



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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May 6, 2024

Susanne Fleek-Green
Superintendent
National Park Service
ATTN: Lake Clark National Park and Preserve
240 W 5th Ave
Anchorage, AK 99501

Submitted online at Planning, Environment & Public Comment (PEPC) website

Re: Lake Clark National Park and Preserve Coastal Management Plan Initiation

Dear Ms. Fleek-Green,

The State of Alaska (State) reviewed the National Park Service's (NPS) April 2024 newsletter regarding the Lake Clark National Park and Preserve (LACL) Coastal Management Plan (CMP). The below comments incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

It is unclear from the newsletter if the National Park Service (NPS) is planning to prepare an environmental assessment (EA) under the National Environmental Policy Act (NEPA) for this CMP, though the NPS Planning, Environment & Public Comment site does reference preparation of an EA. The public should be more completely informed about the intended NEPA process.

We appreciate the outreach by Park staff in meeting with State staff in March 2024, and we encourage NPS to work closely with the State during the development of this CMP and its associated EA. Close cooperation will benefit both agencies, as well as users, by providing a consistent approach across State and NPS lands.

The scoping notice indicates the five key issues facing the LACL coastline. These issues include increases in coastal visitors, potential for human-bear conflicts, inadequate visitor facilities, limited aviation guidelines, and limited NPS presence.

In Alaskan parks, only areas identified as designated wilderness should be managed as wilderness, subject to unique allowances in the Alaska National Interest Conservation Lands Act (ANILCA). The NPS is prohibited from managing eligible wilderness as designated wilderness by ANILCA Section 1317(c). We recognize the NPS National Policies direct managing eligible wilderness as designated wilderness. However, the policies specifically provide recognition of ANILCA's statutory differences.

Park Purpose

Regarding the Park Purpose statement, we request the newsletter and subsequent documents use the actual language from ANILCA, including revising the language regarding watersheds. The park purpose, from ANILCA Section 201(7)(a) is: “To protect the watershed necessary for perpetuation of the red salmon fishery in Bristol Bay; ...” It does not direct that the watershed must remain “unaltered.”

We also request the deletion of the language regarding protection of habitats for wilderness-dependent populations of fish and wildlife in the purpose statement. We understand that this may be a descriptor of high quality, undisturbed habitat, but Wilderness also has a specific legal meaning referring to the Wilderness Act that makes this statement confusing. ANILCA does not provide for managing non-designated Wilderness lands for wilderness characteristics, nor do populations of fish and wildlife depend on designated or eligible wilderness to survive. Additionally, cultural values are not listed as a specific park purpose. In contrast, Congress included cultural values in units such as the Bering Land Bridge National Preserve.

Increase in Coastal Visitors

We request the CMP clearly identify known and anticipated user conflicts by providing examples of past and current conflicts; or those identified by the public through scoping comments. If NPS receives limited input through scoping, we recommend conducting additional public outreach, such as public meetings.

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. If necessary, ADF&G utilizes emergency orders to maintain that sustainability. We request the CMP recognize the State’s authority and clarify that any potential issuance of concession permits under NPS authority will not indirectly allocate fish and wildlife. Additionally, the Alaska Board of Fisheries and Board of Game allocate fish and wildlife respectively among all user groups, provide a subsistence preference on all lands, and can address both direct and indirect effects pertaining to fish and wildlife. The Federal Subsistence Management Program may regulate the opportunity for rural residents to harvest fish and wildlife on federal lands, as provided under Title VIII of ANILCA. These federal regulations, at times, may supersede state harvest regulations. Any unilateral action by NPS under the proposed EA or concession permits to minimize user conflicts, based solely on allocation concerns, would circumvent these existing regulatory processes. We therefore request the EA recognize these existing authorities and processes and commit to utilizing them to the greatest extent possible.

Human-Bear Conflicts

ADF&G is available for planning efforts regarding human-wildlife interactions and potential conflicts. As the agency responsible for wildlife management on all lands within the State, as well as management of the nearby McNeil River State Game Sanctuary and Refuge, we have staff with extensive knowledge of bears and their interactions with humans.

ADF&G looks forward to continued collaboration with NPS on the LACL CMP. We believe a joint effort will ensure a successful plan that benefits the park, its users, and Alaska's wildlife resources.

Visitor facilities and amenities

The newsletter references managing off-highway vehicle use and maintain trails. We remind the Park that ANILCA Sections 811 and 1110 and Alaska-specific NPS regulations allow for continued access for subsistence and traditional activities.

Limited Aviation Guidelines

As the NPS has no regulatory authority over air space, we recommend they work with the Federal Aviation Administration regarding park overflights.

ADF&G Management Authority

The CMP and EA must appropriately recognize the State of Alaska's responsibility to manage fish and wildlife resources under the sustained yield principle per the Alaska Constitution across all lands and waters throughout the State, no matter the landowner. The ADF&G and NPS have a Master Memorandum of Understanding recognizing each agency's management responsibilities and how they intersect. This MMOU should be referenced in the CMP and EA.

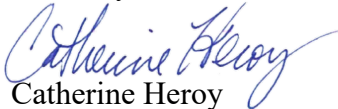
Department of Natural Resources

DNR has management authority for State lands (including the land, water, tidelands, and shorelands of navigable waters within the State). DNR manages use of these lands through Generally Allowed Uses (11 AAC 96.020 subject to 11 AAC 96.025) and through land use authorizations such as easements and leases.

Closing

Thank you for the opportunity to review and comment on this proposed coastal management plan. We appreciate your earlier outreach and look forward to continued coordination on this planning process. Please contact me at (907)269-0880 or by email at catherine.heroy@alaska.gov to coordinate any follow up discussions.

Sincerely,



Catherine Heroy
Federal Program Manager

Ecc: Sarah Bodo, Project Manager, Sarah_bodo@nps.gov