

STEVE COWPER, GOVERNOR

**OFFICE OF THE GOVERNOR**

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DIVISION OF GOVERNMENTAL COORDINATION

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August 7, 1987

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

Dear Mr. Stieglitz:

The State of Alaska has reviewed the draft Innoko National Wildlife Refuge (NWR) Comprehensive Conservation Plan/Environmental Impact Statement/Wilderness Review (CCP). This letter is submitted on behalf of state agencies and represents a consolidation of agency comments.

The state appreciates U.S. Fish and Wildlife Service (FWS) effort to address several on-going issues of state concern. In particular, we note that the FWS has included improved language in the CCP on management of shorelands, tidelands, submerged lands, Alaska Native Claims Settlement Act 17(b) easements, watercolumns, and Revised Statute 2477 rights-of-way. We appreciate this responsiveness, and hope we will be able to achieve similar resolution of the following state concerns.

Range of Alternatives

In response to previous CCPs, the state has expressed concern over the narrow range of alternatives considered. With the Innoko CCP, we again find a limited range of alternatives, with little consideration given to intensive or moderate management options. We note that the least restrictive management alternative (Alternative B) proposes only 2% of the entire refuge for moderate management and none for intensive management. We question whether this range meets the requirements of the National Environmental Policy Act, and suggest that a broader range of alternatives with greater consideration of moderate/intensive management be included in the final CCP.

Public Involvement

The state appreciates changes that have been made to FWS policy on public participation in CCP implementation and revision. In particular, we commend FWS's newly-stated commitment to solicit and review public comment on CCPs every three years. We believe this will facilitate communication between the FWS and those who are affected by refuge management.

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We recommend, however, that FWS make one further modification to this policy. As currently stated, the FWS will notify affected agencies and individuals about minor changes to the plan following their approval by the Regional Director. We suggest that the FWS notify the affected public prior to approval of changes by the Regional Director, so as to enable the public to raise any concerns about these revisions prior to their final adoption. This procedure would be consistent with the intent of Section 304(g)(4) of the Alaska National Interest Lands Conservation Act (ANILCA).

#### Habitat Manipulation

The state reiterates its objection to proposed restrictions on the use of wildlife habitat manipulation techniques in minimal management and wilderness areas. In the case of the Innoko NWR, the FWS proposes to manage all refuge lands under minimal or wilderness management, effectively precluding use of these techniques throughout the refuge.

Although projects involving wildlife habitat manipulation are not currently required or proposed for the refuge, such projects may be appropriate in the future. Examples of the type of modification activities that may be necessary include beaver dam removal, water level manipulation, and placement of artificial nest structures. The state requests that restrictions on wildlife habitat manipulation not be adopted and suggests that the FWS adopt a policy similar to that for fisheries habitat modification: "May be permitted on a case-by-case basis subject to provisions of NEPA and a compatibility determination." We note that this language is also consistent with the following statement made on page 115 of the CCP: "Manipulation of habitats will be permitted on the refuge, but only after a thorough evaluation has been completed."

#### Use of Motorized Equipment

The state finds the FWS policy on use of motorized equipment in wilderness to be unnecessarily restrictive. Specifically, we believe the FWS should allow use of motorized equipment when directly and necessarily related to the taking of fish and wildlife (per the ANILCA, Section 1316) and where used prior to the date the wilderness was established (per 50 CFR 35.5). We do not support the current FWS limitation on use of certain motorized equipment (i.e., chainsaws) to subsistence users only. We recognize, however, that limitations on the use of motorized equipment may be desirable where necessary to protect refuge resources.

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### Commercial Fishing

We note that the discussion of commercial fishing support facilities on page 125 is not consistent with Section 304(d) of the ANILCA. To remedy this inconsistency, we request deletion of the phrase, "but not to exceed pre-ANILCA levels." The ANILCA does allow expansion to occur provided that it is compatible with the purposes of the refuge.

The Alaska Department of Fish and Game (DFG) has consistently requested opportunities to participate in the development of criteria for, or a definition of, "significant expansion." We appreciate FWS willingness to address this topic in the upcoming DFG/FWS Issues Resolution Forum.

### Pack Animals

We request that Table 12 on page 109 address pack animals under the heading "Nonmotorized." The general use of pack animals is expressly authorized in ANILCA Sections 1110(a) and 811. Also 50 CFR 36.21(b) authorizes use of "surface transportation methods such as domestic dogs, horses, and other pack or saddle animals . . . except where such use is prohibited or otherwise restricted by the refuge manager in accordance with the provisions of 50 CFR 36.42." We believe the criteria established in those regulations allow the refuge manager adequate flexibility to regulate the use of pack animals to protect refuge values, while still allowing for traditional and environmentally-compatible use.

### Woodcutting

On pages 26-27 under "Personal Woodcutting," both paragraphs address "subsistence tree cutting," but not general woodcutting for other purposes (e.g., campfires, lean-tos, and handicrafts). These purposes include uses by recreationists, guides, trappers, and commercial and sport fishermen. We request that the discussion be expanded to indicate that woodcutting for personal use, while participating in permitted activities, is allowed.

Cabins. The state appreciates the new language contained in the CCP on pages 20 and 123 which presents provisions governing cabin use on Alaska refuges. We request similar language be adopted in all remaining CCPs.

Mr. Walter Stieglitz  
Innoko NWR draft CCP

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The State of Alaska appreciates the opportunity to review the draft CCP for the Innoko National Wildlife Refuge. Attached are additional comments of a more technical nature. If you have any questions regarding this letter or attachment, please do not hesitate to call this office. We look forward to reviewing the upcoming final CCP for the Innoko refuge.

Sincerely,

Robert L. Grogan  
Director



by Michelle Sydeman  
CSU Coordinator

cc: Commissioner Judy Brady, Department of Natural Resources  
Commissioner Dennis Kelso, Department of Environmental  
Conservation  
Commissioner Don Collinsworth, Department of Fish and Game  
Commissioner Mark Hickey, Department of Transportation and  
Public Facilities  
Mr. Rod Swope, Office of the Governor

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ATTACHMENT

Pages 14, 17, and 92, Trapping. To achieve consistency with state management of trapping, we suggest replacing the term "subsistence trapping" with "trapping for subsistence purposes" or "trapping by local residents." This change would better reflect the fact the state regulations do not currently recognize categories of trapping.

Page 26, Trapping. We recommend the two sections under this heading be expanded to discuss other types of trapping or the heading title changed to "trapping for subsistence purposes."

Page 68, Chum Salmon. We are also unaware of documentation to support the first two sentences of this section. We request that the data source for this information be referenced.

Page 68, Chinook Salmon, last sentence. We are unaware of documentation that indicates that Chinook salmon on the Innoko Refuge generally spend two years in fresh water. According to our current information, it would be more accurate to state that "In the Yukon River drainage, Chinook salmon eggs hatch the following spring and the young generally remain in freshwater streams for 1 year (sometimes 2 years) before entering the Bering Sea and portions of the North Pacific, where they mature. After two to four years at sea, they return to the Innoko River to spawn (Barton, personal communication)."

Page 69, paragraph 1, last sentence. We suggest expanding the last sentence to indicate that, in some years, local residents have reported catching sheefish in the fall at the mouth of North Fork and Folger creeks, as well as the confluences of Otter and Bonanza creeks (Alt 1983).

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Page 77, Population Trends. We suggest that the following information, provided by the Alaska Department of Labor (DOL), replace current information in the CCP:

Population Estimates for Communities near Innoko Refuge, 1985.

<u>Community</u>	<u>1985 Population</u>
Holy Cross	238*
Anvik	83
Grayling	225
Shageluk	144*
Kaltag	278*
McGrath	509

\* Indicates a census was conducted in accordance with procedures contained in Standards for Conducting a Census in Small Alaskan Cities

Page 81, Employment. We suggest that the following information, also from DOL, replace less current information in the CCP.

Employment and Unemployment Data for Yukon Koyukuk Census Area

	<u>Provisional</u>	
	May 1987	May 1986
Employment	2,501	2,557
Unemployment Rate 1/	22.4%	15.6%

1/ Federal guidelines require the use of unrounded labor force data, adjusted to be consistent with the Current Population Survey in formulas used to allocate federal funds. Because of random sampling errors, unemployment rates in any given month are as likely to be high as frequently as they are low. The official definitions of unemployment currently in place exclude anyone who has made no attempt to find work in the four week period up to and including the week that includes the twelfth of each month. Most economists feel that Alaska's rural localities have proportionately more of these workers.

Page 90, Commercial Fishing. We suggest that this section address commercial fishing which occurs in the mixed-stock fisheries in the lower three Yukon River fishing districts, i.e., downstream of the Innoko NWR. It is these fisheries which harvest salmon stocks produced in the refuge.

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Page 112-113, Cooperation and Coordination. The Alaska Department of Natural Resources is currently preparing an area plan for the Kuskokwim region which addresses management of state lands, including those adjacent to the refuge. We encourage the FWS to review this plan when it becomes available in the early fall. We also request that this state planning effort be recognized in the CCP.

Page 113. We suggest replacement of the first full paragraph on this page with language from the final Kodiak CCP (page 174, paragraph 2). The Kodiak language was developed in cooperation with the DFG and better reflects the related responsibilities and commitments of the DFG and FWS.

Page 117, Water Rights. This discussion is largely adequate with the exception of the phrase "reasonable amount of water reasonably 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. However, the state 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.

Page 117, Water Quality. We suggest that the CCP reference FWS's intent to preparing an oil spill contingency plan for the refuge in cooperation with appropriate state and federal agencies and adjacent land-owners. Preparation of such a plan is particularly important in light of the considerable transportation activities which occur on the Yukon River.

Page 119. We request that the CCP include a discussion of litter and waste control, as was included on page 228 of the draft Yukon Delta CCP.

Page 120, Access and Transportation. We are pleased the CCP addresses use of "other motorized vehicles," as follows: "The use of off-road vehicles . . . will be prohibited under all management categories, except in specifically designated routes and areas, subject to the provisions of section 1110(a) and 50 CFR 36.23." (Please note that the latter citation should be corrected to 36.22.) For consistency, we request that Table 12, page 109, also be modified under minimal management and wilderness categories to read: "Same as (I)."

Page 120, Subsistence. The DFG Division of Subsistence reiterates its interest in conducting subsistence use studies in cooperation with the FWS.

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Page 125, Mining and Mineral Extraction. We suggest that this section discuss the potential impacts on refuge resources and/or management of new or continuing mineral extraction in the areas identified in Figure 7. Many of these mineralized areas are on state land which will be addressed in the Kuskokwim Area Plan. In addition, it should be noted that the July 1986 FWS report "Contaminant Issues of Concern and Action Plans" specifically mentions water quality management problems associated with upstream mining activities.

Pages 59-70 and 93. We request that sources be referenced for Figures 12-19 and 30. Also we request that the terms "key," "moderate," and "marginal" be defined on Figures 14, 17, and 18 as well as the categories of relative abundance in Figures 13, 15 and 16.

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August 10, 1987

Title: Innoko NWR Draft CCP

- [1272] Mr. Mike Abbott, Resource Development Council, Anchorage
- [1304] Ms. Susan Alexander, The Wilderness Society, Anchorage
- [1317] Dr. Robert Baker, Anchorage
- [1312] Mr. James Barkeley, Esq., Land Use Advisors Committee, Anchorage
- [1037] Ms. Joyce Beelman, Department of Environmental Conservation, Fairbanks
- [1] Mr. Jay Bergstrand, Department of Transportation and Public Facilities, Anchorage
- [120] The Honorable Judy Brady, Department of Natural Resources, Juneau
- [1372] Mr. Al Carson, Department of Fish and Game, Anchorage
- [248] The Honorable Don Collinsworth, Department of Fish and Game, Juneau
- [1293] Mr. Bart Englishoe, Land Use Advisors Committee, Anchorage
- [1117] The Honorable Jan Faiks, Anchorage
- [203] Mr. Peter Freer, Department of Community and Regional Affairs, Juneau
- [1407] Mr. Harold Gillam, Land Use Advisors Committee, Fairbanks
- [1268] The Honorable Mark Hickey, Dept. of Transportation & Public Facilities, Juneau
- [1406] Reverend J. Michael Hornick, Land Use Advisors Committee, Anchorage
- [1271] Ms. Sharon Jean, Land Use Advisors Committee, Soldotna
- [1244] Col. Jack Jordan, Department of Public Safety, Anchorage
- [1288] The Honorable Dennis Kelso, Department of Environmental Conservation, Juneau
- [1298] Dr. John Choon Kim, Land Use Advisors Committee, Anchorage
- [1270] Mr. Larry Kimball, Alaska Federation of Natives, Anchorage
- [1250] Mr. Stan Leaphart, Citizens Advisory Commission on Federal Areas, Fairbanks
- [1243] Mr. Robert LeResche, Alaska Power Authority, Anchorage
- [1258] Mr. Craig Lindh, Division of Governmental Coordination, Juneau
- [946] Mr. Ron McCoy, Alaska Land Use Council, Anchorage
- [1408] Mr. Richard Ogar, ARCO Alaska, Inc., Anchorage
- [469] Mr. Larry Ostrovsky, Department of Natural Resources, Juneau
- [1290] Ms. Debra Oylear, Division of Governmental Coordination, Anchorage
- [501] Ms. Eileen Plate, Department of Labor, Juneau
- [1279] Mr. Gerald Rafson, Dept. of Transportation & Public Facilities, Fairbanks
- [1409] Mr. John Rense, NANA Development Corporation, Anchorage
- [1299] Mr. Wayne Ross, Land Use Advisors Committee, Anchorage
- [87] Dr. Lidia Selkregg, Land Use Advisors Committee, Anchorage
- [60] Mr. Jim Stratton, Land Use Advisors Committee, Juneau
- [22] Mr. Rod Swope, Office of the Governor, Juneau
- [1242] Mr. Ike Waits, Department of Community & Regional Affairs, Anchorage
- [1239] Mr. Rob Walkinshaw, Department of Natural Resources, Anchorage
- [940] Mr. Vernon R. Wiggins, Alaska Land Use Council, Anchorage
- [1240] Mr. Dan Wilkerson, Department of Environmental Conservation, Anchorage
- [994] Mr. Geoff Wistler, Department of Commerce and Economic Development, Juneau