



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

## ANILCA Implementation Program

OFFICE OF PROJECT MANAGEMENT & PERMITTING

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February 4, 2013

Andy Lorenger, Refuge Manager  
Kenai National Wildlife Refuge  
2139 Ski Hill Rd.  
Soldotna, AK 99669-2139

Dear Mr. Lorenger:

The State of Alaska reviewed the Shadura Natural Gas Development Project Draft Environmental Impact Statement (DEIS), which evaluates a right-of-way application from NordAq Energy Inc. (NordAq) for the construction and operation of facilities associated with exploration and production of natural gas in the northwestern portion of the Kenai National Wildlife Refuge. The proposed project involves surface lands owned by the U.S. Fish and Wildlife Service (Service) and subsurface mineral estate owned by Cook Inlet Region Incorporated (CIRI). NordAq has been granted a lease by CIRI to develop gas resources and is requesting a right-of-way (ROW) authorization from the Service pursuant to the Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(b). NordAq's proposal is presented in the DEIS as Alternative 2. The following comments represent the consolidated views of the State's resource agencies and supplement previously submitted comments dated April 13, 2012 and May 17, 2012.

We appreciate the Service's efforts to work with NordAq in consideration of their application for ANILCA 1110(b) access to develop gas resources in the region and support approval of the ROW to further exploration and delineation of the discovered gas resource. There is an urgent and well-documented need for development of oil and, especially, gas resources in the Cook Inlet region and statewide. Access is essential for resource development and may provide the opportunity for development of additional federal, private, or adjacent state resources while minimizing surface disturbances.

The State is a contiguous surface and subsurface estate owner on the northern boundary of the project site. Lands along the northern boundary contain both general state land and state land legislatively designated as the Captain Cook State Recreation Area. NordAq also holds an oil and gas lease adjacent to the northern boundary of the Refuge and has received approval from the State for a Plan of Operations to conduct oil and gas activities on their lease. Access to the proposed drilling site on Refuge lands is required for continued delineation and testing of gas resources within the project area. The exploration work on the Refuge may also lead to discovery and development of contiguous oil or gas resources.

### *DEIS Alternatives*

As noted, the portion of the route on state lands depicted under Alternative 2 has already been permitted. Should the Service select another alternative, additional state permits would be required for other access routes and activities occurring on state land. This is most significant under Alternative 3. We also note, in comparison to the other alternatives in the DEIS, this portion of the route on state lands has already been disturbed historically.

We recommend the DEIS also take into consideration that should the Service select an alternative other than Alternative 2, the state permitted portion of the route under Alternative 2 could still be developed, potentially resulting in two new access points into the Refuge.

As noted in the DEIS, the Swanson River Canoe Trail is a designated national recreation trail. We therefore suggest that the DEIS more closely consider how Alternatives 3 through 5 would potentially impact user experiences in the river corridor.

Alternatives 4 and 5 propose a pipeline without an access road. We recommend the DEIS consider the potential for future environmental, maintenance and safety impacts resulting from limited access to the pipeline.

### *Fish Habitat Permits*

The proposed project may require Fish Habitat Permits from the Alaska Department of Fish and Game. Please contact Ginny Litchfield with the Division of Habitat, Kenai Peninsula Area at (907) 714-2477 ([gabby.litchfield@alaska.gov](mailto:gabby.litchfield@alaska.gov)) to determine if permits are necessary. Avoidance of fish bearing stream crossings should be a consideration when choosing the location of the gravel access road. If a route is selected that crosses fish bearing streams, the Division of Habitat recommends clear span bridges as the crossing structure. Although culverts can be installed that adequately pass fish, the impact to the stream and potential for negatively affecting fish passage greatly increases. Access for water use from Salmo Lake should occupy the minimum footprint necessary for operations.

### *1110(b) Access*

The DEIS continues to inaccurately describe inholder access pursuant to ANILCA Section 1110(b). As noted in our June 1, 2012, comments on the May 17, 2012 Notice of Intent, Section 1110(b) assures inholders “...adequate and feasible access for economic and other purposes...” yet both the first page of the DEIS Executive Summary (page xi) and the first page of Chapter 1, continue to state “ANILCA Section 1110(b) requires that the Service provide for **reasonable access** to the subsurface estate.” It is essential that the EIS reflect the exact wording in ANILCA to ensure congressional intent in granting this important right of access is accurately portrayed and considered. We request ANILCA Section 1110(b) be referenced correctly throughout the FEIS.

### *Page-specific comments*

Page xiv, Executive Summary, Legal and Regulatory Context, fourth paragraph, fifth bullet. Based on 43 CFR 36.9(b)(4)(iii), this bullet should read “Prevent hazards ~~damage~~ to public health and safety.”

Page xiv, Executive Summary, Legal and Regulatory Context, fourth paragraph. We recommend adding 43 CFR 36.9(b)(4)(ii) regarding damage to public or private property to the list of terms and conditions.

Page 1-5, 1.5 Planning Area, second paragraph. Much of the information regarding ANILCA broadening the purposes of the refuge is already stated in the previous paragraph. To reduce redundancy, we recommend the following rewrite:

*ANILCA broadened the purposes from moose conservation to protection and conservation of a broad array of fish, wildlife, habitats, other resources and education, research, and recreational opportunities. Specifically, ~~†~~The ANILCA-defined purposes for Kenai Refuge are:*

Page 1-8, 1.6.2 Title XI of the Alaska National Interest Lands Conservation Act, first paragraph, fifth bullet. Based on 43 CFR 36.9(b)(4)(iii), this bullet should read “Prevent hazards ~~damage~~ to public health and safety.”

Page 1-8, 1.6.2 Title XI of the Alaska National Interest Lands Conservation Act, first paragraph. We recommend adding 43 CFR 36.9(b)(4)(ii) regarding damage to public or private property to the list of terms and conditions.

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

Sincerely,



Susan Magee  
ANILCA Program Coordinator

cc: Peter Wikoff, USFWS Alaska Regional Office