

**OFFICE OF THE GOVERNOR**

*OFFICE OF MANAGEMENT AND BUDGET  
DIVISION OF GOVERNMENTAL COORDINATION*


**SOUTHCENTRAL REGIONAL OFFICE**  
3601 "C" STREET, SUITE 370  
ANCHORAGE, ALASKA 99503-5930  
PH: (907) 561-6131/FAX: (907) 561-6134

**CENTRAL OFFICE**  
P.O. BOX 110030  
JUNEAU, ALASKA 99811-0300  
PH: (907) 465-3562/FAX: (907) 465-3075

**PIPELINE COORDINATOR'S OFFICE**  
411 WEST 4TH AVENUE, SUITE 2C  
ANCHORAGE, ALASKA 99501-2343  
PH: (907) 278-8594/FAX: (907) 272-0690

February 13, 1995

Mr. Bob Stevens  
Resource Support-Refuge Planning Section  
U.S. Fish and Wildlife Service  
1011 E Tudor Road  
Anchorage, AK 99503-6199

Dear Mr. Stevens 

The State of Alaska has reviewed the internal review final River Management Plan for the Arctic National Wildlife Refuge. This letter represents the consolidated comments of the State's resource agencies. While the State recognizes that oil development is not an issue addressed by this plan, the Knowles Administration wishes to state its support for environmentally sound oil development in the Arctic Refuge.

The U.S. Fish and Wildlife Service has achieved a generally reasonable and enforceable plan which accommodates public interests and is generally consistent with management direction in the Alaska National Interest Lands Conservation Act (ANILCA). Overall, the State finds the document a great improvement over earlier versions. The following comments are intended to further strengthen the plan.

Subsistence

In anticipation of increasing public use on the refuge, we request that the Service carefully monitor the effects of recreational and other visitor uses on subsistence activities by local residents. We again offer to work with the Service in determining how to institute low-key monitoring of recreational activities in areas where contact is most likely between local subsistence users and visiting recreationists. This will enable management responses to be made in a timely manner if unanticipated impacts do occur to subsistence resources or uses.

## Access

We reiterate our request that the Service (and the plan) recognize the need for baseline studies conducted cooperatively to determine traditional (pre-ANILCA) access. It is troublesome that the Service intends to restrict certain types of access without having conducted such studies. As time goes by, it will become more difficult for the Service to dispute claims of traditional access in light of ANILCA legislative history which indicates that such determinations do not require a "pre-existing use test". Such a study of pre-ANILCA access is currently being conducted by the Department of Fish and Game for Wrangell-St. Elias National Park and Preserve, with the cooperation of the National Park Service, and could serve as a model for such studies on refuges.

**ATVs**--Current regulations for access in conservation system units in Alaska allow use of ATVs on designated routes and areas. In some locations in Alaska, studies by the Service have shown ATV access is traditional, appropriate, and least damaging of available options. However, the Service has not conducted cooperative studies to ascertain traditional (pre-ANILCA) access on the Arctic refuge despite Objective 4 (page 21) "*to provide public access to the refuge to the maximum extent possible consistent with refuge purposes (maintaining traditional access as a priority).*" We therefore request the plan include an explanation of the basis for prohibiting recreational use of ATVs "*since they were interpreted as not traditional in the refuge*" (page 37). This intent may be appropriate, but a more comprehensive discussion of how the Service arrived at this interpretation is warranted.

**Aircraft**--We appreciate the Service's intent to implement aircraft access provisions consistent with ANILCA and current Service regulations. We commend the Service for using the plan to educate readers of ANILCA provisions regarding aircraft. We are also supportive of the Service's decision to promote distribution of educational materials to visitors through commercial operators.

Page 50, paragraph 2. Title XI does not prohibit construction of airstrips. Instead Title XI and its implementing regulations provide a complex process for evaluating and possibly permitting such construction.

## Group Size Limits

The plan confirms that few groups comprise over 12 persons. Group size is virtually self-limiting in the Arctic refuge because of access limitations. The few groups which may exceed that size are primarily organized parties such as Scouts or commercially guided parties, both of which are typically conscientious of minimum impact camping techniques. Requiring these groups to disperse may in some instances actually increase user contacts and impacts.

### Monitoring, Reporting, and Registration

The State requests the opportunity to participate in the development of the "limits of acceptable change" process which is intended to be the basis for the monitoring plan, including review of proposed survey formats and other reporting mechanisms.

Voluntary registration by private parties should remain strictly voluntary, and reporting should be as simple and unobtrusive as possible. The Service should avoid chasing down visitors in the field to fill out survey forms. Similarly, the "detailed" reports which will be sought from commercial permit holders on the refuge should only seek information which is directly necessary for refuge management purposes. We suggest that the plan make reference to gathering information which is "minimally necessary" for management purposes.

### Permits vs. Regulations

Since the plan does not propose visitor limits at this time, the Service should not subsequently limit the number of passengers, landings, or area restrictions through future permit stipulations for commercial operators using the refuge. Such action would circumvent the rulemaking process required by ANILCA. If the Service believes public use limits are warranted in the future, a plan amendment and formal rulemaking process should be undertaken.

### Wilderness

We appreciate the improvements in the plan which clarify statutory direction for refuge management. However, the discussions of wilderness management contain some erroneous implications. The plan should acknowledge that ANILCA amended the Wilderness Act for management direction in wilderness areas in Alaska. Similarly, the purposes of pre-ANILCA withdrawals were redefined and restated when enacted as refuges and wilderness areas under ANILCA. Hence management direction for wilderness in Alaska, primarily derived from ANILCA, modifies conditions for management of wilderness in earlier legislation, including PLO 2214 (which established the original Arctic Wildlife Range) and the 1964 Wilderness Act.

Under ANILCA, for example, traditional activities are protected, hence management of access and uses is less restrictive than in "lower 48" wilderness areas. While people may have a "higher expectation of wilderness" for the Arctic refuge (page 11) than for "outside" refuges, the plan could help public understanding that ANILCA defines wilderness provisions less restrictively.

Perhaps such clarification in the introductory section could educate the public by explicitly stating that protected activities such as aircraft access are allowed under ANILCA, including in Wilderness areas, and cannot be restricted without findings of resource damage.

The only resource value which the plan specifically addresses for adverse impact is crowding, which affects the sense of "solitude". Defining such impact is subjective, and potentially conflicts with less restrictive wilderness standards established by ANILCA to guarantee

traditional activities and associated access. As such we are concerned that the **Goal and Objectives** for the plan, "*with excellent opportunities for solitude*" (pages xiii) may be so subjective as to create additional management problems for the refuge manager in defining suitable activities, rather than to aid in resolving future conflicts.

### Compatibility

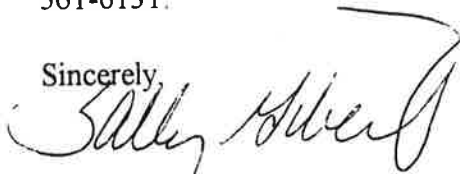
We appreciate the Service's intent to not address hunting and trapping activities within the river management areas. However, we request that the Compatibility Determination (page 63) clarify that "*Does not include hunting*" merely acknowledges a congressionally-determined compatible activity which is NOT ADDRESSED by the plan. As written, a future reader or manager could erroneously interpret the plan to have determined hunting is not a compatible activity.

### State Land and Water

The State appreciates that the plan adequately addresses navigability and water rights, including the clear recognition that the State and Service disagree over ownership of North Slope Rivers.

Thank you for the opportunity to provide these comments. We greatly appreciate this supplemental review opportunity. We have found that such internal reviews substantially reduce the number of comments submitted during the formal NEPA process and generate an increased awareness of areas of mutual concern and interest. If you have any questions, please call me at 561-6131.

Sincerely,



Sally Gibert  
State CSU Coordinator

Distribution List  
State comments: ANWR internal review final River Management Plan  
February 14, 1995

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