



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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February 27, 2026

Selawik National Wildlife Refuge
Attn: Wilhelm Wiese, Refuge Manager
PO Box 270
Kotzebue, AK 99752

Submitted by email to selawik@fws.gov

Re: Compatibility Determination for NANA Regional Broadband Network on Selawik National Wildlife Refuge

Dear Refuge Manager Wiese,

The State of Alaska (State) reviewed the Selawik National Wildlife Refuge Draft Compatibility Determination (CD) for a right-of-way (ROW) permit to NANA Regional Corporation Incorporated as part of the NANA Regional Broadband Network Project. The proposed project would involve the construction, operation, and maintenance of a fiber optic cable network. This portion of the overall NANA Region Middle Mile Fiber Optic Project would establish a 60' right-of-way up to 77 miles long across refuge lands and encompass up to 567 acres. The overall project proposes to provide broadband to rural, underserved or unserved communities in the Northwest Arctic Borough. The comments below incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

The State appreciates the protection of refuge resources but requests that the Fish and Wildlife Service (FWS) ensure administrative and monitoring obligations do not place undue burdens on remote communities, which would conflict with the intent of the Alaska National Interest Lands Conservation Act (ANILCA) to balance conservation with the economic and social needs of the State of Alaska and its people.

Additional comments and concerns specific to the implementation of the proposed project can be found in the letter dated August 19, 2025, from the State of Alaska to the National Telecommunications and Information Administration's Environmental Assessment (EA) regarding their Title XI application.¹ The review of that EA resulted in a Finding of No Significant Impact signed in December 2025.

Title XI of ANILCA

As stated in past letters, the State appreciates the need for adequate internet connectivity in the region and the project's potential to improve internet access for underserved Alaskans by

¹ <https://dnr.alaska.gov/commis/opmp/nilca/pdf/2025%20Letters/25-8-19%20SOA%20comments-NTIA-NANA%20Broadband%20Project.pdf>

connecting communities in northwest Alaska to regional and national telecommunications networks.

The State concurs with the FWS's determination that the project is compatible with refuge purposes and offers general support for the proposed fiber optic cable network. The determination of compatibility aligns with the congressional intent of ANILCA, which sought strike a balance between conservation of natural resources and the economic needs of the State of Alaska. Part of this balance was the inclusion of Title XI, a section of ANILCA designed in part to recognize the infrastructure needs of a growing state and challenges that conservation system units (CSUs) might pose to transportation and utility construction. Title XI allows for the construction of transportation and utility projects within CSUs, including near designated wilderness areas. ANILCA Section 1102(4)(B)(v) specifically provides for the development of information transmission systems (i.e. fiber optic cable).

Under ANILCA Section 1101, Congress recognized that Alaska's transportation and utility networks are largely undeveloped and that the national interest is served by providing for these needs through an orderly process. Unlike the Compatibility Standard used in the Lower 48, ANILCA Title XI establishes that Transportation and Utility System projects are essential for the social and economic well-being of Alaskans. The Service should ensure that the requirements placed on the permittee are the minimum necessary to protect refuge values without making the project economically or operationally unfeasible.

Recognizing ANILCA's Relation to the National Wildlife Refuge System Improvement Act

The National Wildlife Refuge Mission section (page 2 of the Draft CD) should include language that clarifies ANILCA prevails in Alaska and that the National Wildlife Refuge System Improvement Act of 1997 explicitly states that ANILCA's provisions take precedence in Alaska when a conflict arises.

Anticipated Impacts of the Use on Wild Rivers and Wilderness

We recommend revision to the 'Potential Impacts' section as it currently overstates the potential impacts on Wild and Scenic Rivers (WSR) and designated wilderness. The proposed Project will not occur within the Selawik WSR or the Selawik Wilderness Area; therefore, the Project will have no direct impacts to the Selawik WSR, and the Selawik Wilderness' character. As a result, no staff time or resources should be required as part of this right-of-way authorization to monitor the Selawik WSR or wilderness character, and the estimated monitoring expenses should be reduced.

The language in the Draft CD recognizes that any impacts to the WSR would be minor and would not rise to the level of impairment, with the only possible influence being limited to backflow from the Kugarak River but includes other text which appears to inflate impacts. Additionally, the language regarding NEPA review should be deleted as the review has already been completed, resulting in the Finding of No Significant Impacts issued in December 2025. The State also notes that it is inappropriate to manage non-designated lands for Wilderness character. We offer the following suggestions for clarifying edits. (strikethrough for deletions and underline for additions)

Draft CD, page 6 (Availability of Resources):

Administrative activities include review of application materials, ~~preparation of NEPA documentation,~~ documenting compliance with applicable laws (e.g. ANILCA, National

Historic Preservation Act, Endangered Species Act, ~~Wilderness Act, Wild and Scenic Rivers Act, etc.~~), preparation and execution of a ROW authorization, reviewing annual operating plans and annual reports, and development and review of additional plans, as needed.

Draft CD, page 11 (Wilderness):

The proposed ROW would occur in close proximity (as close as 90 feet, and within 600 feet for approximately 1 linear mile) to the Selawik Wilderness Area. Heavy equipment, helicopters, snowmachines, and personnel involved in construction, maintenance, and repairs would not occur ~~be visible and audible from~~ within Selawik Wilderness and ~~could~~ would not impact wilderness character. Installed cable anchors and splice points could also be visible from Selawik Wilderness. Changes to wildfire behavior in close proximity to Selawik Wilderness could impact wilderness character.

Draft CD, page 11 (Selawik Wild River):

The proposed right-of-way corridor would cross tributaries of the Kugarak River and the main stem of the Kugarak River, which joins the Selawik River at the terminus of the WSRA designated Selawik Wild River. Depending on water levels, water from the Kugarak River may back-flow into the Selawik Wild River. Although minor impacts to water quality could occur on the Kugarak River and its [sic] tributaries, ~~significant~~ impacts to waters in the WSRA designated portion of the Selawik River are not expected.

Draft CD, page 17 (Justification):

Monitoring initial construction activities, scheduled and unscheduled maintenance, adherence to permit stipulations, impacts to fish, wildlife, habitats, subsistence, and water quality; ~~and Wilderness character~~ would be required.

Annual Helicopter Surveys

The Draft CD proposes a rigorous and costly monitoring regime, including two days of annual low-level helicopter surveys for the 20-year life of the permit. We question the benefit of these annual surveys when weighed against disturbance caused to the Western Arctic Caribou Herd and nesting birds—the very resources the Service seeks to protect. Given that low-level flights (less than 500') can cause unnecessary disturbance to caribou and nesting birds, we recommend eliminating the requirement for annual helicopter surveys. Fiber optic line installation uses several protective strategies to minimize environmental impact and prevent damage (e.g., inside armored conduit made of high-density polyethylene – in soft soils, geotextile fabric or mats placed around the conduit to prevent shifting, directional drilling, etc.) and technology includes internal monitoring capabilities that can detect breaks or loss in signal power instantly without physical inspection. Aerial inspections should only be conducted on an as-needed basis following significant environmental events (e.g., extreme flooding or wildfire) or if ground-based reporting indicates a specific structural failure.

Additionally, for any flights that do occur, the final CD must identify that all field operations and flights must be coordinated with ADF&G to ensure operations do not conflict with caribou presence and movements, other survey activities, or other state regulated hunting season

activities as per ADF&G guidance. We suggest adding clarifying language to the stipulations, such as in Stipulation 11.

Monitoring Costs and Staffing

The Draft CD (Table 1) estimates \$72,000 in recurring annual expenses, much of which is allocated to monitoring expenses. We encourage USFWS to review and, where appropriate, adjust fee schedules to ensure they align with authorized rates, provide clear and transparent justification, and remain consistent with agency cost-recovery policy. We recommend shifting the monitoring burden to the permittee via Annual Operating Reports. The Service should rely on the permittee's technical data rather than redundant field inspections to verify the system's integrity.

Closing

Broadband infrastructure is a critical need for the NANA region. The State urges the FWS to adopt a minimum tool approach to monitoring that respects the specialized access provisions of ANILCA and avoids placing unnecessary financial burden on essential utility projects, such as this, and ultimately the rural consumer.

Thank you for the opportunity to review and comment on the proposed changes to the Superintendent's Compendium. 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