



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

ANILCA Implementation Program

OFFICE OF PROJECT MANAGEMENT & PERMITTING

550 West Seventh Avenue, Suite 1430
Anchorage, Alaska 99501
Main: 907.269.8690
Fax: 907.269.5673

May 31, 2013

Bud Rice
National Park Service
240 West 5th Avenue
Anchorage, AK 99501

Dear Mr. Rice:

The State of Alaska (State) reviewed the Chandler Lake Mitigation Project Access Environmental Assessment (EA) prepared by the National Park Service (NPS) for a request for temporary all-terrain vehicle (ATV) access to a Native allotment inholding in Gates of the Arctic National Park. The following comments represent the consolidated views of the State's resource agencies.

We support temporary ATV and snow machine access along the Kollutarak Creek to facilitate debris removal. ANILCA Section 1110(b) establishes a right of access for inholdings within conservation system units. As an added benefit, the project will result in temporary employment opportunities for local residents in an area of the state where opportunities are limited. We presume local residents will receive appropriate safety training, including Hazardous Waste Operations and Emergency Response (HAZWOPER) if necessary, for the types of materials they will be working with.

Purpose and Need

Page1-1; first paragraph: We recognize that the staging area will be on an inholding and will not change the location of the temporary access across the Park; however, the Purpose and Need states that the staging area will be Ms. Burris's Native allotment on the shores of Chandler Lake, while Figure 1.1 locates it on Round Lake and Figure 1.2 locates it on Little Chandler Lake. We recommend fixing Figure 1.1 and making the following edit to the Purpose and Need,

Ms. Burris has a Native allotment on the shores of Little Chandler Lake, which she proposes to be used as a staging site ...

ANILCA Section 810 Evaluation

While we agree with the overall finding that the proposed action will not result in a significant restriction to subsistence uses, we offer the following comments regarding the Section 810 Evaluation for your consideration.

Page B-3; Affected Environment; fourth paragraph: 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. Additionally, federal subsistence users may harvest wildlife under state regulations on preserve lands.

ANILCA does not guarantee subsistence harvest. Rather, ANILCA provides for a priority opportunity over other consumptive uses.

Therefore, we request the following edits for accuracy:

~~Subsistence harvest of fish and wildlife, including for subsistence purposes, is allowed in Gates of the Arctic National Park and Preserve by qualified subsistence users subject to State and Federal subsistence management regulations and park-specific regulations and policies. ANILCA protects subsistence uses by provides federally~~ qualified local rural residents ~~as a priority consumptive use~~ opportunity over other ~~non-subsistence~~ consumptive uses when necessary to restrict taking in order to protect the viability of a species or to continue subsistence uses.

Page B-4; Restriction of Access; first sentence: While general access for subsistence harvest is guaranteed by Section 811, it is subject to reasonable regulations, and other entities have authorities to impose some limits; e.g., the Alaska Board of Game might seasonally restrict motorized use for hunting big game. This sentence is more accurate if “all” is removed.

~~All~~ Rights of general access for subsistence harvest on NPS lands...

Thank you for the opportunity to comment. Please contact me at (907) 334-2563 if you have any questions.

Sincerely,

Jennifer Wing
ANILCA Project Coordinator

cc: Susan E. Magee, ANILCA Program Coordinator