



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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October 17, 2023

Buck Mangipane
Program Lead
Lake Clark National Park and Preserve
240 W 5th Avenue, Suite 236
Anchorage, Alaska 99501

Submitted via the Planning, Environment and Public Comment (PEPC) website

Re: Lake Clark National Park and Preserve proposed Environmental Assessment for Crescent Lake Concessions and Land Use Assignments

Dear Mr. Mangipane,

The State of Alaska (State) has reviewed the Lake Clark National Park and Preserve (Park) proposed Environmental Assessment (EA) for Crescent Lake Concessions and Land Use Assignments, posted for public comment from September 18 to October 17, 2023. The Park proposes to implement the concession program in place of the current Commercial Use Authorizations (CUA) for guided sport fishing and guided bear viewing. We offer the following comments as the adjoining landowner and manager of the submerged lands and fish and wildlife in the Crescent Lake area.

Reducing fish and wildlife violations, user conflicts, and minimizing safety concerns are all appropriate goals. However, the EA does not document the extent of the violations, conflicts and safety issues in the area. As a general comment we are concerned that, over time, limits on guide allocations through concession contracts could effectively curtail general public access to the Park.

State of Alaska Management Authority

The State will continue to manage commercial uses on the State-owned submerged lands at Crescent Lake and the Crescent River. Title to the submerged lands under Crescent Lake and the Crescent River passed to the State of Alaska at statehood. The Park's implementation of the Concession program will not supersede the Department of Natural Resources (DNR) permitting requirements for guides to use the State's submerged lands under Crescent Lake and the Crescent River. National Park Service's (NPS) actions apply only to their uplands (NPS lands above the ordinary high-water mark).

Pursuant to 11 AAC 05.180, a land use permit is required for commercial boat storage on State-owned submerged lands. To date, the DNR Southcentral Regional Land Office has issued five land use permits for the storage of ten total boats on the State-owned submerged lands at the outlet of Crescent Lake to be used in support of guided fishing and bear viewing. The permits are

issued for five-year terms and allow for year-round boat storage below the ordinary high-water mark. The State also permits mooring buoys in Crescent Lake.

The Alaska Department of Fish and Game (ADF&G) has primary responsibility for managing Alaska's fish and resident wildlife populations on all lands, including Federal public lands, and the Secretary has authority for the management of the public lands. A Master Memorandum of Understanding, signed in 1983 defines the cooperative management roles of each agency (ADF&G and the National Park Service) and sets the framework for cooperation between our two agencies.

Consultation and Coordination

In the future, please consult with the State on projects such as this prior to the release of the EA. The ADF&G is responsible for managing sport fishing activities throughout the state and DNR oversees the management of State-owned lands and waters, such as Crescent Lake. To avoid the need for clarifications and response to comments in the EA process, State staff are available to assist in the development of these EAs and can address questions we have prior to a public comment period.

ANILCA

We note the EA does not discuss ANILCA Section 1307, which provides a preference for certain visitor service providers and for some guided activities. We are unaware if any commercial operators in Crescent Lake were operating prior to the designation of the area as Lake Clark National Park and Preserve. If operators were operating prior to Lake Clark National Park being designated, Section 1307(a) provides for the continuation of existing visitor services by persons engaged in the activities on or before January 1, 1979.

For the provisions of any visitor services, Section 1307(b) provides that preference must be given to local residents and Native Corporations except for guided sport fishing and hunting. The preference in ANILCA Section 1307 would apply to bear viewing and other guided activities. We recommend including the preference provisions of Section 1307 in the Errata Sheet and the forthcoming concession prospectus.

Request for Additional Analysis and Information

The EA lists the following purpose and need:

The purpose of this project is to apply the appropriate authorizing tool, through concession contracts, to manage current and future visitor services and to protect park resources. There is a need for longer term management options and authorizing tools to help manage and protect resources and the visitor experience. Concession contracts and associated land assignments are the preferred authorizing instrument for providing these necessary and appropriate visitor services at Crescent Lake. Concession contracts and associated land assignments for boat storage allow for increased NPS control of operations, decreased operator burden of transporting boats, and better management of conflict between aircraft and boats. (EA, page 7)

The purpose and need statement only discusses the switch from managing Crescent Lake sport fishing and bear viewing visitor services through a commercial use authorization (CUA) to concession contracts. There is currently no discussion of the construction of the boat storage area. We request the NPS revise the purpose and need, highlighting what need is being addressed by this project, alternative ways of meeting the need, the environmental impacts of alternatives, and the results of the analyses used to determine the preferred alternative.

Additionally, the EA lists the following concerns as support for the transition to concessions: visitor safety issues, boat and aircraft conflicts, bears obtaining food from visitors, and commercial operators being in close proximity to bears (EA, page 12). The EA should provide more detailed analysis of these conflicts (e.g., who experiences these conflicts and how frequently?) and show how current management options do or do not sufficiently address them. Specifically, the EA does not analyze why boat storage could not be permitted for existing CUA holders as a less restrictive, potentially effective method of meeting the Park's needs. Rather, the EA only acknowledges the Park's issuance of boat storage permits for CUA operators for several years beginning in 2020, before proposing the transition to concessions authorization that will 1) increase operational burdens for commercial guides, 2) limit opportunities for some operators, and 3) "enable the NPS to limit numbers" (EA, page 2), which may be inconsistent with adjoining state waters and submerged lands.

In addition, the EA is missing data and analysis to support the perceived capacity issues in Crescent Lake. We understand the NPS has a recent carrying capacity study for Crescent Lake – the State requested a copy of this study but have not yet received it. We reiterate our formal request for a copy of this study and believe it should also be made available to the public as a supporting document to the EA.

The EA should clarify how the NPS determined eight authorizations is the appropriate number for the area, and if authorizations will be issued for both guided sport fishing and bear viewing or if eight sport fishing guides and eight bear viewing authorizations will be issued. In addition, we request the EA describe standards and indicators that will be used in setting increases or decreases in future allocations.

In many parks, the needs of sport anglers and wildlife photographers are often different and can conflict. We understand that June/July visitors are more frequently guided anglers and August/September visitors tend to be bear viewers or photographers, but conflicts can still arise. The EA should identify what management actions will be taken to address the different and potentially conflicting needs.

Regarding water quality/resources, the EA should discuss what fuel storage containers and quantities will be allowed on-site, and what spill prevention and control requirements will be included in the authorizations.

Without a more complete analysis, the EA does not show how the implementation of the highly regulated concession program (which only applies to NPS uplands) will alleviate the Park's concerns around visitor safety, user conflict, and bear management, and is the only alternative to merit consideration.

Additionally, Figure 2 should be revised to:

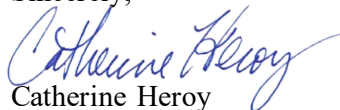
- Identify Crescent Lake and Crescent River as a State-owned, navigable, water body on the document maps.
- Remove references to “eligible wilderness” and “ineligible wilderness.” Only Congress can designate wilderness in Alaska. State lands and ANCSA lands cannot be designated wilderness.
- Identify the designated wilderness area as “Lake Clark NP Designated Wilderness” rather than “Alaska Parks Designated Wilderness,” this could be confused with Alaska State Park Wilderness.

The State is supportive of efforts to reduce the amount of snagging and feeding of bears that we understand, anecdotally, currently occurs at the lake. We request that NPS commercial use authorizations in the area include stipulations that require compliance with State sport fishing and wildlife regulations.

Closing

The State appreciates the opportunity to review and comment on this EA and related commercial use management strategy. We appreciate our conversations with the park staff about visitor use conflicts and proposed solutions. Please contact me at (907) 269-0880 or by email at Catherine.heroy@alaska.gov to coordinate any follow up discussions.

Sincerely,



Catherine Heroy

Acting State ANILCA Program Coordinator

Ecc: Alexandra Maki, Concessions Specialist