

36

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

STEVE COWPER, GOVERNOR

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

February 14, 1990

Mr. Ron Hood
Refuge Manager
Alaska Peninsula/Becharof
National Wildlife Refuges
P.O. Box 277
King Salmon, Alaska 99613

Dear Mr. Hood:

On behalf of State agencies, thank you for the opportunity to review Workbook II of the upcoming Alaska Peninsula/Becharof National Wildlife Refuge Public Use Management Plan (PUMP). This letter represents the consolidated comments of the State's resource agencies.

As you know, the U.S. Fish and Wildlife Service (FWS) and State agencies have been grappling with some of the issues raised by this plan in many areas of the State. On one hand, the FWS has a mandate to manage the recreational uses of the refuge. On the other hand, much of the actual use occurs on State-owned tidelands and shorelands of navigable waterbodies where the Alaska Department of Natural Resources (DNR) has management jurisdiction. Thus the ability to address certain issues raised in the workbook involves a complex set of relationships between the FWS, DNR, the Alaska Department of Fish and Game (DFG) and the State Boards of Fisheries and Game.

As a result of a similar planning effort for the Togiak Refuge, State agencies are currently developing a policy for managing State lands and waters within the refuge. These policies are being developed in conjunction with the Togiak Public Use Management Plan. They will serve as the State's starting point for discussions on other refuges, including the Alaska Peninsula/Becharof PUMP, on any matters involving State-owned tidelands and shorelands. We encourage you to work closely with your Anchorage regional office for details on the progress of this effort.

The following comments should be viewed as additions to the ongoing work that is being done in conjunction with the Togiak Public Use Management Plan.

General Comments:

February 14, 1989

1. The State appreciates the FWS efforts to identify public concerns at an early stage of the planning process. Achieving high quality public input is a challenging task especially when so many issues are addressed. Care must be taken to eliminate biases in conducting and evaluating public opinion surveys associated with planning workbooks and workshops. Questions that solicit public comments on planning issues should be framed to avoid pre-determined conclusions. Reporting of public opinion results should avoid simple numerical tabulation of individual responses which may represent the opinions of a varying number of people. Finally, in order to be useful, public opinion survey results should be representative of all user groups using refuge resources.
2. In June 1989, the State provided comments on generic issues affecting public use management on most national wildlife refuges in Alaska. If you have not already done so, we suggest this document be re-examined to assess its applicability to this plan.
3. It is recommended that subsequent planning documents describe the roles of DFG and FWS in the management of fish and wildlife on the refuge according to the Master Memorandum of Understanding signed by both agencies. Reference should also be made that the allocation of fish and wildlife among various user groups is the responsibility of the Alaska Boards of Fisheries and Game.
4. Without a documented understanding of the kinds and levels of traditional (pre-ANILCA), existing, and projected public uses and their effect on refuge resources, it is difficult to find justification for many of the management options provided in the workbook. Documentation of traditional uses is especially critical because ANILCA provides for the continuation of these uses unless they are shown to be detrimental to resource values. FWS should develop procedures to increase such baseline information and implement a system for monitoring on-going public uses. Criteria are also needed for determining threshold use levels that would trigger permitting restrictions or regulations for the protection of refuge resources. Also, if future workbooks are contemplated, consideration should be given to soliciting some of this information directly from the public through workbook responses. Without such baseline information, public use management planning can be overly subjective.

Specific Comments:

Issue 1 A Access, Sensitive Wildlife Concentrations: DFG is not aware of any threats to sensitive wildlife concentrations that would warrant restricting public use or access at this time. If non-access related restrictions become necessary to protect fish and wildlife, they should be implemented on a specific area and seasonal basis using the State's regulatory system. If access restrictions are warranted in the future, DFG requests consultation with the refuge staff in evaluating and formulating proposed restrictions that may affect fishing and hunting. The creation of wildlife viewing areas (option 3) may represent an additional option that should be pursued in cooperation with the State.

Issue 1 B Access, Pack Animals: To the extent that pack animals have been used traditionally on the refuge, their use should be continued at levels that are not detrimental to refuge resources. DFG is not aware of any environmental damage stemming from existing pack animal use. In addition, the controlled use of pack animals may have less environmental impact than use of motorized vehicles in some instances. DFG, however, would not support any increases in livestock use where there may be long-term impacts on fish and wildlife or their habitats (competition for food, destruction of habitat, human-bear conflicts, etc.). We suggest that the FWS ascertain the types and levels of pack animal use in the refuge prior to proposing a pack animal management strategy in the draft PUMP.

Issue 1 C Access, Jet Boats: Until and unless information from proposed research results indicate that jet boats are adversely affecting fish populations, habitat, subsistence use, or other refuge resources, jet boat use should not be restricted. An interagency study on the effects of jet boats on fish has been proposed for the Togiak area. As noted in the introduction to this letter, the FWS should refer to the Togiak PUMP process for guidance in addressing such uses that occur on State-owned lands and waters.

Issue 1 D Access, Fixed Wing Aircraft: DFG is currently unaware of resource damage associated with upland aircraft landings. The current pattern of dispersed use helps reduce impacts by distributing public use over a wide area. If current or future studies show that aircraft use adversely affects refuge resources, [ANILCA Section 1110(a)], then restrictions should be site- and season-specific to minimize impacts on traditional activities. Finally, more information needs to be provided regarding how this plan will evaluate the impacts on wildlife resources by aircraft use. As noted above, please refer to the Togiak planning effort for guidance on State lands and waters.

Issue 1 E Access, Motorized, Tracked, and Off-road Vehicles: The lack of documented traditional use information, discussed previously, is especially critical to this issue. FWS should

obtain documentation of traditional (pre-ANILCA) or historical use of these vehicles on the refuge, initiating new studies if warranted. In compliance with the provisions of ANILCA, including Section 811, these vehicles should be allowed to operate on the refuge in areas and at levels of traditional use unless damage to resource values is occurring or is likely to occur.

To facilitate discussion of this issue, a map of improved roads within the refuge should be prepared. Each route should then be evaluated for traditional use, its current condition, whether its use would cause conflicts with refuge resources, and whether there is significant public benefit by designation as an ORV access route. Based on DFG's knowledge of traditional use, the old road east from "Jensen's" airstrip as far as Featherly Creek appears to merit designation as an ORV access route. (Much of this trail is west of the refuge boundary, but eventually enters the refuge).

Several of the options provided for this issue are confusing or are in conflict with one another. For example, option 1 indicates that access routes for motorized vehicles have not been designated to date on the refuge, but option 3 refers to designating "additional routes."

Issues 2 A and B, Big Game Guiding and Selection of Big Game Guides and Outfitters: As you know, the State is in the process of establishing new laws and regulations for management of big game guides and outfitters who will be permitted to operate in designated geographic use areas throughout the State. We appreciate remarks in the workbook that FWS intends to rely on the State's regulatory and management system once it has been finalized. We recommend that FWS retain all interim refuge policies regarding the management of big game guides and outfitters on refuges until the new State system becomes effective. We request that the issue statement also clarify that the State has many other regulatory authorities for limiting effort and harvest to prevent overharvest (permit and regulation hunts, area closures for non-subsistence hunting, etc.).

Issue 2 C, Number of Big Game Guided Clients: The State recognizes that this issue is part of the FWS contingency effort to address big game guiding activities. However it appears that FWS may also be contemplating client restrictions independent of the State system. The State is also addressing this issue and such restrictions may be duplicative and unnecessary. We request that FWS delay any implementation of client restrictions until the proposed State system for the management of big game guides and outfitters is adopted and implemented.

Issue 2 D, Sportfishing Guides: In general, DFG does not favor restriction of sportfish guiding until resource damage and user group conflicts can be documented and cannot be mitigated by DFG's and the State Board of Fisheries' management and regulatory system. Such an assessment includes the potential impacts of expanding sportfishing activities on subsistence use by local residents. The Alaska Legislature is currently considering House Bill 267, which would establish a statewide licensing system for sportfishing guides. The bill would require that licensed guides have expertise in first-aid, boating safety, wilderness survival, fish identification, and sportfishing regulations and techniques. If a sportfishing guide licensing program is created, it will assist resource agencies in monitoring use for management purposes.

This issue also discusses the depressed nature of the Arctic Grayling population in the vicinity of the outlet of Ugashik Lake. In subsequent planning documents it would be helpful to note that DFG has submitted a proposal to the Alaska Board of Fisheries for initiation of a catch and release fishery to assist in the recovery of this population.

Issue 2 E, Unguided Public Use: DFG is unaware of any resource or public use conflicts that would warrant limitations of unguided public use at this time. However, where there is evidence of existing or potential resource damage, DFG supports the concept of "critical use areas" on federally-owned uplands where the intensity of guided and unguided users may be limited. Proposals affecting fishing and hunting activities should be coordinated with DFG. As previously noted, please refer to the Togiak planning process for guidance on State-owned lands and waters.

Issue 2, General Comment: While addressing both guided and unguided use on the refuge, attention should also be focused on assessing the existing and projected impacts of long-term or recurrent campsite use, such as litter and sanitation. Fuel storage should also be addressed, especially in areas adjacent to rivers, lakes, and coastal estuaries.

3 A, Trail Construction and Development of Improved Campsites: Background information provided in the workbook regarding this issue states that "developed campsites may be provided only in moderate management areas." This statement is inconsistent with the Record of Decision (ROD) signed December 2, 1987 by the Regional Director which modified several provisions of the Comprehensive Conservation Plan for the Alaska Peninsula National Wildlife Refuge. The ROD states that FWS may provide improved campsites (permanent sites that may include fire rings, shelters and sanitary facilities) if needed to limit resource degradation in all management categories, including minimal and wilderness

February 14, 1989

management areas. The ROD also provides for a variety of other public uses and facilities including foot trails, boat launch sites, visitor contact facilities, airstrips (including aircraft tie-downs), and cabins to support subsistence activities.

The CCP and ROD for the Becharof National Wildlife Refuge were completed prior to the FWS effort to identify such specific directions for each of the management categories. In the absence of such specifics, we presume that the final management table in the Alaska Peninsula ROD also applies to Becharof. The current lack of clarity can be confusing since both refuges share a common border and are administered as a single unit. We appreciate that this issue may go beyond the public use management plan, although it could affect the outcome. We therefore would like an opportunity to discuss this general concern with appropriate FWS representatives.

Development of trails and campsites, including construction of food/meat caches to minimize human-wildlife conflicts may be appropriate in some instances. Small scale, scattered facility development may be beneficial in preventing resource damage by avoiding sensitive areas as well as minimizing crowding. However, major facility development, if not carefully planned, could result in undesirable levels of public use and impacts to refuge resources. The effects of public uses associated with improved and unimproved sites and facilities on fish and wildlife populations should be cooperatively monitored and assessed with DFG.

Issue 3 B, ANCSA 17(b) Easements: To assist the public in locating these easement, the State suggests that FWS make available maps or an atlas containing this information.

Issues 3 C and D, Cabins: There may be a sufficient number of existing cabins on the refuge, especially if FWS will allow public use of cabins under seasonal permit when such cabins are not being used by the permittee. This was a recommendation by the State which was submitted February 9, 1989 in response to the FWS draft cabin management policy on national wildlife refuges in Alaska. The State realizes that this requires the consent of the owner in the case of existing cabins. Construction of new or replacement cabins for subsistence purposes should be allowed if needed, pursuant to 1303(b)(1).

We understand that the incorrect statement regarding the status of existing guiding cabins on the refuge and the reference to the State Attorney General ruling were inadvertently included in this workbook. In light of this error, and since existing cabins are the property of the claimant, options A-1 and A-2 do not appear to be justified.

February 14, 1989

Any discussions and assessments conducted regarding this issue should be done cooperatively with DFG to consider use and resource data as well as management problems.

Issue 3 E, Tent Platforms: Discussion of these facilities should also include meat/food caches, fuel caches, and trapline shelters. Current levels of use of temporary facilities appears to be compatible with refuge purposes. As you know, ANILCA Section 1316 ensures that temporary facilities shall be permitted subject to compatibility criteria. Cumulative impact studies could be useful in determining what levels of additional use, if any, would also be acceptable. We support increased effort to educate all user groups to minimize littering throughout the refuge.

Issues 4 A and B Information/Education: We support both proposals and suggest FWS seek advice and assistance from the State for improving the information/education program on the refuge. This program should be attentive to any identified conflicts between local residents who use the refuge for subsistence purposes and other visitors there for recreational or other purposes. Land ownership patterns in and near the refuge should be identified in public "handouts" as a means of reducing trespass and related land use conflicts.

We note that the acreage figure used in the 4 B issue statement for State land includes only uplands. In future planning documents, it will be important to add acknowledgement of the State-owned shorelands (lands beneath navigable waterways) and tidelands. The management consequences of this landownership situation are important, and therefore should not be ignored.

Thank you for the opportunity to provide these comments. If you have any general questions, please feel free to contact this office at 561-6133. For specific questions regarding DFG concerns, please contact Ron Regnart at 267-2273.

Sincerely,



Sally Gibert
State CSU Coordinator

cc: George Constantino, FWS
Lennie Gorsuch, DNR
Don Collinsworth, DFG
Dennis Kelso, DEC
Robert Grogan, DGC

DISTRIBUTION LIST

July 6, 1989

- [1266] Ms. Gail Baker, U.S. Fish & Wildlife Service, Anchorage
- [1372] Mr. Al Carson, Department of Fish and Game Habitat Division, Anchorage
- [942] Ms. Tina Cunning, Department of Fish and Game, Nome
- [1419] Mr. Terry Haynes, Department of Fish and Game Subsistence Division, Fairbanks
- [1270] Mr. Larry Kimball, Alaska Federation of Natives, Anchorage
- [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
- [1568] Ms. Jenny Olendorff, Dept. of Transportation & Public Facilities Planning
Division, Anchorage
- [469] Mr. Jim Powell, Department of Natural Resources, Juneau
- [70] Mr. Ron Regnart, Department of Fish and Game Habitat Division, Anchorage
- [1239] Mr. Rob Walkinshaw, Department of Natural Resources Resources Allocation Section,
Anchorage
- [1240] Mr. Dan Wilkerson, Department of Environmental Conservation, Anchorage