

STATE OF ALASKA

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DIVISION OF GOVERNMENTAL COORDINATION

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December 19, 1989

Mr. Lester Rosenkrance
Acting State Director
Bureau of Land Management
222 West 7th Avenue, Box 13
Anchorage, AK 99513

Dear Mr. Rosenkrance:

The State of Alaska has reviewed the proposed final Utility Corridor Resource Management Plan (RMP) and accompanying final Environmental Impact Statement (EIS) for public lands north of the Yukon River. This letter constitutes the Governor's consistency review pursuant to 43 CFR 1610.3-2, and incorporates the views and comments of State agencies participating in the Bureau of Land Management (BLM) planning process since its inception.

Corridor management decisions will play a critical role in Alaska's economy. State agencies are pleased the final plan recognizes this vital corridor must continue to serve current and future energy transportation needs of Alaska and the nation. The State of Alaska generally supports the conclusions reached in the final plan.

The State appreciates the effort devoted to address most of our concerns. Our remaining comments focus on balancing the corridor's primary purpose to facilitate energy transportation with the plan's primary management objective to emphasize development of recreation opportunities. The Dalton Highway provides access to several national conservation system units. The plan, however, over-emphasizes management of the corridor as a tourist destination.

The Alaska Legislature and successive State administrations have also wrestled with the haul road access question. State law and administrative policy severely limit management options on State-owned corridor land to those activities directly related to energy development and transportation. This emphasis is to protect the subsistence lifestyles of those Alaskans living near the corridor north of the Yukon River. State statutes recognize the critical importance of the corridor to the State's economy. Further, the statutes ensure that secondary resource management objectives do not displace the fundamental reason for the corridor's existence - - the transportation of a quarter of the

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nation's energy supply. Our concerns regarding the emphasis on recreation management notwithstanding, the State commends the BLM for stressing the importance of the corridor for energy transportation.

State Selections

Concerns about the federal government's management priorities for the corridor led Alaska to file State land selections on the entire corridor many years ago. We support BLM's acceptance of some of those selections. The State, however, continues to believe that the importance of this transportation system route to Alaska is so vital that additional conveyances are desirable. We look forward to BLM consideration of additional State selections in the future.

We find it ironic that State selection decisions in this plan have been influenced by federal government and local concerns that State ownership of the corridor would lead to undesirable secondary development. Interestingly, the plan now notes that the State would manage the corridor in a fashion similar to that recommended in the plan. We appreciate this recognition. In reality, however, we believe State ownership would result in less, rather than more, secondary development than proposed in the RMP.

The RMP continues to characterize the conveyance of land to the State as a federal disposal action. This characterization makes the 1976 Federal Land Policy and Management Act appear to have precedence over the 1959 Statehood Act which entitles Alaska to select lands necessary for the State's economic vitality. The State opposes this interpretation and continues to contest BLM's conclusion that a State selection must pass a planning process review of its merits in order to be granted. Continuing dialogue between affected Alaskans, and State and federal resource managers about corridor management is certainly warranted. To this end, the State appreciates the call for joint federal-state planning. The Alaska Land Use Council, however, may not be the most appropriate forum to achieve this objective, since the current organization sunsets soon and Congress has not yet considered the Council's recommendations concerning reauthorization.

Areas of Critical Environmental Concern

Alaska shares BLM's recognition that the corridor lands contain significant environmental values. The RMP proposes more than 500,000 acres for designation as Areas of Critical Environmental Concern (ACEC). The State generally supports the recognition of ACECs, however, some of these areas may be unnecessarily large, particularly at Galbraith Lake and Toolik Lake. The State

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supports such administrative designations which are necessary to fulfill the specific purposes listed for each ACEC. Our concern is two-fold: 1) The designated areas and accompanying use restrictions should be the minimum necessary to protect the identified values; and 2) the ACEC designations should not become vehicles for creating real or defacto conservation system units or otherwise further precluding state selections. The latter concern is underscored by ANILCA's legislative history which instructs us that the existing park and refuge are complete systems. Congressional deliberations of the trans-Alaska pipeline legislation and the subsequent ANILCA unit boundaries specifically illustrate that conservation values have already been carefully balanced with corridor transportation values.

In light of these concerns, the State suggests that future revisions of this plan specifically re-visit the corridor's ACEC designations. In the interim, the anticipated inventory and mapping efforts should be designed to assist the BLM in refining the ACEC boundaries where appropriate in the future.

Fish and Wildlife Resources and Management

General Comments

In the State's response to the draft plan, a primary issue was the relationship between the BLM's and the State's responsibilities for managing habitat and fish and wildlife populations. We suggested that the Memorandum of Understanding (MOU) between the BLM and the Alaska Department of Fish and Game (DFG) be incorporated into the final document to clearly demarcate the agencies' respective duties. While reference is made to the MOU in the final plan, we continue to find statements which potentially conflict with it. For example, at the bottom of Page 1-7, the plan states "...appropriate planning will occur that will outline specific management objectives for fish and wildlife resources beyond those necessary for basic resource conservation and protection...". As written, the statement places the BLM in a wildlife population management role, a responsibility the state fulfills. There are similar passages elsewhere which implicitly refer to BLM management of wildlife resources. We presume these implications are inadvertent.

To remedy any confusion regarding the State's responsibility to manage populations of fish and wildlife, we suggest that the Record of Decision (ROD) clarify that the plan does not alter the relationships established in the existing BLM/DFG MOU. In addition, we suggest that the ROD note that BLM will work with DFG on the monitoring, data collection and research for fish and wildlife species. Such cooperation provides the opportunity to avoid duplication and the ability to benefit from each other's

work. We believe these additions will assist BLM staff using the plan in the future.

Sheep Hunting in Areas of Critical Environmental Concern

Additional clarification in the ROD regarding the effects of sheep hunting in certain ACECs also appears to be warranted. In the "Relevance" sections under the Nugget Creek, Poss Mountain, Slope Mountain, and West Fork Atigun ACECs, a generic statement is made that crucial Dall sheep habitat needs to be protected because there is a growing number of sheep hunters using the Dalton Highway. This statement could be misinterpreted to mean hunting is a threat to the viability of the population. Viable sheep populations can be maintained through proper management of hunting activities. We suggest that the ROD clarify that hunting, per se, is not a serious management concern. We agree it is necessary to maintain crucial habitats, such as mineral licks, in the face of development pressures and "potentially disturbing activities".

Aircraft Altitude Restrictions

Under "Management Practices and Allowable Uses" for several ACECs there is a restriction on aircraft altitude for "BLM-authorized" activities. Assuming this applies only to activities requiring permits or other specific authorization from BLM and is meant to reduce disturbance at sheep lambing areas and conflicts with hunters, then the measure is commendable. If, however, the restriction is also applied to "generally permitted" activities, then research and management activities as well as hunting and other public uses would be impacted. We suggest that the ROD clarify that the requirement applies only to activities requiring written authorization.

ORV Access

Clarification would also be desirable regarding restrictions on ORV access in the proposed Nigu wilderness area (page 2-123, paragraph 3). As currently written, if snowmachines are included in the definition of off-road vehicles, this paragraph implies that snowmachine use would be prohibited in the proposed wilderness area, which would not be consistent with ANILCA. We suggest that the ROD clarify that snowmachine use of this area would not be prohibited under wilderness management.

Subsistence Use and Cooperative State-Federal Planning

In response to the recommendation for a cooperative state-federal planning agreement for the Dalton Highway Recreation Management Area, the State believes that such a planning process is essential to minimize the impacts on subsistence uses of management

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actions in the area. Should the State eventually gain title to additional lands in the Utility Corridor, we would also recommend some type of cooperative interagency planning effort to include participation by all affected agencies.

Muskox Transplant

In the State's comments on the Draft RMP, we stated that the proposal to transplant muskox to the Oolamnagavik Block was premature in light of the lack of coordination that had occurred between BLM, the public and DFG. At the recent meeting of the Board of Game in Fairbanks, the Board expressed its support for the BLM muskox transplant, but qualified its recommendation by stipulating that (1) the costs to DFG for involvement in the transplant should be borne by BLM; and (2) the educational effort and dialogue with local residents in the transplant areas should continue. Implementation of these recommendations, along with improved coordination with DFG, will assist in resolving some of the State's concerns with this transplant proposal.

Mitigation and Water Resource Concerns

While improvements have been made, the final RMP continues to fall short in addressing mitigation measures and potential water resource problems. As noted in the State's comments on the draft, mitigation measures were largely ignored. We appreciate that the revised document contains stipulations for summer and winter activities (Appendix L). The list of measures, however, fails to consider the full range of mitigation options available for resource development activities, particularly in maintaining water quality. As implementation of this plan progresses, we hope that greater attention can be placed on specific mitigation proposals.

While the entire corridor is presently restricted by a "withdrawal for entry", the final plan continues to propose open-to-entry, multiple use resource development of the outer corridor, without adequate consideration of natural limitations on available water resources. Page 3-6 provides a brief discussion of consumptive water use. Little consideration, however, is given to the nature and pollution potential of water consumptive activities proposed in the outer corridor. Available water resources are primarily restricted to surface water, which may be more susceptible to pollution. Water resources are not uniformly available throughout the corridor. Future resource development activities could therefore encounter more serious water quality and quantity problems than occur on the North Slope. To minimize water resource conflicts and potential pollution, the outer corridor should be restricted to selective entry and limited to identified resource nodes.

Mr. Lester Rosenkrance
Utility Corridor

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Thank you for the opportunity to submit these comments on the final Utility Corridor RMP. If you have any questions or wish to discuss these comments, please feel free to contact this office. Once again, State agencies appreciate the effort devoted to resolving numerous policy and technical concerns.

Sincerely,

Robert L. Grogan

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