

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) 269-7470/FAX: (907) 561-6134

☐ CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562/FAX: (907) 465-3075

☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-0690

July 15, 1999

Jay Bellinger
Refuge Manager
Kodiak National Wildlife Refuge
1390 Buskin River Road
Kodiak, Alaska 99615

Dear Mr. Bellinger:

The State of Alaska wishes to take this opportunity to provide scoping comments for the upcoming revised Comprehensive Conservation Plan (CCP) for the Kodiak National Wildlife Refuge in response to the May 3, 1999 Federal Register notice and the May 1999 refuge planning newsletter. We welcome opportunities to participate in the CCP revisions, consistent with the refuge planning requirements in ANILCA. This letter represents the consolidated comments of the State's resource agencies to date concerning identification of specific issues to be addressed in the revision of the plan. Because many staff are in the midst of field seasons, some have not had an opportunity to comment; so we will pass along additional information as we receive it. You will note that many of the issues briefly referenced here have been previously addressed in correspondence and discussions during development of the original CCP and subsequent step-down planning.

State Lands. The State of Alaska owns the tidelands and lands beneath navigable waters throughout the refuge. We recognize the U.S. Fish and Wildlife Service disputes this assertion with respect to portions of the refuge which existed prior to Statehood. There are, however, considerable post-Statehood refuge lands where the Service acknowledges these state interests. In either case, we expect the Service to work with the State on planning and decisionmaking affecting these areas.

Brown Bear Issues. Bear management is a significant issue, specifically the increasing number of visitors whose activities occur in close proximity to bears and bear habitat, in turn increasing the potential for bear-human conflicts. Integrating ANILCA intent concerning public access, increasing use and demand, and maintenance of high quality public use opportunities will require careful consideration and substantial input from many and diverse stakeholders.

From the State's perspective, bear management decisions should be based on sound science and an inclusive public participation process. According to the long-standing Master Memorandum of Understanding between the Alaska Department of Fish and Game (ADF&G) and the Service, any research that relates to species managed by ADF&G (such as bears) should be closely coordinated. As mentioned in the newsletter, ADF&G is to planning to work with the Service on a bear management plan in the near future. While we encourage communication with local ADF&G staff and specialists in the revision process, we request that DGC and/or the ADF&G ANILCA coordination office be kept informed of local communications so as to assure that other appropriate staff and consistent policies are also incorporated.

Bear viewing opportunities created at fish counting weirs and other areas, and the increasing flow of visitors to these sites, especially at the Dog Salmon Weir should be specifically addressed. Bear viewing is a potentially controversial subject in light of increasing demand and limited commercial services permits. Alternatives for managing the increasing number of people visiting these sites will need to be addressed in the planning process. This issue alone is so complex that we recommend a subgroup of FWS and ADF&G staff develop options for consideration in the broader planning process.

To aid in reducing bear-human conflicts associated with recreational use, the state recommends maintenance of existing cabins and facilities and the development of new cabins and secure storage facilities at specific locations.

Fisheries Issues. Accommodating sport fishing use on the refuge is a major concern of ADF&G. This concern will increase if the Karluk River drainage is purchased and added to the refuge. There are five cabins currently along the Karluk River which are used by sport anglers who fish the river for chinook, sockeye, coho, steelhead, and Dolly Varden. In the state's view, maintenance of cabins, food caches, outhouses and other facilities help accommodate public use of the abundant fish resources in refuge. Having safe camping and food storage areas should also help reduce angler / bear conflicts.

There is a likely possibility that unique areas, such as the Ayakulik River, may be managed as special use areas. Management of these areas may emphasize the visitor's "quality of experience". In order to achieve this quality, use, methods and means, and other activities may be restricted. The state prefers these issues be addressed through the Board of Fish process and in cooperation with the Alaska Department of Natural Resources where appropriate.

We request that the refuge's policy on salmon enhancement projects be addressed. Using Frazer Lake as an example, the refuge could consider being more supportive of the establishment of new self-sustaining salmon runs into barren lakes or extending in-river spawning habitat through the use of fish ladders. In addition to increasing the number of salmon available for the common property fishery, projects of this type appear to be very beneficial in providing additional feeding areas for the brown bears.

Relative to the subsistence fishery issue, the refuge may want to consider funding salmon counting weirs, especially for systems like Buskin Lake where a majority of the sockeye and a large portion of the coho salmon harvested are taken by people who qualify to participate under the impending federal subsistence fishery regulations.

The importance of the salmon counting weirs at Karluk Lagoon, Upper Station, and Ayakulik in maintaining sustainable salmon runs needs to be recognized. We request that the revised plan emphasize that every effort needs to be explored to secure the property where these weir sites are located in order to assure the future long-term health of salmon runs supported by each one of these systems.

We generally acknowledge the refuge's efforts to protect spawning and rearing habitat for salmon, which in turn provides for a sustainable food source that is vital to brown bears. We wish to commend refuge management for ongoing cooperation which the refuge and ADF&G staff share in current programs.

Natural Diversity. This term, as provided in ANILCA Sec. 303(5), is frequently the subject of interpretation in documents and discussions. The following definition for Natural Diversity: *the broad spectrum of plant and animal species that inhabit an area during some stage of their life cycle*, was adopted by the ADF&G Commissioner of Fish and Game in 1984 and remains their definition in this context. We look forward to future dialog with the Service concerning use and interpretation of this term.

Compatibility Determinations. Identification of uses or activities that are compatible with the purposes for which the refuge was established was a point of significant discussion during the creation and implementation of the first CCPs. Subsequent to completion of the CCPs, the Issues Resolution Forum, comprised of policy-level Service and ADF&G personnel, undertook the application of this issue as it affects our management of fish and wildlife and their uses on refuge lands. The Forum concluded with an understanding that ADF&G would participate in any subsequent decisions on compatibility which affect fish and wildlife uses. We understand that the 1997 Refuge Improvement Act requires new determinations of compatibility as planning is undertaken for lower '48 refuges, but that those activities compatible in existing Alaska refuge CCPs would not need to be revisited. Please advise us if the Service has subsequently developed

a different approach toward compatibility determinations and state involvement. We look forward to working with the Refuge Manager and other FWS staff in the assessment of compatibility determinations.

Access. Management of access is a complex issue. Potential access restrictions should only be considered based on documented resource conflicts or the results of new research that is cooperatively designed and conducted and which has quantifiable objectives. This is consistent with our understanding of Congressional intent in ANILCA Section 1110(a) and subsequent Title 43 regulations. Access restrictions in the refuge must also be carefully considered subject to a variety of provisions found in state and federal legislation as well as the State of Alaska and United States constitutions. We look forward to mutually identifying specific areas in the refuge where current or anticipated access patterns may pose potential problems and developing or reviewing research designed to assess the problem and provide alternatives for solutions. We would like to avoid situations like O'Malley Creek where access was restricted without adequate justification in our view.

In order to fully understand the levels of public uses currently occurring in the refuge, we request copies of all commercial services permits which have been issued on the refuge for the past three years. We do not need the names of the providers but do request all stipulations on numbers of clients, access types and locations, seasonality, etc. We requested this information nearly two years ago from Bob Stevens, who was going to gather the copies of permits from the refuge for all different permitted services, but he has since changed jobs. We also request copies of any available summaries of the numbers and types of permits which have been denied or modified for the past few years. ADF&G is willing to provide a staff person to work directly in your offices gathering this information in order to expedite this request. This information will enable us to more clearly assess the entire refuge regarding bear viewing opportunities, fishing, hunting, and general recreational activities provided by commercial permit.

Wilderness. We caution the Service against investing substantial time and effort on revised wilderness recommendations -- which will be highly controversial and distract public attention from more compelling refuge issues. The Minimal Management category has been successfully used by the Service to maintain what is essentially equivalent management, while providing for long term flexibility. At any rate, discussions of revised wilderness recommendations should continue to clarify that associated management of public access and use would remain consistent with the Alaska National Interest Lands Conservation Act (ANILCA).

Wild and Scenic Rivers. Similarly, any new recommendations concerning wild and scenic rivers should be accompanied by intent to manage consistent with ANILCA.

Commercial Fishing. The May 1999 newsletter does not mention commercial fishing even though local residents rely heavily on commercial fishing for their livelihood and refuge management actions could have an effect on this activity.

Thank you for your consideration. If you have questions, please call me at 269-7477.

Sincerely,



Sally Gibert
State CSU Coordinator

cc: Ken Rice, FWS Planning Chief
Pat Galvin, Division of Governmental Coordination
Tina Cuning, Department of Fish and Game
Terry Haynes, Department of Fish and Game
Patty Bielawski, Department of Natural Resources
Tom Chapple, Department of Environmental Conservation
Odin Brudie, Department of Transportation and Public Facilities
Jack Melton, Department of Transportation and Public Facilities
Ginny Fay, Department of Commerce and Economic Development
Elizabeth Barry, Department of Law