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October 16, 1985

Mr. Robert Gilmore
Regional Director
U.S. Fish & Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mr. ^{Bob}Gilmore:

The State has completed its review of the **Togiak** National Wildlife Refuge (NWR) Draft Comprehensive Conservation Plan/Environmental Impact Statement/ Wilderness Review (CCP). Overall the draft CCP appears to fulfill the Alaska National Interest Lands Conservation Act (ANILCA) requirements and, except as noted in our specific comments, is generally consistent with the federal Bristol Bay Regional Management Plan (BBRMP), the State's Bristol Bay Area Plan, and the Bristol Bay Coastal Management Plan (BBCMP).

However the Cenaliulriit Coastal Management District has indicated that portions of each of the alternatives are inconsistent with their approved coastal management plan. Please note that State agencies do not necessarily agree with some of the findings and recommendations presented by Cenaliulriit. Because this is only an advisory review, it primarily serves to identify unresolved issues. We recognize that this advisory review addresses some challenging issues needing resolution, and we hope that this information will assist you in working with Cenaliulriit to address their concerns. (See Identification of Coastal Consistency Advisory Findings on page 23 of these comments and Appendix A, which contains the Cenaliulriit findings.)

Some of the important issues addressed in this letter include public involvement in future refuge planning, recreational river use, fisheries management, the proposed refuge addition near Goodnews Bay, management of State waters and submerged lands within the refuge and a variety of concerns regarding access and transportation. We are reserving our comments regarding provisions for oil and gas activities until we have had an opportunity to more fully explore the ramifications of your recent policy statements.

PUBLIC INVOLVEMENT AND FUTURE PLANNING

We strongly encourage development of a program which actively involves residents of the refuge in ongoing decision making efforts, keeping them informed of, and acquiring their support for, refuge goals and activities. In particular, the discussion on page 152 regarding Refuge Management Plans should indicate how these plans will be developed. We suggest that an appropriate goal of the CCP should be to design a cooperative decision making process that is incorporated into the development of more detailed refuge management plans. We request that the CCP identify local and regional interest groups and discuss how they will be involved in future decisions. We suggest inclusion of ADF&G advisory committees and regional councils, village governments and corporations, regional Native non-profit organizations and corporations, fishermen's associations, and sport fishing guiding organizations, among others. Although it might be impractical to involve all these groups in formal planning teams, a program to facilitate maximum involvement in decision making will assure successful achievement of the purposes of the refuge as mandated by ANILCA and will foster more public support during implementation.

RECREATIONAL RIVER USE

We are concerned about FWS management proposals to limit sport fishing guides on the refuge. It appears that this program is meant to resolve the perception of local resource users that guides are causing unacceptable impacts on the resources. Limiting the number of guides by permit may not accomplish a reduction in fish mortality or limit the number of fishermen. Other avenues should also be explored. We suggest that FWS consider a temporary moratorium on increases in the number of guides in order that FWS may assess visitation, fisheries population dynamics, and impacts associated with use of those resources. Such data would substantiate any need to implement a permanent limit or reduction in the number of guides on the Togiak NWR.

One of the potential impacts of continuing or increasing recreational use of the rivers by guided or unguided groups is the possibility of trespass on private lands within and adjacent to the refuge. A trespass work group of the Alaska Land Use Council recently completed the development of recommendations regarding prevention and abatement of trespass and unauthorized use. We request that the FWS consider and incorporate into the CCP all applicable recommendations which were accepted by the Council on October 8, 1985.

The proposals on page 168 to maintain recreational use of the Kanektok, Goodnews, and Togiak Rivers at existing levels could result in creating a greater demand on the use of resources in Wood-Tikchik State Park and on State lands east of the park. The data on page 97 indicate that existing use of the Goodnews River is much lower than the Kanektok or Togiak Rivers which suggests it could absorb more use. Active efforts to encourage the use of other rivers should avoid encouraging people to use similarly overused areas in the adjacent State Park.

SUBSISTENCE

A major deficiency of the draft CCP is the treatment of subsistence uses and activities. The ANILCA Section 303(6) mandates the Togiak Refuge to provide "the opportunity for continued subsistence uses by local residents." However, there is no section in the CCP which specifically addresses subsistence. It is difficult to locate related discussions in the text. We recommend that "subsistence uses" appear in the table of contents and be featured in the CCP. Such a section should summarize all related information and both FWS and State management intent and programs, presently scattered throughout the CCP.

The ANILCA Section 810(a) Evaluation report has numerous deficiencies and we are concerned about its adequacy. The report should address impacts on users of a number of native allotments which occur in the Kanektok River area designated wilderness. Also, prohibition of motorized craft could impact numerous users. For example, local inholders use boats and motors to reach this area to conduct subsistence hunting and fishing and provisions for continuing these activities are not clear.

The CCP acknowledges (page 27) that local village residents perceive growing recreational use of the area is causing increased conflicts. Local resource users perceive that these recreational uses impact subsistence uses. However, the Section 810 Evaluation for all alternatives concludes that no significant restrictions on subsistence activities will result from their implementation. Regardless of the accuracy of this conclusion, the perception problem remains. We request that the final CCP propose methods to correct this perception, such as increasing active local representation in the planning process.

The Section 810 Evaluation and the draft CCP also contain the following major inconsistency: while perceived impacts to subsistence uses are discounted on Page 206, FWS rejects a management alternative which maintains the status quo and

allows a growing recreational fishery on the refuge. This rejection is based on the perceived declining quality of sport fishing. The CCP and the Section 810 Evaluation do not appear to have considered available fisheries data necessary to adequately assess the impacts of increased recreational uses. For example, Alternative A (status quo) projects recreational uses increasing by "only 10 percent." However, existing perceived conflicts have already been expressed by residents of local communities and responded to by the Board of Fisheries through a reduction in the daily sport fishing bag limits. All this information should be considered in the Section 810 Evaluation.

Page 90, Public Uses, Table 8 - This table incorrectly implies local uses are subsistence and non-local uses are recreational.

Page 102, Subsistence, paragraph 2 - The ANILCA Title VIII does not limit the definition of subsistence as described here. We request adoption of the full ANILCA definition in the final CCP.

Page 102, Subsistence, paragraph 3 - Please clarify the source of the statement that "most of these [caribou, moose, and marine mammals] animals are hunted outside the refuge." Acknowledgement should also be included that the refuge provides critical habitat for species taken for subsistence uses outside its boundaries.

Pages 102 through 110 - The ADF&G has documented subsistence use of the Togiak Refuge by residents of Kwethluk, including use of the upper Kanektok River and Kagatik Lake for trapping and hunting of caribou, moose, and possibly bear. Camps are located there for squirrel hunting. Therefore, Kwethluk should be added as a user community. The ADF&G has no available information for the community of Eek, but it is likely that some of its residents also use the refuge.

In the numerous discussions of subsistence uses, no mention is made of the subsistence use of brown bear by local residents (e.g. Togiak and other communities). Documentation is available in the ADF&G, Division of Subsistence Technical Paper No. 46, S. Behnke, 1981, "The Subsistence Use of Brown Bear in the Bristol Bay Area".

Page 107, Figure 30 - Illegal moose harvest is also significant during February and March, with lesser amounts occurring in January and October. This information should be reflected in the table.

Page 109, Kuskokwim Bay Area - We suggest recognition that Wolfe et al., pp. 351-358, contains information on subsistence harvest levels for Quinhagak.

Page 114 - The BBCMP/BBRMP identified timber harvest for firewood and houselogs as an allowable local use of refuge resources. These uses should be included under subsistence.

FISHERIES

Throughout the CCP an over-emphasis is placed on possible effects of sports angling on Rainbow trout, unsupported by data and studies. The popular "catch and release" fishing ethic is portrayed as the preferred tool available to protect the fisheries. However, ADF&G fisheries managers believe alternative management options may also be available to reduce trout mortality including reduced fishing effort through fisheries closures, bag limit reductions, and limited entry. We request this issue be cooperatively discussed and resolved prior to further emphasis on only one management option.

Page 26, Overfishing of Resident Fish - We request acknowledgement that the six-fold increase may be due to improved monitoring techniques and therefore may be misinterpreted to indicate harvest increases. Mills (ADF&G) survey does not indicate that fishing has increased six-fold over five years. In fact Mills' report of the Togiak River system effort indicates a decrease from 1,666 days fished in 1979 to 972 days in 1983. The ADF&G requests that opportunities be provided by FWS to cooperate with ADF&G personnel in the interpretation of these data prior to inclusion in the final CCP. The ADF&G also manages to prevent overfishing of Rainbow trout and is seeking more accurate sport fish harvest data. Specifically ADF&G and FWS staff are cooperating in the Kanektok River Rainbow trout study, which we request be acknowledged in the CCP. We further request that FWS reserve judgement on fisheries status and suspend related management decisions until results of studies are analyzed and available for consideration.

Page 61, Coho (Silver) salmon and Chinook (King) salmon and Page 65, Marsh and Waterbirds - We request clarification of significance to management direction or suggest deletion of the phrase "national species of special emphasis." The significance in management of sandhill cranes also needs clarification.

- Page 63, Dolly Varden/Arctic char - This paragraph incorrectly implies that Dolly Varden abundance is related to sockeye abundance. The ADF&G has data for the Goodnews and Kanektok Rivers which are contrary to this assumption.
- Page 94, paragraph 1 - This discussion regarding the quality and quantity of the Togiak River fishery appears to be a value judgement. The Kanektok River may have more Rainbow trout and may be perceived as the best fishing stream on the refuge for Rainbows but the Togiak River has more available Dolly Varden, silver, and sockeye salmon fishing.
- Page 116, Table 13 - We request the topics "Fisheries Enhancement" and "Fisheries Restoration" be revised and combined into "Fisheries Improvement" as understood in the extensive discussions between FWS and ADF&G on the Kenai Refuge CCP. As written in this table, necessary improvement activities would only be permitted in cases of major destruction events. This policy is neither acceptable nor consistent with our understanding of existing FWS policy. We request a new revised "Fisheries Improvement" topic be addressed under all management categories as "Permitted with cooperative agreements on a case-by-case basis."
- Page 129, Resource Management Directions, Data Collection and Research - Grayling research and data collection should also be addressed in addition to Rainbow trout. Grayling seem to be less abundant than Rainbow trout and increased "catch and release" mortality is suspected to adversely affect their numbers.
- Pages 132 through 136 - Char are an important species taken by local residents within the refuge and should be added to the discussions.
- Pages 135 and 136 - This entire yield concept (wild, sustained yield trophy, commercial wild) needs clarification; both the definitions and management applications are ambiguous. We suggest deleting any references to "trophy" fish populations as this often results in increased fishing pressure in site specific cases with subsequent potential reductions of "trophy" fish. We suggest leaving a determination of "trophy" to the individual fishermen to determine his own category of a "trophy" fish. The Kanektok River does contain some large fish although probably not large compared with Bristol Bay Rainbow trout. We have no data on change in size/age structure since fishing pressure increased in the early 80's. The present cooperative FWS Rainbow study will hopefully provide a refined understanding of the population dynamics. We suggest emphasis be placed on this study in the discussion.

Page 137, Commercial Wild - We disagree with commercial harvest being solely aligned with wild stocks; enhancement opportunities under the Sustained Yield concept are also appropriate for sustaining commercial harvests.

Page 137, paragraph 4 - We request that this paragraph also address subsistence fishing, particularly in the winter, and its effect on Rainbow trout populations.

Page 138, paragraph 1, National and Regional Species of Special Emphasis - The CCP states that FWS has identified chinook and coho salmon as "national species of special emphasis," while sockeye salmon is a "regional species of special emphasis." We request clarification of the purposes and basis of these determinations and subsequent relationship to management of the refuge.

Page 138, paragraph 2 - Without a definition of "historic levels", this goal seems to be unrealistic and possibly only achievable by prohibiting all fisheries harvest. For example, present catch and release mortality may impede population levels from reaching "historic levels". An alternative objective might be to maintain a healthy fish population, which receives fishing pressure but is recharged by natural production.

Page 193, Table 25 - Regarding the harvest data projections for Rainbow trout and salmon in this table, we have the following concerns:

- (1) Since many salmon are released and their hooking mortality is assumed to be the same as Rainbow trout, we request that data also be included.
- (2) Under Alternative A for unguided anglers, we question the estimate of a harvest of 1872 Rainbow trout. The ADF&G data indicate this estimate may be too high. The basis of the hooking mortality estimate needs to be referenced. The numbers estimated killed by guides also seems high. The ADF&G staff suspect (based on other reports) that hooking mortality may be the major cause of mortality, particularly multiple hookings.
- (3) For Alternative E we request an explanation of the basis of the assumption that guided use would increase to a point that mortality would double, compared to Alternative A. This seems unlikely because daily catch per angler would decrease.
- (4) Total salmon harvest seems unrealistically high. With hooking mortality from released fish, the total may actually approach 7-8,000 salmon by 1990.

REINDEER GRAZING

The reindeer grazing section of the plan should be rewritten. The plan should acknowledge that efforts aimed at herder education, improved management, marketing, and herd building could result in reindeer playing an important role both in the local economy and as a food source. (See related comments in the Advisory Coastal Consistency Review.)

Page 27 - The discussion should acknowledge that problems with reindeer can be prevented or minimized through mitigation and through effective herd and range management. It should also be clarified that caribou have the same diseases as reindeer. In a well-managed herd of reindeer, the real concern is transmission of diseases from caribou to reindeer, not the opposite as indicated in the draft. Through cooperative research between reindeer herders and the University of Alaska, vaccines have been developed to minimize the most common diseases - parasites and brucellosis. The section should also address areas where intensive herd and range management could minimize any competition between caribou and reindeer.

DATA COLLECTION AND CITATION

One of our major concerns with the CCP is the general lack of adequate citation of data sources. The CCP mentions that little biological data is available then proceeds with discussions that specify numbers or relative abundance of animals. These discussions are not verifiable and do not provide a source for quality assessment. Information such as precise fisheries population numbers are not generally available but basic biological data are available in the Alaska Department of Fish and Game (ADF&G) 1977 report for all fish in Goodnews, Arolik, and Kanektok River systems. Where such data are available they should be used and appropriately cited. In some cases pertinent scientific study results have been overlooked (see comments for Page 65). Figures indicating "key, important, and general" habitat distributions for various animals need qualifiers or footnotes that the information is assumptive rather than based on available specific data. The detailed portrayal of information on these maps tends to over-emphasize their accuracy or applicability. We request that the figures, tables, maps, and discussions in the final CCP include current information, reference the sources, and provide qualifiers or footnotes indicating the sources of assumptions or degree of accuracy.

Figures 26, 28, and 29 on pages 104 through 106 only depict "popular" (Page 103) subsistence use areas. We believe these maps are inadequate, especially since access to harvest areas is a critical refuge planning issue and constitutes use. We recommend that the maps prepared by ADF&G, Division of Subsistence during the Bristol Bay Cooperative Planning Process (and now included in the ADF&G Southwest Regional Guide) be referenced and if possible used to replace these maps. The ADF&G's maps depict more extensive use areas, have a 20 year time depth, and have undergone community review.

According to the Memorandum of Understanding between FWS and ADF&G signed in 1982 and outlined here, ". . . the ADF&G has the primary responsibility for managing resident fish and wildlife resources on the Refuge and the Service has primary responsibility for managing habitats." More specifically, the CCP states (Page 128): "The Service will concentrate its resources on: . . . protecting fish and wildlife habitats by managing access, recreation, vegetation, fire, and economic activities on refuge lands; and conducting studies and basic research relating primarily to habitat management and the impacts of management activities and public uses on refuge resources." However, under the Resource Management Directions section on page 129 the plan lists 12 FWS priorities, only one of which relates specifically to the study of vegetation, habitat inventory, range carrying capacities, or other habitat specific research. (The one involves raptor habitat.) We recognize that the refuge staff can provide valuable assistance to ADF&G in conducting game surveys and in cooperating in the management of resident game species, though we are concerned about avoiding duplication of effort. We request that the list of FWS priorities be revised to be consistent with the primary responsibilities as stated in the Memorandum of Understanding.

The FWS may intend to resolve this issue by adding "with the ADF&G" to most items on the list. Intent to avoid duplication through data gathering either in conjunction with or to augment the ADF&G surveys would be appreciated. However, this would fail to address our primary concern -- these priorities do not relate to FWS's primary habitat responsibilities, such as study of vegetation, habitat inventory, and range carrying capacities. We believe the issues listed on Page 129, which prioritize supplementing the ADF&G population information, should be preceded by priorities to initiate habitat research and inventory. If FWS takes this initiative and ADF&G continues population inventory and management, a more comprehensive ecological data base will be available to the potential benefit of the wildlife and fisheries populations.

Page 286-296, Appendix C, Bibliography - Some citations in the text are not in the bibliography (e.g. Page 151, Tracy 1978 and the State's Resource Management Recommendations, 1984), and some of the references listed in the bibliography apparently are not cited in the text (e.g. Page 296, Wright and Fancy 1980). Information in the plan provided through personal communications should be acknowledged by a list of contributors. Since much of the CCP seems to be based on general information and assumptions, such clarifications would assist determining what sources have been relied upon.

CAPE PEIRCE/CAPE NEWENHAM SPECIAL MANAGEMENT AREA

The CCP proposes to establish a Cape Peirce/Cape Newenham Special Management Area. This area has the highest density of wildlife occurring in the Togiak Refuge (ADF&G Big Game Data Index File). It is believed that this scenic and productive area is sensitive to high levels of human use. The seal and walrus haul-outs are suspected to remain there because boat and air traffic has been infrequent in previous years. Only recently have local hunting pressure and commercial fishing activities increased. Present levels of human use may not affect the high populations of marine mammals, seabirds, and waterfowl. However, human use levels have been increasing rapidly, and we support FWS's assessment that some type of control appears to be necessary to maintain this area. The State has jurisdiction over the waters and submerged lands while FWS controls the uplands; we encourage FWS to pursue a cooperative agreement with the State in this area. The State has previously recognized the need to protect important walrus haul-out areas from excessive human disturbance through establishment of special areas, such as Walrus Island State Game Sanctuary (AS 16.20.090-16.20.140, 1975). These areas also have the potential to provide for substantial viewing areas for the public. Although the State does not presently manage walrus, we will consider FWS proposals to create a cooperative special management area to protect walrus haul-out from excessive human disturbance.

Page 124, paragraph 2 - The CCP and the Section 810 Evaluation need to demonstrate that the proposed permit system will not significantly restrict subsistence uses. No data are included on subsistence uses in the proposed permit area. If data are lacking, this should be stated in the Section 810 Evaluation. With no data, it is premature to conclude that significant restrictions will not occur.

LAND EXCHANGES AND COOPERATIVE AGREEMENTS (pages 125-126)

This section should include RS 2477 rights-of-way, navigable rivers, and tide and submerged lands as topics where future cooperative management agreements may be appropriate.

Regarding the third paragraph on page 125, the BBRMP contains a more detailed recommendation regarding the exchange of land in the refuge with mineral values for State or Native land with high habitat value. The CCP should include the language from pages 7-11 to 7-12 of the BBRMP.

REFUGE ADDITION NEAR GOODNEWS BAY

The proposal for the addition of BLM lands near Goodnews Bay into the refuge was specifically discussed, reviewed by the public, and rejected through the Bristol Bay Area Plan and federal Bristol Bay cooperative management planning process. The cooperative process was directed by ANILCA section 1203(b)(5) and (c)(1)(d) to address such issues, and the conclusion was that these lands should remain as BLM lands (see pages 4-21 to 4-22 and 6-10 of the Bristol Bay Cooperative Management Plan and Revised Draft EIS). A copy of these sections is attached. Both the FWS and BLM agreed to this provision of the Bristol Bay Regional Management Plan (BBRMP). The final plan should reflect this agreement.

Page 24, Refuge Boundary Changes - This paragraph should include a statement acknowledging that numerous other organizations opposed the boundary extension near Goodnews Bay through the BBRMP and that there was no support expressed for the addition.

MINERALS AND MATERIALS

We are concerned about restrictions placed on removal of sand, gravel, and rock for the construction and maintenance of roads, airports, and other facilities serving local communities in the study area. The Togiak NWR, bordered on the north by the Yukon Delta and on the east by the Wood-Tikchik State Park, places an additional 4.3 million acres in restrictive management. Five of the six alternatives, including the "preferred alternative", do not permit the removal of sand and gravel. It would also be prohibited to quarry rock within refuge boundaries. Suitable natural materials for transportation and facility construction are limited and found only in certain areas within the Togiak NWR area. The cost of importing rock, sand and gravel from areas beyond the NWR boundaries would create a situation where any public facility development, not just transportation facilities, would be prohibitively expensive. We request that the CCP provide for material extraction in instances where no local non-refuge material sources are available for local community projects. It is understood that any gravel extraction would be required to be conducted in an environmentally sound manner.

- Page 22 - The cooperative public involvement process for the Bristol Bay region identified the potential for mineral discoveries in Togiak NWR as an issue. Some of the most attractive mineral terrains in the Bristol Bay region are found in the designated Wilderness Areas of Togiak NWR. The text of the plan should be written to acknowledge this.
- Page 28 - The section titled Lack of Resource Data should acknowledge that lack of minerals resource data for Togiak NWR was identified as a problem during the development of the BBRMP.
- Page 181, Table 21 - No mention is made within this summary of management of mining under valid existing rights.
- Pages 200, 218, 228, 238, and 253, Water Quality - Under these assessments of water quality impacts for each management alternative, no mention is made of potential impacts from valid existing mining activities. We recommend that such impacts be described and evaluated, then discussed in relation to each management alternative.

AIR AND WATER QUALITY

While the discussion presented on page 138 is generally accurate, it could be expanded in a manner similar to the narrative on pages 125-126 of the Tetlin CCP. Additionally, it would be helpful if a discussion addressing pollution control and abatement were added, such as the following paragraph adapted from page 3-22 of the draft General Management Plan for Noatak National Preserve.

Pollution Control and Abatement. The FWS recognizes the potential for fuel and oil spills in the refuge. The sensitive nature of the refuge resources such as salmon spawning areas, and the difficulty of containing spills on the water, make oil and fuel spills of special concern. To minimize damage to the resources in and adjacent to the refuge the FWS will work with other federal and State agencies in reviewing and commenting on oil and fuel spill contingency plans and in responding to spills where FWS participation is required. In addition, FWS will prepare an oil spill contingency plan for refuge lands in cooperation with other regional land managers.

ACCESS AND TRANSPORTATION

We recommend that FWS make several changes to the portions of the plan that address transportation and access. These proposed additions are to help clarify the issues of RS 2477 rights-of-way and 17(b) easements. The plan as currently written is ambiguous on these issues. Most of the information requested below addresses concerns which we have with all of the ANILCA plans for the national park and wildlife refuge systems in Alaska.

General Organization of Access Issues

The sections on access and transportation in the Affected Environment chapter should include a summary of the existing roads, trails, airstrips, and waterways used at one time or another for transportation in the refuge, including a brief discussion about the historical use, current use, and management status of each. The information in this section should include, but not be limited to 17(b) easements and RS 2477 rights-of-way.

More specifically, the discussion of 17(b) easements reserved pursuant to Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) should include a description of the easement types and uses for which each easement was designated. A list of all 17(b) easements within the refuge or on adjacent lands that terminate at the refuge boundary should also be included. A more complete list and additional information about these easements may be obtained from the Bureau of Land Management (BLM) or an affected ANCSA corporation. We also suggest referencing the section of the plan which will be addressing management of these easements.

The discussion of Revised Statute (RS) 2477 should briefly describe the nature of these rights-of-way and include a list of possible RS 2477 rights-of-way in the refuge with available information regarding the current and historical use and the management status of each. The section should also include a reference to the section of the plan where FWS explains how it will manage these rights-of-way.

The Management Alternatives chapter should also address 17(b) easements, RS 2477 rights-of-way and non-exclusive use easements.

The section on 17(b) easements in the Management Alternatives chapter should reference the list of easements in the Affected Environment chapter of the plan, as described in the above comments. It should then indicate the FWS management intent for these easements. The plan

should also explain what types of modifications or restrictions different than those described in the conveyance, if any, FWS intends to require for these easements. By law, proper notice is required before any modifications to access are made. If no modifications are intended, the plan should state that policy for refuge management does not apply to 17(b) easements.

The discussion of RS 2477 rights-of-way under Management Alternatives should similarly reference the rights-of-way listed under Affected Environment. We request inclusion of the following language:

"The refuge is subject to valid existing rights, including rights-of-way established under Revised Statute (RS) 2477 (43 U.S.C. 932). The State may identify and assert additional RS 2477 rights-of-way within the unit.

"The State has authority to manage public rights-of-way and may do so cooperatively with the underlying fee landowner. The Fish and Wildlife Service, as landowner, may petition the State to disclaim an interest in or vacate any rights-of-way and/or may enter into a cooperative management agreement with the State."

Unless a cooperative management agreement between the State and FWS is developed, it is inappropriate to state that users of any rights-of-way must comply with applicable FWS permit requirements.

The requested discussion of non-exclusive use easements in the Management Alternatives chapter should outline FWS's position on the use of these easements. Non-exclusive use easements may be reserved by BLM across Native allotments when trails or areas of prior established public use overlap an allotment application. The use of non-exclusive use easements is established in the Regional Solicitor General's Opinion dated December 22, 1983 (attached). We suggest that FWS consider the benefits of requesting that BLM reserve an easement for important trails. The reservation of such easements in appropriate circumstances could protect long-standing public access to adjacent public lands and resources within the NWR while retaining the allotment holders' property rights. Management questions associated with this land protection alternative should be addressed in this section. Pursuit of this option (and incorporating cooperative agreements or cooperative management with the State) would reduce or avoid confrontation and expensive litigation over RS 2477 rights-of-way that overlap these easements.

If the FWS cannot at this time explain in detail how it intends to address each RS 2477 right-of-way and 17(b) easement, the plan should refer to a land protection plan that FWS will develop upon completion of the CCP. This discussion in the CCP should state in general how 17(b) easements and RS 2477 rights-of-way will be addressed in the land protection plan. The discussion should also indicate that the State and other interested parties will be involved in the development of this plan.

Page-Specific Comments Concerning Access

The following recommendations are for changes or additions to specific sections of the CCP. The State's concerns that access and transportation are not dealt with adequately in the CCP would be addressed if the following changes were made and the CCP reorganized as recommended above.

Pages 113-152, Management Alternatives - Access and other use restrictions pertinent to wilderness designation under all alternatives seem to be unnecessarily restrictive for this area. We recognize that some restrictions may be necessary, such as limiting air boats, boats over a specific horsepower, snowmachines over a specific size, etc. in specific areas or during certain times to reduce user conflicts. However, we request such restrictions carefully consider the traditional use patterns and desires of local residents.

We believe that FWS needs to substantiate the implication that boats with motors are unacceptable relative to wilderness values and result in detrimental impacts on fish. We are unaware of studies indicating there is a direct effect of motorized craft on fish habitat. The ADF&G surveys indicate the fisheries populations in the Togiak Refuge are healthy and productive. As referenced on page 24 of the CCP per the State of Alaska's Resource Management Recommendations, the State has the necessary management authority to insure populations remain healthy, including establishing harvest methods. Therefore, access restrictions based on an assumed need to protect fisheries populations is not substantiated.

Page 29 - The table should acknowledge that there is an undetermined amount of land that is or may be encumbered with RS 2477 rights-of-way or 17(b) easements. This could be added as a footnote.

Page 92, Popular Access Areas Map - We request that this or a similar map include the various RS 2477 rights-of-way and 17(b) easements identified in the attachments. Additionally, the legend to this map should refer to a document that will be available at various FWS offices where the reader can find the exact location of the 17(b) easements on more detailed maps than those included in the plan. The Department of Interior manual (601 DM 4) requires that this information be made available. The legend to the map should also mention that there may be additional trails that might be asserted under RS 2477 in the future. It should also include a statement that since Native conveyances have not been completed, the total list of 17(b) easements in the NWR is not yet known.

Pages 114-119, Cooperative Management Areas - Walking, motorboats, airplanes, hunting, and fishing should be permitted activities in cooperative management areas. The desire of FWS to possibly regulate these uses in the Cape Peirce/Cape Newenham Area should be noted as a cooperatively developed exception to proposed management intent for other cooperative management areas.

Page 118 - The sections on "snowmobiles" and "other motorized vehicles" need to be clarified. See first comment below for page 140.

Pages 124-152 - The Management Directions Common to All Alternatives section of the plan should include two separate sections addressing 17(b) easements and RS 2477 rights-of-way.

We request that the discussion about RS 2477 on page 128 be placed under a separate heading. The language included on page 14 of this letter should be included in the section.

The section addressing 17(b) easements should include a discussion about non-exclusive use easements. The reservation of such easements in appropriate circumstances could protect long-standing public access to adjacent public lands and resources within the refuge while retaining the allotment holders' property rights. There are a number of management questions associated with this land protection alternative which should be addressed in this section.

Page 140 - This discussion about public access is currently misleading. The CSU units were established by ANILCA subject to valid existing rights. Therefore this section should identify that State management authority

applies to valid RS 2477 rights-of-way, and indicate that the management of these rights-of-way may be addressed through cooperative management agreements with the State.

Page 140, Public Access, paragraph 3 - The CCP states that the use of helicopters will be prohibited in wilderness portions of the refuge. We recommend that FWS include language that allows the use of helicopters under the "minimum tool" provisions of wilderness designation, specifically for fish and wildlife research and management activities.

TIDE AND SUBMERGED LANDS

We request that several additions or changes be made to the CCP to more adequately address the State's management authority over tide and submerged lands.

Page 29 - The table should include the acreage for both submerged lands beneath tide and submerged lands in the coastal regions of the refuge.

Page 30, Land Status Maps - Any tide and submerged lands within the refuge boundary should be identified in the legend and on the map.

Pages 124-152 - The Management Alternatives chapter of the document should include a section on tide and submerged lands. We suggest the following paragraph:

All tide and submerged lands in the refuge which vested in the State of Alaska at Statehood are under the jurisdiction of the State of Alaska. The FWS will submit proposals for the management of these lands to the appropriate State agency.

The CCP's discussion of the land protection plan that will be done for the refuge following completion of the CCP should acknowledge that tide and submerged lands will be addressed.

NAVIGABILITY

The State is willing to consider FWS management proposals for management of the rivers, but only upon application by FWS to the Department of Natural Resources Division of Land and Water Management. The CCP should be clarified to reflect this.

Pages 29-111, Affected Environment - The CCP fails to discuss future access management problems that may result from the Bureau of Land Management's navigability determination of the Togiak River. The boundary between navigable and non-navigable portions of the Togiak River seems to be illogical when present and historical river use is assessed. This may create management and enforcement problems, particularly regarding subsistence and recreational resource uses.

Page 29 - The table should include the acreage of submerged lands beneath navigable water that are in State ownership. It should also include a footnote that acknowledges the unresolved navigability status of many of the waterbodies in the refuge.

Page 30, Land Status Map - Rivers within the refuge that have been determined to be navigable should be identified. Additionally, the legend to the map should identify the uncertain status of lands in other drainages. At a minimum, a footnote should be included in the legend of the map mentioning the possibility that other rivers in the refuge may also be determined to be navigable.

Page 139 - We request that the section of the Management Alternatives chapter titled Navigable Rivers include the following additional paragraph.

At the time of Statehood the State received ownership of the beds of navigable waters to the "ordinary high water mark". At present the (name of waterbodies) have been determined navigable. The FWS will seek cooperative agreements with the State concerning the management of submerged lands under navigable waters. FWS will make requests for the use of these lands to the appropriate State agencies.

Additionally, all rivers that BLM has determined to be navigable to date should be included in the first sentence of this section (i.e., Kagatilake, Igushik, etc.)

The CCP's discussion of the upcoming land protection plan should acknowledge that navigable rivers are a topic that will be addressed in the plan.

Page 322, Appendix J - There should also be a section included for other non-federal land owners. We request that the section summarize the amount of land in State ownership (navigable rivers and tide and submerged lands).

MANAGEMENT OF THE WATERCOLUMN

We request that the CCP address management of the watercolumns in the refuge. These watercolumns remain subject to management authority by the State, although the State may choose to cooperatively manage such areas with FWS on a case-by-case basis.

Page 124, first paragraph - The third sentence under the section titled Cooperative Management should be rewritten to read as follows: "In the Togiak NWR, the State has primary responsibility for all waters within the refuge." Also, we request that the CCP clarify what it means when it says the FWS will assist the State in managing these waters.

Page 139, Navigable Waters - We recommend that the following statement be explicitly clarified: "The Fish and Wildlife Service, however, has the authority to regulate certain activities on navigable waters that affect refuge lands." What activities can be regulated, and what are proposed options for regulating these activities (e.g. access to sportfishing)?

WATER RIGHTS

Federal reserved water rights are created either expressly or by implication when federal lands are withdrawn from entry (by Congress or other lawful means) for federal use. It is the State's position that federal water rights, both instream and out-of-stream, are either generally or specifically reserved for the primary purposes of the reservation. Characteristics of a federal reserved water right include:

- 1) it may be created without actual diversion or beneficial use,
- 2) it is not lost by non-use,
- 3) its priority date is from the date the land is withdrawn for the primary purpose(s) involved,
- 4) it is the right to the minimum amount of water reasonably necessary to satisfy both existing and reasonable foreseeable future uses of water for the primary purpose(s) for which the land is withdrawn. Water for secondary purposes must be obtained under State law, AS 46.15.

Discussion at the March, 1985 meeting of the Alaska Water Resources Board emphasized the importance of two aspects of federal reserved water rights. First, they are recognized only for the primary purposes for which the land was withdrawn, and second, they apply only to the minimum amount of water reasonably necessary to satisfy the primary

purposes of the withdrawal. Legislation establishing the withdrawal of land is critical, because it establishes the priority date for the federal reserved water right, and often expressly states the primary purposes of the withdrawal. All of these aspects of federal reserved water rights - the priority date, the primary purposes, and the minimum amount of water reasonably necessary to maintain the primary purposes - are important concepts that should be reflected in the plan.

Page 138 - We suggest that the following language be included under the section titled Water Rights:

"The water resources of the Togiak National Wildlife Refuge will be managed to maintain the primary purposes for which the unit was established. The primary purposes of this NWR are _____, as cited in the following legislation establishing this national wildlife refuge (reference to legislation). Water for secondary purposes and all other uses within the NWR will be applied for under AS.46.15. Specific water resource requirements for the primary purposes of the refuge will be identified and the minimum amount of water reasonably necessary to maintain these purposes will be quantified in cooperation with the State of Alaska. Once federal reserved water rights have been quantified, the Fish and Wildlife Service will file this information with the State in accordance with State laws."

REMAINING COMMENTS REGARDING FISH AND WILDLIFE

We fully support the proposed caribou transplant including the described methodology (page 134) for assuring establishment of a viable population. As described in the CCP, there are a few caribou presently in Togiak Refuge, which appear to be immigrating from the Mulchatna herd. Every summer and fall, several small bands trickle through the Aniak Lake area into the upper Kisaralik drainage/Heart Lake area. It is possible that these caribou may reestablish a herd in the Togiak Refuge but would occur over a much longer time period. We believe that the caribou transplant to the Togiak River drainage will only be productive if the residents of Togiak village are intimately involved in the transplant and propagation process. This would assist protection of the herd until it becomes established. We look forward to cooperating with FWS and the local residents in the design and implementation of the proposal.

The draft CCP has downplayed the significance and relative abundance of brown bears and their importance as a major inhabitant of the Togiak NWR. Brown bears are not generally observed, however, ADF&G believes that the Togiak Refuge has a moderate to high density of brown bears. We request that FWS improve its recognition of brown bear in the CCP and incorporate management intent to cooperate with ADF&G in initiating studies of the brown bear population to improve data on density, distribution, and important habitat areas within the refuge.

Pages 13 and 65 - The population estimate of one to two million seabirds in the Cape Newenham and Cape Peirce area is considered too high by Johnson and Herter, LGL Alaska Research Associates, Inc., who recently surveyed the area.

Pages 26-28, IV. Potential Problems Affecting Fish, Wildlife, and Habitats - This discussion is commended for its thorough and clear review of issues to be addressed in the CCP.

Page 26, Overharvesting and Illegal Harvesting of Wildlife - This discussion does not fully convey the impact of illegal harvest: 15 to 20 moose from an estimated population of 25 to 30 in the Togiak drainage, approximately 190 caribou from an estimated 200 throughout the refuge during the 1984-85 winter. We suggest that FWS clarify that such harvests are probably the most important limiting factor of big game populations in the Togiak Refuge. The need for improved enforcement and education should also be included. We suggest the significance of illegal harvest in preventing attainment of population goals be more clearly evident throughout the CCP including programs to resolve the program.

Page 65, Marsh and Waterbirds - Regarding the statement that sandhill cranes nest in low densities on the refuge, a recent study in the area by Tom Pogson has found notably high densities of cranes on the Nushagak Peninsula.

Page 67, Figure 18 - This map limits marine bird habitat to coastal marine areas. The ADF&G has noted murrelets use of freshwater lakes for feeding and suspects nesting may occur in alpine areas adjacent to these lakes. Cormorants have been observed flying inland up the Kanik River and may roost or nest on islands in lakes.

- Page 68, Land Mammals - The implications that lynx are relatively common while wolverine are characterized as sporadic need clarification or a source reference. Local ADF&G staff report that wolverine appear to be relatively common in the area compared to their abundance in other regions and lynx may be less abundant when compared to other regions of the State.
- Page 71, paragraph 2 - The impact of hunting on brown bear is mentioned. We request clarification of its significance, derivation, and source.
- Page 72, Figure 21 - This map inaccurately suggests that nearly the entire refuge is suitable moose habitat; comparatively little "key moose habitat" is actually available on the refuge.
- Page 87 - Considering how important commercial fishing is to the region adjacent to the Togiak NWR, a statement in the commercial fishing section indicating an intent to actively promote, enhance and continue commercial fishing would be appropriate.
- Page 130, Resource Management Directions, Wildlife Management - Consistent with the 1982 Memorandum of Understanding, we request that this section also include a statement of recognition of FWS's adoption of ADF&G's fisheries and wildlife management plans for the refuge area "unless such plans are determined formally to be incompatible with the purposes" of the refuge. The updated wildlife management plans were provided to FWS staff in the "Togiak National Wildlife Refuge Resource Management Recommendations" (January, 1984). Such a statement would reduce the appearance of FWS asserting oversight authority.
- Page 131, last paragraph, Habitat - In this paragraph FWS states "In the case of brown bear, moose, and caribou populations, the FWS does not foresee any need to manipulate habitats based on the availability of adequate potential habitat, cost, and the remoteness of the refuge." We are unaware of any studies which indicate what the determination "the availability of adequate potential habitat" was based. In the State of Alaska Resource Management Recommendations for the Togiak NWR area, one research need identified was investigation of the potential of small controlled burns in remote drainages to improve moose winter survival. We request this be addressed.
- Page 151, paragraph 1 - The statement "brown bear are present in Togiak Refuge in relatively low numbers" should be clarified in light of the sentence on page 131: "Brown bear is the most common big game species found throughout the refuge."

OTHER COMMENTS

Pages 7-8 - The Bristol Bay Cooperative Plan as defined in Section 1203 of ANILCA was intended to encourage cooperative management of all lands in the region so as to achieve the five goals stated on page 7. As such, the FWS's responsibilities under Section 1203 are not as narrowly construed as described on page 8. The second paragraph on page 8 is based on FWS's interpretation of Congressional intent, while in fact, Congress specifically included refuge lands in Section 1203. For these reasons, this paragraph should be deleted.

Page 31 - We request that the CCP more specifically define the "Area of Influence".

Page 43, Flooding - This section should also contain information regarding the occurrences of late storm tides, such as the major one in 1964 that prompted recent immigrants from Quinhagak to leave Togiak and found Twin Hills.

Page 121, Other Mineral Leasing - Within Table 13, and in other portions of the text, it is unclear whether the leasing of "other minerals" includes gold and platinum placer deposits. Elsewhere in the text, gold is described as a locatable hardrock mineral (Page 147); placer gold, however, is locatable but not considered a hardrock mineral due to its concentration in alluvial deposits.

Page 145, Cabin Management - We request that this section be expanded to address FWS policy for subsistence, recreation, commercial, and other uses.

Page 151, Other Economic Uses - The plan should note that lack of resources and poor climate preclude any possibility of economic agricultural development or commercial timber harvest.

IDENTIFICATION OF COASTAL CONSISTENCY ADVISORY FINDINGS

As indicated in our August 14 letter to you, we are forwarding an advisory consistency review of the Togiak draft CCP. Since the Togiak NWR spans two coastal districts (Bristol Bay and Cenaliulriit) which have different specific standards and policies under the Alaska Coastal Management Program, we are forwarding two advisory findings based on two different plans.

Bristol Bay Coastal Management Program

The draft CCP acknowledges that activities occurring on federal lands which directly affect the defined coastal area and resources must be consistent with the coastal management program to the maximum extent practicable. Although not specifically mentioned in the CCP, the Bristol Bay Coastal Resource Service Area (CRSA) has prepared a local coastal management program which was unanimously approved by the State Coastal Policy Council in February, 1985. The coastal boundary of the BBCMP includes all anadromous streams within a one mile corridor from ordinary high water (OHW) on each bank and all tributaries to these waterbodies within a two hundred foot buffer from OHW on each bank. Although federal approval of the BBCMP is pending, a preliminary finding and determination has concluded that the approvability of the Alaska Coastal Management Program will not be affected by incorporation of the BBCMP. Upon final approval of the BBCMP, the CRSA board will exercise its authority to review for consistency future detailed management plans and those permitting activities that may have a significant effect on the biological, natural, and cultural resource values of the Togiak NWR.

One of the overriding goals of the BBCMP is to maintain and enhance the natural productivity of fish and wildlife populations and habitats. Another important goal of the program is to maintain the opportunity for continuation of the subsistence lifestyle in the Bristol Bay region. Designation of the Togiak NWR in 1980, as a result of ANILCA, included a mandate to "conserve fish and wildlife populations and habitats in their natural diversity... and to provide the opportunity for continued subsistence uses by local residents..." It should be noted that the Togiak Fishing Grounds represent one of two general areas identified in the BBCMP as a suggested Area Meriting Special Attention (AMSA) because of its high natural productivity for fish and wildlife and also its importance as a commercial and subsistence harvest area. Potential conflicts in this area revolve around the increasing herring fishery, wildlife harassment by fishermen, and water quality problems resulting from waste disposal generated by these large numbers of fishermen and processing workers. Future AMSA planning efforts and development of a specific management plan for this area will address these and other resource concerns.

In light of the above, the Bristol Bay CRSA Board has determined that Alternatives B and C are the most consistent with the resource protection, subsistence, and recreation goals and policies of the BBCMP.

The Bristol Bay CRSA Board recognizes the general nature of the CCP. As a result, future FWS actions to develop

specific management plans for portions of the refuge, or amendments to the CCP itself, should be reviewed for consistency with the ACMP.

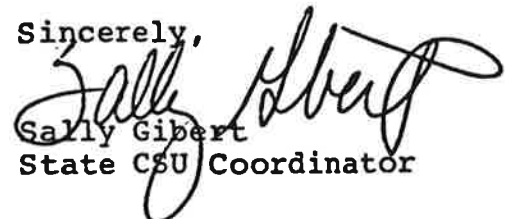
Section 304 (1) of the Coastal Zone Management Act (CZMA) excludes from the coastal area lands whose use is solely to the discretion of, or which is held in trust by, the federal government. However, the CZMA Section 307 (c) (1) states that "Federal agencies conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs." Page 129 of the CCP should be changed to reflect the CZMA's wording of "shall" rather than the existing "should".

Cenaliulriit Coastal Management Plan

The Cenaliulriit Coastal Management District finds that most aspects of the draft plan are consistent. However, two aspects of each of the alternatives are currently considered inconsistent with the approved coastal management plan for their district: (1) the prohibition of reindeer grazing, and (2) the accommodation of high numbers of sport fishermen and river rafters which are perceived as disrupting the subsistence activities of the local Yup'ik people. The advisory finding from Cenaliulriit is attached as Appendix A. State agencies do not necessarily agree with the district's findings and recommendations. However the district's findings do identify several unresolved issues which will need to be addressed to insure that the final plan is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program.

Thank you for the opportunity to review this draft Comprehensive Conservation Plan for Togiak NWR. As noted at the beginning of this letter, we request that our concerns be addressed as consistently as possible in this and all remaining CCPs. If we can be of any assistance in clarifying these comments, please contact this office. The State looks forward to resolution of our concerns prior to adoption of the final plan.

Sincerely,


Sally Gibert
State CSU Coordinator

ATTACHMENT

cc: R. Davidge, DOI
J. Katz, Governor's Office, D.C.
S. Leaphart, CACFA
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State CSU Contacts

APPENDIX ACENALIULRIIT COASTAL MANAGEMENT PLAN

Cenaliulriit Coastal Management District has reviewed the five alternatives included in the Togiak NWR Draft Plan according to the standards to the Cenaliulriit Coastal Management Plan (CCMP). The District finds that there is no single preferred alternative which is "more consistent" than the others. In all the alternatives, most of the items are consistent with the CCMP. Two of the proposed actions or "management directions" in each of the alternatives are currently considered inconsistent with the CCMP. The District preliminary finding on these two "management directions" and the rationale and applicable District Policies are presented below.

I. Management Direction: Prohibition of reindeer grazing on refuge land.

Preliminary Finding: The proposed prohibition of reindeer grazing on refuge land is inconsistent with the CCMP. Reindeer herds have grazed on the lands defined by the Refuge and have been important for subsistence hunting in the areas near villages. Particularly in the 1930's and 40's, reindeer herds were abundant. A study is being conducted by John Angaiak of the Orutsararnuit Native Council (ONC) in Bethel (543-2608) which has documented the abundance of the herds in the past. Villagers do not want to see a decrease in the reindeer herds, they want the herds to expand in order to continue the important hunting that they provide.

Recommendation: The District recommends that FWS consider the value that villagers place on reindeer hunting by looking into the study mentioned above and seeking the villagers' opinions before developing the management directive in the Final Refuge Plan.

Rationale and Policies: This recommendation is necessary to protect the subsistence resources of the District, and insure the Refuge Plan's consistency with the following policies of the CCMP:

- 5.2 The action will not curtail the age-old hunter-gatherer culture of the Yup'ik.
- 5.3 The action will not remove indispensable fish or game habitat from use by the age-old hunter-gatherer culture of the Yup'ik.
- 5.6 The project will not cause a decrease in the range or extent or diversity within the local ecology that the village depends on for food.

8.1 It interprets "essential" habitat to mean: a geographic area that has one or more of the following characteristics, as determined by the Alaska Department of Fish and Game:

- ° It has a measurable concentration of species utilized by local residents.

II. Management Direction: Sportfishing and river rafting activities in the Refuge. Specifically:

Alternative A:

- °Maintain sport fishing/river guide operations at about 1984 levels in the Togiak Wilderness;

- °Permit fishing/river guides to use temporary facilities in the wilderness area, with all facilities being removed after the season of use;

Alternative B:

- °Manage the Togiak Wilderness rivers for a high quality float (wilderness) experience;

Alternative C:

- °Manage use on the Kanektok River for a high quality float (non-motorized) experience;

- °Provide a high quality recreational experience on the Kanektok, Goodnews, and Togiak rivers by maintaining guided use at the 1984 levels and by encouraging guides to switch to other rivers;

Preliminary Finding: These management directions are inconsistent with the CCMP if the recreational uses of the Refuge continue to be as disruptive as they have been in recent years. There have been many episodes of excessive noise, littering (including human waste), and disturbance of wildlife and fish which have turned villagers against non-locals using the refuge for recreation. The increased number and intrusive behavior of river rafters has scattered moose populations which are relied upon for hunting. Villagers in each of the public hearings also testified that the high number of river rafting and sportfishing trips have also disturbed the villagers on native-owned lands within and adjacent to the refuge.

Villagers are very concerned about losing their privacy and the hunting and fishing they depend on. Ideally, they do not want sportfishing or river rafting allowed at all, on any stretch of the rivers. They recommended that the 1980 level of permits be allowed, which they understood to be no permits.

Recommendations: The CCMP does not preclude these recreational activities, therefore recreational activities at some level are consistent with the CCMP and the District therefore cannot recommend zero recreational activity. However, the District has two recommendations which would increase the likelihood that these management directions would be consistent with the CCMP:

1. The FWS should obtain more information on the hunting and gathering activities of the Yup'ik people, i.e. what geographic areas are most important, and at what times of the year.

2. The FWS should develop ways to minimize the disruptive cultural contact that results when a proposed action or management direction will attract significant numbers of non-Yup'ik people to a traditional Yup'ik village. For example:

a. Any village likely to be impacted by recreational activities should be notified or consulted before the non-Yup'ik people plan to arrive in a village. A significant number is equivalent to 5% of the population of a village. (This is written in Policy 3.1 of the CCMP.) The villagers would prefer to be forewarned of trips - guided or unguided - so that they are not surprised by the traffic through what they consider to be their own back yards (their village grounds and surrounding hunting and fishing areas).

b. The FWS should consult with the Yup'ik villagers to define non-intrusive behavior. The FWS should then inform non-Yup'ik people who are planning to visit the Refuge what sorts of behavior are acceptable and what behavior is unnecessarily intrusive. The District would be willing to assist FWS in this effort.

Rationale and Policies: The above recommendations are based on the need to minimize disruptive cultural contact, as per the following CCMP Policies:

3.1 Measures will be taken to minimize disruptive cultural contact when a proposed action will attract a substantial number of non-Yup'ik to a traditional Yup'ik village. A substantial number would be equal to 5 percent of the population of the village. Evidence must be shown that the village was consulted before proceeding with the action.

- 3.2 The proposed action will not interfere with, destroy, or desecrate sites, artifacts, structures, or other cultural resources.
- 5.4 Land that is indispensable to the hunter-gatherer culture of western Alaska will be withheld from recreational use.
- 5.5 Sport hunting and fishing will be considered of lesser importance in areas that are intensively used by hunter-gatherers.
- 6.1 The action will not damage the fragile ecosystem of the area to the extent that species cannot recover to previous levels of abundance.
- 6.2 The visual landscape, if disrupted by a temporary or transitory action, will be restored to a natural state within a reasonable length of time in compliance with state and federal law.
- 7.3 Transportation and utility routes and facilities will be sited inland from beaches and shorelines, unless they are water dependent.
- 8.9 Essential river, stream, and lake habitat will be managed to protect natural vegetation, water quality, and natural water flow.
- 12.1 Public land presently receiving significant use by persons engaging in recreation or land that is a major tourist destination is evaluated for official recreational designation or management before it is converted to an alternate use.
- 12.2 Public land that has high potential for future recreational use because of its physical, biological, or cultural features is evaluated for official recreational designation or management before it is converted to an alternative use.
- 12.3 Land that is indispensable to the hunter-gatherer society of western Alaska is withheld from incompatible land use.
- 12.4 An action will not significantly reduce village recreational activities or opportunities.
- 12.5 Recreational users of an area will not materially disrupt the activities of people who are pursuing traditional Yup'ik hunting and gathering.

In summary, the District recommends FWS obtain additional information and revise the above two management directions to insure the Final Plan's consistency with the CCMP. The District staff is prepared to assist FWS in addressing these consistency issues prior to the release of the final EIS/CCP.

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- [1277] Mr. Dan Wilkerson, Department of Environmental Conservation, Anchorage
- [1286] Mr. David Williams, Dept. of Health and Social Services, Juneau
- [1302] Ms. Vicki Williams, Department of Corrections, Anchorage