

**OFFICE OF THE GOVERNOR**  
OFFICE OF MANAGEMENT AND BUDGET  
DIVISION OF GOVERNMENTAL COORDINATION

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

January 30, 1987

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

Dear Mr. Gilmore:

The State of Alaska has completed its review of the **Koyukuk** National Wildlife Refuge draft Comprehensive Conservation Plan/Environmental Impact Statement/Wilderness Review (CCP). This letter is submitted on behalf of state agencies and represents a consolidation of agency concerns.

In general, we find the plan to be informative and clearly written. In addition, we commend the U.S. Fish and Wildlife Service (FWS) for its careful attention to subsistence uses and the human environment, and for its efforts to ensure that the interests of local communities are addressed. We do, however, have several concerns with the draft, most of which apply to refuge management state-wide. These are grouped under the following headings: Compliance with the National Environmental Policy Act, FWS Oil and Gas Policy, Resource Management, Subsistence, Access and Transportation, Cabins and other Facilities, and Cooperation and Coordination.

Compliance with the National Environmental Policy Act (NEPA)

We note that this CCP contains only two alternatives and that the primary difference between the two is that one contains a wilderness proposal. The state is concerned about the apparent trend toward a very narrow range of alternatives in recent CCPs. We feel that a broader range of alternatives, which includes consideration of the moderate and intensive management categories, would better meet NEPA requirements.

FWS Oil and Gas Policy

We note that previous state comments to the FWS regarding opportunities for oil and gas development apply to the Koyukuk CCP as well. (See December 23, 1986, letters responding to the Nowitna and Selawik draft CCPs.) These comments address the process the FWS is using to identify areas where oil and gas development

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would be incompatible with refuge purposes. Until state concerns with this process can be resolved, the state does not support designation of core minimal management areas (i.e., areas where oil and gas leasing has been determined to be incompatible with refuge purposes).

### Resource Management

Pages 36, 38-39, 160-161 and 166-167: Since the draft plan was originally released in October, 1986, there have been several revisions to language addressing water rights, Alaska Native Claims Settlement Act Section 17(b) easements, Revised Statute 2477 rights-of-way, shorelands (the beds of navigable waters), and management of the watercolumn. We presume that the current language contained in the Togiak final CCP, as modified by the draft Record of Decision (ROD), represents FWS's updated language for all plans on these subjects. Therefore our comments regarding these topics in the draft Togiak ROD apply to this plan as well. (See letter from S. Gibert to R. Gilmore, dated 12/22/86.)

In addition, we request that the land status tables and map include footnotes regarding shorelands similar to the footnotes on pages 39 and 40 of the Togiak final CCP.

Page 59-91: As previously expressed, the Department of Fish and Game (DFG) has reservations about the reliability of the habitat models presented in the CCP and their use in providing background information for resource management decisions. We recognize that the FWS is also aware of the limitations of the models, as indicated on pages 60 and 69. We therefore urge that the FWS place a high priority on further testing and refinement of these models and that they be field-validated prior to their use in subsequent decision-making. We also suggest that each map in this series be annotated as follows: "Preliminary information only, subject to field verification" and that clarification of their preliminary status also accompany each corresponding narrative.

Pages 147-149: Consistent with state comments on previous CCPs, we support revision of FWS policy to allow permanent fisheries enhancement facilities in designated wilderness on a case-by-case basis, when determined to be compatible with the purposes of the refuge. We recognize that only those facilities that are constructed from materials that facilitate a natural appearance and are designed and operated in a manner that is substantially unnoticeable would be appropriate in designated wilderness. Although it is unlikely that enhancement facilities would be proposed for the wilderness portions of the Koyukuk refuge, we request this revision to preserve management flexibility.

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Pages 147-152: We presume that Table 20 in the final CCP will contain the most recent FWS language on 1) Marking and Banding, 2) Wildlife and Fish Stocking, 3) Access, and 4) Commercial Fishing, and note that corresponding modifications will need to be made on pages 146, 172, 174, 177-181, and 183.

Page 149: Habitat Manipulation. The state opposes FWS intent to prohibit all wildlife habitat manipulation tools but prescribed burning, under the minimal management and wilderness categories. To preserve management flexibility, we request that the language for intensive and moderate management be adopted under the minimal management category (i.e., "May be permitted on a case-by-case basis subject to the provisions of NEPA and a compatibility determination"). We request that similar language, albeit with the following modification, appear under the designated wilderness category (i.e., "May be permitted on a case-by-case basis subject to provisions of NEPA, the minimum tool concept, and a compatibility determination.") These recommended changes would render FWS policy more consistent with the following statement: "In all cases it is assumed that reasonable management practices and the best available technology would be applied." (Environmental Consequences, page 183).

Page 161: Water Quality. We request that the CCP state FWS intent to prepare an oil spill contingency plan for the refuge following completion of the CCP. We understand FWS does intend to prepare such a plan.

Page 162: Air Quality. We suggest that this section state FWS intent to achieve the highest attainable air quality levels and visibility standards, consistent with the Clean Air Act. In addition, we understand that the National Park Service will be collecting baseline air quality data for the northwest Alaska park units against which future air quality samples can be compared. We recommend that the FWS similarly collect baseline air quality data.

Page 163: Fire Management. We request this section be clarified to indicate FWS intent to implement the interagency regional fire management plan. We also request that the statement on page 183 that reads: "No habitat manipulation will be undertaken, including prescribed burning" be made consistent with the provisions in Table 20 for prescribed burning and the existing interagency fire management plan.

Page 172: Paragraph 3. Although no commercial fishing is currently conducted on the Koyukuk Refuge, we desire to protect the opportunity to conduct such activities, including the use of land-based facilities. The CCP currently provides inconsistent information on whether such facilities would be allowed. On page 172, the CCP states "Land based facilities in support of

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commercial fishing would also be allowed, subject to reasonable regulation." However, in the first paragraph on page 170, the CCP states "onshore facilities associated with commercial fishing . . . have been determined to be incompatible with refuge purposes" and "they would not be permitted under any alternative included in this plan." We request the latter prohibition be deleted, consistent with the intent on page 172.

In addition, we note that the use of refuge lands to support commercial fishing activities is guaranteed by Section 304(d) of the Alaska National Interest Lands Conservation Act (ANILCA), unless the FWS determines that such use would be inconsistent with the purposes of the refuge and would constitute a significant expansion of commercial fishing activities above the level of these activities in 1979. We do not feel the FWS has adequately substantiated its claim that shore-based facilities would be inconsistent with the purposes of the Koyukuk refuge and note that the CCP does not address the issue of "significant expansion." We therefore request that 1) a more fully substantiated statement of compatibility be included in the final CCP and 2) a work-group comprised of FWS and DFG representatives be assigned as soon as possible to define, and clarify application of, the term "significant expansion".

#### Subsistence-Related Concerns

Page 108: Subsistence. We request that all parts of the subsistence definition be included. Subsistence is considered the customary and traditional use of the resources "for direct personal or family consumption," as quoted, and also "for making and selling of handicraft," "for barter or sharing," and "for customary trade." To ensure that in the future refuge managers and the public fully understand the purposes and scope of subsistence activity, we think it would be helpful to incorporate the complete ANILCA definition.

Page 165: Paragraph 2. The DFG Division of Subsistence looks forward to working with the FWS and local communities in determining whether proposed activities may significantly restrict subsistence uses. We appreciate the fact that local communities will be consulted, since they ultimately have the most current information necessary for making such evaluations and would be most directly affected.

Page 170: Wilderness Suitability, paragraph 5. The CCP contains several discussions explaining the difficulty in distinguishing subsistence from recreational uses. Given that traditional (pre-ANILCA) uses may include subsistence activities as well as others, we request that the FWS reconsider its intent to limit the use of motorized equipment (e.g., chainsaws and generators) to subsistence users. This change would render FWS policy more

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consistent with 50 CFR 35.5, which permits the director of the FWS to designate certain areas (as opposed to user groups) where motorized equipment may be used, when its use was established prior to the date the wilderness was established. Accordingly, we suggest that the second part of the last sentence be modified as follows: "these uses will continue to be allowed." We request that similar modifications be made in the last paragraph on page 174 and the second paragraph on page 175.

Page 191-192: Subsistence. The FWS may be underestimating the effects of wilderness designation, when it states that Alternative B would result in a "negligible" increase in competition for refuge resources. We question whether information is available to substantiate this assumption. In addition, minor increases in recreational use can, in some cases, generate substantial impacts on subsistence use. Given that the CCP identifies existing subsistence/recreational use conflicts as a "significant problem" on the refuge (page 27), we request that FWS clarify its discussion on these pages.

In addition, we recommend that the November 19, 1984, Alaska Land Use Council Guidelines for ANILCA Section 810 evaluations be included in this section or appended to the final plan. This will enable the reader to assess the criteria being used in this evaluation.

#### Access and Transportation

Pages xi-xii: Common Management Directions. We suggest that this section summarize the access provisions of ANILCA Section 811.

Page 150: Other Motorized Vehicles. Per recent FWS policy and the text on pages 165-166, we understand the language will be modified for all land management categories to read: "Permitted only on designated routes or areas; airboats and air-cushion vehicles not permitted."

Page 151: Boat Launch Sites. We request modification of the statement under minimal category to read "Not provided by FWS." Although boat launch areas are not provided at present, increased public use in the future may necessitate such sites to reduce adverse impacts to riparian areas.

Page 151: Roads. We request that the text be revised under all management categories to read "Only permitted consistent with Title XI procedures." This would be consistent with the discussion on page 169.

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Page 165: We suggest that the text address use of aircraft on the refuge and indicate FWS intent to allow landing of aircraft on lakes, rivers, "tundra strips," sand and gravel bars, and any existing airstrips, consistent with current management of the refuge.

Page 169: The ability to maintain existing transportation improvements in or near the refuge is largely dependent upon access to and availability of construction materials, particularly gravel. For some communities, access to refuge lands may be needed in the future for gravel resources. The village of Huslia, for example, though bordered by native corporation lands, is surrounded by refuge. Gravel resources in the Huslia area are known to be relatively scarce, as illustrated by the removal of gravel for airport construction in the 1970's from a state-owned river bed over 15 miles from the village.

The state is currently proposing to resurface the Huslia runway in FY'88 and will again need to locate a suitable gravel source. At this time, it is unknown whether sufficient material sources are available on existing private lands in Huslia for this or other future public construction and maintenance projects. The state will work cooperatively with local communities and the FWS to locate gravel resources and associated access routes away from refuge lands whenever possible. However, the state urges that the CCP provide for gravel extraction and/or access to gravel resources on a case-by-case basis when other economically feasible sources are not available. Stipulations, such as use of winter hauling routes with adequate snow cover, could be developed to minimize impacts to refuge resources.

Page 175: In paragraph 2, we assume that the statement "all forms of non-motorized access would be allowed" includes pack animals, such as horses and dogs. However, we ask that pack animal provisions be clarified in the common management directions section and in the table, consistent with 50 CFR 36.21(b).

### Cabins and Other Facilities

Pages 150-151: We suggest that the topic of cabins be addressed in the table under the Public Facilities heading with the following suggested language under each management category: "May be permitted or provided if necessary for public safety or designated for general public use." Similarly, on page 175 under "Public Use and Access Management," we request the third sentence be modified to read: "Cabins may be permitted for general public use or public safety. However, no cabins are planned to be provided in the near future."

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We request that the topic "Temporary Facilities" be addressed in both Table 20 and the text on page 167. We suggest the description closely paraphrase ANILCA Section 1316 and that "Permitted, subject to the provisions of ANILCA Section 1316(b)" be listed under each land management category in the table.

We request that the description of "Visitor Contact Facilities" on page 151 or the text on page 156 clarify that fisheries and wildlife data collection facilities (e.g., hunter check stations) are not precluded in any land management category.

#### Cooperation and Coordination

Page x, xi, 26-27, 154, and 158: Compared to many previous CCPs, the FWS has greatly improved its discussions of fish and wildlife management to stress cooperative planning, research, and management efforts between the FWS and the DFG. However, there are a few remaining sections of the CCP that could be clarified to better represent the closely related roles of our respective agencies. We request that the FWS review language on the above referenced pages to ensure that the cooperative relationship of the FWS and DFG is adequately described.


Page 12, paragraph 1; and page 23: We request further clarification of the process that will be used by the FWS "to determine if revisions to the plan are necessary."

Pages x and 9: Implementation and Revision of the Comprehensive Conservation Plan. We request that these paragraphs clarify that opportunities for public review and comment will be provided as the CCP is updated and detailed management plans and implementing regulations are prepared.

On behalf of the State of Alaska, thank you for the opportunity to review this draft Comprehensive Conservation Plan for the Koyukuk National Wildlife Refuge. The state appreciates your continuing effort to resolve issues of state concern. If we can be of any assistance in clarifying these comments, please do not hesitate to contact this office.

Sincerely,

Robert L. Grogan  
Director

  
by Michelle Sydeman  
CSU Coordinator

Mr. Robert Gilmore  
Koyukuk Draft CCP

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cc: Senator Rick Halford, CACFA, Fairbanks  
Commissioner Brady, DNR, Juneau  
Commissioner Collinsworth, DFG, Juneau  
Commissioner Gutierrez, DOT/PF, Juneau  
Commissioner Kelso, DEC, Juneau  
Commissioner Sampson, Labor, Juneau  
Commissioner Smith, DCED, Juneau  
Mr. John Katz, Office of the Governor, Washington, D.C.  
Mr. Rod Swope, Office of the Governor, Juneau



Title: State Comments on Koyukuk NWR Draft CCP/EIS/WR

- [1272] Mr. Mike Abbott, Resource Development Council, Anchorage
- [1304] Ms. Susan Alexander, The Wilderness Society, Anchorage
- [1037] Ms. Joyce Beelman, Department of Environmental Conservation, Fairbanks
- [1] Mr. Jay Bergstrand, Department of Transportation and Public Facilities, Anchorage
- [1334] The Honorable John Binkley, Juneau
- [203] Mr. Peter Freer, Department of Community and Regional Affairs, Juneau
- [1263] Mr. Joseph W. Geldhof, Department of Law, Juneau
- [1243] Mr. Robert D. Heath, Alaska Power Authority, Anchorage
- [1270] Mr. Larry Kimball, Alaska Federation of Natives, Anchorage
- [1275] Mr. Jim Kowalsky, Tanana Chiefs Conference, Fairbanks
- [1250] Mr. Stan Leaphart, Citizens Advisory Commission on Federal Areas, Fairbanks
- [1258] Mr. Craig Lindh, Division of Governmental Coordination, Juneau
- [946] Mr. Ron McCoy, Alaska Land Use Council, Anchorage
- [1269] Mr. Mike Mitchell, Alaska State Library, Juneau
- [1244] Capt. James R. Nutgrass, Department of Public Safety, Anchorage
- [501] Ms. Eileen Plate, Department of Labor, Juneau
- [1279] Mr. Gerald Rafson, Dept. of Transportation & Public Facilities, Fairbanks
- [1273] Mr. Randy Rogers, Northern Alaska Environmental Center, Fairbanks
- [1372] Ms. Marianne See, Department of Fish and Game, Anchorage
- [1378] Mr. Thyes Shaub, Department of Commerce and Economic Development, Juneau
- [1242] Mr. Ike Waits, Department of Community & Regional Affairs, Anchorage
- [1239] Mr. Rob Walkinshaw, Department of Natural Resources, Anchorage
- [1370] The Honorable Kay Wallis, Juneau
- [940] Mr. Vernon R. Wiggins, Alaska Land Use Council, Anchorage
- [1240] Mr. Dan Wilkerson, Department of Environmental Conservation, Anchorage
- [994] Mr. Geoff Wistler, Department of Commerce and Economic Development, Juneau