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August 25, 1997

Regional Director
Attention: Daryle R. Lons
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, AK 99503

Dear Mr. Lons:

Re: Proposed Regulations for Administrative and Visitor Facility Sites on National Wildlife Refuges in Alaska

The State of Alaska has reviewed the above –referenced draft regulations, and appreciates the opportunity to provide these comments.

The U.S. Fish and Wildlife Service (FWS) is proposing regulations that would allow FWS to enforce certain federal regulations at administrative and visitor facility sites in Alaska. These sites are commonly located outside the boundaries of National Wildlife Refuges (NWR) and/or exist on lands leased from the state. The areas affected by the proposed regulations include the Alaska Maritime Refuge's Visitor Center and Headquarters complex in Homer (outside the boundaries of the Alaska Maritime NWR, owned by the U.S. in fee title), two campgrounds adjacent to the Tetlin NWR (leased from the state), and the Kenai National Wildlife Refuge's "Sportsmen's Lodge" access and parking area (leased from the state). It is not clear whether other sites are affected by the proposed rules.

Presently, FWS regulations for Alaska National Wildlife Refuges apply only on federally owned lands within the boundaries of Alaska National Wildlife Refuges. 50 C.F.R. Sec. 36.1. The FWS indicates that the proposed

regulations are prompted by the need for authority to enforce regulations for public safety, protection of government property, and applicable State of Alaska fish and wildlife regulations on FWS sites that are held in less than fee and/or are outside the approved boundaries of national wildlife refuges in Alaska.

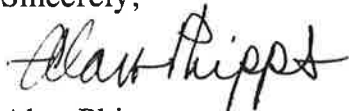
The FWS and the Alaska Department of Public Safety (DPS) currently are renegotiating their existing Memorandum of Agreement (MOA) for cooperative law enforcement. The draft revised MOA dated June 27, 1997 provides for a delegation of state authority to specified officers of FWS to enforce state criminal, motor vehicle, and public safety laws and regulations on lands leased or owned by the FWS, or in any situations involving an immediate threat to public safety. This cross-deputization agreement should eliminate FWS' concerns about its ability to maintain orderly public use facilities on lands leased from the state, since FWS would have authority to enforce state law in these and other locations. The MOA resolves FWS' gap in authority without expanding the federal regulatory presence on these lands. The state urges FWS to pursue this means of resolving its enforcement concerns.

In regards to the specific wording of the proposed regulations, it is the State's view that the amended definition of "administrative and visitor facility sites" at Section 36.2 would not result in new FWS authority over access lands such as ANCSA 17(b) easements nor in any way affect ANILCA Title VIII subsistence issues. If FWS has a contrary interpretation of this amended definition and intends to proceed with promulgation of these proposed regulations, we request substantial clarification in this regard.

In summary, the State requests that FWS not pursue promulgation of these proposed regulations since, so long as FWS continues close cooperation with the State in its law enforcement efforts and pursues completion of the MOA, these regulations are unnecessary.

We appreciate the opportunity to submit these comments. If you have any questions please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Alan Phipps".

Alan Phipps

Project Review Coordinator

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