

STATE OF ALASKA

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Michael Reardon
U.S. Fish and Wildlife Service
Yukon Delta National Wildlife Refuge
PO Box 346
Bethel, AK 99559

Dear Mr. Reardon:

The State of Alaska has reviewed the Draft Compatibility Determination (CD) for reindeer grazing on the Yukon Delta National Wildlife Refuge (Refuge). This letter contains the consolidated comments of the State's resource agencies.

The State does not oppose a finding of compatibility but requests that the Service consider the following concerns:

1. The area under consideration is occasionally utilized by the Western Arctic Caribou Herd (WACH) during winter months and, as referenced in the draft CD, may do so in the future. The Alaska Department of Fish and Game (Department) has limited resources to monitor the WACH and its movements. If the WACH does move through the area where reindeer are present, some loss of reindeer by joining the WACH may occur and must be accepted by the herders as a matter of business. It is the herders', not the Department's, responsibility to keep caribou and reindeer separate.
2. The proposed reindeer grazing will occur in an area with populations of natural predators, including high brown bear populations. We anticipate few conflicts between brown bears and reindeer if grazing on the Refuge is kept to the late fall and winter months, as indicated in the draft CD. However, if reindeer are allowed to calve or otherwise remain in the area into the spring months, predation by brown bears could become a cumulative concern over time. We request that the Service require reindeer be removed from the area prior to spring to avoid the potential problem.

Wolves are also present in the area. Although wolves are not currently very numerous, the moose population in the area is increasing, and the wolf population is expected to grow. The herders need to expect predation of reindeer by wolves.

Because reindeer are considered a domesticated animal, the Department will not utilize predator control practices to relieve predation impacts on reindeer from either brown bears or wolves. We request that close herding practices be required by the herders to avoid predation by natural predators. We are in concurrence with the stipulation that requires permitted operations be conducted in accordance with State and Federal law with regards to predators, other wildlife, and Defense of Life and Property.

3. We concur with the draft CD that the Andreafsky Caribou Herd no longer exists in a viable state. We request the final CD reflect this concurrence.

Future attempts may be made to re-introduce caribou to this area and the proposed reindeer grazing may impact those attempts. We urge the Service take future steps to address the impacts of the grazing permit on potential re-introduction projects.

4. The draft CD indicates that the herd may at times occupy approximately 1,280 acres of State land in the area. The appropriate permit from the Alaska Department of Natural Resources is required before State lands may be occupied by the herd.
5. Stipulations for the Service permit include the provision that "All terrain vehicles will not be allowed on Service lands to herd reindeer." We have a number of questions regarding this stipulation.

We are unsure if this stipulation is directed at the more commonly defined and utilized Off-Road Vehicles (ORVs, such as 4-wheelers) or other, larger all terrain vehicles such as tracked vehicles or those vehicles with six or more wheels (MAX, Argo type). We request the stipulation clarify its relationship to 50 CFR 36.2, which defines off-road vehicles as ORVs.

ANILCA Section 303(7)(C) says:

Subject to such reasonable regulations as the Secretary may prescribe, reindeer grazing, including necessary facilities *and equipment*, shall be permitted within areas where such use is, and in a manner which is, compatible with the purposes of this refuge. (italics added)

Depending on snow cover, terrain, and habitat, the use of ORVs may be the most appropriate and environmentally sensitive type of equipment for herding reindeer. Additionally, the Service makes the case that reindeer herding in Alaska is considered a subsistence activity, under both ANILCA and the Reindeer Grazing Act. If this activity is considered a subsistence activity, then ANILCA Section 811 access provisions currently included in 50 CFR 36.12 also applies.

In considering the use of ORVs and other modes of access within the Refuge, we renew our request that the Service complete studies of traditional activities and modes of access for this refuge and throughout the Alaska region. These studies are necessary to provide information on access and activities in refuges that are protected by several provisions in ANILCA. Such studies are needed as baseline prior to development of restrictions through regulations. Further delay will result in a loss of knowledge concerning the area through movement and ageing of residents.

Thank you for this opportunity to comment. Please contact me if you have any questions.

Sincerely,



Susan E. Magee
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator