

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

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November 23, 1987

Mr. Walter Stieglitz
Regional Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mr. Stieglitz:

The State of Alaska has reviewed the final Comprehensive Conservation Plans/Environmental Impact Statements/Wilderness Reviews (CCPs) for the Koyukuk, Innoko, Nowitna, Selawik, and Yukon Flats National Wildlife Refuges. This letter is submitted on behalf of state agencies and represents a consolidation of agency concerns and comments.

The state commends the U.S. Fish and Wildlife Service (FWS) for the considerable effort it has devoted to resolving issues raised by the state. The majority of state comments have been satisfactorily addressed by the FWS. We do, however, have the following remaining concerns which we believe can be addressed in Records of Decision (RODs) for the five refuges.

Use of Mechanized Equipment in Wilderness.

The state requests that the RODs clarify FWS authority to allow use of mechanized equipment in Wilderness, where such use was established prior to the date the Wilderness was designated. Current statements in the CCPs may preclude FWS from exercising this discretion. The state recommends that the FWS maintain flexibility to permit limited use of mechanized equipment where necessary to support traditional refuge activities (e.g., guiding) and where it would not significantly detract from Wilderness values.

Public Participation.

The state requests that RODs clarify that the public will be afforded appropriate opportunities to review minor revisions to CCPs prior to approval of these revisions. We understand that major changes to CCPs will involve full public review and participation, pursuant to the National Environmental Policy Act and Section 304(g) of the Alaska National Interest Lands Conservation Act (ANILCA).

Cabin Use.

Public and administrative use of cabins is not addressed in the central management table of each CCP. The state requests that revised tables which indicate that public use and administration cabins may be permitted under all management categories be appended to each ROD.

Shorelands, Tidelands and Submerged Lands.

Several of the final CCPs have inadvertently omitted standard language regarding the ownership and management of state-owned shorelands, tidelands, and submerged lands. We therefore request that the RODs for Selawik, Kodiak, and Alaska Peninsula include this language. For appropriate language, refer to page 139 of the final Koyukuk CCP.

Management of Watercolumns.

The generic discussion of management of watercolumns needs to be included in the ROD for Alaska Peninsula. For appropriate language, please refer to page 132 of the final Koyukuk CCP.

Subsistence Studies.

The state looks forward to working cooperatively with the FWS to develop improved baseline subsistence data. Such data will contribute to sound refuge management and provide the basis for future ANILCA 810 evaluations.

Temporary Facilities.

The state requests that the following definition of temporary facilities be included in RODs to clarify sections of the CCPs which address fisheries development activities: "Any structure or man-made improvement which can be readily or completely dismantled and removed from the site when the period of authorized use terminates."

Off-Road Vehicles.

The state requests that RODs clarify that ORVs may be used for subsistence purposes where traditionally employed, subject to reasonable regulation (ANILCA Section 811). Text and/or central management tables in each of the CCPs 1) contain blanket prohibitions on ORV use in Wilderness/Wild and Scenic River corridors or 2) indicate that FWS does not intend to designate routes or areas under any management category where ORV use may be permitted. The state believes it is premature at this time to preclude future route or area designations since studies of traditional

access patterns have not been completed. We therefore request that the RODs indicate that FWS may designate ORV routes and areas in the future, if needed to protect traditional access or accommodate other public uses.

Personal Woodcutting.

The state requests that RODs clarify that woodcutting for personal use (e.g., campfires, lean-tos, and handicrafts by recreationists, guides, hunters, and fishermen) will continue to be allowed.

Water Rights.

Discussion of water rights in the CCPs is largely adequate with the exception of the phrase "reasonable amount of water necessary" The state has alternatively requested the following substitute language: "minimum amount of water necessary" It is acknowledged by both the state and the FWS that this issue will likely be resolved outside the CCP planning process. The state, however, wishes to stay on record that the substitute language above should be used in all CCPs, and that the state will continue to seek an appropriate FWS definition of federal reserve water rights.

SELAWIK CCP

Wild and Scenic River Boundary.

The draft CCP for the Selawik refuge contained a draft legal description of the Selawik Wild and Scenic River which indicated that the upstream extension of the river corridor ended in T.12N., R.10E., Kateel River Meridian. However, the final plan subsequently extends the proposed boundary three miles upstream, now within T.11N., R.10E., K.R.M. This enlarged river corridor appears to exceed the intent of Congress as noted in Section 602 of ANILCA:

(41) Selawik, Alaska - That portion from a fork of the headwaters in Township 12 North, Range 10 East, Kateel River Meridian to the confluence of the Kugaruk River;

The upriver extension of the corridor also encompasses a hot springs area with improvements built and maintained by local area residents.

Because of possible future management decisions accompanying Wild and Scenic River status may unnecessarily restrict access and cabin use at the hot springs; and because the upriver extension of the river corridor appears to exceed ANILCA intent; the state

requests that the ROD re-describe the upstream limit of the river corridor to conform with the description in the draft CCP. (The final CCP revisions to the lower corridor are acceptable.)

The final CCP for Selawik includes a compatibility determination for oil and gas leasing. This determination (page 152) indicates that oil and gas leasing is incompatible with the purposes of the Selawik Refuge. As noted in the November 23, 1987 state letter on the Kodiak ROD, the state believes that such a blanket determination is premature and based on inadequate data. (Please refer to Kodiak letter for more complete explanation of rationale.) The state therefore recommends that the ROD rescind the compatibility determination.

Yukon Flats CCP.

The state is concerned that opportunities for oil and gas exploration to assess state lands adjacent to the southern refuge border will be curtailed if Congress adopts the Wilderness recommendation proposed in the CCP. The CCP recommends 650,000 acres (8% of the refuge) for Wilderness designation. Some of this proposed Wilderness is adjacent to state land which has known potential for discovery of oil and gas resources. A Wilderness designation would prohibit seismic and core sampling studies which may be necessary in the future on refuge land in order to assess the potential of adjacent state land. To address this concern, we recommend that the ROD delete areas adjacent to state land from the Wilderness proposal.

In addition, the state requests that the Yukon Flats ROD clarify the following statement made on page 133 of the final CCP: ". . . traditional commercial guiding and outfitting activities that do not require permanent facilities will continue to be permitted where compatible with wilderness management and refuge purposes." Continued permitting of traditional guiding and outfitting activities should not be contingent on whether the activity requires a permanent facility. Use of existing permanent facilities by guides and outfitters within Wilderness area is consistent with the FWS policy on cabin management.

On behalf of the State of Alaska, thank you for the opportunity

Mr. Walter Stieglitz

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to review these final Comprehensive Conservation Plans. If we can be of any assistance in clarifying these comments, please contact this office.

Sincerely,

Robert L. Grogan
Director



by: Michelle Sydeman
CSU Coordinator

cc: Commissioner Judy Brady, Department of Natural Resources
Commissioner Don Collinsworth, Department of Fish and Game
Commissioner Mark Hickey, Department of Transportation and
Public Facilities
Commissioner Dennis Kelso, Department of Environmental
Conservation
Mr. John Katz, Office of the Governor-Washington, D.C.
Mr. Rod Swope, Office of the Governor-Juneau
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Land Use Advisors Committee

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