

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

STATE CSU COORDINATOR
2600 DENALI STREET, SUITE 700
ANCHORAGE, ALASKA 99503-2798
PHONE: (907) 274-3528

December 22, 1986

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

Dear Mr. ^{Bob}Gilmore:

The State of Alaska has reviewed the draft Record of Decision (ROD) for the Togiak National Wildlife Refuge Comprehensive Conservation Plan/Environmental Impact Statement/Wilderness Review (CCP).

The state appreciates the U.S. Fish & Wildlife Service's (FWS) efforts to address, in the ROD, a majority of issues which were raised in our August 1 letter on the final CCP. The state is particularly pleased that the FWS has already initiated a follow-up planning process for public use management to address the increased recreational use of the Togiak Refuge. We applaud this commitment to resolving public use conflicts occurring in the refuge. The state looks forward to participating in this grass-roots planning effort.

The state also appreciates FWS's continuing effort to address several generic issues which have been discussed by both the state and the FWS in the past. There are, however, a few remaining issues in the ROD that we recommend be addressed with additional clarifying language, as discussed below.

Commercial Fishing Facilities

Because the ROD does not indicate whether commercial fishing facilities would be permitted, any proposals for such facilities would require a compatibility determination and an evaluation of whether they represented a "significant expansion" of the commercial fishing activity (Alaska National Interest Lands Conservation Act (ANILCA), Sec. 304(d)). The Alaska Department of Fish and Game has previously requested involvement in the determination of "significant expansion." The state therefore seeks acknowledgement of this request in the ROD and proposes the following revision to page 1: ". . . ANILCA. The determination of 'significant expansion' of land-based commercial fishing activities will be made in cooperation with the Alaska Department of Fish and Game."

Fisheries and Habitat Improvement

We urge the FWS to provide for the opportunity to construct permanent enhancement structures in areas designated as Wilderness, and that this be reflected in the ROD. We have previously mentioned this in our review comments. If the FWS does not have legal authority for such action, we suggest it recommend that Congress adopt special provisions for the Togiak Refuge that allow for fish and wildlife enhancement. These provisions would be similar to those in ANILCA Section 1315(b).

Revised Statute (RS) 2477 Rights-of-Way

By and large, the ROD adequately addresses RS 2477 rights-of-way with one exception. The exception is the last sentence in the third paragraph which states "The use of the RS 2477 rights-of-way within the refuge shall be subject to federal laws and regulations applicable to the refuge." We request that this sentence be rephrased to read ". . . subject to applicable state and federal laws and regulations. (Modified language is underlined). Any valid RS 2477 would be subject to certain state authorities and the revised sentence encompasses all possibilities. As an alternative, the sentence in it's entirety could be deleted since the concept is already covered in the next paragraph which addresses management strategies. We urge FWS to make either of these simple modifications so that the state and FWS can agree on a mutually satisfactory approach to this long-standing issue.

Shorelands, Tidelands, Submerged Lands and Watercolumns

The state is pleased that the ROD has further modified the discussion of these topics. We have one minor suggestion which will help clarify that management of the watercolumns applies to virtually all waterways in the state, not just navigable waters, which could be implied by the existing language. We recommend that the last sentence in this section be prefaced with the subheading "Management of Watercolumns," as suggested in previous state correspondence. As an alternative, "various waterways" in the same sentence could be changed to "watercolumns". While we believe that either modification would be acceptable, the subheading approach is preferable in the interests of clarity.

Water Rights

We understand that the FWS is concerned with the state's definition of "minimum" as used to quantify the amount of water reasonably necessary to maintain the primary purposes of the refuge. Regardless of the language used in planning documents, it is apparent that further discussion of this issue will occur when specific refuge water needs are "quantified in cooperation

December 22, 1986

with the State of Alaska," as indicated in the ROD. The state looks forward to future cooperative efforts to quantify the water needs of this and other refuges.

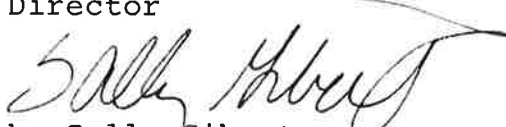
Wilderness: Oil & Gas and Fish & Wildlife

In addition to the recommendations and suggestions contained above, the state also recommends that the ROD be modified to address the concerns raised in our letter of December 12, 1986 regarding Wilderness and the relationship of the FWS Oil and Gas Policy to the Togiak Refuge.

Thank you for the opportunity to provide these comments on the draft Togiak ROD. Once we learn of how the draft ROD will address the remaining concerns expressed in this letter, and our letter of December 12, 1986, the state will be in a position to prepare for Alaska Land Use Council consideration of the Togiak ROD. If you or your staff have any questions please feel free to contact this office.

Sincerely,

Robert L. Grogan
Director



by Sally Gibert
State CSU Coordinator

cc: Senator Rick Halford, CACFA, Fairbanks
Commissioner Collinsworth, DFG, Juneau
Commissioner Gutierrez, DOT/PF, Juneau
Commissioner Smith, DCED, Juneau
Commissioner Sampson, Labor, Juneau
Acting Commissioner Kelton, DEC, Juneau
Acting Commissioner Arnold, DNR, Juneau
Mr. John Katz, Office of the Governor, Washington, D.C.
Mr. Rod Swope, Office of the Governor, Juneau
Alaska Land Use Council Members
Land Use Advisors Committee Members



United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

1730 (910)

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

APR 26 1985

Memorandum

To: ALUC Staff Committee

From: Sal DeLeonardis, Staff Committee ad hoc group member *SD*

Subject: 1008 Implementation Plan Project Group

In May 1982, Council approved the formation of a project group to prepare an implementation plan for the Memo of Understanding (MOU) concerning ANILCA Section 1008 planning studies, and subsequent oil and gas leasing, and other land disposals. The project group was also charged with the responsibility to determine if supplemental agreements to the master MOU were necessary to assure or simplify coordination and to prepare draft supplemental agreements for Council consideration if such were deemed necessary or appropriate.

Because of internal agency personnel changes and reorganizations, the project group has been relatively inactive in pursuing the Council's goals. Nevertheless, the Bureau of Land Management has proceeded to complete five separate ANILCA 1008 studies encompassing approximately 14.1 million acres. Of the total acreage studied, about 7.7 million acres of public lands have been opened to leasing under the Mineral Leasing Laws by the Secretary of Interior. Several areas were also made available for disposal under the headquarters, homesite, and trade and manufacturing site laws.

The project group members are in agreement that the coordination process established in the master MOU appears to be working smoothly, given the experience of the five already completed studies. The project group members believe that if the agencies involved in future studies continue to adhere to the coordinating mechanisms and processes established in the master agreement, no supplemental agreements will be necessary.

With no apparent need for supplemental agreements and the past experience of trouble-free completion of the five plans to date, the project group feels that further action is neither necessary nor warranted. The project group recommends that the Council finds that there is no further need for the group. Should problems surface at some future time, the Council may wish to establish a new project group with specific objectives identified for accomplishment.

Title: **State Comments on Togiak NWR/CCP/ROD**

- [1272] Mr. Mike Abbott, Resource Development Council, Anchorage
- [1304] Ms. Susan Alexander, Anchorage
- [1311] Mr. Bill Allen, Fairbanks
- [120] The Honorable Robert Arnold, Department of Natural Resources, Juneau
- [1312] Mr. James Barkeley, Esq., Anchorage
- [1252] Mr. Michael Barton, U.S. Forest Service, Juneau
- [1037] Ms. Joyce Beelman, Department of Environmental Conservation, Fairbanks
- [1] Mr. Jay Bergstrand, Department of Transportation and Public Facilities, Anchorage
- [1335] The Honorable John Binkley, Bethel
- [469] Mr. Bob Butts, Department of Natural Resources, Juneau
- [248] The Honorable Don Collinsworth, Department of Fish and Game, Juneau
- [1373] Mr. Donald D'Onofrio, National Oceanic & Atmospheric Administration, Anchorage
- [1292] Mr. Frederick O. Eastaugh, Juneau
- [1293] Mr. Bart Englishoe, Anchorage
- [1294] Dr. Hugh B. Fate, Jr., Fairbanks
- [203] Mr. Peter Freer, Department of Community and Regional Affairs, Juneau
- [201] Mr. John Galea, Ketchikan
- [1263] Mr. Joseph W. Geldhof, Department of Law, Juneau
- [359] Ms. Lennie Gorsuch, Juneau Capitol Information Group
- [303] Mr. Robert L. Grogan, Office of Management and Budget, Juneau
- [1289] The Honorable Rocky Gutierrez, Dept. of Transportation & Public Facilities, Juneau
- [1243] Mr. Robert D. Heath, Alaska Power Authority, Anchorage
- [1244] Mr. Robert Henderson, Department of Public Safety, Anchorage
- [1384] The Honorable Lyman Hoffman, Bethel
- [1247] Mr. Steve Hole, Department of Education, Anchorage
- [825] Mr. Tim Hostetler, Dillingham
- [1271] Ms. Sharon Jean, Alaska Land Use Advisors, Soldotna
- [444] Mr. John Katz, Office of the Governor, Washington
- [1288] The Honorable Keith Kelton, Department of Environmental Conservation, Juneau
- [1297] Mr. Arthur Kennedy, Anchorage
- [1298] Dr. John Choon Kim, School of Business & Pub. Affairs University of Alaska, Anchorage
- [1275] Mr. Jim Kowalsky, Tanana Chiefs Conference, Fairbanks
- [1250] Mr. Stan Leaphart, Citizens Advisory Commission on Federal Areas, Fairbanks
- [1258] Mr. Craig Lindh, Juneau Office of Management & Budget
- [594] Mr. Hugh Malone, Commissioner, Department of Revenue, Juneau
- [945] Ms. Janet McCabe, Anchorage
- [182] Ms. Jan Mills, Office of Management and Budget, Juneau
- [1316] Mr. Barry Moorhead, Juneau Federal Highway Administration
- [947] Mr. Ron Morris, U.S. Department of Interior, Anchorage
- [499] Mr. Donald Nielsen, Anchorage
- [1290] Ms. Debra Oylear, Division of Governmental Coordination, Anchorage
- [595] Major General Edward G. Pagano, Department of Military Affairs, Anchorage
- [1287] Mr. Michael J. Penfold, Anchorage Bureau of Land Management
- [124] Ms. Anna Phillip, Bethel
- [501] Ms. Eileen Plate, Department of Labor, Juneau
- [1279] Mr. Gerald Rafson, Ak. Dept. of Transportation & Public Facilities, Fairbanks
- [1273] Mr. Randy Rogers, Northern Alaska Environmental Center, Fairbanks
- [1299] Mr. Wayne Ross, Anchorage
- [263] Ms. Laura Schroeder, Dillingham
- [1372] Ms. Marianne See, Department of Fish and Game Division of Habitat, Anchorage

DISTRIBUTION LIST - CSU

December 23, 1986

Title:

- [87] Dr. Lidia Selkregg, Anchorage
- [1378] Mr. Thyas Shaub, Department of Commerce and Economic Dev., Juneau
- [948] Mr. Walt Sheridan, U. S. Forest Service, Juneau
- [233] Mr. Steve Sorensen, Juneau
- [60] Mr. Jim Stratton, Juneau
- [486] Mr. Robert I. Swetnam, Anchorage
- [1377] Mr. Len Vining, Anchorage
- [1242] Mr. Ike Waits, Department of Community & Regional Affairs, Anchorage
- [1239] Mr. Rob Walkinshaw, Department of Natural Resources, Anchorage
- [1240] Mr. Dan Wilkerson, Department of Environmental Conservation, Anchorage
- [1249] Mr. David Williams, Dept. of Health and Social Services, Juneau
- [1264] Ms. Vicki Williams, Department of Corrections, Anchorage
- [994] Mr. Geoff Wistler, Department of Commerce and Economic Development, Juneau