

STATE OF ALASKA

SEAN PARNELL, Governor

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Greg Dudgeon, Superintendent
Gates of the Arctic National Park and Preserve
Fairbanks Administrative Center
4175 Geist Road
Fairbanks, Alaska 99709

Dear Mr. Dudgeon:

The State of Alaska reviewed the Fall 2010 Alternatives Newsletter addressing the upcoming Gates of the Arctic National Park and Preserve (GAAR) General Management Plan Amendment (Plan) and Wilderness Study. This letter represents consolidated state agency views at this stage in the planning process. We appreciate the opportunity to review a preliminary outline of the alternatives prior to development of the draft Plan and draft environmental impact statement. Many of our comments focus on how the draft Plan can provide more background, clarity and rationale for upcoming proposed decisions. Our more substantive comments include:

- Accommodating a right-of-way across the Kobuk Preserve unit
- Simplifying the Zone system
- Providing management flexibility while retaining undeveloped character

In addition, we remain firmly opposed to the initiation of any wilderness reviews leading to new wilderness recommendations in light of ANILCA's "no more" clauses.

Right-of-Way Across the Kobuk River Unit of the Preserve

Subsequent to our March 2010 scoping comments, the Alaska Department of Transportation and Public Facilities (DOT/PF) has initiated active consideration of a permanent right-of-way (ROW) between the Dalton Highway and the Ambler Mining District through Gates of the Arctic National Preserve (Kobuk unit), as authorized by Congress in Section 201(4)(b-e) of the Alaska National Interest Lands Conservation Act (ANILCA). We view initiation of this ROW process as substantive input to the Plan amendment process, although not dependent on its completion. As common management direction applying to all alternatives, the Plan must accurately describe, and include provisions for, the mandatory authorization of such a transportation corridor and its likely suite of support facilities. As documented in a separate letter to you (attached), DOT/PF has initiated preliminary engineering and is seeking permits from the National Park Service (Service) for field studies to determine the best route for an authorized ROW. The State looks forward to working with the Service to ensure that the corridor and its facilities benefit the full range of our public constituents.

Wilderness Review

Regardless of the type and scope of wilderness studies conducted, the State remains firmly opposed to the initiation of any wilderness studies for the purposes of recommending new wilderness areas in light of ANILCA's "no more" clauses in §101(d) and §1326(b). Federal management of designated wilderness in Alaska, though modified by ANILCA, is nonetheless more restrictive than that of non-wilderness areas. Designated wilderness also invites far more public pressure to impose limits on those special ANILCA accommodations that recognize and address unique Alaskan conditions. We are especially concerned about any recommendation for formal wilderness designation in the Kobuk Preserve unit due to the inherent management difficulties such a recommendation or designation would create for management of a road corridor to the Ambler Mining District. The Plan should be clear, however, that even if Congress designates the Kobuk unit as Wilderness, the development and use of such a corridor would still be authorized by ANILCA.

General Planning Issues

Based on our experience with the development and implementation of the Denali Backcountry Plan, we strongly recommend fewer zone designations be presented for consideration. The additional complexity and nuances of zone criteria presented by Service add little to any substantive comparison of planning options, and make it much more difficult for the public to understand and meaningfully comment on management direction, except by those with polarized views, in which case such nuances are of no consequence. For example, Zone 3 could be absorbed into Zone 2, and Zone 5 could be absorbed into Zone 4. The management variations lost in these consolidations would still allow for Superintendent discretion in making site-specific decisions.

The implication within all the action alternatives is to manage the GAAR complex as designated wilderness. While we recognize that the purposes of GAAR include opportunities for solitude and wilderness recreational activities, providing for these values does not require imposing formal wilderness management virtually everywhere, including those portions of the unit as yet undesignated. We recommend consideration of at least one alternative that provides more flexibility in the non-wilderness portions, such as placing all of the Preserve areas in a Zone 2 and Zone 3 configuration. Currently, we view the range of alternatives as insufficient.

Maps provided suggest that Anaktuvuk Pass may be the only location within GAAR hosting a Zone 1 option in any of the alternatives presented. We request the Service consider additional portals at key points to provide more flexibility for public access, recreational improvements, and structures as described for Zone 1. Even though the GAAR purposes include the provision of "*undeveloped character*," this purpose need not be construed as mandating a virtual prohibition of visitor improvements throughout the entire 8 million acre unit, as supported by ANILCA's many exceptions that could be considered "developments." All of the alternatives also need to address both the challenges and opportunities presented by a new road across the Kobuk Preserve unit under Section 204(b). Such a road would create "frontcountry," which would likely involve consideration of some Zone 1 and 2 options in this area.

Wild and Scenic Rivers

Wild and Scenic rivers designated by ANILCA did not receive "Outstandingly Remarkable Values" (ORVs) when they were designated, nor at any time thereafter. Therefore, to "*reaffirm*" ORVs for these rivers is inappropriate and misleading. The current process would more properly

be characterized as identifying new ORVs. We understand that source materials for this administrative exercise may include the former federal Bureau of Outdoor Recreation studies conducted in the 1970s. While these reports may be generally useful, we would object to simply adopting the values listed at that time, in part because they do not directly correspond to values listed in the Wild and Scenic Rivers Act.

Access and Traditional Activities

Besides administrative activities, the Alternatives Newsletter does not mention proposed restrictions on access and traditional activities. We presume this means that the Service is comfortable with the type and amount of access. Non-local use of GAAR is very low, and the State is unaware of any resource concerns related to access. We request the Plan recognize that any access restrictions proposed in the future will be preceded by a study of pre-ANILCA traditional activities and access and an objective assessment of documented impacts to local resources and values, and will follow the 43 CFR Part 36 closure procedures. We agree with the intent to develop indicators and standards (page 5) to track visitor use so that data will be available to support an understanding of use trends and possible future management actions. We also request the Plan offer a commitment to favor the “least restrictive” management tool, as was done in the Denali Backcountry Management Plan.

We recommend removing the reference to aircraft under “Soundscape Conditions” because the Service has no jurisdiction to regulate airspace or overflights. Including aircraft noise as a criterion can lead to unmet expectations about the Service’s ability to control overflights. On the other hand, providing the public with information about where overflights tend to be more concentrated (e.g. near the Dalton Highway) could be helpful in backcountry trip planning for those that may want to pick their route based on the likelihood of encountering aircraft noise.

User Capacity

To provide context and a basis for any proposed management actions, we request the accompanying analysis clearly identify specific examples of past or existing user conflicts. We further request inclusion of any specific information about perceived crowding, since such perceptions can vary depending on location and circumstances.

The current low levels of use do not exceed the ecological carrying capacity of the area, nor are we aware of substantial user conflicts. In fact, the GAAR Annual Reports from 2005 to 2008 state that the Service’s visitor satisfaction survey goals were exceeded. Over this time frame, at least 96 percent of visitors to GAAR were satisfied with appropriate park facilities, services, and recreational opportunities. Most activities in GAAR are low impact and occur for a relatively short duration, lending credence to the survey results above. In addition, commercial operators are required to adhere to “leave no trace” standards, and non-guided visitors are also encouraged to adopt such practices. Hiking, sightseeing, photography, boating, fishing, hunting, and trapping are common low impact recreational activities in GAAR.

Commercial Use

The Wilderness Act specifically authorizes commercial activities within designated areas. *“Commercial services may be performed within the wilderness to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.”* Requirements like group size limits should be reviewed in consultation with affected

commercial operators to ensure continued economic viability and reasonable visitor satisfaction. The Plan should recognize that group size limits, and the enforcement thereof, presents a trade-off to the value of an “untrammeled” wilderness experience.

Regulation of transporters, as a commercial activity, is technically different from regulating traditional activities under ANILCA Section 1110(a). However, without commercial transporters, public access to this area is, for all practical purposes, closed to non-local residents (Alaska residents and non-residents) that do not fly their own airplanes. For this reason, the fundamental intent of Section 1110(a) needs to be considered.

Cabins and Structures

For many, cabins are an integral part of the GAAR wilderness experience, as well as important for human health and safety. In remote areas, efforts to provide wilderness experience should not trump public health and safety concerns, especially from those who use the park year-around. The Plan must take into account ANILCA sections 1303, 1306, and 1315 with regard to structures. These and other ANILCA provisions make it clear that trapping and hunting, and their associated activities and infrastructure, are essential components of GAAR management. In addition, many of the historic cabins add an important interpretive dimension. In designated wilderness, existing and new cabins may be authorized for subsistence and public health and safety. Since most of the Plan alternatives emphasize Zones 3, 4, or 5, almost every existing structure or facility will be scrutinized and possibly slated for removal. We recommend retaining most cabins while developing specific criteria for possible removal if warranted. Both the criteria and a complete list (and maps) of cabins should be available for public review as part of the Plan or perhaps through a step-down cabin management plan.

Administrative Activities

The Newsletter addresses limits on administrative activities that vary by management zone, but does not provide sufficient information to differentiate between “somewhat limited,” “limited,” and “very limited” in this context. Each description is already subjective and, we suspect, will be subject to additional administrative discretion. We suggest replacing this unnecessarily-cryptic approach with a single management direction indicating the Service will apply its discretion about administrative management activities within the bounds of law and policy, and in a way that best meets the needs in the affected area, with “minimum tool” considerations in designated wilderness.

While the Service may choose to restrict its own access, imposition of these limitations is much more problematic for the State. The State conducts routine management activities under the provisions of ANILCA and the Wilderness Act based on landscape scale considerations, and access needed to meet management responsibilities will not arbitrarily stop at zone boundaries. The Master Memorandum of Understanding between the Service and the Alaska Department of Fish and Game jointly commits to working together on management and research needs. We therefore recommend the Plan avoid erecting arbitrary sideboards that preclude our management capabilities. We also request the plan include the MMOU in an Appendix.

Archaeological Discoveries

Archaeological discoveries have been made on glaciers and perennial snow patches across the Arctic in recent decades. High latitude warming is exposing these unusual finds that provide

invaluable information on past subsistence and cultural practices and traditions. These discoveries have largely been comprised of rare organic tools, lost in the snow and ice over millennia by hunters pursuing the caribou that frequent snow patches during the warm season. There is a high probability that GAAR contains snow patches with seasonally-exposed artifacts that could be lost without systematic survey and recovery strategies. We recommend including a corresponding objective in the Plan. The State also recommends allowing Service resource managers and researchers the greatest leeway to survey and monitor GAAR cultural resources, including surveying those snow patches with the greatest potential archaeological value. Service personnel need access to these areas in late summer when cultural materials are most exposed. The State suggests prioritizing surveys of these newly-exposed cultural resources.

Revised Statute (RS) 2477 Rights-of-Way

One RS 2477 route, the so-called “Hickel Highway,” runs north and south along the Anaktuvuk River and John River. The State of Alaska has legislatively accepted this rudimentary trail, RST #450, as an RS 2477 right-of-way.

Page Specific Comments

Page 7: Zones 3-5: “*...facilities will be evaluated for removal.*” This statement may imply that all structures are designated for removal unless determined otherwise. We recommend clarifying that all existing structures will be allowed unless justification for removal is demonstrated.

Page 8: Alternative Concept #4: It is unclear what “*active stewardship*” means. Because the term is included only in alternative #4, does that mean the other alternatives are characterized by “passive stewardship,” thus restricting management activities?

Page 8: The alternative concepts typically use the language “*...could,*” “*could have,*” or “*could be.*” It is unclear if the intent is to “allow” such potential uses/actions, or alternatively, if such uses/activities will be further evaluated subject to additional administrative discretion. The Plan will need to clarify these terms and address any associated protocols or decision-making criteria.

Page 13 indicates the Service will be “*...developing possible wilderness configurations for the preserves.*” We are unsure what this means in this context. Is the Service suggesting that the Plan will develop various alternatives for wilderness recommendations in the Preserve units?

Thank you for the opportunity to review the Alternatives Newsletter. If you have any questions, please feel free to contact me at 269-7477, or Sue Magee at 269-7529.

Sincerely,



Sally Gibert
State ANILCA Program Coordinator

Enclosure: November 11, 2010 letter from Steve Titus, Director, DOT/PF Northern Region