

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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March 13, 2002

Gene Peltola  
Refuge Manager  
Selawik National Wildlife Refuge  
PO Box 270  
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Dear Mr. Peltola:

This office recently received a copy of the winter 2001/2002 newsletter for the Selawik refuge. Congratulations on your new appointment as Refuge Manager. Given your past familiarity with the Yukon Delta and Selawik refuges, I'm sure you are already up and running. The State of Alaska looks forward to working with you and your staff on the many complex issues where the State has overlapping jurisdictions and management authorities.

In addition to welcoming you as the new Refuge Manager, I would like to offer some suggestions to improve the dissemination of complete and accurate information to the public and to facilitate continued productive working relationships between the refuge and the state, especially the Alaska Department of Fish and Game (ADF&G). The winter newsletter, which was completed before you started with the refuge, contains an article and response sheet regarding "Planning for Quality Hunting Experiences." We are concerned that this article gives readers the incorrect impression that the Fish and Wildlife Service is the only entity that can address the specified hunting issues, and that a plan is in motion to address local concerns.

After speaking with Helen Clough to learn more about the local concerns and the refuge's activities, I have the following suggestions.

Public outreach and information about management of hunting on the refuge should routinely recognize that the state continues to manage wildlife and hunting. The federal assumption of subsistence management has unfortunately created some confusion for many members of the public who are not fully aware of the state's substantial remaining responsibilities and the increased importance of coordination between the state and federal programs. Interestingly, the Selawik hunting article contains no mention of the state, even though state agencies and the state Board of Game have applicable and more appropriate management tools which may be easier to

implement than refuge regulations when there is agreement about the nature and extent of a given problem. I assume the refuge staff is aware of these concepts, and it would be helpful to facilitate the public's understanding as well.

Regarding surveys and data collection addressing hunting, fishing, trapping, and fish or wildlife-related issues, we request that the state be consulted early on. In some cases, ADF&G may have existing applicable data; or there could be an opportunity for cooperative research; or we could offer suggestions to refine the scope or methodology of the inquiry. The benefits of early consultation are many. If the state is supportive of the issue definition, project goals and/or methodology, then it will be easier to apply the subsequent results to state management and support implementation of management responses by the refuge.

You should also be aware that the term "quality hunting" is similar to the term "quality subsistence" that has recently been triggering some red flags for us in comprehensive conservation plan revisions for other refuges in Alaska. Certainly the state has no problem with the general notion of managing the full range of public uses of the refuge so that users have satisfactory experiences. We are concerned, however, that this concept may be evolving into a management intent that favors general local use through restrictions on other uses in a way that is not consistent with ANILCA. I am attaching an excerpt from the state's January 8, 2002 comments on a newsletter for the Togiak refuge that more fully discussing this issue to provide you a better understanding of our concerns. This is an issue we are hoping to work out at a statewide level so that it doesn't get in the way of addressing legitimate refuge-specific concerns.

Finally, I encourage the Selawik refuge to share with the state a draft of future newsletters or similar public education/outreach materials so that we can help spot unintended trouble spots and give you an opportunity to make revisions before they go public. Often times a few small word changes or clarifications can make all the difference in interpretations by the reader. It also gives the Service and the state a convenient opportunity to informally touch bases on current topics.

I'm attaching a copy of the Master Memorandum of Understanding between ADF&G and the Service, which addresses many of the coordination issues touched on in this letter. I'm also attaching a summary of the state's ANILCA implementation process, which describes who and how the state resource agencies coordinate with federal agencies on ANILCA-related matters. Please call me at 269-7477, or Don Perrin at 269-7476, if you have any questions.

Sincerely,

/ss/

Sally Gibert  
State CSU Coordinator

Attachments:

- "quality" excerpt from January 8, 2002 state letter
- State's ANILCA Implementation process summary

- MMOU between ADF&G and the Service

## **Attachment A**

Excerpt from January 8, 2002 letter from Don Perrin, DGC to Maggi Arend, FWS regarding the Fall 2001 Togiak National Wildlife Refuge Planning Update.

### QUALITY OPPORTUNITIES

Excerpt from page 3, first column:

- To ensure that **quality** opportunities for recreational use and subsistence use continue to be available on the Kanektok, Goodnews and Togiak Rivers, establish a program to monitor indicators of recreation and subsistence **quality**. If monitoring suggests that standards are at risk of being exceeded, additional management action is taken.  
[Emphasis added]

We have a mutual desire and responsibility to manage the lands and resources of the Togiak Refuge area to assure conservation of resources and the continuation of the Alaskan way-of-life, consistent with the legislated purposes. However, the concept of “quality” is sufficiently problematic at this time that we again urge it be dropped as a specific management goal. We discuss several aspects of these problems in relation to “quality” for both subsistence and recreational uses below.

The concept of quality in the context of subsistence remains subjective, difficult to define, and lacks legislated authority. While subsistence uses of fish and wildlife have a legislated preference over other consumptive uses, the Service’s intent to **ensure quality opportunities** for subsistence uses does not. We are concerned that, by wording the intent in this manner, the Service is setting up unrealistic expectations and misleading the public about its ability to manage for subsistence “quality.” We are also concerned the Service or the public may misinterpret that a priority will be provided for the quality of subsistence users’ experiences over providing equally protected legislated opportunities for other uses. We urge the Service to revise its priority focus regarding this issue toward improving the quality of experience of *all* users through, for example, education about appropriate human waste disposal and tolerance of differing cultural practices. Such a focus would go a long way toward serving expectations about “quality” without making distinctions between opportunities for different types of human use.

Additional questions and concerns about the issue of “quality,” in the context of subsistence and recreational public uses, follow below.

1. How will the Service evaluate the concept of quality in terms of indicators?
2. What management actions are available if the results of monitoring suggest that standards (i.e., minimally acceptable conditions) are being exceeded?

3. The use of indicators for measuring the quality of experience is problematic given some of the attributes associated with indicators. For example, the following excerpts from Clark and Stankey's *Limits of Acceptable Change* process provide guidance for one frequently used method of indicator selection:

Indicators should be measurable in a quantitative manner and should be logically and realistically related to the conditions described in the opportunity classes, (i.e., water quality standards, soil or trail erosion, campsite condition etc.).

Indicators should be capable of being measured in cost-effective ways at acceptable levels of accuracy.

The condition of the indicator should reflect some relationship to the amount and/or type of use that occurs; Social indicators should be related to user concerns (i.e., trail condition, campsite deterioration etc.).

The condition of the indicator should be, at least potentially, responsive to management control.

4. A commitment to rely on indicators should come with an understanding of how to overcome the practical challenges (above) as well as have clearly established authorities to implement management control. Management control would entail having authority to implement management actions to effect the quality of public uses. We are unaware of any authority the Service has under federal law to provide for "quality" subsistence use. Section 801(4) of the Alaska National Interest Lands Conservation Act (ANILCA) states, "Congress uses its constitutional authority . . . to protect and provide the opportunity for continued subsistence uses on public lands by Native and non-Native rural residents . . ." Also, ANILCA Section 804 states ". . . nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes . . ." The Federal Subsistence Board is responsible for assuring a priority for the opportunity for subsistence uses among other consumptive uses on federal lands/waters in times of shortage.
5. The State of Alaska manages fish and wildlife on all lands in Alaska, including the lands and waters within the refuge. State law (AS 16.05.258) provides a preference for a "reasonable opportunity" to subsistence harvest, but it does not guarantee success and, similar to the federal law, does not address the quality of opportunities. As part of its management responsibility, the State monitors and regulates subsistence, recreational, and commercial uses of fish and wildlife, as well as the status of fish and wildlife populations. Monitoring uses of fish and wildlife include the annual statewide harvest surveys for sport fishing by the Alaska Department of Fish and Game's Division of Sport Fish, annual management reports by the Division of Commercial Fisheries, and the Subsistence Division's household surveys

to monitor subsistence harvests.<sup>1</sup> Other existing monitoring includes assessing the status of fishery resources by means such as weirs, counting towers, and aerial surveys. Management decisions are made in-season to restrict and regulate uses among user groups under the directions of the Alaska Board of Fisheries. These monitoring efforts are adequate at present to manage subsistence and recreational uses of fish, opportunities to harvest fish are generally adequate, and subsistence needs are being met.

6. Management controls related to quality that would place limits on access within the refuge for subsistence and recreational activities would be required to meet the criteria established in the ANILCA implementing regulations in 50 CFR Part 36 and 43 CFR Part 36. Management control of other public use activities on refuge lands is legislated in ANILCA and the Refuge Improvement Act, and where those Acts conflict, ANILCA supercedes.
7. Management of activities on the three listed rivers is the responsibility of the State of Alaska. The state has established a Special Use Designation with specified limits on public activities to benefit all users and the habitat (e.g., camping limit). Any additional management actions on the uses of the rivers would entail cooperative assessment and implementation by the state.
8. Federal and state agency efforts to address “quality” of recreational experiences in Alaska are fairly recent and evolving. While some refuge users may have expressed concerns regarding competition for resources, available data indicate that recreational fishing activities in the refuge area have declined or leveled in the last 5 years. Due to their popularity during very short summer conditions, chinook, red, and coho salmon and rainbow trout recreational fisheries in Southwest Alaska often involve relatively congested conditions. Given this, some anglers’ expectations of remote fishing opportunities are unrealistic. While low encounter rates may be attributes of fishing opportunities, the State of Alaska manages its fisheries based on the sustained yield principle after assessing historic harvest trends, stock assessment information, and public input. Alaskan residents through the Board of Fisheries are already extensively involved in determining how fisheries will be regulated while ensuring the conservation of the resources and the orderly development of the fisheries.

We request the Service to clarify in all its communications that management actions proposed to protect refuge users’ quality of experience are based on ensuring that the indicators (cooperatively adopted) do not exceed acceptable standards to minimize conflicts, not based on providing priority of one user group’s experience over another’s. We also note that most of the State’s and Service’s management tools to affect specific user groups’ experiences will be addressed through limits on commercial-service providers because the management tools available to limit unguided users are relatively limited, difficult to implement, and are not demonstrated to be necessary at this time.

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<sup>1</sup> See ADF&G reports: Annual Management Report for the Subsistence and Commercial Fisheries of the Kuskokwim Area 2000; Division of Commercial Fisheries Annual Management Report for the Bristol Bay Area 2000; Division of Sport Fish Summary of Effort, Harvest, and Catch Statistics for Sport Fishing in Southwest Alaska, 1977-1999; Area Management Report for the Recreational Fisheries of the Southwest Alaska Sport Fish Management Area, 1999.

## Attachment B

# State of Alaska ANILCA/Conservation System Unit Coordination

*Background: In 1980, the Alaska National Interest Lands Conservation Act (ANILCA) established more than 100 million acres of federal land in Alaska as new or expanded conservation system units (CSUs)--parks and preserves, wildlife refuges, wild and scenic rivers, conservation, recreation and wilderness areas. The ANILCA compromise challenges federal land managers to balance the national interest in Alaska's scenic and wildlife resources with recognition of Alaska's fledgling infrastructure and distinctive rural way of life.*

ANILCA specifically directs federal agencies to consult and coordinate with the State in numerous processes. The mission of the State of Alaska's ANILCA implementation program is to ensure that the special provisions of ANILCA which are tailored to Alaska are properly implemented and that state interests are considered.

DGC, working with state agencies responsible for natural resources and tourism:

- participates in the development and review of ANILCA land planning issues, policy documents and proposed regulations;
- provides project-specific staff support to the Alaska Land Managers Forum;
- facilitates partnership efforts between the state and federal agencies on special projects;
- assists the Governor's Washington Office as requested on national legislation affecting federal land management in Alaska

Specific issues closely monitored by the State include public access for traditional activities; access to inholdings; subsistence; and recognition of state authorities concerning fish, wildlife, navigable waterways, water columns, tidelands, and submerged lands. The state also encourages federal agencies to consider statewide and regional opportunities and constraints during planning for recreation and tourism, and sometimes enters into cooperative planning forums to accomplish this task. While each new state administration influences policy and processes, (e.g. the Knowles administration emphasizes science-based, cooperative decision making) the State's interests and organizational procedures have been relatively consistent since passage of ANILCA.

## ORGANIZATION

Since many ANILCA issues cut across the mandates and responsibilities of individual state agencies, the Division of Governmental Coordination (DGC) within the Office of the Governor has been responsible for coordinating the State's participation in day to day ANILCA implementation. Personnel from each participating state agency (see attached list) are designated to work with DGC on the coordinated review of proposed federal plans, policies and regulations.

## THE STATE'S CSU REVIEW PROCESS

The State conducts coordinated reviews of draft and final plans, regulations and policy documents. When a CSU or ANILCA document is being prepared for public review, we request that the issuing federal agency call DGC in advance to find out how many copies will be needed to cover the state agency distribution list. The number varies depending on location and scope. *When available, paperless electronic distributions are preferred to save paper, postage and distribution time.* DGC's distribution lists are usually customized for each review, and contain our internal deadlines for creating coordinated responses. For these reasons, and to monitor feedback, DGC prefers to handle distributions of federal documents to designated state agency representatives, rather than providing the state distribution list to the federal agencies.

**Formal Reviews.** DGC collects individual agency comments and consolidates a response, along with any generic issues previously identified. DGC works with the affected state agencies to resolve any internal inconsistencies. A draft state letter is developed and circulated amongst the state agency contributors for internal review. Sometimes constituents outside state agencies may be consulted prior to completion of the final state comments.

**Informal Reviews.** DGC also coordinates informal reviews of selected documents when mutually beneficial to both the state and federal agency. Such reviews work well to identify and eliminate issues that can easily be resolved informally, and gives all parties a heads up about more difficult issues. The scope and participation of such in-house reviews is defined on a case by case basis.

**Other Consultation and Coordination.** Informal coordination before, during or after formal reviews is encouraged. Such activities may take place through DGC or directly between federal and selected state agencies. When contacts are made at the local level, efforts are made to keep policy level managers (both federal and state) aware of the nature of such contacts.

**REGULAR STATE PARTICIPANTS**

Updated 11-01

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