

STATE OF ALASKA

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

SEAN PARNELL, Governor

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March 7, 2012

Ms. Jeanette Pomrenke, Superintendent
Bering Land Bridge National Preserve
U.S. Dept. of the Interior, National Park Service
P.O. Box 220
Nome, AK 99762

Re: Bering Land Bridge National Preserve Reindeer Grazing Enclosures EA

Dear Ms. Pomrenke:

The State of Alaska reviewed the National Park Service (Service) environmental assessment (EA) for proposed grazing enclosures at the Bering Land Bridge National Preserve. This letter contains the consolidated scoping comments of state agencies.

While we do not expect the outcome of the EA to be affected by the following page-specific comment, we request the following clarification for this proposed action as well as for future reference when applicable to other park or preserve units.

Page 33, Section 3.7 Subsistence: The EA indicates access authorized by 36 CFR 13.260 includes “*snowmachines, motorboats and dog team*” and further indicates “*ORVs are not permitted in BELA for subsistence uses (NPS, 1986).*” We request an errata sheet in the final decision document that clarifies that 36 CFR 13.460 allows access for subsistence by snowmachine, motorboat, dog team and “*other means of surface transportation traditionally employed.*” The 1986 Bering Land Bridge Preserve GMP provides additional important context:

*In Bering Land Bridge National Preserve authorized means of access for subsistence uses are snowmachines, motorboats, and dog teams, and they are governed by existing regulation (36 CFR 13.46). **If another means of surface access is shown to have been traditionally employed in the unit for subsistence purposes, it will be permitted in that unit subject to reasonable regulations.***

*The legislative history of ANILCA indicates that it was not Congress’s intention to foreclose the use of new or presently unidentified means of surface transportation (Senate Report 96-413, p. 275). **New modes of access that are developed and implemented for general use in rural Alaska and originate from technological advances that cannot be shown to have been traditionally employed may be allowed in the future for subsistence purposes under circumstances that prevent waste or damage to fish, wildlife, or terrain and would not degrade other park resources or values. The effect of new technology on areas and intensity of subsistence use would also need to be addressed.***

*Although ORVs are used in and near villages adjacent to the preserve and along the northwest coast, ORVs are not permitted in the preserve for subsistence uses because they have not been shown to be a traditional means of access. **Any new information gathered by the Park Service or provided by others will be reviewed for consistency with ANILCA.** [emphasis added]*

As the Service is aware, the Denali National Park and Preserve 1986 GMP also stated that subsistence ORV use was not allowed; however, the use has since been determined to be a traditional mode of access that is currently allowed on designated trails in the Cantwell area. Furthermore, 36 CFR 13.702 allows the use of ORVs for reindeer grazing purposes in Bering Land Bridge National Preserve. For the public's benefit, we request the errata sheet also recognize that ORVs are allowed for reindeer grazing and that subsistence ORV use as a traditional mode of access is allowed under ANILCA Section 811.

If the project changes significantly or wildlife concerns arise, please contact the Alaska Department of Fish and Game's area biologist, Tony Gorn, at 907-443-8189.

Thank you for your consideration of these comments. If you have questions, please contact me at (907) 334-2563.

Sincerely,



Nina Brudie
ANILCA Project Coordinator

cc: Susan Magee, State of Alaska ANILCA Program Coordinator