

STATE OF ALASKA

SARAH PALIN, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

550 W. 7TH AVENUE, SUITE 705
ANCHORAGE, ALASKA 99501
PH: (907) 269-7477 / FAX: (907) 334-2509
sally.gibert@alaska.gov

January 18, 2008

Paul Liedberg
Refuge Manager
Togiak National Wildlife Refuge
P. O. Box 270
Dillingham, Alaska 99576

Dear Mr. Liedberg:

The State of Alaska reviewed the Draft Revised Comprehensive Conservation Plan (CCP) and Draft Revised Public Use Management Plan (PUMP) for the Togiak National Wildlife Refuge. This letter represents the consolidated views and comments of the State's resource agencies.

As you know, the State has been a partner with the Refuge ever since the development of the first Public Use Management Plan in 1991. The state-owned navigable waters and streambeds, and their world class fisheries, provide the foundation for much of the public use of the Refuge. Continuing cooperation between the Refuge and the State is critical to ensuring the long-term health of the land and water-based natural resources and maintaining opportunities for a quality recreational experience. The Refuge's 1991 PUMP was developed in close cooperation with the State and was accompanied by corresponding state camping limits through the designation of Special Use Land by the Alaska Department of Natural Resources (DNR). This state designation helped protect prime riverside camping areas from overuse and ensured greater availability to more parties. Subsequent actions by the Board of Fisheries also reduced fish harvest levels to help take the pressure off some of the rivers. These actions demonstrate the State's long-term commitment to working with the Refuge to protect these resources and opportunities.

We understand that the CCP and PUMP are likely to remain in effect for twenty years, and perhaps longer, creating a challenge for present managers to anticipate possible future problems and appropriate management responses in the coming decades. We also appreciate the Refuge's interest in using the current revision process to proactively address potential future management challenges, including the potential for over-use of the navigable waterbodies or refuge uplands. At the same time, the State does not believe that certain aspects of the plan, particularly the proposed limits on unguided use, are warranted under present conditions and use trends.

As an alternative to imposing unguided use limits now, we propose the following more incremental and judicious approach to address those issues which may emerge over time through

an on-going evaluation process. This effort would be similar to the proposed Public Use Monitoring Plan – although enhanced to take on elements of a “Limits for Acceptable Change” process. We acknowledge the Refuge’s concern that doing nothing at this time would not serve the long-term public interest, and that there may indeed be emerging issues over the life of the plan that will warrant a state and/or federal management response. We are also interested in broadening the consideration of management tools beyond federal use limits. For reasons further articulated later in these comments, use limits of a public resource are the most restrictive management tool available and should only be employed as a last resort, after less restrictive means have been considered and tried. The level of use is presently still low, has been stable or decreasing in recent years, and does not warrant the most restrictive tool available, amounting to a prohibition of use for some members of the public.

Outline of the State’s alternative to unguided use limits

- No unguided use limits now.
- Work cooperatively with the State of Alaska to further define the issues of interest to the Refuge, the State and the public. The Service’s proposed Public Use Monitoring Plan, excerpted here for reference, contains many of the elements of this endeavor.

Public Use Monitoring Plan

Due to the complex nature of public uses within the Refuge, a detailed system for measuring change over time is needed to evaluate the effectiveness of actions taken as outlined in this Comprehensive Conservation Plan. To accomplish this task, the Refuge will work with cooperators to identify important indicators of subsistence and wildlife-dependent recreational opportunities. The Public Use Monitoring Plan will also establish standards for each of these indicators needed to meet Refuge goals and objectives, along with management actions to be taken should these standards be threatened or exceeded. Techniques to be used for measuring indicators will be identified through this step-down plan.

- If necessary, initiate a full Limits of Acceptable Change (LAC) process in cooperation with the State. A summary of how the LAC process works is attached, along with links for more information. We realize an LAC process requires a significant commitment of staff resources, and state agencies are prepared to engage as appropriate on survey design, public involvement, etc. We recently completed a successful LAC process with the Bureau of Land Management for the Gulkana River. We realize that Gulkana and Togiak public use issues are in some ways different, but the LAC process itself is designed to be responsive to site-specific circumstances.
- For all phases of implementation, we encourage consideration of a broad array of tools – not just use limits. State tools, such as those already provided in DNR’s Special Use Land Designation (SULD), can address many issues without triggering jurisdictional concerns. Use of the Board of Fisheries process is also available and does not carry some of the statutory constraints that guide DNR. While we recognize that some form of use limits might become an appropriate tool under very rigorous circumstances in the future, we do not envision a need for them and believe that mutually acceptable management objectives can be accomplished in other ways.

Critique of Immediate Unguided Use Limits

- **The PUMP does not provide sufficient justification for the non-guided permit system and does not meet the standards for prohibition or restriction in the Alaska National Interest Lands Conservation Act (ANILCA) Section 1110(a).**

Discussions scattered throughout the PUMP state or imply justification based on campsite conditions, availability of preferred fish species, opportunities for solitude, equity of opportunity, and protecting a “*wilderness fishing experience*.” Most of these issues are not addressed in depth, and the offered rationale is neither compelling nor well-supported. Attention is placed on wilderness values, but the plan does not make an adequate case that wilderness values on refuge lands are, or will be, sufficiently harmed or impacted to warrant restriction of a public use and method of public access specifically protected by ANILCA. We also disagree with much of the analyses and conclusions. Assumptions used to support the unguided use limits are not supported by reliable, up-to-date data or appropriate analysis. The reporting and interpretation of the user surveys appears designed to favor the desired outcome. These concerns are supported in our general and page-specific comments on the PUMP.

- **The PUMP does not justify refuge control of navigable waterbodies.**

This plan portrays the unguided use permit system as a limit on refuge uplands; however, as noted above, the clear intent and effect is to prohibit selected public use of the affected rivers themselves. In order for the Refuge to seek to control, limit and effectively prohibit general public use of a state-owned navigable waterbody, the Refuge must first demonstrate a real nexus between that level of use and actual or reasonably certain adverse impacts on refuge uplands, which can be remedied only in the manner proposed. The State holds a sovereign public trust authority and responsibility to manage and control its navigable waterways for the public use and benefit, including the public right of travel. A nexus must be very compelling in any attempt to justify defeating this sovereign authority, and should be asserted sparingly, if at all. The State strongly opposes any implied or asserted nexus on the Togiak Refuge, since the level of use is still low. The activity proposed for limitation and prohibition by federal regulation is float trips for fishing and access by the public – in particular those who cannot afford or choose not to pay for a guided trip. Use of refuge uplands are only incidental to this activity, and the Refuge can be protected by other, less intrusive means.

- **Regulation of unguided use on navigable waterbodies is not consistent with ANILCA Section 103(c).**

Section 103(c) provides in part: “*No lands which, before, on, or after the date of enactment of this Act, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units.*” The Submerged Lands Act of 1953, applicable to Alaska through the Alaska Statehood Act, grants “(1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, [including specifically “fish”] and (2) the right and power to manage, administer, lease, develop, and use the said lands and

natural resources all in accordance with applicable State law.” The primary purpose of the proposed regulation limiting unguided use appears to be reducing the number, and particular class, of persons, including Alaska residents, traveling and utilizing the State’s navigable waters and resources “*in accordance with applicable State law*” – contrary to Section 103(c), other applicable law, and the broader public interest.

Our remaining comments are organized as follows:

Comprehensive Conservation Plan (page 4)

- General Comments
- Page-Specific Comments by Chapter

•

Public Use Management Plan (page 16)

- General Comments
- Page-Specific Comments by Chapter

•

Compatibility Determination (Page 28)

- General Comments
- Page-Specific Comments by CD
- Regional Stipulations

COMPREHENSIVE CONSERVATION PLAN

General Comments

Our most important issue with the CCP concerns the refuge-specific changes made to the regional management guidelines. A number of changes were made that seem to be unnecessary and/or unjustified. Most of the substantive planning issues affecting public use are embodied in the PUMP. For the record, we would also like to speak to the complex relationship between the Service and the State during this planning process. We acknowledge that the State was represented on the CCP/PUMP planning team and that this forum was a valuable opportunity to discuss planning issues. On the other hand, the planning team itself did not write the plan, which explains why we have substantive comments on the outcome. We also appreciate that the Service has been an excellent partner in coordinating the concurrent update of DNR’s Special Use Land Designation, including seamless public involvement. We are confident the public has benefitted by this approach.

Off-Road Vehicles

We appreciate the detailed discussion in section 3.5.4 (pages 3-46 through 3-50) of access methods used by refuge area communities from 1940 to 1986 and since 1986. Based on the cited published sources, the discussion concludes that while off-road vehicles (ORVs) were used extensively by local rural residents, they were only infrequently used to access refuge uplands for subsistence purposes since 1980 (i.e. ORV use on the Nushagak Peninsula for trapping during periods of low snow cover). Instead, skiffs and snowmachines were the primary mode of

access to harvest fish, wildlife, marine mammals, and other resources. While ORVs are not referenced in the “*Contemporary Refuge Access*” section on page 3-49, the refuge is still considered open to ORV use for subsistence purposes per ANILCA Section 811. If the Service determines that restrictions on subsistence use of ORVs are necessary to protect refuge resources, we request clarification in the final plan that refuge-specific regulations will be promulgated based on a larger-scope study of all pre-ANILCA activities and access.

Other specific CCP comments follow in chronological order, not in order of importance.

CCP Chapter 1: Introduction

Page 1-10, 1.4.3 State of Alaska Coordination, first full paragraph: This paragraph, which appears as standard language in other CCPs, acknowledges that DNR manages “*the state’s water and land interests within and adjacent to the Refuge.*” In light of the applicability and clear language within the State’s SULD regarding navigable waters specific to the Togiak Refuge, we request this section additionally clarify that state management direction in Appendix C applies to the beds of all navigable waters in the Togiak Refuge and to the lower Goodnews River.

Page 1-11, 1.5.1, Refuge Purposes: Based on the second sentence in the first introductory paragraph on page 1-10, the last purpose under 1.5.1 on page 1-11 is inadvertently attributed as a direct ANILCA purpose in Section 303 (especially since the previous ANILCA purpose is not numbered). We request this purpose be correctly attributed to Section 2(a) of the Wilderness Act.

Page 1-13, 1.6.3: The second sentence says that subsistence is the most “*important*” human use of the Refuge, which may imply a value judgment instead of a reference to relative magnitude. We suggest revising this word to “*prevalent*” or something similar.

Page 1-20, 1.7.6: This section needs to explain to the public the alternative outcomes of the National Environmental Protection Act (NEPA) process that go into developing a final plan for the refuge. As written, it assumes a Finding of No Significant Impact will be signed regardless of the outcome of the public process. For example, an Environmental Impact Statement is also a possible result.

CCP Chapter 2: Refuge Management Direction and Alternatives

Page 2-2, 2.2.1, Vision, Goals and Objectives: We request the addition of the following introductory paragraph from the Kanuti Refuge Draft Revised CCP (page 2-27).

Cooperation with State and Federal agencies and other organizations is a critical component to successfully meeting most of the objectives listed below. This cooperation can take a variety of forms, ranging from reviewing and revising study plans and reports to cooperating on data collection and report completion.

In addition, we suggest consideration of additional features of the Kanuti introductory section, including the definitions of Goals, Objectives and Strategies, why some apply specifically to one

Goal but may be part of many Goals, etc. It would also be helpful to note that the Vision, Goals and Objectives are the same for both the CCP and the PUMP.

Page 2-4, Strategies 1.7.4 and 1.7.7: These objectives overlap responsibilities of the Alaska Department of Environmental Conservation (DEC). For water quality assessments, we recommend contacting Laura Eldred in the Division of Water 907-376-1855 to see what information may already be available and to coordinate any new collection efforts. For water quality contamination issues, we recommend contacting William Ashton at 907-269-7564; and to coordinate efforts concerning sampling of fish, contact DEC's Office of the State Veterinarian, Dr. Robert Gerlach at 907-375-8214.

Page 2-5, Objective 2.1: The relationship between the Public Use Monitoring Plan, the Public Use Management Plan and the Comprehensive Conservation Plan are unclear, both here and in Chapter 6. We request more information about these relationships, especially if the monitoring plan is enhanced as we recommend. We also request a reference to working with state agencies and others as appropriate. We also suggest renaming the monitoring plan to reflect that it will do more than "monitor," and to make the acronym different from PUMP.

Page 2-8, Goal 3.2, strategies for fish and wildlife: We request addition of a strategy to acquire baseline population data on rainbow trout in Kuskokwim Bay drainages, focusing on these three rivers in order of importance based on estimated levels of use: Kanektok, Goodnews and Arolik rivers. We note that the Refuge does include some general strategies to study fish, but a comprehensive study concerning rainbow trout, including radiotelemetry and/or mark recapture studies, in addition to genetics-based studies, would provide particularly vital information for monitoring fish populations. Rainbow trout are the most sought after recreational fish in the area, as well as an important fish for subsistence use, so the Alaska Department of Fish and Game (ADF&G) would welcome cooperation with the Refuge on such a study.

Page 2-9, 2.2.1.2, Objective 3.2.4: We support this objective, but request the following technical revision: "*Monitor and evaluate the effects of harvest of ~~refuge~~ fish and wildlife within the refuge.*" This revision avoids the implication that the Service has primary jurisdiction over fish and wildlife resources.

Page 2-11, 2.2.1.2, Objective 4.2: This objective, while well-meaning, implies that merely promoting these techniques will guarantee an unimpaired wilderness experience. We recommend more realistic wording, such as "... *and to help future visitors enjoy an unimpaired wilderness setting.*"

Page 2-74, Table 2-2, Bicycles: The inclusion of this row is not apparent. This mode of access is not specifically addressed in either Alternative.

Page 2-74, Table 2-2, Cleared Landing Strips and Areas: The summary is inaccurate when compared with Table 2-1. We suggest the direction for Wilderness in the middle column be changed to "*New Strips Not Allowed*" if this table is retained in the final plan.

Management Policies and Guidelines

We will not belabor this letter with a detailed analysis of all the unnecessary and apparently unwarranted changes to the Regional Management Policies and Guidelines. We understand that those guidelines have changed several times over the course of the lengthy planning process, but are also aware that they were finalized some time ago. Instead we are providing examples of the more substantive or potentially substantive modifications. Unless otherwise noted, we request all variations revert to the Regional Management Policies and Guidelines or provide justification for the refuge-specific alternate approach.

Table Inconsistencies with the Narrative

Please note: Not all substantive inconsistencies between the Table and the Narrative are listed here.

Page 2-26, Helicopter Air Taxis: The direction to not allow helicopter air-taxi landings in Minimal management, with exceptions, is not supported in the narrative section. It is clear that 43 CFR 36.11(f)(4) would make it possible to authorize helicopter landings on a case-by-case basis, as appropriate. The relevant exceptions in the regional management guidelines for commercial use in Wilderness, per the Wilderness Act, Section 4(d)(1), have been removed from section 2.2.4.14 “Helicopters” and need to be reinserted to validate direction in the Wilderness management column.

Page 2-28, Small Hydroelectric Power Development: The narrative notes that this facility “*may be authorized on a case-by-case basis*” (2.2.4.18 “Other Commercial Uses”). The regional management guidelines includes the caveat that this applies to “*Intensive and Moderate management areas*” only. The resolution must therefore be either changing direction in the Table to “*May be authorized*” for Minimal management or adding the caveat from the regional guidelines to section 2.2.4.18.

Narrative Comments

The Introduction in the regional management guidelines is essential to understand the guidance and direction provided in the narrative, and explains how appropriate justification may lead to refuge-specific changes of regional policy. The introductions provided for the Management Categories, the Management Categories Table and the Management Policies and Guidelines are all supplemental to this main introduction. We request that the full Introduction be included as a critical component to this section.

In the final plan, please reinstate the Intensive and Moderate management discussions, even though they are not intended to apply to the Togiak Refuge at this time. These sections are necessary for understanding the narrative and the range of possible management intent for refuges in Alaska.

In the following examples, we use the shorthand “CCP” to refer to variations made to the Regional Management Policies and Guidelines “RMG.” We request the CCP revert to the

original Regional Management Policies and Guidelines unless there is a refuge-specific justification for the modified approach.

Page 2-14, 2.2.2.2 Wilderness, fourth paragraph, first sentence:

CCP: *“Permanent structures are generally prohibited; excepted are...”*

RMG: *“Permanent structures are generally prohibited; examples of exceptions are...”*

Since not all of the available exceptions are listed in this paragraph, it is essential that this opening sentence be appropriately comprehensive.

Page 2-16, 2.2.3.2 “May be allowed”:

CCP: *“Activity, use, or facility may be allowed subject to site-specific NEPA analysis, a specific compatibility determination, and compliance with all applicable laws...”*

RMG: *“Activity, use or facility may be allowed subject to site-specific NEPA analysis, an appropriate use finding (when required), a specific refuge compatibility determination (when required), and compliance with all applicable laws...”*

Although the “*appropriate use finding*” may be inferred by including the “*compatibility determination*” requirement, is there any consequence to the removal of the “*when required*” language?

Page 2-18, 2.2.4, Management Policies, third sentence:

CCP: *“sport hunting”*

RMG: *“hunting”*

This term is no longer used in ADF&G regulations and has developed a negative connotation over time, especially in rural Alaska. (The term sport fishing, however, is not problematic.)

Page 2-38, 2.2.4.9 “Other Constituencies,” third sentence:

CCP: *“...local residents and special interest groups...”*

RMG: *“...local residents and other stakeholders...”*

This sentence was carefully worded in the regional management guidelines. Not all non-local resident “stakeholders” are members of special interest groups.

2-40, 2.2.4.10 “Water Resources (Hydrology) Management”, second bullet:

CCP: *“Estimate flow for ungauged refuge streams”*

RMG: *“Estimate flow for ungauged streams within the refuge”*

This sentence was specifically worded in the regional management guidelines to avoid any implication of ownership, and a refuge-specific change is not justified.

Page 2-45, 2.2.4.12 Fish and Wildlife Population Management, first paragraph:

CCP: *“The Refuge will be managed consistent with [601 FW 3]...”*

RMG: *“The Refuge will be managed in accordance with the purposes of the refuge and consistent with [601 FW 3]...”*

A refuge-specific change is not warranted. ANILCA and Service policy may conflict at times, and it is vital for the reader to understand ANILCA, as a statute, typically prevails.

Page 2-49, 2.2.4.12: The entire section on “Disease Prevention and Control” is missing. This omission also has Table implications. Please reinstate this section.

Page 2-53, 2.2.4.14 Helicopters, second paragraph:

CCP: *“Helicopter landings for recreational purposes are not allowed on Togiak Refuge.”*

RMG: *“Helicopter landings by commercial operators and for general public access are generally not allowed in designated Wilderness. Where such use was established prior to Wilderness designation, it may be allowed to continue.”*

We understand that the previous Togiak Refuge CCP did not allow helicopters for recreational purposes, but this does not supersede legislation and regulation. The information included in the regional management guidelines appropriately addresses exceptions in legislation, and the first paragraph of this section outlines the regulations that allow this use to be considered on a case-by-case basis. Under these circumstances, the CCP language either needs to be removed or refuge-specific justification provided. See also Table comment on “Helicopter Air Taxis.”

Page 2-57, 2.2.4.16, Public Use Facilities, first paragraph, first sentence:

CCP: *“Facilities may be provided to support certain recreation uses.”*

RMG: *“Facilities may be provided to support certain recreation and other public uses.”*

Recreational use is not the only form of public use in Alaska refuges, and many facilities recognized as public use facilities are used for multiple purposes. The regional management guidelines appropriately support this distinction.

Page 2-57, 2.2.4.16, Public Use Facilities, first paragraph, third sentence:

CCP: *“Public use facilities may include trails, boat-launch sites, airstrips...”*

RMG: *“Public use facilities may include roads, trails, boat-launch sites, airstrips, campgrounds...”*

Excluding both “roads” and “campgrounds” has substantive implications for the Table and other sections within the narrative. These two structures can readily be defined as public use facilities, and direction in the regional management guidelines was written assuming their inclusion. Reinserting these facilities as examples does not mean that the Refuge intends to provide or authorize them.

Page 2-61, 2.2.4.18 “Commercial Recreation Services,” second paragraph:

CCP: *“Helicopter landings for recreational purposes are not allowed on Togiak Refuge and permits for helicopter air taxis will not be issued.”*

RMG: There is no parallel paragraph in the regional guidelines.

See comments for “Helicopter Air Taxis” in the Table and page 2-53 in the Narrative.

Page 2-65, 2.2.4.20 Management of Designated Wilderness, bullet list: The following ANILCA provisions, as stated in the regional management guidelines, are missing from the CCP:

- Construction and use of cabins for traditional and customary uses (Section 1303)
- Use of facilities associated with the exercise of valid commercial fishing rights (Section 304(d))
- Construction and maintenance of navigation aids and other facilities (Section 1310)
- Continuation of existing and construction of new, public use cabins (Sections 1315(c) and (d))

Additionally, the regional management guidelines divide this bulleted list into Section examples which affect public uses and administrative uses. This importantly affects the final bullet on page 2-65, which is an **access** exception for **administrative** assessments.

CCP Chapter 3: Affected Environment

Page 3-1, 3.2, Land Status: There is no recognition of state-owned waterways within the Refuge in the Land Status section, not even in a generic sense. Without this information, there is little, if any, indication for the public about to what lands and waters the state Special Use Land Designation applies.

Page 3-3, Generalized Land Status Map: Consistent with other refuge CCPs for refuges created by ANILCA, we request the addition of a generic footnote noting that the State owns the beds of navigable waterbodies. We appreciate the inclusion of other state and federal conservation units, including Wood-Tikchik State Park and Walrus Islands State Game Sanctuary. To complete the map we request that it also include Cape Newenham State Game Refuge.

Page 3-8, 3.5.6.1, Human Waste Contamination: While the possibility of diseases being spread by contaminated water is possible, including references to cholera and typhoid fever seems to be an unnecessary or exaggerated threat in the context presented, especially in light of the page 3-7 conclusion to 3.3.6 and the last sentence on page 3-8.

Page 3-8, 3.3.6.1, Human Waste Contamination, last sentence: Please clarify in the final plan that human waste is identified as a significant planning issue in the PUMP and not in chapters 1 and 2 of the CCP and that it addresses “*aesthetics*” and “*trespass*” issues, not contamination (see PUMP, Chapter 1, Issue 3).

Page 3-17, first and third full paragraphs on page: It is our understanding from the issues identified in the revised PUMP (pages 1-9, 1-11 through 1-12) that the potential for visual impacts and trespass are more fundamental planning issues than contamination of water quality. Please clarify these matters in the final plan to maintain consistency and proper identification of the prevailing refuge issues.

Page 3-19, 3.4.2.1, Fish, first paragraph: Subsistence salmon use permits are required by ADF&G in all Bristol Bay drainages, including the Togiak drainage. No subsistence use permits

are required in the Kuskokwim drainage, but individual household surveys are conducted by ADF&G in all Kuskokwim drainage villages, including those near the Kanektok and Goodnews rivers, to obtain harvest and other use information.

Page 3-19, 3.4.2.1, Fish, second full paragraph, first sentence: This sentence is inaccurate. Air-taxi services are required to submit trip reports but individual, unguided groups are not.

Page 3-19, 3.4.2.1, Fish, data collection and reliability comments. The first three full paragraphs on this page imply that this public use information collected by the Refuge is the most accurate and reliable available. Other available data sets may provide reliable information depending on the circumstances and needs of the request. In particular, the Statewide Harvest Survey provides reliable and consistent information over a long period of time. The recently introduced Freshwater Guide Logbooks have proven to be highly reliable in their reporting of public uses, including ground proofing of data for reliability. We request the final plan recognize and use, as appropriate, such supplemental data.

Page 3-20, 3.4.2.1, Salmon: More recent data concerning salmon stocks in the Kuskokwim and Bristol Bay areas are available:

Pawluk, J. A. and P. W. Jones. 2007. Kanektok River salmon monitoring and assessment, 2006. Alaska Department of Fish and Game, Regional Information Report No. 3A07-07, Anchorage.

Jones, P.W. and J.C. Linderman Jr. 2006. Kanektok River salmon monitoring and assessment, 2005. Alaska Department of Fish and Game, Fishery Data Series No. 06-48, Anchorage.

Pawluk, J. A. and P. W. Jones. 2007. Goodnews River salmon monitoring and assessment, 2006. Alaska Department of Fish and Game, Fishery Data Series No. 07-51, Anchorage.

Page 3-23, 3.4.2.1, Kanektok and Arolik River Fisheries, first full paragraph: It appears this paragraph may be inappropriately mixing the terms “*harvest*” and “*catch*.” “*Catch*” includes *all* fish released *and* retained; “*harvest*” refers to *only* the portion of the catch retained. Please clarify.

Page 3-30, Section 3.4.2.3, Caribou: This discussion of the Mulchatna caribou herd in the second full paragraph does not reflect the herd’s current status and the more restrictive regulations that have been implemented for conservation purposes. This also applies to the first paragraph on page 3-32.

Page 3-41, 3.5.3.2, Economy: The information in this section is dated, particularly paragraph three. We recommend utilizing ADF&G’s 2006 Bristol Bay Area Annual Management Report. While salmon returns to some Bristol Bay management areas in the late 1990s did display declines from the near term average, returns since that time have rebounded and display the normal variation expected in wild salmon stocks. The value of the catch has also increased since

the late 1990s, with the 2006 value estimated at \$93 million, though prices remain below the historic highs seen in the 1980s.

Pages 3-50 to 3-54, Section 3.5.5, Subsistence. This overview of subsistence activities on the refuge summarizes some information from selected published sources that can be consulted for more detailed information. Another recent source that could be added to the bibliography is:

Holen, Davin L., Theodore M. Krieg, Robert Walker, and Hans Nicholson 2005
Harvests and Uses of Caribou, Moose, Bears, and Dall Sheep by Communities of Game
Management Units 9B and 17, Western Bristol Bay, Alaska 2001-2002. Alaska
Department of Fish and Game, Division of Subsistence Technical Paper No. 283.

Page 3-51, 3.5.5, Subsistence, first full paragraph. This paragraph tends to attribute all the values of the Togiak Region to the Refuge itself, which is not consistent with either management authorities or land status. If used in the final plan, at a minimum we request the first sentence be revised as follows: “*A wide variety of subsistence activities occur year-round on **or near** the Refuge.*”

Page 3-52, 3.5.5.2, first paragraph, first sentence: While we do not object to inclusion of this information, almost all of the use described is outside of refuge boundaries. If used in the final plan, we request this fact be acknowledged. For example, the first sentence could include the added phrase at the end: “*...which is outside the refuge boundaries.*”

Page 3-55, 3.5.6.1, Overview, second full paragraph: This description overstates the intent of the 1991 PUMP regarding the 50/50 allocation between guided and unguided use. The CCP says the PUMP “*indicate[s] that long-term management should be directed toward a 50/50 allocation of guided and unguided use.*” However, in the original PUMP, this allocation “*has only been used as a means to allocate guided use*” (page 55, 1991 PUMP). Furthermore, page 35 of the original PUMP says that when unguided use reached 50%, “*revision of the plan would begin.*” We are concerned about incorrect implications that the original PUMP assumed that unguided use restrictions would automatically be warranted when use reached 50%. Also see current revised PUMP language on page 1-1 (last line) to 1-2 (1st 6 lines), which calls for “*additional analysis.*”

Page 3-55, 3.5.6.1, Overview, second full paragraph, third sentence: The text says:

The headwaters and upper stretches of these rivers are located within the remote Togiak Wilderness – which, for many visitors, is an attraction equal to the opportunity to catch fish (Whittaker 1996).

A review of Whittaker 1996 shows that this statement is an inappropriate extrapolation of the actual survey results. While visitors value attributes associated with wilderness (natural place, scenery, solitude) they were not explicitly asked about the value or importance of the Congressionally-designated Togiak Wilderness or if they were visiting because the area was **designated** Wilderness. Many areas in Alaska have wilderness values, including those outside designated Wilderness. What Whittaker does state is that “*These results suggest that users are interested in multiple satisfactions from their trips – not just good fishing.*”

Page 3-56, 3.5.6.1, Overview, second full paragraph, third sentence: The discussion that unguided recreational fishing has increased 200% since 1990 is not presented in an unbiased fashion. Figure 3-6, Lafferty 2004 and USFWS 1991-2002 (page 3-23) show that angler effort peaked in about 1988, likely in part because other nearby rivers were closed that season. Then in 1990, use was significantly lower, and it was the first year that the Refuge apparently started collecting data. Inclusion of pre-1990 data would significantly shift downward the reported 200% increase. If the data started in 1988 or earlier, and included the most recent years, we suspect that the long term use trends might appear almost flat. See additional comment and associated graphs below for CCP page 3-58.

Pages 3-56, Figure 3-10; and 3-58, Figure 3-12: The note preceding Figure 3-10 says that the trend “*does not appear to deviate significantly from earlier trends.*” Yet the footnote on page 4-7 of the PUMP does not seem to be consistent with this statement. We request the final plan include more recent data.

Page 3-58, 3.5.6.2, Kanektok River, Guided Recreation, carryover paragraph, last sentence: If used in the final plan, we request that the statement asserting use on the lower Kanektok River “*has increased substantially*” be attributed to a data source with a specific timetable.

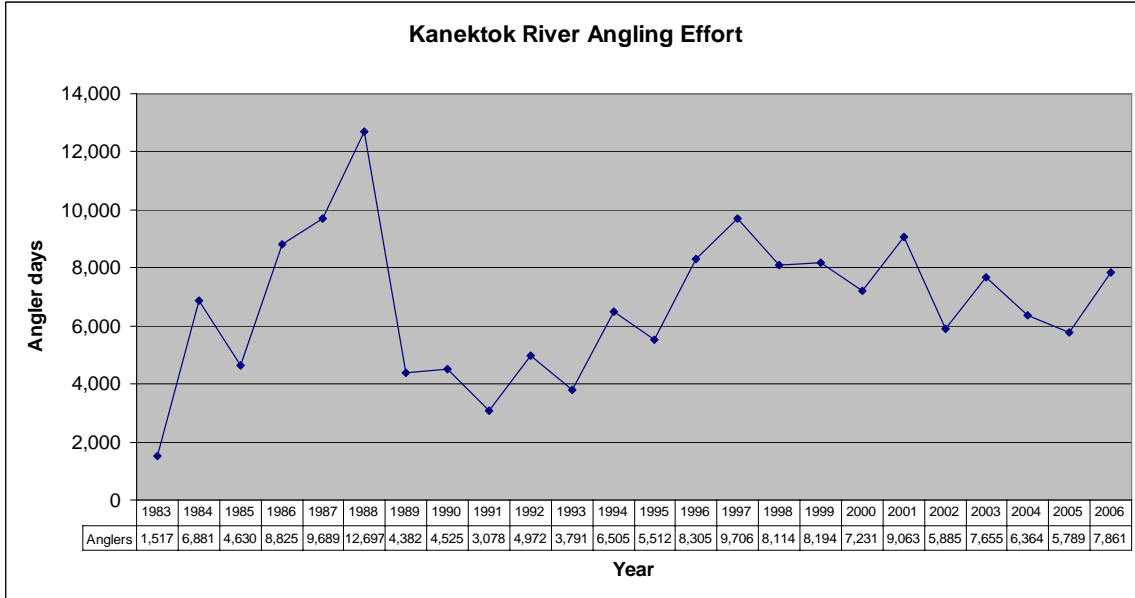
Page 3-58, Unguided Recreation, first sentence: See comment about reported use trends for page 3-56, 3.5.6.1, Overview, second full paragraph, third sentence.

Page 3-58, Unguided Recreation, third sentence: It was earlier noted that hunting trips leaving from Kagati Lake have lately tapered off. Without that very relevant context, this sentence appears to support the assertion of “increasing” public use.

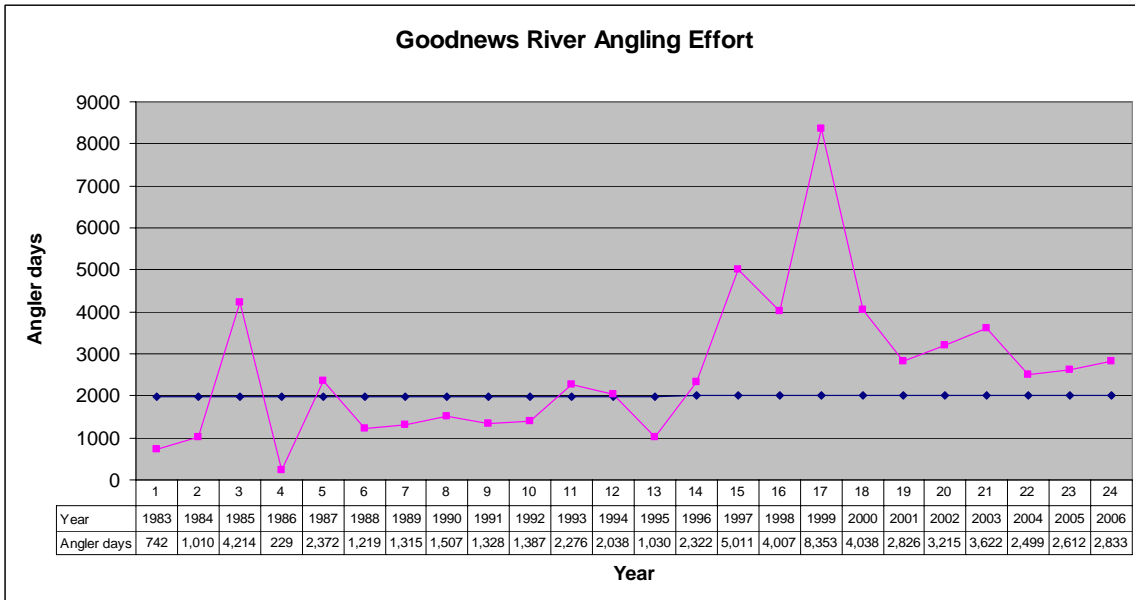
Page 3-58, Unguided Recreation, last sentence: For perspective, it should be noted that these use numbers equate to an average of 1 party every 4-5 miles during peak times.

Page 3-58, 3.5.6.2, Unguided Recreation, Figure 3-12: If this graph (and similar graphs of use data) is published in the final plan, we request inclusion of available 2005 and 2006 data. For comparative purposes we provide below the most recent Angler Use Data for the Kanektok and Goodnews rivers as developed through the ADF&G Statewide Harvest Survey (SWHS). These data sets include all anglers, guided and unguided, for the entire length of these rivers, beginning in 1983. Data for the Kanektok shows peak use in 1988, with a secondary peak in 1997 and a general decline since 1997. Data for the Goodnews River shows a peak in 1999 with a general declining trend since then.

Kanektok Angler Use Data



Goodnews Angler Use Data



While questions may arise about almost all data, including the SWHS data reflected in the tables above, general indications are that use has at the very least declined from historic peaks and then stabilized over the past approximately 10 years. Accurately forecasting future recreational use levels can be extremely difficult, especially for remote, expensive and difficult to access locations such as the Togiak Refuge; however, use has not been increasing and a substantial increase is not very likely in our view.

Page 3-59, 3.5.6.3, Goodnews River: The second paragraph references the DNR's management authority on the Goodnews River below ordinary high water, but limits this recognition to the

river segment outside refuge boundaries. The State's authority includes the navigable portions of the river within the refuge as well.

Page 3-61, Figure 3-14: This chart shows unguided fishing on the Goodnews River through 2004. Use has significantly dropped since its peak in 1997. The trend does not appear to support the need to limit unguided use. We understand, however, that the Refuge is concerned about displacement to the Goodnews if the Kanektok use is limited, hence the proposal to limit both rivers together. The larger issue of displacement (including to other rivers outside the refuge) is an important one that has not been adequately addressed in the plan.

Page 3-61, 3.5.6.4, second paragraph, third sentence: If this discussion is used in the final plan, we request that reference to the State's primary management authority either be removed, or clarified that it is not limited to the lower river.

Page 3-64, 3.5.6.8, third paragraph, last sentence: We question the assumption that demand has increased since 2000. According to Figure 3-8, visitation has been decreasing since an initial spike in 2001. There are a greater number of flights, as well, and it is not clear in the section why that is or whether it is a product of the increased demand or some other factor (i.e., the addition of a dedicated commercial operator).

Page 3-65, 3.5.7, Social Conditions and Visitor Experiences, second paragraph: The statement that the 1995 visitor study was conducted with the input and support from ADF&G has not been verified by staff present in the area or regional offices at that time. Exhaustive review of the records and discussions with retired and current personnel has not shown any involvement with the survey design or implementation. In 2001, ADF&G requested to review the study and to participate but were not afforded the opportunity.

Page 3.66, 3.5.7.1, Visitor Motivations and Expectations: The last sentence accurately notes that different groups of anglers have varying views about limits on unguided users. Articulating these differences is important. Central to the issue is that unguided users, guided users, one-time users, residents and non-residents, etc. will have differing opinions relative to how they are affected. Most unguided users surveyed would not welcome such limits. Also note that the research referenced here (Romberg, 1999) applied only to non-resident anglers and that the sample size was very small (n=41), hence the statistics reported are not very precise and conclusions should be made with care.

Page 3-69, Outstanding Opportunities for a Primitive and Unconfined Type of Recreation: The first sentence implies that motorized activity is, or should be, prohibited in designated wilderness. We recognize this is not the Service's intent. Since similar language appears in most CCPs, we are working with the regional planning staff to refine this section and suggest the following revision:

Primitive and unconfined recreation is ~~nonmotorized, nonmechanized activity that~~ occurs in an undeveloped setting and is relatively free from social or managerial controls. Primitive recreation is ~~also~~ characterized by experiential dimensions such as challenge, risk, and self-reliance, and includes opportunities for non-motorized, non-mechanized travel. Dispersed use patterns, which frequently occur where there are no facilities to

concentrate use, enhance opportunities for self-reliance and also enhance opportunities for solitude....

CCP Chapter 6: Implementation and Monitoring

Page 6-2, Public Use Monitoring Plan: See comment for CCP page 2-5.

CCP Appendix G: Easements, Withdrawals and Rights of Way

Pages G-3 to G6: The following easements are not listed in the Appendix:

- These appear to have been reviewed for Native conveyance, but have not been conveyed.
EIN 101 C4, C5
EIN 102 C4, C5
EIN 3 C3, C4, D1, D9 (also DOT 53-4)
EIN 4 D1, C5
EIN 3 D1, C5
EIN 27 D9
EIN 27a D9
- These were reserved in an interim conveyance in 1995 to the Twin Hills Corporation, but the records do not indicate that they were ever terminated.
EIN 25 C6
EIN 25a C6
EIN 26 C6

The following easement is listed in the Appendix, but is not shown on the associated quad map. It is listed in Interim Conveyance 181, but was either terminated or the map is incorrect.

EIN 6cE

The following easement descriptions and their location shown on the quad map do not match. Because we do not know the location, we are unsure in which conveyance document the description may be found in.

EIN 19 C5

EIN 19a C5, M

Figure G-1: We appreciate the inclusion of detailed 17(b) easement descriptions, but would like to have them available on the map, as is done in other CCPs. Additionally, this figure actually denotes RS 2477s identified by the State. The term “*asserted*” has certain legal implications that do not apply to all of these routes. We request that the final plan avoid using the term “*asserted*” in both the Appendix and the Figure. We also recommend including a clarification about the technical term “*highway*” since it is at least as likely that any given RS 2477 route would be developed by the State as a trail instead of a road. Specifically, we request inclusion of the following sentence that BLM uses in its plans when discussing RS 2477 rights-of-way: “*Highways’ under state law include roads, trails, paths and other common routes open to the public.*” We recently recommended an approach to address RS 2477 rights-of-way for all CCPs.

Page G-6, heading: See immediately preceding comment regarding use of the word “*asserted*” and “*highways*.” At a minimum, we ask that the first sentence in the second paragraph be revised as follows: “*The State of Alaska has **currently** identified six specific routes that it believes may be claimed on Togiak Refuge under RS 2477 (AS 19.30.400).*”

PUBLIC USE MANAGEMENT PLAN

Public Outreach

We are aware that the normal public involvement process on a plan of this nature will not reach all affected constituents on an equitable basis. This is not intended as a criticism of the planning process. The Refuge has good communication opportunities with local communities and commercial operators; however, the unguided users are much harder to reach, and are not necessarily represented by organized stakeholder groups. Unguided users (past and future) are by definition dispersed and not necessarily aware that this planning process is underway; yet this is the segment of the public that would be most affected by the use limits proposed in this plan. Since unguided users will almost certainly be underrepresented in public comments, we request that this fact be given ample consideration as comments are analyzed.

PUMP General Comments

Limits on unguided use on the Togiak Refuge are not warranted for the following reasons, in addition to those stated in the first three pages of these comments:

- Survey respondents reported uncrowded conditions and minimal conflicts with other anglers.
- Visitor use levels in the area are either stabilizing or dropping off according to both Service and ADF&G data.
- Visitors are currently accessing the rivers primarily for the fishing experience and are reporting that the experience they find is acceptable.
- Aesthetic values, such as natural settings and solitude, are not in jeopardy.
- Limits will not effectively address crowding at launch points after periods of bad weather.
- Limits will not be effective at all in the lower rivers due to the presence of many other unpermitted users.
- Limits are probably less effective in addressing litter and human waste than enforcement, education and voluntary measures.

Encounter Rates and Tolerance Levels

As shown below using Service data, encounter rates on the individual river systems vary along the length of each system. Expected encounter levels were substantially exceeded on the Kanektok at the headwaters lake access point and in the lower river. On the Goodnews and Togiak, encounter rates are exceeded only in the lower rivers. Encounter rates in all other

locations are under expected levels and visitors report that they could tolerate additional encounters. This includes the majority of the river systems (73 miles on the Kanektok within the Wilderness Area, the 23 miles on the Goodnews that are within the Refuge, and 40 miles on the Togiak that are within the Wilderness Area).

Kanektok: Average number of encounters with floating groups/day

Headwaters Lake	saw 9.3	tolerate 5.4
Upper River	saw 2.1	tolerate 2.6
Lower River	saw 9.3	tolerate 5.4

Goodnews: Average number of encounters with floating groups/day

Headwaters Lake	saw 1	tolerate 1.6
Upper River	saw 1.6	tolerate 2.3
Lower River	saw 5.6	tolerate 3.6

Togiak: Average number of encounters with floating groups/day

Headwaters Lake	saw .53	tolerate 1.7
Upper River	saw 1.6	tolerate 2.7
Lower River	saw 7.3	tolerate 4.7

Encounter rates at the entry points to the Kanektok and Goodnews rivers were quantified within the 2001 Survey. Encounter rates at entry locations, such as Kagati Lake, are difficult to avoid since they are the primary location used by virtually all users for accessing the river due to the needs of aircraft for landing sites and floaters to deploy equipment. Attempts to spread out encounter rates at these locations would continue to be difficult under any permit system, as they would be subject to the vagaries of the weather and locally limited campsites. Trips now, and under any of the currently proposed permit systems, are of necessity scheduled in advance of known weather conditions. If weather conditions interfere with flight schedules it is common for visitor groups to “stack up” until the weather clears and flights become feasible. At that time several flights may be conducted in a single day, dropping off several parties in one location. This situation cannot be avoided under any permit system and all currently proposed permit systems allow for this situation. However, it should be noted that while encounter rates at these locations are reported higher than desired, encounter rates are quickly reduced to within upper tolerance levels as visitors enter the river and proceed downstream.

For different reasons, encounter rates on the lower rivers are also difficult for the Service to control, as the plan admits. Additional users on all three rivers are either subsistence users or other recreational users based out of commercial recreational fishing camps located on private lands. Unguided recreational users contribute only 20% of lower river use. Private landowners themselves are in the best position to most effectively control use in the lower rivers. Should they choose to take steps to reduce use in this area, they can do so by refraining from leasing additional lands or implementing limits on commercial uses that take place on their lands.

Under the circumstances, we question the need for the Refuge to enact such stringent use limitations. The proposed standard limiting guided and unguided starts to one per day falls significantly below threshold encounter rates noted by visitors. We are aware of only two other

rivers in the United States with such comparable use limitations – the Selway and the Alsek. Both of these rivers have different access issues than at the Togiak Refuge. Based on encounter rates, the survey supports at least three to four launches per day, not one launch per day.

Crowding

The survey results also illustrate a high degree of agreement among respondents on all three rivers surveyed that they actually found fishing conditions that were uncrowded and that there is minimal conflict with other anglers or users on the refuge:

Kanektok River

86% of respondents strongly agreed or agreed that fishing conditions were uncrowded.
86% of respondents strongly agreed or agreed that there was minimal conflict with other anglers or users of the Refuge.

Goodnews River

88% of respondents strongly agreed or agreed that fishing conditions were uncrowded.
88% of respondents strongly agreed or agreed that there was minimal conflict with other anglers or users of the Refuge.

Togiak River

82% of respondents strongly agreed or agreed that fishing conditions were uncrowded.
88% of respondents strongly agreed or agreed that there was minimal conflict with other anglers or users of the Refuge.

Respondents were also questioned about their potential for future visits. Respondents were more likely than not to plan on returning, had a low negative response for not returning, and typically cited cost as their primary reason for not returning, while crowding rated only 2% to 4%.

Plan to return to the	Kanektok	59% = yes	38% not sure	3% no
	Goodnews	53% = yes	40% not sure	7% no
	Togiak	68% = yes	26% not sure	6% no
Reason to return	Kanektok	31% great fishing		
	Goodnews	22% great fishing		
	Togiak	28% great fishing		
Reason not returning	Kanektok	logistics/cost 19%	4% crowding	
	Goodnews	cost 20%	2% crowded	
	Togiak	cost 12%	14% try new river	

The Service has finalized a definition of *quality* as described in recent planning efforts (February 2006, Revised CCP-EIS for Alaska Peninsula/Becharof Refuges, glossary page xxvi). One aspect of *quality* is the degree to which recreational opportunities and related experiences meet the objectives for which they are planned and managed, developed in consultation with the state fish and wildlife agencies and stakeholder input based on several criteria. Key among these is

that the Service “*uses visitor satisfaction to help define and evaluate programs.*” Given this criterion, and considering that the 2001 Survey shows that most people are visiting these rivers for the fishing opportunities they offer, and are satisfied with the experience, the Refuge’s objectives can be met without restricting or prohibiting public access.

Current and Projected Use Trends

The plan attempts to consider the actual number of visitors over time and the potential for experiences to deteriorate over the life of the plan. The 2001 Survey suggested that the level of tolerances is close to being exceeded. However a review of both refuge and state data do not provide a compelling case for future growth. See also previous comment for page 3-58 in the CCP concerning use trends.

Displacement

Additionally, a reduction in launches will cause displacement to other rivers within the region. Whittaker 1996 suggested that if a permit system were developed, displacement within the region should be considered. Except for Kanektok displacement to the Goodnews, the PUMP has not addressed regional displacement. We cannot be certain that those who would be denied access to rivers within the Togiak Refuge will not go elsewhere within the region, potentially creating new and unforeseen problems there.

Human Waste

We appreciate that the Preferred Alternative seeks to develop a monitoring process to select indicators to deal with human waste issues. We are concerned, however, that a voluntary pack-out program is offered as the only alternative to a mandatory pack-out program, particularly in light of the absence of existing or potential resource impairment. Use of other adaptive management strategies, such as increased education and enforcement, may suffice. We understand that visitors have low tolerances for human waste (and litter). This is a universal standard across the recreational spectrum. However, it is more appropriate to increase education, promote better waste disposal techniques, and implement standards and indicators through a cooperative LAC-type process before implementing a mandatory pack-out program. See also our page-specific comment for page 2-7 of the PUMP concerning Alternative E.

PUMP Chapter 1: Introduction

Page 1-3, 1.3.1, Refuge Purposes: Based on the second sentence in the first introductory paragraph on page 1-10, the last purpose under 1.5.1 on page 1-11 is inadvertently attributed as a direct ANILCA purpose in Section 303 (especially since the previous ANILCA purpose is not numbered). We request this last purpose be correctly attributed to Section 2(a) of the Wilderness Act. (Same comment made for CCP on page 1-11.)

Page 1-4, 1.3.3, Goal 2: To be consistent with the Goal as represented in the CCP on pages 1-11 and 2-5, please revise to “*Provide quality fish and wildlife oriented recreation, ...*”

Page 1-5, 1.4, State of Alaska Coordination: This paragraph, which appears as standard language in other CCPs, acknowledges that DNR manages “*the state’s water and land interests within and adjacent to the Refuge.*” In light of the applicability and clear language within the State’s SULD regarding navigable waters specific to the Togiak Refuge, we request this section additionally clarify that state management direction in Appendix C applies to the beds of all navigable waters in the Togiak Refuge and to the lower Goodnews River. (Similar comment applies to CCP page 1-10.)

Page 1-7, 1.6.1.1, second full paragraph, second sentence: We suggest revising this sentence to read: “**Some** local community members view this common form of angling as disrespectful and inappropriate. **These** local anglers...” Local viewpoints appear to be slowly changing and more people are increasingly tolerant of catch-and-release fishing as an effective conservation practice. We recognize that the cultural beliefs concerning catch-and-release are still an issue for some, but the PUMP should avoid the implication that this remains a consensus local view without definitive contemporary analysis.

Page 1-8 and 1-9, Section 1.6.1.3, Public Safety: The plan appears to confuse boating safety with management authority. With regard to management authority, the State of Alaska’s boating statutes, among other things, prescribe carriage and boat registration requirements but do not address navigation “rules of the road.” The DNR has regulatory authority for waterways, but has no regulations similar to the federal navigation rules: (http://www.navcen.uscg.gov/mwv/navrules/rotr_online.htm). The U.S. Coast Guard defines what waters in Alaska are subject to the jurisdiction of the United States (Title 33 CFR, Part 2) and therefore subject to the International Navigation Rules, but it does not appear any of the rivers and streams within the refuge are deemed U.S. Navigable Waters for purposes of the Coast Guard rules. Because the Inland Navigation Rules do not apply anywhere in the state, neither the international nor the inland rules apply, and there are no other similar state laws that apply.

With regard to boating safety, if a serious accident were to take place on a river subject the jurisdiction of the State, the Alaska State Troopers would likely investigate but if a citation or arrest were made, it would not be under the navigation rules. As done in some other states, the Alaska Legislature could enact legislation adopting by reference the international and/or the inland rules, but it’s difficult to predict if that will ever happen.

The Chena River, which is deemed U.S. Navigable Water for Coast Guard purposes and therefore where users are required to follow the International Navigation Rules, has in some places similar conditions to those mentioned in this section (i.e. a narrow stretch of river with uncertain water levels) where many users feel they must go a certain speed to navigate the river. Even in these circumstances, according to the International Rules, all boaters are required to take action to avoid a collision even if that means departing from the Rules.

We request that the final plan identify how these safety considerations, if they exist, will be addressed by the Refuge. If safety issues are a genuine concern, we recommend consulting with the U.S. Coast Guard to address this problem and to identify where, if anywhere, Navigation Rules should apply, and the appropriate rules or regulations then put into place. We appreciate

the Refuge's stated commitment to working with the State and the Coast Guard ("*partners*") to identify and address public safety issues on rivers within the refuge, as appropriate.

Page 1-10, 1.6.1.6, Camping Opportunities: We request this section clarify that the State's Special Use Lands camping requirements apply to the beds of all navigable waterbodies in the Togiak Refuge as well as the lower Goodnews River below the refuge boundary as shown on the map accompanying the SULD.

Page 1-11, Issue 2, first paragraph, last sentence: This sentence appears to imply that subsistence users believe they have a priority claim over certain use areas. This kind of public concern merits clarification in the document. All refuge lands are open to all members of the public regardless of their chosen compatible activity, unless specifically restricted by state or federal regulation.

Page 1-11, Issue 2, second paragraph, first 2 sentences: While the Refuge may have taken certain outreach efforts to protect wilderness values, we do not believe that the only tool remaining is implementation of unguided use limits. The Refuge does not have a functional outreach program at the put-in points of Dillingham, Bethel or the lakes. No visitor center exists in Dillingham if visitors do happen to stay there for any period of time. River Rangers primarily operate on the lower rivers and only sporadically contact visitors. Without highly functioning processes such as these to disseminate information, it is questionable that the Refuge has done all it can to alleviate perceived impacts.

Page 1-11, Issue 2, second paragraph, fourth and fifth sentences: We question the intent and rationale behind two of the issues that underpin proposed actions in the PUMP, including "*availability of preferred fish species*" and "*equity of opportunity*." By availability of preferred fish species (which is not defined) our understanding is that this relates to the need to pass fishing sites due to others occupying the location. While there was a close tolerance for this in the survey, we note that on the Kanektok, Goodnews and Togiak Rivers 86%, 88% and 82%, respectively, of the respondents to the survey reported that they found uncrowded fishing conditions. On both the Goodnews and Togiak rivers 88% of respondents and 86% of Kanektok respondents agreed there was minimal conflict with other visitors. With this in mind, we question the rationale of "*availability of fish species*" for use as a resource based factor.

We are also unsure how "*equity of opportunity*" is defined or standardized, whether it relates to having a choice between guided and unguided use, or if it refers to opportunities to pursue an individual preferred experience (i.e., solitude). If this criterion is to be applied towards establishing objectives, the final plan should clarify what is being measured and its applicability.

PUMP Chapter 2: Public Use Management Plan Direction and Alternatives

Page 2-2, 2.2.2, Alternatives Considered but Eliminated, last two paragraphs: We remain disappointed that the Refuge has elected to forego further consideration of commercial guided recreational use on coastal rivers, which includes but is not wholly exclusive to, the Matogak and Osviak rivers. In our view there is sufficient justification to consider the authorization of guided use on a case-by-case basis in additional streams and rivers within the refuge, or at least not

dismiss consideration in the future. We are aware of one request for a recreational guiding permit for certain coastal streams in the Togiak Bay area. While the commercial operator who submitted that permit later withdrew it, he noted that he did not believe that the consideration should be precluded in the future if others were interested, particularly local area villagers. Such use could contribute to the local economy and compatible priority recreational public use (fishing) of the refuge. We are also aware of specific inquiries to the Dillingham ADF&G office for commercial recreational guiding use of the Osviak River, particularly for coho fishing. While there may not be an overwhelming desire for use of these areas, there is some demand and their consideration, on a case-by-case basis, should be retained.

Page 2-4, 2.2.4.1, Public Use Monitoring Plan: It seems fundamentally counterintuitive to initiate a Public Use Monitoring Plan *after* the decision to implement an unguided use permit system. The 1995 and 2001 surveys convey the understanding that there are some concerns about uses on the rivers, perceived or real. However, they were not designed as a Limits of Acceptable Change process, and are not accompanied by on-the-ground proofing of information and impacts; nor were they implemented with the cooperation of the partner agencies. The Gulkana River LAC provides an example of a cooperative process that garnered general acceptance from agencies and members of the public alike. Partnerships are formed, standards and indicators are set, triggers for actions are developed and on-the-ground work is conducted to proof information developed. Compared to Gulkana, the PUMP seems to have gotten the cart before the horse. We highly recommend the Refuge work with its partner agencies to develop a more comprehensive step-down planning process instead of implementing public use restrictions at this time.

Page 2-4, 2.2.4.3, Wilderness Lakes: The title of this section is misleading. Since the Togiak Refuge is not a pre-Statehood refuge (at least not the parts within management units 13a and 13b), it is not appropriate to imply that the lakes themselves are designated as Wilderness since most if not all are likely navigable and thus state-owned. We suggest “*Lakes within Wilderness*” as an alternative.

Page 2-7, 2.2.4.4, Human Waste Management, second bullet: We suggest adding “*other private landowners*” (e.g., allotment holders) to the list of entities that could assist with various aspects of this issue.

Page 2-7, 2.2.4.5, Camping Opportunities on State Lands within the Togiak Refuge Boundary and along the lower Goodnews River: At the end of the third sentence please add “*Special Use Land Designation*” for clarification.

Also, this section discusses the camping limits on “*state lands*” but does not explicitly clarify this applies to the beds of navigable waterbodies. We request such a clarification in the first full paragraph on page 2-8.

Also, the proposed refuge camping limits would only apply to areas within one quarter mile of the Kanektok and Goodnews Rivers, but does not include the Togiak River. Is this an intentional deviation when the intent is to “*bring it into alignment*” with state rules?

Page 2-8, 2.2.4.5, first partial paragraph, first partial sentence: The Special Use Lands Designation for the State establishes that camps must be moved *two miles* to start another time period. If refuge regulations are to be aligned with State of Alaska regulations for the SULD Area, as stated, we request that the Refuge also consider applying a minimum relocation distance of two miles between three-day periods.

Page 2-8, 2.2.4.5, first partial paragraph, last sentence: We question the Refuge's ability to apply camping restrictions to all users except for qualifying federal subsistence users. Under Federal Subsistence regulations, the Refuge may have some ability to regulate take based on residence; but we are not aware of the authority to regulate camping on public lands based on residency. This action would also be inconsistent with the State SULD. Further analysis is advised.

Page 2-8, 2.2.4.5, second full paragraph: This section states that the Refuge will relay information about trespass, but does not say to whom (e.g., the State Troopers? landowners?).

Page 2-9, 2.2.5.3: We are concerned that this type of set-up (a permit application period) may potentially lead to one operator being able to control all the permits. Please clarify, here and elsewhere, if the commercial operator will be the party applying for and holding permits or if it will be the guided user.

Page 2-10, Issue 3, first paragraph, second sentence: State regulations require a separation distance of 100 feet measured horizontally from the *mean high water level*, not as measured from "surface water" (18 AAC 72.020(b)). An implied refuge requirement relating to the distance from surface waters may create confusion for the public and would be in conflict with the SULD and state law. This issue needs to be clarified in the final plan. This also applies to Table 2-3.

Page 2-13, 2.2.6.3: This section outlines that the commercial operator will be responsible for acquiring the permit. Our preceding comment for page 2-9 becomes a matter of particular concern if this is the case. Can one guide monopolize the alternating day permits, possibly shutting out other operators and/or certain visitors if foul weather hits or who may want to come out for 2 consecutive days? The second paragraph of this section, which details the common pool system, does not address this concern, as a guide may have already acquired permits for days on which they do not, at the time of application, have interested parties. We ask that the final plan identify ways in which the Refuge will prevent monopolization of permits, which can appropriately incorporate an unused permit pool.

Page 2-18, 2.2.6.9: Please clarify in the final plan that these motorized use permits are guided-use permits, as is done for both the preceding systems in Issue 4. Although the overarching heading is "*Commercial Sport Fishing*" the explicit omission for the Togiak River section may take on unintended meaning.

Page 2-19, Issue 2 Unguided Recreation Opportunities, Alternative C: This discussion applies limits of unguided float use to the "*watershed*" of the Kanektok and Goodnews rivers. We oppose these limits; however, if this concept is retained in any of the alternatives, we recommend replacing this term with "*corridor*" to clarify that the limits would be intended to apply to the main river corridors, not distant uplands or tiny headwater tributaries.

Page 2-19, Unguided Recreational Opportunities: The Preferred Alternative would attempt to provide additional opportunities for wilderness solitude and reduced competition for fishing and campsites. See our general PUMP comments about encounter rates and tolerance levels.

Page 2-27, Alternative E: Additional standardized monitoring is necessary to determine just where the human waste issue exists and what groups are responsible and whether the impacts are occurring on state or refuge lands. As Collins noted of Whittaker 1996, (Togiak Recreational Summary, Collins 2001 unpublished), River Rangers collect campsite impact information about visitors contacts. *“The information is not readily quantifiable to suggest impact or incident trends on these rivers.”* Whittaker suggested that *“a more systematic reporting system should be put in place to help translate this information into measurable variables.”* Collins reports that *“Rangers are still collecting this type of information in the same ways. ... Information collected unsystematically and subjectively is limited in its usefulness. Here again the principles of planning frameworks such as LAC are very useful. By developing measurable indicators of resource conditions and establishing acceptable limits that those conditions will be allowed to reach, managers will have an objective monitoring system which will provide the basis for defensible management decisions.”* Collins reports that this has not been done and the plan itself does not provide information to show that such a program has since been implemented. Without implementation of a standardized monitoring system, as has been done cooperatively on the Gulkana River, support for unilateral management actions will be difficult to achieve. For the other alternatives, we request that future monitoring follow more rigorous protocols.

Page 2-20, Commercial Sport Fishing, Osviak and Matogak Rivers: Please see our earlier comments regarding page 2-2, section 2.2.2, concerning commercial use on coastal rivers.

Page 2-28, 2.2.10, Summary Comparison, first paragraph: The assumptions consider that not all permitted guides utilize their allocations. The paragraph fails to note whether this is true for both guided rafting trips and guided motorized trips. Without this information, the implication is that some guided use segment could increase when that may not be so, so that the 63% use assumption is not necessarily correct.

We also note here the very significant fact that the *“plan proposes actions to manage the level and frequency of recreational use on Refuge administered lands through either indirect or direct action.”* However, it does not note that the primary effect would be to limit public access to state lands and waters. This is a very significant issue that is not recognized in the document.

Page 2-31, Table 2-4. Commercial Sport Fishing Guide Alternatives: We appreciate that Alternative D provides opportunities for commercial guided use on the Osviak and Matogak rivers. Consistent with our comments on page 2-2 of the PUMP, we continue to support consideration, on a case-by-case basis, of such commercial use on all the coastal rivers. In this manner the Refuge may closely manage use, which is expected to be low, and provide additional opportunities for recreational use of the Refuge.

PUMP Chapter 4: Environmental Consequences

Page 4-3, 4.3.1.1, Kagati and Goodnews lakes, first full paragraph: The paragraph discusses that conditions and trends need to be established to determine what level of use these sites can support without lasting damage. The cooperative development of an expanded monitoring program we recommend would be advantageous to address these issues, especially since both refuge uplands and state-owned gravel bars would be addressed at the same time.

Also, while the uplands are Wilderness, hardened campsites remain an available tool under rigorous circumstances. The headwater lakes as access points to the Kanektok and Goodnews rivers are bottlenecks. Due to weather or other circumstances, it is probably unavoidable that several groups will sometimes find themselves here at one time. It may be appropriate to consider hardening additional campsites to avoid visitor impacts to uplands.

Page 4-3, 4.3.1.1, Kagati and Goodnews lakes, second full paragraph: The assumption here and in the last paragraph is that use of these areas will increase, leading to greater impacts, as use potentially doubles in the next five years (last paragraph, second sentence). See also page 4-36, 4.4.12.1, Effects of Proposed Alternatives for Alternative A that reports an unsubstantiated projected unguided float use increase on the Kanektok River of 40%. See also our earlier comment for CCP page 3-58 concerning use trends on the Kanektok and Goodnews rivers.

Page 4-3, 4.3.1.1 (cont.), last paragraph, second sentence: The assumption that use along the Goodnews River will “*double within the first five years*” is not substantiated. In section 4.4.2, Effects on Visitor Access, for Alternative E (the action alternative with the greatest level of unguided user limitation), the number of groups which may experience displacement as a result of limits is given as “few” to “some,” with “four groups” experiencing immediate displacement. In Alternatives B and C, “a few” and “up to 2 groups” are estimated to be immediately displaced by imposed limits, respectively. Additionally, on page 4-36, unguided use on the Goodnews River is presented as “*expected to continue near current levels with minor increases over time.*” The conclusion which can be drawn from these subsequent assessments is that use is not expected to go up during the life of the plan, let alone during the first five years, by any amount that would approach doubling. Please rectify this disparity in the final plan, or explain the conclusion that use on the Goodnews River will double by 2013 under Alternative D. Also see comment for CCP page 3-58.

Page 4-4, 4.3.2.1, first paragraph, second and third sentences: The implication that use “will increase” under Alternative C during non-peak periods because there will be no required permits is not supported, particularly since Alternatives A and D (which also do not require permits) do not imply this outcome. The first sentence states that the fishery is sustainable for Alternatives A and D; therefore it follows that the same would be true for Alternative C during the shoulder season. The fact that Alternative C provides limits where Alternatives A and D do not would indicate that less use would result overall, a condition the section appears to contradict.

Under all alternatives there is little or no risk to fish populations on the waters within the Refuge as these populations are managed by ADF&G to maintain sustainable populations. If concerns exist about specific stocks of fish, as may be the case for Osviak rainbow trout, regulatory action can be taken to protect those stocks through either emergency regulatory action or through the Alaska Board of Fisheries.

Page 4-7, Effects on Visitor Access, Alternative A: The footnote at the bottom of the page says “*Because of the anomalous 2005 season, analyses in this chapter are based only on data collected through 2004.*” While we appreciate the Service’s observations and opinions about the “*anomalous*” data, we request inclusion of the 2005 and 2006 data (and 2007 if possible) in the final plan so that the public may evaluate these numbers (and the reported anomalies) for themselves. Other factors (e.g. increasing fuel costs) may also be influencing the use trends.

Page 4-10 and 4-11, Footnotes concerning application of unguided limits: Both footnotes say that the use limits will only be applied under high-use conditions, presumably at the Refuge Manager’s discretion. This discretion presents challenges for both the manager and the public. The method of allocation of permits to visitors has yet to be determined but will presumably be either a lottery or registration system. How soon ahead of the season would the decision be made to implement (or forego) the use limitations? Under what criteria would the decision be made? Could someone who entered a permit allocation system months in advance then find that it was not necessary? Would fees be returned? Additional information about this provision is necessary to evaluate its effects.

Page 4-11, 4.4.2.3, Alternative C (Preferred Alternative): Please see our general comments concerning the assumption of increasing use for Kagati and Goodnews lakes.

Page 4-12, 4.4.2.3 (cont.), first full paragraph on page: This evaluation neglects to consider the fact that, regardless of demand, there will be 100% displacement of groups larger than 3. Considering that it does not state 3 “clients,” and if the guide were to count as 1, would this effectively apply to any client groups larger than 2? The negligible effect appears to be based on demand; however, the level of impact that may result from limits based on group size may be substantial and remains unaddressed.

Page 4-12, 4.4.2.3 (cont.), second full paragraph on page: We question the conclusion that a minor positive impact will result from the addition of a guided opportunity for the Middle Fork of the Goodnews River. According to Alternative A (page 4-8), there are inherent difficulties related to use on the Middle Fork, so additional opportunities may not result in any practical increase in opportunity. Additionally, Alternative D (page 4-13) states that this same opportunity will result in “*negligible effects*” due to the aforementioned challenges.

Page 4-14, 4.4.2.5, Alternative E, displacement issues: Please see our earlier comments concerning displacement. While this section recognizes displacement to the Goodnews River, it does not discuss the regional impacts (within and outside refuge boundaries), which could be substantial.

Pages 4-15 to page 4-22, 4.4.3.1, Visitor Experiences: The assumption that visitors are using the area for a “*wilderness fishing experience*” is subjective and appears to be based on a partial interpretation of the 2001 survey. For example, “wilderness” is not defined in the 1995 or 2001 surveys. Without specifying what type of wilderness attributes the survey might be covering, respondents could not be aware if they are being asked about designated Wilderness (i.e. the upper rivers) or general wilderness values (e.g., natural place), which may be found in the region

without regard to designation. We question whether many visitors are necessarily seeking a “*wilderness fishing experience*” as apparently defined by the Refuge. This is a subtle but important distinction. Fishing clearly rated highly in what visitors were seeking and the survey shows that visitors did find the quality of fishing they sought. Naturalness, solitude and wilderness rated lower on the scale but were still important.

Pages 4-15 to page 4-22, 4.4.3.1, Visitor Experiences: The discussion notes that litter is an impact on the experience of visitors. While implementing public use limitations may reduce problems associated with litter and human waste, it does not prevent inappropriate disposal of litter or waste by individuals. We assert that increased education and information, coupled with enforcement, will do more to reduce these problems than public use limitations.

Page 4-15, 4.4.3.1, second paragraph, first sentence: We would appreciate clarification that “*being in a wilderness*” was not defined for surveyed parties as meaning Congressionally-designated Wilderness. Parties taking the survey may easily have interpreted “*being in a natural place*” and “*being in a wilderness*” as equivalent or similar responses without such qualifying information. See also previous comments regarding wilderness values.

Page 4-15, 4.4.3.1, second paragraph, last sentence: The definition of a “*wilderness fishing experience*” is not accompanied by a citation, so we assume it was created for the PUMP simply as an interpretation of the type of information presented in the paragraph. If so, we request this be clarified as this phrase takes on great significance throughout the document and, to our knowledge, does not have an official peer-reviewed definition.

Page 4-17, 4.4.3.2, Alternative B: Crowded conditions and increasing use. Please see our general comments.

Pages 4-23 through 4-25, 4.4.4, Alternatives B through E: The impact on local users of implementing human waste pack-out requirements also needs to be evaluated as it is a proposed action for all users.

Page 4-29, 4.4.6.1, Effects on Wilderness Values, second full paragraph: See our general comments concerning increasing use levels.

Page 4-32, 4.4.7.1, Cumulative Effects, second full paragraph, last sentence: While flights to major travel hubs in Alaska can influence overall visitation to the state, they do not necessarily translate into increases to remote areas such as Togiak Refuge. With recent significant energy price increases, the cost of travel is increasing, especially in the Bush. This will likely translate to fewer visitors to remote areas.

Pages 4-36 to 4-38, Sections 4.4.11 and 4.4.12, ANILCA Section 810 Evaluation/Effects on Subsistence Opportunity: In conjunction with other discussions of subsistence activities in this document, this section is adequate unless Alternative D of the PUMP is adopted.

COMPATIBILITY DETERMINATIONS

General Comments - *Stipulations Necessary to Ensure Compatibility*

When regional permit conditions are included as stipulations, we suggest including an introductory statement. This will help to clarify that the conditions listed are typical of issued permits and may vary relative to a specific proposal or user group. We suggest something similar to the following:

A special use permit with stipulations is required for this use(s). The following are typical stipulations, some of which are necessary for compatibility.

Another example is provided in the general introduction to the Tetlin Refuge CCP compatibility determinations with regional and refuge-specific conditions:

The conditions listed below are included on Refuge permits issued for [use], most of which are intended to minimize impacts and ensure compatibility. Refuge permits may also include other special conditions as necessary or appropriate for the specific operations or activities that are proposed.

We also request the Refuge use the phrase “*not allowed*” or “*not authorized*” instead of “*prohibited*.” Stating that a prohibition exists may imply that there are regulations in place that make all forms of these activities or facilities illegal, which is not always the case.

Subsistence Activities

Page D-6, Description of Use(s), second paragraph on page, last two sentences: This paragraph is used, with customized variations, in many of the CDs. The purpose of the paragraph is to summarize the Section 1110(a) access provisions in designated Wilderness. In the context of this subsistence CD, the customized phrase (starting on line 6) says: “*and other non-motorized surface transportation methods for traditional activities, including subsistence.*” The addition of this phrase in this particular CD appears to inadvertently mix ANILCA Sections 1110(a) and 811(b). We therefore request that line 5 refer more specifically to “*ANILCA Section 1110(a),*” and that an additional paragraph or sentence be added to address subsistence access pursuant to Section 811. For example, the Tetlin CCP contains the following language in its Subsistence CD:

Section 811 of ANILCA requires that we ensure rural residents have reasonable access to subsistence resources on the Refuge, and that we allow them use of snowmachines, motorboats and other traditionally used means of surface transportation, subject to reasonable regulations. (page E-41)

Page D-7, Anticipated Impacts, third paragraph, second sentence: We request modifying the statement concerning possible changes in the size and age structure of rainbow trout to show that this is not a conclusive finding, as the text on page 3-21 reflects. This comment is also applicable to page D-14, second paragraph; and page D-53, first full paragraph, second sentence.

Page D-8, Justification, first sentence: We request that this sentence be revised to more closely reflect the language of ANILCA Section 302(8) (iii) “*to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents;*”. Suggested rewrite: “...*is to provide **the opportunity** for ...*”.

Multiple Non-Subsistence CDs

Page D-12, Description of Use(s), second paragraph, last two sentences

Page D-21, Description of Use(s) (cont.), third full paragraph on page, last two sentences

Page D-33, Description of Use(s) (cont.), third paragraph on page, last two sentences

Page D-52, Description of Use(s) (cont.), first full paragraph on page, last two sentences

Page D-57, Description of Use(s), third paragraph, last two sentences

Page D-75, Description of Use(s) (cont.), first full paragraph on page, last two sentences, and

Page D-80, Description of Use, second paragraph, last two sentences

Off-road vehicles may be allowed by Service regulation on designated routes and areas or by special use permit. If none are designated, this may be clarified. Similarly, helicopter landings may be authorized on a case-by-case basis under 43 CFR 36.11(f)(4). Explaining the full context for the Refuge Manager’s discretionary decision is better than just saying “*not allowed.*”

Commercially Guided Recreational Fishing Services

Page D-12, Description of Use(s), second paragraph, first sentence: We request that this paragraph note that most, if not all, of the commercially guided recreational fishing activities occur primarily on state lands and waters within the Refuge.

Page D-13, Description of Use(s), first paragraph on page, third sentence, and

Page D-13, Description of Use(s), third paragraph on page, fourth sentence:

Since the Togiak Wilderness is not within those parts of the Refuge that were designated prior to Statehood, it is not appropriate to imply that the lakes themselves are designated as Wilderness since most if not all are likely navigable and thus state-owned. We suggest “*lakes within Wilderness*” as an alternative to “*wilderness lakes.*”

Page D-16, Stipulations Necessary to Ensure Compatibility, fifth bullet on page: Use of “*prohibited*” typically means a statutory or regulatory prohibition, which is not applicable here. We recommend: “*The use of helicopters is not authorized by this permit.*”

Commercially Guided Recreational Hunting Services

Page D-21, Description of Use(s), third full sentence on the page: Commercial operators, such as air taxis, hunting and fishing guides, who utilize state lands within the Refuge, including shorelands and waters, are also required to register with the Department of Natural Resources (11AAC 96.018 and 96.250). We understand that this is not a necessary component from a refuge management perspective, but request that it be included when other state requirements for commercial operators are described.

Page D-21, Description of Use(s), second full paragraph on page, third sentence: Consistent with our previous comment for page D-16, fifth bullet on page, we request the Refuge use the phrase “*not authorized*” instead of “*prohibited*.”

Page D-21, 22 and possibly others: When referring to designated Wilderness, the usual convention is to use a “Big W”, and a “little w” to denote non-designated areas with wilderness values. There are several instances here where this convention is broached which can confuse the topic. We recommend a word search to correct this.

Page D-24, Stipulations Necessary to Ensure Compatibility (cont.), ninth full bullet: See previous comment concerning use of the word “*prohibited*” for page D-16, fifth bullet on page.

Page D-24, tenth stipulation: We request that this stipulation be revised to allow the consideration of fuel caches on a case-by-case basis, subject to authorization by the Refuge Manager concerning marking, recording of location and removal from the field. Such consideration is necessary due to the distances pilots may be flying and the need to store fuel for safety purposes. This comment is also applicable to Commercial Guided Recreational Hunting and Fishing Services, Commercial Transporter Services and Native Allotment Surveys. Stipulations allowing fuel caches are present in various compatibility determinations for other refuges and we request more opportunity for this practice across the Alaska Region.

Trail Marking and Marker Maintenance

Page D-29, Stipulations Necessary to Ensure Compatibility, second bullet: We suggest the following revision to the bullet: “*Trail markings performed using a snowmachine will only be allowed....*” The Description of Use states that trail marking is also performed using sleds for access, and marking activities may also need to be done during snow-free seasons. This change is suggested to ensure consistency with regulation and to help facilitate the “periodic” nature and public safety aspects of the activity.

Commercial Transporter Services

Page D-32, Description of Use(s), first sentence: We suggest this statement be revised. As currently written it sounds like a requirement. We recommend the following revision: “*Most visitors ~~must travel by~~ access the Refuge using...*”

Page D-36, Stipulations Necessary to Ensure Compatibility, fourth bullet on page: See previous comment concerning use of the word “*prohibited*” for page D-16, fifth bullet on page.

Native Allotment Surveys

Page D-42, Stipulations Necessary to Ensure Compatibility, last bullet on page: We request this stipulation mirror state regulations regarding minimum distances for latrines from the ordinary high water mark of any waterbody (see 18 AAC 72). 150 feet from surface water may still be within the horizontal 100 feet from the ordinary high water mark. The following example is from the Tetlin Refuge CD for Scientific Research, Stipulation #8.

Permittees shall maintain their use areas in a neat and sanitary condition. Per Alaska Dept. Of Environmental Conservation Code 18 AAC 72.021(e),(h), latrines, seepage pit, etc., must be located at least 100 feet, measured horizontally to the nearest edge of the mean annual high water level of lakes, rivers, streams, springs, sloughs, or mean higher high water level of coastal waters. No privies are to be installed in areas subject (no less than 4 feet to maximum water table elevation) to flooding. All property of the permittee (except authorized cabins and/or tent frames) must be removed from refuge lands upon completion of permitted activities.

Page D-43, Stipulations Necessary to Ensure Compatibility, third bullet on page: This bullet is inaccurate, as stated, and we recommend it be rephrased consistent with similar versions of this stipulation in other compatibility determinations: *“The use of off-road vehicles for non-subsistence use is not allowed unless specifically authorized in writing in this permit.”* Additionally, 50 CFR 36.2 specifically excludes snowmachines from the definition of ORVs. Including the phrase *“except snowmachines”* inaccurately implies that snowmachines are ORVs.

Recreational Fishing (wildlife-dependent recreation)

Page D-51, Description of Use(s), third paragraph, third sentence: Without documentation concerning numbers of visitors accessing rivers via aircraft and floating down rivers or motoring up from local villages, it is more accurate to reference access in general terms. Because of this we request the following revision:

Access for fishing by unguided anglers generally involves flying into a headwater lake and floating down or by using motor boats to go up rivers from local villages.

Page D-52, Description of Use(s), second full paragraph on page, first sentence: We suggest revising the sentence as follows to make the statement sufficiently comprehensive: *“Access to waters within the Refuge is **most commonly** either by boat or airplane.”*

Page D-52, Description of Use(s), third full paragraph on page, first sentence: We request this paragraph clarify that ADF&G angler use days and harvest are calculated for all waters within the region and not just waters within the Refuge. This reference for the data that is presented here is not substantiated in the supporting documents.

Recreational Hunting (wildlife-dependent recreation)

Page D-58, Description of Use(s), last paragraph, and
Page D-58, Anticipated Impacts of the Use(s), second paragraph, first and sixth sentences: Consistent with our comment on the Management Policies and Guidelines for page 2-18, 2.2.4, we request that *“sport”* not be used to describe general hunting.

Scientific Research

Page D-66, Stipulations Necessary to Ensure Compatibility, third bullet on page: This bullet is inaccurate, as stated, and we recommend it be rephrased consistent with similar versions of this stipulation in other compatibility determinations: *“The use of off-road vehicles for non-subsistence use is not allowed unless specifically authorized in writing in this permit.”* Additionally, 50 CFR 36.2 specifically excludes snowmachines from the definition of ORVs. Including the phrase *“except snowmachines”* inaccurately implies that snowmachines are ORVs.

Page D-66, Stipulations Necessary to Ensure Compatibility, fourth full bullet on page: See comment above about mirroring state regulations regarding minimum distances for latrines from the ordinary high water mark of any waterbody.

Page D-67, Justification, first two full sentences on page: ANILCA Section 101 also describes the purposes for all refuges in Alaska, including Togiak and Alaska Maritime, and describes, among other things, Congressional intent to *“maintain opportunities for scientific research.”*

State of Alaska Management Activities

Page D-71, Justification, second paragraph: See comment above for page D-67, seventh full bullet on page.

Wildlife Observation, Photography, Environmental Education, et. al.

Page D-75, Description of Use(s), third full paragraph on page, last sentence: Consistent with our comment on the Management Policies and Guidelines for page 2-18, 2.2.4, we request that *“sport”* not be used to describe general hunting.

Page D-76, Anticipated Impacts of the Uses(s), second paragraph, last sentence: Because many of the referenced uses occur on State lands and waters within the Refuge, we request that the Refuge include cooperation with the State and other land owners in its *“active management.”*

Trapping

Page D-81, Justification, sixth sentence: Trapping is a public use that is not classified under federal or state law as commercial, subsistence or recreation. It is simply *“trapping.”*

Helicopter Use to Support Authorized (Government) Activities

Page D-86, Stipulations Necessary to Ensure Compatibility, fourth bullet: Considering that this determination encompasses research that may be performed on archaeological and cultural resources, we question the definitive nature of this stipulation. We suggest the Refuge consider adding *“...unless specifically authorized in this permit.”*

Page D-86, Stipulations, Togiak Refuge Conditions, second bullet: The Service does not have the authority to require this stipulation, and under bad weather conditions would be inadvisable for safety purposes. Airspace is controlled by the Federal Aviation Administration. We request that this stipulation be removed, or re-characterized as advisory. Additionally, the standard

discussed, "...above minimum levels of recreation and/or subsistence use..." is vague in its definition and very likely unenforceable. This comment also applies to the bullet about maintaining a minimum altitude of 2,000 feet.

Regional Stipulations Necessary to Ensure Compatibility

We understand the following two compatibility stipulations (bullets) are also regional permit conditions. We have brought them and others to the attention of the Region to address in a region-wide review of permit stipulations. We provide our comments concerning these stipulations here for your information within the context of this review.

*Native Allotment Surveys (Page D-42),
Reburial of Archeological Human Remains per State and Federal Guidelines (Page D-48), and
Scientific Research (Page D-65):*

- *The permittee or party chief shall notify the refuge manager during refuge working hours in person or by telephone before beginning and upon completion of activities allowed by this permit.*

It may be useful to incorporate a more specific timeframe in which notifications must occur.

*Native Allotment Surveys (Page D-43), and
Scientific Research (D-66):*

- *The use of off-road vehicles (except snow machines) is prohibited except in designated areas.*

50 CFR 36.2 specifically excludes snowmachines from the definition of ORVs. Including the phrase "*except snowmachines*" inaccurately implies that snowmachines are ORVs.

Thank you for your consideration of these comments. If you have any questions please call me at 907-269-7477. We look forward to working with you on these important matters concerning management of public use along rivers within the Togiak Refuge.

Sincerely,



Sally Gibert
ANILCA Program Coordinator

What is the Limits of Acceptable Change (LAC) Process?

The LAC process boils down to three questions:

1. What resource and social conditions do we wish to have?
2. If we currently have them, what do we need to do to retain them?
3. If we haven't achieved them, what do we need to attain them?

The objective of LAC is not to prevent change but rather to control it, and to decide what management actions are needed to maintain or enhance desired conditions. The Limits of Acceptable Change process has four major components:

1. Specification of acceptable and achievable resource and social conditions; defined by a series of measurable parameters;
2. An analysis of the relationship between existing conditions and those judged acceptable;
3. Identification of management actions judged to best maintain or achieve desired conditions; and
4. Monitoring and evaluating management effectiveness.

What are the key Steps to the Limits of Acceptable Change process?

The Limits of Acceptable Change process has nine key steps:

1. Identify issues & concerns
2. Define and describe a diversity opportunity classes
3. Select indicators of resource and social conditions
4. Inventory existing conditions
5. Specify standards for resource and social conditions
6. Allocate opportunity classes
7. Identify management actions for each alternative
8. Finalize opportunity classes and develop action plan
9. Implement actions and monitor conditions

Source (and for more information) see: <http://ilmbwww.gov.bc.ca/rcsd/lac/lac.html>

Here's another LAC description from a Forest Service website:

http://www.fs.fed.us/r8/gwj/mr/lac/process/lac_what_is_LAC_process.htm