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August 12, 1996

Mr. Jack Mosby, Team Captain  
KLGO/KLSE GMP Comments  
NPS Alaska System Support Office  
2525 Gambell Street  
Anchorage, AK 99503-2892

Re: KLGO/KLSE Draft General Management Plan / EIS Comments

Dear Mr. Mosby:

The State of Alaska appreciates the opportunity to comment on the above-referenced document. Overall, the plan is very well organized, and includes language which accurately reflects the status and relationships of the agencies which share management of natural resources and public uses. We also appreciate the ease in commenting provided by the numbering of each line in the document. The following represent the consolidated comments of the state resource agencies.

### **MOU Between NPS and the State**

Page 1.11, lines 31-34. The discussion of the Memorandum Of Understanding should note that the current MOU applies only to state lands managed by the Division of Parks and Outdoor Recreation (DPOR) as Special Purpose Sites under Alaska Statute 38.05.300. These lands include the Chilkoot Trail Corridor easement, and six smaller parcels which are each under 640 acres in size and were withdrawn from "multiple purpose use" through executive action. The MOU does not include any other state lands within the Park; these other state lands are over 640 acres and, under state law, cannot be managed by the DPOR absent legislation. The NPS has no authority to attempt to enforce 36 CFR on state lands within the Park not managed by DPOR. It

may be an appropriate time to revise the MOU upon completion of the municipal entitlement conveyances.

### **Acquisition of State Land**

Page 1.11, line 36 - 39. The State disagrees with the assertion that acquisition of state land within the park boundary is “necessary” to secure long term protection of the historic, cultural, and natural resources of the park, and that such protection is “impossible” under the current MOU. The State believes that under the provisions of the MOU and state statutes, adequate long term protection of resources can occur on state lands. We recognize the NPS interest in acquisition of state lands, but in the absence of mutually attractive land exchange proposals, such acquisition is unlikely.

### **Municipal Entitlements**

Page 1.11, line 49 - page 1.12, line 3. We appreciate the discussion of the lands selected by the City of Skagway under the state’s Municipal Entitlement Program.

Page 1.12, lines 3 - 4. The state agrees that the management recommendations in this GMP may require additional review and further revision once the City of Skagway land entitlement issues are resolved.

Page 3.1, line 36. The Land Ownership section is silent on the issue of lands selected by the City of Skagway, and should be revised to include such a discussion. This section would also be strengthened by the inclusion of a detailed ownership map showing private, city, state, and federal lands; the map following page 3.41 is a good start but could be improved for the final EIS.

### **Public Access**

Page 1.14, line 2. Clarification is needed regarding the statement “Continued public access to the state tidelands is an issue that needs resolution.” It would be helpful to identify what the issue is and how it may be potentially resolved.

### **Subsistence**

Page 2.30 - 2.41. It appears that the Proposed Action will not have a significant impact on subsistence uses. Any expansion of the park boundaries, however, would likely limit the hunting opportunities of Skagway and Dyea residents. NPS restrictions on

firearms and dogs, for instance, in an expanded area would be problematic for local residents.

### **Water Rights**

Page 3.29, lines 39 - 40. Delete “and are applied to lands where federal reserved water rights are not applicable” and replace with “and can be acquired by private citizens and federal, state, or local agencies through application to the Alaska Department of Natural Resources.”

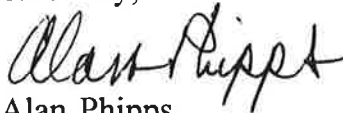
Page 3.29, lines 44 - 45. Delete “When the reserve doctrine or other federal law is not applicable, water rights will be applied for in accordance with Alaska laws and regulations” and replace with “The state water rights process will be used whenever feasible. Assertion of federal reserved water rights will be limited to those instances where priority dates or other considerations make use of the federal reserved water rights more advantageous.”

### **Fish and Wildlife Management**

Page 3.37, line 28 - page 3.38, line 36. We appreciate the accurate language reflecting the relationships of our respective agencies regarding fish and wildlife management.

The State of Alaska looks forward to continuing a productive working relationship with the NPS in regards to the management issues facing Klondike Gold Rush National Historical Park. Thank you for the opportunity to submit these comments. If you have any questions, please do not hesitate to contact me at 269-7476.

Sincerely,



Alan Phipps  
Project Review Coordinator

cc: Frank Rue, Commissioner, DFG  
John Shively, Commissioner, DNR  
Michele Brown, Commissioner, DEC  
Diane Mayer, Director, DGC  
Marilyn Heiman, Governor's Office, Juneau  
John Katz, Governor's Office, DC  
Clay Alderson, Superintendent, Klondike Gold Rush NHP