

The Department of Fish and Game reviewed the 2000 USFWS Interim Land Acquisition Priority System Criteria for its consistency with the mandates of the Alaska Submerged Lands Act of 1988 (Public Law 100-395). The state was an active participant during the review process for the USFWS required Alaska Submerged Lands Act Report and in 1990 submitted consolidated agency comments for the final draft. The attached letter summarizes the state's previous comments that are also applicable to this policy:

- Overall, the 2000 System does not address Alaska's Conservation System Units established under the Alaska National Interest Lands Conservation Act (ANILCA). ANILCA legislates direction for management of refuges different than those found in the Lower 48. If the USFWS adopts this system nationwide, it should also either address Alaska environments and management concerns or exempt Alaska from its application. There are no Alaskan watersheds listed as a "hot spot" or as a critical watershed to conserve at-risk fish and mussel species. Moreover, the system's focus is on fisheries and aquatic resources with little mention of wildlife as criteria for land acquisition.
- The state maintains that the federal government has no uniform policies or procedures for establishing priorities throughout all of the CSUs (parks, refuges, wild and scenic rivers). Parks and refuges frequently have common borders yet their rating systems are different. This may cause a discrepancy in priority listings.
- The state is most concerned with the federal government's congressional directive to identify and estimate the acreage of all lands, including submerged lands, conveyed or selected by an ANCSA corporation or the state within the boundaries of a Conservation System Unit (CSU). The state previously argued that the federal government did not adequately define or estimate the total acreage before or after the implementation of the Act, therefore failing to satisfy one of the three purposes of the report. The state does not believe the USFWS can set land acquisition priorities without determining ownership of the submerged lands.
- Moreover the 2000 system has not taken into account the state's ownership of land under navigable waters in pre-statehood federal withdrawals, i.e. pre-statehood CSUs. The U.S. Supreme Court decision in Utah Lake is very clear on this issue - these lands are state-owned. (These lands cannot be acquired).
- The process in which the 2000 Interim System establishes which lands are priority is significantly different than what the 1990 Alaska Submerged Lands report outlined as criteria. There are two criteria established under the Act that are absent from the 2000 system: public use and refuge management.

The most significant missing component is the "Public Use" criterion. Page A-32 of the 1990 report addresses "the public use objectives and management responsibilities

of the Service as outlined in the Alaska Lands Act and in the Refuge Manual. Referring to subsistence and recreational opportunities, the criterion provides for the USFWS to analyze use levels of local residents and neighboring villages. This criterion should be addressed in the new system. As a major component of management of Alaska's fish and wildlife resources, public use should be taken into consideration when analyzing land acquisition priorities.

The 1990 report outlines refuge management as a criterion for land acquisition. Lands were evaluated based on adjacent lands that are privately owned which hinder refuge management (i.e., public use, access, refuge activities). These lands would be considered high priority for acquisition under this criterion. This is directly related to public use and access management, which is a primary focus of the USFWS.

- There are many rights-of-way (historical trails, roads, and easements) that provide access to public lands and waters. These rights-of-way will impact any land acquisition (native corporation land is subject to 17(b) trail and site easements), thus management of the land, public use and access. These need to be identified in relation to the rating system.

The state would like to commend the federal government on establishing inholding acquisition priorities focusing on habitat quality and quantity.