

STATE OF ALASKA

SEAN PARNELL, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

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Richard Voss, Refuge Manager
Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, AK 99701-6267

Dear Mr. Voss:

The State of Alaska reviewed the Draft Wild and Scenic River (WSR) Eligibility Report (Report) for the Arctic National Wildlife Refuge. The letter represents consolidated state agency comments.

Consistent with our June 7, 2010 scoping comments, the State remains strongly opposed to new recommendations for wild and scenic river designations. A comprehensive review was completed prior to the passage of the Alaska National Interest Lands Conservation Act (ANILCA), which resulted in numerous Wild River designations throughout Alaska, including three designated rivers and one river identified for study within the Arctic Refuge. Unlike ANILCA Section 1317(a), which required the Service to conduct a wilderness suitability review, there was no direction in ANILCA to conduct additional WSR studies; therefore, ANILCA provisions that state there is no “...*need for future legislation designating new national conservation units...*” (Section 101(d)) and “*No further studies shall be conducted...unless authorized by this Act or further Act of Congress*” (Section 1326(b)) prevail. We also strongly disagree with the assertion that the WSR Act provides separate direction for the Service to conduct additional reviews whenever land use plans are revised. Nothing in the WSR Act or Service national policy explicitly requires the Refuge to undertake such a comprehensive assessment. Service policy at 602 FW 3; however, does explicitly require the Refuge to take *all* applicable laws into consideration, including ANILCA.

This study also re-evaluates the Porcupine River, which ANILCA previously designated for study. Although studied from the US/Canada border to its confluence with the Yukon River and found “*eligible,*” it was subsequently determined “*not suitable*” for recommendation, in part because the river was a “*legally defined navigable river with the riverbed and both banks belonging to the State of Alaska.*” (National Park Service News Release, 1984) In addition, on May 9, 2005, the Bureau of Land Management filed a recordable disclaimer of interest for the Porcupine River, disclaiming all federal property interest in the river’s submerged lands. We agree with the prior suitability decision and seriously question the purpose of including this river in a second study, without any valid justification. This example of a potentially never-ending cycle of review clearly

illustrates why Congress expressly included ANILCA's "no more" provisions. We strongly urge the Refuge to reconsider this decision to re-evaluate the Porcupine River and honor the previous decision as final.

We also question the Report's determination that the Neruokpuk Lakes are considered "*eligible*." Section 16(a) of the WSR Act defines "*rivers*" to mean "*a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.*" [emphasis added] While "*small lakes*" is not further defined in the WSR Act, the Report in Table 3-1 describes the Neruokpuk Lakes as "*the two largest and most northern alpine lakes in North America.*"

Similar to our concerns about designated wilderness, consideration of wild and scenic river designations in the Section 1002 coastal plain is inextricably linked to the potential for oil and gas development. WSR designation would seriously interfere with the State's ability to allocate its water resources for on-shore development, which is also a matter of concern at the national level, since the coastal plain represents the most promising unexplored petroleum region in North America. Maintaining the option for oil and gas exploration and development remains of paramount importance to the State of Alaska. We will strongly oppose any suitability determinations for rivers within the Section 1002 coastal plain.

The Refuge already has the administrative means to provide adequate resource protection for all river corridors within its boundaries. Several rivers are also within existing designated wilderness or wilderness study areas, which are far more restrictive forms of management. Given the Refuge's extreme remoteness, expansive size (19 million acres) and limited seasonal visitor use, there is no existing or anticipated "*threat*" to any of the rivers, especially the largest potential threat identified in the Report – public use. In fact, designation may instead be counterproductive, as wild and scenic rivers tend to draw more attention and increase visitor use; thereby creating greater potential for resource impacts and user conflicts. While most rivers in Alaska would likely qualify as "*eligible*," it is difficult to understand why additional designations, especially within the Arctic Refuge, would be necessary or prudent. If the Refuge continues down this inadvisable path, we strongly recommend that all rivers found "*eligible*" in the Report be determined "*not suitable*" for designation and instead encourage the Refuge to direct its limited funding and other resources toward managing the three Wild Rivers that ANILCA designated within its boundaries.

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

Sincerely,



Susan E. Magee
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator