STATE OF ALASKA

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CITIZENS' ADVISORY COMMISSION
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Superintendent Greg Dudgeon
Gates of the Arctic National Park & Preserve
4175 Geist Road
Fairbanks, Alaska 99709

Dear Mr. Dudgeon:

The Citizens' Advisory Commission on Federal Areas appreciates the opportunity to provide some initial comments on the environmental impact statement to be prepared for the Gates of the Arctic National Park and Preserve General Management Plan (GMP) Amendment and Wilderness Study. Although we know the official scoping period has passed, we are submitting these comments for consideration by the planning team and request that they be included as part of the record for this plan amendment.

We found the Fairbanks open house informative and useful in understanding management issues and changes that have taken place in Gates of the Arctic since the existing GMP was adopted in 1986. The Commission also notes that the park staff has visited the villages in and near the park and preserve to discuss the plan amendment. We commend these public outreach efforts during this early stage of the planning effort and encourage their continuation throughout all phases of the amendment process.

The Commission does not support a wilderness study for the purposes of developing wilderness recommendations as a part of this planning effort. Section 201(4)(a) of ANILCA mandates that Gates of the Arctic National Park & Preserve "(s)hall be managed for the following purposes, among others: To maintain the wild and undeveloped character of the area…" This statutory mandate, in conjunction with NPS regulations and management policies provides ample protection for the resources of the park and preserve, including those in the non-wilderness portions of Gates of the Arctic.

More than 7 million acres of the 8.2 million acres of federal lands within the park and preserve are already designated wilderness. These lands are fully protected under the provisions of the

Wilderness Act and ANILCA. The issue of wilderness eligibility and wilderness suitability for the non-wilderness portions of Gates has been addressed several times. We do not believe there is a need nor legal requirement for this issue to be revisited as part of the GMP amendment process.

A wilderness suitability review, required by ANILCA Section 1317(a), was included in the 1986 Final GMP. In that review, of the 1,209,302 acres of nonwilderness land within the park and preserve, 1,009,638 acres were determined as suitable for wilderness designation, 9,641 acres were deemed suitable pending resolution of ownership and 190,023 acres were not considered suitable for designation. The amount of acreage considered suitable was later increased to 1,052,561 acres because of the application of what was termed "uniform criteria" for all Alaska park units.

As the next step in the Section 1317 process, a final environmental impact statement (FEIS) for the wilderness recommendation was completed in 1988. The proposed alternative was to recommend the northeast preserve unit of approximately 330,846 acres for wilderness designation. The 617,783 acre southwest preserve unit and approximately 104,000 acres within the park were not recommended for designation. A Record of Decision for this FEIS was never signed and no formal recommendations were forwarded by the Secretary of the Interior.

Wilderness designation was again considered as a part of the Anaktuvuk Pass land exchange agreement. A legislative environmental impact statement (LEIS) was prepared to evaluate the effects of the exchange agreement and various alternatives on the park and preserve, including the impacts to existing wilderness. Congressional ratification of the agreement was determined necessary because changes to designated wilderness were proposed. The LEIS did not evaluate a number of suggested alternatives that proposed designation of additional wilderness, including 41,000 acres in the Nigu River area outside of the park and preserve because it was determined that the suggested alternatives were beyond the scope of the exchange agreement.

Nevertheless, once legislation to ratify the agreement was introduced, Congress did consider various scenarios beyond the alternatives analyzed in the LEIS. These scenarios involved both deauthorizing existing wilderness and designation of additional wilderness within Gates of the Arctic. Ratification of the 1992 land exchange agreement was eventually included as part of the Omnibus Parks and Public Lands Management Act of 1996 (Section 302 - Public Law 104-333). As a result, 73,993 acres within the park were removed from wilderness designation and 56,825 acres of land acquired as part of the exchange were designated as wilderness. Additionally, 17,168 acres in the upper Nigu River area outside of park and preserve boundaries were designated wilderness and added to the Noatak National Preserve Wilderness. The Nigu River area was designated as part of the Noatak Preserve Wilderness to avoid a net loss of wilderness acreage. It is noteworthy that Congress declined to designate any additional acreage within Gates of the Arctic NP&P, even though several groups advocated for wilderness designation of the preserve units.

ANILCA Sections 201(4)(b-e) provides authorization for a right of way for surface transportation purposes across the Western (Kobuk River) unit of the preserve, including the Kobuk Wild and Scenic River. This right of way would provide access from the Ambler Mining

District to the Alaska Pipeline Haul Road (Dalton Highway). From a strictly procedural basis and under a clear reading of the statute, it appears that if this western portion of the preserve were recommended for wilderness designation and it was so designated by Congress, the right of way authorization would be unaffected. Although the special authorization for a transportation corridor would not require further Congressional approval, as would be the case in any other designated wilderness area, designation of this portion of the preserve could prove problematic.

The 1988 FEIS recognized this and rejected any alternative that recommended designation for the southwestern preserve (Kobuk River) unit. It states on page 93:

> "The southwest preserve unit is not included in the proposed alternative and was not recommended as a alternative by itself because of the possible development of a transportation /utility corridor authorized by ANILCA, which, if developed, would lessen wilderness values."

Congress clearly intended to retain the option for development of a surface transportation route to this important mining district by providing an expedited permitting and review process. The amendment to the GMP should make it clear that this option will not change should the area be recommended for wilderness designation.

At recent public hearings associated with the revision of the comprehensive conservation plan for the Arctic National Wildlife Refuge, residents from Kaktovik and other north slope communities expressed concern about the effects of wilderness designation on their use of lands within the refuge for subsistence activities. An examination of the history of the situation in Anaktuvuk Pass that arose from a disagreement over allowable means of motorized access and traditional uses in designated wilderness, demonstrates that these are concerns with some merit.

Also, testimony at those same hearings made it clear that the question of wilderness study and possible recommendation overshadowed all other issues associated with the refuge plan revision. While we fully recognize that Gates of the Arctic National Park and Preserve and the Arctic National Wildlife Refuges are completely unrelated conservation system units, controversy over the same issue of wilderness study and possible recommendations for additional wilderness may detract from other management and resource issues for the Gates GMP revision.

The Commission looks forward to working with you and the Gates staff in this planning effort. If we need to clarify any of our comments or if you have questions, please contact us.

Sincerely,

Stan Leaphart

Stan Leaphart
Executive Director