

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

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December 7, 1984

Michael J. Penfold
State Director
Bureau of Land Management
701 C Street, Box 13
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Dear Mr. ^{Mike} Penfold:

The State of Alaska has completed the review of the Steese National Conservation Area and White Mountains National Recreation Area Proposed Resource Management Plans and final Environmental Impact Statements pursuant to 43 CFR 1610.3-2. We appreciate this opportunity to review and comment on these proposed plans. The State recognizes the difficulties the Bureau of Land Management (BLM) has encountered in addressing resource development and protection of natural values consistent with the Alaska National Interest Lands Conservation Act (ANILCA) and other federal and State regulations. The State appreciates BLM's efforts to accommodate our comments on the previous drafts. The following comments are intended to assist BLM in correcting and finalizing the Resource Management Plans.

While the State acknowledges the range of options available under the federal Clean Water Act for regulating water quality, we nonetheless find these two plans to be clearly inconsistent with State water quality regulations, policies, and programs. References to specific permit limits and standards such as 0.7 ml/l settleable solids maximum, "zero downstream effluent standard", "no degradation", and "no downstream effect" should be eliminated from the texts. The plans should be modified to reflect applicable State and federal laws and regulations, recognizing the authorities delegated to the State prescribed for establishment, management and enforcement of water quality standards under the federal Clean Water Act.

We recommend that BLM recognize the recently initiated research studies by State and federal agencies involving placer mining. An important goal of these multi-faceted studies is to examine and develop new mining methods, technologies, and best management practices for placer mining, which will seek ways for placer miners to achieve water quality standards and remain

economically viable. We further urge BLM to make a commitment to joint cooperative efforts in pursuing placer mining and resource studies. BLM should evaluate and consider the results and conclusions of these efforts when making land management decisions.

Finally, we request that BLM incorporate language in both plans to the effect the BLM will cooperate with the Alaska Department of Environmental Conservation and the U. S. Environmental Protection Agency for the purpose of preventing, eliminating or diminishing the pollution of State waters, consistent with the federal Clean Water Act, the federal Wild and Scenic Rivers Act and State Water Quality Standards.

The State has some additional concerns with these documents which, while not matters of consistency, are of considerable importance nonetheless.

The plans recognize that a mandated ANILCA Section 1010 mineral assessment must be performed, and indicate that BLM anticipates assistance from information collected by private entities. Reliance on such privately funded research will not satisfy this requirement. While we recognize that time and funding limitations have precluded BLM's accomplishing the required assessment, we strongly urge BLM to seek funding to complete an adequate mineral assessment which fulfills the intent of Section 1010. We also urge BLM to include in the plans a process by which the information collected will be used to revise the plans, including opening additional areas if warranted by the new information and if consistent with the purposes for which the respective areas were established in ANILCA.

As a further indicator of the State's concern for basing land management decisions on the best possible data, the Division of Geological Survey (DGGs) within the Department of Natural Resources (DNR) requests consideration of a cooperative mineral assessment effort using the Resource Appraisal methodology. This methodology, which is a statistically accurate means of assessing mineral potential, is currently being refined in cooperation with the Bureau of Mines. The State is prepared to assist BLM in applying this methodology in the Steese and White Mountain areas.

State agencies have identified several specific concerns related to identification and management of trails and transportation corridors which provide access to and within these units. Policies assuring reasonable access are an important consideration in the planning efforts due to their key role in the utilization and enjoyment of these areas. Our concerns include the following:

- . The need for continued coordination with the State as implementation of the Tanana Basin Area Plan begins, including BLM assistance in development of the follow-up Tanana Basin Trail Plan;
- . The need for continued coordination with the State to assure that access points are compatible with adjacent land uses;
- . The need for BLM to continue to coordinate and work cooperatively with the State in the identification and management of Revised Statute (RS) 2477's and other trails claimed by the State, consistent with the spirit and intent of the recently signed Memorandum of Understanding between BLM, DNR, and The Department of Transportation and Public Facilities (DOT/PF).

The plans should acknowledge the State's efforts to deal with access and BLM's intent to cooperate and coordinate with these efforts. The plan should outline the process by which BLM and the State (DOT/PF, the Alaska Department of Fish and Game (ADF&G), DNR) will work cooperately to assure that reasonable access is maintained in a manner compatible with the respective agencies' management objectives. These State departments are available to discuss how this coordination will occur.

The ability of BLM to meet its objectives for access will depend in part on agreement and cooperation with the State, since several of the identified trail and transportation corridors extend beyond the unit boundaries onto State land. We recommend that BLM work with the Northern Regional Office of DNR as well as other State agencies to ensure that the intended use of lands within the units for access purposes are consistent with management objectives for State lands outside the two units. Several existing and proposed trails, trailheads and corridors are on State land. It should be noted on the maps or in the text that these corridors extend beyond the unit boundary onto State land. It should be clarified that BLM will cooperate with the State regarding these extensions. The process for accomplishing this coordination should be mentioned.

Further, BLM's need for corridor extensions should be incorporated and addressed in DNR's Tanana Basin Trails Plan which is currently underway in Fairbanks. Through the trail planning effort, BLM and the State can work to ensure that the use and establishment of these trails and corridors are consistent with Statewide goals and management objectives for State land as identified in the Tanana Basin Area Plan. Possible inconsistencies that need to be addressed are: The routing of trails through land disposal areas; management consistency between trail corridors; and the recommendation to legislatively designate the Chatanika River a State Recreation River.

Overall, the State and BLM need to manage these corridors to meet the needs of recreational users while providing access for resource development as well.

The documents generally describe existing access and public rights-of-way claimed under RS 2477. However, we are concerned with the implications of the statement, "The status of many miles of trail is presently uncertain, making it difficult to determine who has the authority to regulate use, who has the responsibility for maintenance and public safety, etc." (p. 280 SNCA, and p. 273 WMNRA). We appreciate BLM's consideration of the uncertainty of trails status but request clarification of intent regarding access in these situations. Maps and lists detailing existing trail systems for the State of Alaska were sent to BLM in April, 1974, with written claim to ownership of these trails. Copies of letters and memorandums to this effect are enclosed. Reference to the trails indicated on these maps should be incorporated into these plans. If BLM needs additional information, the State will assist in identification of appropriate access in a manner which is mutually compatible with our respective agency objectives. To clarify BLM's intent with regard to RS 2477 rights-of-way, we request that the plans include the following language in the spirit of the MOU:

"The BLM will work cooperatively with the State of Alaska to identify all rights-of-way pursuant to Revised Statute (RS) 2477 within the SNCA and WMNRA boundaries for administrative purposes. When rights or titles are granted directly by statute, such as RS 2477, these rights can only be abrogated in the court system."

We commend BLM for the significant improvements made to these plans in specifying mitigation measures. It is now possible to begin to judge the effects of proposed actions and measures to minimize impacts. We appreciate a number of the specific improvements made to protect terrestrial and aquatic habitats. We must emphasize the importance of BLM actively monitoring recreational and development activities in both units and developing viable mitigation measures to insure that subsistence and other uses of fish and wildlife resources are maintained as development takes place. However, monitoring of development activities and implementation of the mitigation process is dependent upon funding, and the State urges BLM to actively seek such funding.

The State is interested in assuring that these plans will be dynamic and current. We request that a schedule of intended revisions to the plans be included so that we may be assured of BLM's responsiveness to new information and future changes that occur in the areas. Studies and assessments of possible significance include mineral potential, fish and wildlife resources, recreational use patterns, and improved mitigation measures and resource extraction techniques.

The page-specific comments below may apply to both the Steese and White Mountains units, though only one document may be cited:

Page 59, (WMNRA) - For the White Mountains unit, no exchanges are intended by the State yet the map on page 59 shows a block of State land to be acquired by exchange. This is apparently a block discussed in the Steese document. This should be clarified in the White Mountains document also.

Page 135, (WMNRA) - It should be noted that contrary to the statement on this page, Beaver Creek is listed in ADF&G's Anadromous Fish Waters Catalog (number 334-40-11000-2810-3100). King and chum salmon occur to a point about 2.5 miles downstream from Warren Creek.

Page 152, (SNCA) - The discussion of possible land exchanges is incomplete. For the Steese unit, there is no explanation of the purpose for the intended exchanges nor the intended management of the acquired lands. Nor is there any indication of how the management intent for those lands will be accomplished if the exchanges do not take place.

Page 227, (SNCA) - With regard to the FEIS', we are concerned with BLM's reply #2 on this page (and page 225 of the WMNRA document). This reply to a point raised in the State's comments on the draft EIS's for these areas is based on a partial reading of the CEQ document in question. Contrary to BLM's contention, the CEQ guidelines address mitigation that lies within the authority of the managing agency.

Specifically, the guidelines state that "to insure that environmental effects of a proposed action are fairly assessed, the probability of the mitigation measures being implemented must also be discussed." This statement accurately reflects our concern. The 43 CFR 3809 regulations are within BLM's jurisdiction. However, since much of the mitigation of effects in these plans depends upon the use of those regulations, and since the 3809 program depends upon a full commitment of funding and manpower, we feel the likelihood of implementation to the extent called for in the plans should be discussed as stated in our original response.

Page 256, Multiple Use Management Prescription (SNCA) - The south block of the Steese unit has some geothermal resource potential as indicated by the proximity of reported hot springs at Big Windy Creek, Flat Creek, Upper Charley Creek, east of the Salcha River, north of the Salcha River, and at Chena and Circle Hot Springs.

The north unit has less potential but is underlaid by a sedimentary basin that may be the source of hot springs near the Dall River. While there is no current proposal to develop geothermal resources in this area, we hope there can be provision in the management of the Steese unit for eventual development of this potential in a manner compatible with other uses of the unit should the need for it arise.

266-267, RIGHTS-OF-WAY and OTHER REALTY ACTIONS (SNCA) - In paragraph 3 on p. 266, and paragraph 1 on p. 267, no mention is made of the provision that Wild River crossings may require permits under Section 404 and 401 of the Clean Water Act.

Page 270, Pinnell Mountain Trail - Due to the open terrain traversed by this trail, it would be more appropriate to vary the width of the "Primitive" corridor on the basis of topography, rather than an arbitrary distance of one-half mile. In some areas, the Primitive designation may be too narrow to reasonably buffer trail users from the effects of possible motorized activities or other land uses that would significantly detract from the enjoyment of the trail. By the same token, there may be other portions of the "Primitive" designation that are unnecessarily wide.

Page 273, 274 (SNCA) - We wish to comment on the authorization for unrestricted use of light (less than 1500 lb.) off-road vehicles (ORV) within the Semi-primitive Motorized Restricted Management and Special Management units of the SNCA. BLM is restricting mineral development activities in these areas (through closure in one unit and seasonal restriction in the other) based largely on the value of wildlife habitat, especially caribou habitat, and the ANILCA language regarding caribou in this unit. Consequently, we urge the BLM impose seasonal restrictions for ORV use in the Restricted and Special Management Zones during caribou calving periods. This would treat all SNCA users equitably and would help fulfill the intent to protect the special values identified in ANILCA.

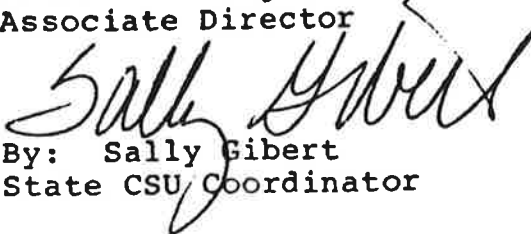
Page 299, (SNCA) Appendix D. We request the BLM reference ADF&G's authority under Alaska Statutes 16.

SNCA Proposed Plan Map - We note that the fold out map does not indicate that T.7N, R.8E., F.M. is actually State land. Notwithstanding any land exchange considerations, further versions of this map should reflect current status.

Thank you for the opportunity to review these plans. If we can be of any assistance in clarifying these comments, please do not hesitate to call this office. We look forward to final plans which will be consistent with the State's policies and programs and which fulfill the purposes of these units as specified in ANILCA.

Sincerely,

Robert L. Grogan
Associate Director



By: Sally Gibert
State CSU Coordinator

Attachments

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