

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

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November 4, 1988

Mr. Walter Stieglitz  
Regional Director  
U.S. Fish and Wildlife Service  
1011 E. Tudor Road  
Anchorage, AK 99503

Dear Mr. Stieglitz:

The State of Alaska has reviewed the final Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge (ANWR). The following letter is submitted on behalf of state agencies and represents a consolidation of state concerns and comments.

### Wilderness Management

The state disagrees with the U.S. Fish and Wildlife Service's (FWS) position that wilderness designation would preclude the development of new permanent facilities by guides or outfitters (page 43). Section 1303(b) of the Alaska National Interest Lands Conservation Act (ANILCA) provides for the construction of new cabins if necessary for the "continuation of an on-going activity or use otherwise allowed with the unit . . ." The state interprets this section of ANILCA as amending implementation of the Wilderness Act in Alaska, consistent with the following statement of congressional intent (SR 96-413, November 14, 1979, page 308-309):

It is recognized that some uses which are allowed within wilderness areas designated by this bill, most notably guiding and trapping, may in some areas require the use of rudimentary line cabins, shelters, caches, and other minimal support facilities. Without recognition of these incidental uses and facilities, guiding, trapping and other allowed uses, while technically allowed, would be impossible to conduct as a practical matter. Therefore, the Committee intends that those related uses and facilities required to accomplish uses otherwise allowed within wilderness areas shall also be allowed, consistent with the allowed use and the purposes of the areas designated as wilderness.

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We, therefore, request revision of this policy statement in the Record of Decision (ROD).

In addition, the state reiterates its request that the CCP clarify that the FWS has the discretion to allow limited use of motors (e.g., chainsaws and generators) within wilderness areas, if such use was established prior to designation of the area. (See 50 CFR 35.5.) We note that the Alaska Land Use Council, at its November 24, 1987, meeting, unanimously adopted a motion urging the FWS to maintain flexibility to allow limited use of mechanized equipment where necessary to support traditional activities and where it would not significantly detract from wilderness values.

#### Population Levels

We request that the ROD clarify that it is the intent of the FWS to ensure that wildlife populations and habitats are conserved to maintain their natural diversity. This clarification should replace the first sentence of the last paragraph on page 194. In previous CCPs (Selawik, Innoko, Kodiak, and Koyukuk), the emphasis was on maintaining natural diversity and habitats. The insertion of this sentence would also make this section consistent with the common management directions for this CCP (page xiv), Purposes of the Arctic Refuge on page 5, and Wildlife Population Goals and Objectives on page 195.

#### Oil and Gas Leasing

The CCP (page 13) indicates that the FWS intends, every three years, to solicit and review public comments; local, state, and federal recommendations; scientific data; and other information pertinent to the CCP to determine whether revisions to the CCP are necessary. The state supports this process. In particular, we believe the FWS should review information related to the refuge's oil and gas potential and possible changes to the restrictions on oil and gas leasing during this review process.

#### Response to State Comments

The state commends the FWS for revising sections of the CCP in response to state comments on the draft. In particular, we are pleased with the new language on revision of the CCP following congressional action on management of the "1002" area; with the addition of Appendix P which addresses mechanical manipulation in minimal management areas; with the increased recognition of FWS authority to designate routes and areas where off-road vehicles can be used; and with the FWS' commitment to conduct a detailed inventory of the number of cabins and their uses. Although we note that, in some instances, the FWS did not make these

revisions consistently throughout the CCP, we assume that the revisions represent FWS management intent.

On behalf of the State of Alaska, thank you for the opportunity to review this final CCP. If I can be of assistance in clarifying these comments, please do not hesitate to call this office.

Sincerely yours,

Robert L. Grogan  
Director

A handwritten signature in cursive script that reads "Michelle Sydeman". The signature is written in dark ink and is positioned below the typed name of the signatory.

By Michelle Sydeman  
State CSU Coordinator

cc: Commissioner Brady, DNR  
Commissioner Collinsworth, DFG  
Commissioner Hickey, DOT/PF  
Commissioner Kelso, DEC  
Mr. Rod Swope, Office of the Governor  
Mr. John Katz, Office of the Governor  
Alaska Land Use Council Members  
Land Use Advisors Committee Members