

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 completed its review of the draft **Kodiak** 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 state concerns and comments.

The state has the following general concerns with the CCP:

1. Several proposed restrictions on uses of and management activities in the refuge appear to be more restrictive than necessary for sound refuge management or than intended by the Alaska National Interest Conservation Act (ANILCA).
2. The CCP is not sufficiently clear on what uses and activities will and will not be allowed in the refuge. Discussions of the various management categories (minimal, moderate, special river, and wilderness) and the individual management alternatives need improvement in this respect.
3. In numerous locations, the CCP does not adequately acknowledge state management responsibilities or sufficiently emphasize the need for cooperative state/FWS management.
4. The CCP does not adequately delineate the criteria or process which will be used in making case-by-case decisions on what uses and activities are and are not compatible with the purposes of the refuge.
5. An advisory consistency review finds the CCP is inconsistent with at least two policies of the Kodiak Island Borough Coastal Management Program (KIBCMP).

Based on our review, we conclude that no individual management alternative is entirely acceptable as written; therefore, our

comments focus on specific issues rather than on an analysis of each alternative. These issues include: Resource Management Activities (page 2), Fish and Wildlife Management (page 5), Access and Transportation (page 7), Commercial Fishing (page 10), Wilderness (page 11), Navigability (page 16), Management of Watercolumns (page 17), Land Protection Policies (page 17), Cabin and Temporary Facilities Policies (page 17), Fish and Wildlife Information (page 19), Coastal Management Plan Consistency (page 25), and Miscellaneous Page-Specific Comments (page 27).

Resource Management Activities

We believe it is essential that both the FWS and the Alaska Department of Fish and Game (ADF&G) be able to conduct any necessary, biologically sound, and mutually acceptable method of maintenance or improvement of populations or habitat in order to ensure conservation of fish and wildlife. These include not only those management activities currently permitted in the CCP, but additional methods which the CCP either proposes to prohibit under certain management categories (such as permanent fish hatcheries, spawning channels, fish passes, and mechanical manipulation), does not address (such as incubation egg boxes), or addresses in a less than neutral fashion (such as lake fertilization). We urge the FWS to not preclude use of these tools under any management category but to permit them on a case-by-case basis, when cooperatively determined to be desirable and consistent with sound scientific principles.

As a case in point, the Kodiak NWR is the major location of spawning streams for salmon in the Kodiak area, as the CCP notes on page 113. The refuge helps to support a Kodiak area salmon fishery which, according to Table 12, produced approximately 67,806,000 pounds or \$118,773,000 of salmon in 1981. Historically, this level of production can be attributed in part to fishery improvement projects carried out by the ADF&G in cooperation with the FWS. Many of these projects have relied on the use of permanent improvement facilities and would not have been practical without them. Future fisheries improvement efforts may also require the use of permanent facilities. In many cases, permanent facilities are the only economically feasible option (the cost of seasonally installing and removing facilities would be prohibitive) and the environmentally preferred alternative (disruption to stream beds and adjacent areas would be less than with seasonal installation and removal). For these reasons, we urge the FWS not to preclude use of these tools under any management category, but to permit them on a case-by-case basis.

The following are page-specific comments regarding this issue:

Page 40, 229, 245, 260, and 271 - These discussions of fertilization of Karluk Lake overstate the negative and unlikely possibility of stickleback benefiting from fertilization to the detriment of sockeye salmon. The success record of the statewide fertilization of 12 lakes targeted for sockeye and coho salmon has demonstrated that increased sockeye salmon survival and size is more likely. Recent experience gained in Canada and Alaska in lake fertilization for increasing sockeye salmon is also well documented. Highly qualified, professional limnology staff at Karluk Lake have completed 7 years of pre-fertilization studies that recommend fertilization to substantially increase sockeye salmon. We request that a more balanced presentation of lake fertilization be provided.

We also request recognition in the CCP that state statutes and policies prohibit implementation of fisheries projects that would have any likelihood of negatively affecting natural stocks. Consequently, all fisheries development projects receive careful evaluation and must be consistent with the ADF&G's STATEMENT OF POLICY ON CONTROL OF FISH DISEASE and the GENETIC POLICY. The latter is an inter-agency reviewed and recently revised policy which serves to protect the genetic integrity of Alaska's important wild fish stocks.

Pages 42, 77-100, 155, 170-179, and 213 - Given the significant gaps in resource knowledge identified on these pages, we believe it is particularly important not to restrict resource management tools, such as those discussed above, until more information is available through studies and population assessments.

Page 142 and 147 - The CCP specifies in Tables 14 and 15 that spawning channels will not be permitted in minimal and special river management areas, which would collectively comprise 94 percent of the refuge under the preferred alternative. In contrast and more in line with what we would like to see in the CCP, the fishery management tasks listed in Table 16 include support for investigations to upgrade sockeye salmon runs in the Karluk River, including the existing Thumb River incubation facility.

Page 151 - The CCP should provide for administrative use of off road vehicles (ORV's) on a case-by-case basis in the event of a natural disaster or other unusual circumstance. For example, ORV's could be necessary to repair or rebuild the Frazer fish pass or to rehabilitate river systems and salmon runs, as was done in Prince William Sound after the 1964 earthquake.

Page 153 - Water pipelines may be necessary in minimal and special river management areas (e.g., to support potential hatcheries on Native land holdings) and in moderate management areas along the coast which are bisected by special river management areas. We suggest permitting pipelines, on a site-specific basis, subject to restrictions, in all management areas including wilderness.

Page 195 - We request clarification of the term "aquaculture operations." The ADF&G defines aquaculture to include a wide variety of fishery improvement projects. In this light, the statement that "aquaculture operations . . . have been determined to be incompatible with refuge purposes due to potential adverse effects on the refuge populations of salmon, brown bear, eagles, and other fish and wildlife" contradicts Table 15, which permits numerous aquaculture activities. Numerous aquaculture operations already occur on the Kodiak NWR. The CCP recognizes the long history of aquaculture projects on Kodiak NWR, including fertilization of Bare Lake in 1950-1953; operation of the Karluk hatchery, 1897-1917; introduction of sockeye salmon into Frazer Lake, 1951-1971; construction of the Frazer fish pass in 1962-1963 and 1979; planting of eyed sockeye eggs at Karluk Lake in 1977-1985; construction of the incubation facility at Thumb River in 1980; and transplant of sockeye into Akalura Lake in the 1960s. These aquaculture projects have successfully increased salmon populations and are believed to have generally benefited other wildlife associated with salmon populations.

ANILCA Section 304(e) specifically provides for fisheries projects on refuges subject only to compatibility with refuge purposes and sound scientific principles. As stated above, we request FWS reconsideration of proposed restrictions on these management tools.

Pages 213, 268-269, 278 - Alaska Statute (AS 16.05.092) directs the ADF&G "through rehabilitation, enhancement, and development programs to do all things necessary to insure perpetual and increasing production and use of the food resources of Alaska waters and continental shelf areas." Proposed restrictions on fisheries management tools, such as permanent improvement facilities, directly restrict ADF&G's abilities to conduct statutory responsibilities where necessary.

Page 213 of the CCP states that Alternative C would provide for the goals of the Kodiak Regional Comprehensive Salmon Plan (which includes enhancement and rehabilitation). Page 268 states that Alternative C would support the overall

goals established for natural stocks. However proposed restrictions on permanent fisheries management facilities will likely affect achievement of the goals. Furthermore, we object to the statement "Most management practices, however, would not be affected." Management flexibility would be reduced by these restrictions.

Page 320 - Consistent with the Master Memorandum of Understanding (MOU) between the FWS and the ADF&G that states a mutual agreement: "To coordinate planning for management of fish and wildlife resources on Service lands so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized," we request opportunities to resolve policy and objective differences regarding resource management activities with the FWS prior to publication of the final CCP.

FISH AND WILDLIFE MANAGEMENT

We believe a greater effort should be made in the CCP to stress cooperative planning, research, and management efforts between the FWS and the ADF&G. We suggest that the paragraph on page 169, which clarifies the interrelated responsibilities of the ADF&G and the FWS, be referenced and/or reiterated as appropriate in other portions of the CCP. In addition, we request editing of the CCP to more accurately reflect the respective roles and responsibilities of the FWS and the ADF&G. Throughout the CCP, statements are made which could be interpreted as discrediting ADF&G management abilities or diminishing ADF&G management responsibilities. While we are certain that this is not FWS' intent, we request assurances to that effect so that the public has a more complete picture of the interrelated responsibilities of FWS and ADF&G. Examples of corrections which could be made to address this concern are included below.

Page 39 - Under the categories Subsistence, Commercial and Sport Harvest, it is stated that "increase in harvest levels could make fewer fish available" and "if escapement goals are not met and salmon populations decline as a result." We request that these statements be modified to avoid the implication that the ADF&G may allow overharvest and/or not achieve escapement goals.

Page 77 - The discussion in paragraphs 1 and 2 under "Fish" identifies some ADF&G projects, such as "Salmon returns are managed by," "conducts daily weir counts," and "monitors catch reports." We request that the discussion be broadened to include recognition that ADF&G manages the subsistence, commercial and recreational fisheries. We also request clarification that escapements and catches are not only

"monitored" but regulated through adjustments in fishing time, seasons, bag limits, gear types, etc.

Page 141-149 - To highlight the cooperative management intent expressed in the FWS/ADF&G MOU, the topic headings TERRESTRIAL RESOURCE MANAGEMENT ACTIVITIES AND AQUATIC RESOURCE MANAGEMENT ACTIVITIES in Tables 14 and 15 could be footnoted with the following language: "The need for scientific studies, inventories, and other activities related to fish and wildlife and their habitat is cooperatively determined by the FWS and the ADF&G".

Page 176 - The discussion under "(b) Fisheries Management" lists tasks the FWS will perform, including support for existing ADF&G programs. We request that the list be modified to also include support for potential ADF&G management projects and studies, as appropriate.

Task 11: We request that "conduct or assist in" be revised to "assist in the conduct of".

Task 14: We request that this task be revised to "Cooperate with ADF&G in monitoring and assessing the effects . . ."

Page 178, Fish Population Objectives - We request that this discussion clarify that the ADF&G maintains fish populations and establishes various goals to meet population objectives. The FWS has assisted ADF&G in these efforts, including evaluating escapements and harvests.

Pages 200-201, 205-206, 212-213, 219-220 - The FWS describes various fisheries management activities and specific harvest or index goals for the four land management alternatives (A, B, C, and D). The descriptions do not adequately reference the state's traditional role in fisheries management responsibilities (e.g., to establish fisheries goals, regulate harvests, set escapement levels, assess spawning/rearing habitat, install and operate fish weirs, etc.).

Pages 232, 245, and 260 - We request that discussions of the biological effects of Alternatives A, B, and C on fish, inform the reader that salmon, trout, and char populations are protected by regulations promulgated by the Alaska Board of Fisheries. These regulations are reviewed annually and updated as needed to assure protection of the fishery resources. This addition will assist readers in recognizing that fish populations are protected and managed by the state.

Pages 245-247 - We request that this description be clarified to avoid the implication that the FWS will be directly responsible for aerial surveys and weir maintenance, which are fisheries management tools traditionally performed by the ADF&G.

Page 246 - To avoid the implication that increased harvest levels will not be monitored and regulated by the ADF&G we suggest that the photo caption indicate that steelhead stocks are protected by seasons and bag limits.

Page 254 - The acknowledgement of the State's Board of Fisheries management which limits sport fish harvests to protect populations is appreciated. We request that similar statements be included under all alternatives.

ACCESS AND TRANSPORTATION

We recommend that the FWS make the following revisions 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.

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 waters used currently or historically for transportation in the refuge, including a brief discussion about the current use, historical 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. 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 right-of-way and 17(b) easement, the plan should refer to a land protection plan that the FWS will develop following 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

The Affected Environment section of the plan should include a discussion of 17(b) easements reserved pursuant to Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) and 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 FWS management intent for these easements. The discussion should also explain what modifications to the terms of conveyance, if any, FWS intends to propose for these easements.

If no modifications are intended, the plan should state that policy for refuge management does not apply to 17(b) easements, and that all uses that are authorized in the conveyance document are allowed. This would serve as interim policy guidance to refuge managers until the policy described on page 183 is finalized.

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 (ROWS) in the NWR. 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 the FWS addresses RS 2477 management concerns. The Management Alternatives chapter should similarly reference the ROWs listed under Affected Environment and address management intent.

Because it is important that the FWS recognize that valid RS 2477 ROWs may exist within national wildlife refuges, the state has suggested in the past that the CCPs include maps of possible RS 2477 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 fourth paragraph on page 183 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 Kodiak 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 manager's 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 Kodiak 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 with the right to travel over them.

We also note that the first sentences in both the first and second paragraphs on page 183 need to be clarified. These sections should identify that state management authority applies to valid RS 2477 ROWs, and indicate that when a route coincides with an RS 2477, the management of this ROW will be addressed through a cooperative management agreement with the state. Unless a cooperative management agreement between the state and

the FWS is developed, it is inappropriate to require that users of any ROW must comply with FWS permit requirements.

COMMERCIAL FISHING

We cannot support FWS' proposed restrictions on commercial fisheries. The authority to regulate harvest of the fisheries, including salmon, herring, and crab, within state waters was vested in the state by the Statehood Act of 1958. The CCP should address FWS intent regarding only land-based support facilities. Furthermore, the ANILCA Section 304(d) permits the exercise of valid commercial fishing rights and the use of land based support facilities unless such facilities: 1) are inconsistent with the purposes of the refuge and 2) constitute a significant increase in fishing activity from the level in 1979. The CCP does not adequately document either of these findings and the subsequent need for restrictions. We are therefore concerned about the validity of the conclusions in paragraph 1 on page 195 that "development of processing facilities . . . or opening of a new fishery . . . would not be permitted because they both pose potential adverse impacts to the refuge's resources and constitute a significant expansion of the fishing activity."

These restrictions on commercial fishing and facilities are directly contradicted by FWS findings (page 28): "wilderness designation would not affect the rights of commercial fishermen to use the refuge". (In this respect, the FWS proposes to manage minimal management areas and wilderness identically). The FWS determined that this issue did not satisfy NEPA criteria for significance as it relates to wilderness designation. However, the restrictions could significantly affect the commercial fishing industry.

Congress clearly permitted the retention of commercial fisheries and support facilities on federal land. Concern over this retention was resolved by the U. S. Senate Committee on Energy and Natural Resources, October 10, 1979. Committee members reached a basic understanding which guarantees that the Secretary of Interior shall permit the conduct of commercial fishing rights and privileges, as well as incidental facilities on federal lands, subject to reasonable rules and regulations. These activities are permitted at the 1979 level and can rise above that level if the Secretary determines they are compatible with the purposes of the refuge.

The CCP does not adequately show that 1) the activities are incompatible with refuge purposes, 2) they would constitute a significant increase and 3) public hearings have been or will be held in the affected locality or involving affected public to address the question of consistency, as required by ANILCA Section 304(d). Consequently, we cannot support the restrictions

proposed for commercial fishing activities and facilities. We request that the FWS meet with the ADF&G to cooperatively define "1979 level", as well as "significant expansion."

Page 154 - Numerous commercial set net sites are shore-based and commercial fisheries activities occur in the lagoons. These fisheries need to be realistically addressed in the CCP.

Page 194 - The last sentence of the paragraph under "(e)" states "Only the minimum human presence necessary for commercial fishing will be permitted." We request clarification of what is meant by "minimum". The definition should not exclude family members and visitors from set net sites and other commercial fishing land-based facilities.

WILDERNESS

We request that the FWS develop wilderness recommendations consistent with "National Park Service (NPS) Wilderness Recommendations: The State of Alaska's Perspective" dated January 14, 1986. (attached) The FWS has neither developed adequate criteria for a wilderness suitability determination nor provided specific criteria to determine which suitable lands should be recommended for wilderness designation.

The two criteria offered in paragraph 1, page 190 to determine wilderness suitability pursuant to ANILCA Section 1317 provide little more than basic objectives for suitability. More importantly, the CCP never specifically identifies which lands have been determined suitable for wilderness. Instead, the CCP states on page 189 "Most of the lands designated for minimal management in each alternative for Kodiak Refuge would be suitable for wilderness designation." We request that more specific criteria, as well as a map or description illustrating lands that have been determined to be suitable, be included in the final CCP. We also request that a map showing boundaries of each of the wilderness review units be included in this section to facilitate assessment of wilderness recommendations.

Subsequent to determining suitability, the FWS is required to provide recommendations for additional wilderness designations. We are concerned that the general discussion on pages 189-190 of the CCP does not contain specific criteria to support the recommendations. We are also unaware of, and believe there is a serious need for, a statewide perspective in defining criteria so that there is consistent and supportable rationale for wilderness recommendations on all national wildlife refuges in Alaska.

We compliment the FWS discussion on pages 26-32 of Wilderness Designation Issues. We believe this is the first ANILCA-required management plan which has attempted to clarify the impacts of

wilderness designation in Alaska. Consistent with the state's request of the NPS, we request that such a discussion be included in every refuge CCP. We also request that the discussion be expanded to include the remaining topics listed in the State's Perspective statement.

Allowed Uses of Wilderness Areas

The FWS interprets wilderness designation as precluding certain uses and facilities, such as permanent fisheries improvement facilities, mechanical manipulation of habitat, and non-administrative use of mechanized equipment (e.g., chainsaws and small generators). We believe that this interpretation may be overly-restrictive and inconsistent with existing law and Congressional intent. The state would object to FWS recommending for wilderness designation lands within the refuge where such uses may be necessary and scientifically sound, if wilderness designation were to preclude:

1. construction and use of permanent fisheries improvement facilities and mechanical manipulation of habitat where necessary and scientifically sound; and
2. use of mechanized equipment where necessary to support fisheries and wildlife research and management activities and where traditionally employed, in a manner consistent with refuge purposes, by subsistence users, commercial users, and recreationalists.

We request that questions regarding these uses and facilities be resolved prior to publication of the final CCP.

The following are page-specific comments related to wilderness:

Pages xvi, xvii, xix, and xxi - Given that the FWS interprets that wilderness designation precludes construction of permanent fisheries improvement facilities, wilderness designation could adversely impact salmon runs that originate on Kodiak NWR. In addition, existing commercial and other fishery uses could be adversely affected by designation. Wilderness designation could also have significant impacts on fishing and hunting quality by consolidating an increasing number of users (as projected later in the CCP) into more easily accessible and less user-restricted areas.

Pages 26-32, Wilderness Designation Issues - The CCP identifies 19 potential issues related to wilderness designation and determines that only one issue is significant. This positive evaluation overlooks the negative impacts of several issues. Hence, we believe the FWS is premature in

determining there is only one significant issue in pursuing wilderness designations. A number of the following comments provide examples of this concern.

Page 28, first issue - The plan states that wilderness is not an issue with regard to oil and gas development because the refuge does not have oil and gas potential. This statement fails to recognize the possible need for on-shore staging and support facilities in connection with possible future off-shore developments. We request that this issue be recognized and addressed.

Page 28, fourth issue - The plan indicates that a wilderness designation would not significantly affect future development of transportation corridors due to Title XI provisions. While it is recognized that Title XI corridors may be applied for across designated wilderness, the plan should acknowledge that wilderness designation would undoubtedly make it more difficult to get such a corridor approved.

Page 30, first issue - Contrary to the statement on this page, guides on Kodiak NWR do use outboard motors, chain saws and generators for lights at some camps. In addition, numerous motorized equipment uses by recreationalists, subsistence users and commercial users have occurred throughout Kodiak NWR since before its creation. Since these uses would be precluded by FWS's interpretation of wilderness management, designation could significantly affect guiding activities and other commercial, recreational, and subsistence uses. We question whether FWS' interpretation is consistent with 50 CFR 35.5(a) and (b).

Pages 31 and 268 - We are concerned about the undefined "minimum tool" criterion as it might apply to management activities and request that this concept be clarified in the final CCP.

Page 31, first issue and page 208 - We disagree with the statements that wilderness designation as interpreted by the FWS would not affect fisheries management and that most management actions could be accomplished using temporary facilities. It is generally necessary to support fish weir operations with cabins and fisheries improvement facilities, such as fish ladders, are permanent.

The term "temporary" needs to be defined. A temporary facility could be (1) a structure that is removed and installed seasonally (1 or more times a year); (2) a structure with a relatively short life span (e.g., 1-20 years) that is removable upon completion of use; or (3) a

structure with a longer use period that is relatively easy to remove or that has a set time for removal.

The statement that permanent facilities have not been proposed in the refuge is not accurate. Permanent fish ladders have been proposed at Horse Marine Falls and Brown's Lagoon Falls. Both sites are located in the proposed wilderness area of the preferred alternative.

The CCP does not address how existing permanent facilities within proposed wilderness areas would be treated if destroyed by a natural disaster. For example, would rebuilding of the permanent fish ladder at Frazer Lake be allowed?

Page 31, last issue - We request clarification of the statement "Service policy is that facilities essential to accomplish refuge management objectives may be permitted in a wilderness area." Criteria for determining what constitutes an "essential" facility are needed.

Page 32, second issue - The discussion of the second topic implies that the Mt. Glottof Research area and any other FWS facility does not need to be managed in compliance with wilderness designation and associated regulations. If true, cooperative FWS/ADF&G fisheries and wildlife management efforts should be subject to the same flexibility and addressed accordingly.

Page 32, third issue - Wilderness designation could increase development or public use pressures on 22(g) lands. We believe this could significantly impact adjacent land and needs study prior to wilderness recommendations being made.

Pages 43-44, 116-133, 134, 169, 181-186, 201, 203, 206-207, 210, 212-217, 219-223 - Some inholdings may transfer into federal ownership through land trades or purchase and be recommended for wilderness designation. Therefore, the exclusions and permitted activities presently discussed in the CCP for private lands and shoreline areas may be rendered moot in the future. We request that this be clarified in discussions of inholdings.

Pages 137-138 - The refuge field headquarters and associated structures and cabins on Camp Island, Karluk Lake are also included in the Ayakulik/Uyak Wilderness review unit. We request that these facilities and activities associated with them be mentioned.

A fish ladder has been proposed at Brown's Lagoon in the Zacher/Uganik Unit. It would be appropriate to address

possible short-term impacts from construction activities. Spiridon Lake in the Spiridon Peninsula Unit has been proposed for fisheries improvement activities which could detract from wilderness qualities for a short time. Hidden Lake in the Red Peaks area has been proposed as a potential hatchery water supply, requiring a pipeline. We request that these projects also be addressed.

Pages 141-154, 208, 216, 217, and 222 - The CCP does not adequately detail what will and will not be permitted in wilderness areas; Tables 14 and 15 need to be expanded to include wilderness as a management category. In addition, we request clarification of the statement that minimal management areas and areas recommended for wilderness designation will be managed identically for fish and wildlife habitat (pages 216 and 222). Inclusion of wilderness in Tables 14 and 15 would provide such clarification.

Page 190, paragraph 2 - The first sentence notes that the entire refuge is recommended for wilderness designation in Alternative D. This is not consistent with paragraph 4 on the previous page which indicates that "most of the lands designated for minimal management" are considered suitable for wilderness designation. We request clarification regarding this inconsistency.

Page 190, last paragraph - The second sentence notes that proposed wilderness areas are open to oil and gas exploration. We request clarification concerning the point at which these areas would be closed to exploration if the recommendations go forward.

Pages 208, 216, and 222 - Statements on these pages indicate management intent to preclude use of motors, except for administrative purposes. Does this include ADF&G administrative needs in the process of conducting fisheries and wildlife management and research? (See previous comments regarding the use of mechanized equipment in wilderness areas.)

Page 281 - "Altering physical features" is listed as a mitigation procedure in the wilderness designation discussion. We request that a description or an example be provided to help clarify what is envisioned.

Page 282 - As mentioned earlier, short- and long-term productivity of salmon stocks on the refuge could be affected by restrictions on new salmon rehabilitation, maintenance and improvement facilities on Kodiak NWR.

Salmon stocks originating on the refuge support substantial off-refuge fisheries.

The CCP states that "wilderness designation would result in no irreversible and irretrievable commitments of resources"; however, all alternatives could result in a loss of valuable resources through restricting opportunities for fish and wildlife improvement activities. The CCP should preserve FWS flexibility to respond to resource needs as circumstances dictate.

NAVIGABILITY

The state disagrees with the FWS assertion on page 180 under Navigable Waters that all navigable waters within the refuge are retained in federal ownership. Therefore this section should be replaced with the following:

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 waterways) have been determined navigable.

The FWS will seek cooperative agreements with the state concerning the management of submerged lands under navigable waters. The FWS will make requests for the use of these lands to the appropriate state agencies.

Page 44 - The table on page 44 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 45 - 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 noting the possibility that other rivers in the refuge may also be determined to be navigable.

Page 155 - The navigability status of special river management areas should be included in the discussion.

Page 180, Navigable Waters and page 182, Photo Caption - Lagoons and estuaries, such as those at Karluk and Sturgeon Rivers (which are navigable), are not under federal ownership as implied.

Tide and Submerged Lands

Page 44 - Table 1 should include the acreage of tide and submerged lands in the unit.

Page 45 - The map on page 45 should identify state owned tide and submerged lands.

Page 180 - A section should be included on page 180 of the plan stating that all tide and submerged lands are in state ownership.

MANAGEMENT OF WATERCOLUMNS

The FWS should include a section on page 180 titled "Management of Watercolumns." The discussion should acknowledge that watercolumns are 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 "Power Boats" on pages 143 and 151 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.

LAND PROTECTION PLAN

The CCP should outline in detail how and when a land protection plan for the refuge will be developed, along with a list of the issues the plan will address. Included on this should be any proposed land exchanges, cooperative agreements, navigable rivers, tide and submerged lands, easements, RS 2477 rights-of-way, 17(b) easements, and criteria for determining priority acquisitions and how acquired lands will be managed.

CABIN AND TEMPORARY FACILITY POLICIES

FWS proposed policies regarding the management of cabins and temporary facilities in the Kodiak NWR are not sufficiently clear or well-supported. Because of this, we are unable to fully comment on the sections of the CCP which address these policies. We request inclusion of a thorough discussion of FWS cabin and temporary facilities policies and their application in the final CCP. This discussion should include a more thorough assessment of refuge user patterns and needs, cabin and temporary facility usage and impacts, and possible private or government facility developments. This information should be compiled before establishing final numbers, locations, or other restrictions on new or existing structures. Without this information, proposed management restrictions do not appear to be adequately justified.

Because Kodiak NWR is a focus of subsistence, recreational, and commercial resource uses, it is important to consider the full

range of tools available to manage those uses, while protecting the refuge resources. For example, a full recreational use study may indicate a need for additional public use cabins to alleviate impacts such as increasing bear/human encounters. We request FWS reconsideration in the final CCP of a wide range of options, such as dispersing versus concentrating recreational users, providing additional public use cabins, and allowing upgrade of temporary facilities (provided they are available for public use seasonally). The latter is one possible creative means of providing protection from inclement weather and brown bear, while reducing conflicts between temporary facilities versus recreation cabins and private versus public use of structures.

The following are page-specific comments related to cabins or temporary facilities:

- Pages 23, 29, and 35 - Kodiak has a harsh and variable climate. Sport fishermen and other recreationalists need shelter from the elements. Currently there are only six full-time recreation cabins and three part-time recreation cabins for the public on the entire refuge. The last sentence in paragraph 2 of page 35 states that cabins concentrate human use, resulting in displacement of wildlife, destruction of vegetation, litter, and degradation of water quality. This generalization should not be relied upon to justify limiting use of existing facilities; it overstates problems associated with cabin use and ignores potential benefits. Existing concentration problems may be reduced by providing additional public use cabins to disperse users and impacts.
- Page 143 and 152 - Improved campsites and additional recreational cabins in minimal management and special river management areas could reduce impacts and improve visitor management. This seems more appropriate than limiting all construction of new cabins and campsites.
- Page 155, Minimal Management - This paragraph states "no new permanent support facilities would be permitted" and "additional temporary facilities may be permitted." However, page 154 under Minimal Management for Commercial Fishing states "no new temporary or permanent support facilities permitted." We request that this discrepancy be corrected.
- Page 188 - Depending on the alternative selected, four of the nine public use cabins may not be maintained. As appropriate, these alternatives should indicate what will happen to any unmaintained cabins (moved, destroyed, or left as is). Since public demand has been great enough to necessitate using a lottery system to administer cabin

usage, reducing the number of public use cabins may increase administrative problems.

Page 189, paragraph 1 - Will cabins supporting commercial uses also be replaceable in designated wilderness areas? This section should address permits for subsistence-related cabin use, as well as recreational use. These uses may be particularly difficult to distinguish, but policy guidelines will be needed.

Page 198 - The CCP does not support the statement "no new permanent or temporary facilities would be permitted in the refuge's interior" with findings that "establishment and use of such new facilities would constitute a significant expansion of existing facilities or uses which would be detrimental to the purposes" for which the Kodiak NWR was established. ANILCA section 1316 states that "the Secretary shall permit . . . the establishment, and use, of . . . temporary facilities" unless such a finding is made. In the absence of an adequate finding, we oppose a prohibition of temporary facilities in the refuge's interior.

Page 214 - Designating and developing primitive campsites should be an option under all the alternatives near popular areas, such as bear photography sites (e.g., Karluk Lake) and popular hunting areas.

Pages 221 and 273 - Dismantling public use cabins in an attempt to disperse public use may not reduce conflicts with bears and impacts to fish and wildlife. Tent camps, with poor food storage and garbage disposal facilities, may have the opposite affect.

Page 224 - It is difficult to assess the actual differences between the alternatives in Table 21. The table does not clarify why there is a 71 percent increase in cost for Alternative B compared to 48 percent for C and 42 percent for D. This indirectly indicates that the costs are primarily associated with whether additional cabins and campsites will be provided (Alt. B) versus may be provided (Alt. C) and removal of existing cabins (Alt. D). It is not clear why the "current situation" alternative estimates a 20 percent increase over present costs.

FISH AND WILDLIFE INFORMATION

Page-Specific Fisheries Comments

Page 15 - The Dog Salmon River/Frazer Lake system and Akalura Lake/Olga Creek drainage are also "notable drainages" in the Kodiak Refugium. The Frazer Lake system currently supports

one of the most important salmon runs on the refuge due to sockeye salmon having been introduced to the lake. Chinook salmon were also introduced into Frazer and presently co-exist with steelhead in the river, as in the Ayakulik.

Paragraph 2 should also reflect all historical salmon counts and harvests to address the size of salmon runs for the Ayakulik/Red River. Salmon runs for 1979-1984 are in a high cycle. The same applies for fish escapement in Karluk River, Sturgeon River, and Dog Salmon Creek.

Page 16 - Pinnell Creek is the major tributary of Frazer Lake, not Red Lake.

Pages 15-16 - Steelhead and chinook populations also occur in abundance in the Dog Salmon River. The Ayakulik/Red River and Karluk River drainages are not the only two where both occur.

Page 17 - The Sturgeon River also contains steelhead and Dolly Varden.

Dog Salmon Creek: Mention should be made of the Frazer Lake steppass, which is largely responsible for the high sockeye salmon escapement figures quoted for Dog Salmon Creek. Also, Connecticut Creek is not a tributary to Dog Salmon Creek, but to Red Lake.

Page 77, Paragraph 2 - The text indicates 207 species of wildlife; 204 species are listed in Appendix D.

Last paragraph: Sockeye immigration and spawning occur over a 6 month period, not over 2 to 4 months. Sockeye salmon fry emergence on Kodiak NWR usually begins in March and peaks from April to June. Also, June is usually the month of peak smolt migration, which normally lasts until about mid-July.

Under Sockeye Salmon, "North Kaguyak drainages" are mentioned as minor sockeye systems, but our records do not confirm that a run has ever occurred there.

Pages 77-84 - Salmon spawning escapements for sockeye, pink, chum, coho, and chinook salmon should show more than 1979-1984 data to show the true average escapement. The data presented represent a high in the salmon cycle. In describing the magnitude of catch and escapement for the different species of salmon, it would be more appropriate to use historic tables which show the annual fluctuations rather than the recent high average (1979-84).

Pages 80-87 - We suggest that the maps on these pages be updated and sources cited in the final CCP.

Page 81, Paragraph 1 - The returns are not "managed", but forecast. Management of the pink salmon fishery is based primarily on pre-season forecast and inseason catch and escapement; guideline harvest levels are not set. Chum salmon are managed similarly to pink salmon, but they are often harvested incidental to the pink salmon fisheries.

Coho Salmon: Midway is incorrectly listed as a coho system.

Page 84, Continuing paragraph - Coho smolts begin migrating in May.

Chinook Salmon. The chinook salmon run into Dog Salmon River was introduced by the state. Also, the map on page 85 should show chinook salmon spawning and rearing only in Dog Salmon river from the lake down about 3 miles. There is no known chinook spawning in Pinnell Creek.

Steelhead/Rainbow Trout: Upper Station and Little River Lakes probably contain larger rainbow trout populations than Karluk or Uganik; they should be listed as major rainbow trout streams. Steelhead population sizes in the refuge are unknown. Outmigrant smolt data are available only for Karluk and Ayakulik Rivers; therefore, it would be best to list the total population as unknown.

Page 178, Paragraph 2 - Regarding the statement "to upgrade the Karluk sockeye fishery in the Karluk Lake system," the CCP needs to clarify that the fishery does not occur in Karluk Lake. Also, eighteen million salmon eggs were planted in 1985, but we suggest deleting the numbers and restating "evaluate the survival of planting eyed sockeye salmon eggs."

Paragraph 3 needs to reflect a recent decision to discontinue smolt counts using trap and mark-recapture methods. Instead, a smolt estimate will be generated by hydroacoustics and juvenile sockeye estimates in the lake.

Page 200 - The statement "these harvests incorporate escapement goals of at least" is incorrect. It should read "these harvests are produced from escapements of"

Page 200, last paragraph - To reduce confusion, we suggest the statement "These harvests incorporate escapement goals" be reworded "Management includes escapement goals." The escapement goal of 16,000 chinook salmon is too high. It

should be based on several years of historic escapement data.

Page 201, Paragraph 1 - Since salmon populations are cyclic, it would be more appropriate to list fish harvest estimates as a range rather than an average. The "supported" average annual harvest of 7,600 chinook salmon would be too high when chinook returns are low. Since the size of coho salmon, rainbow/steelhead, and char populations are unknown, it is inappropriate to list maintenance levels on harvest goals for these fish at this time; e.g., a harvest level of 1,600 Dolly Varden is extremely low considering the population is quite large and wide spread. One stream near Kodiak city supports an annual harvest of approximately 8,000 Dolly Varden.

The above comments also apply to Alternative B, Page 206, paragraph 1; Alternative C, Page 213, paragraph 1; and Alternative D, Page 220, paragraph 1. However, the average annual harvest or maintenance level for salmon, steelhead, trout, and char does vary slightly between alternatives.

All time high chinook salmon escapements received in the late 1970s and early 1980s are attributed to climatic conditions (improved chinook survival) and reduced commercial fishing during adult chinook immigrations. Once the Karluk River sockeye population is restored and commercial fishing commences in June in the Karluk District, the incidental chinook harvest will reduce escapements. This occurrence would not warrant closure of a multimillion dollar sockeye fishery.

Page 200 - We request that the descriptions of fisheries management goals be separated from discussions of land management alternatives. We believe fisheries management responsibilities (e.g., to protect, maintain, and improve fisheries) must be fulfilled irrespective of land management alternatives. Fulfillment of these responsibilities requires the ability to assess, perform, regulate, and conduct fisheries management activities as needed.

Page 231, Table 23, Footnote a - The increased hooking mortality for spawning steelhead is questionable as rainbow/steelhead fishing is closed during the spawning period.

The estimated chinook harvest in Table 23 for each alternative is too high for low run years when few chinook would be available for the sport, commercial, or subsistence fisheries. Projected harvest levels should be expressed as a range and based on a percentage of escapement considered excess of minimum escapement.

Pages 232-233 and 245 - In setting long-term goals for salmon production, the Regional Comprehensive Salmon Plan for Kodiak assumed the use of refuge waters for new permanent fisheries improvement facilities to reach the goals. Although recent year returns of natural salmon stocks have been strong, in some cases exceeding the 1992 goals for some species, the long-term trend is one of extreme fluctuation. Natural stocks alone will probably not continue to exceed goals and will fluctuate in future years.

Even though the Kodiak Regional Comprehensive Salmon Plan speaks of harvest goals, the ADF&G does not manage salmon fisheries based on harvest goals. The fisheries are basically managed for escapement to be achieved and harvest of the surplus. It is therefore not likely that any commercial harvest will have long-term impact on any species of salmon. The assumption of constant and continuous favorable conditions for salmon freshwater and marine survival is not accurate.

Pages 245-247 - The description of impacts due to fisheries management should be the same as for Alternative A, particularly regarding lake fertilization and the general methods the ADF&G uses to manage salmon stocks.

Page 246 - The projected sport harvest of 10,000 chinook seems unrealistic considering the lack of access to Red River (Ayakulik).

Page-Specific Wildlife-Related Comments

Page x, Fourth paragraph - The second sentence describes a "perceived bear/livestock problem"; "perceived" should be deleted.

Page 17, Continuing paragraph - The ADF&G estimates that the Karluk Lake system has 100-200 bears, not 20-30.

Page 98, Paragraph 2 - Traditionally brown bear were taken for subsistence purposes on Kodiak Island, although there is little information available about current subsistence use of bear. Present state game regulations recognize subsistence and general hunting of brown bear in GMU 8.

Deer: The estimated harvest of deer in 1984 was 6,225. (See page 160 of the CCP).

This section needs to be expanded. Deer hunting is a major recreational use of the Kodiak NWR and browsing by deer is probably the single most important modifier of vegetation.

The CCP should address deer habitat as an important consideration in managing the refuge.

Pages 98-100 - Ground squirrels also occur on Kodiak NWR and may have been more abundant in the 1960s.

Sea otter occur in the bays and estuaries of the refuge. Sea otter populations are expanding and could become an important species for harvest and viewing.

Elk occur on the Afognak portion of the refuge.

Page 235 - Although little quantitative information on deer/browse relationships is available for Kodiak, heavy browsing on elderberry plants, highbush cranberry, heath vegetation, willows, and fern roots is evident in many areas. The positive benefits of harvesting deer populations and the negative impacts on vegetation of excessive deer populations are well documented in many studies around the world. Deer numbers are probably too high in many areas of southwestern Kodiak Island which have been populated by deer only within the last 15-20 years.

The statement on deer/browse relationships under each alternative should be expanded. Many berry plants which are important to bears are heavily browsed by deer, possibly providing opportunities to study a "textbook example" of interspecific competition. Limiting the activities of deer hunters in some areas in order to reduce DLP bear kill is not an unlikely scenario in the subsequent "step-down management plans." Should this occur, the effects of overbrowsing by deer may be an important consideration.

Page 249, Paragraph 4 - The statement which ends ". . . extirpation of some segments of local bear populations" (emphasis added) seems to be an exaggeration, considering the activities and responsibilities of both the FWS and ADF&G.

Page 249, Paragraph 3 - Subsistence kills should be considered in this discussion.

Page 250 - Paragraph 2 does not seem to be based on bear knowledge available in the state. Bears occupying the interior areas of Kodiak are not separate and distinct populations from those using heads of bays.

COASTAL MANAGEMENT PLAN CONSISTENCY

The state has completed an advisory review of the Kodiak NWR CCP for consistency with the Kodiak Island Borough Coastal Management Program (KIBCMP). The following is a synopsis of our concerns.

Proposed FWS restrictions on fisheries rehabilitation and enhancement activities on refuge lands are inconsistent with Resources Enhancement and Protection policy No. 1 of the KIBCMP: "The maintenance and enhancement of fish, wildlife, and vegetative resources shall be a high priority of the Kodiak Island Borough." Under all of the proposed management alternatives, permanent fisheries improvement facilities would be prohibited on 82% or more of the refuge. The state does not consider temporary facilities to be economically feasible or environmentally sound in many cases; prohibiting permanent facilities is essentially synonymous with prohibiting fisheries improvement altogether. In addition, three of the proposed management alternatives, including the FWS preferred alternative, would restrict the tools available to conduct habitat manipulation. Prohibiting mechanical manipulation of habitat effectively eliminates many habitat management techniques. (Under the preferred alternative, the CCP proposes to designate 73% of the refuge as wilderness. The FWS interprets wilderness designation as prohibiting mechanical manipulation).

In order to be consistent with the high priority placed on the maintenance and enhancement of fish, wildlife, and vegetative resources by the KIBCMP, the CCP must not prohibit permanent fisheries improvement facilities or mechanical manipulation under any management category or alternative. This can be done without significantly altering FWS' preferred management alternative.

Proposed FWS restrictions on the construction and use of permanent fisheries improvement facilities are also inconsistent with Fisheries and Seafood Processing policy No. 2, Fisheries Enhancement. This policy states that "The local development of hatcheries and aquaculture programs shall be supported by the Kodiak Island Borough, to the extent feasible and prudent." In order to be consistent with this policy, the CCP must provide for permanent fisheries improvement facilities on a case-by-case basis, under all the alternatives and management categories, subject to reasonable regulations.

The CCP may also be inconsistent with the Commercial Development policies of the KIBCMP. The FWS responds to those policies (page 323) by stating that the only allowable commercial developments will be support facilities for commercial fishermen, guides and outfitters. However, under all of the management alternatives no new permanent facilities for commercial fishermen, guides, or outfitters would be allowed; temporary facilities would be

allowed in 10% or less of the refuge; and use of existing facilities would be restricted (pages 194, 202, 207, 215 and 221). As a consequence, these commercial activities may become unpracticable. Restrictions other than those pertaining to commercial facilities also threaten existing commercial activities and commercial development (e.g., prohibiting guides from the use of motors in wilderness areas -- see our related comments).

Presently the CCP fails to address situations such as proposed developments on lands adjacent to the refuge which could have more significant impacts on fish and wildlife resources than if located on the refuge. Mechanisms need to be available to the FWS to provide for commercial developments on a case-by-case basis or through cooperative agreements with adjacent land managers in order to provide optimum protection of the resources while permitting economic development.

Furthermore, the intent of the KIBCMP's seven commercial development policies is to encourage economic development and diversity, while at the same time protecting resource values and habitats. Given the severe limitations placed on commercial activities and facilities, the CCP may be inconsistent with the commercial development policies of the KIBCMP.

We also question why the Kodiak draft CCP, unlike draft CCPs for other refuges, contains no discussion of an intensive management alternative. We find no statements in the CCP which explain this omission. Intensive management would likely permit, on a case-by-case basis and subject to reasonable regulation, the commercial development uses discussed earlier in this letter and encouraged by the KIBCMP. The CCP should include a thorough analysis of a range of management alternatives, from minimal to intensive.

To achieve greater consistency with the commercial development policies, the CCP should allow on a case-by-case basis, and subject to reasonable regulation, new permanent and temporary commercial support facilities in all management categories and should consider and analyze intensive management for all lands within the refuge.

Additionally, the CCP may be inconsistent with the Coastal Access policies of the KIBCMP. Coastal Access policy No. 2 states "Developed access to the shoreline (e.g., trails) shall be provided, whenever possible." Policy No. 3 states "To the extent feasible and prudent, there shall be marine and air access to state and Federal lands in the Kodiak Island Borough for sport and subsistence hunting and fishing." Because the CCP lacks a clear transportation plan for access to and circulation within the Kodiak NWR, it is difficult to ascertain the extent to which

the CCP is or is not consistent with the Coastal Access policies of the KIBCMP. We recommend that such a plan be developed for the final Kodiak CCP. In addition, we are concerned that the prohibition of new trails in 82% or more of the refuge under all of the alternatives may be inconsistent with the KIBCMP. This prohibition should be re-considered.

Greater specificity in the final CCP regarding what uses will and will not be permitted under each of the management alternatives and categories will be required in order for state agencies and the Kodiak Island Borough to review final consistency determinations. The final CCP should also clearly state the guidelines and criteria that will determine how case-by-case reviews of activities will be carried out and decided.

We understand the mandates of the FWS to conserve fisheries and wildlife resources and, hence, the tendency of the FWS to be conservative in management directions regarding uses of the refuge. However, the CCP proposes to restrict and/or prohibit developments, such as fisheries improvements, which may be necessary to support economic activities of the Kodiak area, thereby violating the KIBCMP. Although the CCP itself may not be found to be directly inconsistent with additional KIBCMP policies, it certainly is contrary to the goals and objectives of the KIBCMP. The intent of the coastal zone management program is to protect fisheries and wildlife resources in a planned and coordinated manner, while assuring development of industries to support the local and regional economy. We find the CCP to be so restrictive, as further described in other sections of this letter, as to be at variance with the intent of the KIBCMP.

MISCELLANEOUS PAGE-SPECIFIC COMMENTS

Page xiii, COMMON MANAGEMENT DIRECTIONS, line 2 - Add "State law".

Page xiv - The discussion should clarify that oil and gas exploration would not be allowed in 73% of the refuge, if designated wilderness. In addition, common management directions permitting oil and gas development in moderate management areas, subject to compatibility determination, are described on pages 190-191, but paragraph 6 of the introductory letter states that this use has already been determined to be incompatible.

Page 10, Economic Conditions - We suggest that the second paragraph be revised to indicate that in 1979 at some time during the year, 1549 people were unemployed in the Borough.

Page 11, Step 8 - This chart should state that the FWS will provide opportunities for the active participation of the

state and public in the planning process, as provided for in ANILCA. On-going consultation with interested parties, in addition to review of draft and final documents, was envisioned by the Congress (e.g., involvement in the early "scoping" phase of issue identification and alternative development).

Page 17, Uganik Lake - Uganik Lake is a major recreation site for sport fishermen and hunters. We suggest the CCP address this area in more detail.

Page 42, LACK OF RESOURCE DATA - This paragraph should acknowledge that "Research is being done on bears, salmon, seabirds and eagles . . ."

Page 46, Climate, paragraph 1 - The first sentence incorrectly states that "freezing weather is rare". Freezing weather occurs every winter and usually for extensive periods, as indicated at the end of this same paragraph.

Page 67, Paragraph 2 - The Afognak, Upper and Lower Malina, Laura, Portage, and Big Kitoi lakes are not on the refuge, but are discussed as if they were.

Figures 10-14: All these maps are titled "Kodiak National Wildlife Refuge", but the maps depict all of Kodiak Island as well as nearby islands. On some maps, features outside the refuge are depicted. Boundary lines are not distinct, making the maps somewhat confusing. For example, the lakes mentioned in our comment concerning page 67, paragraph 2 are highlighted as aquatic habitat in Figure 10.

Page 77, Paragraph 3 - The brief listing of "National Species of Special Emphasis" is inconsistent with the discussions on page 173 of National and Regional Species of Special Emphasis and the first paragraph of Wildlife Population Goals and Objectives. Not only do the species not match, but the described management application varies in each discussion. Page 77 states they are "an internal Service designation used to focus management direction on selected species." Page 173, paragraph 3 states "the Service has identified species nationally and in Alaska that are of sufficient importance or concern to merit special attention" and "Specific actions that need to be taken on the refuge to meet regional and national objectives for these species will be addressed in future management plans." Paragraph 4 states "population goals or objectives were set for brown bear, tundra swans and bald eagle." (The latter two species were identified as NSSEs on page 173 along with mallard; page 77 also lists sea otter; neither lists brown bear.) We request that the CCP clarify how these regional and national

objectives will affect ADF&G management responsibilities and activities.

Page 103, Population patterns - Residents of Ouzinki also regularly use the refuge.

Page 104, Table 6 - According to the 1980 US Census, 14 percent (666) of Kodiak City's population was Alaska Native. The table should include this figure.

Page 109 - The second paragraph suggests that the "economic importance" of subsistence uses declines as commercial fisheries are established. This is by no means always the case, as ADF&G's Division of Subsistence research in several communities in western and southwest Alaska has shown (e.g., in Kotlik, Emmonak, Quinhagak, Togiak, and New Stuyahok). We suggest deleting ". . . although local harvests of resources may not be as economically important to most residents with the establishment of the commercial fisheries."

The last sentence states that 100 percent of the survey respondents reported using at least some game and that 90 percent of the respondents participated in the harvest. The survey included the city of Kodiak; however, the percentages reported only include 6 Kodiak villages and not the city.

Page 110, Economic Conditions - We request that this section should mention the effects of the Coast Guard station on the local economy.

The CCP should also be revised to indicate that in 1979, 1549 people were unemployed at some time during the year in the Borough.

Page 113 - The CCP currently states "In 1980, both the labor force and the number of employed persons increased over 50% from March to July. Unemployment rates in the Borough in 1980 varied from 13% in March to 5% in August. (Alaska Department of Labor, Statistical Quarterly)." We request this be replaced with the following updated information: "In 1984, the number of employed persons increased over 50% from January to July."

Unemployment rates varied from 13.5% in January to 4.3% in August. (Alaska Department of Labor, Research and Analysis Section)." Please note that only employment increased by more than 50%.

Page 116, Public Uses - We found no data in the CCP to support

the estimates that non-consumptive recreation is increasing faster than consumptive recreation. State surveys and reports seem to indicate consumptive recreation is increasing faster, primarily due to increasingly popular deer hunting and related activities.

Page 119, Figure 27 - We are not aware of a recreation cabin on the east shore of Frazer lake.

Page 122, Appendix D lists 13 species of fish found in Kodiak waters, including sculpin, stickleback, and lamprey. We suspect that "17 species of fish" used for subsistence may be an error. The harvest of 6,600 deer cited was the total for all hunters, not just Kodiak residents.

Last paragraph: Waterfowl hunting areas are not shown on the maps. No explanation is given for why the available data were not used.

Page 124, Old Harbor Village Subsistence Use - According to the subsistence maps in the Southwest Regional Habitat Management Guide (base maps for these maps), subsistence use areas for waterfowl and marine invertebrates and trapping by Old Harbor residents extend southwest along Alitak Bay to Sukhoi Lagoon.

Page 129, Figure 34 - The subsistence salmon fishing area at the mouth of the Karluk River has been omitted. Although not part of the refuge, in order to be consistent with other mapped data and the map title, it should be included on the map.

Page 158-159, Protection Level I and II - The statements that secure feeding areas along salmon streams are critical in maintaining existing productivity levels of eagles lack supporting evidence. It seems inappropriate to use these deductions to justify restricting use of certain areas.

Page 159, Protection Level III - We request that the natural resource regulations listed under performance standards also include the Alaska Departments of Environmental Conservation and Natural Resources.

Page 165, Salmon, Paragraph 4 - A recent report by ADF&G (Lloyd, D. S. 1985. Turbidity in Freshwater Habitats of Alaska, Habitat Division Report 85-1) provides more information on the effects of turbidity and possibly is a more suitable reference than those used.

The Anchor River is located on the Kenai Peninsula in southcentral Alaska. The subsequent sentence is confusing,

as it is not clear if mortalities refer to adult steelhead or steelhead eggs.

Salmon, paragraphs 4 and 5: Most of the authors cited are not found in the Bibliography; e.g., Reiser and Bjorn, 1979; Straty, 1981; Hall and McKay, 1983; Wallis and Balland, 1981.

Page 166, Performance Standards - The meaning of these standards is subject to considerable interpretation; we request clarification regarding how they will be applied. For instance, the first standard, if literally interpreted, could prohibit outboard motors or float planes. Likewise, the third standard could be interpreted to prohibit fishing. We request further definition of these standards to avoid potential confusion.

Page 167 - Under Compatibility Determination Process, it is stated that "Service fish and wildlife management actions generally will not require a compatibility determination," while other uses will be evaluated on a case-by-case basis. We question the appropriateness of this distinction, particularly where uses and facility needs for resource management are common for ADF&G and FWS.

Page 169 - This section on cooperative agreements should include RS 2477 ROWs, navigable rivers, and tide and submerged lands among the topics where future cooperative management agreements may be appropriate.

Page 179, Water Quality - Attention should be given to oil spill contingency planning in this section. We suggest the following language be added to or reflected in the CCP:

The FWS recognizes the potential for fuel and oil spills in the refuge. The sensitive nature of refuge resources, such as salmon spawning areas, and the difficulty of containing spills make any fuel or oil spills a 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 initiating, reviewing and responding to oil and fuel spill contingency planning requirements.

In addition, we request that the CCP specifically reference the Alaska Water Quality Standards in the first paragraph of this section, as these EPA-approved standards apply to all waters within the state.

We also request that the CCP address how it intends to provide for waste disposal and litter control in camping

areas and areas adjacent to cabins and FWS facilities. The CCP currently does not address these issues.

Page 153, Table 15, Transmission Lines/Pipelines - This states that transportation facilities would not be permitted in minimal or special river management areas. However, transportation and utility system construction (ANILCA Title XI) on or across Kodiak NWR should be provided for under all alternatives as stated on page 195, paragraph 2. We request that Table 15 be revised to address the ANILCA Title XI requirements.

Page 198 - Each of the discussions of alternatives contains a section entitled Subsistence Management, and all sections state that there would be neither an increase or decrease in subsistence use. However, Table 6 on page 104 indicates that village populations increased by 28 percent in the last census period. The CCP states "subsistence activities would continue to be an important part of many local residents lives." We therefore suggest additional consideration be given to possible increases in subsistence uses.

Pages 202, 210, and 215 - Alternative A provides for 20 outfitters and Alternative C provides for 18 outfitters. Therefore, Alternative C does not provide "additional opportunities for guided and outfitted use" over Alternative A, as stated.

Page 228-280 - The affects of each alternative on the State's ability to fulfill fish and wildlife management responsibilities needs additional clarification.

Pages 238-239, 252-253, 264-265, and 274-275 - We note that separate 810 evaluations were prepared for each alternative in this CCP. This new procedure is preferable to preparing a single evaluation for diverse alternatives. We recommend this procedure be used in all future CCPs.

We suggest that the statement "Local residents have traditionally relied on marine mammals and salmon for subsistence" be changed to "Prior to the introduction of deer, local residents traditionally relied on marine mammals and salmon for subsistence. Deer now comprise a substantial portion of subsistence harvests of Kodiak Island communities, but salmon and marine resources continue to predominate."

Under Findings the statement "Local residents depend primarily on marine resources which would not be affected by actions on the refuge" needs correcting. According to the ADF&G Regional Guide, deer represent between 11 and 19

percent of the subsistence harvests of Kodiak communities. We suggest changing the statement to "Local residents depend primarily on marine resources and deer . . ."

These two concerns apply to each of the 810 evaluations and should be changed as suggested above.

Pages 257, 268, and 278 - The CCP states that potential commercial uses of the refuge, such as hydroelectric development "would be precluded in the refuge, regardless of the wilderness designation." The Alaska Power Authority is currently responsible for the operation and management of the 20 MW Terror Lake Hydroelectric facility, which falls within refuge boundaries. We do not believe it would be wise to restrict potential development of the Terror Lake site, as Kodiak's energy needs may increase beyond existing capacity in the next 5-10 years. All of the management alternatives place limitations on site development, which could limit Kodiak's future energy resource options. These alternatives may also restrict small hydro development opportunities in other areas of the refuge.

We request that the CCP accommodate future development of the Terror Lake Hydroelectric Project by providing for potential site development, subject to reasonable regulation, as Kodiak's energy needs grow. Development opportunities for small hydro projects should be given similar consideration.

Page 266, Photograph Caption - The site is the mouth of Lower Thumb River, not O'Malley Creek.

Page 289 - Due to the recent trend in federal budget cuts, we request that the CCP address management under each of the alternatives if funding remains at the current level or decreases. In particular, it is important to consider how funding below the desired amount would affect the management, enforcement, public use, and habitat protection of each alternative.

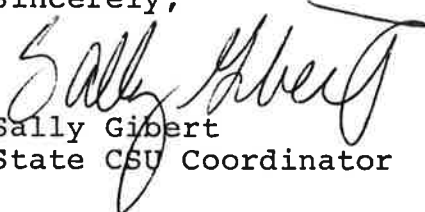
Page 299 - We suggest that the Kodiak Aquaculture Association and Kodiak Regional Salmon Planning Team be added to this list and provided opportunities to also participate.

Page 342 - The FWS makes a distinction here between "portions of the refuge that were designated as minimal management areas in all alternatives of the CCP" and "areas placed in minimal management by the ROD but not designated as minimal management in all alternatives of the CCP." Given the significance of this distinction vis-a-vis oil and gas leasing, we request that the FWS depict these areas on the

Alternatives maps (pages 199, 204, 211, and 218) or add a map to the CCP which depicts them.

On behalf of the State of Alaska, thank you for the opportunity to review this draft Comprehensive Conservation Plan for the Kodiak 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

cc: Senator Rick Halford, CACFA, Fairbanks
Mayor Jerome Selby, Kodiak Island Borough
Attorney General Brown, Law, Juneau
Commissioner Collinsworth, ADF&G, Juneau
Commissioner Knapp, DOTPF, Juneau
Commissioner Lounsbury, DCED, Juneau
Commissioner Notti, DCRA, Juneau
Major General Pagano, DMVA, Anchorage
Commissioner Robison, Labor, Juneau
Commissioner Ross, DEC, Juneau
Commissioner Sundberg, DPS, Juneau
Commissioner Wunnicke, DNR, Juneau
John Katz, Office of the Governor, Washington, D.C.
Molly McCammon, Office of the Governor, Juneau