

STATE OF ALASKA

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November 25, 2005

Rowan Gould
Regional Director
U. S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mr. Gould:

The State of Alaska reviewed the October 2005 Final Comprehensive Conservation Plan (CCP) for the Alaska Peninsula and Becharof National Wildlife Refuges. This letter contains the consolidated views and comments of the State's resource agencies.

The State congratulates the US Fish and Wildlife Service (Service) for bringing this plan to a conclusion. As the first revised plan to run the gauntlet between initial public scoping and a final decision document, we are well aware of the extensive amount of time and effort invested by Service planners, refuge staff and policy makers to reach this point. Solutions achieved for this refuge are already helping lay the groundwork for future CCP revisions for other Alaska refuges. As a result of the intensive work on the first CCP, we are confident that the remaining refuge plans for Alaska will reach a satisfactory conclusion much more quickly and easily.

In preparation for the Record of Decision (ROD) and subsequent printing of a trimmed down version of the plan itself, we request a few technical modifications that will clarify existing management intent. To the extent they are considered substantive, we request they be addressed in the ROD.

Transportation and utility systems. Section 2.16.6 starting on page 2-36 characterizes the process leading to the approval or disapproval of transportation and utility systems (TUS) pursuant to Title XI of the Alaska National Interest Lands Conservation Act (ANILCA). Under Minimal Management and Management of Wilderness, the associated Table (page 2-69) inadvertently omits the reference to this process, thereby implying that TUS applications would be precluded in Minimal Management and Wilderness Areas. We therefore request clarification in the Table for Minimal Management and Wilderness that applications for transportation and utility systems must be considered.

1.3.3 State of Alaska Coordination (page 1-8). The third sentence in the second paragraph of this discussion does not reference the Federal Subsistence Board as one process available for restricting hunting. We request that the re-published final plan include such recognition, as was included in previous drafts. (Also note the correct

closure regulation citation is 50 CFR 36.42.) We also request retention of this short but concise coordination section in the republished final document.

2.2 Refuge Goals and Objectives, Goal 1, Objective 2 (page 2-2). Because several important ANILCA provisions are based on Congress' protection of the Alaskan way of life on the newly created and expanded conservation system units, we specifically request both the republished final plan and the ROD address the following:

- 1) We request objective 2 be revised to address a more complete interagency study of “*activities and access*” prior to ANILCA. Previous drafts of the CCP focused on such general access studies, but the final document narrows the study to “*traditional subsistence access*” without explanation. A traditional subsistence access study inappropriately implies that it is possible to distinguish what is traditional and what is subsistence at the raw data-gathering phase. This approach is problematic because the pre-ANILCA uses occurred before these terms were used in either state law or ANILCA. The study will be complete, accurate and defensible if it documents all pre-ANILCA activities and access addressed by ANILCA Sections 811 and 1110(a) – even if the immediate management need is to learn more about just one activity such as subsistence use of off-road vehicles. We raise this issue in part because the Service already completed a partial study of pre-ANILCA off road vehicle access which lacks a monitoring plan to assess evolving subsistence needs and habitat.
- 2) The State continues to request that completion of pre-ANILCA activity and access studies be elevated in priority for all refuges. We request a commitment to this effort in the ROD.

2.11.4 FWS Jurisdiction over Waters within Refuges. We request clarification in the ROD about the relationship of water jurisdiction to federal subsistence management in response to the inaccurate last sentence on page 2-20. Alternatively, the sentence could be removed from the re-published final plan on the basis that subsistence management is already thoroughly and accurately discussed on page 2-33 under section 2.15 Subsistence Use Management. Another alternative is to replace the last sentence on page 2-20 with the following:

Under provisions of ANILCA, the Federal Subsistence Board regulates subsistence activities on rivers and lakes and limited marine waters within and adjacent to the external boundaries of the refuge. However, Alaska state regulations continue to apply in these areas unless otherwise superseded by federal regulations.

Also, in the next paragraph (top of page 2-21) we are concerned about the implication in the following sentence that the Service has unilateral authority over all activities based on upland land ownership: *Where waterbodies are nonnavigable within the Refuge, the Service has management authority over activities on water where adjacent uplands are federally owned.* We presume this implication is unintended since there are numerous

management authorities held by other state and federal entities within refuges relating to activities on waters, including Coast Guard boating rules, federal and state water pollution controls, and fish and wildlife harvest regulations. We therefore request a minor clarification in this section in the republished final and in future CCPs.

2.28.2 Public Use Management, Aircraft (page 2-88). The Aircraft paragraph attributes the following sentence to the 1994 Public Use Management Plan: *“There would be no limits on fixed-wing aircraft landings within the Refuges, except in the Becharof Wilderness Area.”* We understand there are no wilderness exceptions in the 1994 PUMP. More importantly, after discussion with Service representatives, we learned that regardless of what management direction existed previously, the revised CCP fully replaces (not supplements) previous step-down plans. For the benefit of future managers and the public, we request that the ROD and/or republished final document clarify the relationship between the revised CCP and past planning efforts.

H-71 Compatibility Determination, Scientific Research. The third bullet from the bottom states that “Fuel caches are prohibited.” We recognize that research by the State conducted in cooperation with the Service is not hampered by this prohibition; however other entities, such as universities, may need fuel caches in the conduct of some of their scientific work. In recent discussions with Service representatives, we learned that researchers have the option to seek a customized CD from the Refuge Manager when fuel caches – or other exceptions to the standard CD stipulations – are needed. This option is not apparent based on the current document. We would appreciate clarification in the ROD so that other researchers are aware of this option if the need arises.

2.11 Cooperation and Coordination with Others. We request a small change regarding the scope of state coordination in the re-published final plan in the first sentence of the first full paragraph on page 2-19, as follows:

When the Refuge is aware of issues involving management jurisdiction or authority over submerged lands or other ~~areas~~ resources, it will, under appropriate situations, coordinate with the State of Alaska.

We would like to see this change because this paragraph previously addressed state/federal coordination associated only with submerged lands. The new location addresses coordination with other entities generally, so it makes sense for this discussion to more broadly acknowledge application to other resources where the State has some degree of jurisdiction, such as uses of water, water quality and fisheries. If this comment is not sufficiently substantive to address in the Alaska Peninsula/Becharof republished final plan, we request this change in future CCPs.

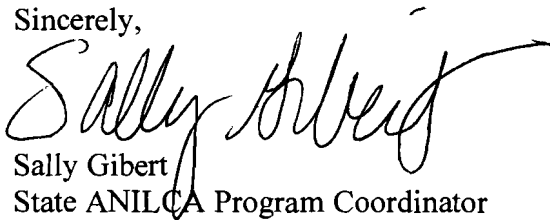
2.32.1 Preferred Alternative Management Direction. A study of pre-ANILCA access on the refuge has not been completed; therefore the first bullet on page 2-110 summarizing Alternative 3a is not consistent with the actual management intent as stated in section 2.16.2 on page 2-36. We understand, however, that the summary discussion will not appear in republished final document so our comment for the record does not need to be further addressed in the ROD.

I-16 Response to Comments, second paragraph. Similarly, without a pre-ANILCA access study, it is inappropriate to conclude that a specific form of recreational access did not occur prior to designation. We understand that the response to comments will not appear in republished final document so our comment for the record does not need to be further addressed.

References to “high” quality. Even though a few references to “high quality” remain in the plan (e. g. pages 2-10 and 4-59) and in various compatibility determinations, we presume they are inadvertent. We appreciate the Service’s commitment on page 4 of the response to the State to manage the refuge consistent with the definition of “quality” found on page xxci in the CCP.

Thank you for your consideration of these technical issues and concerns as you look toward signing the Record of Decision. As you know, there remain a few outstanding policy issues at the national and state level that are not specific to the Alaska Peninsula/Becharof CCP. In the interests of supporting your efforts to move this plan forward, we expect to pursue them in other forums. We greatly appreciate your willingness to work with the State of Alaska on refuge planning in Alaska.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally Gibert". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Sally Gibert
State ANILCA Program Coordinator