

# STATE OF ALASKA

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

Dear Mr. *Bob* Gilmore:

The State of Alaska has reviewed the draft Yukon Flats National Wildlife Refuge (NWR) Comprehensive Conservation Plan/Environmental Impact Statement/Wilderness Review (CCP). This letter is submitted on behalf of State agencies and represents a consolidation of department concerns and comments. The State has generally concluded that no individual management alternative is entirely acceptable as written, therefore our comments focus on general issues, rather than an analysis of each of the alternatives. Our comments address fish and wildlife management, transportation and access, economic development, navigability, management of watercolumns, water rights, and land protection planning.

### FISH AND WILDLIFE MANAGEMENT

Provisions for maintenance and improvement of fish and wildlife populations should be incorporated regardless of which alternative is selected. This is consistent with one of the refuge's key purposes: "to conserve fish and wildlife populations and habitats in their natural diversity" as directed in the Alaska National Interest Lands Conservation Act (ANILCA). We believe it is essential that both the Fish and Wildlife Service (FWS) and the Alaska Department of Fish and Game (ADF&G) be able to conduct any necessary, desirable, biologically sound, and mutually acceptable method of maintenance or improvement in order to ensure the conservation of the populations. These include not only those activities currently contained and permitted in Table 12 of the plan, but additional methods which appear to be prohibited. We believe it is premature to preclude so many potential management options until more information is available through studies and population assessments. This concern is particularly appropriate when considering the large

data gaps that exist and that are correspondingly presented as significant problems on pages 19 and 20 of the plan.

Another major concern is the lack of clarity in descriptions of the management alternatives. The language is often vague or seems to conflict with statements in other sections of the plan. These contradictions cloud the intent of both the plan as a whole and the individual management strategies. This renders assessment of the alternatives difficult. As a consequence, some discussions appear to conflict with our understanding of general FWS policies regarding our abilities to cooperatively assess and manage the fisheries and wildlife resources and their habitat.

Throughout the plan we believe a greater effort should be made to stress cooperative planning, research, and management efforts between the FWS and the ADF&G. Although this is mentioned on page 123 it should be emphasized and reiterated as appropriate in other portions of the plan. Instead, we find inconsistent acknowledgement of the closely interrelated roles, rendering an impression that the FWS is exercising its oversight authority unnecessarily. We are certain that this is not FWS' intent but request assurance to that effect by incorporation of improved cooperative language throughout the plan.

Another major concern is the the failure to fully identify and describe significant problems "which may adversely affect the populations . . . of fish and wildlife." Such identification and description is required by ANILCA Section 304(g)(2)(E). In particular we request that the CCP identify needed public cooperation and education in adhering to resource harvest regulations on the refuge. The problem is mentioned on page 23 under the heading Difficulties in Managing the Refuge by stating that ". . . unauthorized activities may be occurring . . ."; however, the severity of the problem may be underestimated. As the respective staffs of ADF&G and the FWS increase their efforts in the refuge area, we suspect that violations of harvest regulations may be more apparent than previously indicated. We suggest that the FWS clarify that such harvests may be a significant limiting factor of big game populations in the Yukon Flats NWR. A commitment to improved enforcement, education, and achieving local support in order to reduce and eventually prevent such harvest should be described. We request that the significance of illegal harvest in preventing attainment of population goals be more clearly evident throughout the CCP, including discussion of programs to resolve the problem.

In cooperative efforts between ADF&G and FWS during preparation of this CCP, fisheries and wildlife management information was provided. ADF&G has additional information to correct errors, clarify misconceptions, and add omitted pertinent data. We suggest that much of this be accomplished through informal transmittal of information via the ADF&G/FWS liaison, and further request that the information be corrected in the final CCP so that the most accurate and current fisheries and wildlife information is distributed.

### Resource Management Activities

The CCP (Pages 114, 117, and 118) currently dictates that permanent fish hatcheries, physical fish habitat manipulation, and mechanical wildlife habitat manipulation are not permitted under one or more of the land management categories. We believe that these are valid management activities which should not be precluded during this stage of management planning. Therefore we recommend that these activities be allowed where currently proposed to be prohibited. It may be appropriate to include a provision that these activities would be permitted on a case-by-case basis, following a cooperative FWS and ADF&G determination of their acceptability.

An example of why these prohibitions are of particular concern is as follows: mechanical manipulation is a tool included in the current interagency fire management plan for the region. The CCP does not permit mechanical manipulation under the moderate or minimal land management categories of the CCP. The latter category comprises 100 percent of the refuge under the preferred alternative, involving over 8 million acres. This appears to nullify the substantial efforts of the interagency fire team to prepare a plan compatible with the land classifications, resource needs, and desire to return the area to a natural habitat mosaic. We believe the two plans should be compatible and that mechanical manipulation should be permitted on the refuge when cooperatively determined necessary by respective agencies such as the FWS and the ADF&G.

### Unclear Management Intent

The first sentence of the last paragraph on page 126 states that "Under all alternatives wildlife populations in the Yukon Flats Refuge will be maintained at or above current levels, allowing for natural fluctuations in populations to occur." We request clarification of what is meant in terms of management application by the term "natural fluctuations." Also the management directions for Alternatives A, C, D, and E emphasize: "Use management of fishing, hunting, and trapping as the primary method to maintain or increase fish and wildlife populations." (emphasis added) We are concerned that this may indicate that population management methods such as predator reductions or habitat improvement projects may not be allowed. In contrast, Table 12, which lists compatible management policies, includes activities such as removal of predators as a permissible technique. FWS' intent is further confused by the discussions on pages 117 and 118 which include prohibitions of certain management activities such as physical fish habitat manipulation and mechanical wildlife habitat manipulations. Then on page 222, the FWS/ADF&G Master Memorandum of Understanding (MOU) notes that enhancement and construction activities on FWS lands may be permissible on a case-by-case basis. We request that the understandings contained in the MOU be reflected consistently throughout the management alternatives.

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 traditional access, RS 2477 rights-of-way and 17(b) easements. We recognize that the CCP has already incorporated some of our suggestions, however the plan as currently written still contains some ambiguity 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. The general comments below are addressed more specifically in the page-specific comments beginning on page 10 of this letter. 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.

General Organization of Access Issues

The sections on access and transportation in the Affected Environment chapter should include a more detailed summary of the existing roads, trails, airstrips, and waterways used currently or historically 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 as noted in our page-specific comments. The Management Alternatives chapter should also address 17(b) easements, RS 2477 rights-of-way and non-exclusive use easements.

If the FWS cannot at this time explain in detail how it intends to address each RS 2477 rights-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.

ANCSA 17(b) Easements

More specifically, the Affected Environment 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 ANCSA 17(b) easements within the refuge boundary or on adjacent lands that terminate at the refuge boundary should also be included. A 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 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 above. It should then indicate the FWS management intent for these easements. The discussion as currently written on page 134 needs to be more specific. The plan should also explain what modifications to the terms of conveyance, if any, FWS intends to propose for these easements. By law, proper notice is required before any modifications to the terms are made. If no modifications are intended, the plan should state that policy for refuge management will not affect 17(b) easements, and that all uses that are authorized in the conveyance document are allowed. If FWS does not at this time know the policy it intends to follow, then the CCP needs to explain in detail what the issues are that the policy will address and how the public will be involved in developing that policy.

#### RS 2477 Rights-of-Way

The discussion of Revised Statute (RS) 2477 in the Affected Environment chapter should briefly describe the nature of these rights-of-way and include a list of possible RS 2477 rights-of-way in the NWR. Available information regarding the current and historical use and the management status of each should be described. The section should also include a reference to the section of the plan where FWS addresses RS 2477 management concerns. The Management Alternatives chapter should similarly reference the rights-of-way listed under Affected Environment and address management intent.

Because it is important that the FWS recognize that valid RS 2477 rights-of-way may exist within national wildlife refuges, the State has suggested in the past that the CCPs include maps of possible RS 2477 rights-of-way (ROWS). Since our recommendation last summer, it has become clear that private landowners are concerned that the depiction of possible RS 2477 ROWs in the CCPs may lead to unauthorized use of adjacent private land or inholdings. Furthermore, since the CCPs acknowledge that the units are subject to valid existing rights, including RS 2477 ROWs, and the State has provided information to FWS concerning possible routes, including their location, the State believes that it is no longer necessary to include such maps in the plans. Rather, the State recommends that these maps be kept on file in FWS offices and be available for public review. Additionally, the State recommends that each CCP include a statement that additional RS 2477 ROW information is available from the FWS regional office or the State of Alaska.

Even though we feel it is no longer necessary to include maps of possible RS 2477 ROWs in the CCPs, we reiterate our request that all CCPs continue to acknowledge valid existing rights.

Therefore, we request that the language on page 134 be replaced with the following:

RS 2477 (formally codified as 43 U.S.C. 932; enacted in 1866) provides that: "The rights-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted." The act was repealed by P.L. 94-579 as of October 21, 1976, subject to valid existing claims.

The Yukon Flats National Wildlife Refuge is subject to valid existing rights, including rights-of-way established under RS 2477. The validity of these rights-of-way will be determined on a case-by-case basis. The following list identifies rights-of-way that the State contends may be valid under RS 2477:

(List of potential RS 2477 ROWs)

A map of these possible RS 2477 rights-of-way has been provided by the State and is on file at the refuge managers office and the regional office. This list and map are not necessarily all inclusive. Private parties or the State of Alaska may identify and seek recognition of additional RS 2477 rights-of-way within the Yukon Flats National Wildlife Refuge. Supporting material regarding potential rights-of-way identified by the State may be obtained through the Alaska Department of Transportation and Public Facilities, or the Alaska Department of Natural Resources.

Identification of potential rights-of-way on the list and map does not establish the validity of these RS 2477 rights-of-way and does not necessarily provide the public the right to travel over them.

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

#### ECONOMIC DEVELOPMENT AND OIL AND GAS

FWS' preferred alternative should consider the high level of unemployment and need for economic development in the Yukon Flats area. This region has one of the highest unemployment rates in the State. Activities which help create jobs (such as timber harvesting, oil and gas exploration, and minerals assessment) should not be precluded. Emphasizing site-specific consideration of a range of activities subject to refuge compatibility, which is provided by the Intensive Management category, is preferable to widespread limitations of economic activity.

Existing transportation and utility corridors need to be maintained for existing and future uses. Even though power development is not permitted within the refuge, it may be

desirable to develop nearby resources and to use utility corridors through the refuge.

Pages 6 and 8 of the Supplemental EIS address limited road access to oil and gas development sites. As noted in Table 11, (pages 114-115) transmission lines are permitted within the refuge in intensive and moderate management areas. If developed, it is likely transmission lines would be built in conjunction with an existing road system. Depending on actual project location and economic feasibility, consideration should be given to the likelihood of interconnecting oil and gas development sites with existing transmission lines outside the refuge. If likely, the issues of road size and clearing impacts need to be addressed.

Page 25 of the Supplement refers to roads interconnecting villages in Alternative B, and tying in road development on the refuge with existing road system. These proposed activities improve the economic feasibility of interconnecting small village electrical loads and providing a common source of electrical generation. When addressing road development within the refuge, particularly in relation to connecting small communities, the FWS should give consideration to transmission or distribution line access.

We are continuing our evaluation of the oil and gas policy and may submit additional comments on this subject in the future.

#### NAVIGABILITY

The FWS should consider developing cooperative management agreements with the State concerning the management of navigable rivers. 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.

Page 28 - 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 29, 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, we request that a footnote 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 103 - We request inclusion of a section describing the navigability status of the various wild and scenic rivers in the refuge.

Pages 129-130 - This discussion of Navigable Waters is confusing. Two issues are being addressed in this section that could be better dealt with under separate headings. The first issue is how to manage lands under navigable waters. The second issue is how to manage the use of the watercolumns of rivers and other waterbodies in the refuge. (See next section)

We request that the discussion for Navigable Waters beginning on page 129 be replaced with the following 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.

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

#### MANAGEMENT OF WATERCOLUMNS

As discussed in the section on navigability above, the FWS should include a separate section titled "Management of Watercolumn." This section should include the portions of the discussion in the section titled "Navigable Waters" that deals with the use of the watercolumn itself, not the lands under the watercolumn. The discussion should also be rewritten to acknowledge that 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.

Additionally, the sections titled "River Floating and Canoeing" on page 119 and "Power Boats" and "Non-motorized Boats" on page 121 need to be clarified. The management of these uses may require cooperative management agreements with the State. This needs to be acknowledged in the discussion about these uses.

#### 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.

We thus suggest that the first paragraph (three lines) on page 129 be replaced with the following:

"The water resources of the Yukon Flats 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."

#### LAND PROTECTION PLAN

The CCP should outline in detail how and when a Land Protection Plan for the refuge will be developed. The discussion should include a list of the issues the plan will address, including any proposed land exchanges, navigable rivers, RS 2477 rights-of-way and 17(b) easements.

PAGE-SPECIFIC COMMENTS

Page xi, COMMON MANAGEMENT DIRECTIONS, line 2 - We request the addition of "State law" to the sentence.

Page 7, Legal and Administrative Planning Requirements - Item (D) in this section requires the Secretary of the Interior "to identify and describe present and potential requirements for access with respect to the refuge, as provided for in Title XI", prior to development of the CCP. Given the large blocks of private land which are separated or isolated by the refuge, provision for future development of surface access should not be precluded in the CCP. Construction of that surface access may not be necessary or appropriate at this time; however, the CCP should recognize that such access may someday be warranted. We request that item (D) above be discussed in the CCP, including discussion of specific routes that may be needed in the future, and referencing Title XI provisions for their consideration in the future.

Page 7, lines 12 and 11 from the bottom of the page - We request that this be changed to read: "programs relating . . . to in paragraph B (above), . . . ; and."

Page 7, line 14 from the bottom of the page - We request that this be changed to read: "resources and values;."

Page 15, STATE OF ALASKA POSITION PAPER, paragraph 2 - The State of Alaska Position Paper calls for cooperation between the State and FWS in "designing and implementing a harvest monitoring system capable of providing accurate subsistence data." We also suggest that it is essential for FWS to achieve the cooperation of local communities and regional organizations to assure the success of such an endeavor.

Page 17, Subsistence Uses, paragraphs 3 and 4 - The draft plan considers the most significant issue concerning subsistence as occurring "when 'subsistence' begins to exclude resource use by other legitimate users." The game management unit (GMU) 25D permit moose hunt is described as "favoring" local (subsistence) residents over non-local (recreational) users. Although the text also acknowledges that questions regarding subsistence remain unresolved, this description of the issue should more clearly explicate provisions in the state subsistence law and Title VIII of ANILCA pertaining to the allocation of resources for subsistence uses.

Another statement asserts that "Subsistence use of refuge resources raises a variety of other questions, as well, all of which must be considered before the Fish and Wildlife Service can satisfactorily make decisions regarding

subsistence use on the Yukon Flats Refuge." We would appreciate knowing what these other questions are so that the ADF&G can evaluate the questions and assist in developing potential solutions.

- Page 20, paragraph 2, sentence 6 - This sentence currently reads: "The Yukon and its tributaries are also a key fishery." We recommend this be revised as follows: "The Yukon River and its tributaries constitute major fishery habitat." Chum salmon, which are important to the Yukon River system's commercial and subsistence fishery, should also be mentioned in this paragraph. Further, the Sheenjek River, which lies within the Yukon Flats NWR, is among the most important fall chum salmon producers in the entire Yukon River drainage.
- Page 22, Management of Migratory Fish, paragraph 1, sentence 3 - As written, this sentence implies that there are three species of Pacific salmon. We suggest rewording the sentence to state that three of the five species of Pacific salmon indigenous to North America are found in refuge waters.
- Page 22, paragraph 6, last sentence - The referenced maps are not in Appendix F.
- Page 26, continuing paragraph - Subsistence fishing should also be identified among subsistence activities which occur along the Yukon River and its tributaries.
- Page 28 - 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 43, paragraph 1, sentence 3 - We request that the words "except for the Christian River" be deleted from the sentence, so that it reads: "These waters have been identified as important salmon spawning and rearing habitat." The FWS observed chinook and chum salmon in the Christian River on August 19, 1985. This river has been nominated for inclusion in the State's anadromous fish stream catalog.
- Page 61, paragraph 3, sentence 5 - The annual moose harvest figure in GMU 25D is given as 23 to 33 animals. As the ADF&G pointed out in earlier staff comments, this is incorrect. These figures represent the estimated moose harvest in the GMU 25D (West) permit area. (Compare the discussion in the first full paragraph on Page 100.)
- Page 65, Bears (Grizzly and Black) - A statement should be made that salmon are also included in the bear's diet. For example, fall chum salmon are preyed upon by bears upon arrival at their spawning areas in the Sheenjek River.

- Page 68, paragraph 3, sentence 3 - We suggest that this sentence be reworded as follows: "Escapements of salmon species bound for the upper Yukon River drainage spawning areas are directly related to the intense commercial and subsistence fisheries which occur downstream of the Yukon Flats NWR, as well as harvests which occur within the boundaries of the refuge."
- Page 70 - A statement should be added to both sections under chinook and coho salmon that more studies are needed to accurately document the timing, distribution, and abundance of spawning by these species within the Yukon Flats NWR.
- Page 70, Coho (Silver) Salmon - We suggest rewording the second sentence to read: "Fry emerge the following spring and remain in fresh water generally two years (sometimes one) before migrating to sea." We also suggest deleting the last sentence which states: "The refuge has many rivers and streams that are important coho salmon migration routes." This may be true, but as stated above, more studies are needed to accurately document the timing, distribution, and abundance of this species.
- Page 71, Chum Salmon - We suggest deleting the third, fourth, and fifth sentences and inserting the following: "The Sheenjek River (part of which lies in the Yukon Flats Refuge) and the Fishing Branch River (headwaters of the Porcupine River) are two of the most important fall chum salmon producing streams in the entire Yukon River drainage. Yukon River chum salmon migrate as young-of-the-year fry to the Bering Sea soon after emergence in the spring following break-up. Adults attain sexual maturity and return to the Yukon River for spawning in their third, fourth, fifth, and sixth year of life, although age 4 and 5 fish generally account for more than 90 percent of the returns annually. Available evidence indicates that age 4 is the predominant age of return for the Yukon River summer and fall chum salmon (Buklis and Barton 1984)."
- Page 76, Sociocultural Systems, paragraph 1, last sentence - This sentence is vague and requires further elaboration as staff have suggested in the past. The implication is that traditional kinship linkages, socialties, and value systems are changing dramatically; we are unaware of studies substantiating this.
- Page 78, Community Infrastructure, paragraph 2 - Although it may be unintentional, the wording of the last two sentences of the second paragraph implies a relationship between tribal government and the absence or inadequacy of electricity and water systems in the smaller Yukon Flats communities. We note that becoming an incorporated community is not a prerequisite for obtaining these amenities.

- Page 79, Economic Conditions - The mixed economy has been present for many years and predates the presence of government programs. The draft CCP itself notes the importance of the fur trade in the local economy beginning in the mid-1800s (see page 73).
- Page 80, lines 2-8 - In describing the role of cash in subsistence pursuits, the draft CCP suggests a correlation between increasing cash expenditures and increased harvest range necessitated by competition for available resources. We are unclear as to the intent of this brief discussion. Does information exist which substantiates that an increase in harvest range has occurred? If so, is the increase caused by competition or other factors? The ADF&G's Division of Subsistence is not aware of any studies on this topic.
- Page 82, Subsistence, paragraph 3, first sentence - The study has been completed and published as ADF&G, Division of Subsistence, Technical Paper 121.
- Page 82, paragraph 4 - An explanation of navigability determinations and their legal purpose should be offered here to explain the difference between subsurface land ownership and the actual usefulness of a river for transportation. This paragraph appears to address land status rather than river transportation. The legal limits of navigability determinations do not necessarily provide a useful indication of the season long limitations on boating operations.
- Page 83, Figure 17 - As noted previously, the State believes it is no longer necessary to include a map of RS 2477 ROWs in the CCP. The legend for 17(b) easements 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 should also note that since Native conveyances have not been completed, the total list of 17(b) easements in the NWR is not yet known.
- Page 94, Beaver, paragraph 2, last sentence - Preliminary findings from the Division of Subsistence study recently initiated in Beaver indicate that local residents also hunt and trap in the vicinity of Moose Island.
- Page 96, Stevens Village - The following information is provided to update and expand the data presented: The Stevens Village resource use area extends upriver to the community of Beaver. Fall moose hunting occurs primarily along the main channels and sloughs of the Yukon River. Winter hunting takes place along the river as well as throughout

the Flats and surrounding foothills, in conjunction with trapping activities. Black bears are harvested primarily along certain portions of the flats north of the community. Small game is harvested throughout the area, often in conjunction with other activities. Salmon fishing camps are situated upriver from Stevens Village below Moose Island and downriver from the community along the canyon to below the Dalton Highway bridge.

Page 98, Recreation - The first sentence states: "Historically, recreational use of the refuge has been difficult to distinguish from subsistence use." We question the accuracy of this observation, particularly in light of the extensive information presented in this document on subsistence uses of fish and wildlife resources. The draft CCP, Page 17, alludes to a distinction between recreational and subsistence uses of wild renewable resources.

Page 98, Recreation-Hunting - We remain concerned about the discussion of subsistence hunting by local residents appearing in this section entitled "Recreation." A recently completed Division of Subsistence Report (Technical Paper No. 121, by Valerie Sumida and Clarence Alexander) contains updated moose harvest information for GMU 25D (West) and has been forwarded to the refuge planning team. We suggest the discussion of subsistence hunting would more appropriately be located on Page 82.

Page 101 - The second paragraph asserts that caribou on the refuge are harvested "exclusively" by local residents. Although most caribou hunting probably is pursued by local residents, we question whether this is "exclusive." It could be noted that current regulations do not restrict caribou hunting opportunities to local residents.

Pages 113-122, Management Categories - Discussions of access and the requirements of Title XI are fragmented to the point that a reader is required to comprehensively review the entire document and make correlations between statements to determine the policy regarding access. Wherever reference is made to transportation systems (roads) not being permitted, we request that an exception be added to allow for Title XI routes and for existing rights-of-way (such as RS 2477s).

Pages 114 to 122 - We request that the sections in Tables 11 and 12 titled "Access" (page 115), "Snowmobile Races" (page 119), "Licensed Highway Vehicles" (page 120), "Snowmobiles" (page 121), "Horses" (page 120), and "Hiking" (page 120) include a footnote referring the reader to the discussion on page 134 where FWS describes how it will address management of routes being used for access that coincide with an RS 2477 right-of-way. The CSU units were established by ANILCA subject to valid existing rights. Therefore, sections of

the plan noted above should identify that State management authority applies to valid RS 2477 rights-of-way and indicate that when a route coincides with an RS 2477, the management of these rights-of-way will be addressed through cooperative management agreements with the State.

Pages 117-122 - Table 12 is mislabeled as Figure 12.

Page 120, Figure 12 - We request that the access portion of Figure 12 specifically address the movement of heavy equipment across refuge lands. Winter travel with heavy equipment has historically been important to construction projects in villages and to mining operations adjacent to the refuge. Occasional need for such equipment movement can be expected in the future.

Page 123, Cooperative Agreements - This section should include RS 2477 rights-of-way and navigable rivers as topics where future cooperative management agreements may be appropriate.

Page 125, line 7 - We request that this be changed to read: "and to provide the Service and/or the State with . . ." as per ANILCA 907(b)(4).

Page 134 - The first full sentence indicates that use of certain types of vehicles will be limited to "designated areas of traditional use . . ." We question how these areas will be determined.

Page 134, Access, paragraph 1 - The third and fourth sentences need clarification. Under Alternative B, 22 percent of the refuge would be categorized as under intensive management. Under the preferred alternative, no land would be categorized as intensive management. Table 12, Page 121 shows that air boats and air-cushion boats are permitted under the intensive management scenario except in areas closed by regulation. Is it intended that the entire refuge will be closed to air boats and air-cushion boats? If so, we request that this section be rewritten to plainly state this or that sentence in question be rewritten to allow for the "exception."

Page 134 and 136 - The first two paragraphs about access on page 134 and on recreation on page 136 need to be clarified. These sections should identify that State management authority applies to valid RS 2477 rights-of-way and indicate that when a route coincides with an RS 2477, the management of these rights-of-way will be addressed through cooperative management agreements with the State.

Page 139, lines 7-12 - This paragraph states that "onshore facilities associated with commercial fishing (except existing facilities)" are incompatible with refuge purposes and are not permitted. Our comments provided to staff

workers during the preparation of the draft CCP asked for clarification as to what these onshore facilities might be. One of our concerns was whether such a prohibition might affect local residents who fish both for commercial and subsistence purposes. Furthermore, it is unclear whether existing onshore facilities (whatever they may be) can be replaced or rebuilt.

- Page 140-157, Description of Alternatives - Under the Public Use and Access Management section for each alternative, motorized access to inholdings and adjacent lands would be allowed "if they are the traditional means of access." Reference to "traditional means" should be deleted and the sentence revised to allow adequate and feasible access as provided for in section 1110(6) of ANILCA. Congress clearly did not intend to limit future access to inholdings, including access to entire communities, to traditional transportation technology.
- Page 141, FISH AND WILDLIFE MANAGEMENT - The third sentence presently reads "Management of hunting, fishing, and trapping would be the primary means of maintaining fish and wildlife populations on the refuge." We suggest adding the words "or improving" following the word "maintaining" in this sentence.
- Page 186, Selection of a Preferred Alternative - The selection of a preferred alternative should be supported with an explanation of why that alternative is best and why it is needed. This section should summarize what protection is needed and why it is needed.
- Page 193 - The citation for Barton is incorrect. It should be L. H. Barton and Technical Data Report No. 121. "A catalog of Yukon River salmon spawning escapements."
- Page 193 - If the information update the ADF&G provided for page 71 is used, the correct citation is: Buklis, L. S. and L. H. Barton. 1984. Yukon River fall chum salmon biology and stock status. ADF&G, Informational Leaflet No. 239, Juneau. June 1984. 67pp.
- Page 216, paragraph 2, last sentence - We suggest wording this sentence as follows: "There is an urgent need to locate and protect all salmon spawning areas and migration routes to ensure continued commercial, sport, and subsistence use of this important natural resource."




February 26, 1986

One final comment, in our efforts to be consistent in our comments on the refuge plans, there are three remaining general concerns which we have noted in previous refuge plan reviews that apply to the Yukon Flats CCP. (1) All alternative maps displaying management categories should note in the legend that these policies do not apply to non-federal land. (2) In discussions of wilderness and minimal management, there needs to be a clear distinction between non-discretionary decisions based on law and discretionary decisions based on FWS policy. (3) The plan should clearly identify State management responsibilities in the refuge and indicate a clear commitment to adequate involvement of the public and the State in future planning and decision-making.

On behalf of the State of Alaska, thank you for the opportunity to review this draft Comprehensive Conservation Plan for the Yukon Flats NWR. If we can be of any assistance in clarifying these comments, please contact this office. The State looks forward to review of the final plan.

Sincerely,



Sally Gibert  
State CSU Coordinator

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