

**Prince of Wales Island Area Plan Amendment – Public Review Draft (2007)
(The inclusion of the Southwest Prince of Wales Island Area)**

Issue Response Summary 2008

The Issues	Code	The Commenter's	Code
ACMP and AMSA's	A&A	Alaska Department of Fish and Game	FG
Amendment Layout	AL	Alaska Forest Association, Inc.	AFA
Amendment Process and Modifications	APM	Alaska Miners Association, Inc.	AMA
Commercial Fishing Harvest	CF	Central Council Tlingit and Haida Indian	
Fish and Habitat	FH	Tribes of Alaska	CCA
General Use Tidelands	GT	City of Craig	CC
LUD II and Wilderness Designated Uplands	LWD	City of Hydaburg	CH
Mineral Opening Order	MO	Hydaburg Cooperative Association	HCA
Personal Uses / Historic and Cultural Sites	PH	Individual	I
State Selected Uplands	SS	Resource Assessment and Development Section	DNR
Waterfront Uses	WU	Sitka Conservation Society	SCS
		Southeast Alaska Conservation Council	SEC

- This Issue Response Summary (IRS) has organized the issues in alphabetical order.
- **The Approved Changes Summary and associated attachments depicts the approved changes to the PRD.**
- **The Prince of Wales Island Area Plan Amendment 2008 (Complete Document) provides viewing of the completed document.**
NOTE: The approved changes to the PRD are depicted in *italics*.
- For revisions to area-wide guidelines, refer to the section of Part 1: Revisions/Additions to Chapter 2 POWIAP in the Amendment.
- For new management units, refer to the Resource Allocation Tables that contain individual management units in *italics* (Part 2 of the Amendment) or the Attachment 1: Additions to Part 2 (New Management Units).
- For the location of new and amended units, refer to the Revised Plan Maps.

Commenter	Subject/Unit/Page	Issue	Response/Recommendation
CH, SEC,FG	ACMP and AMSA's / Management Regions 18 & 19	Issues were raised pertaining to the Hydaburg Coastal Management Program (HCMP) and related Areas Meriting Special Attention (AMSA's). The City states that the HCMP established in 1983 acknowledged that the area covered by the HCMP was of critical importance to the community and the related AMSA's located in regions 18 & 19 of the 2007 Amendment designated in 1983 are vital to the people of Hydaburg and are still in affect. FG stated that DNR should ensure the protection of the resources within the previously AMSA designated areas. SEACC state that they understand that the HCMP is no longer in effect, although request explanation as to what has happened to these areas and what efforts DNR has made to continue protection of these areas. SEACC also asked what the legal basis is for dissolving the status of the AMSA's.	<p>Response: Recent changes to the ACMP required the revision of existing district coastal plans. The Legislature passed statutory amendments to AS 46.39 and AS 46.40 during the 2003 and 2005 sessions (House Bill 191 Chapter 24 SLA 2003 and Senate Bill 102 Chapter 31 SLA 2005, respectively) which, in part, required all coastal districts to submit their revised district coastal management plans to DNR for review and approval. DNR considered the incorporation of three coastal management plans to the ACMP and the deletion of the five district plans and nine AMSA's from the ACMP, to be a matter of routine program change. The HCMP and associated AMSA's were one of the five plans deleted, thus are no longer in affect. During the process, pursuant to 15 CFR 923.84, the Office of the Ocean and Coastal Resource Management (OCRM), U.S. Department of Commerce concurred with this determination. Note that the coastal areas including Hydaburg in which the five deleted coastal management programs reside will continue to be covered by the ACMP's federally-approved statewide (rather than local) policies.</p> <p>The City chose not to revise its coastal district plan and under the statutory requirements as stated above the HCMP was decertified, including the AMSA's. The resources that are described by the City and that were protected by the AMSA's are either included within tideland units designated as Habitat, which provide the highest level of protection in the Plan Amendment (Amendment), or are within tideland units with a General Use designation. In the latter, the uses and resources within the tidelands are mentioned and management intent is provided that protects these resources. Management guidelines dealing with fish and wildlife have also been added to Chapter 2; these provide an additional level of review and protection.</p> <p>Revision: Additional units DT-51, DT-52 have been added and the large new Gu units (MT-14, CT-30, DT-56 and HT-64) provide detailed resource information and management intent for protection of resources/uses addressed by commenter's. Also additional management guidelines in the Amendment (see Part 1 revisions: Revisions/Additions to chapter 2 POWIAP) provide area-wide protection for specific habitats and resources. Finally an additional area-wide requirement to avoid conflicts with traditional users of fish and game has been added. (see Approved Revisions Summary and Revisions to Part 1)</p>
SEC	Amendment Layout/ Various/ Page 1-2	Commenter requested that the Amendment should distinguish between the acres of tidelands from that of submerged lands under the various plan designations. The chart at p1-2 fails to include "submerged lands" under the application heading.	<p>Response: DNR does not distinguish between tidelands and submerged lands in its designations since there is no real legal or policy distinction between the two. To distinguish the two would require significant time and resources, with minimal returns and application for a state area plan. Acreages for the tide and submerged lands for each designation are already contained in Appendix C.</p> <p>Revision: No change, except that Chart at 1-2 will be amended to include "Submerged Lands", where applicable, under the application heading.</p>

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SEC	Amendment Layout/ Page:1/1	Commenter requested that DNR clarify the relationship among the 1988 SWAP, the 1990 Revision, and the 2007 Amendment.	<p>Response: The SWAP was first adopted in 1985, and then amended in 1988 to incorporate proposed land selections and land relinquishments, and other changes developed through the POWIAP process. The SWAP was reprinted in 1990 to incorporate these changes into a single document. The 2008 Amendment to POWIAP rescinds the 1990 SWAP and amends the existing POWIAP (last revised in 1998) to include the area previously covered by the area plan for the Southwest Prince of Wales Island area.</p> <p>Revision: The above language will be incorporated into paragraph 1 on page 1 (refer to the Approved Revisions Summary).</p>
SEC	Amendment Layout	Commenter requested DNR to provide an Index and Glossary in the Amendment.	<p>Response: An Index and Glossary is already provided in the existing POWIAP. The 2008 Amendment contains a table of contents for each part of the document. It also provides definitions applicable to the Southwest Planning area contained in Part 1. (See Revisions to Part 1).</p> <p>Revision: The published Amendment will include an index of the geographical areas. The glossary in the POWIAP is used for the Amendment.</p>
SEC	Amendment Layout/ (Various Maps)	Commenter states that the maps in the 1990 SWAP have many more landmarks, coves and bays labeled. Provide the same level of identification in the Amendment to more quickly orientate the user. It is difficult to compare the 1990 maps with the 2007 Amendment maps to see the changes DNR made in the unit designations. Please provide a map or legend to some way cross reference the changes between the 1990 SWAP and the 2007 Amendment maps.	<p>Response: Changes in the availability of online resources have largely eliminated the need for detailed maps within the recent area plans, including the 2007 Amendment. The maps provided in the 2007 Amendment provide sufficient detail for unit and location identification. Tools such as Alaska Mapper, status plats, Land Administration System’s case files, and other DNR resources are available to the public and provide very accurate location and search capabilities. Used in combination, the 1990 SWAP and the 2008 Amendment provide sufficient information in both text and map form to determine the changes DNR has made in the unit designations. This can be accomplished by reviewing the management unit in the 1990 SWAP and the same area in the 2007 Amendment. Both the SWAP and the 2007 Amendment maps are also available online in pdf. form, which provides enlargement (zoom) capabilities to identify each unit location with good accuracy. As this Amendment is primarily comprised of tideland areas, the unit boundaries are developed generally around a particular resource or use and thus are not definitive legal boundaries such as occurs in most upland units/parcels.</p> <p>Revision: No change.</p>
FG	Amendment Layout/ Pages: 1-2, 1-5 and 1-6	Concerns were raised that the broad brush approach eliminates detailed mapping of habitat and harvest areas. This is further complicated because the area wide guidelines in POWIAP and mineral closing order are tied to more specific designations. ADF&G recommended to add language under the “Habitat and Harvest Designation” section (pg1-5, second paragraph) specifying that areas designated as crucial habitat/intensive harvest in the policies and guidelines of the POWIAP are synonymous with the Habitat (Ha) and Harvest (Hv) designations in the amendment.	<p>Response: Mapping issues have been covered in the above response. The SWAP and the POWIAP both used multiple Habitat and Harvest designations such as Crucial, Prime, Important and Range (1990 SWAP) and Crucial and Prime (1998 POWIAP). Because of the of the confusion created by multiple designations of this type, since 2000 DNR has used a single Habitat or Harvest designation in all its area plans. This amendment follows this format. Lands designated in the SWAP as Prime, Important or Crucial Habitat are not included in the Amendment. The Habitat designation is used instead. The SWAP designation of Crucial Habitat converts directly to the Habitat designation used in this Amendment.</p> <p>However to avoid confusion, DNR will include a reference table in the</p>

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			<p>Amendment that can be used to apply the designations used in the 2008 Amendment to the management guidelines within the 1998 POWIAP.</p> <p>Revision: The above referenced table in Part 1 (see Designation Conversion Table) of the Amendment provides an easy cross reference and conversion of designations that helps link specific management language in the 1998 POWIAP that is to be applied to the amendment. Additional language is also included under the “Habitat and Harvest Designation” section (see Approved Revisions Summary) of the amendment that specifies that the areas designated as Habitat (Ha) and Harvest (Hv) in the amendment will follow the crucial habitat/intensive harvest policies and guidelines as set forth in the 1998 POWIAP, unless as specified within the Chapter 2 revisions that are part of this amendment.</p>
SEC	Amendment Layout/ Chapter 2 POWIAP	Regarding changes to the ACMP. The Amendment states that Chapter 2 of POWIAP “remains particularly relevant and specifically applies to this amendment. However, the POWIAP has not been updated to reflect the many changes made to the ACMP since 1998. These changes not only affect substantive aspects of the ACMP, but also citations to statutory and regulatory authority and renter management guidelines in chapter 2 of POWIAP questionable. These should be updated.	<p>Response/Revision: The statement that the Chapter 2 requirements remain relevant and that they apply to this Amendment continues to be valid. These requirements are directed to the management of surface and tideland uses within the planning area as a whole. They are equally pertinent to the area formerly encompassed by the SWPOWI area plan. Review of these requirements did not indicate that they were inconsistent with the way that the department now manages state lands and resources. Nor did we identify inconsistencies in the citations that refer to the standards of the ACMP program. These citations refer to the same types of resource identified in the previous regulations that are now the subject of updated ACMP regulations.</p> <p>The ACMP program is not the basis for all aspects of DNR decision making. The Department often engages in single-agency ACMP review and when it does so it is separate from the authorization decision that is governed by different statutory requirements. Further, the standards for decision making in an ACMP review are different than those that apply in disposal decisions made by DNR. To argue that since ACMP standard have been updated and have not been reflected in the POWI area plan and that the plan is somehow deficient is an inaccurate statement and confuses the basis of DNR decision making between ACMP and disposal type authorizations.</p>
FG	Amendment Layout, Amendment Modifications/ Various/ Parts 1 & 2	There are a number of areas identified in the existing SWAP as being crucial (H1a) fish and wildlife habitat, or important to commercial fishing, sport or personal use harvest that are not identified in the Resource Allocation Tables (RATs) or have consequently been changed to a Gu designation. Failure to identify these resources and or uses in the unit summaries and the RATs of the amendment, results in little indication of the importance of these resources. Also, some of these areas have been converted to a Gu designation. ADF&G recommends that DNR reevaluate these areas and the resources.	<p>Response/Revision: DNR has reevaluated these areas and agrees that additional management units should be added along with a description of these resources and the harvest activities. Nonetheless, in some instances we did not find a change was warranted. This Amendment reflects the most up-to-date information regarding resources and uses including the use of GIS and related data that can spatially define resources with very sound accuracy.</p> <p>Four large regional Gu units (MT-14 (Gu), CT-30 (Gu), DT-56 (Gu), HT-64 (Gu)) were created to better describe and manage the resources and uses within the areas that were not designated Ha or Hv in the public review draft. These units now include management intent language for the protection and or maintenance of these resources/uses within the Gu units. Additionally, new Rd tideland units</p>

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			<p>(MT-13, HT-63) have been created to better manage and describe the State tidelands adjacent to the Federal LUD II and Wilderness Uplands. The new units (MT-10, MT-11, MT-12) have been designated Rd and Hv and HT-30 has been amended to Rd,Ha,Hv. Other additional units include DT-52 (Ha,Hv), HT-62 (Ha,Hv). Additional Hv units include (MT-10, (Rd, Hv), MT-11 (Rd,Hv), MT-12 (Rd,Hv), DT-51 (Rd,Hv), DT-53 (Hv), DT-54 (Hv), DT-55 (Hv), HT-62 (Ha, Hv). These have been added to depict areas identified by ADF&G as intense Hv. (see these Additional Management Units in Revisions to Part 2 for details)</p> <p>Other revisions include the modification of the CT-02 boundary to include the Klawock Reef. A variety of text changes will be added including the presence of a commercial fishing fleet at CT-03. CT-10 anadromous fish species have been added. Port Estrella has been identified for waterfowl harvest and personal use harvests of Dungenous crab see MT-13. An additional anchorage has been identified at Aguada Cove. The resources in Port Refugio have been further described and associated management intent included (DT-52, DT-56). At DT-40 the presence of abalone concentrations has been identified. Fishery Conservation Zones have been identified in MT-14 and DT-56. The important anchorages for commercial fishing fleets have been identified around northern Noyles Island (MT-10) (see these Additional Management Units in Revisions to Part 2 and or the Approved Revisions Summary for details).</p>
SEC	Amendment Process and Modifications/ Page 4 (Formal Amendment)	Because of the numerous deficiencies and errors, this Public Review Draft fails to “provide for meaningful participation in the planning process by....the general public” as required by AS 38.04.065(b)(8). As a result, SEACC requests that DNR rescind this draft and re-issue a revised draft amendment for public review after correcting the deficiencies and errors.	<p>Response: DNR maintains that the 2007 Amendment provided meaningful public participation throughout the planning process. We held a series of meetings including initial public scoping meetings in the communities of Hydaburg and Craig, and also conducted a series of meetings with internal and external agencies, corporations, the public and special interest groups. These meetings were followed by formal public hearings in Craig and Hydaburg to discuss the public review draft of the plan provided sound noticing for all of the meetings and the progress of the plan in general throughout the process. DNR consulted interested parties and actively sought any information from anyone interested in the development of the Public Review Draft (PRD). The PRD was available for public comment during a 60 day review period. In addition, this issue response summary, which is a compilation and assessment of public comments, is another technique used to identify issues and address public concerns and to insure that issues that the public identifies as important are brought to the attention of DNR decision makers.</p> <p>DNR maintains that the PRD addressed all the required elements as set forth in AS 38.04.065(b)(8) and the broad range of public comments has been addressed in this Issue Response Summary. It is therefore inappropriate to rescind this document and reissue another draft. The essence of the PRD is not only is to identify/present DNR’s position for resource management, but also to identify any issues and or corrections that are present in the PRD that may be changed or</p>

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			addressed before the adoption of the final plan. The PRD was developed from available resource information, agency consultation and any other information obtained from many different sources including the public, and gone through a standard public review process.
SEC	Amendment Process and Modifications/ Various	DNR has changed the definitions of the plan designations for Habitat and Harvest from those used in the 1998 POWIAP and in the 1990 SWAP without providing an explanation of why the changes were made. Definitions of the designation "Habitat" differ among 3 area plans, 1990 SWAP, 1998 POWIAP and the 2007 amendment, similarly for the harvest designations. The statements regarding the reasons are inadequate for explaining why DNR has chosen to drop those areas previously rated as prime, important or range from the habitat and harvest definitions. How are the differing definitions in the 2007 amendment and the 1998 POWIAP going to be reconciled?	<p>Response: Since 2000 DNR has used a single Habitat/Harvest designation in all area plans. In order to avoid confusion created by multiple habitat designations, and maintain consistency the single Ha designation is used in this amendment. As indicated previously, DNR derived the plan based on resource information that was available at the time of writing, as was the case in the 1990 SWAP. Accordingly, while some areas of crucial habitat in the 1990 plan were retained, some areas were deleted. In fact more areas of Wildlife Habitat Land were added in the 2008 amendment. The SWAP 1990 had 130,360 acres and the 2008 Amendment contains 172, 476 acres of lands classified as Wildlife Habitat..</p> <p>As a result of the IRS process a total of 173,476 acres of tidelands are now designated either Ha and/or Hv, a significant increase over the PRD that had designated 167,912 acres Ha and/or Hv. Some areas that were previously rated as prime, important or range habitat or harvest in the 1990 plan now have been converted to a Gu designation. The four new regional Gu units (MT-14 (Gu), CT-30 (Gu), DT-56 (Gu), HT-64 (Gu)) were created to better describe and manage the resources and uses within the area that were not designated Ha or Hv. Important uses and habitats have associated management intent language for the protection and or maintenance of these resources/uses within the Gu units (see these Additional Management Units in Revisions to Part 2). Area-wide policies in Part 1 of the Amendment also protect important resources and uses (see Revisions to Part 1). In order to provide clarity as to how the 1990 plan designations can be interpreted in this amendment DNR has provided a table that converts the 1998 POWIAP designations to what is used in the Amendment for management guideline applications (see the Designation Conversion Table in Revisions to Part 1).</p> <p>Revision: The above referenced table is added in Part 1 of the amendment and the new units listed above.</p>
SEC	Amendment Process and Modifications	The Public Trust Doctrine confers more responsibilities upon DNR than merely providing access to tidelands. We remind DNR that under their responsibilities inherent in the Public Trust Doctrine, the agency must act as a trustee, not a proprietor, when making management decisions. This doctrine, in particular, compels DNR to conserve fish and wildlife habitat under its responsibility to protect the corpus of the trust. As noted the deletion of many units previously designated crucial habitat runs counter to this legal responsibility.	<p>Response: DNR agrees that the Public Trust Doctrine is broader in application than that of (only) providing access. It does encompass other resources of the type mentioned and it is incumbent upon the department to act as a steward in its management of land and resources. DNR maintains that it has acted in a stewardship capacity in the development of and through the implementation of the POWIAP Amendment. We have reviewed all relevant habitat data, particularly that relating to tidelands, have reviewed this information and other resource information with both state and federal resource agencies (especially ADF&G), and have, based on this data and discussions with other agencies, identified tideland areas that contain diverse and significant fish and wildlife resources and the associated habitats. There are now over 173,000 acres of</p>

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			tidelands that are designated with the Habitat/Harvest designation in this plan. The Habitat designation is used by the Department to identify and protect significant habitat areas. This designation is simply another way to define significant habitat areas. The function of the Crucial Habitat designation has been replaced by the use of the Habitat designation and the management intent statements that accompany the individual management units.
SEC	Amendment Process and Modifications/ Page 1 and 1-1	Reference is made to “fundamental changes” in the planning area that, along with “other factors have changed the basic assumptions used in the preparation of the initial SWAP”. Please provide more information regarding these “fundamental changes”, the “other factors” and “the basic assumptions” used in the initial SWAP, and how these are related to this plan amendment.	Response: Page 1 of the formal plan amendment and page 1-1 already describe the “fundamental changes” and “other factors” that have changed since the 1990 SWAP. DNR revises its area plans on a 20 year rotation period. The SWPOW planning area was due for a revision since it included 20 plus years of dated resource and management material. Land management and DNR planning philosophies have changed over time, and the Amendment now provides current planning and management strategies for the area. In large part, the assumptions about timber harvest, the techniques of logging operations, and the amount of commercial fishing and its distribution have all changed. Additionally land management strategies and land ownership patterns have fundamentally altered, with more land now being owned by native corporations and less by state and federal agencies. The new 2008 amendment was developed to address and manage these and the other changes already described within the planning document. Revision: No change.
FG	Amendment Process and Modifications/ Chapter 2 POWIAP & 1-6	Floathomes are prohibited in crucial fish and wildlife areas in the 1990 plan. The POWIAP likewise prohibits floathomes in crucial and prime habitat/harvest, anchorages and recreation designations. However these prohibitions are not noted in the unit summaries and RAT’s in the amendment. Additionally many areas designated crucial habitat in the original plan have now changed to a Gu designation, accordingly there is no specific prohibition on floathomes in these areas. Ensure that the floathome prohibitions for the old units 1, 2, 3, 4, 5, 7-13, 22, 26, 27 within the 1990 plan are carried across into the unit summaries and RAT’s in the amendment.	Response/Revision: Chapter 2 guidelines in POWIAP already specify areas that prohibit the authorization of floathomes on the state tide and submerged ands in both the POWIAP and are applied to this Amendment. The Designation Conversion Table in Revisions to Part 1 provides a conversion of designations that essentially links all management language in chapter 2 in the 1998 POWIAP to the Amendment. In addition, under Chapter 2 guidelines in the POWIAP, floathomes are not to be authorized in areas designated Habitat (Ha), Harvest (Hv), Public Recreation and Tourism Dispersed (Rd), near aquatic farming operations, near known cultural or historic sites or anchorages within the amendment planning area. Other areas that contain important habitat or resources described in the habitat definition that reside in other units, such as areas affected by the Gu designation, will also require consultation with ADF&G prior to authorization issuance (see Revisions to Part 1: Floating Facilities Management guidelines).
CH, HCA	Commercial Fishing Harvest/ Various/ Pages 2-36 & 2-62	The plan describes the area’s primary resources and uses are largely related to commercial fishing. Whereas, in fact the principle use is subsistence uses or the customary and traditional use of the resources. Subsistence activities occur 12 months of the year. Commercial fishing is important to the native economy, but the people of Hydaburg utilize subsistence resources all the time; for this reason subsistence should be designated the primary	Response: After agency discussions and further analysis regarding the statement that “commercial fishing is identified as the predominant use of the tide and submerged lands”, within the regional descriptions of management units 18 and 19, DNR acknowledges that this statement could be open to interpretation and more a specific description of the tideland uses/resources should be used. On an annual weight-yield basis commercial fishing is the predominant use of the tide and submerged lands for both regions, although we recognize that subsistence/personal use harvests are also an important and regular, year round

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		use.	activity and is described within the RAT. Revision: The subsistence uses/activities within Regions 18 & 19 will be further explained and acknowledged in the amended region descriptions under the sub-headings (Resources and Uses) (see Approved Revisions Summary). The new large tideland units designated General Use (Gu) within each region further describe important personal use areas, with associated management intent language included. Other new units that describe and protect these uses/resources include DT-51 (Rd, Hv), HT-61 (Rd), HT-62 (Ha, Hv) and HT-63 (Rd). Further, add language to chapter 2 to help provide protection for or avoid conflicts with traditional users of fish and game (see Approved Revisions Summary and Revisions to Part 1)
FG	Commercial Fishing Harvest Various	While many of the intensive harvest areas have been noted in the RAT's and the management intent is to maintain harvest areas, the new maps and RAT's no longer identify areas such as purse seine hookoff points. It is important to note in the amended plan that these intensive harvest areas exist and that the ADF&G and other pertinent agencies need to be consulted during adjudication to obtain the most current information. There is no mention in the amendment regarding the management of offshore areas as Fishery Conservation Zones under the ACMP for fisheries conservation.	Response: While the amendment depicts many areas of intense harvest within a specific Hv unit, other areas were not specifically identified. From additional information provided by ADF&G concerning harvest areas, it was appropriate to depict additional Hv units and include management intent language within the new Gu units to better describe these areas. It was also appropriate to describe the offshore Fishery Conservation Zones. Both of these changes have been incorporated. Revision: Add Hv units (MT-10, (Rd, Hv), MT-11 (Rd, Hv), MT-12 (Rd, Hv), DT-51 (Rd, Hv), DT-53 (Hv), DT-54 (Hv), DT-55 (Hv), HT-60 (Hv), HT-62 (Ha, Hv) to protect areas identified by ADF&G as important to harvest. Other new units that provide protection include MT-13, MT-14, CT-30, DT-56, HT-63 and HT-64. The new Hv units include associated language to maintain Hv opportunities and consult ADF&G in those areas before authorization issuance. (see Revisions to Part 2) The new units MT-14 (Gu) and DT-56 (Gu) identify the areas of Fishery Conservation Zones and include associated management intent with statute reference (see Revisions to Part 2).
FG	Commercial Fishing Harvest	FG stated that the amendment did not address the important safe anchorages for the seine and troll fleets and the associated fish buyers and packers at Ulitka Bay, Little Steamboat Bay. Nor did it address the important geoduck beds along the North Noyles Island shoreline area.	Response/Revision: Concur. Two new management units are added (MT-10, MT-13) that describes this information and includes appropriate management intent (see Revisions to Part 2).
SEC, FG	Fish and Habitat/ Revised Maps/	The commenter stated that the herring spawning areas noted on the maps need to be revised slightly to close gaps in the data and language needs to be added to clarify management intent and the extent of these spawning areas in relation to the mapped data. These areas are depicted on the maps; however, there is no textual management intent or guidelines outside of what is presented in the RAT's and unit descriptions. Also mapped spawning areas exist outside of designated Ha units with no management for these areas. SEC states that	Response: We concur that that mapped herring spawning areas should contain management intent for these areas both inside and outside of a Ha designated unit. After further consultation with ADF&G, more data and information was obtained to close gaps in the mapped historical spawning data. Revision: Herring spawning areas on the planning maps are revised to "close gaps" (see Revised Maps 2-7). A section has been added to chapter 2 (Fish and Wildlife Habitat and Harvest Areas) that provides management intent language for the protection of these mapped herring spawning areas (see Revisions to Part 1: Mapped Herring Spawning Areas).

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		under the habitat area definitions within the amendment herring spawning and rearing areas are included, same as in the 1998 POWIAP; however extensive stretches of shoreline with herring spawning areas exist and are not designated Ha.	
SEC, FG	Fish and Habitat	The amendment does not address protection of anadromous fish resources outside of a specific tideland management unit in Gu areas. In order to provide protection of the important tideland areas around the mouths of these anadromous fish streams it is recommended that management guidelines for these areas be included. Also note some of the Ha unit deletions from the 1990 SWAP include the tidelands around the mouths of salmon rearing and spawning streams.	Response/Revision: DNR concurs. Areas outside of specific tideland units containing anadromous streams are now described and protected in the large new Gu units for each region (see Revisions to Part 2). In addition, important management guidelines have been added to Chapter 2 areawide guidelines; these create a management zone around the mouths of anadromous streams (see Revisions to Part 1: Anadromous Stream Mouths within Tidelands).
SEC	Fish and Habitat/ Revised Maps	A side-by-side comparison of acreage for each designation on the Amendment and the 1990 SWAP should be provided. For example, how does, the acres designated Ha and Hv in the Barrier Islands unit (HT-56) compare to the designation in the 1990 SWAP. Also it appears that many units contain a significant amount of marine waters well beyond the intertidal zone. How did DNR determine the boundaries for the units that contain significant amount of submerged lands such as DT-40 and HT-56. What is the basis for the inclusion of submerged lands as habitat?	Response: A breakdown of acreage by designation already exists in the Amendment. The 1990 SWAP does not provide an acreage breakdown of each tideland unit or designation with the exception of total lands designated fish and wildlife habitat and harvest areas rated crucial (130,360 acres). Thus, a specific comparison cannot be made. However, to provide perspective, 162,912 acres of lands designated Habitat or Harvest were contained in the PRD amendment, whereas 173,476 acres of Habitat/harvest designated lands are now in the approved plan. The boundaries of the tide and submerged land units were based on resource information contained in various state, federal and other information sources. Generally, the boundaries encompass the sensitive habitats included within the habitat definition, which contain both tide and submerged lands. However, as a result of a recent reevaluation of resource data, it is appropriate to adjust the boundaries of certain units, increasing the area in a Habitat designation therein. Revision: Adjust units MT-01, DT-40, and HT-56 to reflect new resource information (see Revised Maps 2, 4, &7).
FG	Fish and Habitat/ Various	During our review, the following areas should be reevaluated. Expand CT-02 to encompass the area known as Klawock Reef where herring spawning is present. CT-03 contains important resources that should be protected and the commercial fishing fleet typically anchors herring pounds off the western shore of Wadleigh Island and on the eastern end of SanFernando Island. CT-10 supports spawning and rearing chum, pink, sockeye and coho, as well as Dolly Varden and Steelhead, please include these in the RAT's. The 1990 SWAP notes to preserve fish and wildlife habitat and subsistence use, as opposed to the,	Response: After re-evaluation of the area, changes were needed to address the above comments. They are listed below. Revision: CT-02 has been extended to pick-up the Klawock Reef area (see Revised Map 3). CT-03 will be amended to include the presence of the commercial fishing fleet in the area (management intent already exists for resources). CT-10 will be amended to include the presence of spawning and rearing chum, pink, sockeye and coho, as well as Dolly Varden and Steelhead trout. CT-25 (now Ha, Hv) and the new CT-30 now also includes the presence of waterfowl Dungeness crab harvests (see Approved Revisions Summary and Revisions to Part 2). The anchorage at Aguada Cove will be depicted. DT-03 and DT-04 are now co-designated Hv and now include the presence of kelp beds,

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		<p>protect and maintain language in the amendment. CT-25 as with Port Refugio support high waterfowl harvests and subsistence harvest of Dungenous Crab. Port Santa Cruz was previously designated H1a but has changed to Gu. The area contains anadromous streams and Aguada Cove has previously been determined to be an anchorage during a denial of an aquatic farm site. According to the existing plan, Port Refugio has kelp beds, shellfish beds and supports high-density concentrations of waterfowl and seabirds, waterfowl harvests and commercial Dungenous Crab harvest. Add these to the resources and management intent. The small bay on the northwest shore of Port Refugio was designated H1a and R1 in the 1990 plan, although the amendment has the area as Gu. DT-40 contains abalone concentrations that are not mentioned in the RAT's. Port Asumcion was designated crucial habitat in the 1990 SWAP, although is Gu in the amendment. According the the old plan the area contains waterfowl/seabird concentrations, shrimp and Dungenous crab are present and abalone harvests occur, as well as anadromonus streams.</p>	<p>shellfish beds and finfish rearing habitat, also waterfowl harvest and commercial harvest of Dungeness crab. The new DT-56 includes the resources present in Port Refugio as listed above and associated management intent (see Approved Revisions Summary and Revisions to Part 2). A new unit DT-52 located at the small bay northwest shore of Port Refugio has been designated Ha (see Revisions to Part 2). DT-40 will be updated to include the presence of abalone concentrations (see Approved Revisions Summary). Port Asumcion now resides within the new unit MT-13 (Rd) and the resources within the area are described (see Revisions to Part 2).</p>
CCA	General Use Tidelands/ Various/	<p>While we recognize the need for economic vitality on POW Island, matters should be approached with less of a “commercial” forecast and more emphasis placed on subsistence gathering in areas designated in this amendment as open to development if not within a specific use area. If this approach to management is allowed in management units 18 & 19 the Haida nation stands to lose significant historical and cultural areas to development by individuals that are not particularly sympathetic or overly concerned with the welfare of the Haida nation.</p>	<p>Response: Some resources and/or uses are more concentrated than others and warrant specific designations, while other uses/resources, while still important, tend to occur in a more dispersed or seasonal configuration. In areas of less intensity the General Use (Gu) designation is generally used, however any sensitive resources and or uses that exist within a Gu unit are still protected through management intent language within each unit. All proposed projects must also go through state and federal permitting reviews/processes, including those with a General Use designation.</p> <p>Revision: New regional Gu units (MT-14 (Gu), CT-30 (Gu), DT-56 (Gu), HT-64 (Gu) were created to better describe and manage the resources and uses within the areas that were not given a specific unit designation in the public review draft. These units now include management intent language for the protection and or maintenance of these resources/uses within the Gu units (see Revisions to Part 2 for new management units). Also additional management guidelines in the Amendment (see Part 1 revisions: Revisions/Additions to chapter 2 POWIAP) provide area-wide protection for specific habitats and resources. Finally an additional area-wide requirement to avoid conflicts with traditional users of fish and game has been added. (see Approved Revisions Summary and Revisions to Part 1)</p>
FG	General Use Tidelands/ Part 2	<p>The Resource Allocation Tables (RATs) and textural management intent summaries for each of the units do not provide resource descriptions and management</p>	<p>Response: DNR recognizes that many areas containing resources and or uses were not identified specifically within the Gu designated areas and not within the RAT's.</p>

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		<p>intents for these general use tidelands. The proposed Ha and Hv designated areas provide protections for resources in known concentration areas, but there is no language regarding protection of these resources in Gu designated areas. Important resources and uses for many Gu areas were identified in the existing SWAP and additional information was provided. This specific resource data and information and management intents should be included in the RATs and management summaries, so DNR adjudicators and aware of these resources and have direction through management intent.</p>	<p>Revision: Four large regional Gu units (MT-14, CT-30, DT-56, HT-64) have been created to better describe the resources and uses within the planning area that do not reside within a specific management unit. Important uses and habitats have described in these areas and associated management intent language for the protection and or maintenance of these resources/uses within the Gu units are included to aid adjudication within the area (see Revisions to Part 2 for new management units). Additions to chapter 2; Anadromous Stream Mouths within Tidelands; Mapped Herring Spawning Areas; Seabird Colonies and Marine Mammal Rookeries and Haulouts; Activities in Important Waterfowl Habitat also provide management guidance for important resources that exist within the units. (see Approved Revisions Summary and Revisions to Part 1).</p>
HCA	LUD II and Wilderness Designated Uplands/ Various	<p>The Southwest Prince of Wales Wilderness Area includes several historic sites as well as two large former Haida village sites. The tidelands adjacent to this wilderness area should remain under protection status or activities should be compatible with the wilderness area protections. The tidelands should be managed with and in conjunction with the upland management protections and measures.</p>	<p>Response: The PRD has been revised to provide for general management compatibility between State tidelands and the Federal congressionally designated uplands. A similar approach is used in other DNR area plans and is contained in the POWIAP. In general, tideland areas adjoining areas of federal Wilderness are designated as Public Recreation with management intent to maintain compatibility with the Federal uplands if this is in the overall best interests of the State. These areas include the state tidelands adjacent to federal LUD II and Wilderness uplands of the “Outside Islands LUD II” (MT-13), Nutkwa LUD II (HT-30) and South Prince of Wales Wilderness (HT-63). Other specific units/designations still remain within these large above described units. Revision: New Rd tideland units (MT-13, HT-63) have been created to better manage and describe the State tidelands adjacent to the Federal LUD II and Wilderness Uplands. Additionally, new units (MT-10, MT-11, MT-12) have been created that are designated Rd and Hv. HT-30 has been amended to Rd, Ha. Also, the management intent of MT-01 has been revised to maintain consistency (see Approved Revisions Summary and Revisions to Part 2).</p>
AMA, SEC, CCA, HCA, DNR, FG	Mineral Opening Order/ Appendix B	<p>The HCA and CCA concluded that Mineral Opening Order 1080 would be detrimental to the health of the Haida people, and that mining operations would be incompatible with the current uses in the area. SEC commented that MOO 1080 provided insufficient rationale for opening these lands and while the Commissioner has the authority to issue this opening, it must be set forth in the Administrative finding. SEC disagrees with the legal conclusion that the statutory language requires DNR to open these lands. They further state that the finding fails to explain why the habitat values in the 1990 SWPOW plan that are associated with MCO 466 has changed so that mineral entry would no longer affect these values. SEC further states that the Commissioner must provide a rational basis for the opening. FG state that these closed areas (MCO 466) are “grandfathered in” under the</p>	<p>Response: After further discussions with the Mining Section, DMLW, we remain convinced that opening of land now affected by MCO 466 to mineral entry would not create a detrimental impact. Any proposed mining operation requires a rigorous State and Federal permitting process that results in high levels of resource protection. These discussions also indicated that the areas now affected by MCO 466 are not considered to have a high mineral potential. This area has been affected by recent geological glaciations (which scopes out preexisting mineral deposits) and it is also apparent that tideland bathymetry deepens quickly offshore, making any dredging operation very difficult. Discussions with private sector geologists that are knowledgeable about this area confirmed these conclusions. They believe that it is much more likely, if locatable mineral deposits in fact exist, that these deposits would be situated on uplands and not within tideland areas.</p> <p>DNR, when it revises area plans it does so on a comprehensive basis. All recommendations are reevaluated based on resource information and statutory</p>

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		existing law and the habitat values must be protected, thus request that the areas remain closed as per MCO 466 or at a minimum the currently closed areas that co-inside with the Amendment designated Ha tidelands remain closed. The Alaska Miners Association commented in favor of the opening stating that the opening would remove unnecessary restrictions and increase opportunities for development in the area.	requirements. In the development of the initial SWAP the requirements associated with AS 38.05.185 did not exist. Large areas could be closed to mineral entry and there were no statutory restrictions. This revision must take into account the requirements of this part of statute, and DNR cannot come to the conclusion that there is mineral potential within this area and that potential conflicts between surface and subsurface uses are likely. Revision: Retain MO 1080.
CCA,HCA, CH	Personal Uses/Historic and Cultural Sites/ Various	No mention or protection was given for many tideland areas that are important subsistence use areas or areas of cultural significance to the Haida people many of which are located in Regional Management Units 18 and 19. Many of these areas were identified as important by the State of Alaska in 1983 through the Hydaburg ACMP plan. A list of the areas was provided.	Response/Revision: Many of the subject areas are already within a Ha and or Hv unit in the PRD. Additional units have been created including DT-51 (Rd, Hv), HT-60 (Hv), HT-61 (Rd), HT-62 (Ha, Hv) and HT-63 (Rd) that describe and provide protection of these personal use areas. The remaining areas of importance are now included within large Gu units (MT-14,CT-30, DT-56, HT-64); these recognize personal use areas (see Approved Revisions Summary and Revisions to Part 2). Sites of historical importance are described within each unit and language in both chapter 2 and in individual units provide protection for these sites. (see Approved Revisions Summary and Revisions to Part 1). In addition management guidelines in the Amendment (see Part 1 revisions: Revisions/Additions to chapter 2 POWIAP) now provide area-wide protection for specific habitats and resources. Finally an additional area-wide requirement to avoid conflicts with traditional users of fish and game has been added. (see Approved Revisions Summary and Revisions to Part 1)
CC, DNR, AFA	State Selected Uplands (Trocadero Bay)/ Part 2	The City of Craig commented that the head of the bay and Trocadero Creek are heavily used by area residents for sport-hunting, trapping and for subsistence uses. They requested that the area be re-designated to Ha between the Hydaburg Highway and the Bay, and Gu east of the Highway. SERO and Div. Forestry supported Settlement and Forestry areas. Field inspections confirmed additional habitat related improvements/structures within the parcel.	Response: After further analysis of the area and discussions with the City of Craig, SERO and DOF, new designations are appropriate to address these issues. The new units within the area protect areas of intense personal uses, important habitats, while providing the opportunity for development in the NFCC lands. Revision: The Trocadero Bay parcel has been divided into a number of specific management units which reflect the appropriate uses for this area. Unit C-02 (Rd, Ha, Hv) is amended to include the area near the head of the Bay and an additional area east of the Hydaburg Highway that includes a stream restoration area. The remaining lands are amended to C-03 (Gu), C-04 (Se) and C-05 (Gu) (see Approved Revisions Summary and Revisions to Part 2).
SCS, CCA, HCA, CH, DNR	State Selected Uplands (Mabel Bay and Dunbar Inlet)/ Part 2	Concerns were raised regarding the state selected areas designated as settlement at Mable Bay and Dunbar Inlet. These lands should not be designated settlement due to the further competition of resources, and the lands being historically utilized for subsistence activities. Developing these areas will not improve the economic and social condition of the Hydaburg community; and the subsistence resources throughout the Cordova Bay area cannot support additional settlement. The Sitka Conservation Council requested a more detailed analysis of the Se designation under AS 38.04.065 (b)(2)(5) and	Response: During the planning process, the Department considered and encompassed the requirements as set forth in AS 38.04.065 (b)(2), (5) and (8) see pages 3 and 4 of the formal plan amendment. After further discussions with SERO and re-analysis of the area, the Division continues to maintain that these areas may be appropriate for settlement or timber harvest. Development/harvest decisions would be in the context of Forest Land Use Plans and Best Interest Findings. These would determine if adverse impacts exist and whether the proposed activity outweighed the impacts. They would also take into consideration the effects of potential harvest or settlement on subsistence activities. If important subsistence resources were identified, it is

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		(8). Div. of Forestry recommended the potential for timber harvests in these areas.	likely that the use or development would be configured to avoid or minimized adverse impacts, especially to subsistence. It is premature to anticipate the results of these analyses in the Plan Amendment, and it is more appropriate to determine if such impacts exist through more detailed planning processes. Finally, these designations are consistent with the original purpose of the NFCG land selections for community development and expansion. Revision: Revise units H-01, H-02, H-03, H-04 & H-05 to better manage the current and potential uses for the area pertaining to personal uses and timber harvest (see Approved Revisions Summary and Revisions to Part 2). HT-39 is revised to better describe the personal uses and HT-61 (Rd) has been created to manage and describe this area (see Approved Revisions Summary and Revisions to Part 2).
CC, I	Waterfront Uses/ Part 2 & Revised Maps	An individual requested a tideland designation to better suit his upland present and future activities concerning a private marina. The City of Craig requested a tideland designation to be compatible with the adjacent City upland zoning of Marine Industrial and Public.	Response: Through additional research and information received from public comments, DNR recognizes that the Waterfront Development designation is the appropriate use of these lands. It maintains consistency with the commercial and industrial (current and projected) uses associated with the adjacent uplands. Revision: New units CT-28 Wd and CT-29 Wd are added (see Approved Revisions Summary and Revisions to Part 2).
CC	Waterfront Uses	The City of Craig requested a reanalysis of the areas depicted as anchorages. Additional anchorages are present, particularly around the Noyles and Baker Island area. They said that these areas were extremely important to the commercial, sport and recreational boaters in the area. These areas should be documented to protect these uses and also to prevent unnecessary expenditure time and money on proposals that may be in direct conflict with them.	Response: Concur. We acknowledge after receiving additional information and reanalysis that additional anchorages do exist and should be depicted. Revision: Revised Maps 2, 3, 4, 5, 6 & 7 depict additional anchorages (see Revised Maps). Language for the protection of these anchorages is added to units MT-05, MT-10, MT-11, MT-13, CT-30, DT-01, DT-02, DT-06, DT-29, DT-49, DT-51, DT-56, HT-10 & HT-64 (see Approved Revisions Summary and Revisions to Part 2).

