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August 22, 1986

Mr. Boyd Evison
Regional Director
National Park Service
2525 Gambell, Room #107
Anchorage, AK 99503-2892

Dear Mr. Evison:

The State of Alaska has reviewed the draft Kenai Fjords National Park (NP) Land Protection Plan (LPP). 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 LPP:

1. Insufficient justification is provided for protection recommendations. The linkage between the legislated purposes of the park, the identification of activities which may have adverse impacts, the specification of criteria for determining protection priorities, and the determination of minimum requirements for fulfilling the purposes of the park is not adequately clear.
2. The lists of compatible and incompatible uses of non-federal lands appear to be inconsistent with Congressional protection of the rights of adjacent landowners. We note that Section 103(c) of the Alaska National Interest Lands Conservation Act (ANILCA) provides that only federal lands within conservation system unit boundaries shall be deemed to be included in the units. Thus, private land adjacent to or within the park is not, by definition, within the unit.
3. The LPP does not adequately recognize state authorities and responsibilities and evidence adequate intent on the part of the National Park Service (NPS) to work with the state to minimize and/or prevent the development of problems which would require land protection measures to be taken.

PAGE SPECIFIC COMMENTS

Page 4, Item 8A - We oppose the boundary change proposed in this section. The largest lake in Lower Cook Inlet occurs on the state land adjacent to the NPS boundary in the Bear Glacier area. Numerous fisheries management and research activities occur in the area, including a fisheries improvement program which is planned to include salmon stocking. Because of the management and research activities in the area as well as increasing public use, we oppose this boundary change.

Page 4, Item 8B - We support maintenance of the current boundary to maintain consistent management of all islands under Fish and Wildlife Service (FWS) management. The management of these islands by the FWS is consistent with FWS management of most other offshore island, reefs, spires, etc. (ANILCA Title III). Ongoing fisheries and wildlife management activities should continue in the area. These include commercial fishing, subsistence harvests, waterfowl hunting, and seabird and marine mammal studies.

Page 4, LAND PROTECTION ISSUES - We agree that the three issues presented are key concerns. However, we are not satisfied that the NPS has adequately based its list of incompatible uses and protection recommendations on these issues. We request that the final LPP contain more detailed and concrete justifications for all uses listed as incompatible and all protection recommendations. These justifications should clearly be tied to the issues presented here.

Page 10 and 28 - We request that the LPP reference the state's Nuka Island Management Plan, which is presently in the final stages of development. In addition, we request that a summary of the state's management intent for the Island be included in the LPP. A copy of the draft Nuka Island Management Plan is attached to this letter and a final plan will be sent to the NPS upon completion.

Page 11 - The LPP states on this page that "The existing uses of non-federal lands in Kenai Fjords National Park are considered compatible with the management objectives of the park." The LPP makes a similar point on page 15, when it states that "Most current conditions and activities outside the park have little or no effect upon resources and public uses within the park." Yet on page 12, the LPP includes the following: "The following uses of private or state lands within the park are considered to be incompatible with the purposes of Kenai Fjords National Park":

"--Aquaculture projects, including lake fertilization, habitat manipulation or hatcheries."

"--Hunting or trapping on private or state land."

"--Commercial clam dredging on state tidelands adjacent to the park."

We note that these are pre-ANILCA as well as existing uses of non-federal lands. In addition, each of these uses falls under the state's management of fisheries and wildlife, and the LPP provides no evidence that these uses are having a detrimental effect on park resources. For these three reasons, we request that the NPS delete these uses from the list of incompatible uses. We object to the inclusion of any uses on this list for which no evidence can be provided of significant effect to park resources. We further object to inclusion of uses for which the state has management responsibility. Consistent with commitments made in the General Management Plan (GMP) for the Kenai Fjords NP, prior to developing and implementing land protection measures, the NPS should seek resolution of any fisheries and/or wildlife management problems it has identified through normal procedures of the Boards of Fisheries and Game. We expect that any such problems would be cooperatively assessed by the Alaska Department of Fish and Game (ADF&G) and the NPS. We request that a statement be included in the LPP that expresses NPS' commitment to resolving any problems it may identify through such a process.

We also advise the NPS that listing hunting and trapping as uses which "will cause the National Park Service to initiate actions to protect park resources and values" (page 11) may be inconsistent with the Alaska Coastal Management Program (ACMP). ACMP regulation 6 AAC 80.120(a) states that "Districts and state agencies shall recognize and assure opportunities for subsistence usage of coastal areas and resources." If these uses are deleted from the list, we would expect the final plan to be consistent with the ACMP.

Page 15 - On this page, the LPP states:

"Commercial fishing has the potential to affect the foodchain in the fjords. Seabirds and marine mammals depend upon the abundant fish and shellfish resources of the fjords. Overharvest of fish and shellfish would have adverse effects upon these birds and mammal wildlife resources. Some commercial fishing methods, such as trawling for shrimp and scallops and dredging for clams, could damage habitat and many marine species, with consequent effects throughout the food chain. The effects of commercial fishing in the fjords need to continue to be carefully monitored by the National Park Service and the Alaska Department of Fish and Game."

We remind the NPS that it is the responsibility of ADF&G to maintain sustained yields of these resources. We are

unaware of any data which would indicate that changes in the state's management are needed to maintain marine resources, including shellfish. We request that this section be re-written to more clearly acknowledge ADF&G's responsibilities, including the responsibility to prevent overharvest of fish and shellfish resources. We additionally request that the LPP acknowledge that marine resources are closely managed by the ADF&G.

Page 15 - We request that the LLP clarify that it is the Alaska Power Authority, a state agency, not the federal Alaska Power Administration, that is developing the Bradley Lake Hydroelectric Project.

The statement regarding the direction of the outflow of the Nuka Glacier is only partially correct. While the outflow has been observed flowing either south to the Nuka River or north to the upper Bradley River, it has also been observed flowing in both directions at the same time.

With respect to releases of Nuka Glacier outflows from the Nuka diversion structure into the park, the Alaska Power Authority and the Department of Interior have entered into an agreement which defines the level of releases amenable to both parties. This should be acknowledged in the LPP.

Page 17, Paragraph 3 - The LPP states here that "some commercial fishing does occur within the park." We request clarification of this statement, as the Kenai Fjords NP boundary does not encompass state tidelands or navigable waters. We recognize, however, that some fishing-related activities may be shore-based.

Page 22 - James "Lake" is James "Lagoon", and is subject to tidal influence and therefore state management.

Page 28 - The submerged lands in the Port Graham and English Bay area cannot be conveyed, as these lands belong to the state.

Page 30, continuing paragraph from page 28 - We oppose the NPS determination that fishery enhancement would be an incompatible use of private lands adjacent to NPS lands. We note that the GMP, page 57, states "If these drainages do become private lands, fishery enhancement projects may be conducted within the Delight and Desire drainage at the discretion of the landowners and appropriate permitting agencies." The state has considerable interest in Desire and Delight lakes as potential sites for fisheries improvement projects.

Page 36 - As previously stated, we oppose the Bear Glacier Addition to the Kenai Fjords NP and request that this opposition be acknowledged in the LPP.

Page 36, Islands Addition - We find no justification for transferring the Pye, Chiswell, and other islands from the Alaska Maritime National Wildlife Refuge to the Kenai Fjords NP. Presently most Gulf of Alaska islands are part of the Maritime Refuge, which is managed by the FWS. Taking a segment of the coastal islands out of that consolidated management and placing them under a different management authority may increase problems, particularly for visitors and other resource users.

We find numerous broadly-worded reasons listed throughout the LPP for initiating land protection actions. We suggest that these statements be clarified and amplified as necessary in the final LPP to provide adequate justification for specific protection recommendations. The following examples of statements in need of clarification are provided:

Page 1 - "to achieve management purposes consistent with public objectives in the unit"

- "to meet management objectives"

Page 4 - "The protection of significant resources"

- "The maintenance of the undisturbed scenic qualities"

- "The provision of public access to significant resources"

Page 11 - "To protect park resources and values"

Page 12 - "uses . . . incompatible with the purposes of Kenai Fjords National Park"

Page 18 - "protection to the natural and cultural resources on . . . and to the public uses of the park."

Page 27 - "lands containing significant resources for which the park was established, and lands needed for primary visitor or administrative uses will receive priority"

- "so that resources are protected, public use can be maintained or enhanced, or effective administration is assured."

Page 28 - "offers opportunities for recreational development"

- "the protection and recreational use of . . . state lands."

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Page 30 - "uses would change the character of the park and would adversely affect resources and the visitor experience."

- "adverse effects upon biological resources and human uses of the park."

Page 31-33 - "extensive development would not be compatible [with the purposes of the park.]"

- "Inappropriate development . . . such as visually intrusive facilities would degrade the visitor experience"

Page 33 - "to protect the cultural values"

Page 34 - "Incompatible uses . . . could have detrimental effects on the park and on the visitor experience."

On behalf of the State of Alaska, thank you for the opportunity to review the draft Land Protection Plan for the Kenai Fjords National Park. If we can be of any assistance in clarifying these comments, please do not hesitate to contact this office. We look forward to review of the final plan.

Sincerely,



Michelle Sydeman
CSU Coordinator

cc: Senator Rick Halford, CACFA, Fairbanks
Commissioner Collinsworth, DFG, 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.
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- [994] Ms. Bonnie Borchick, Department of Commerce and Economic Development, Juneau
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- [1270] Mr. Larry Kimball, Alaska Federation of Natives, Anchorage
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- [1264] Ms. Vicki Williams, Department of Corrections, Anchorage
- [120] The Honorable Esther Wunnicke, Department of Natural Resources, Juneau