

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF FISH AND GAME

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ANCHORAGE, ALASKA 99502

Phone: 267-2199
File: CSU-NPS-Sheen/Porc

2 April 1982

Mr. Jim Morris
National Park Service
540 West Fifth, Room 202
Anchorage, Alaska 99501

Dear Jim:

The State CSU Contacts have circulated and reviewed your brochure on the Porcupine and lower Sheenjek Wild and Scenic River Studies and public meeting minutes. Your office has been provided the State's position on these studies via the letter to Mr. Terry Carlstrom on 12 March 1982. Additionally, the State agencies offer the following information and comments:

The final study and management plan should acknowledge (a) Alaska Statutes, Chapter 15 entitled Water Use Act, and (b) Alaska Regulations, Chapter 93 entitled Water Management. These govern actions of the Water Management Section (WMS) of Alaska Department of Natural Resources. As such the following issues should be addressed:

1. The WMS be guaranteed access to the river units for data collection and enforcement of the above statutes and regulations.
2. Any actions taken that may alter either the groundwater or surface water quantity or quality be coordinated with WMS.
3. The WMS be contacted regarding any actions that deal with construction, enlargement, alteration or repair of a dam that is either 10 feet or more in height or that stores 50 acre-feet or more of water.

The Alaska Department of Transportation and Public Facilities (ADOT/PF) has identified the Porcupine River as a transportation corridor for marine transport (28, attached map). Barge landings at communities along the Porcupine are identified as potential projects by ADOT/PF. Navigation along this river is guaranteed by the 1871 Treaty of Washington. Alongside the river is a surface transportation corridor into Canada (20, attached map).

The ADOT/PF further notes that the lower Sheenjek River, proposed addition to Wild and Scenic Rivers, crosses a transportation corridor which runs along the former boundary of the Arctic National Wildlife Refuge. This corridor was withdrawn by the Secretary of the Interior in December 1971 (24, attached map).

The ADOT/PF references a report of corridors identified by the Bureau of Land Management entitled "Multimodal Transportation Utility Corridor Systems in Alaska" (November 1974) (see attached map) which was presented to the Joint Federal-State Land Use Planning Commission and the State. There are additional studies which could apply to this, including the recently completed Western and Arctic Alaska Transportation Study and the Interior Alaska Transportation Study, which is now in progress. In addition to these corridors, there are a number of traditional and existing trails that traverse these Rivers. These trails are used to transport people and supplies, and many are hunting and fishing routes. Frequently communities request that ADOT/PF improve these much used trails to bring them up to the standards for year-round use.

The Subsistence Division of the Alaska Department of Fish and Game submits that the traditional uses and use areas (past and present) comprise cultural, historical and subsistence significance of the Porcupine and Sheenjek Rivers. The following information supplements what was provided in your brochure regarding "notable characteristics" (p. 3 and 4) related to subsistence:

1. The Porcupine River serves as an integral part of the land and water resource base for the subsistence economy of residents of the Yukon Flats, particularly those of Fort Yukon and Chalkyitsik. Fort Yukon residents use the river corridor for hunting, especially for moose, caribou, ducks and geese. The Porcupine additionally provides access to resources such as house logs, firewood and fish. Further, the river is a significant transportation link between important use areas and is used for travelling between settlements (particularly Chalkyitsik, Fort Yukon, and Old Crow). Trappers rely on the river and its environs for resource harvesting and access.
2. A report by the Subsistence Division titled "Regional Subsistence Land Use in Upper Yukon/Porcupine Communities, Alaska" will be available in April 1982, documenting land and resource use over time.
3. The lower Sheenjek has served an important role in the history, culture and subsistence economy of the area. Residents of Arctic Village have a long history of use of the upper portion of the study corridor. Trappers from Arctic Village have used the Sheenjek extensively including the Vundik Lake area and those portions of the study corridor north of "Outlook Point". Subsistence uses of the river corridor continues today, particularly for moose and waterfowl hunting.
4. The "notable characteristic" cited (p. 4) regarding the Sheenjek's role in "support of individuals and families still pursuing a traditional Alaska lifestyle centers around trapping" should be corrected to note that the river also serves as part of the land base for the residents', including its use for hunting, fishing and trapping.

5. Additional references are listed and attached.

The Commercial Fisheries Division of the Alaska Department of Fish and Game states that the Sheenjek is one of several major fall chum spawning areas on the Upper Yukon River (plus several on the Tanana). The Chandlar and Porupine are among these. Preliminary studies begun on the Sheenjek indicate that the population and, therefore, the number of spawning areas may be larger than currently known. Since available data on Chandlar and Porcupine are also limited, refined studies (i.e., sonar counters) would probably show that there are larger populations in those areas also.

We have yet to see the fish and wildlife information that was to have been submitted by one of your study team members. We would appreciate receiving that information as soon as you receive it so that the Alaska Department of Fish and Game may review and supplement or correct the information.

Our office received many comments from individuals within the State agencies which were critical of the methodology and facts used to determine "eligibility" of the rivers. The following are summaries of these comments which should be considered in the DEIS or for reevaluation of the position your agency has taken.

Attendants of the meetings of study team members complained that it was "quite obvious" certain team members had in mind the recommendations that would be presented to Congress, based on their float trip or personal desires, prior to the study team evaluating river characteristics. At no time was there agreement among the study team members that either river had "outstandingly remarkable values". In reviewing the minutes of the meetings and subsequent correspondence, it appears that less than half of the team members and few "local experts" felt the rivers qualified. Participants of the most recent meeting objected to the apparent removal of certain study team members who did not believe the rivers qualified and their replacement by new members who did feel the rivers qualified.

Statements were made during team meetings regarding the added protection that would be afforded these rivers if designated to preclude future resource development; these statements were made prior to identification of the rivers' values. It was pointed out that the State has water laws to protect anadromous streams. Also, those river sections within the refuges are afforded protection by virtue of the land unit designations. Future management plans of these rivers, if designated, is not applicable to State and private lands as provided in ANILCA. In other areas of the State, land use plans are being developed for river corridors designated for wildlife, watershed and recreation management as the primary use. Strict goals and management policies are being adopted to protect these values. Therefore, there is objection to statements intimating that river corridors will not be protected by the State and to designation of rivers that do not qualify.

During the latest study team meeting, you apparently took the position that 'suitability of the rivers could no longer be addressed by the team members since both had been determined well-qualified.' Team members and agency representatives have objected to this NPS position and the apparent predetermination by submitting the following:

1. Doyon Corporation (Native land owner) has questioned the suitability and the "locals" have felt the rivers do not qualify. Public meeting minutes reflect many unanswered questions.
2. The Fish and Wildlife Service representatives who originally served on the team expressed doubt about the suitabilities of designation, even within the refuge. These team members were replaced by representatives favoring designation. Fish and Wildlife Service has yet to adopt a formal position, according to our sources.
3. State Team members throughout the process have consistently stated that the rivers do not qualify.
 - a) The rivers essentially are similar to numerous other rivers which drain upland areas adjacent to the Yukon River; this is particularly true of the lower half of both rivers.
 - (1) The scenery is similar to several other rivers in the area.
 - (2) The boating opportunities are similar to many other major and minor rivers.
 - (3) Conjecture about the location of archaeological sites is not a substantive value.
 - (4) Undeveloped shoreline and sand beaches are commonplace on many rivers.
 - (5) Fisheries and wildlife values are similar to several other rivers in the area.
 - (6) Many river systems are important for historical, cultural or subsistence values. These may be severely limited if designation is enacted.
 - b) Existing uses and access which must be maintained but have not been addressed by the federal agencies include:
 - (1) continued use by trappers, including building cabins and clearing lines.
 - (2) continuation of State fish and game research and management programs without federal oversight.
 - (3) replacement of existing cabins if destroyed due to accidents or vandalism.
 - (4) continuation of access by snowmobile, dog team, boat and aircraft.
 - (5) other; listed in the State issues list (transmitted 12 March 1982).
 - c) State team members feel that NPS is "rubber-stamping" the process, ignoring both the land owners and managing agencies' opposing opinions (public, Native Corporation and State).

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We are sympathetic of the time and budget constraints which you are dealing with in attempting a finished product. We have appreciated the close communication and cooperation between individual team members and the State on a day-to-day basis. However, in order to have a final product truly reflective of facts, desires and positions of the team members and the respective publics they represent, we once again request that you reconsider NPS's final decision on suitability and delay drafting the DEIS accordingly.

Please feel free to call if we can provide any additional information or wish to discuss any of the information or comments provided.

Sincerely,



Sterling Eide
State CSU Coordinator

cc: State CSU Contacts
T. Cunning.

ADDENDUM

Subsistence, historical and cultural references

1. Report on the Cultural Resources of the Doyon Region Central Alaska, 1977, by E. F. Andrews
2. Hunters of the Northern Forest, 1973, by R. K. Nelson
3. Elders Speak, 1979, by B. Francis (account of life in Canyon Village)
4. Neet'aai Gwiindaii, Living in the Chandalar Country, 1979, by K. Peter.
5. The Later Prehistory of the Middle Porcupine Drainage, Northern Yukon Territory, 1973, by R. E. Morlan.
6. My First Ten Years in Alaska; Memoirs of a Fort Yukon Trapper, 1957, by J. Carroll.

