

STATE OF ALASKA

SEAN PARNELL, Governor

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

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Gary Wheeler, Kodiak Refuge Manager
c/o Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

Dear Mr. Wheeler:

The Citizens' Advisory Commission on Federal Areas has reviewed the proposed regulations for public use on the Kodiak National Wildlife Refuge. These regulations propose to adjust the seasonal closure of the O'Malley River area to allow operation of a bear viewing program, prohibit camping within one-quarter mile of public use or administrative cabins and/or facilities, prohibit use of snowmachines on 4,972 acres in the Den Mountain area and make technical corrections to the authorities section of the regulations. We appreciate the opportunity to comment.

In general, the proposed regulations appear to reflect the decisions found in the Revised Comprehensive Conservation Plan (CCP) and Record of Decision (ROD) for the Kodiak Refuge. Proposed § 36.39 (j)(4), prohibiting camping within one-quarter mile of public use cabins or administrative cabins and facilities, appears to be a reasonable regulation and will help prevent user group conflicts. However, we would suggest adding some flexibility into the final regulations that would allow the refuge manager to waive or adjust this one-quarter mile restriction to accommodate special circumstances. The technical correction eliminates redundancies and authorities that are no longer applicable and is appropriate.

While we understand that these proposed regulations do not directly establish a bear viewing program in the O'Malley River area, we nevertheless have some concerns about such a program. The Commission is aware that there has been significant public support for re-establishing a bear viewing program at the O'Malley River. At the same time there is some unease by hunters that a program could lead to efforts to restrict bear hunting activity in this area, even though the June 25 to September 30 timeframe does not coincide with either the spring or fall hunting seasons. Our discussions with Alaska Department of Fish and Game (ADF&G) staff indicate that little habituation or displacement of bears is likely to occur from a properly structured viewing program so it is anticipated that impacts will be negligible and no loss of hunting opportunity should occur. The final environmental impact statement for the CCP makes a similar finding.

The supplementary information for the proposed regulations points out that the final Kodiak CCP calls for the development and implementation of a bear viewing program in cooperation with the ADF&G. Appendix C (*Kodiak Archipelago Bear Conservation and Management Plan Recommendations*) of the final CCP (pg. C-29) recommends that “This program [O’Malley River] would be based on a framework of operational guidelines formulated as part of a collaborative public planning process.” We strongly encourage the U.S. Fish and Wildlife Service to follow this guidance and provide for full public involvement in developing a bear viewing program for the O’Malley River area, in addition to cooperation with ADF&G. The final rulemaking notice should also clarify the level of public involvement in the development of any bear viewing program for the refuge.

The existing regulations at §36.39(j)(1) contain a legal description for the boundaries of the 2,560 acre O’Malley River area. That description is not included with the proposed changes to this section, presumably because no change in the size or description of the area is proposed. If this is not the case, the final regulations should include any revised legal description.

Closing the Den Mountain area to snowmachine use is also consistent with the preferred alternative in the ROD and CCP. There is a discrepancy, however, between the acreage figure in the supplementary information for the proposed rule and that shown for the Den Mountain area in the ROD and the final CCP. It is our understanding that the 2,820 acre figure cited in the ROD/CCP for the Den Mountain area is incorrect. That figure is actually the acreage for the Baumann Creek area and that the acreage in the Den Mountain area was always 4,972 instead of the 2,820 acres listed in the ROD and CCP. Clarification of the discrepancy is needed when the final regulations are published. Since the major purpose for establishment of the Kodiak National Wildlife Refuge is to protect habitat of the Kodiak brown bear, this closure to protect this important denning area is appropriate, but clarification of the original acreage intent should be provided.

Thank you for the opportunity to comment on these proposed rules. If you have any questions, or if we need to clarify any of our comments, please contact the Commission’s office.

Sincerely,



Stan Leaphart
Executive Director

Cc: Geoff Haskett – Alaska Regional Director
Sally Gibert – ANILCA Program Coordinator
Brian Glaspell – Kodiak NWR