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April 28, 1998

Susan Will
Squirrel River DEIS Comments
Northern District
Bureau of Land Management
1150 University Avenue
Fairbanks, Alaska 99709-3899

Dear Ms. Will:

The State of Alaska has reviewed the Draft Environmental Impact Statement and Squirrel River Wild and Scenic River Suitability Study. This letter represents the consolidated comments of the state's resource agencies.

The State of Alaska strongly supports Alternative D, the No Action alternative whereby the Bureau of Land Management would recommend that the Squirrel River is not suitable for inclusion in the national wild and scenic river system. We believe no designation is the appropriate course of action since designation would limit future opportunities for access, mining and opportunities to expand the cash economy in the area. We would also be concerned that increased recreational use resulting from a designation could lead to increased conflicts with local subsistence use, a trend common in other areas of the state.

The State also wishes to provide more detailed, technical comments on the Draft EIS, some of which stem from inadequate attempts to respond to the state's March 1997 scoping recommendations. Our detailed comments are included as an attachment to this letter and should be considered part of our formal letter. Thank you for the opportunity to provide these comments. We look forward to completion of this ANILCA mandated study process. If you have any questions, please call me.

Sincerely,



Sally Gibert
State CSU Coordinator

**Attachment to State of Alaska's April 28, 1998
Comments on the Squirrel River Draft Environmental Impact Statement**

State Ownership of Squirrel River Waterway

The BLM document is not clear in the early sections of the report about ownership of the Squirrel River under the Alaska Statehood Act. For example, page 46 defines a political boundary as the upstream limit of state ownership; whereas, page 53 suggests the upper limit might be the "Big Bend". BLM should apply the Gulkana and Kandik River standard and then include that state ownership on the land status maps for each of the alternatives and in Table 2.2.

The EIS should clearly state that with or without designation of the Squirrel River as a component of the National Wild and Scenic River System (W&SRS), state ownership of the navigable waterway remains unchanged. This distinction is important in discussing BLM's ability to protect "river values" where BLM only manages upland federal land while the state owns of the river below ordinary high water.

Page 46 should explain how the character of the Squirrel River changes at the confluence with the Omar River and at "Big Bend" so that the reader can understand that the river is not floatable by "Gulkana decision" inflatable rafts above that point. In particular, the description of the Squirrel and the Omar River confluence should compare the size of the river there to that of the Gulkana River at its outlet from Paxson Lake, the Delta River below the outlet to Long Tangle Lake, and the Middle Fork at Joseph. The discussion about ownership of navigable water bodies should reference that state ownership was effective at Statehood (July 7, 1958.)

Figure 1.4 "Future state selection" as used in the map legend is inappropriate. Perhaps "pending state selection" would be more accurate. A notation is also essential to note state ownership of navigable portions susceptible to travel, trade and commerce using the Gulkana and other court, BLM and ANCAB decisions establishing the guidelines for state ownership.

Comments Stemming from Previous State Correspondence

Pages 107-114, Section 4.5. This section has not addressed the state's concern regarding the document's bias that "no designation" implies minimal protection of fish and wildlife by the state (see March 3, 1997 scoping letter.) We object to consistent language claiming that designation would provide greater emphasis on management of fish and wildlife habitat. State Title 16 requirements for protection of fisheries, and other federal and state laws, mandate protection of fish and wildlife resources.

Pages 115-116, Section 4.7. The state's March 1997 recommendation to assess conflicts between sport and subsistence users is briefly addressed in this section. Based on the document's assessment and prediction of the recreational/sport use levels, a more thorough assessment of potential conflicts may be warranted. We request the authors consult with Terry Haynes, Subsistence Division Statewide Coordinator at 907-459-7256.

A discussion regarding the impacts of pending federal subsistence management into navigable waters is not addressed in the draft, although such a discussion was recommended by the state. We again request examination of this topic.

Pages 59-61, Section 3.5.6. The State does not believe that the Squirrel River Watershed Mineral Development Scenarios can be considered complete without consideration of the information in the documents below, as previously suggested by the Alaska Department of Natural Resources Division of Mining and Water.

Division of Geological and Geophysical Survey (DGGS) Public Data File 85-42e; NW Alaska Land Use Plan - Mineral Potential

DGGS Public Data File 85-42c; NW Alaska Land Use Plan - Infrastructure

DGGS Public Data file 93-22; Squirrel River Evaluation Unit 22 - Baird Mountains, Selawik and Noatak Quadrangles, Northwest Alaska: Geologic Summary and Bibliography

DGGS Public File 93-39c; USGS AMRAP Geochem Data for Baird Mountain Quad

USBM Mineral Land Assessment Reports 109-82; Cobalt Content in Samples Form the Omar Copper Prospect, Baird Mountains, Alaska.

Other Page-Specific Comments

Pages 1-2, Section 1.1.1. The EIS should note the history of the original Squirrel River withdrawal and indicate whether the area was open to entry under the federal mining laws until such time as the state filed its selection.

Page 20, Table 2.1, footnote b. It would be more accurate to say that the river corridor is limited to an average of 640 acres a mile. In all of the BLM administered Wild and Scenic Rivers in Alaska, the actual boundaries sometimes exceed a distance of one mile back from the river edge but do not exceed an average of 640 acres per river mile.

Page 33, Section 2.2.7. Is it Public Land Order (PLO) 5197 or PLO 5179? (See page 80).

If the Secretary of the Interior agrees with the BLM's preferred Alternative D and Congress takes no action, then the purposes of the PLO would no longer be valid. If the PLO were valid then no other land transfers, including those valid state and NANA selections, would be possible. BLM should clarify its intentions for deleting the PLO under Alternative D, or any other Alternative not approved by the Congress, or for lands outside the boundaries of a designated unit of the W&SRS but still within the PLO. The statement that the protection provided by the study river designation expires automatically, thereby implying no protection, is in conflict with the statement on page 33 that the PLO prohibits any disposal and any entry under the federal mining laws and the federal mineral leasing act of 1920.

Page 47-48. For appropriate context, we suggest reference to the total congressionally authorized designations in Alaska (totaling approximately 106 million acres exclusive of navigable inland waters and tide and submerged land.)

Page 55, Section 3.5.2. Regarding the reference to "only two" anomalies, we recommend deleting the word "only", especially since known mineralization in the study area has higher copper values than the other non-Squirrel basin mineral deposits discussed. (See page 58.)

Pages 57, 59, 68, Sections 3.5.3, 3.5.5, 3.5.6, and 3.8.4. A discussion about mineral deposit modeling and timing is incomplete without reference to the status of the availability of minerals in the region. For the past 27 years the Squirrel study area has been closed to mineral entry under the federal mining laws. The existence of 19 state selected mining claims and 17 state selected prospecting sites currently active in the Squirrel watershed should be acknowledged.

Pages 77 and 95. The EIS should be revised to rectify a discrepancy, e.g., the page description of water quality that is "probably not ideally suited for fish culture" and the statement of page 95 regarding an "outstandingly remarkable" fishery resource.

Pages 85-86, Section 4.2.2. ANILCA Title XI procedures are cumbersome and potentially protracted and costly. Given the general process that was used to provide access to the Red Dog Mine, it does not seem reasonable to imply that Title XI will automatically protect the state's future ability to reach its land base. The Conclusion on page 86 should read "It would substantially inhibit...."

Pages 88-89, Section 4.2.4. The rationale for BLM proposing a scenic river area designation while prohibiting the reasonable operation of the federal mining laws with appropriate environmental protection is not clear and contrary to the Wild and Scenic Rivers Act. Also prohibiting mineral use is inconsistent with the scenic and recreational segment designations in the River Management Plan for the Fortymile River as approved by the Congress. The conclusion on page 89 is misleading to reference the fact that there are no active federal mining claims. The area has been withdrawn from the operation of the federal mining laws for the past 27 years has a direct and significant adverse impact on the extent of mineral activity on federal land in the study area.

Page 99, Section 4.3.4. The discussion does not adequately analyze the impact on development of known mineral areas on state land shown in Figure 3.2. For example, what alternative access routes to state land were considered by BLM?

Page 114, Section 4.6. Access to state land would be significantly impacted under Alternatives A, B, and C. The cumulative impact of this restriction should be further assessed. We do not agree with the EIS assessment that resource investment on state and local Native corporation lands would be only "slightly less likely". The EIS should also further address the impact of increased use by non-local residents following designation of the Squirrel as a component of the National Wild and Scenic Rivers System.