

STATE OF ALASKA

SEAN PARNELL, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

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August 4, 2010

Sue Masica
Regional Director
National Park Service
240 West 5th Avenue
Anchorage, AK 99501

Dear Ms. Masica:

On behalf of the State of Alaska, and the Alaska Department of Fish and Game (ADF&G) in particular, I seek your assistance with an issue regarding a planned routine fisheries management and research activity on the Alagnak River, which flows through the exterior boundary of Katmai National Park and Preserve.

The ADF&G conducts the Western Alaska Salmon Stock Identification Program under a May 5, 2006, Memorandum of Understanding with ten Native, Borough, and Fisheries Associations with interests in the region's fisheries. Genetic stock identification baselines are essential for development of ADF&G fisheries management plans that conserve numerous specific fish stocks and address allocation issues throughout the region. One component of this on-going research program includes the non-lethal capture and release of approximately 200 chum salmon in the Alagnak River to collect genetic material (fin clips only) as the best candidate population to represent the Kvichak drainage. The Alagnak is the main spawning location of chum salmon in the Kvichak drainage; therefore, comprehensive Kvichak stock composition estimates will be compromised and biased if Alagnak River populations are not adequately represented. This half-day project, described in detail in ADF&G communications with the Park, was planned for early August and must occur by August 9, 2010.

This routine state research and management activity involving a state-managed fish resource is to be conducted on state land and waters in a state-owned river bed (as confirmed in 1985 by the U.S. District Court, District of Alaska). When local ADF&G staff provided courtesy notification to Katmai Park of the pending activity, the Park advised that a National Park Service research permit is required. Such permits have never before been required in any Alaska park unit for routine state research and management activities. For example, in 2008 ADF&G conducted a similar fish genetics research project in the Wrangell-St. Elias National Park and Preserve after advance notification and coordination with the Park and the Service's regional office. No permit

was required. Documentation of this 2008 coordination was recently provided again to the regional office.

In the spirit of cooperation embodied in the 1982 Master Memorandum of Understanding (MMOU) between the Service and ADF&G, we offered Katmai Park “timely notification” of our upcoming work on the Alagnak River, even though the work would not take place on park lands. The MMOU recognizes ADF&G’s ability “*to enter onto Service lands after timely notification to conduct routine management activities*” [without a permit]. While the MMOU does not appear to apply to state-owned waterways, we understand the many benefits of keeping the Park informed of our activities.

We consider Katmai Park’s decision to require a permit before ADF&G conducts its genetic research, and the Region’s apparent concurrence, to be precedent-setting. We understand the Service’s permit requirement for this activity on state lands is based on the “water regulations” at 36 CFR Part 1.2(a)(3). I have therefore requested a meeting with you, consistent with the July 6, 2010, letter to me from Director Jon Jarvis. We need to know if the Service intends to interfere with state conduct of this management activity. Given the important and time-sensitive nature of this project, I appreciate your willingness to meet with me today.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sally Gibert".

Sally Gibert
State ANILCA Program Coordinator

cc: Denby Lloyd, Commissioner, Alaska Department of Fish and Game
Jon Jarvis, Director, National Park Service