

STATE OF ALASKA

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July 19, 2002

David Allen
Regional Director
U.S. Fish and Wildlife Service
1110 East Tudor Road
Anchorage, AK 99503

RE: Wilderness reviews in comprehensive conservation plans

Dear Mr. Allen:

I understand in recent months the U.S. Fish and Wildlife Service (Service) has been reevaluating how wilderness recommendations will be addressed in the new round of revised Comprehensive Conservation Plans (CCPs) for national wildlife refuges established or expanded by the Alaska National Interest Lands Conservation Act (ANILCA). To assist in this evaluation, this letter addresses the views of the State of Alaska's resource agencies.

To summarize:

- With the exception of new lands added to Alaska refuges, we question the need for and value of a comprehensive reevaluation of wilderness in the current round of CCP revisions;
- Director's Order # 125, now expired, has no applicability to Alaska;
- Any consideration of new wilderness by the administration (or Congress) should recognize the trade-offs associated with this designation, some of which may be subtle or not well-understood.

ANILCA Section 1317

ANILCA Section 1317(a) required the Secretary to review "*as to their suitability or nonsuitability for preservation as wilderness, all lands within . . . units of the National Wildlife Refuge System in Alaska not designated as wilderness by this Act and report his findings to the President.*" ANILCA Section 1317(b) directed the Secretary to transmit the results to the President within 5 years after passage of ANILCA and the President to submit them within 7 years to Congress. The Service completed the ANILCA 1317 review in 1988. In 1991, the Director of the Fish and Wildlife Service submitted ANILCA 1317 recommendations to the Assistant Secretary; but the recommendations were neither transmitted to the Secretary nor to the President, thus never received by Congress.

With the exhaustive analyses conducted in the 1980s, including a full round of supplemental wilderness EISs, the State questions the need to revisit the wilderness recommendations in the upcoming CCP revisions since Section 1317 requirements have not yet been completed and therefore still drive Alaska wilderness reviews. If National Environmental Policy Act EIS requirements are interpreted to be consistent with this view, then we recommend focusing wilderness review on large tracts (e.g., Exxon-Valdez Trust Fund acquisitions) added to Alaska refuges since completion of the CCP wilderness recommendations. A wholesale reevaluation of wilderness will inevitably be highly controversial and will distract the Service and the public (locally and nationally) from other more pressing issues facing Alaska refuges collectively and individually. Ultimately, a full review will likely have little effect on what Congress might do with any recommendations that are eventually submitted.

Director's Order No. 125

The current CCP wilderness reevaluation was apparently initiated pursuant to Director's Order No. 125, which directed review of ALL lands regardless of ownership. This national order, which expired on June 30, 2001, should not have been initially applied to Alaska for two reasons. First, ANILCA Section 1317 already contains the mechanism for a statewide wilderness review of all undesignated refuge lands in Alaska. Secondly, under ANILCA Section 103(c), Congress specifically limited the application of federal regulations for conservation system units in Alaska to the federal public lands within those units. Accordingly, the original CCPs for Alaska refuges included only those lands for which the Service owns both the surface and subsurface estate.

Understanding and Weighing the Effects of Wilderness in Alaska

Throughout discussions and debates about Wilderness since passage of ANILCA, there remains some uncertainty about what a Wilderness designation actually means for Alaska. ANILCA clearly amends the application of the Wilderness Act on Alaska; yet it has always been challenging, for managers and the public alike, to pin down some of the more specific or subjective effects. By some measures, the effects are minimal, since most refuge lands are already managed to protect their primitive values. Others see wilderness as a tool to blunt some of the special provisions of ANILCA which allow refuge uses that are typically not authorized on lower 48 refuges. We acknowledge that the new refuge CCP planning template does the best job to date of articulating the Service's views of the difference between wilderness and non-wilderness management, yet even after studying the template and observing 20 years of Service implementation, there are few simple answers.

The State does not categorically oppose designated Wilderness. For example, the State supported the original wilderness recommendation for the Becharof refuge in the late 1980's. This recommendation was a product of the comprehensive federal/state Bristol Bay Cooperative Management Plan that sought to juggle habitat protection, oil and gas development interests and wilderness amid the spectrum of major land management issues for the region. The final Alaska Peninsula refuge wilderness recommendation was also reduced to accommodate oil and gas and transportation corridor interests while retaining substantial acreage for wilderness management.

Through out our participation in the extensive wilderness reviews of national parks and wildlife refuges in the 1980s, state agencies have recommended a judicious approach to maintain future

management options. In weighing the costs and benefits of wilderness, the "cost" category includes the following important state interests:

- Some types of state management activities (e.g., certain fish and wildlife management activities and helicopter access associated with volcano seismic monitoring sites), while technically still allowable, would be subject to a higher level of refuge oversight and could be curtailed in designated Wilderness;
- Oil and gas exploration activities are prohibited, including some low impact activities in support of oil and gas exploration or development on adjacent non-federal land; and
- Transportation and utility systems under ANILCA Title XI (e.g., possible future cross-peninsula transportation corridors on the Alaska Peninsula that could link resource development sites on state and Native lands on the northwest side with possible deep water ports to the south) must clear additional hurdles, including approval by Congress.

We are also concerned that Wilderness, if applied too extensively, will tie the hands of the Service itself in unforeseen ways. Current managers of remote refuges may have difficulty envisioning long-term changes in public use patterns that might demand more active recreation management. For example, a future refuge manager may determine it is better to manage increased visitation by developing facilities (e.g., campgrounds or improved nature trails) in discreet areas to reduce the pressure on adjacent areas. This option would be precluded, however, in designated Wilderness. When Wilderness is limited to select portions of the refuge, this lost flexibility is less of a "cost;" however, when the majority of a given refuge is proposed for wilderness, the cost is more significant. The wisdom of incurring this cost is debatable since the Service can administratively protect wilderness values via the CCPs without permanently foreclosing these management options.

Thank you for considering these views. If you have any questions, please contact me at 269-7477.

Sincerely,

/ss/

Sally Gibert
State CSU Coordinator

cc: Steve Williams, Director, U.S. Fish and Wildlife Service
David Smith, Deputy Assistant Secretary, U.S. Fish and Wildlife Service
John Katz, Governor's Office, Wash. D.C.
John Sisk, Governor's Office, Juneau
Patrick Galvin, Director, Division of Governmental Coordination
Frank Rue, Commissioner, Department of Fish and Game
Pat Pourchot, Commissioner, Department of Natural Resources
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