

**State of Alaska Comments
Regarding the Arctic National Wildlife Refuge
Draft Revised Comprehensive Conservation Plan
and Environment Impact Statement**

Wilderness Review

The State reiterates its strong objection to this new ANILCA Section 1317 wilderness review and remains opposed to any recommendations for additional wilderness designations in the Arctic Refuge. This wilderness review is not only in direct conflict with ANILCA Sections 1317 and 1326(b), and thus illegal, it ignores the 1987 Department of Interior Resource and Assessment 1002(h) Report's recommendations for the 1002 Area, and publicly-vetted Service policy.

ANILCA's "No More" Clause

The Plan refers to recent Service policy as justification for conducting this wilderness review, and states that the wilderness review does not violate ANILCA Section 1326(a) because "*the reviews do not constitute a withdrawal*" and do not violate ANILCA section 1326(b) because they are not "*being conducted for the sole purpose of establishing a conservation system unit*" (page 3-6 and D-3, last paragraph). Administrative policy does not trump Congressional direction. ANILCA Section 1317 required a one-time wilderness review for all lands not already designated as wilderness within conservation system units. As the Plan openly acknowledges, the Service conducted that review in conjunction with the 1988 CCP.

Wilderness reviews were a major component of the Refuge's 1988 Plan. That process formally examined all non-wilderness portions of the Refuge except for the 1002 Area. (Page H-32)

Service Policy (610 FW 5.17) also confirms these reviews are complete.

We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA.

This subsequent wilderness review is therefore in direct conflict with both Section 1317 and Section 1326(b), which states:

No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit... or for similar or related purposes shall be conducted unless authorized by this Act or further Act of Congress. [Emphasis added]

The current draft Plan also states:

These reviews are administrative actions and a means by which the Refuge can assess the efficacy of its management in meeting Refuge purposes and other legal requirements, including ANILCA Section 1004, which requires the Refuge to maintain the wilderness character of the Coastal Plain and its suitability for inclusion in the National Wilderness Preservation System." (Page D-3, 6th paragraph) [Emphasis added]

First, as explained in detail in the subsection below, none of the Refuge, including the 1002 Area, is included in the wilderness study area mandated by Sections 1001 and 1004; therefore, Section 1004, including the interim management direction of 1004(c), does not apply.

It also appears from this statement that a management objective is being fabricated to support the claim that the wilderness review is “*not being conducted for the sole purpose of establishing a conservation system unit*” (Page D-3, last paragraph) and as such, is not in conflict with Section 1326(b). However, the purpose of the wilderness review is clearly stated in the April 7, 2011 Notice of Intent and the review itself.

The Revised CCP will... review Refuge lands for potential recommendation for Congress for inclusion within the National Wilderness Preservations System. (75 FR 17763)

*The purpose of a wilderness review is to **identify and recommend** to Congress **lands and waters... that merit inclusion as part of the National Wilderness Preservation System.*** (Wilderness Review, page H-2) [Emphasis added]

The Service has ample means to evaluate the effectiveness of refuge management without also violating this cornerstone provision of ANILCA. Furthermore, neither the Wilderness Act nor ANILCA authorizes the use of wilderness reviews for any purpose other than identifying land to Congress that is suitable for designation as Wilderness. Especially in the context of ANILCA, wilderness reviews have only one purpose: to identify land suitable for a Congressional wilderness designation. In ANILCA section 1326(b), Congress specifically reserved for itself the authority to direct further studies to support establishment of conservation system units in Alaska. The Service may not usurp this authority by invoking a collateral, administrative purpose for conducting a wilderness review. Finally, the draft CCP addresses only two major planning issues: whether additional areas of the Refuge should be recommended for wilderness designation, and whether additional rivers should be recommended for inclusion in the National Wild and Scenic River System. The fact that these are the only two major issues analyzed in the draft Plan indicates that the single purpose of the wilderness reviews and wild and scenic river reviews is to consider the establishment of a conservation system unit.

Section 1002

ANILCA Section 1002 provides separate direction for the 1002 Area, which does not include studying the area for its wilderness qualities. Section 1002(h) of ANILCA called for a report to Congress that described the natural resources (including the mineral resources) of the 1002 area, evaluated the potential impacts of development in the coastal plain, and made recommendations regarding further exploration and development in the coastal plain. This report was completed and submitted to Congress in 1987, and stated that no further review or public process was required for Congress to designate the 1002 area as wilderness.

Contrary to information in the Plan (Page H-32), the wilderness study called for in Sections 1001 and 1004 did not include *any* of the Arctic Refuge, including the 1002 Area. Section 1004(a) specifically refers to the wilderness study area as “...*Federal lands described in section 1001...*” Section 1001(a) states:

*The Secretary **shall initiate and carry out a study of all Federal lands** (other than submerged lands on the Outer Continental Shelf) in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve – Alaska, **other than lands included in the National Petroleum Reserve – Alaska and in conservation system units established by this Act.*** [Emphasis added]

Prior to this planning process, the Service had properly acknowledged the scope of Section 1001 and application of Section 1004. The attached map of the Section 1001 Central Arctic Management Area wilderness study boundary confirms that Sections 1001 and 1004 do not apply to the Refuge or the 1002 area.

Furthermore, the Department of Interior's *Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment Report and Recommendation to the Congress of the United States and Final Legislative EIS* (1002(h) Report) stated that "No further study or public review is necessary for the Congress to designate the 1002 area as wilderness" (Page 103, Alternative E – Wilderness Designation) and included an alternative that would allow Congress to designate the 1002 area as wilderness. This remains an option for Congress' consideration to this day, along with the Secretary of Interior's recommendation to Congress (April 1987) to authorize development of the refuge's oil and gas resources. In fact, the general comment below regarding the need to include an oil and gas alternative identifies two Senate bills and one House bill, which are pending that would open the coastal plain, to oil and gas leasing and development. Thus, the 1988 wilderness review conducted by the Service in conjunction with the original CCP appropriately excluded the 1002 Area. Service Director John Turner acknowledged as much in revising the original 1988 wilderness recommendations for seven Alaskan Refuges in January 1991, including the Arctic Refuge, and *only* recommended adding the Brooks Range review unit, thus again appropriately excluding 1002 Area (Page H-33, H.5 Appendix: Previous Wilderness Reviews).

Director's Memorandum

The Service states on page D-3 that "*Service policy (601 FW 3 and 610 FW 4), and a recent director's memorandum (Hamilton 2010), directs refuges to conduct wilderness reviews during comprehensive conservation planning, including for Alaska.*" While we recognize that policy sets Service direction and the National Director sets that policy, it must be consistent with federal law. If there is a conflict, statute prevails.

The Wilderness Stewardship Policy was completed through an extensive public process, with participation from the State of Alaska through the Department of Fish and Game and the Association of Fish and Wildlife Agencies. However, based on a Director's Memorandum, the Service not only violates ANILCA Sections 1317 and 1326(b), it also dismisses a legitimate public process.

Former Director Williams issued a memorandum of Planning Requirements Regarding Alaska Refuges in 2004. The memorandum suspended wilderness reviews for Alaska refuges until the Wilderness Stewardship policy was finalized. The final policy was published in the Federal Register on November 7, 2008. Section 601 FW 5.17 of the policy states:

We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA. Additional wilderness reviews as described in the refuge planning policy (602 FW 1 and 3) are not required for refuges in Alaska. During preparation of CCPs for refuges in Alaska, we follow the provisions of section 304(g) of ANILCA, which requires us to identify and describe the special values of the refuge, including wilderness values. Subsequently, the CCP must designate areas within the refuge according to their respective resources and values and specify the programs for maintaining those values. However, ANILCA does not require that we incorporate formal recommendations for wilderness designation in CCPs and CCP revisions. (Emphasis added.)

The 2010 Hamilton memorandum disregards the policy, however:

Although the Wilderness Stewardship policy does not require that Alaska Refuges conduct wilderness reviews, conducting such reviews will ensure that we fully evaluate lands and waters that may merit inclusion in the National Wilderness Preservation System and will comply with the Wilderness Act, the Alaska National Interests Lands Conservation Act, the National Wildlife Refuge System Administration Act, as amended, and the Fish and Wildlife Service Refuge Planning and Wilderness Stewardship policies. (Emphasis added.)

We question this reasoning. First and foremost, policy cannot preempt statute. As stated above, ANILCA Section 1317 required a one-time wilderness review for all lands not already designated as wilderness within conservation system units. This has been accomplished, and the Wilderness Stewardship Policy reflects this. Moreover, as the later enacted and specifically applicable statute, ANILCA supersedes the Wilderness Act in Alaska. There is no direction in the National Wildlife Refuge System Administration Act, as amended, that requires wilderness reviews. In fact, the Act states that “*if any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail.*” The Hamilton memorandum does not justify conducting new wilderness reviews in Alaska, over explicit direction in ANILCA and publicly-vetted Service policy.

“Wilderness Study Areas”

The State objects to the use of the term “wilderness study areas” in the draft Plan for any part of the Refuge. As noted above, Section 1317 of ANILCA provided a one-time wilderness review authority for wildlife refuges in Alaska. The Service completed the wilderness review for all parts of the Refuge (except the coastal plain) in the 1988 CCP. The 1002 area was reviewed as part of the Department of Interior Resource and Assessment 1002(h) Report, which stated that “*No further study or public review is necessary for the Congress to designate the 1002 area as wilderness*” (Page 103, Alternative E – Wilderness Designation) and included an alternative that would allow Congress to designate the 1002 area as wilderness. The term “wilderness study area” is specific to the wilderness review process set forth in the Wilderness Act, the applicability of which to Alaska is expressly and specifically limited by ANILCA. The Service does not have the authority to create wilderness study areas administratively. Thus, the use of the term “wilderness study area” is inappropriate, confusing to the public, and unnecessarily inflames all sides of the public debate over management of the Refuge and especially the 1002 area.

Wild and Scenic River Review

The State reiterates its strong objection to the wild and scenic river study and remains opposed to any recommendations for additional wild and scenic river designations in the Arctic Refuge. This study is in direct conflict with ANILCA Section 1326(b).

ANILCA defines conservation system units to include wild and scenic rivers, and amended the Wild and Scenic River Act to add 26 rivers to the Wild and Scenic River System. ANILCA also directed the study of 12 additional Alaska rivers for potential wild or scenic designation. ANILCA Section 606 further amends the Wild and Scenic River Act specifically for rivers either designated or identified for study by ANILCA. While the draft Plan indicates the wild and scenic river review is a required element of comprehensive conservation plans, nothing in ANILCA supports this conclusion. Section 304(g) contains no requirement for wild and scenic river studies, and section 1326(b) expressly prohibits them:

No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

The draft Plan also states:

These reviews are administrative actions and a means by which the Refuge can assess the efficacy of its management in meeting Refuge purposes and other legal requirements...” (Page D-3, 6th paragraph)

As noted in the previous section regarding wilderness reviews, the Service has ample administrative tools available to evaluate the effectiveness of management without conducting a study that violates ANILCA. The sole purpose of a wild and scenic river review is to evaluate a river’s suitability for congressional designation as a wild or scenic river, which ANILCA defines as a conservation system unit. A collateral, administrative objective cannot pre-empt the statutory language of ANILCA.

Moreover, the Wild and Scenic River Eligibility Report, included in this draft Plan as part of the Wild and Scenic River Review (Appendix I), was also distributed to stakeholders for review and comment separate from, and prior to, the release of the draft Plan and DEIS, which further indicates the wild and scenic river review was in fact conducted for the “single purpose” (ANILCA Section 1326(b)) of considering the establishment of a conservation system unit. In ANILCA section 1326(b), Congress specifically reserved for itself the authority to direct further studies to support establishment of conservation system units in Alaska. The Service may not usurp this authority by invoking a collateral, administrative purpose for conducting a wild and scenic river review.

Interim Management

Despite the lack of any authority to conduct wild and scenic river reviews, the draft Plan establishes an interim management standard and directs the Refuge to protect river “outstandingly remarkable values” (ORVs) of all rivers found eligible or suitable for inclusion in the Wild and Scenic River System during the Refuge’s wild and scenic river review.

Interim management prescriptions for protecting rivers eligible for suitability are typically developed to protect ORVs until suitability is determined at some future date. (page 5-8, Section 5.2.3, emphasis added)

Refuge rivers found suitable but not recommended would receive interim management protection under all alternatives. In other words, the effect of not recommending rivers for designation would be that suitable rivers would continue to be protected by interim management prescriptions specific to preserving each river’s ORVs and general protection afforded rivers with Refuge status. (page 5-9, Section 5.2.3, Emphasis added)

Pending Congressional action, the Service would use interim management prescriptions to manage each recommended river for the ORVs for which it was found eligible. (page 5-21, Section 5.4, emphasis added)

However, even without a recommendation for designation, the ORVs of rivers found suitable still need to be protected. (page 5-21, Section 5.4, emphasis added)

Like the wild and scenic river reviews themselves, this interim management standard lacks foundation and is inappropriate. The assertion that the Refuge is obligated to indefinitely protect ORVs for all rivers that merely meet the minimum criteria to be studied, with or without Congressional action, is misguided. ORVs are defined by the Wild and Scenic Rivers Act as values for which a river is “designated.” In fact, the *only* reference to ORVs specifically applies to rivers designated under the Act.

*It is hereby declared to be the policy of the United States that certain **selected** rivers of the Nation which, with their immediate environments, possess **outstandingly remarkable** scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar **values**, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.*

It is difficult to understand how the river values identified for evaluation purposes can be “defined” as ORVs, let alone remain attached to a river, when the river is not even recommended for designation. ANILCA Section 1326(b), which prohibits additional studies unless authorized by Congress, clearly intended to prevent such unnecessary layers of restrictive management and all statements that indicate such intent must be removed.

Original Arctic Range Purposes

While the 1988 CCP for the Arctic Refuge makes no mention of the original Range purposes, the revised Plan inappropriately extends the purposes cited in Public Land Order 2214, which created the Arctic Range, to the entire Arctic Refuge. The draft Plan relies on Section 305 of ANILCA in claiming that “the Range’s original wildlife, wilderness, and recreation purposes still apply to those lands in the former Range.” (page 1-18). In addition, the Plan asserts “The Refuge’s ANILCA purposes are consistent with and complimentary to the original purposes for the Arctic National Wildlife Range.” (page 1-18) The draft Plan takes this further by stating core management direction is based on the premise that the original range purposes do not conflict with ANILCA or ANCSA: “The Refuge’s special values, vision statement, goal and objectives are rooted in these [Range and ANILCA] purposes.” (page 1-12).

However, ANILCA Section 305 explicitly recognizes that prior authorities, such as PLO 2214, remain “in force and effect except to the extent that they are inconsistent with this Act or the Alaska Native Claims Settlement Act and, in any such case, the provisions of such Acts shall prevail.” ANILCA Section 303(2), which established the Refuge and redesignated the Range as part of the Refuge, does not include “[p]reservation of] unique . . . wilderness . . . values” (PLO 2214) in the list of purposes for which the Refuge was established and is to be managed. Instead, wilderness areas within wildlife refuges are specifically identified in Section 702 of ANILCA, and Section 702(3) specifically designates a portion of the original Range. The wilderness preservation management directive in PLO 2214 therefore applied only to the original Range, and has been superseded by the formal wilderness designation of the original Range in ANILCA section 702(3).

Not only has the wilderness directive in PLO 2214 been superseded by the formal wilderness designation in ANILCA section 702(3), but its wilderness directive cannot be read into the management intent for the rest of the Refuge, as set forth in ANILCA Section 303(2). As stated above, wilderness preservation is pointedly absent from the list of purposes for which the Refuge

was established. Instead, ANILCA Section 1317 provided for a one-time wilderness review of wildlife refuges in Alaska, reserving to Congress the ultimate determination as to whether any of the remainder of the Refuge was to be managed to preserve wilderness character.

Furthermore, ANILCA includes a variety of provisions applicable to refuge management that would not be consistent with the original range purposes, especially as described in Sections 1.4.1.1 through 1.4.1.3 of the draft Plan. A prime example of a provision that would certainly conflict with the original Range purposes is ANILCA Section 1002, which addressed authorizing oil and gas exploration and development in the Arctic coastal plain, and, in subsection 1002(h), tasked the Secretary to evaluate and recommend to Congress whether oil and gas exploration and development should be permitted. Other examples include motorized access allowed in Sections 811 and 1110, and cabins authorized in Section 1303, which likely conflict with all three purposes, as described in PLO 2214 and sections 1.4.1.1 through 1.4.1.3 of the draft Plan.

The draft Plan also fails to consistently make clear that the PLO 2214 Range purposes, if they do in fact apply, would apply *only* to the former Range. For example, the wilderness purposes of the original Range do not apply to the ANILCA additions, and therefore, cannot be used to justify conducting a wilderness review of the Brooks Range and Porcupine Plateau areas. (Page H-16 and H-21) Numerous other examples that illustrate this are provided below in the page-specific comments.

The Service must fully quote Section 305 and properly address the purposes identified in PLO 2214, as they are modified by the full context of ANILCA. The original Range purposes cannot provide justification for precluding any activities, now or in the future, that conflict with ANILCA.

Regional Management Policies

Members of the public and Service employees working with the Regional Management Policies for the first time may not be familiar with their basis or intent. These policies are designed to identify common management actions and policies on a region-wide level – in this case, refuges located within the State of Alaska. This guidance is based on federal law and policy, and should only be modified based on statutory guidance. The draft Plan currently omits the following necessary direction, which has been included in other Alaska Refuge CCPs.

*The management direction presented here **represents the common base for management of the Alaska refuges** and identifies those sideboards within which management of individual refuges must remain. **Some deviations** from these regional management policies and guidelines **are likely to appear** in each comprehensive conservation plan, **given differing establishing orders or refuge purposes. Any specific departures from these policies and guidelines will be clearly described, along with supporting rationales, in each refuge's revised comprehensive plan.** (See the Final Selawik CCP, 2011; emphasis added.)*

This important direction has been replaced by a single sentence, which states “[b]ecause the Service intends to manage Arctic Refuge at the far end of the unaltered spectrum, the Refuge Plan calls for a more hands-off approach to management and allows less manipulation of the environment than other refuge plans.” (page 2-31) Not only does this approach provide no explanation or justification for departing from regional policy and guidance, it preempts Congressional direction.

The Refuge is managed under the same laws and policies that apply to all refuges in Alaska and its ANILCA purposes are essentially *identical* to those of nearly every other refuge in Alaska. We recognize the Refuge contains congressionally designated wilderness and additional wilderness values may exist beyond the designated wilderness boundary, but unlike other conservation system units in Alaska, ANILCA did not include “wilderness” as a purpose for the Arctic Refuge. And, to the extent the Range purposes apply, as purported in the draft CCP, they would only apply within the original Range boundaries. Moreover, the Arctic Refuge is not unique in that all Alaska refuges focus on ecosystem management and are required to follow direction found in approved Service policies, including the Biological Integrity, Diversity, and Environmental Health policy (BIDEHP).

The Service appears to be purposely taking legitimate management tools off the table. We understand the Refuge Manager may not choose to conduct or authorize certain management actions over the life of the Plan, and ample decision points support such deliberation and discretion, such as compatibility determinations, NEPA analyses, and (in designated wilderness) minimum requirements analyses. *However*, the CCP itself, particularly in the regional management guidelines, should not arbitrarily eliminate consideration of legally-authorized management options, especially given the unpredictable nature of climate change. The “standard” regional management guidance provides ample flexibility and managerial discretion to tailor management to direction in the CCP. Should the Service desire to hold to a higher standard before considering certain management tools, this intent is more appropriately expressed through the goals and objectives section of the Plan.

According to the US Fish and Wildlife Service handbook *Writing Refuge Management Goals and Objectives*, a goal “*describes the desired future conditions of a refuge in succinct statements.*” Additionally, objectives are statements of what the refuge wants to achieve, how much they want to achieve, and who will achieve them. Throughout the draft Plan, there are numerous statements regarding the Refuge serving a unique, “distinctive function” with regard to wilderness values and natural diversity within the refuge system. This is a statement of desired future conditions – by definition a goal – and should remain as such.

The regional management guidance must continue to properly recognize Congressional intent through federal laws such as the Refuge Administration Act, as amended, and ANILCA, not individual refuge goals. We strongly urge the Service to reinstate the appropriate regional management guidance, and only allow modifications that are clearly explained, rationalized, and founded in federal law.

Wilderness Values

The draft Plan contains many broad all-encompassing statements that imply the Service will manage the entire refuge for opportunities typically identified with designated wilderness. In addition, certain portions of the draft Plan are written as if the Service expects the entire refuge will be recommended and designated as wilderness. The State has brought this issue to the Service’s attention multiple times and is concerned that the confusing and inflammatory language remains in the draft Plan. This pre-decisional intent violates NEPA.

For example, the following draft permit stipulation found in most all compatibility determinations (Appendix G) states:

The preeminent value of the Arctic Refuge lies in its wilderness character. The permit holder shall ensure that all employees and clients seek to minimize the effect of their activities on the wilderness character of the land, wildlife, and the unique experience available here.

And Goal Five on Page 1-24 states:

*The Refuge provides a place for wildlife-dependent and **wilderness-associated** recreational activities that emphasize adventure, independence, self-reliance, exploration, and solitude while protecting the biological and physical environments. [Emphasis added]*

First and foremost, the purposes of the Wilderness Act only apply to areas designated by Congress – they do not apply to an area that has been reviewed or recommended for wilderness designation. Furthermore, once designated, the purposes of the Wilderness Act are “*within and supplemental to the purposes for which... units... of the wildlife refuge systems are established and administered.*” (16 U.S.C. Section 1133(a)) Considering wilderness is not an explicit ANILCA purpose of the Refuge, we question how “wilderness character” – a specific term-of-art from the Wilderness Act – can be the “preeminent” value of the *entire* Refuge or how wilderness-associated recreation can rise to the same level as wildlife-dependent recreation, a statutory priority public use.

This philosophical rhetoric is unprecedented in any federal planning document we have seen to date. Including such language only serves to confuse the reader regarding legitimate Congressional direction and further polarizes the public on important issues, such as responsible resource development, allowed priority public uses of public land, and wilderness designation. The Service must ensure the final Plan appropriately delineates between congressionally designated wilderness and other areas that may contain wilderness values. Failing to do so violates the express admonishment in the Wilderness Act that “*no Federal lands shall be designated as ‘wilderness areas’ except as provided for in this Act or by a subsequent Act*” (16 U.S.C. § 1131(a)), and abrogates Congressional will as directed through the Refuge Administration Act, as amended, ANILCA, and NEPA. Other examples are noted in the page-specific comments below; however, this should not be considered an exhaustive list.

Fish and Game Management

The State of Alaska is responsible for the sustainability of all fish and wildlife within its borders, regardless of land ownership or designation, and has the authority, jurisdiction, and responsibility to manage, control, and regulate fish and wildlife populations – including for subsistence purposes – unless specifically preempted by federal law. As outlined in the page specific comments that follow, the State strongly objects to the proposed management guidelines that inappropriately eliminate legitimate fish and wildlife management tools from being considered except when “*natural diversity... or subsistence resources are seriously jeopardized.*” This guidance is contrary to federal law and policy and results in significant negative affects to the Department of Fish and Game’s ability to manage fish and wildlife populations, which is an infringement on state sovereignty.

Moreover, the effects analysis does not take into consideration the negative impacts of the proposed guidelines to the State’s ability to manage fish and wildlife. For example, although habitat manipulation may only be authorized by the Refuge Manager in cases of management emergencies and wildlife management will occur “*without human interference*” (page 5-4), the Service claims the effects of the proposed guidelines to vegetation and wildlife would be “. . . *minor, long-term, Refuge-wide, and positive.*...” (pages 5-4, 5-5) This analysis fails to take into account that the Service is

essentially relegating all management actions into a reactionary activity, and by definition requiring a “management emergency” before actions can be approved and implemented. We are concerned this will significantly impact fish, wildlife, or their habitats and the American people, especially local area residents seeking meaningful subsistence opportunities, which may raise environmental/social justice issues.

Additionally, while we maintain that the State’s management authority for fish and wildlife is unaffected by any provision of the Wilderness Act or ANILCA, (see Section 1314 of ANILCA, which states that “*nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands...*”) the on-the-ground effects may significantly hamper the State’s ability to conduct management actions. The Service recognizes this fact. For example, pages 5-41 and 5-45 state, respectively,

[A minimum requirements analysis] would be required on all new activities, and helicopter access would be more closely scrutinized and minimized. More invasive research methods would be limited or minimized. Additionally, wilderness areas are protected... to varying degrees... [from] helicopters and installations.

Administrative activities in wilderness must be found to be the minimum requirements for the administration of the area as wilderness... This is interpreted to include collection of data required for conservation of fish, wildlife, and habitats in the designated area. Wilderness designation would preclude some technologies and installations... that may not have direct applicability to management of the wilderness area itself.

The State maintains its objection to wilderness reviews and any subsequent recommendations, in part because additional wilderness designations would significantly and negatively affect the Department of Fish and Game’s ability to fulfill its constitutional mandates regarding fish and wildlife conservation and management.

National Environmental Policy Act (NEPA) - Failure to Include an Alternative Addressing Oil and Gas Exploration and Development on the Coastal Plain

The State renews its objections to the draft Plan’s failure to include any alternative that addresses potential oil and gas exploration and development in the coastal plain area, and to the draft Plan’s failure to address the negative economic and resource development consequences of a potential wilderness designation of the coastal plain. These omissions violate the National Environmental Policy Act (NEPA) and ANILCA. The CCP must identify alternatives that include potential resource development of the coastal plain and address the associated potential impacts of such an alternative. The CCP also must include a more thorough analysis of the irreversible and irretrievable commitments of resources which are implicated in a wilderness designation.

The Service has inappropriately limited the scope of the draft Plan by identifying wilderness and wild and scenic rivers as the only two major management issues within the scope of the draft Plan. Additionally, nearly all other significant management issues have been deferred to step-down plans, such as the Visitor Use Management Plan and the Wilderness Stewardship Plan. Although the draft Plan identifies Kongakut River management as a major management issue, the proposed alternatives still defer most, if not all, management decisions to the to-be-developed Visitor Use Management Plan. The inappropriately narrow scope, and deferral of significant management issues to step-down plans, inappropriately skews and limits the impacts analysis in the draft Plan. As a result, the impacts analysis consists mainly of characterizations of an impact as “positive” or “negative,” but lacks explanation as to the nature and extent of the impact. Limited rationale is provided. Additionally,

the deferral of most management issues to step-down plans leaves only wilderness and wild and scenic river reviews as the primary purpose of the draft Plan. This violates section 1326(b) of ANILCA, and indicates pre-decisional intent that runs afoul of NEPA.

The Service assumes that the draft Plan is limited to addressing the Refuge purposes identified in ANILCA § 303(2)(B), and—inappropriately—the purposes identified in PLO 2214 in establishing the original Arctic National Wildlife Range. This view ignores other statutory management requirements for the Refuge, including the provisions of § 1002, which requires “*an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.*” It also ignores the resource assessment requirements of § 1002(c), which requires that the baseline study be revised “*as new information is obtained,*” including “*the potential impacts of oil and gas exploration, development, and production on such wildlife and habitats.*”

The Service relies on Section 1003 of ANILCA as justification for not considering an oil and gas exploration and development alternative. However, Section 1003 simply reserves to Congress the final decision regarding production, leasing and “*other development leading to production*” in the Refuge. Section 1003 does not allow the Service to ignore the ongoing study and planning requirements regarding potential oil and gas exploration and development in the Refuge.

The last formal study of the oil and gas development potential of the Refuge (the 1987 § 1002(h) report) recommended that Congress repeal § 1003 and open the coastal plain to exploration and development. NEPA requires that the Service continue to evaluate this alternative, and provide management direction for the potential oil and gas leasing and development that may be allowed during the life of the Plan.

The 1988 CCP/EIS also recognized that Congress may repeal sections 1002(i) and 1003 of ANILCA, which would open the coastal plain and the rest of the Refuge to mineral exploration, and included an alternative (Alternative B) that would have included a recommendation to Congress that all lands in intensive and moderate management be made available for oil and gas leasing. Additionally, two Senate bills and one House bill are pending that would open the coastal plain, to oil and gas leasing and development. The American Energy and Security Act of 2011, S. 352, the No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act, S. 351, and the American Energy Independence and Price Reduction Act, H.R. 49, would all allow exploration, leasing, development, and production of oil and gas from all or portions of the 1002 area. A recent Gallup opinion poll¹ shows that Americans’ support for oil exploration in the Refuge is steadily increasing, joining the vast majority of Alaska residents who have consistently favored responsible exploration and development in the 1002 area. It is inappropriate for the Service to dismiss identification and analysis of an oil and gas alternative based on the logic that Congress must act before such an alternative could be implemented. Curiously, the necessity for Congressional action in designating wilderness has not precluded the Service from conducting wilderness reviews on all land in the Refuge that is not already designated wilderness.

The draft Plan’s analysis of the impacts of any wilderness designation is superficial, at best. Wilderness designations affect the fish and wildlife management tools and techniques available to the State in carrying out its trust responsibility with respect to these resources, yet the Plan fails to

¹ <http://www.gallup.com/poll/146615/Oil-Drilling-Gains-Favor-Americans.aspx>

adequately analyze these impacts. Additionally, the economic impacts of a wilderness designation are addressed in a similarly fleeting, superficial manner. See, e.g., 5-93 “*Wilderness designation could have a negative, long-term, local effect on economic development by restricting potential for oil and gas exploration and development in the 1002 area.*” The effect would not be limited to “local” interests. Preventing oil and gas development in the 1002 Area would have long-term consequences both statewide and nationally.

The analysis of potential oil and gas development activities is essential to any comprehensive planning effort for the Refuge, and should be included in an alternative in the CCP/EIS. Alaska is familiar with the duties and responsibilities of resource development that provides for effective protection of fish and wildlife resources, subsistence activities, water quality, and traditional access. Over three decades of significant advances in scientific knowledge and technology concerning development in Arctic ecosystems have provided the tools to confidently move forward with responsible development in the 1002 area of the Refuge. Long range directional drilling can reach reservoirs three miles away from the drill site, and technology is rapidly advancing to extend potential reaches even further. This allows production wells to be spaced closer together, significantly minimizing the amount of fill needed for facility “footprints”. Additionally, surface area disturbance can be further minimized by using ice roads and ice pads for exploration and construction.

Information that would enable a complete review of the potential impacts due to oil and gas leasing, production and development is currently missing from this CCP/EIS. Some additional topics that should be addressed in the Plan regarding oil and gas development are:

- Available Data and Information
- Potential Location and Size of Development Areas
- Facility Needs – Pads, Roads, and Pipelines
- Seasonality of Different Development Activities
- Spill Prevention and Response
- Stipulations/Required Operating Procedures/Mitigation Measures

Per USFWS policy (612 FW 2), an oil and gas management plan is recommended on lands where oil and gas activity is projected. Inclusion of the elements of such a plan in this CCP/EIS, or the deferment of this planning tool to a step-down plan, would assist refuge managers in the event that Congress opens the 1002 area for oil and gas leasing and production. In light of the recent activity in Congress towards this end, and the increasing public support of opening the Refuge to oil exploration, such a plan is essential to ensure wise management of this area in the future.

Climate Change

When modeling the potential impacts of climate change on fish and wildlife and their uses, the focus should remain on potential impacts within the next 10-20 years, not those speculated beyond this period. There is simply too much uncertainty in the models and associated causal evidence chains to speculate beyond this period. Also, the focus should remain on habitat and not on speculated responses of individual species to projected habitat changes. Furthermore, because of uncertainty associated with causal evidence chains, we do not support the use of “habitat envelope models” to speculate on species response.

Cabins

We request information on the number of cabins on the Refuge, their condition, and which cabins are categorized as abandoned and why. It is our understanding there were 37 cabins on the Refuge at the time of the original CCP. While we support cleaning up hazardous or contaminated materials from abandoned cabins and hunting guide camps, we do not support removal of cabins or camps as they are “*features of... historical value*” as outlined by the Wilderness Act and they also provide important emergency shelter. We further maintain that removal of any cabin within the refuge would require appropriate analysis under the National Environmental Policy Act and Congressional notification.

Prior Correspondence

Many of the comments on this public review draft of the Revised Arctic Refuge CCP/EIS were made previously by the State during the planning process. To ensure the public record is complete all correspondence submitted to the Service on behalf of the State during this planning process are incorporated by reference.

PAGE SPECIFIC COMMENTS

Page 1-2, first bullet. The State of Alaska and Service both have trust responsibilities regarding fish and wildlife. Additionally, the State and the Service work together to better understand how fish and wildlife utilize lands across Alaska, including the Refuge. We offer the following clarification for your consideration and request that the document be reviewed to correct references to “Refuge species,” “Refuge fish,” or “Refuge wildlife” wherever these statements appear.

*New information about ~~Refuge fish, wildlife, and habitats~~ is available. ~~Refuge staff have~~ *as more has been learned more about the status of wildlife populations and how these populations use the Refuge’s lands and resources.**

Page 1-2, third bullet. While we recognize that potential effects to fish, wildlife, and their habitats may come from both within and outside refuge boundaries, it is important the Service maintain existing direction regarding off refuge impacts in the draft Plan, which is consistent with Section 103(c) of ANILCA.

What impact will the comprehensive conservation plan have on impacts from developments on adjacent lands?

*This is not a significant issue for the plan. The plan cannot address this question because **the Service has no authority to regulate the use of lands outside the refuge or the activities that occur on those lands.** In all of the alternatives, however, **the Service will work with adjacent landowners to minimize the potential for impacts from their activities and developments. If refuge resources are adversely affected by off-refuge development, the Service would have the same remedies under state and federal law that any landowner would have.** The Service would cooperate with the appropriate agency(ies) to resolve the problem. The Service will rely on the U.S. Environmental Protection Agency, State of Alaska Department of Environmental Conservation, and other appropriate local, state and federal agencies to enforce compliance with environmental laws and pollution control standards. (Emphasis added, taken from page 39, Current Arctic CCP)*

This comment also applies to Page 2-3, Objective 1.5, which states *“the Refuge will identify the most important stressors affecting Refuge species and/ or ecosystems and will begin developing strategies to evaluate and manage them... such as human developments near the Refuge or along migratory pathways.”* See also page 2-49, 2.4.10.4 Visual Resource Management.

Page 1-5, Planning Context. The Arctic Refuge is not unique in that all refuges in Alaska focus on ecosystem management and are required to follow direction found in the Biological Integrity, Diversity, and Environmental Health policy. Furthermore, while it is important to recognize and understand the Refuge’s history, it must be managed consistent with federal law and policy - not based on the interpretation of the *“vision shared by those who fought for its creation.”*

Therefore, we request this second paragraph be replaced with language consistent with other Alaska Refuge CCPs. The following example is based on language used in the most recent CCP finalized in the Alaska Region.

The Arctic refuge is part of a national system of refuges. The Service places an emphasis on managing individual refuges in a manner that reflects both the priorities of the Refuge System and the purposes for which the refuges were established. This revised Plan adheres to the individual purposes of the Arctic refuge while contributing to national-level goals and objectives.

Page 1-9, § 1.3.1 Legal Guidance. This section states that *“Each alternative in this document includes a wilderness recommendation...”* This statement is inaccurate as Alternatives A and F do not include recommendations.

Page 1-9, § 1.3.1 Legal Guidance, third sentence. ANILCA established the Arctic National Wildlife Refuge and re-designated the Arctic National Wildlife Range as part of the new Refuge. We request these sentences be revised to reflect that ANILCA did not expand the Range, but re-designated it as part of the Refuge. This comment also applies to Page A-1, Section A-1, Legal Guidance.

Page 1-9, § 1.3.1 Legal Guidance, third paragraph. The State objects to any wilderness reviews of the Refuge because the Service satisfied the wilderness review requirements of ANILCA pertaining to the Refuge and the 1002 area and has no legal authority to conduct them.

Page 1-9, § 1.3.1 Legal Guidance, fourth para. The Wild and Scenic Rivers Act of 1968 does not provide authority for wild and scenic river reviews in Alaska. Section 1326(b) of ANILCA prohibits any further studies in Alaska for the single purpose of considering the establishment of a conservation system unit. ANILCA § 102(4) defines “conservation system unit” to include wild and scenic rivers. The only legal purpose for conducting a wild and scenic river review is to consider the establishment of a wild and scenic river. The State therefore objects to any wild and scenic river reviews in the Refuge because Section 1326(b) of ANILCA prohibits them.

Page 1-18, § 1.4.2 The Alaska National Interest Lands Conservation Act, second paragraph. Consistent with our general comment, it is inaccurate to state that ANILCA “added” purposes to the Refuge. Section 303 of ANILCA clearly states that the Act “established or redesignated” areas as units of the National Wildlife Refuge System. We request this section also recognize the purposes in PLO 2214 have been modified by ANILCA and it is not appropriate to simply state *“The Refuge’s ANILCA purposes are consistent with and complementary to the original purposes...”* These and other similar statements are repeated throughout the Plan and need to be amended wherever they occur,

including page 2-52, 2.4.12 Fish and Wildlife Population Management. Additionally, this section is missing ANILCA Section 1002, a key provision of ANILCA that applies to the Arctic Refuge.

Page 1-19, § 1.4.2.1 Arctic Refuge's Purposes, last sentence in last paragraph. The State objects to the use of the phrase “*unquantified, but absolute, Federal reserved water right,*” because it is unclear and inaccurate. The State acknowledges that the federal government has reserved water rights in the Refuge, but these rights exist only to the extent they are necessary to fulfill the Refuge purposes, as set forth in ANILCA. We request that this sentence be modified to reflect the limitations on the federal reserved water rights in the Refuge.

Page 1-20, § 1.5 Special Values of the Arctic Refuge. While we do not object to the identification of refuge values pursuant to ANILCA Section 304(g), the Refuge must avoid statements that also imply management goals. For example, discussing opportunities for “*adventure, solitude, and escape*” implies a restrictive management ideal which is more appropriately addressed in the alternatives or a step-down plan. Additionally, it is difficult to summarize in a short paragraph why Refuge visitors value certain resources. For example, river users may value a river for its ease of transport to hunting and fishing areas without particularly valuing solitude and escape. We request that these values be identified in terms that describe the values alone without referring to ways to achieve those values, or mixing values.

Furthermore, consistent with our general comments, this section improperly incorporates and implies direction associated with designated wilderness in all land management categories across the Refuge.

Page 1-20, § 1.5 Special Values of the Arctic Refuge. Special values also include the Refuge's vast natural subsurface oil and gas resource values as identified in the 1002(h) Report and subsequent assessments for the 1002 Area, which need to be addressed in this section.

Page 1-20, § 1.5.2 Ecological Values. The emphasis placed on “*unaltered landforms*” and “*free-functioning ecological and evolutionary processes*” erroneously implies there is, or was, no human presence on the refuge. These statements fail to take into account that Alaska Natives have played an active part and influenced this environment for nearly 10,000 years and, along with others, continue to influence the landscape today. For example, the Alaska Department of Fish and Game manages wildlife populations across the Refuge. We request this and other similar discussions better reflect the actual on-the-ground situation.

This comment also applies to Page 1-21, 1.5.6 Scientific Values where the language is similar.

Page 1-22, § 1.5.9 Recreational Values. We request the phrase “*free from the distractions of modern civilization*” be deleted. This is an inaccurate representation of recreational uses on the Refuge, as most users access the refuge by airplane or motorboat.

Page 1-22, § 1.5.10 Hunting Values. The State appreciates the inclusion of this value; however, *it is written in a manner that suggests the entire Refuge is designated wilderness.*

We also request the last sentence be deleted. In Alaska, a remote hunting experience is not reminiscent of a bygone era, but rather the reality in most areas away from the road system.

Page 1-22, § 1.5.11 A Symbolic Value. The statement “...most people who value this landscape have been less interested in how it can be used than in what its continued preservation represents” implies that those who are interested in using the refuge do not value the landscape, or have an interest in its continued preservation. That “most people” believe this is a judgment with no basis in fact. We request this unsupported, subjective statement be removed. We further request that any symbolic importance of the refuge be described in rational, objective terms.

Page 1-23, § 1.6.1 Refuge Vision Statement. In the last sentence, it is not appropriate to imply the entire Refuge is a vast “wilderness” when only a portion of the Refuge is designated wilderness.

Page 1-23, § 1.6.2, Goal 2. We recommend rephrasing this goal to make it more obtainable and realistic. We offer the following revision for your consideration.

The Refuge retains its exceptional wilderness values ~~without loss of~~ by maintaining natural condition and wild characteristics, and manages....

Page 1-24, § 1.6.2, Goal 5. A significant portion of the Refuge is not designated wilderness, and it is therefore inappropriate to manage the entire Refuge as designated wilderness. This concern permeates throughout the draft Plan in multiple objectives and through the proposed management guidance. We request modification of Goal 5 and that the Service correct this language elsewhere in the draft Plan where it is similar. We request Goal 5 be modified to better follow Congressional direction found in the Refuge Administration Act, as amended, and offer the following clarification for your consideration.

The Refuge provides a place for continued, compatible priority wildlife-dependent ~~and wilderness associated~~ recreational opportunities ~~activities~~ that emphasize adventure, ~~independence, self-reliance, and exploration,~~ and solitude while protecting the biological and physical environments.

Page 1-28, § 1.8.2 Initiate Public Involvement and Scoping. The last line of this section references Appendix I, but should reference Appendix J.

Page 2-1, § 2.1.1, Objective 1.1 Refuge Management. We request several clarifications to this objective. First, the State of Alaska is responsible for sustainability and management of all fish and wildlife, including for subsistence purposes, regardless of land ownership or designation, unless specifically preempted by federal law. The Alaska Department of Fish and Game, as the delegated agency responsible for fish and wildlife management, favors the most effective approach whenever possible, which might not necessarily be the least intensive management approach. We request the Refuge commit to follow appropriate guidance in the BIDEHP, which states wildlife and habitat management, “*ranging from preservation to active manipulation of habitats and populations, is necessary to maintain biological integrity, diversity, and environmental health.*”

Second, throughout the draft Plan the Service references the Refuge’s “*free-functioning ecological and evolutionary processes*” or “*free function of natural communities;*” however, in this section the Service refers to “*historical structure and function... exist[ing] prior to substantial human-related changes to the landscape.*” While we recognize this direction comes from the BIDEHP, we recommend further explanation for members of the public that may not be familiar with refuge guidance and policies. Furthermore,

while humans have certainly influenced this landscape, it will likely be difficult to determine a historical structure or function much different than what exists today.

Page 2-3, Objective 1.3 Applied Research. We recognize that the State and the Service may, at times, have differing research priorities; however, coordinating research efforts benefits both agencies. Therefore, we request the Refuge coordinate with the Alaska Department of Fish and Game when developing an applied research plan.

Additionally, while we understand that “threats” to natural diversity may be identified through future research projects, other issues related to natural diversity, such as benefits, may be identified as well. We recommend the following clarification for your consideration.

. . . as well as to evaluate ~~potential threats~~ issues related to natural diversity on the Refuge. . . .

Page 2-7, Objective 2.1 Appropriate Wilderness Management. This objective inappropriately extends the minimum requirements “*concept*” to all administrative activities. The minimum requirement provision identified in Section 4(c) of the Wilderness Act only addresses administrative activities that pertain to the prohibition of certain uses:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

The assertion that the minimum requirements concept also applies to activities not specifically prohibited by Section 4(c) of the Wilderness Act or otherwise allowed by enabling legislation is not founded in the Wilderness Act. We therefore request the following revision to clarify the intent of the Wilderness Act.

Section 4(c) of the Wilderness Act prohibits certain activities in designated wilderness. . . .

Additionally, we question why an existing minimum requirements analysis would need to be reviewed after-the-fact and request this objective clarify that doing so only applies to Service administrative activities.. Should the Service continue with this objective, we request the Service work with the State throughout the review of existing Minimum Requirements Analyses (MRAs) to promptly address any concerns the Service may have regarding existing Alaska Department of Fish and Game activities on the Refuge, keeping in mind that Section 1314 of ANILCA states that nothing in ANILCA is to affect the State’s ability to manage fish and wildlife, with the exception of Title VIII.

Page 2-7, Objective 2.2 Wilderness Training. While an awareness of the physical, biological, symbolic, and experiential components of designated wilderness may be important, management of designated wilderness requires only an understanding of appropriate laws and policies. We request the following revision to this rationale.

Wilderness is a unique resource with unique legal requirements. ~~and physical, biological, symbolic, and experiential components that require a level of awareness and special knowledge that may not be provided in most~~ Most employees' previous career experience or training may not have provided this background.

Page 2-8, § 2.1.2 Objective 2.4 Comprehensive Wilderness Management. The first sentence indicates that management of designated wilderness will be “[*integrated*] into other Refuge programs and planning processes,” and that “*management activities that maintain or restore wilderness characteristics on minimal managed lands across the Refuge*” will be prioritized. Without a wilderness designation, we are unaware of any mandate to maintain or enhance wilderness characteristics on minimally managed lands. Moreover, incorporating wilderness management into all programs across the Refuge violates federal law, as the entire refuge is not designated wilderness. We request that this sentence be modified to clarify that wilderness management activities will be limited to designated wilderness and to activities that directly affect designated wilderness.

Furthermore, the Wilderness Act does not require the “least intrusive” management approach, rather the approach that is the minimum necessary to accomplish the administrative activity, which may, or may not be the least intrusive, especially in Alaska where ANILCA allows motorized access in designated wilderness. Therefore, we request the following revision to the strategy at the top of page 2-9, which more closely mirrors terminology and intent reflected in law.

The Refuge will continue to use the MRA process to determine whether an otherwise prohibited use is necessary in designated wilderness. If determined necessary, the MRA process also determines the minimum tool needed to complete the project least intrusive methodology and field activity for managing the Refuge's designated wilderness, including rigorously adhering to MRA protocols.

Page 2-9, Objective 2.5 Administrative Facility at Peters Lake. While we do not object to either the rationale or strategy, the Refuge should not pre-determine what structures will be removed from the facility at Peters Lake. These types of decisions are best made after a project-specific scoping period. We recommend the following revision.

Within two years of Plan approval, the Refuge will complete ~~required~~ an analysis to consider long term structure requirements ~~remove at least one of the building at Peters Lake.~~ Should this project determine that and the identified building(s) will be removed, this will be completed within ~~four~~ two years of the appropriate NEPA analysis. ~~Plan approval.~~

Page 2-9, Objective 2.6 Wilderness Character Monitoring. We request further explanation regarding this objective and rationale. While we do not object to monitoring wilderness character within designated wilderness, the objective needs to clarify it will not be monitoring wilderness character outside of designated wilderness. We question why this monitoring process would be established in four different plans, especially when the planning area may not be within designated wilderness, as this objective is appropriate only within the context of a Wilderness Stewardship Plan. Further, it is unclear why the rationale refers to “*essential wilderness qualities.*” We also question the inclusion of “*symbolic meanings and the humility, restraint, and respect shown by managers*” as these are not referenced in the Wilderness Act or necessary components of wilderness character. Therefore, we request the following revisions.

The major tangible qualities of wilderness character, including untrammelled, undeveloped and natural conditions, and outstanding opportunities for solitude or a primitive and unconfined type of recreation, will be monitored through protocols developed through ~~four step-down plans~~ the Wilderness Stewardship Plan. Rationale: Relevant, reliable, and cost-effective indicators of change in ~~essential wilderness character qualities~~ is needed to determine if those qualities are stable, improving, or degrading over time. ~~Four step-down planning efforts will be initiated soon after approval of the Plan, and each will include lands and waters in designated wilderness. Collectively, and in an integrated manner, †~~ The monitoring components of the Wilderness Stewardship Plan (Objective 2.3), Visitor Use Management Plan (Objective 5.3), Comprehensive River Management Plans (Objectives 3.1), and the Ecological Inventory and Monitoring Plan (Objective 1.2) will enable trends in related wilderness qualities to be observed, quantified, and addressed. ~~Some components of wilderness character, such as symbolic meanings and the humility, restraint, and respect shown by managers, may not be amenable to measurement and will be described qualitatively where possible.~~

Page 2-10 and 2-11, Objectives 3.1 and 3.2. Both of these objectives state “[t]he assessment and plan for each wild river will incorporate all elements required by the Wild and Scenic Rivers Act, including descriptors of desired conditions and, where applicable, user capacities.” The State has significant concerns about applying user capacities to public uses as it generally conflicts with ANILCA’s “open-until-closed” access provisions – especially considering ANILCA amended the Wild and Scenic Rivers Act. At a minimum, any user capacity developed must be consistent with the criteria and closure process established in the appropriate ANILCA 811(b) and/or 1110(a) implementing regulations depending upon whether user capacities would affect subsistence users.

In addition, river use on the Refuge is an order of magnitude lower than on rivers in the contiguous states which flow through designated wilderness. For example, the Middle Fork Salmon River in Idaho is a “premier” wilderness float trip and is managed as a primitive recreational experience allowing 387 private parties and 306 commercial parties – with party sizes up to 30 people – during a lottery permit season. By comparison, the most popular river on the Refuge, the Kongakut, has only 240 visitors per year, and some of those visitors are hikers who never float the river. The idea that any river on the Refuge has reached its user capacity is flawed, and instituting user capacity restrictions appears to be management for management’s sake. The expense to reach rivers on the Refuge is self-limiting. Instituting user capacity restrictions on rivers only accessible by air is inherently more complicated than on road-accessible rivers as perceived crowding at access points typically occurs because of weather delays, which are outside the control of permit systems. The cost to administer user capacity restrictions would be better spent on clean-up and maintenance of popular camping areas, or educational efforts. Lastly, we request that “where applicable” be replaced with “where appropriate” in the above quote.

Page 2-11, Objective 3.2 Assessments and Plans for Newly Designated Rivers. While maintaining our objection to the wild and scenic river review, we question why the baseline assessments for these rivers found in Appendix I would need to be repeated. If the analysis found in Appendix I does not provide sufficient information regarding the river’s free-flowing condition, water quality, or river values, we question how such an assessment was adequate to find rivers suitable for recommendation in the first place.

Page 2-12, Objective 3.3 Wild River Information Sharing. Wild and Scenic Rivers are conservation system units (CSUs), and unless any specific management actions are addressed in the associated

CRMP, designation as a Wild River will likely not affect users on the ground as ANILCA provisions already apply to the refuge. Therefore, if information is distributed prior to completion of the CRMP, we request it include the explicit direction in ANILCA that would continue to apply after the CRMP is published. We further recommend that internal staff training be done prior to publication of a general brochure and any associated CRMPs. Additionally, we recommend a specific educational component, such as a river-specific brochure or webpage, be distributed following completion of the CRMP so that users are provided information that reflects actual planning decisions vetted through a public process.

Page 2-13, Objective 4.1, first paragraph. We question this objective's rationale and strategy. A simple rationale, such as "the refuge is mandated by ANILCA to provide subsistence opportunities," may be better served here.

While ANILCA does specify that the opportunity for continued subsistence uses must be consistent with Sections 303(2)(b)(i) and 303(2)(b)(ii), this opportunity need not be consistent with the purposes carried forward from the original Arctic Range on areas where they *may* apply. We request the objective explicitly state that subsistence opportunities must be consistent with the appropriate ANILCA purposes.

The rationale implies that subsistence uses have an absolute priority preference, which is incorrect. We request that the sentence "*ANILCA also requires a priority preference for subsistence uses*" be modified to better reflect direction found in Section 802(2) of ANILCA, which states ". . . *nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population. . . .*"

Also, ANILCA Section 810 does not direct the Service to "*ensure that these uses and activities do not 'significantly restrict' subsistence opportunities on Refuge lands,*" but rather sets up a process by which the public would be notified of actions, which the Service has determined would significantly restrict subsistence uses, and further directs the land management agency to evaluate whether such a significant restriction is necessary, to minimize public lands being affected, and take reasonable steps to minimize adverse impacts. Moreover, the 810 Analysis is required for specific actions when they are proposed and is not conducted as a yearly general review.

To incorporate the above comments, we offer the following suggestions for your consideration.

The Refuge is mandated by ANILCA to provide the opportunity for continued subsistence uses by local residents when consistent with other Refuge purposes found in ANILCA. ANILCA also provides that "nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population." requires a priority preference for subsistence uses. To meet these mandates, the Refuge will annually evaluate the effects of proposed research and other uses of the Refuge, as directed by ANILCA Section 810, to ensure that these uses and activities do not "significantly restrict" subsistence opportunities on Refuge lands.

Page 2-13, Objective 4.3 Subsistence Access. We support the intent to conduct a “traditional access” study and especially appreciate the intent to begin interviewing elders and other long term residents that can share first-hand knowledge. We encourage the Refuge to embark on these elder interviews as soon as practicable, even if the rest of the study does not get underway quite as quickly, as these living residents are a diminishing source of valuable historic information.

Section 811(b) of ANILCA provides that “*use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed...*,” and Section 1110(a) of ANILCA, provides for “*use of snowmachines... motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities.*” It is therefore equally important to understand what modes of access and activities have generally occurred across the Refuge. We request the Service avoid using the term “traditional access study” and re-characterize this as a study of pre-ANILCA activities and associated modes of access and recommend the Service refer to a similar objective in the Selawik CCP for guidance.

Page 2-15, Objective 5.1 Visitor Independence, Self-reliance, and Freedom. A significant portion of the Refuge is not designated wilderness; therefore, it is inappropriate to manage the entire Refuge as designated wilderness. We request this objective clarify it applies only to designated wilderness.

Page 2-15, Objective 5.2 Experience of Adventure, Challenge, Exploration, and Discovery. We question if these types of “*improvements*” would in fact “*diminish the area’s quality as an adventuring ground,*” and submit they could also serve as important tools to manage public use. As such, it is inappropriate to eliminate management options prior to development of the Visitor Use Management Plan. We recommend this objective instead commit to consider these management tools in the context of the Visitor Use Management Plan.

Page 2-16, Objective 5.3, Visitor Use Management Plan. The second paragraph on page 2-16 inappropriately expands the Wilderness Stewardship planning processes to the Visitor Use Management planning process on a Refuge-wide basis. As noted in Objective 2.3, the scope of the Wilderness Stewardship planning process is limited to the management of designated wilderness. Because wilderness cannot be designated through the planning process, it is inappropriate to expand the Wilderness Stewardship planning process refuge-wide, to include non-wilderness areas of the refuge.

Page 2-18, Objective 5.8 Visitor Use Management. This objective and the identified strategy inappropriately expand management requirements for designated wilderness to all parts of the Refuge. The State acknowledges that management to protect wilderness characteristics in the parts of the Refuge that are not designated wilderness may be appropriate, but this objective and implementing strategy inappropriately rely on the definition of wilderness from the Wilderness Act (i.e., “unconfined recreation,” “untrammelled,” “primeval character”) for management standards for the parts of the Refuge that are not designated wilderness.

In addition, we have significant concerns about specific language in this objective including: references to pristine landscapes; the entire Refuge as a nationally important benchmark for wilderness character; considering vague national constituencies over refuge visitors and local residents living within refuge boundaries; and perpetuation of the Refuge’s “primeval character.” This objective is also unnecessary as these types of management actions will be addressed, as well as

any associated implementation strategies, through completion of the Visitor Use Management Plan outlined in Objective 5.3.

We object to what appears to be an effort to apply management direction that is inconsistent with federal law and request the objective either be significantly revised or removed from the Plan.

Page 2-19, Objective 5.9 Aircraft Landing Impacts. This objective must fully recognize direction found in Section 1110(a) of ANILCA, which specifically provides for aircraft landings in the Refuge. While these landings are subject to reasonable regulation, these landings “*shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.*”

In addition, this objective is unnecessary as this management decision will be addressed, as well as any associated implementation strategies, through completion of the Visitor Use Management Plan outlined in Objective 5.3. We request it be removed from the Plan.

Page 2-21, Objective 6.3 Biological Components Vulnerable to Climate Change. We request the objective clearly identify what is meant by “*vulnerable species, ecological communities,*” and “*trust responsibilities.*”

Page 2-30, Objective 9.8 National Interest. We do not object to the Service conducting this type of study in ten-year intervals; however, the Service must remain mindful of the local residents that live within and adjacent to the Refuge. While citizens from across the nation may care about what happens within the exterior boundary of the Refuge, they do not depend on these lands for sustenance or the continuation of their culture. The Service needs to be mindful that people have lived harmoniously in this “symbolic landscape” for over ten thousand years, and their presence predates both the Arctic National Wildlife Refuge and the Arctic Range.

Moreover, an analysis of news articles would likely provide a snapshot of the opinions on the extreme ends of the spectrum. As with most issues, the majority opinion is likely somewhere in the middle. Additionally, while this study appears to be focused on individuals outside of Alaska, it is imperative that Alaskans’ views are represented in this study.

Page 2-33, § 2.3.3, fifth paragraph. ANILCA Section 1004 applies to the Section 1001 wilderness study area, which did not include the Arctic Refuge coastal plain. We request this paragraph be removed.

Page 2-35, § 2.3.5 Wild River Management. Wild and Scenic rivers designated by ANILCA do not have Outstandingly Remarkable Values (ORV) and ORVs were not developed for the existing Wild and Scenic Rivers in the refuge; therefore, we request the first sentence of the final paragraph be amended as follows:

Compatible uses of the Ivishak, Sheenjek, and Wind wild river corridors will be allowed where those activities do not detract from their ~~outstandingly remarkable~~ special values.

Page 2-37, § 2.4.2 Human Safety and Management Emergencies. We question why the Service considers situations where “*natural diversity...or subsistence resources are seriously jeopardized*” as the only possible management emergency and does not include additional fish and wildlife management

issues in this category. The State of Alaska is responsible for the sustainability and management of all fish and wildlife within its borders, regardless of land ownership or designation, unless specifically preempted by federal law. We strongly request the Service commit to a broader definition of wildlife management emergencies and work to develop that understanding in cooperation with the State, which is consistent with direction provided in 43 CFR Part 24, the Refuge Administration Act, as amended, and the 1982 Master Memorandum of Agreement between the Alaska Department of Fish and Game and the Service.

Page 2-42, § 2.4.8, Coastal Zone Consistency. The Alaska Coastal Management Program no longer exists. This section should be deleted and we further recommend a word search to remove any other references to the Program.

Page 2-46, § 2.4.9.6, Other Constituencies. We request an explanation of how the Service “*will also consider the interests of its large non-local and non-visiting constituency when making decisions.*”

Page 2-47, § 2.4.10.1 Climate Change, third paragraph. We recommend the Service build flexibility into its non-intervention policy to allow for adaptive approaches to unforeseen management issues. We offer the following revision for your consideration.

The Refuge will investigate and consider a full range of responses to potential climate change impacts. For the foreseeable future the Refuge will generally follow a policy of non-intervention, whereby natural systems are allowed to adapt and evolve, accepting that some species may be replaced by others more suited to the changing climate. See Chapter 2, Section 1.

Page 2-50, § 2.4.11.1 Habitat Management. We strongly urge the Service to replace this section with the regional management guidance mutually developed by the US Fish and Wildlife Service, Alaska Region and the State of Alaska and utilized in previous refuge planning documents. The new language is contrary to statutory Refuge purposes as established in ANILCA and significantly restricts the State of Alaska’s ability to manage fish and wildlife resources. Every refuge in Alaska has a purpose “*to conserve fish and wildlife populations and habitats in their natural diversity*” and every refuge has employed virtually the same language regarding habitat management. The term *natural diversity* should not suddenly undergo a refuge-specific reinterpretation. The proposed changes also severely and unnecessarily limit management options. It is irresponsible to deny consideration of management tools that may help attain natural diversity, especially when such habitat treatment methods typically require a compatibility determination, NEPA analysis, and (in designated wilderness) a minimum requirements analysis.

Specifically, two particularly important provisions in the mutually agreeable Regional Management Guidelines language must be reinstated for the Arctic CCP. First, the statement, “*habitats on refuge lands are manipulated to maintain or improve conditions for selected fish and wildlife populations*” is consistent with both the Refuge purposes in ANILCA Section 303(b)(iii), which states the Refuge shall be managed to provide the opportunity for continued subsistence uses by local residents, and the BIDEHP; therefore, there is no justification for its removal. Second, removing the exception for controlling invasive species, except in management emergencies, appears to be inconsistent with direction found at Section 2.4.12.8 - Management of Non-native, Invasive, and Pest Species.

Moreover, the Refuge Improvement Act states the Service must “*provide for the conservation of fish, wildlife, and plants, and their habitats within the System*” and “*ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans.*” The BIDEHP states that habitat management, “*ranging from preservation to active manipulation of habitats and populations, is necessary to maintain biological integrity, diversity, and environmental health. [The Service] favor[s] management that restores or mimics natural ecosystem processes in order to meet refuge purpose(s).*” In other words, active management may not only be necessary with regard to fish and wildlife, and their habitats, but is appropriate in situations other than management emergencies. The guidance provided in the draft Plan is therefore inconsistent with prevailing national law and policy.

Page 2-52, § 2.4.12 Fish and Wildlife Population Management. This section has been significantly revised and appears to further a Refuge goal – “*with little or no human intervention and manipulation*” – to avoid active fish and wildlife management until faced with an emergency that affects natural diversity or subsistence resources. The Service must replace this revision with standard regional management guidance that applies regardless of this Refuge goal as regional guidance must reflect law and policy. As written, this direction inhibits the State of Alaska’s ability to manage fish and wildlife resources.

The National Wildlife Refuge System Biological Integrity, Diversity, and Environmental Health Policy serves as direction to Service personnel. Specifically, “*It provides for the consideration and protection of the broad spectrum of fish, wildlife, and habitat resources found on refuges and associated ecosystems*” and “*provides guidelines for maintaining existing levels of biological integrity, diversity, and environmental health.*”

Under the BIDEHP, biological diversity is defined as the “*variety of life and its processes, including the variety of living organisms, the genetic differences among them, and communities and ecosystems in which they occur.*” The Service considers “*biological integrity, diversity, and environmental health [as] critical components of wildlife conservation.*”

To maintain and restore biological integrity, diversity, and environmental health the policy states the Service will maintain current levels at the individual refuge and will “*restore lost or severely degraded elements of integrity, diversity, environmental health at the refuge scale and other appropriate landscape scales where it is feasible and supports achievement of refuge purpose(s) and System mission.*”

The BIDEHP also recognizes that absolute biological integrity is not possible; however, they “*strive to prevent the further loss of natural biological features and process; i.e., biological integrity.*” Wildlife and habitat management, “*ranging from preservation to active manipulation of habitats and populations, is necessary to maintain biological integrity, diversity, and environmental health. [The Service] favor[s] management that restores or mimics natural ecosystem processes in order to meet refuge purpose(s).*” In other words, active management may be necessary with regard to fish and wildlife, and their habitats, and is entirely appropriate in situations other than management emergencies.

In addition, we question the implication that active management techniques have ecological outcomes outside the range of natural disturbances. State management activities are typically short-term actions intended to *influence* natural dynamics, *not fundamentally alter or permanently change* that dynamic. The Refuge is concerned with what humans *perceive* to be a naturally functioning ecosystem -- essentially a value judgment of whether an intervention has occurred (bad) or not (good). This erroneous perspective lacks a scientific demonstration that management, by definition, produces an outcome or ecosystem condition that is functionally or permanently different than natural conditions.

To address these concerns, at a minimum, the following language from the most current regional guidance must be reinstated:

[The Refuge] will work with the State of Alaska to conserve fish and wildlife populations, recognizing that populations may experience fluctuations in abundance because of environmental factors and may require management actions for conservation purposes.

And finally, “*little or no human intervention*” must be removed.

Page 2-55, § 2.4.12.7 Fish and Wildlife Control. The State strongly objects to the portions of this section that stray from standard regional management guidance, which resulted from an intensive joint effort by the Service and the State, and request it be reinstated. As written, this section severely restricts the Alaska Department of Fish and Game’s ability to fulfill its constitutional mandates.

The language in the draft Plan is inconsistent with Service law and policy, and inconsistent with guidance for all other refuges in Alaska. Additionally, considering climate change may cause non-native species to naturally move onto refuge lands, we find it inconsistent to specifically allow management actions to control naturally occurring non-native species but not allow wildlife managers to control native species, when necessary.

Page 2-57, § 2.4.12.10 Fishery Restoration and Enhancement. The State strongly objects to the revision of this section and request the current regional management guidelines be reinstated. As currently written, this section undermines the State’s ability to implement any restoration or enhancement actions unless the Refuge Manager declares a management emergency. This defies Congressional direction found within the Refuge Improvement Act to “conserve” fish and wildlife, which includes both “restore” and “enhance” within its definition.

Page 2-57, § 2.4.13 Subsistence Management, first paragraph. Title VIII of ANILCA does not guarantee the use of resources for subsistence purposes, rather it provides a priority opportunity to utilize those resources for subsistence purposes. Therefore we request the following insertion to better clarify the intent of Title VIII.

... rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes.

Please also refer to our comments regarding section 2.4.12.

Page 2-58, second full paragraph, last sentence. We recognize that if determined necessary, the Federal Subsistence Board can restrict harvest on federal lands to the non-federally eligible; however, this should not be characterized as an “elimination” of a consumptive activity. We request the words “or eliminated” be deleted from this sentence to clarify that other hunts, such as State-authorized hunts, are merely restricted.

Page 2-59, § 2.4.13.1 Access for Subsistence Purposes. Title VIII of ANILCA refers to specific modes of access as well as “...*other means of surface transportation traditionally employed*” for subsistence purposes. It does not identify those specific modes of access, i.e., snowmachines and motorboats, as

“*traditional.*” We request this and other inaccuracies be corrected and recommend the following revision, which closely mirrors Section 811 implementing regulations at 50 CFR 36.12:

ANILCA Section 811 implementing regulations at 50 CFR 36.12 allows local rural residents the use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed when engaged in subsistence uses. Such use will be in compliance with State and Federal law in such a manner as to prevent damage to the refuge, and to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

Page 2-59, § 2.4.14.1 Snowmobiles, Motorboats, Airplanes, and Non-Motorized Surface Transportation, second sentence. We request the Refuge incorporate important guidance from Section 1110(a) of ANILCA, which states that uses “*shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.*”

Page 2-59, § 2.4.14.2 Off-Road Vehicles. The word “restricts,” as used in the current regional management guidance, is more accurate than “prohibits” in this context. While 43 CFR 36.11(g) does “prohibit” use subject to certain exceptions, the Service does not list all the exceptions in this paragraph. We request the Service utilize language found in the current regional management guidance or list all of the exceptions found in 43 CFR Part 36.11(g).

Page 2-59, § 2.4.14.3 Helicopters. Consistent with our general comment on regional management guidance, we request the Plan either justify or remove the prohibition on helicopter use for routine law enforcement activities in designated wilderness.

Pages 2-60 & 2-61, § 2.4.14.7 Transportation and Utility Systems. While we recognize that as part of the regional management guidance, this section basically summarizes the procedural requirements of Title XI of ANILCA. However, Section 304(g)(2) of ANILCA requires that the draft Plan identify and describe “*present and potential requirements for access with respect to the refuge, as provided for in title XI.*” The revised CCP must address the infrastructure that would be associated with potential oil and gas exploration and development near or in the Refuge.

Page 2-63, § 2.4.15 Recreation and Other Public Use, second paragraph. Consistent with our general comment, recreation should be managed to perpetuate experiences that are consistent with the PLO 2214 purpose of “preserv[ing] unique recreational values” only in the area of the original Range. The final Plan must indicate that recreation in the rest of the Refuge will be managed to the standard identified in sections 101 and 204(g)(3)(B) of ANILCA, which apply to the entire refuge and would allow more latitude to provide for a broader range of visitor experiences across the 18 million acre Refuge. Furthermore, while the Service gives a great deal of weight to the views of the non-visiting public throughout this draft Plan, we expect that reference to “public preferences” in this section applies to the visiting public. We suggest the following revisions.

Recreation will be managed to perpetuate experiences that are consistent with the Range’s original purpose to “~~preserve unique recreational values,~~” ANILCA Section 101 recreation provisions, and with public preferences of the visiting public, and, within the boundaries of the original Arctic Range, the purpose to “~~preserve unique recreational values,~~” to the extent they do not conflict with ANILCA. An Arctic Refuge visitor study and other sources indicate that opportunities to experience wilderness, adventure, freedom, independence, self-reliance, solitude, and discovery are highly important to visitors. The Service will strive to

maximize these opportunities in designated wilderness and other management categories, where appropriate. Environmental qualities highly valued by ~~visitors~~ the visiting public will be maintained, ~~including natural conditions and processes.~~

Page 2-64, § 2.4.15 Recreation and Other Public Use, second paragraph, first sentence. This sentence states that “*if voluntary methods [of achieving the Leave no Trace standard] fail, other actions may be taken . . .*” The Plan does not indicate how failure of voluntary methods will be assessed or determined, or what metrics will be employed.

Page 2-64, § 2.4.16 Public Use Facilities. ANILCA provides for new and existing public use cabins on the Refuge and guidance found in a CCP cannot supersede Congressional intent. Moreover, the current regional management guidelines, which mirror that intent, maintain that “*public use cabins are intended to provide the public with unique opportunities to enjoy and use the refuge. They also help ensure public health and safety in bad weather and emergencies.*” Furthermore, this section unnecessarily ties the hands of managers. The Service must revert to the current regional guidance.

Page 2-66, § 2.4.18.1 Commercial Recreation Services. As the draft CCP acknowledges, most visitors arrive to the Refuge by air or water taxi. The State fully supports this responsible use and requests that if the Service proposes to restrict commercial operators in the future, the CCP clarify that the Service will commit to an open public process so that the public will have an opportunity to provide input on proposed management decisions that could affect their ability to access the refuge.

Furthermore, the Alaska Department of Fish and Game is responsible for the sustainability of fish and wildlife on all lands in Alaska and utilizes emergency orders to protect that sustainability when necessary. In addition to allocating fish and wildlife among all user groups, the Alaska Boards of Fisheries and Game provide a subsistence preference on all lands and can address both direct and indirect effects on fish and wildlife. The Federal Subsistence Board assures a priority opportunity for subsistence use among consumptive uses of fish and wildlife by rural residents on federal lands. At times, the state and federal Boards work together to address issues of mutual concern. Any unilateral attempts by the Service to minimize user conflicts, based solely on allocation concerns, would circumvent these existing regulatory processes. We therefore request the Service recognize these existing authorities and processes during the development of Plan.

Page 2-66, § 2.4.18.2 Mineral Exploration and Development, first paragraph, second sentence. This sentence is incorrect. Section 1002(i) of ANILCA withdraws the coastal plain from operation of the mineral leasing laws. In accordance with the requirements of ANILCA § 1002(d); however, the regulations at 50 CFR part 37 establish guidelines governing the carrying out of exploratory activities. 50 CFR § 37.11(d) prohibits drilling of exploratory wells in the 1002 area, but other exploratory activities in the 1002 area are not prohibited by the regulation. The preamble to the rule clarifies this, stating that “[t]he p[rohibition] in 37.11(d) against the drilling of exploratory wells is not intended to prevent drilling operations necessary for placing explosive charges, where authorized pursuant to an approved exploration plan and special use permit, for seismic exploration.” 48 FR 16838, 16841 (Apr. 19, 1983).

Page 2-67, § 2.4.18.2 Mineral Exploration and Development, third paragraph. This discussion fails to acknowledge the requirement in ANILCA 304(g)(2)(D) that Refuge CCPs consider present *and*

potential requirements for access to the Refuge as provided for in Title XI of ANILCA, which includes oil and gas production infrastructure.

Page 2-69, § 2.4.18.7 Other Commercial Uses, last sentence. The cross reference to section 2.4.14.9 appears to be an error and should probably be to section 2.4.14.7, Transportation and Utility Systems.

Page 2-72, § 2.4.22 Alaska Mineral Resource Assessment Program, first sentence. Section 304(c) of ANILCA does not withdraw refuge lands in Alaska from the operation of mineral leasing laws. Neither does PLO 2214. However, Section 1002 (i) withdraws the coastal plain from the mining and mineral leasing laws.

Page 3-1 to Page 3-3, § 3.1.1.1 Wilderness. See general comment regarding wilderness reviews in the Refuge.

Page 3-3 to 3-4, § 3.1.1.2 Wild and Scenic Rivers. See general comment regarding wild and scenic river reviews in the Refuge.

Page 3-6, § 3.1.2 Issues Considered but Eliminated from Detailed Study, second paragraph. According to USFWS policy (602 FW 3), the purpose of developing a CCP is to provide refuge managers with a long-term management plan. As stated in the introduction to this CCP/EIS, "*The purpose of this planning process is to develop a Revised Plan for the Arctic Refuge to provide management direction for the next 15 years.*" It is possible that Congress may authorize oil and gas leasing and production in the Arctic Refuge within the timeframe of this document. Therefore, to fulfill the purpose and need of this CCP to provide management direction for the Refuge, an advanced analysis of management guidelines for oil and gas exploration, leasing and production should be considered in an alternative. While the Service does not have the authority to open the 1002 Area to oil and gas leasing, it has the responsibility to manage the effects of such a program when authorized by Congress. Additionally, the Service has ample administrative authority over oil and gas development on other lands it manages and may apply those authorities to the Arctic Refuge once directed to by Congress.

Page 3-6, § 3.1.2 Issues Considered but Eliminated from Detailed Study, fourth paragraph, last sentence. As it applies to various areas, including the Refuge's three existing wild rivers designated by ANILCA that do not have identified ORVs, the draft Plan states "*existing management, in combination with Refuge purposes, affords a high degree to protection for the features and values in these specially designated area and that no further additional management guidance is needed.*" We agree with this statement, which calls into the question the very need to conduct a study or recommend additional wild and scenic rivers on the Refuge. As we stated in our November 12, 2010 comments on the Wild and Scenic River Eligibility Report:

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.

Page 3-7, § 3.1.3.1 Wilderness Actions not in the Alternatives. See general comment regarding establishment of WSAs. This section discusses land and water buffer areas near Arctic Village and Kaktovik. It is unclear why these areas, which appear to be excluded from the wilderness recommendation, were included in the Wilderness Review (Appendix H) but not included in any of the descriptions or maps associated with recommended wilderness in Chapter 3.

Page 3-12, Porcupine Caribou Herd. The State of Alaska has primary management authority for the Porcupine Caribou Herd. We request the state management authorities be recognized in this paragraph.

Page 3-13, § 3.2.1.2 Public Use and Access, Subsistence, first paragraph. Section 303(2)(B)(iii) of ANILCA, is very specific. One of the four purposes for which the Refuge was established is to provide the opportunity for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats. To be consistent with ANILCA, we request the last sentence be revised by replacing the general reference to “other Refuge purposes” with the two specific purposes above.

Page 3-52, Motorized Generators and Water Pumps. If determined necessary for the administration of the area and as a minimum tool to complete the project, the Wilderness Act provides for the use of motorized generators and water pumps. We request this table reflect that intent.

Page 3-53, § 3.4.2 Response to Refuge Purposes. Per our general comments, the applicability of the original Arctic Range purposes is limited to the area of the original Range and designated wilderness. Whether or not Alternatives A-F support these purposes, as indicated in this section, depends on whether they are consistent with ANILCA pursuant to Section 305. This needs to be clarified.

Page 3-54, Response to Refuge Goals, second paragraph, first sentence. While a close working relationship between the State and the Service is a shared goal, in this context we disagree that “*All alternatives promote close working relationships with the State of Alaska...*” Over the strong objections of the State, the draft Plan not only includes recommendations to designate wilderness and wild and scenic rivers, it also proposes management guidance that will severely limit the ability of the Department of Fish and Game to fulfill its constitutional mandates for the sustainability of fish and wildlife.

Page 3-54, § 3.4.4 Response to Refuge Goals, second paragraph, second sentence. The statement that “*all alternatives discussed in this Plan support . . . commercial activities*” is inaccurate. The alternatives that recommend wilderness designations do not support commercial activities. Moreover, there are a variety of statements aimed at further restricting commercial operators.

Page 3-54, § 3.4.5.1 Wilderness. ANILCA Section 304(g)(1) states “...the Secretary shall identify and describe...special values...or wilderness values of the refuge.” The Service is not mandated to preserve wilderness character outside of designated wilderness nor does the Refuge have a “purpose of preserving wilderness values.” This discussion reveals a major flaw in this basic assumption.

Page 3-55, § 3.4.5.2 Wild and Scenic Rivers, first paragraph, second sentence. Consistent with our general comment, it is inappropriate to manage rivers to “*maintain each river’s outstandingly remarkable*

values (ORVs)” when the river has merely been studied for eligibility as a wild and scenic river. The values described are “river values” not ORVs, which apply only to designated rivers.

Page 4-1, § 4.1.1 Refuge History, fourth paragraph, first sentence. ANILCA did not double the size of the Refuge and rename it. ANILCA established the Refuge, redesignated the Range as part of the new Refuge, and designated a portion of the former Range as wilderness.

Page 4-1, § 4.1.1 Refuge History, fifth paragraph. ANILCA Section 303(2)(B) clearly states “*the purposes for which the Arctic National Wildlife Refuge is **established and shall be managed** include...*” [Emphasis added] We request “established” replace “reestablished” in the first sentence.

Page 4-2, § 4.1.1, Refuge History, second full paragraph. ANILCA Section 1002 did not include direction to “*review the 1002 area for its suitability for preservation as wilderness*” as indicated in this section. ANILCA Section 1004’s requirement to evaluate the suitability for preservation as wilderness, only applies to those lands described in Section 1001, which *excludes* the Arctic Refuge, including the 1002 Area. The wilderness review for the coastal plain was completed as part of the 1002(c) baseline study and 1002(h) report, and the Secretary rejected the alternative that would have recommended the coastal plain for wilderness designation: “*Given the existence of extensive lands set aside for wilderness and other preservation purposes in this area and in Alaska, the 1002 area’s value as statutory wilderness is not unique*” (Page 477, 1988 CCP/EIS) and instead recommended that the entire 1002 Area to be opened for oil and gas leasing. See also page 12, note a/ of the current, 1988 CCP, which states that the wilderness review for the 1002 area can be found on pages 478-83 in the Arctic Refuge Coastal Plain Resource Assessment, Final Report, Baseline study of the fish, wildlife, and their habitats (Vol II (Garner and Reynolds, 1986). The 1002(h) Report also references the conclusions of a wilderness study conducted in the 1970’s and states “*No further study or public review is needed for the Congress to designate the 1002 area as wilderness.*” (Page 103, Alternative E, Wilderness Designation).

Lastly, overall the description of the Range’s history inappropriately overemphasizes wilderness as a purpose for establishing the Range. Preserving the ability to harvest fish and game and facilitate outdoor recreation also were specifically identified in PLO 2214, which did not prioritize wilderness preservation above wildlife preservation and recreation.

We request this entire section be revised to correct these errors and include the additional relevant information provided.

Page 4-14, § 4.1.3.5 Wilderness Values, Opportunities for Solitude or Primitive and Unconfined Recreation. It is unclear how the Refuge concluded “Wilderness solitude is a state of mind....” This is a prime example of subjective and effusive terminology, which is inappropriate in a planning document.

Page 4-35, § 4.2.7 Oil and Gas Occurrences and Potential, third sentence. The phrase “*permanently off-limits to oil and gas exploration*” should be modified in favor of language that more clearly describes the limitations on oil and gas exploration, development, and production and the opportunities for oil and gas studies, surficial geology studies, subsurface core sampling, seismic surveys, and other geophysical activities.

Page 4-35, § 4.2.7 Oil and Gas Occurrences and Potential. We request the last sentence be revised to read:

Their accuracy can only be determined by systematic exploration of the subsurface, —in other words, by drilling test wells. Acquiring reliable 3-D seismic data would dramatically increase the likelihood of exploration success, but actual oil and gas discoveries can only be made by drilling test wells.

Page 4-91, Porcupine Caribou Herd, second paragraph, last two sentences. The information presented here is inaccurate. The 2010 photo census demonstrated an increase in the number of Porcupine Caribou Herd (PCH) caribou from 123,000 in 2001 to 169,000 in 2010.

Page 4-92, Porcupine Caribou Herd. Figure 4-4 should be updated to reflect the 2010 photo census.

Page 4-95, Porcupine Caribou Herd, last paragraph. Outdated surveys suggest harvest is likely 4,000 caribou per year; however it is difficult to assert harvest level with any certainty. Additionally, the current regulations cited for Canada are no longer valid. The Harvest Management Plan for Yukon is adaptive based on photo census results, or other biological information if a current photo census is not available. The newly implemented regulations for Canada are more liberal based on the current photo census result of 169,000.

Page 4-95 & 96, Central Arctic Caribou Herd. In the first paragraph, population numbers should reflect the most recent photocensus conducted in 2010. The 2010 photocensus resulted in 70,034 caribou. The year attributed to 68,000 should be 2008, not 2009. The reference to percent of size of caribou herds to each other is confusing and needs clarification. In the last paragraph, the statement “Residents of Kaktovik primarily hunt caribou from the Central Arctic Herd” is incorrect. The Plan needs to instead indicate that the herd hunted varies annually depending on herd distribution.

Page 4-97, Dall Sheep, second paragraph, last sentence. The draft Plan states that Dall sheep in the Arctic Refuge give birth to lambs every other year, which is inaccurate. Most adult ewes give birth every year.

This comment also applies on page 4-101 where the language is similar.

Page 4-101, Figure 4-5. The figure references “Caikoski 2008, USFWS” as the source of data. This is not an accurate reference.

Page 4-106, Moose. The paragraph beginning with “In 1995-1996...”, states that “.....88% of moose wintering in these drainages moved to Old Crow Flats..” and “Many moose moved to Arctic Refuge to winter on the Firth,.....”. These statements are somewhat misleading because the data comes from a small number of radio-collared animals. The information should be conveyed using the radio-collar data.

Page 4-107, Figure 4-8. This figure states that moose counts were all from fall surveys; however, since 1994, data has been collected in the spring. It is not possible to directly compare fall and spring moose survey numbers. In addition, the data collected during 1986—1991 was collected by the Refuge instead of Lenart 2008, as cited.

Page 4-114, Grizzly Bears. At the top of page the Plan states, “An average of 39 grizzly bears were killed per year by general hunters.....” We believe many of these bears may have been taken outside the Refuge. This may also be the case with other harvest data provided and needs to be verified.

Page 4-115, Wolverine, second paragraph. Although abundance and trends in abundance are unknown for wolverine in the Refuge, the second paragraph suggests that wolverines are scarce and rarely observed. State wildlife biologists frequently observe wolverines and wolverine tracks while conducting game surveys.

Page 4-226, Dalton Highway Visitors and Resource Impacts. This section needs to reflect that access to the refuge via the Dalton Highway is already restricted because no motorized vehicles, including 4-wheelers, are allowed 5 miles either side of the Dalton Highway.

Page 4-233, § 4.5 Refuge Infrastructure and Administration. Since Big Ram Lake Field Station is being considered for removal, a photograph of the station in page 4-234 through 4-237 would be useful.

Page 5-7, § 5.2.1.2 Impacts of the New Guidelines on the Human Environment. The environmental effects analysis should consider the effects of the limitations this draft Plan imposes on fish and wildlife population and habitat management on the Refuge (see general comment on Fish and Wildlife Management). Furthermore, without allowing for active habitat management or predator management, as well as stating that population management will focus on little or no human manipulation, we question the assertion that the new management regime will have a “...*long-term, Refuge-wide, positive effect on the availability of subsistence resources and the opportunity for continued subsistence use*” and further question whether the revised regional management guidelines in the draft Plan present environmental justice concerns.

To adequately analyze and compare the effects, the Service must consider the nature of the impact. The draft Plan consistently lacks a determination of whether the impact is positive or negative, and whether any action will have a direct or indirect effect on the environment.

Page 5-11, Mammal Populations and Natural Diversity, second paragraph. The State is unaware of any data that demonstrates or suggests that current levels of sheep harvest from the eastern Brooks Range “*could change the genetic composition*” of the sheep population. We are also unaware of any data that demonstrates or suggests this is the case anywhere in Alaska. We recommend the Service provide data to support such a statement or remove it from the Plan.

Furthermore, the Alaska Department of Fish and Game does not administer a “trophy hunt” for sheep anywhere in the Brooks Range, although many hunters consider large, full-curl sheep a “trophy.”

Page 5-12, § 5.2.4.2 Effects to the Human Environment, Wilderness Values. The following statement is a grossly over-exaggerated description of the effects of activities occurring off-Refuge lands on refuge resources. The identified impacts are entirely speculative and would, even if they came to exist, be limited in geographic scope as the pipeline corridor is located 63 miles to the west of the refuge boundary.

*Oil companies have been planning for a natural gas pipeline in the utility corridor in which the Trans-Alaska Pipeline is located. If natural gas pipeline planning and on-the-ground efforts for its construction continue, effects to recreational opportunities for solitude and natural conditions along western boundary of Refuge could cause **moderate to major, long-term, localized, and negative impacts to the visitor experience.***

Page 5-14 through 5-75, Chapter 5, Effects Analyses. For each of the alternatives, the effects analyses all indicate the presence or absence of a wilderness designation make the 1002 area “*more easily opened by Congress to oil and gas*” or alternatively “*the likelihood of opening the 1002 area to oil and gas exploration would be substantially reduced.*” An administrative recommendation has no effect on Congress’ authority to designate wilderness or allow oil and gas development in the 1002 Area. These statements are speculative and misleading and need to be deleted.

This same logic is applied to the analyses of wilderness on local economy and commercial uses and there is little to no discussion of the opportunities that would be foreclosed by a wilderness designation, especially in the 1002 Area.

Page 5-99, § 5.12 Irreversible and Irretrievable Commitment of Resources; § 5.13 Relationship Between Local Short-term Uses and Maintenance and Enhancement of Long-term Productivity; and § 5.14 Unavoidable Adverse Effects.

In the last sentence of each of these sections, it is implied that wilderness designation and revoking of the designation are equally probable actions. This conflicts with the statements of potential effects in each of the alternatives that recommend wilderness designation (B, C, D and E), where it is implied that changes in wilderness designation are “*exceedingly rare.*”

Page 5-25, Mammal Populations and Diversity, Wilderness. We question the statement that wilderness designation “*...has a more permanent and stringent commitment to protect mammal populations and habitats.*” The Service is mandated to maintain fish and wildlife in their natural diversity. This direction comes from ANILCA, not the Wilderness Act. We request the Service identify and specifically cite the basis for this statement in law or remove it from the analysis in this section and elsewhere in the Plan where similar statements are made.

Page 5-26, Impacts to the Human Environment from Alternative B, Kongakut River, last sentence. The Plan properly acknowledges that impacts from this alternative to the human environment are not possible to ascertain, due to the fact that these impacts will not be known until a step down plan has been completed. We therefore question how the Plan can analyze and assert that the different alternatives will have a positive effect on water quality, terrestrial habitats, bird populations and natural diversity, mammal populations, subsistence, and cultural resources. Management will not change under any of the alternatives until a step-down plan has been completed and current use levels are having a negligible effect on these populations or resources.

Page 5-42, Public Health and Safety, Wilderness. In addition to emergency response, many factors contribute to overall public safety on a refuge; including using bear resistant food containers, providing the public shelter cabins and installing stream crossing infrastructure. Given the draft Plan’s overall hands-off management approach, these items would not likely occur in designated wilderness. We therefore question this over-simplistic analysis of the effects of a wilderness designation on public safety.

Page A-5, § A.1.2.4 ANILCA. This summary of ANILCA needs to include Section 1002, which provides very specific and relevant direction for the Arctic Refuge.

Page A-5, § A.1.2.4 ANILCA, last sentence of first paragraph; and Page A-6, § A.1.2.5 Wilderness Act of 1964, last sentence. These sentences are misleading, as they lead the reader to believe that section 1317 of ANILCA provides continuing authority for the Service to conduct wilderness reviews on refuge lands in Alaska. Section 1317 requires that refuge lands not designated as wilderness by ANILCA undergo a wilderness review within 5 years of ANILCA's enactment, which was on December 2, 1980. The Service completed this requirement with respect to the 1002 area in the April, 1987 Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment, Report and Recommendation to the Congress of the United States and Final Legislative Environmental Impact Statement. With respect to the rest of the Refuge, the Service fulfilled the wilderness review requirement of ANILCA section 1317 in the current CCP, dated September 1988. Both of these studies rejected the alternatives that recommended additional wilderness be designated in the Refuge.

Page A-6, § A.1.2.6, The Wild and Scenic Rivers Act. See general comment on wild and scenic river review.

Page C-1, § C.2.2 Denali-Alaska Gas Pipeline Project. This project has been discontinued.

Page C-2, § C.2.3 Alaska Pipeline Project. Remove reference to Denali-Alaska Pipeline Project.

Page C-2, § C.2.4 Point Thomson Project EIS. The discussion of the Pt. Thomson project is misleading, not objective, and prejudicial. Most problematic is that the discussion of the project in the draft Plan is based on an internal review draft of the Pt. Thomson DEIS – the DEIS has not yet been released for public review. The identified impacts are entirely speculative and would, even if they came to exist, be limited in geographic scope. It is inappropriate to assume that facilities located entirely on State land, and completely outside of the Refuge (2 and 5 miles from the Refuge boundary, and 5 and 8 miles from the Canning River) will “*compromise scenic values and feelings of solitude.*” Furthermore, the Canning River has not been designated a wild river and it is inappropriate to leverage WSRA management requirements for an undesignated river into proposed management restrictions for land outside the Refuge.

Page D-1, § D.1 Development Issues. We strongly oppose the exclusion of oil and gas development scenarios in the alternatives evaluated in this Plan. The Council of Environmental Quality, in guidance issued regarding NEPA analysis of alternatives maintains that alternatives that are outside of the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. Oil and gas development and production in the Refuge may be authorized by Congress at any time, and the current national dialogue regarding the need for jobs, energy security, and deficit reduction makes the likelihood of such an action higher than ever before. It is reasonable to anticipate that Congress may act to open the 1002 Area to oil and gas development, and therefore including an effect analysis would support the purpose and need of the Revised Plan, as stated in Chapter 1, to “*...provide management direction for the next 15 years.*”

In addition, the exclusion of considering oil and gas development is inconsistent with the direction given in ANILCA Section 304(g), and is also inconsistent with the other actions considered in this Plan, namely the recommendations for wilderness and wild and scenic river designations, which are also dependent on Congressional action.

Page D-1, § D.1.1 Oil and Gas Development. ANILCA and NEPA require that the Plan address oil and gas exploration and potential oil and gas development and production in the 1002 area. Section 1002 of ANILCA explicitly identifies the oil and gas resources of the coastal plain, and directs that the Secretary study the role of oil and gas development in the area and make recommendations regarding it to Congress. By singling the coastal plain out for special study based on its oil and gas potential, Congress has identified oil and gas development and production as a potential purpose of the Refuge. In 1987 the Secretary recommended that section 1003 of ANILCA be repealed, and that the 1002 area be opened to oil and gas development and production. The statement that “[t]here is nothing in the Refuge’s purposes . . . that requires the Service to consider or propose development and utilization scenarios for natural resources, such as oil and gas, as part of the comprehensive conservation planning process” is inaccurate. Congress has directed that the oil and gas resources of the coastal plain be evaluated and that the planning effort for the Refuge consider these values. While it is true that the final decision regarding oil and gas development in the Refuge rests with Congress; so does the final decision regarding any further wilderness reviews.

Page D-2, § D.1.2, Updating Seismic Data on the Coastal Plain. See general comment regarding the purpose and need of this CCP and the requirement that it consider the oil and gas potential of the coastal plain as well as the potential for associated infrastructure under Title XI of ANILCA.

Page D-3, § D.2.1 ANILCA “No More” Clauses, sixth paragraph. ANILCA Section 1004’s wilderness review requirement only applies to those lands described in Section 1001, which *excludes* the Arctic Refuge, including the 1002 Area. Service policy and a Director’s memorandum do not trump the prohibitions in section 1326(b) of ANILCA against wilderness and wild and scenic river reviews in Alaska. The draft Plan states that the wilderness reviews are being used as “a tool” for the Service to evaluate whether we are effectively managing the Refuge according to the Refuge’s purposes and other legal requirements, including ANILCA Section 1004, which requires the Refuge to maintain the wilderness character of the Coastal Plain and its suitability for inclusion in the National Wilderness Preservation System.” This statement is disingenuous and inaccurate. The Service has other administrative tools available to it to measure the effectiveness of Refuge management, and the Wilderness Act provides only one purpose for conducting wilderness reviews: to inform recommendations that Congress designate wilderness. Furthermore, section 1004 of ANILCA does not apply to the coastal plain nor to any other part of the Refuge.

Similarly, the Service’s argument that wild and scenic river reviews are administrative actions that permit the Service to “*assess the efficacy of its management in meeting Refuge purposes and other legal requirements*” is also disingenuous and inaccurate. The Service has other administrative tools for assessing the efficacy of its management, and the only legal purpose for conducting a wild and scenic river review is to inform recommendations to Congress to add rivers to the National Wild and Scenic Rivers System. Additionally, the Service fails to identify what “other legal requirements” require a wild and scenic river review.

Page H-2, § H.1 Introduction. The wilderness reviews in the Refuge violates section 1326(b) of ANILCA. The Service acknowledges that “[t]he purpose of a wilderness review is to identify and recommend to Congress lands and waters of the National Wildlife Refuge System (NWRS) that merit inclusion in the National Wilderness Preservation System (NWPS).”

Page H-2, § H.1 Introduction, first sentence. Service policy does not trump the statutory prohibition in ANILCA against further wilderness reviews in Alaska. Furthermore, 610 FW 4, section 4.2 states that “[w]ilderness reviews are not required for refuges in Alaska.”

Page H-5 through H-12, § H.2 Inventory Phase. The wilderness characteristic inventories lack details and specificity regarding the attributes of each WSA that meet the Wilderness Act criteria. The inventories consist of generalities and conclusory statements concerning the geographic and biological characteristics of the areas, but lack specific data and examples. For example, the statement on page H-11 states “*This WSA is the most biologically productive part of the Refuge.*” Additionally, nothing in the inventories demonstrates that, given the existence of extensive lands set aside for wilderness and other preservation purposes in Alaska, the WSAs identified are unique. Furthermore, the inventory identifies, but fails to evaluate, the impact that future activities on major inholdings by ANCSA regional corporations may have on the wilderness characteristics of the area. For example, see page H-6 where two Doyon Limited inholdings, containing 81,120 acres of conveyed land and 4,103 acres of selected land are identified without further evaluation.

In addition, Section H.2 states “*The Wilderness Act specifies that a wilderness may also contain ecological, geological, or other...value. While the qualification of a WSA does not depend on the existence of such supplemental values, their presence is considered in deciding whether or not a qualified WSA should be recommended for wilderness designation.*” ANILCA Section 304(g)(2)(B) also requires the Refuge to identify and describe special values. This would include the Refuge’s natural subsurface oil and gas resource values, which were not evaluated in any phase of this review.

Page H-16, § H.3.1.1; and Page H-21, § H.3.2.1 Achieving Refuge Purposes. The “Achieving Refuge Purposes” section is seriously flawed as the Western Brooks Range and the Porcupine Plateau areas were not part of the original Range and the original Range purposes do not apply; yet they have been evaluated for consistency with the original Range purposes of wildlife, wilderness, and recreational values.

Page H-18, § H.3.1.2; Page H-23, § H.3.2.2; and Page H-28, § H.3.3.2 Achieving the Refuge System Mission. We question the Plan’s assumption that wilderness designations would help achieve the Refuge System mission as it is based on the idea that the Arctic Refuge has a special, “*distinctive role in the Refuge System,*” which has been arbitrarily assigned and, as such, is not the express will of Congress.

Page H-29, § H.3.3.6 Evaluation of Manageability for the Coastal Plain Wilderness Study Area. In the second paragraph the USFWS states that it owns 94 percent of the Coastal Plain WSA. We recommend instead stating the Service “manages” these lands.

The above comment also applies to the following pages and sections in the draft Plan:

Page H-20, beginning of the second paragraph, under the H.3.1.6 heading: “The Service owns over 98 percent of the Brooks Range WSA.”

Page H-24, beginning of the last paragraph: “The Service owns over 99 percent of the Porcupine Plateau WSA.”

Page Suit-28, last sentence of the third paragraph: “...the Service owns all lands including submerged lands, within the boundary of PLO 2214.”

Page Suit-43, fourth paragraph: "Service management and ownership exceptions apply to the 16 native allotments..."

Page Suit-51, second to last sentence of the last paragraph: "...the Service owns the lands and submerged lands along the remaining 91.2 river miles."

Page Suit-59, last sentence of the fifth paragraph: "...the Service owns the lands and submerged lands along the remaining 74.8 river miles."

Page Suit-75, second to last sentence of the third paragraph: "...the Service owns the lands and submerged lands along the remaining 66.2 river miles."

Page Suit-83, second sentence of the last paragraph: "Title to the submerged lands beneath Neruokpuk Lake is complex and is apportioned between the Service and three patented allotments."

In addition, the third paragraph states that there are "...no known external threats that would affect the area's manageability as wilderness..." On the contrary, there are currently three Congressional bills pending which would allow oil and gas exploration and development to occur within the 1002 area of the Refuge coastal plain, rendering that area incompatible with a wilderness management regime.

Page H-32, § H.5 Appendix: Previous Wilderness Reviews. The Coastal Plain Resource Assessment of 1987 was required by Section 1002(h) of ANILCA, and not Section 1004 as it is stated in the third paragraph of this section. Section 1004's wilderness review requirement only applies to those lands described in Section 1001. See general comment.

Page I-1, Wild and Scenic River Review. While we continue to object to this review, we offer the following observations. By placing highest value on the rivers which are least used, have the most difficult whitewater, and are most suited to expeditions, the evaluation directly contradicts the statement that "...people visit the rivers in this Refuge because of the holistic recreational opportunities they provide."

We disagree with using solitude as the sole measure for rating the recreational experience of the rivers. Most visitors do not choose their destination river based solely on solitude and the different qualities they may be seeking are what make some rivers more popular than others. Typically, rafters choose a river based on suitable water levels, ease/speed of floating, good access points for put-in and take-out, scenery, fishing, wildlife viewing, access to hiking, access to hunting and available wildlife, suitable camp sites, suitable river length, and cost of air charter. People choose the rivers that they think will give them the best experience based on their individual criteria, hence it is illogical to place the most experiential value on the least-visited rivers.

We also disagree with awarding the most points to rivers with the highest whitewater rating. Most non-guided floaters are not seeking Class V rapids on a remote trip where the consequences are high. Also, the watercraft most suitable for Class V rapids, hard shell kayaks, are one of the least cost-effective to transport in small planes, which means fewer floaters using remote Class V rivers. Most floaters seek remote rivers with enough velocity to allow floating without constant rowing, but thrilling rapids are not necessarily a requirement. In particular, families with small children and elders tend to avoid remote rivers with serious whitewater and portages.

Page ELIG-B5 The interview questions asked of the guides and air-taxi operators are leading, and based on the assumption that clients' priorities are "*solitude, remoteness, and adventure*" when there are other equally valid priorities. Likewise, "*expedition-style and/or epic-length trips*" are not the priority of

the vast majority of visitors, particularly given the expense of air charters for mid-trip drop-offs of additional food and supplies.

Page SUII-11, Criteria 9, Support by State Governments. The State of Alaska does not support additional study or designation of new Wild and Scenic Rivers. Doing so violates ANILCA Section 1326(b). It is both irrelevant and misleading to reference the Alaska Statewide Comprehensive Outdoor Recreation Plan with regard to existing State recreation rivers and strongly request the section be modified as follows.

~~*Although the Alaska Statewide Comprehensive Outdoor Recreation Plan of 2009–2014 (Alaska Department of Natural Resources 2009a) states that designated wild and scenic rivers provide opportunities for outdoor recreation unsurpassed anywhere, and the State of Alaska has designated State recreation rivers, the State of Alaska does not support new designations.*~~