

STATE OF ALASKA

SEAN PARNELL, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

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March 8, 2011

Maggi Arend
Division of Comprehensive Planning and Policy
US Fish and Wildlife Service
1011 East Tudor Rd., MS 231
Anchorage, AK 99503

Dear Ms. Arend:

The State of Alaska reviewed the Environmental Assessment (EA) prepared cooperatively by US Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and National Park Service (NPS) regarding the proposed Rights-of-Way and Special Use Permit grants to United Utilities Incorporated (UII) for the TERRA Southwest (TERRA-SW) project. The following consolidated state agency comments were compiled by the State's Alaska National Interest Lands Conservation Act (ANILCA) Implementation Program and cover issues relative to ANILCA and other state interests. Any correspondence or response pursuant to the federal Coastal Zone Management Act and the Alaska Coastal Management Program is provided separately by the Alaska Department of Natural Resources, Division of Coastal and Ocean Management.

The State is supportive of improving internet communications for the 65 communities in southwestern Alaska. The availability of reliable terrestrial broadband service would benefit residential users as well as other entities that serve the community, such as schools, health care providers, tribes, and government.

While the scope of this EA is limited to the portion of the project affecting federal land interests, various state authorities and interests also apply to activities associated with the TERRA-SW project that are occurring either on state lands or under state jurisdiction, including:

The Alaska Department of Fish and Game (ADF&G)

The Division of Habitat issued Fish Habitat Permit FH 11-II-0010 on January 26, 2011 for activities related to the TERRA-SW project, specifically the installation of fiber optic cable across Lake Iliamna, Six Mile Lake and Lake Clark.

Alternative 3 involves the installation of cable in marine waters. While not the preferred alternative, should Alternative 3 be selected, additional mitigation measures may be necessary to address potential impacts to walrus and grey whales in the Togiak Bay,

Round Island area and Bristol Bay, southwest of Cape Constantine. If necessary, we request ADF&G be consulted in determining appropriate mitigation measures.

The Alaska Department of Natural Resources (ADNR)

Cone Mountain Repeater Site – Lands underlying the proposed Cone Mountain repeater site have been selected by the State (BLM File Number AA 76499, DNR File Number GS 6659) and as such, BLM needs state concurrence on the proposed issuance of a right-of-way grant. Based on available information, the State anticipates such concurrence; however, the response is pending final review and approval of a separate repeater site proposed on state lands (ADL #231129) that is also associated with the TERRA-SW project.

Nondalton to Port Alsworth Fiber Optic Cable – The State is also currently processing an application for authorization (ADL 230698) to install fiber optic cable associated with the TERRA-SW project on an estimated 305 non-contiguous miles of state lands.

Water Use Permit - Should the TERRA-SW project need to draw a significant amount of water for construction activities, such as site preparation or cement mixing, an ADNR temporary water use authorization pursuant to 11 AAC 93.035 may also be required.

Based on the elevation and mountain top location, it appears winter snow loading on the power module shelters could be an issue. We recommend the shelters include special features that provide air intake for the generators when the shelters are covered in snow and air flow is limited. Limited air flow could cause generators to malfunction, which would increase the need to access the sites for maintenance purposes. We also recommend ensuring the 4,500 gallon diesel tanks include security devices to prevent theft or vandalism.

The State asserts that title to submerged lands vested in the State at Statehood. However, according to the EA, the NPS intends to issue its own Special Use Permit (SUP) for a segment of the route between Nondalton and Port Alsworth that is on state-owned submerged lands in Lake Clark due to its location within the exterior boundaries of Lake Clark National Park and Preserve. The State has long-standing objections to the NPS extending its authority under 36 CFR 1.2(a)(3) to state navigable waterways in Alaska. We are pursuing our objections to this SUP in other forums. In the meantime, we have alerted the applicant that it would be unwise to resist compliance with a standing NPS regulation to avoid jurisdictional obstructions and delays that would negatively impact the completion of this project.

Page-Specific Comments

Page 1-5, 1.3.2 Laws, Regulations and Policies: The last paragraph indicates the Wilderness Act is the *sole* purpose of the Togiak Wilderness Area. ANILCA Section 303(6)(b) established the purposes of the Togiak Refuge, including designated Wilderness. ANILCA Section 707 states that designated Wilderness is administered in accordance with applicable provisions of the Wilderness Act, except as expressly provided for in ANILCA.

Page 4-48, 4.4.3.4, Lands with Wilderness Character: We concur with the EA's conclusion that for Alternative 2, the project's overall impact on wilderness character would be minor.

Thank you for this opportunity to comment. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Magee", written in a cursive style.

Susan Magee
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator