



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

**Department of Natural Resources**  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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August 18, 2024

Marnie Graham  
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Submitted online at <https://eplanning.blm.gov/eplanning-ui/project/2030733/510>

Re: Castner Glacier Recreation Area Management Plan (RAMP) Draft Environmental Assessment

Dear Ms. Graham,

The State of Alaska (State) reviewed the Bureau of Land Management's (BLM) Castner Glacier Recreation Area Management Plan (RAMP) and draft Environmental Assessment (EA). The RAMP is a proposed stepdown plan from the 2008 East Alaska Resource Management Plan to guide future public, commercial, and other uses of the area. The below comments incorporate input from the Departments of Natural Resources (DNR), Fish and Game (ADF&G), and Public Transportation and Public Facilities (DOT&PF).

As the State noted in scoping comments submitted in March 2024, the State is generally supportive of developing a plan for this area. Increasing recreation in the area has led BLM to review if there is a need for management actions. However, the State has some concerns about the means of management proposed by the current plan.

The document focuses on maintaining small group sizes (smaller than is generally allowed in designated wilderness) and reducing impacts, despite not providing any evidence of resource damage occurring. The primary action the EA proposes is strict regulation of group size numbers, especially for commercial operations that are holders of Special Recreation Permits (SRPs). These limits are proposed despite the admission within the EA that "most SRP holders operate primarily in the winter season, [when] the damage to vegetation and soils [is] minimal." (page 3-39)

The final EA should provide baseline data of historic and existing uses, and clearly identify what threats are occurring to the resources at Castner Glacier. The EA should also provide documentation regarding the user conflicts that management restrictions are purported to address. Additional comments and information on State interests and authorities are below.

**Group Size Limits**

The State does not support applying group size limits to independent visitor groups without data to show that group size is negatively impacting resources. We recognize that the BLM wishes to address unwanted activities such as "larger group events that occasionally occur at Castner

Glacier such as parties, raves, and small acoustic concerts,” (p. 3-44) but we disagree that restricting independent users by group size is the appropriate method of managing for occasional large-group events.

The primary goal for the Castner Glacier RAMP is to address the growing recreation use and associated user impacts to reduce the risk of degradation to natural and recreational resources resulting from overuse within the Castner Glacier planning area.

We recognize the historic recreation area at Castner Glacier is experiencing growing use. However, we do not view this as a negative, rather we see this growth as part of the overall intent Congress foresaw when it passed the Alaska National Interest Lands Conservation Act (ANILCA). In ANILCA, Congress designated millions of acres as conservation system units, designed specifically to focus on conservation, Congress identified that other public lands, such as BLM lands, were to provide for more intensive use and disposition. We believe Castner Glacier can help BLM fulfill its multiple use mandate in the East Alaska planning area, providing a unique on-road recreational experience for many visitors to Alaska. Many public lands in Alaska are accessible only by boat or airplane, and the ability of visitors to easily access this experience should not be minimized, especially on lands designated for multiple use.

We oppose the intent in both Alternatives B and C to establish new recreation opportunity spectrums (ROS) and recreation setting characteristics (RSCs) in the Castner Glacier area as the EA provides no evidence of resource impacts, only an increase in visitor numbers.

The plan proposals to reduce group sizes below or equivalent to numbers allowed in designated wilderness areas contradicts the multiple use mandate in the Federal Land Policy and Management Act (FLPMA). In designated wilderness areas group sizes generally serve a maximum of 12 to 15 people. The proposals in the EA to limit group sizes to 10 (Alternative B) or 15 (Alternative C) are presented arbitrarily without any evidence of negative impacts to resources. These lands are not designated as wilderness and must not be managed to such a standard.

### **Special Recreation Permits**

The State encourages the BLM to issue as many special recreation permits (SRP) as possible as long as no undue negative impacts to the resource are observed over time. The BLM identifies high demand for use in this area (p. 2-28) and the BLM has anecdotal evidence that some operators are using the area without an SRP (p. 2-16). Limiting the number of permits significantly below the demand could lead to continued non-compliance.

### **Monitoring Data**

BLM notes that staff have monitored the Castner Glacier Recreation Area for 16 years (p. 1-1). The State requests BLM make public this monitoring data as context for proposed group size and SRP restrictions. The background data currently shared in the analysis is quite general to Alaska and the Interior as opposed to specific observations from the Castner Glacier area (p. 3-29). The visitor use numbers shared on page 3-32 are useful, however that does not on its own show resource degradation requiring group size and SRP limitations.

### **Page Specific Comments**

Page 1-6, Section 1.3.1. Relationship to Statutes, Regulations, and Policies. Please revise as shown below by underline (addition) and strikeout (remove) to more accurately capture ANILCA's allowances and intent.

Alaska National Interest Lands Conservation Act (ANILCA) 1980 – designates certain public lands for conservation purposes, generally defined as “conservation system units (CSU)” and identifies that other public lands (e.g., the majority of BLM lands) are “appropriate for more intensive use and disposition.”<sup>1</sup> ANILCA ensures the continuance of existing activities on all public lands where the taking of fish and wildlife is permitted (Sec. 1316); establishes requirements for temporary access to or across public lands by the State or private landowners trying to access their lands (Sec. 1111); and requires the BLM in determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands under any provision of law authorizing such actions to evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. (Sec. 810) ~~consider the effects on land use for subsistence purposes when considering the issuance of land use permits such as leases, recreation permits, or ROWs.~~

Additionally, please add a reference to the John D. Dingell, Jr. Conservation, Management, and Recreation Act which facilitates hunting and fishing and establishes specific closure requirements for these activities on BLM and United States Forest Service Lands.

Page 1-9, The EA states, “The area is designated as BLM visual resource management (VRM) classes, 1, 2, and 4 (BLM 2007).” Please revise to state the area is designated as VRM Classes II or III per the 2007 East Alaska RMP, Section M. Recreation -- 5. Delta Range Area (East Alaska RMP, page 38). Also change this in Appendix C, Visual Resources, page 67. We have heard consistently from BLM offices that changes cannot be made to designations established in the RMP through step-down plans.

Page 2-12. Castner Cave and Trail Zone. Discussion of avoiding the presence of man-made structures and removal of rock cairns conflicts with the position of humans as part of the environment as well as certain provisions of ANILCA. Humanity's ability to create structures is a survival trait that has been necessary for them to survive Alaska's often inhospitable land areas. Recognizing this, Congress provided in ANILCA Sec. 1316 an allowance for the construction and use of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and related to the taking of fish and wildlife on all public lands.

Cairns have been used throughout Alaskan history<sup>2</sup>, Native Alaskans, miners, hunters, and mountaineers all used cairns to mark routes, tricky junctions, and hard to spot access trails. They can also be used to keep everyone on the same route in fragile environments, minimizing overall impacts.

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<sup>1</sup> ANILCA Section 101(d)

<sup>2</sup> Hartly, R.J., Renner, A., Hunt Jr., W. J., Constructing Rock Cairns, Modifying and Signifying the Alpine Landscape of Southeast Alaska, accessed at [https://www.alaskaanthropology.org/wp-content/uploads/2021/02/Hartley\\_forweb.pdf](https://www.alaskaanthropology.org/wp-content/uploads/2021/02/Hartley_forweb.pdf)

The final EA should demonstrate the cairns are less than 50 years old and not subject to review under either state or federal historic acts. Cairn locations should be mapped as part of a cultural survey and BLM must demonstrate they do not have any historical value. This will be in accordance with federal and state statutes on cultural resources as well as with the Design Features listed under Cultural Resources in Table 5. Design Features. These steps are of critical interest to the State to readily identify long-standing use areas and travel-routes that need to remain available to Alaskans in accordance with the provisions of ANILCA.

Page 2-13, Castner Glacial Zone. It is unclear why BLM would fail to maintain or alter a trail in an area of increasing visitor use. We request provisions in the final EA for maintaining the trail and allowing for alterations to the trail to avoid or minimize impacts to resources.

#### Page 2.2.3.1 Establish Group Size Limits.

This section provides no data to support why groups need to be limited to 10 people per group.

#### 2.2.6. Action 6 – Manage Special Recreation Permits.

No information is provided documenting why BLM believes it is necessary to limit SRP permits to a maximum of 10 (Alternative B) or 15 (Alternative C) commercial special recreation permits at any one time throughout the planning area. These limits are consistent with limits required in designated wilderness areas, which the Castner Glacier is not. Please provide information outlining why this is necessary in the final EA.

#### 2.2.7 – Issue Land Use Authorizations.

Bullet 2 (2.2.7.1) should clarify that official fish and game management activities conducted by ADF&G are not required to obtain science and research activity permits nor are they subject to the three ongoing projects at a time limit. This is in accordance with the Master Memorandum of Understanding (MMOU) BLM has with the ADF&G which states: *The BLM Agrees to ... recognize the right of [ADF&G] to enter onto [BLM] lands at any time to conduct routine management activities which do not involve construction, disturbance to the land, or alteration of ecosystems.*<sup>3</sup>

#### 2.2.7.3. Lands and Realty Actions: Commercial Filming and Photography.

Please provide the reasoning behind the decision to limit commercial filming and photography operations to one ongoing permit at a time. The final EA should also more clearly outline the requirements for commercial filming and photography permits. BLM regulations have clear requirements for these activities, with specific exceptions. Specifically, permits are generally only required when they involve actors, models, sets and/or props. Portrait subjects such as wedding parties or high school graduates are not considered models.<sup>4</sup>

Page 2-18, Table 5. Design Features. Socioeconomics. It is unclear how public outreach applies to socioeconomics. Please elaborate on the connection.

Page 2-18, Table 5. Design Features. Vegetation and NNIS. We request, rather than removing rock cairns, BLM use them to identify existing trails. Using the cairns will serve to keep people on existing trails, minimizing vegetation disturbance.

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<sup>3</sup> MMOU between the Alaska Department of Fish and Game and the U.S. Bureau of Land Management, Department of the Interior, AK950-MU3-11, 8-3-1983

<sup>4</sup> <https://www.blm.gov/programs/lands-and-realty/leases-and-permits/filming-on-public-lands/film-permits>, accessed 8/8/2024.

Page 2-19, Table 5. Design Features. Visual Resources. VRM classes for the Delta Range Area, which includes Castner Glacier, are set in the 2007 East Alaska RMP as Classes II and III, therefore BLM cannot incorporate areas of the Castner Glacier into either Class I or IV VRMs. This comment also applies to the changes shown in Appendix E, Map 6.

Page 2-19, Table 5. Design Features. Wildlife and Migratory Birds. We question the Design Features listed here as they primarily seem to be directed at SRP holders.

- Please provide documentation that dogs are present in sufficient numbers to require SRPs to provide dog waste bags.
- How will BLM minimize impacts the general public may cause by harassing or harming migratory birds or their nesting or ensure that individuals camping at Castner Glacier are aware of the requirement to stay away from bald eagle nests.
- The following paragraph does not accurately capture ANILCA's requirements; please delete.

*All operations will be conducted in such a manner as not to cause damage or disturbance to any fish or wildlife, or to impede rural residents from pursuing their traditional subsistence activities (ANILCA, Public Law 96-487).*

Hunting, fishing, and trapping, by the nature of the activity cause damage/disturbance to fish and wildlife, this sentence must be revised or deleted.

ANILCA requires BLM to provide continued opportunities for subsistence uses, but it is State statute that prohibits interfering with hunting, fishing, and trapping activities. Alaska Statute (AS) 16.05.790 provides that a person may not intentionally obstruct or hinder another person's lawful hunting, fishing, trapping, or viewing of fish or game.

Please remove the reference to ANILCA and instead include reference to AS 16.05.790.

- Special species. We request deletion of the last paragraph under Wildlife and Migratory Birds.

*As currently written, the paragraph lends itself to the possibility it will result in arbitrary and capricious decisions impacting SRPs (e.g., *The BLM may recommend modifications to existing or pending SRPs to further its conservation and management objective to avoid any BLM-approved activity that will contribute to a need to list such a species or their habitat.*)*

BLM sensitive species can only be designated if they are likely to be added to the Endangered Species Act and only through a land use planning process and its associated National Environmental Protection Act (NEPA) process. Additionally, BLM must have the capability, on BLM-administered lands, to significantly affect the conservation status of the species through management, and either:

1. There is information that a species has recently undergone, is undergoing, or is predicted to undergo a downward trend such that the viability of the species or a distinct population segment of the species is at risk across all or a significant portion of the species range, or

2. The species depends on ecological refugia or specialized or unique habitats on BLM-administered lands, and there is evidence that such areas are threatened with alteration such that the continued viability of the species in that area would be at risk.<sup>5</sup>

#### Page 3-29 et seq. Chapter 3. Affected Environment and Environmental Impacts

The final EA should provide baseline data of historic and existing uses, and clearly identify what threats are occurring to the resources at Castner Glacier. For example, while much of the EA discusses impacts to vegetation and the introduction of invasive species, these threats are substantially reduced by the period of heaviest use, October through March, when the ground is frozen and frequently snow covered. The EA also discusses reducing user conflicts, but again provides no documentation regarding these conflicts. Public comments during scoping indicate people want to retain a wilderness feel, however, BLM's responsibility as a multiple use land manager is to provide many different types of user experiences. Alaska provides unsurpassed opportunities for true wilderness experiences; restricting this area to that condition is not necessary.

#### Pages 3-30, 3-47, and 3-49, References to Highway Projects by DOT&PF

The State appreciates the positive working relationship that BLM has developed with regional staff from DOT&PF. The State notes that BLM proposals are compatible with DOT&PF's recent design work to develop parking improvements within the Richardson Highway Milepost 214-218 reconstruction project. Related to that work, the DOT&PF notes some inaccuracies in the Draft EA. On page 3-30, Section 3.2.1, the EA says:

One particular ADOT&PF project encompasses **MP 206 to 233** of the Richardson Highway and includes the abovementioned proposed improvements to the parking areas that provide access to the Castner Glacier planning area (ADOT&PF 2022). [emphasis added]

The project that includes the parking improvements encompasses MP 214-218. The project that encompassed MP 206-233 was a Planning and Environmental Linkages study project only, not a construction or design project. The parking area reference should be updated to MP 214-218.

Similar references to MP 206-233 in Section 3.3.3 (page 3-47), and Section 3.4.1 (page 3-49) should instead reference MP 214-218.

#### Page 4-2, Consultation and Coordination

BLM appropriately documents how consultation was carried out with the State Historic Preservation Office, but it fails to outline how, despite reference to the area's importance to sheep hunters, BLM consulted with the ADF&G in accord with our MMOU. The MMOU was prepared in accordance with 43 CFR Part 24.6 Cooperative Agreements, as well as ANILCA. We agree coordination has occurred through the sharing of the scoping document and this draft EA. Consultation, however, did not occur.

#### Appendix A. Issue 7

We disagree that BMPs or stipulations can address how commercial use limitations will affect the economic conditions and tour business' viability in the Fairbanks area. The EA must provide a more thorough review of the detrimental effects this plan could have on the local economy. The intent to reduce the number of SRPs from 25 known operators to 10 to 15 will be substantial

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<sup>5</sup> BLM Manual 6840 – Special Status Species Management, 6480.2, 12/12/2008

in a rural area such as Castner Glacier, and the plan must also consider impacts to local business that cater to outdoor enthusiasts, as their business will also be reduced.

We suggest that more enforcement of unlicensed tour guides will solve the primary problems BLM raises in this EA.

Travel Management Plan – We found no mention of the intent to prepare a travel management plan in any of the scoping materials provided in Appendices B: Public Scoping Report through E: Social Media. We recognize BLM policy provides for the inclusion of Travel Management Plans within RAMPs, however, the public needs to be aware this document is available for review. Please provide a separate public review period for the Castner Glacier Travel Management Plan which is provided as a standalone document on the BLM Planning website.

### **State Owned Navigable Waters and Submerged Lands**

As noted in our Scoping comments in March 2024, DNR has management authority for state lands (including the land, water, tidelands, and shorelands of navigable waters within the State). This authority includes management of navigable waters, tidelands, and shorelands within and adjacent to the boundaries of federal lands. DNR manages use of these lands through Generally Allowed Uses (11 AAC 96.020 subject to 11 AAC 96.025) and through commercial and recreational land use authorizations.

Castner Creek is navigable for title purposes, and the State of Alaska should be consulted for management actions that include the submerged lands below Castner Creek, or its water. Any limitations on access should exclude the waters and submerged lands of the creek, and the plan should make that clear to the public and future resource managers. DNR has concerns that off-highway vehicle (OHV) limitations could be interpreted by the public to include motorboat use on Castner Creek and reminds BLM that both non-amphibious and amphibious vehicles are allowed on state lands & waters.

### **State Land Selections & ANILCA Top-Filed Lands**

As the State mentioned in March, the State has ANILCA top-filed land selections over much of the lands bordering the Richardson Highway that are within the boundary of the Castner Glacier recreation planning area. These lands are currently labeled as the highest priority lands for the State (Priority One), and once the underlying public land orders are revoked, these top-filed selections will attach. It is feasible that the State will take title to most or all of these lands in the future.

### **ADF&G Management Authority**

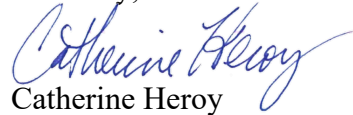
The ADF&G has primary responsibility for managing Alaska's fish and resident wildlife populations on all lands, including Federal public lands, and the Secretary of the Interior has authority for the management of Federal public lands. A Master Memorandum of Understanding, signed in 1983 defines the cooperative management roles of each agency (ADF&G and the BLM) and sets the framework for cooperation between our two agencies. To be successful in managing both fish and wildlife and public lands, the State and Federal agencies must cooperate. The Castner Glacier area, located in Game Management Unit 13B is one of the best areas in the State for Dall sheep hunting. Located in the Delta Controlled Use Area, the Castner Glacier area provides quality walk-in sheep hunting opportunities. Sheep hunting tends to be practiced primarily by a few, hardy individuals whose interest is in the challenge and satisfaction of

mountain hunting and the alpine experience. ADF&G should be consulted on any proposed management revisions that might affect fish or wildlife.

**Closing**

Thank you for the opportunity to comment; please contact me at (907)269-0880 or by email at [catherine.heroy@alaska.gov](mailto:catherine.heroy@alaska.gov) to coordinate any follow up discussions.

Sincerely,



Catherine Heroy

Federal Program Manager

Ecc: Jorjena Barringer, Environmental Coordinator, [jbarringer@blm.gov](mailto:jbarringer@blm.gov)  
Cory Larson, Outdoor Recreation Planner, [c05larso@blm.gov](mailto:c05larso@blm.gov)

Attachment: MMOU between the Alaska Department of Fish and Game and the U.S. Bureau of Land Management, Department of the Interior, AK950-MU3-11, 8-3-1983



MASTER MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE ALASKA DEPARTMENT OF FISH AND GAME  
Juneau, Alaska  
AND  
THE U.S. BUREAU OF LAND MANAGEMENT  
DEPARTMENT OF THE INTERIOR  
Anchorage, Alaska

This Master Memorandum of Understanding between the State of Alaska, Department of Fish and Game, hereinafter referred to as the Department, and the U.S. Department of the Interior, Bureau of Land Management, hereinafter referred to as the Bureau, reflects the general policy guidelines within which the two agencies agree to operate.

WHEREAS, the Department, under the Constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State on the sustained yield principle, subject to preferences among beneficial uses; and

WHEREAS, the Bureau, by authority of the Constitution, Laws of Congress, executive orders, and regulations of the U.S. Department of Interior has a mandated responsibility for the management of Bureau lands, and the conservation of fish and wildlife resources on these lands; and

WHEREAS, the Department and the Bureau share a mutual concern for fish and wildlife conservation, management, and protection programs and desire to develop and maintain a cooperative relationship which will be in the best interests of both parties, the concerned fish and wildlife resources and their habitats, and produce the greatest public benefit; and

WHEREAS, it has been recognized in the Alaska National Interest Lands Conservation Act (ANILCA) and subsequent implementing Federal regulations that the resources and uses of Bureau lands in Alaska are substantially different than those of similar lands in other states; and

WHEREAS, the U.S. Congress and the Alaska Legislature have enacted laws to protect and provide the opportunity for continued subsistence use of Alaska's fish and wildlife resources by rural residents; and

WHEREAS, the Department and the Bureau recognize the increasing need to coordinate resource planning, policy development, and program implementation;

NOW, THEREFORE, the parties hereto do hereby agree as follows:

THE DEPARTMENT OF FISH AND GAME AGREES:

1. To recognize the Bureau as the Federal agency responsible for multiple-use management of Bureau lands including wildlife habitat in accordance with the Federal Land Policy and Management Act, ANILCA, and other applicable law.
2. To regulate and manage use of fish and wildlife populations on Bureau lands in such a way as to maintain or improve the quality of fish and wildlife habitat and its productivity.
3. To consult with the Bureau in a timely manner and comply with applicable Federal laws and regulations before embarking on enhancement or construction activities on or which would affect Bureau lands.
4. To act as the primary agency responsible for management of all uses of fish and wildlife on State and Bureau lands, pursuant to applicable State and Federal laws.
5. To notify the Bureau of any animal damage control activities on Bureau lands; and to obtain Bureau approval for the use of pesticides, herbicides, or other toxic chemical agents in the course of animal damage control.
6. To provide all maintenance on facilities, structures, or other construction owned by the Department on Bureau lands; and to hold the Bureau harmless for liability claims resulting from these constructions, facilities, and/or structures.

THE BUREAU OF LAND MANAGEMENT AGREES:

1. To recognize the Department as the primary agency responsible for management of use and conservation of fish and wildlife resources on Bureau lands.
2. To recognize the right of the Department to enter onto Bureau lands at any time to conduct routine management activities which do not involve construction, disturbance to the land, or alterations of ecosystems.
3. To recognize the Department as the primary agency responsible for policy development and management direction relating to uses of fish and wildlife resources on State and Bureau lands, pursuant to applicable State and Federal laws.
4. To incorporate the Department's fish and wildlife management objectives and guidelines in Bureau land use plans unless such

provisions are not consistent with multiple use management principles established by FLPMA, ANILCA, and applicable Federal law.

5. To adopt the State's regulations to the maximum extent allowed by Federal law when developing new or modifying existing Federal regulations governing or affecting the taking of fish and wildlife on Bureau lands in Alaska.
6. To notify the Department of any portion of the Department's fish and wildlife management objectives, guidelines, or State regulations that the Bureau determines to be incompatible with the purposes for which Bureau lands are managed.
7. To manage Bureau lands so as to conserve and enhance fish and wildlife populations.
8. To inform the Department of proposed development activities on Bureau lands which may affect fish and wildlife resources, subsistence and other uses, and to provide or require appropriate mitigation where feasible.
9. To permit, under appropriate agreement or authorization, the erection and maintenance of facilities or structures needed to further fish and wildlife management activities of the Department on Bureau lands, provided their intended use is not in conflict with Bureau policy and land-use plans.
10. To recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Bureau lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with Bureau regulations.

THE DEPARTMENT OF FISH AND GAME AND BUREAU OF LAND MANAGEMENT MUTUALLY AGREE:

1. To coordinate planning for management of fish and wildlife resources on Bureau lands and adjacent lands having common fish and wildlife resources so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized.
2. To cooperate in planning, enhancement, or development activities on Bureau lands which require permits, environmental assessments, compatibility assessments, or similar regulatory documents by responding in a timely manner with requirements, time tables, and any other necessary input.
3. To consult with each other when developing or implementing policy, legislation, and regulations which affect the attainment of wildlife resource management goals and objectives of the other agency.

4. To cooperate in the management of fish and wildlife resources and habitat (including planning, regulation, enforcement, protection, restoration, research, inventories, and habitat enhancement) on Bureau lands and adjacent lands having common fish and wildlife resources consistent with the species and habitat management plans and objectives of both agencies.
5. To develop specific plans for cooperative development and joint management of habitat areas determined to be essential to the continued productivity or existence of fish and wildlife populations.
6. To consult with the Department prior to entering into any cooperative land management agreements which could affect fish and wildlife resources.
7. To cooperate in the development of fire management plans which may include establishment of priorities for the control of wild-fires, or use of prescribed fires.
8. To make facilities, equipment and assistance mutually available on request for use in fish and wildlife work and habitat improvement consistent with Bureau and Department requirements.
9. Neither to make nor sanction any introduction or transplant of any fish or wildlife species on or affecting Bureau lands without first consulting with the other party and complying with applicable Federal and State laws and regulations.
10. To provide to each other upon request fish and wildlife data including subsistence and other uses, information, and recommendations for consideration in the formulation of policies, plans and management programs regarding fish and wildlife resources.
11. To cooperate in the preparation of announcements and publications and the dissemination of fish and wildlife information; any material obtained from cooperative studies may be published or reproduced with credit given to the agencies or organizations responsible for its acquisition or development. Any news release relating specifically to cooperative programs will be made only by mutual consent of the agencies.
12. To cooperate and coordinate in the issuance of permits to persons, industry, or government agencies for activities affecting designated anadromous fish streams on Bureau lands, in accordance with Alaska Statute 16.05.870 and to cooperate in the formulation of comments and recommendations on permits issued by other governmental agencies in accordance with the Fish and Wildlife Coordination Act, Clean Water Act and other applicable laws.

13. To resolve, at field office levels, all disagreements pertaining to the cooperative work of the two agencies which arise in the field and to refer all matters of disagreement that cannot be resolved at equivalent field levels to the State Director and to the Commissioner for resolution before either agency expresses its position in public.
14. To meet annually at the Director/Commissioner level and discuss matters relating to the management of fish and wildlife resources and their habitats on, or affected by, respective programs; to provide for other meetings at various administrative levels for discussion of law enforcement, educational programs, cooperative studies, research, fish and wildlife surveys, habitat development, hunting, fishing, trapping seasons, and such other matters as may be relevant to fish and wildlife populations and their habitats.
15. To develop such supplemental memoranda of understanding and cooperative agreements between the Bureau and the Department as may be required to implement the policies contained herein.
16. That this Master Memorandum is subject to the laws of the State of Alaska and the United States. Nothing herein is intended to conflict with current directives, laws or regulations of the signatory agencies. If conflicts arise or can be foreseen, this Memorandum will be amended or a new Memorandum of Understanding will be developed.
17. That this Master Memorandum of Understanding is subject to the availability of appropriated State and Federal funds.
18. That this Master Memorandum of Understanding establishes procedural guidelines by which the parties shall cooperate, but does not create legally enforceable obligations or rights.
19. That this Master Memorandum of Understanding supersedes all previous Master Memoranda of Understanding between the Bureau and Department and all supplements and amendments thereto.
20. That this Master Memorandum of Understanding shall become effective when signed by the Commissioner of the Alaska Department of Fish and Game and the State Director of the Bureau of Land Management and shall continue in force until terminated by either party by providing notice in writing 120 days in advance of the intended date of termination.
21. That amendments to this Master Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF ALASKA

Department of Fish and Game

By Don W. Collinsworth

Don W. Collinsworth

Commissioner

Date 6-28-83

U.S. DEPARTMENT OF THE INTERIOR

Bureau of Land Management

By Curtis V. McVee

Curtis V. McVee

Director

Date 8/3/83

Supplement to the  
MASTER MEMORANDUM OF UNDERSTANDING  
between  
THE ALASKA DEPARTMENT OF FISH AND GAME  
AND  
THE BUREAU OF LAND MANAGEMENT  
U.S. DEPARTMENT OF THE INTERIOR, ALASKA

SIKES ACT IMPLEMENTATION

This supplemental memorandum of understanding is pursuant to the Master Memorandum of Understanding between the Alaska Department of Fish and Game (ADF&G) and the Bureau of Land Management (BLM), Alaska, dated AUG 3 1983 Public Law 93-452, of October 18, 1974, 16 U.S.C. 670a et seq., commonly referred to as the Sikes Act, provides the broad authority to: 1) Plan and carry out fish and wildlife conservation and habitat rehabilitation programs on Bureau lands consistent with overall land use plans; 2) Protect significant habitat for threatened and endangered species; and 3) Enforce regulations to control off road vehicle (ORV) traffic or other public use of lands subject to conservation and rehabilitation programs conducted under the Act.

The Act in no way diminishes the authority of the State of Alaska to manage resident fish and wildlife populations.

It is the purpose and intent of this supplement to provide a working relationship and procedure for implementation of the Sikes Act on Bureau lands in Alaska between ADF&G and BLM.

Terms used in this supplement are defined as follows:

- 1) Conservation and rehabilitation program - Includes programs necessary to protect, conserve, and enhance wildlife resources to the maximum extent practicable on Bureau lands consistent with any overall land-use and management plans for the lands involved.
- 2) Habitat Management Plan (HMP) - BLM's intensive, detailed action plan for wildlife management on a specific geographic area of biological interest on Bureau lands. The HMP is a cooperative plan with the State Wildlife agency and is based on current public input. The HMP shall be the implementing document for the Sikes Act.
- 3) Bureau Lands - These are public lands under the jurisdiction of the Bureau of Land Management.

THEREFORE, BE IT RESOLVED THAT FOR THE PURPOSE OF IMPLEMENTING P.L. 93-452, ADF&G and BLM mutually agree to the following:

- 1) HMPs will be implemented for areas where land-use plans have been prepared, unless otherwise authorized by the State Director, BLM.
- 2) HMPs will be based on priorities within Alaska, as mutually selected by the Commissioner, ADF&G, and the State Director, BLM. Guidelines for establishing HMP priorities shall be based on the following:
  - a) The basic resource values which may be enhanced and benefits produced by implementation of active management programs and/or regulations.
  - b) The identification, through the BLM or ADF&G planning systems, of areas having a need for intensive wildlife management.
  - c) The potential for wildlife habitat to be altered by land use activities such as energy and industrial development, urban expansion, road construction, and ORV traffic.
  - d) The need to protect important and/or critical fish and wildlife habitat such as salmon spawning areas, moose winter range, or the habitats of endangered or threatened species.
- 3) Protection will be afforded to those fish and wildlife species designated as threatened or endangered by the Alaska Department of Fish and Game or by the Secretary of the Interior pursuant to Section 4 of the Endangered Species Act of 1973.
- 4) HMPs will specify fish and wildlife habitat improvements or modifications needed.
- 5) Rehabilitation of Bureau lands will be undertaken where necessary to support HMP recommendations and consistent with the availability of funds for that purpose.



- 6) Hunting, fishing, and trapping of resident fish and wildlife on HMP areas will be in accordance with applicable laws and regulations of the State of Alaska.
- 7) It is herein recognized that the Secretary of the Interior has the authority to promulgate regulations to control the public use of Bureau lands consistent with the HMP, including, but not limited to ORV use. BLM and ADF&G will coordinate federal land use and state hunting, fishing and trapping regulations during Sikes HMP development.
- 8) Funds authorized and appropriated for HMP implementation on Bureau lands in Alaska shall include, but not be limited to all activities associated with scientific resource management, such as the following: protection, research, census, law enforcement, habitat management, propagation, live trapping, transplanted, and regulated taking. Funds may be allocated for hiring of personnel, contractual services, physical habitat improvement projects, and grants to colleges. It shall be the joint responsibility of the Commissioner, ADF&G, and the State Director, BLM, to define areas and projects for priority funding under the Sikes Act. It shall be the responsibility of the State Director, BLM to secure funding through BLM's program funding procedures. Final disbursement of Sikes Act Funds shall be made through the State Director, BLM, after consultation with the Commissioner, ADF&G.
- 9) Plans and programs initiated on Bureau lands under the Sikes Act in Alaska shall not conflict with comprehensive plans required of the State under any Federal or State Acts.
- 10) BLM and ADF&G will discuss the following Sikes Act items during the course of their annual coordination meeting:
  - a) A progress report on the current status of HMP implementation.
  - b) The review of wildlife values produced under the existing conservation and rehabilitation programs.

- c) The priorities for HMP implementation.
- d) The program and budget recommendations for the upcoming and succeeding fiscal years.

This supplement shall become effective on the date when last signed and shall remain in force until terminated by mutual agreement, by amendment or abolishment of the Act by Congress, or by either party upon thirty days notice in writing to the other party of its intention to terminate upon a date indicated.

STATE OF ALASKA  
Department of Fish and Game

By Don W. Collinsworth  
Don W. Collinsworth  
Commissioner

Date 6-28-83

U.S. DEPARTMENT OF THE INTERIOR  
Bureau of Land Management

By Curtis V. McVee  
Curtis V. McVee  
State Director

Date 8/3/83