

STATE OF ALASKA

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

SEAN PARNELL, Governor

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January 22, 2010

Brian Glaspell, Ph.D.
Kodiak National Wildlife Refuge
1390 Buskin River Road
Kodiak, AK 99615

Dear Dr. Glaspell:

The State of Alaska reviewed the Compatibility Determination (CD) regarding the development of a guided bear-viewing program at the O'Malley River area of the Kodiak National Wildlife Refuge (Refuge) by the US Fish and Wildlife Service (Service). The program, as described in the draft CD and the approved Revised Refuge Comprehensive Conservation Plan (CCP), will operate through a commercial prospectus developed in consultation with the Alaska Department of Fish and Game (ADF&G). This letter contains the consolidated comments of the State's resource agencies regarding the CD and the referenced regulatory revision.

The State supports the development of a guided bear viewing operation at O'Malley River. We look forward to working with the Service on development of the bear viewing program prospectus and assisting the Service in follow-up program management oversight, as described in the CD. We also look forward to participating with the Service in the related step-down planning process described in the CCP. Bear viewing is a popular activity by the public in areas with high concentrations of bears that are readily visible. Well managed programs can simultaneously support the conservation of bears, support the local economy, and provide opportunities to view bears without undue impact to other compatible priority uses.

Compatibility Determination

Anticipated Impacts of Use. We request the analysis of impacts to bears clarify that the harvest of bears on Kodiak Refuge are conducted under a regulated hunting program managed by the State of Alaska under a sustained yield principle that has been effective in conserving bear populations on Kodiak Island for many years. We also request that additional information from the "*Assessment of the Vulnerability of Habituated Bears to Sport Harvest in the Karluk Lake Vicinity of Kodiak National Wildlife Refuge, Alaska*" (Wilker and Barnes, 2000) be included. Specifically, the CD should note the likelihood of the harvest of a bear that is habituated to the presence of humans from the viewing program is "*expected to be less than one per year.*" Without an improved understanding of these factual underpinnings, we are concerned about unsupported pressure to lengthen the closure period or expand the closed area to reduce the harvest of bears that frequent O'Malley River. This information will assist in illustrating that additional closures are not necessary.

We also request additional discussion of the expected levels of habituation of bears to humans and the impact it may have on harvest. For example, the Anticipated Impacts section should clarify that the referenced take of two sub-adult bears in the O'Malley area in 2003 happened 10 years *after* the viewing program was ended and that habituation to humans related to a viewing program was not a factor in their take.

Residual Concerns with the 1992 Program

The Description of Use notes that the proposed program would include elements of the 1992 program, with the possibility of some variation. We have two recommendations that tier off objections we had to the original 1992 program. First, we request dropping the requirement that participants must be supervised while engaged in authorized activities (such as fishing and hiking) outside the limited use area. Such a requirement would be a restriction on public use that 1) appears to be unnecessary, and 2) would need justification and a regulation to implement.

Second, unless shown to have significant impacts to the resource values of the area, aircraft access to the site should not be limited. As with the supervision requirement, such a restriction would need a regulation to implement.

Regulation Revision

The Description of Use notes the original regulation closing the O'Malley River area to all use on a seasonal basis will be modified to include the uses outlined in the CD. As you know, the State objected to the original Service-driven blanket public use closure and we see this revision as an opportunity to rectify our concern. Specifically, we request the Service utilize the State regulatory closure processes (the Boards of Fisheries and Game) to seek restrictions or seasonal closures to hunting and fishing. Relying on the State's regulatory framework as the primary means to close or restrict hunting and fishing activities is consistent with the Master Memorandum of Understanding between the Service and ADF&G. While the federal action took place nearly 20 years ago this does not obviate the responsibility of the Service to utilize state processes to the greatest extent possible.

Technical CD comments

Page 3, second to last paragraph. We suggest revising the last sentence in this paragraph as follows to avoid the implication that reopening the bear viewing program will automatically increase use by 50%. Therefore, reopening the O'Malley River bear viewing site for operation of a viewing program could clearly have a substantial positive effect on wildlife-viewing opportunities, ~~leading to an~~ offering a potential increase in participation of nearly 50 percent.

Page 5, Regional Conditions (Stipulations). The 7th bullet on this page prohibiting motorized vehicles on all Refuge lands seems out of place and beyond the scope of the CD. This CD does not address the whole Refuge, and refuge-wide motorized vehicle access is already comprehensively addressed in the CCP. We therefore suggest this stipulation be dropped. As an alternative, "*Use of motorized vehicles*" could be listed among other non-authorized uses in the third-to-last Refuge Condition on page 5.

Page 6, Refuge Conditions, top of page. The first sentence states “*Food or garbage attractive to bears or to wildlife will be immediately disposed of.*” It would be helpful to clarify by what means or in what location(s).

Page 6, Refuge Conditions, 7th bullet on page. For clarity and enforcement purposes, we recommend relying on a single group size limit with the option for exceptions based on specific circumstances. We also suggest the following revision to the second sentence, also for clarity: “*The Refuge Manager may further restrict use group size and duration of use at some sites...*”

Thank you for your consideration of these comments. If you have any questions, please contact me at 269-7477 or sally.gibert@alaska.gov.

Sincerely,

A handwritten signature in black ink that reads "Sally Gibert". The signature is written in a cursive, flowing style.

Sally Gibert
State ANILCA Program Coordinator