

**Lower Kuskokwim Site Specific Plan Public Review Draft
Issue Response Summary for the Final Plan
May 2024**

Subject	Issue Summary	Response	Recommended Revision
Inadequate Public Notice	Comment period is too short. 30 days for a matter of this significance is not enough time given as well as mindfulness of English being the second language of many of the affected villages in the Yukon-Kuskokwim Delta.	Development of a Site Specific Plan (SSP) under AS 38.04.065(h) and 11 AAC 55.040 includes a public review requirement under AS 38.05.945, for a minimum 30-day public review. The draft SSP and Land Classification Order (LCO) were submitted to a 30-day public review, which complies with the public notice requirement in statute.	No change.
Insufficient Information	<p>Details as to why this is being carried out are very few. It was hard to decipher the true meaning and ramifications of this proposed action.</p> <p>DNR is being negligent by not informing the public in a transparent fashion as to the purpose of this action.</p>	<p>The SSP is developed under the requirements of AS 38.04.065. The purpose of the plan is to identify existing and potential uses and resources, and to classify the land accordingly.</p> <p>Pages 1 and 2 discuss the purpose and intent further noting that "11 AAC 55.040(i) requires that land classification precede disposing of or issuing authorizations on state land. The intent of this plan is to designate and provide management intent for the tide, submerged and shorelands under all navigable waterbodies in the planning area."</p> <p>Areawide and Unit Specific Management Guidelines that ADNR will use when considering issuing authorizations and conveyances or making management decisions on state land throughout the planning area are</p>	No change.

		discussed on pages 13-15. Pages 15-17 details the land use designations and classifications, and how these lands will be managed. More detailed information by unit within the planning area boundary are identified in the Resource Allocation Table (RAT) on pages 18 and 19. Information in the RAT is meant to provides more detailed guidance for management intent and alert adjudicators to specific resources and uses during the authorization process.	
General Comment	I am opposed to this proposal by the State of Alaska.	Noted.	No change.
Tribal Consultation	The State of Alaska did not conduct due diligence and Nation to Nation consultation with the Tribal Nations who most likely would be negative impacted by this action. Our Tribal Nations deserve this respect as it is their constitutional right.	Government-to-government consultation is a deliberative federal process required by federal laws and Executive Orders (EO 13175, 40 CFR 1500-1508) based on a unique legal relationship between the federal government and tribal governments. In this context, there is no mandate for government-to-government consultation in the Alaska Administrative Procedures Act under Alaska law.	No change.
Inadequate Consultation	Please do your jobs and conduct meaningful consultation and engagement before this moves any further.	An SSP developed under AS 38.04.065 and 11 AAC 55.040 requires public involvement under AS 38.05.945. As required by AS 38.05.945, the ADNR published notice and sought public involvement through the submission of comments on the Public Review Draft of the Lower Kuskokwim SSP. ADNR conducted a 30-day public review and comment period. Notice of the comment period and instructions on	

		<p>how to learn more or participate was posted on the Alaska Online Public Notice System, the Resource Assessment and Development Section webpage, at post offices and the library within the planning area. Notices were sent to private parties and business entities known or likely to be affected by the action, cities and communities within the planning area, the Alaska Native Regional Corporation and Alaska Native Village Corporations within the planning area, nonprofit community organizations, and other individuals who previously requested notice of classification actions. Members of the public submitted comments, which were reviewed and where appropriate, revisions have been recommended based on the public input received.</p> <p>ADNR has complied with the statutory requirements under AS 38.04.065 and 38.05.945.</p>	
Subsistence Protections	<p>The long-term impact on the indigenous People who have lived on these lands and waters for millennia has not been considered. We live off the land and water. Any threats to these is a threat to our survival.</p>	<p>The purpose of the SSP is to provide an inventory of existing and potential uses and resources in the plan area, to classify the land accordingly, and to provide management intent and guidelines for ADNR adjudicators. ADNR used the best available information with input from state agency subject matter experts to identify important subsistence resources and uses. This information is referenced on page 18, with clear direction to manage the unit for the protection of fish and wildlife habitats, harvest opportunities, dispersed</p>	No change.

		recreation, and commercial fishing; and to retain the land in state ownership. Specific measures to mitigate potential impacts to identified resources or designated uses would be developed during the permitting and adjudication process depending on the type of authorization.	
Land Use	GCI is already laying fiber optic cable over these lands seems to not be burying this cable under the surface and thus a hazard to people using these lands.	<p>Under 11 AAC 55.040, the disposal or transfer of state land or an interest in state land, is not allowed until land has been classified. The purpose of the SSP is to provide an inventory of existing and potential uses and resources in the plan area, to classify the land accordingly, and to provide management intent and guidelines for ADNR adjudicators. The SSP does not authorize activities within the plan boundary, which would be adjudicated separately.</p> <p>There is mixed land ownership within the planning area boundary. This includes private land, federal land, Alaska Native Corporation land, Native allotments, and municipal entitlements. Many activities occur on these non-state lands. The state is not responsible for activities, authorizations, or potential hazards occurring on lands not owned by the state.</p>	No change.
Land Management	The State of Alaska does not abide by Clean Water Act and an Environmental Impact Assessment should be conducted.	The SSP classifies land and does not authorize activities within the plan boundary. Management and oversight of actions under the Clean Water Act are under the authority of the Alaska Department of Environmental	No change.

		Conservation, and are outside of the scope of the SSP.	
Land Management	The State lacks the resources to provide oversight, much less management on how this is to be implemented.	The purpose of the SSP is to provide an inventory of existing and potential uses and resources in the plan area, to classify the land accordingly in the accompanying LCO, and to provide management intent and guidelines for ADNR adjudicators. Measures to mitigate potential impacts and protect the public interest would be part of the permitting and adjudication process for any proposed activities within the plan area.	No change.
Land Management	Will DNR be liable for private corporations lay fiberoptic cable over tidelands and over areas where the cable is visible?	The SSP does not authorize activities in the planning area or analyze impacts of proposed activities. Measures to mitigate potential impacts and protect the public interest would be part of the permitting and adjudication process for any proposed activities.	No change.
Technical Revision	Include Alaska Statehood Act and Public Trust Doctrine under Title Status.	Concur.	Change as recommended.
Technical Revision	The ADF&G provided additional species information and technical corrections.	Change as recommended.	Update information related to marine mammals, fisheries, birds, and subsistence.
Plan Correction	Current population of Bethel to is estimated to be 6,276.	Concur.	Change as recommended.

Plan Correction	General comments on layout and using consistent language.	Concur.	Change as recommended.
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