

# STATE OF ALASKA

**SARAH PALIN, Governor**

## **ANILCA IMPLEMENTATION PROGRAM**

550 W. 7<sup>TH</sup> AVENUE, SUITE 705  
ANCHORAGE, ALASKA 99501  
PH: (907) 269-7470 / FAX: (907) 269-3981  
[Sally\\_Gibert@dnr.state.ak.us](mailto:Sally_Gibert@dnr.state.ak.us)

March 5, 2007

Robin West  
Refuge Manager  
Kenai National Wildlife Refuge  
P.O. Box 2139  
Soldotna, Alaska 99669

Dear Mr. West:

The State of Alaska received the US Fish and Wildlife Service Draft Compatibility Determinations (CDs) for the Kenai National Wildlife Refuge, released for public review on February 26, 2007. We appreciate the supplemental briefing you provided on February 26 to expedite our review. We will provide formal comments on the full set of draft CDs prior to the close of the comment period in April. In the meantime, however, we feel compelled to raise an issue of immediate and utmost importance concerning the draft Trapping CD, particularly the proposed refuge trapping stipulations to close trapping for red fox throughout the Kenai Refuge and to close wolverine trapping in that portion of the Refuge within Game Management Unit 15A. Presenting these specific proposals without advance consultation with the State on their merits ignores the Master Memorandum of Understanding (MMOU) between the Service and the Alaska Department of Fish and Game (ADF&G). These concerns were presented to you informally in January. We also question the biological need of these closures, especially since the Trapping CD provides little scientific justification. The Refuge has initiated no outreach to ADF&G in the last few years to jointly evaluate the status of these populations or consider possible courses of action, including action by the Board of Game, to address any legitimate concerns.

Procedurally, we are especially dismayed to see this unilateral refuge closure proposal on the heels of the recent sincere recommitment to the MMOU by the ADF&G Commissioner and the Service's Regional Director. We do not question the Service's authority and responsibility to make compatibility determinations and to take action when a use is determined to be incompatible. This responsibility does not, however, relieve the Service of working with the State on wildlife population issues as they arise and to use state processes whenever practicable to address them, as further directed by the Refuge Improvement Act. Addressing fish and wildlife management issues cooperatively in the normal course of refuge management would minimize the need for the Service to preempt state regulations in the interests of compatibility. When appropriately used, state wildlife management processes can complement and support refuge management objectives.

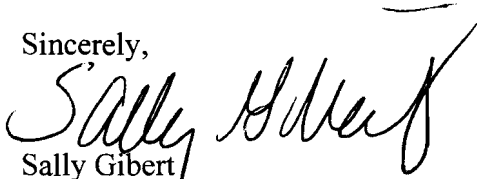
On the Kenai Peninsula, to the best of our knowledge, the status of red fox has not changed since the 1980s, being relatively uncommon; while inventory studies of wolverine are ongoing and should provide useful information for management purposes. Regardless, we are not aware of information indicating population concerns with either red fox or wolverine that warrant the immediate actions represented by the proposed administrative refuge closures. The only time that such unilateral refuge action through a CD would be appropriate would be if state processes are unable to provide an adequate or timely response, e.g., emergency situations. We do not view the current status of either red fox or wolverine populations as needing such an immediate response. We will address the biological issues in more detail in our formal comments.

On the short term, we request affirmation of the Refuge's commitment to the MMOU regarding the management of the fish and wildlife resources on the Refuge. While we recognize that the Service has responsibility to conserve fish, wildlife, and their habitats and regulate human use on the refuge, we have the primary responsibility to manage resident fish and wildlife. Should adjustments to federal or state regulations be necessary for Kenai Refuge, we request that you use state regulatory processes to the maximum extent allowed by federal law. We also request the Refuge work with ADF&G to initiate a cooperative process to objectively assess these furbearer populations and, if warranted, conduct additional studies and/or work through the Board of Game if alterations of harvest strategies for furbearers are determined to be desirable, as the Refuge committed to do in the Furbearer Management Plan. Your added assurance that use of the Trapping CD stipulations is not the model for routine fish and wildlife management will also go a long way toward getting us back to the substantive business of conserving fish and wildlife resources, consistent with ADF&G Commissioner's and Regional Director's request to work together respectfully in the spirit of cooperation and with a commitment to meet each other more than halfway.

The State of Alaska is committed to working cooperatively with the Refuge in matters of mutual concern, including the well being of the furbearer populations on the Kenai Peninsula.

Thank you for your prompt attention to this matter.

Sincerely,



Sally Gibert  
ANILCA Program Coordinator

cc: Matt Robus, Director, Division of Wildlife Conservation, ADF&G  
Todd Logan, Regional Chief of Refuges  
Tracey McDonnell, Refuge Supervisor