisite "significant concentration," then even the NPS will encounter difficulties in obtaining the desired information.

### Natural Resources

Numerous unsubstantiated statements of fact are sprinkled throughout discussions regarding natural resources information. This results in a bias to support programs which the Service desires to pursue and consequently biases the reader in ways that are inappropriate. Numerous statements also fail to correctly represent available state data regarding fish and wildlife which causes a loss of credibility for the Service's entire resource planning process. We request the editors carefully delete and/or revise such comments and provide substantiating data. Examples of such comments and page-specific corrections follow:

**Page 6**, second "-" under Subsistence Uses. Correct the first sentence to read:

". . . without significantly impairing natural and healthy populations of fish and wildlife in the park and healthy populations in the preserves."

**Page 6**, third "-" under Subsistence Uses. Revise similar to previous comment to recognize the different mandates for parks and preserves.

**Page 10**, paragraph 2. Black bears are not found "throughout" the park.

**Page 11**, carryover paragraph. The following statement includes no data nor time frame: "Human/Bear interactions have resulted in the death of several bears." Bears are occasionally killed in defense of life or property but there is no evidence presented that more occur in the park/preserve since its creation than other areas of the state or that such kills have increased.

**Page 11**, paragraph 3. We disagree that there is a "lack of natural resources baseline information". Also, it is not at all clear what is meant by the following:

"The general lack of refined natural resource baseline information available to management makes it difficult to justify decisions to the public or to the organization where on hard data is [are] lacking."

What is "refined" baseline information? Who is "the organization"? What are "hard" data?

**Page 11**, NATURAL RESOURCE BASELINE INFORMATION. This section generally fails to recognize DFG has been responsible for fish and game management and has historic resource data. The overall theme is that resources information was nonexistent until the park/preserve was created. For example: "the small staff, limited funding and short time that the park has been in existence have resulted in limited amounts of data collection".

**Page 12**, paragraph 4. The following appears to justify the Service's philosophies and desire for monies to conduct studies, but contains no clear direction or substantiating facts:

"For the most part, the amount of baseline data is inadequate to understand and monitor populations or processes that will give us clues as to the health and maintenance of the natural environmental integrity and wildlife populations and their habitats we are mandated to protect."

**Page 15**, table. The assertion "General species information [for terrestrial fauna] is inadequate" is an unsubstantiated generalization. Certainly, the present information is adequate for the State to manage fish and wildlife harvests and continue maintenance of healthy and natural populations, as has been done for 30+ years. On what basis and for what does the Service judge this record to be "inadequate"? We suggest this is an effort to justify funds for staff and projects; for what purpose is not particularly apparent. Furthermore, there is no documentation that data gathered concerning subsistence or general harvests under state management were a "documentation of human impacts." We request major revision of these interpretations.

**Pages 31-32**, paragraphs 2, 4, 5 and Table 2. We disagree that wildlife harvest records are as unattainable and useless as portrayed in these discussions. The records are adequate in combination with other management tools used by DFG to monitor populations and allow harvests of fish and wildlife populations. For example, we strongly disagree with the misinformed statement (paragraph 2) that:

"this information is lumped together for the entire GMU irrespective of political boundaries . . . incompatible between agencies . . . available for use in management decisions but it is not retrievable."

DFG's data are prepared by subunits within Game Management Units, and are retrievable and used for management decisions -- DFG routinely uses the data to make fish and wildlife management decisions. Furthermore, harvest information has been computerized by "uniform count unit", which is a further refined state data system that the Service was involved in developing.

If the Service intended to focus on the incomplete compliance of rural residents with harvest reporting requirements, this must be explained. DFG has developed methodology to assess the health of populations and harvests given the status of compliance and enforcement efforts.

We strongly object to the plan discrediting the effectiveness of the State's data collection system and the unsubstantiated bias of the last paragraph on this page and subsequent table. In particular, the following statement illustrates a serious lack of understanding of information sources used by DFG to manage and monitor wildlife and fisheries populations:

"The need for reliable information is a high priority because of . . . the general fallibility of the present state harvest reporting system."

Such bias and lack of understanding lead to a loss of credibility for the entire resource management planning process which the Service has built upon.

**Page 33**, NATURAL RESOURCES MANAGEMENT PROGRAM. Throughout this section, the plan continues to paint a picture of serious detrimental impacts of human uses that may occur. We remind the Service that Congress balanced the creation of particularly large park units in Alaska with mandates ensuring that existing uses would continue, such as mechanized access, subsistence uses, and State management (including harvests) of fish and wildlife. While we acknowledge that it is important to be able to demonstrate documented damage to justify site-specific restrictions of protected uses, the discussion indicates the Service is fishing for any evidence of change as justification to restrict protected uses.

**Page 33**, paragraph 3. We endorse and support the stated commitment to coordinate baseline data collection efforts with the State in order to help ensure that studies are designed to produce findings applicable to both state and federal management

concerns. In that vein, we concur that more refined data on fish and wildlife resources are desirable (not necessarily needed). We reiterate, however, that harvest and population data are available for subunits of GMUs and for uniform count units, which are useful for the specifics of park management and the State's specific population harvest regulations, where necessary.

**Page 33**, paragraph 4. We object to the extensive negatives portrayed for uses and rights of Alaska residents and inholders of the park unit. Congressional mandates for these uses must be carefully weighed with documented impacts rather than the philosophical desires of park managers. Recognition of these issues is justifiable, but must include parallel recognition that these uses have been provided for in ANILCA.

**Page 34**, paragraph 2. As previously noted, such unsubstantiated references to lack of baseline data are incorrect and inappropriate. Delete this paragraph, as it contributes no substance to the plan.

**Page 36**, Systemwide Issue, N20. Protection of "natural and healthy" populations in the park and "healthy" populations in the preserve is mandated. The State, as manager of fish and wildlife, has adopted definitions of these terms. If the Service disagrees with those definitions, DFG should be approached directly.

**Page 37**, paragraph 1. We suggest that "the initial direction resource management must take" is to improve cooperative efforts between the State and the Service. Data base development and accessibility will be more cost-effective and successful if pursued in this order of priority.

**Page 45**, paragraph 3. The first sentence should be rewritten to give credit to the cooperative efforts of DFG in recent furbearer trend studies initiated in the park.

**Page 46**, paragraph 2. We urge the Service to recognize mandates for "continued use of these populations by" trappers and other users. Again we request the Service to be sensitive to Congress' specific determination not to categorize trapping. Also, the harvest of furbearers is not limited to subsistence-eligible users in the park, but is a protected activity by trappers and hunters in the preserves.

**Page 46**, paragraph 3. We question the utility of conducting annual interviews of trappers as part of a routine furbearer monitoring plan. Unless population assessments of the furbearer populations indicate such efforts are necessary, we suggest that population monitoring may be done by DFG and the Service without an increased burden on the rural residents.

**Page 53, Fishery Resources, paragraph 3.** We urge the Service to revisit the order of priorities established here for the monitoring program. We respectfully submit that "coordinate information gathered with the state" should be the first priority. DFG has the responsibility to manage fish populations and conducts sufficient planning, regulation, and monitoring efforts to assess the management and health of the fish resources. If this priority is not rearranged, the Service will continue to give the impression of pursuing its desires to restrict human activities more than coordinating efficient and effective research and monitoring programs.

**Page 79, top carryover paragraph.** Regarding the suggestion that aircraft activity "must be monitored to assess probable impacts on...wildlife", such studies have been done in the Alaska range for sheep and by U.S. Fish and Wildlife Service for raptors, among others. The plan should assess such studies to avoid repetition.

**Page 82-84.** We urge that information gathering, studies, and mapping of "fish, bird, wildlife" and "wildlife population numbers and critical habitats" be closely coordinated with DFG which has historical information and biologists with technical expertise familiar with the area.

**Page 90-91, CENSUS AND MONITOR UNGULATE POPULATIONS AND HARVEST LEVELS.** We suggest that the Service re-evaluate the ratio of funding to obtainable results from project to project before this plan is finalized. For example, a park-wide, Dall sheep count (suggested here as being too expensive) would be cheap compared to many other budgets for proposed projects in the plan.

We suggest the planners re-evaluate expenses in light of the desired products for all three species. Given that DFG already has wildlife management and research biologists for the area and historical population monitoring and harvest information, hiring full-time or seasonal NPS personnel may not be necessary. Caribou, sheep, and moose counts should continue to be conducted by, or cooperatively with, the DFG. (Providing funding assistance for actual survey expenses is considerably cheaper than paying operational plus personnel costs.)

**Page 92-93, ASSESS FEASIBILITY OF MUSKOX REINTRODUCTION.** Please correct the statement that "MuskoX...were extirpated by 1865". In Game Management Unit 25A, the date is "1890s".

The Bureau of Land Management is no longer actively pursuing the muskox reintroduction effort north of the Brooks Range, in part "because of objections and concerns raised by local residents." In the planning process, BLM had suggested that reintroducing

muskox would enhance the subsistence resource base despite muskox not being classified as a subsistence species in the involved area. DFG did not consider the reintroduction effort a high enough priority to commit staff and resources necessary for a cooperative agreement with BLM. We urge the Service to discuss this proposal with the DFG, BLM, local residents and the Subsistence Resource Commission before proceeding with the numerous efforts proposed for "laying the groundwork for a possible future interagency muskox reintroduction project".

**Pages 97-100, MANAGEMENT OF BEAR POPULATIONS, HABITAT, AND HARVEST.** We object to the bias against consumptive uses reflected in this proposed project, as well as the lack of understanding of the State's data, population assessments, and harvest regulation process. For example, the first paragraph makes a number of global assumptions about the State lacking population data: "Without sufficient information..., resource managers are unable to effectively minimize bear/human encounters or assess the impacts of ongoing harvest and existing sport and subsistence regulations on black or brown bear populations."

Furthermore, measures cooperatively developed with landowners and communities can go a long way toward reducing bear/human encounters (e.g., through proper garbage disposal) without necessarily gathering more bear population information.

We request the Service make a number of specific corrections to these discussions:

- Within the Dalton Highway corridor, anyone (subsistence, resident, or nonresident) may take 3 black bears per year. The Service only cites the federal subsistence regulations for federal public lands, but the State's subsistence and general hunting regulations apply on all lands, including state and private lands which also occur within the corridor.

- DFG has a "long term...monitoring program" for brown bears in place now.

- The bear safety packet is presently available now in the interagency state-wide pamphlet.

- (re new project) The discussion assumes that black bears which inhabit the corridor are all "park bears" and that any hunting or bear/human interactions at Coldfoot will affect "park bears". We suggest the Service fund a study which would radio collar black bears in the corridor to determine home ranges before making that assumption.

**Page 97**, paragraph 1. We urge the Service to carefully separate descriptions of black and brown bears habitat needs. Black bears do not need "wilderness" nor are they "associated" with "wilderness quality" in North America, including Alaska, in the same sense as brown/grizzly bears.

### Access

#### ***Access for Inholders and Occupiers***

The plan states (page 11, paragraph 2) that ANILCA "allowed for reasonable access to inholdings of private land." We request this discussion and other references to inholding and occupier interests be rewritten to more accurately reflect ANILCA Section 1110(b):

"the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access . . . subject to reasonable regulations".

We also suggest the planners review the introductory discussions published with the 43 CFR Part 36 regulations which explain what is meant by "adequate and feasible access" and "reasonable regulations".

#### ***Access for Traditional (pre-ANILCA) and/or Subsistence Activities.***

We request that the plan address the need to conduct studies to identify traditional (pre-ANILCA) and subsistence-related access. Such access "shall" be allowed by the Service according to ANILCA Sections 811 and 1110, except where a finding of significant damage and certain procedures are followed consistent with 43 CFR Part 36 regulations. The State has consistently maintained that it is imperative that the Service identify such pre-ANILCA access prior to conducting studies which have a primary purpose of restricting such access.

Early in the stages of preparing the resource management plans consistent with new national requirements, the State of Alaska and National Park Service worked out an agreement for what would be included in the resource management plans with appropriate State and public participation. Included in the agreement was an understanding that each resource management plan would address the need to conduct cooperative studies of traditional (pre-ANILCA) access. Such acknowledgement would help the Service build documentation of the need for funding to conduct these studies.

Pages in this draft plan where such access should be addressed and other page-specific comments are listed as follows:



**Page 25**, paragraph 3. This discussion should recognize the failure of the Service to conduct a study of traditional (pre-ANILCA) access. Such access is protected by ANILCA Sections 811 and 1110 and 43 CFR Part 36 regulations. Until such studies are conducted and appropriate ATV routes and areas of travel designated, the apparent bias toward eliminating protected activities is inappropriate.

**Pages 26-27**. The tone of this discussion again reinforces the apparent philosophy that access is bad and fails to explain that traditional (pre-ANILCA) access is protected by law. For example, the plan states: "Wilderness is a resource in it's [sic] own right and subsistence access can be detrimental in both tangible and intangible ways." Wilderness designation **with** human uses was a compromise wrestled out by Congress.

**Page 80**, paragraph 1. "Opportunistic observations of aircraft are presently made by all staff members . . ." This is not a scientific, replicatable study method and should not be used in any type of data base or impact analysis. As written, the plan appears to propose dedicating up to \$825,000 for the purpose of restricting aircraft access rather than studying existing levels of protected access. We request removal of the philosophical bias against mechanized access, such as aircraft; and/or recognize that aircraft access is protected by ANILCA Section 1110 throughout the park and preserve and by ANILCA Section 811 and 36 CFR Part 13 regulations for some subsistence users.

**Page 82**, COLLECT BASELINE DATA IN KOBUK TRANSPORTATION CORRIDOR, paragraph 1. This paragraph selectively quotes the ANILCA Section 201(4)(a) directions for management. All ANILCA management mandates are of equal importance. It is inappropriate for the Service to quote the mandate regarding "the wild and undeveloped character of the area" but omit the next mandate: "to provide continued opportunities, **including reasonable access**, for mountain climbing, mountaineering, and other wilderness recreational activities".

This paragraph also downplays the ANILCA Section 201(4)(b) mandate. The paragraph states: "In the enabling legislation..., ANILCA allows for development of surface transportation access". In fact, the statute states: "the Secretary **shall permit** such access". The proposed project (GAAR-N112) on pages 82-84 appears to be a complaint that any access will have significant impacts on the existing park/preserve and on areas outside the unit which NPS also wishes remain "untouched". We support the Service's desire to study and document the resources of the areas in question, but we remind the Service that the trade-off Congress made in establishing such large acreage into conservation system units was to also provide opportunities for the state to expand its infantile transportation system, among other compromises.

***Access related to the Dalton Highway***

The utility corridor is managed primarily for transportation and utilities, not visitors. The Dalton Highway at its closest point is approximately 6 miles from the park unit. The statement that development along the Dalton Highway "will have a major affect on park visitation and access" (page 34, carryover paragraph) should be rephrased to "...may have a significant effect...". The highway distance from the unit, terrain, and landownership pattern along the highway will deter much of the increase in visitors to the park unit unless landowners change land uses to encourage developed visitor activities.

The discussion (page 35, Systemwide Issue, N16) of increased uses of the Dalton Highway, developments, and land exchanges concludes with the following: "Regional planning is needed." We concur that interagency regional planning is desirable and hope to be active participants if such an effort is pursued. However, the Service should review the status of efforts by the Bureau of Land Management, which has developed a recreational use plan for the Dalton Highway corridor. Any planning effort in the Dalton Highway corridor should involve the public and the many agencies that have overlapping responsibilities.

**Fire Management**

**Page 69**, MANAGE NATURAL FIRE REGIME, paragraph 2. The Kobuk Interagency Fire Management Plan is not a "suppression plan"; it is a fire management plan. The plan does not use "fire suppression zones"; the zones are fire management zones. We urge the planning personnel to carefully review the referenced plan.

We suggest the second sentence of paragraph 2 be rewritten to read: "This plan directs fire management activities through the use of fire management zones." Please note that these fire management plans do more than direct fire management activities through the use of zones; they also describe benefits of fire management and establish the use of prescribed fires.

Paragraph 3. We request the first sentence be rewritten. The sentence incorrectly states "designated 'limited action' zones, meaning that fires will not be suppressed unless they threaten human lives, property, or resources warranting protection". The limited action category is intended to provide site-specific protection to human life or property during a fire, not to suppress wildland fires near such resources.

**Page 70**, DESCRIPTION OF RECOMMENDED PROJECT. We urge that the plan commit to coordinating the park plan with the agencies and organizations who are impacted and are cooperators in the interagency fire plan for the region.

Water Rights

If 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 those 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--or--NPS--- will work cooperatively with the State of Alaska to inventory and quantify its federal water rights under state law. Water resources of the \_\_\_\_\_ National \_\_\_\_\_ will be managed to maintain the primary purposes for which the unit 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.

Miscellaneous

Page 11, paragraph 1. Quantification and locations are needed in the sentences: "There are **some** natural history collections... documenting **some** aspects of the park/preserve." and "There are collections throughout the country" [US or Alaska?]. Perhaps the

Service should identify a few key places where collections representing the different sciences would be located than to leave less-than-representative collections in numerous unconsolidated locations.

**Page 11**, paragraph 2. This statement should be re-worded: "Development of inholdings...could compromise the wilderness values...." As written, it does not appropriately reflect the vast acreage put in parks and refuges was balanced by Congressional compromises through ANILCA provisions to allow access to, and development of, inholdings. Congress reinforced this compromise by reiterating in ANILCA Section 103(c) that only federal public lands are subject to regulations specific to management of conservation system units. Regulatory protection of the wild character of the adjacent park unit was clearly separated by Congress so as not to impact the adjacent state or private inholder or occupier in the conduct of his interests.

**Page 42**, paragraph 2. We suggest the Service clearly justify why it is concerned about habitats outside the park and why it intends to conduct research activities outside park boundaries. More emphasis must be placed on cooperative inventory and evaluation with the affected landowners and resource managers.

**Page 60**, paragraph 3. We request that the discussion of development of the Backcountry Management Plan recognize the necessary involvement of the State and public. Such involvement in all "implementation plans" was agreed-upon and so stated in the general management plan.

**Pages 94-96**, PROMOTE ENVIRONMENTAL EDUCATION IN COMMUNITIES AROUND THE PARK. We suggest that the Service may not need to develop all new materials and train new staff for a school curriculum program aimed at rural residents of Alaska. Available at less cost and already successfully implemented in many school districts in Alaska are environmental education programs, such as Project Wild (Colleen Matt, Project Wild Coordinator for Alaska, 267-2241). DFG also has staff who have been involved in the development and use of programs specific to rural Alaska. We recommend you contact Bob Nelson (443-2271), Kris Hartnett (456-5156) and Geoff Carroll (852-3464) for further information. We urge the Service to carefully review and cooperate in these existing efforts. Such cooperation may reduce the necessity of proposing to spend another \$275,000.

**Pages 104 and 113**. CULTURAL RESOURCES. The plan discusses the problems of preventing damage by "natural processes" while remaining responsive to the interests of wilderness enthusiasts. We suggest that some policy resolution of what natural deterioration processes will or will not be intervened by the Service should be made prior to pursuing the proposed projects,

including inventorying the other estimated 95% of cultural resources.

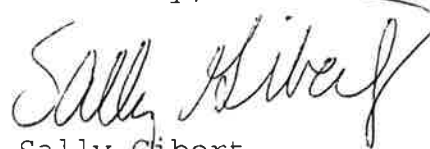
We also request that the development of educational materials such as "standardized slide and script or video programs for subsistence activities in the park, resource management," be cooperatively developed with DFG. We suggest that it is less important that these efforts be Service documents than that they be accurate, useful, and avoid duplication.

**Pages 86-87, MANAGE MINERALS DEVELOPMENT ACTIVITIES.** There are numerous assumptions about damage due to mining and oil and gas activities, but no mention of the state's existing processes to mitigate or avoid these on state and private lands.

**Pages 101-103, Inventory and Eliminate Hazardous Materials.** If significant contaminants (those that pose notable risk to public safety or the environment) are found, the Service will not have the option to leave them in place indefinitely. The Service will be required to bring the sites into compliance. The Alaska Department of Environmental Conservation (DEC) will work with the Service and other involved federal agencies in achieving such compliance. DEC will evaluate each site on a case-by-case basis. (In paragraph 2 on page 102, correct reference to Department of Environmental Conservation.)

Thank you for the opportunity to review this resource management plan. If you have any questions about these comments, please feel free to contact this office.

Sincerely,



Sally Gibert  
State CSU Coordinator

cc:

Steve Martin, Superintendent, Gates of the Arctic NP&Pr  
John Morehead, Regional Director, National Park Service  
Harry Noah, Commissioner, Department of Natural Resources  
Carl Rosier, Commissioner, Department of Fish and Game  
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.