

# STATE OF ALASKA

**SARAH PALIN, Governor**

## **ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting**

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January 30, 2009

George Helfrich, Superintendent  
Western Arctic National Parklands  
P.O. Box 1029  
Kotzebue, AK 99752

Dear Mr. Helfrich:

The State of Alaska reviewed the Proposed Construction of a New Subsistence Cabin in Noatak National Preserve Environmental Assessment (EA). The following comments represent the consolidated views of the State's resource agencies.

We appreciate the EA's overall balanced discussion of the potential benefits and impacts associated with the proposed cabin or alternatively, a tent platform, for subsistence purposes. We agree that these permanent facilities generally enhance subsistence opportunities and reduce negative bear/human encounters. We also agree that a cabin would likely be more effective than a tent platform in that regard. We understand the Service must consider a variety of factors, including the needs of subsistence users, natural resource issues, and potential for user conflicts when evaluating subsistence cabin requests as per 36 CFR 13.160-168. The following observations and suggestions are provided for your consideration.

### **Subsistence**

The EA summarizes the single "Subsistence Use Issue" as "*Living conditions for subsistence users could be improved.*" That statement greatly underplays the potential benefits of permanent facilities to subsistence users. We are therefore pleased the corresponding discussion in the Affected Environment's Subsistence Use section is more expansive and clarifies that both the cabin and tent platform would improve subsistence opportunities, which would benefit not only the applicant, but other locals who would share in the harvest, as is customary practice. A permanent facility, especially a cabin, would also provide for increased safety, for both the applicant and others, while in use either for subsistence purposes or in times of emergency. In addition, a food cache and drying racks, in conjunction with other appropriate precautions, would increase protection of harvested fish from bears and other wildlife, reducing the need for supplemental harvest and the potential for habituated animals. It could also be anticipated that permanent facilities would reduce the chance that a bear may be killed in defense of life and property.

## User Conflicts

Since the proposed cabin site is described as a “*relatively popular fishing site*” and the EA notes a popular campsite for river floaters is located approximately one-half mile away, we recommend potential user conflicts be more fully analyzed. While we agree there is potential for displacement, we request the analysis discuss whether there is potential for other conflicts between subsistence users at this location as well as between subsistence and non-subsistence users.

## Wilderness

Traditionally, rural Alaskans built cabins when and where they needed them. There were no formalized property rights but others generally respected their occupancy and did not intrude. Use and occupancy patterns could adapt rapidly to changing environmental conditions and user needs, and the resource impacts of these structures were minor. In adopting the Alaska National Interest Lands Conservation Act (ANILCA), Congress retained the opportunity for this customary and traditional activity. While the Wilderness Act generally prohibits structures, ANILCA Section 1303(a)(4) provides exceptions for construction, use, and occupancy of cabins and other structures on all National Park System lands, including designated Wilderness:

*The Secretary may issue a permit under such conditions as he may prescribe for the temporary use, occupancy, construction and maintenance of new cabins or other structures if he determines that the use is necessary to reasonably accommodate subsistence uses or is otherwise authorized by law.*

Protection of wilderness character needs to be fairly presented and considered on balance with other identified issues and mandates. As currently written, the EA contains inconsistencies with regard to the description of the project area and wilderness resources. For example, the EA describes the area as a “*popular fishing location*” with a fish camp that includes “*a lean-to covered in plastic, fish drying rack, campfire ring, canoe, and hole for human waste.*” Despite this history and evidence of use, the Wilderness Values/Wild River section indicates “*The project area **exemplifies** the untrammeled, natural, and undeveloped characteristics of Wilderness, and provides outstanding opportunities for solitude or primitive/unconfined recreation.* [Emphasis added] We are concerned that this idealistic portrayal of the project area may unfairly influence public comment, especially for those that are unfamiliar with the ANILCA provisions that apply to designated Wilderness in Alaska.

In addition, it is worthwhile to consider that some visitors observing subsistence users participating in the traditional harvest of wild foods may find their experience and perception of the area heightened as this represents enduring cultural practices found in few other places.

## Page Specific Comments

**Page 11, Recreation, third sentence:** It is difficult to predict recreational use, particularly in a remote area such as the Noatak River where access can be extremely

expensive. Thus, while a supposition that recreational use will increase is possible, it is also possible that use may remain flat or decrease.

**Page 12, Alternatives Considered but Dismissed, Bear Proof Fence:** We question the conclusion that an electric fence is “*an unreasonable burden on the applicant.*” Relatively inexpensive, properly deployed and monitored electric fences have proven effective in deterring bears from accessing human food sources. We recommend every possible reasonable precaution be analyzed to reduce negative bear/human encounters.

**Page 16, Fish and Wildlife, third paragraph:** The EA mistakenly refers to Dolly Varden as Arctic char. We request a correction in an errata sheet.

**Page 31, third paragraph, seventh sentence:** We understand the “restricted-sensitive” designation referenced in this paragraph is from the 2005 Northwest Arctic Borough Coastal Management Plan. We request the errata sheet cite the source to clarify that it is not a federal designation.

Thank you for this opportunity to comment. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Magee', written in a cursive style.

Susan E. Magee  
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator