

STATE OF ALASKA

SARAH PALIN, Governor

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

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Rob Campellone
Planning Team Leader
U.S. Fish & Wildlife Service
1011 E. Tudor Road, MS-231
Anchorage, AK 99503

Dear Mr. Campellone:

The Citizens' Advisory Commission on Federal Areas is a 12 member organization re-established by the State of Alaska last year. The original Commission operated from 1982 until 1999. The Commission opened its office in Fairbanks in mid-July this year. The Commission is directed by Alaska Statute 41.37.220 to "consider, research, and hold hearings on the consistency with federal law and congressional intent on management, operation, planning, development, and additions to federal management areas in the state [and] on the effect of federal regulations and federal management decisions on the people of the state."

Although the original Commission participated in the full planning process for the 1985 Kenai National Wildlife Refuge Comprehensive Conservation Plan (CCP), we are late arrivals to the current effort. Our background information on this plan revision is derived primarily from a review of the draft CCP/EIS, the scoping comments summary and other planning updates posted on the U.S. Fish & Wildlife Service website, and some other background material. We have had little opportunity to discuss management issues and concerns with the public. As a result, our comments will be brief and limited to a few issues.

Aircraft Access in Wilderness

Alternative E, the Preferred Alternative, proposes to maintain the current management action and existing regulatory structure that allows aircraft access to 46 lakes located within designated wilderness. Alternative C would allow aircraft access to an additional 4 lakes and Alternative D would allow aircraft access to an additional 13 lakes within designated wilderness. All alternatives would continue the seasonal prohibition on aircraft access from May 1 to September 30 (September 10 on 2 lakes) on any lake on the refuge where nesting trumpeter swans and/or their broods are present.

The aircraft regulations for the Kenai NWR at 50 CFR §36.39(i)(1) were originally promulgated in 1986 primarily to protect nesting and brooding trumpeter swans. At that time it was estimated

that only about 30 pair of swans nested on the refuge. The 1985 CCP preferred alternative had established a management objective of 40 pairs of nesting swans on the refuge. The restrictions were an effort to achieve that management objective. The draft revised CCP/EIS (pg. 3-93) states that recent surveys indicate that as many as 50 pairs may be using the refuge. Page 2-3 states that the number of breeding pairs has increased from less than 40 to more than 60 pairs since 1985. Whether the current number of pairs is 50 or 60, clearly the 1985 management objective for swans has been surpassed.

While it is obvious that trumpeter swan numbers have increased significantly statewide over the last 20 years, we are confused by the following statement in the draft CCP (pg. 3-93):

“Evidence suggests that human disturbance on lakes outside the Refuge boundaries is hindering the establishment of new swan pairs. Although the number of nesting trumpeter swans has increased since 1957, the year of the first swan survey, and since the 1985 Plan (approximately 30 pairs), the number of nesting pairs has only increased on lakes within the Refuge (despite decreased habitat availability) and not on lakes outside Refuge boundaries—where it has remained essentially the same. This disparity in population trends inside and outside Refuge administrative boundaries is remarkable given loss of suitable habitat within the Refuge due to land exchanges and climate change.

This statement appears to be inconsistent with census data in the Alaska Trumpeter Swan Status Report – 2005 (Conant, *et al.*, Waterfowl Management, U.S. Fish & Wildlife Service, April 2007). Tables 1 and 2 in that report shows that the 1985 census for the Kenai (Unit 4) was 46 pairs of swans. If the 1985 CCP was correct in stating there were 30 pairs of swans on the refuge, it can be inferred that the remaining 16 pairs were outside refuge boundaries. The 2005 census for the Kenai unit shows 141 pairs. If the draft CCP/EIS is correct and some 50 to 60 pairs of swans now nest on the refuge, it can be inferred that the remaining 81 to 91 pairs in the Kenai census unit would be outside refuge boundaries. This apparent discrepancy needs to be clarified.

It should also be pointed out that during each 5 year census for the Kenai unit, approximately 1500 square miles of habitat both within and outside of the refuge have been surveyed, including those lakes excluded from the refuge due to the land exchange. Even though it is unlikely that every observed pair in a given year represents a successful breeding pair it is apparent that the swan populations in the Kenai census unit, both inside and outside the refuge has increased more than fourfold since 1985.

Our review of the information presented in the EIS on the potential environmental consequences of opening additional lakes to aircraft access indicates a somewhat increased but acceptable level of impacts. Opening additional wilderness lakes would be consistent with the statutory purpose of providing opportunities for fish and wildlife oriented recreation, but would not be incompatible with other refuge purposes. We encourage the FWS to modify the preferred alternative to allow an increase in the number of wilderness lakes open to aircraft access. We also encourage the FWS to reconsider its rejection of the earlier proposal to conduct studies on the impacts of aircraft access on swans.

Aircraft Access to Chickaloon Flats

The Commission supports the decision to expand the area in the Chickaloon Flats that would be open to wheeled aircraft access and to allow floatplane access to 6.5 miles of the Chickaloon River. We also support continued use of the Big Indian Creek airstrip, but suggest that the preferred alternative be modified to provide regular maintenance for this airstrip. Should the FWS decide not to provide maintenance, volunteer maintenance should be allowed to continue.

General Aircraft Use and Access

Two sections of the draft revised CCP/EIS, **Sec. 3.4.4.3 Airplane Landing Areas** and **Sec. 4.3.10 Airplane Access to Lakes in Designated Wilderness**, contain statements and predictions regarding aircraft use on the Kenai NWR that are not supported by any documentation or references in the document. Further, these statements do not appear to be an accurate portrayal of current use and future predicted aircraft use in this region.

The Commission is particularly concerned that the draft CCP/EIS contains no supporting documentation for the statement “Although precise estimates for total aircraft using the refuge do not exist, it is commonly accepted that such use is steadily increasing as the resident population on the Kenai Peninsula expands at the rate of approximately 2.5 percent per year” (Sec. 3.4.4.3, page 3-121). “Commonly accepted” and anecdotal information should not be used as the basis for management decisions affecting refuge resources as well as thousands of refuge visitors each year.

Additionally, the discussion in this same section attempts to draw a correlation between operations and use levels at the Lake Hood Seaplane Base and a “tremendous amount of airplane use” on the Kenai NWR. In fact, according to the **General Aviation Master Plan for Lake Hood Seaplane Base and Anchorage International Airport** (ASCG Incorporated of Alaska, 2006), at page 2-5, “Over the last 15 years [1989 to 2003], Lake Hood operations have declined by about 2.4 percent per year.”

Although the Lake Hood Master Plan (page 2-18) goes on to predict a modest increase in the number of operations at Lake Hood of between 0.7 percent and 1.3 percent per year between 2003 and 2023, it also points out (page 2-9) that “Between 1989 and 2003 the number of active pilots per capita [nationally] decreased by about 2.5 percent per year—the total number of active pilots in Alaska decreased by 1.2 percent per year while the population in Anchorage grew by about 1.3 percent per year.”

Finally, the Lake Hood Master Plan (page 2-11) goes on to predict that for Anchorage, due to a number of factors and trends, “the number of active pilots per capita is expected to decrease by about 0.3 percent per year over the forecast period.” The prediction is in sharp contrast to the assumption in Sec. 4.3.10 of the CCP/EIS that the “anticipated increase in population growth and an aging population for Anchorage and the Kenai would result in a corresponding increase in airplane ownership.

Given the importance of aircraft access to refuge visitors and the potential for impacts, both positive and negative, to refuge resources, the Commission urges the FWS to conduct the necessary studies or surveys to determine the current level of aircraft use on the refuge. These studies should also take an objective look at current trends and patterns in aircraft use for the region and make realistic projections for future aircraft use on the Kenai NWR.

Snowmachine Access

The Commission suggests modification of the preferred alternative to adopt the management direction in Alternative D. This alternative would give the refuge manager more flexibility in managing snowmachine use by allowing opening of the refuge based on a determination of adequate snow cover, but without the December 1 to April 30 timeframe.

In addition, the creation of zones within designated use areas that could be opened or closed depending on local snow conditions, rather than opening or closing the entire refuge would give even greater management flexibility in responding to public use demands. The Commission strongly supports the proposal to conduct studies with stakeholders as a means to evaluate the effects of snowmachine use on refuge resources and to form the basis of future management decisions.

Public Use – Middle Kenai River

The preferred alternative would allow non-guided public use on the Middle Kenai River to continue without restrictions on the number of users until a Limits of Acceptable Change (LAC) planning process is completed with stakeholders, including the State of Alaska. While the LAC process has been used in Alaska (Upper Kenai River Cooperative Plan and Gulkana Wild and Scenic River are two examples) it is not widely known to the general public. It would be beneficial to include an appendix in the final CCP that outlines the key elements of the LAC process and how various organizations, interest groups and the general public can participate in the process.

The statement (pg. 2-105) that special use permits for sport fishing guides “would be limited to the number of existing permittees, and existing permittees would be ‘grandfathered in’” needs clarification. Could new permits be issued if an existing permittee relinquished a permit, so long as the overall number remained the same? Does the number of existing permits form the baseline for the LAC process, or will the final overall number be determined as part of that process? Are the current permittees “grandfathered” in just until the process is completed? If the final number of permits is set through the LAC process and is lower than the current number, will the refuge implement a competitive selection process? We realize that these are questions that cannot be answered at this time, but they should be part of a discussion and explanation of the LAC process included in the final CCP/EIS.

Draft Proposed Regulations

Inclusion of the existing and draft proposed regulations for the Kenai NWR in Appendix D, along with a brief explanation of the regulatory process is appreciated. It is our experience that the public is not always aware that a implementation of a management plan usually requires additional steps beyond releasing the final plan. Because the time involved in the regulatory revision process, the Commission would suggest that the proposed regulation package be prepared as soon as possible after the selection of the final management alternative and published in the *Federal Register* as soon as possible following the approval of the Record of Decision for the CCP.

Step Down Plans

The Commission notes 5 existing and 9 future step down plans for the Kenai NWR scheduled for revision or completion within the next several years. We encourage the FWS to continue to provide the public with the opportunity to participate in the development or revision of these plans where appropriate and the opportunity for review and comment in all cases. This Commission looks forward to work with the Kenai NWR staff and the Regional Office planning staff in the years to come as these plans take shape.

The Commission appreciates the opportunity to comment on this plan. We regret that our short tenure did not allow us more time to review it and prepare more detailed comments. Please contact our office if you have questions or if we need to clarify anything.

Sincerely,

A handwritten signature in black ink that reads "Stan Leaphart". The signature is written in a cursive style with a large, sweeping initial "S".

Stan Leaphart
Executive Director