

STATE OF ALASKA

FRANK H MURKOWSKI
GOVERNOR

ANILCA IMPLEMENTATION PROGRAM

550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981
Sally_Gibert@dnr.state.ak.us

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Leslie Kerr
Refuge Manager
Kodiak National Wildlife Refuge
1390 Buskin River Road
Kodiak, AK 99615-0323

Dear Ms. Kerr:

The State of Alaska reviewed the Draft Revised Comprehensive Conservation Plan (CCP) and Environmental Impact Statement for Kodiak National Wildlife Refuge. This letter represents the consolidated comments of state resource agencies. We appreciate the productive interactions between the State of Alaska and the Fish and Wildlife Service throughout this lengthy and complex planning process. Through consistent and close coordination between the agencies and consultation with the public during scoping, many potential issues have been eliminated or resolved during development of this plan. As a result, we believe this document will become an important benchmark for future collaborative planning processes.

Our comments address the following the subject areas, followed by page-specifics.

- Waters Jurisdiction
- Wilderness
- Introduced Species
- Introduction of Fish Species
- Reduction in Moderate Management
- Helicopters
- Public use Cabins
- Mariculture and Aquaculture

Waters Jurisdiction

The State disputes the Service's contention that waters within pre-Statehood withdrawals were always reserved for the Federal government at the time of statehood. We appreciate the footnote on page 1-14 that recognizes this legal dispute. We request similar clarifications in other portions of the plan (pages 2-37, 2-40, and 3-1) that report on these assertions.

Wilderness

The State appreciates that the Service is not using the CCP revision process to re-evaluate wilderness recommendations under ANILCA 1317(a). The original CCP planning recommendations are a matter of public record, and Congress has the discretion to act (or not) regardless of the administrative record.

We recognize that the Kodiak Refuge contains wilderness values that must be considered in this planning document, pursuant to ANILCA Section 304(g). The State supports Service management actions that fully consider all refuge values, and that maximize the range of public uses available on the refuge. Since Kodiak Refuge has no formal designated Wilderness, we generally do not support actions that appear to give wilderness values a higher priority to the detriment of other resources, values and uses.

Introduced Species

We understand that, unlike most refuges in Alaska, the Kodiak Refuge contains an unusually high number of intentionally introduced species, and that some of these introduced species could cause undesirable impacts. We support the following statement from page 3-60:

There is limited information about deer population characteristics, status, and trends. No one has effectively studied or monitored influence of deer, elk or goat on native habitats. Information is needed so managers can maintain, where practical, populations of these introduced species at levels that maintain habitat integrity and provide continued harvest opportunities.

We are concerned, however, that part of the plan appears to over-emphasize possible impacts without sufficient documentation or the recognition that some species are now considered an integral part of the Refuge fauna (see pages 3-29 and 30). For example, while Sitka black-tailed deer are a non-native species introduced to the Kodiak Archipelago approximately 80 years prior to the creation of the Refuge, they have adapted well, become widespread and are now an integral part of the recreational and subsistence values of the area.

Many of the studies recommended in the goals and objectives portion of the Plan will foster the development of strategies for management on introduced species. The State looks forward to opportunities to work with the Service to study and develop management strategies for the non-native, but long-established, fauna of the Kodiak Archipelago.

Introduction of Fish Species

The CCP does not address the rationale for the change relating to species introductions as described on page 2-118, Table 2-5, Fish and Wildlife species introduction. The State does not object to eliminating the option to introduce species from outside the refuge (native species from elsewhere in North America), however we believe the new, more restrictive policy represented on this page goes too far. Specifically, we object to new management direction that would no longer allow the introduction of locally native fish species (native to the refuge) where it could be biologically justified in accordance with NEPA and a compatibility determination. We base our view on Section 304(e) of ANILCA, which states that fishery enhancement is an allowable management practice where compatible and in accord with sound fisheries management principles, and with similar direction under Section 5(4) of the Refuge Improvement Act. Limiting such localized introductions removes the flexibility of the Service and the State to consider enhancement projects, which could be highly successful in the development of fisheries resources such as the Frazer, Spiridon and Hidden Lake projects. We therefore request the final plan allow for consideration of the introduction of locally native fish species if such an introduction meets all state and Service criteria for scientific acceptability.

We also note that the language on page 2-118, Table 2-5, Fish and Wildlife species introductions, is more restrictive than the narrative management direction on page 2-60 for Fisheries Enhancement. The first paragraph on page 2-60 would allow enhancement projects, including the stocking of barren lakes, access to barren spawning areas and the construction of hatcheries and other enhancement actions. The proposed management alternatives in B, C, and D would prohibit those activities. Based on the rationale in the above paragraph, we request the Table on page 2-118 reflect the management approach on page 2-60.

Reduction in Moderate Management

Under preferred alternative D, over 30,000 acres of mostly coastal areas are proposed to be changed from Moderate to Minimal Management. This proposal is not specifically discussed or analyzed. We request articulation of the rationale for this change. We also request an analysis of potential effects on community-based economic activities such as mariculture or ecotourism development (trails, caching of rental boats, etc).

For example, the State is concerned that this change could lead to significant restrictions on the commercial fishing industry that uses a portion of the Refuge coastal uplands in support of their activities. Areas that could be affected by this action include the 7 Mile Beach and Spiridon Bay area within Uyak Bay, among other locations.

Changing these areas from moderate to minimal management reduces the Refuge's flexibility to react to changing needs and developments associated with adjacent land and resource managers. In our view, current refuge policy already unnecessarily restricts the ANILCA protected on-shore commercial fishing support activities. The more stringent management regime of minimal management as characterized on page 2-77 may further restrict these activities, even though the shore-based activities may be authorized in both management categories. Without additional analysis and assurances that the change in management categories will not further restrict legitimate, ANILCA protected uses of the uplands, we cannot support this action.

Helicopters

The information contained on page 2-62 regarding helicopters is potentially misleading to the public. The text states that "Helicopter landings for recreational activities are not allowed on Kodiak Refuge." We request the CCP explain the mechanism for prohibiting this activity, such as the following suggested language:

Regulations at 43CFR36.11(4) prohibit landing of helicopters except at designated landing areas by permit. It is the policy of Kodiak Refuge to not issue permits for the landing of helicopters for recreational purposes.

Public Use Cabins

The preferred alternative proposes to limit the number of public use cabins that can be constructed to nine, with the possibility of converting additional private cabins to public use when the refuge acquires title to private properties with suitable structures. We appreciate that the CCP proposes to accommodate the construction and/or conversion of additional cabins on Kodiak Refuge. Additional cabins will provide more opportunities for the visiting public, and

will enhance the widely accepted system public use cabin system. We also support provisions to consider moving low use public use cabins to areas of higher use. The State would be willing to work with the Service and other stakeholders in a public process to select locations throughout the refuge where public use cabins would have minimal impacts, yet allow for compatible public uses. While we appreciate and support these accommodations, the State continues to favor the approach in Alternative B that ties reasonable development of a public use cabin system to meet public demand, without establishing limits.

We also request consideration to allow private recreational use of permitted commercial use cabins within the Refuge. Currently, under 50 CFR 36.33, recreational uses of commercial use cabins is not permitted. Traditionally, many commercial use cabins were used by visitors for recreational activities such as hunting and fishing when not in use for their permitted commercial activities. Reviving such use would allow dispersal of recreation, reduce potential for bear conflicts and promote safety during the more inclement months on Kodiak Island.

Mariculture and Aquaculture

Regarding the table on page 2-119 addressing proposed changes in the CCP from the original 1987 CCP, we note that mariculture (and aquaculture) have been eliminated from consideration. The State requests the Service retain the current management direction of providing the option to consider mariculture and aquaculture support facilities in Moderate Management areas. While the State currently has no plans for new mariculture or aquaculture projects in the Kodiak Archipelago, we request this change to retain maximum management flexibility. Since there are no Intensive Management lands within the Kodiak Refuge the proposed management direction would effectively prohibit these activities.

Page-specific Comments

Page 2-17, Goal 7. The State appreciates the close coordination process that the Service has developed throughout the goals and objectives concerning fisheries. At the present time ADF&G is in the process of internally analyzing escapement goals for many areas of the State, including the Kodiak Archipelago. As revised escapement goals or management actions are developed we request the Service integrate them, where applicable and consistent with the Master Memorandum of Understanding, into the goals and objectives described in this section.

Page 2-72, Commercial Fishing and Related Facilities. The State has had continuing but unsuccessful dialogue with the Service concerning the issuance of special use permits in support of commercial fishing activities. Under separate cover, we will request the Service meet with the State to seek immediate resolution the long standing issue regarding the Service's narrow interpretation of allowed commercial fishing support activities pursuant to ANILCA Section 304(d). To the extent these issues are not resolved outside the CCP process, we request that the CCP increase the priority of the Kodiak Refuge Fisheries Management Plan revision (now slated for 2007) to complete the plan at the earliest possible time.

Page 2-73. Commercial Gathering of Other Resources. The first sentence references regulations at 50 CFR 27.51. Would 50 CFR 27.97 be a better fit?

Page 3-114. The State questions the applicability in Alaska of the primitive recreation description that states “Primitive recreation is nonmotorized....” ANILCA recognized the unique conditions in Alaska, and provided for the continuation of motorized use within all CSUs in Alaska, including wilderness. We suggest striking “nonmotorized” from the primitive recreation description.

Page 4-11. The State supports the Services’ proposed utilization of the guideline-only strategy for entry into some bear concentration areas as described in this section. While this may be a relatively new approach to the public’s use of these areas, it is not without precedent within the refuge system. The Ayakulik River area within the Kodiak Refuge is currently utilizing voluntary guidelines, developed with Service, State and stakeholder input, to decrease perceived social impacts on the recreational Chinook salmon fishery and to reduce impacts to wildlife. These voluntary guidelines have, so far, shown to achieve the goals for which they were developed and their utilization as the least restrictive means of regulation is welcome.

Should voluntary guidelines for entry into bear concentration areas prove inadequate to protect the resource values of the area, the Service would then be able to show that some regulatory action is necessary. At that time the Service could begin development of a regulatory process with the State and other partners to protect those resource values.

Page E-5, Justification Section. We request removal or revision of the last sentence of the first paragraph to indicate the Service is not entering into an allocation issue between commercial set net operators within the Kodiak Salmon Management Area. The Service may have received comments from some current permit holders that they would prefer not to have additional permits issued for a specific area; however, competition between users should not be a criterion for the Refuge to unintentionally or otherwise interfere with the State’s management of a commercial fishery. The Alaska Department of Fish and Game manages all salmon fisheries in the Kodiak Salmon Management Area at the direction of the Alaska Board of Fisheries. Limited entry permits for salmon are issued for the entire Kodiak Salmon Management Area, not for one side of Kodiak Island or the other. Resolution of allocation issues resides with the Board.

Thanks for your consideration of these comments. Technical comments (updated fish data, etc.) have been provided informally by state planning team members. We understand they will also be addressed in the final plan. If you have any questions, please contact me.

Sincerely,

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Sally Gibert
ANILCA Program Coordinator