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January 27, 1993

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

Dear Mr. Stieglitz:

The State of Alaska has reviewed the U.S. Fish and Wildlife Service Draft Land Protection Plan for the Kodiak National Wildlife Refuge. This letter represents the consolidated comments of the State's resource agencies.

The State appreciates the effort that the FWS has put into developing the computerized ranking system of habitat values. State agencies believe, however, that the system must be subjected to further evaluation and refinement before its products can be used with confidence. Among other problems, local expertise within the Alaska Department of Fish and Game, and the Service, has not been fully utilized. In addition, the relationship to the statewide priority ranking, and the statewide rankings themselves, is not clear. Finally, the resulting rankings suggest that the criteria and/or point values require further adjustment.

Substantial additional information is necessary for the State to fully evaluate this document. The State urges that the Service conduct information exchange/work sessions with appropriate state and Service staff in Kodiak and Anchorage to more fully identify and address these deficiencies and explain the recalculations prior to developing a final plan.

The State also requests that the Land Protection Plan acknowledge the state and federal disagreement over ownership of various lands and waters within the refuge.

These concerns are addressed in greater detail below.

Statewide Ranking System

The Land Protection Plan does not address how the statewide computerized habitat ranking system developed pursuant to the Alaska Submerged Lands Act of 1988 was modified. According to page 10, the Service made revisions to the statewide priority selection process "to refine the statewide priority ranking". The revisions to the statewide adopted system are not clarified but are noted as available from the regional Realty Office in a separate paper. If it was necessary to modify the computerized statewide modelling system, then some overview public review process is in order.

With the modified computer model, Kodiak inholdings were ranked against themselves. It thus appears that the land protection priorities for the Kodiak refuge were selected relatively independent of the priority system already in place for Alaska. It is no longer apparent where they fit in the overall statewide priorities.

Kodiak's Ranking System

The State questions the necessity of creating a ranking system applicable only to Kodiak refuge. Such a system cannot be evaluated alongside rankings developed for subsequent land protection plans for other refuges. Without comparable evaluations in ranking, the Service will be faced with increasing confusion among staff and outside reviewers as it moves forward with proposals for money and support to address inholdings among the 16 refuges.

The results of any computer modelling are only as good as the information in the program. The State has not been briefed of changes made to the criteria, categories or point values used to input the inholdings. Without knowing that information, state agencies are unable to objectively critique the results. Consequently the State cannot support the use of the modelling results to establish the Kodiak plan rankings without further explanation and consultation.

Staff from the Department of Fish and Game have participated with Kodiak refuge staff in several exercises to rank habitat, but the rankings in this plan do not reflect the results of these exercises. The methodology presented for the rankings is vague, and the criteria are ill-defined. In total, the draft plan appears to have been completed without adequate consultation with Kodiak staff, in and out of the Service.

"Threat" Rankings

The plan states that the Kodiak areas were ranked against each other using a modified model which apparently gave little weight to terrestrial species. However, the discussions of "threat" rankings place major emphasis on brown bear habitat. This inconsistency reflects a need for basic revision in the model. A key purpose of the Kodiak refuge is the protection of brown bear. Brown bear may be the species most seriously threatened by development on private lands. Consequently, the ranking system should give greater weight to brown bear habitat if refuge-specific resource values are to be reflected.

We note that there is a discussion in the plan of how the "threat" rankings were used, but nowhere in the plan are the "threat" rankings actually applied.

Priorities

Department of Fish and Game staff from Kodiak conducted a subjective ranking of many of the inholdings based on the ranking information contained in the plan. The results were discussed with refuge staff, who concurred that inconsistencies are apparent and that further consultation with the preparers of the plan is desirable. The following provides three examples of questionable priorities which illustrate the necessity of cooperative re-examination:

- * Karluk Lake and River drainage has consistently been rated as the best brown bear habitat on Kodiak Island (and perhaps in the state). It is the most productive salmon system on the island. Bald eagle nesting density is high. Public use and national interest is high. We suspect any ranking system would result in this drainage a Priority 1 for acquisition--the plan ranks it a Priority 3.
- * Aliulik Peninsula should be ranked much higher for acquisition. The bear density should have been in the "high" category. These changes are based on an aerial survey conducted in 1992 by the Service with the participation of the Department of Fish and Game. The habitat quality and population had previously been underrated, but should be updated to reflect current data.
- * Sturgeon River and Lagoon has the lowest ranking applied in the upstream area, which is the prime bear habitat. The priority 4 block is one of the most dense bear feeding areas on the river.

Ownership and Management Authorities

The State requests that the Service acknowledge the state and federal disagreement over ownership and management authority over waterbodies, shorelands, tidelands, and submerged lands within the refuge boundaries. The state does not want the public caught in the middle of the debate, and wants to avoid unnecessary management problems while the dispute is pending. This could be done on Table 1, page 4, by asterisking the "0" state land ownership acres. The footnote could then say:

The State and the Service disagree over ownership and management authority of waterbodies within the refuge. The Service claims jurisdiction on the assumption that the pre-Statehood refuge withdrawal preempted conveyance of these lands and waters to the State at the time of Statehood. The State believes that all shorelands, tidelands, and submerged lands in Alaska were held in trust for the State, and that title transferred at the time of Statehood, regardless of pre-Statehood withdrawals. The public should be aware that the dispute/resolution may have effects on certain uses and activities.

Also, in Appendix 1 and the Table of Contents, change the title to Village Land Status of Kodiak Refuge....

Technical Comments

- * The land status map for the Ayakulik River does not match the habitat map.
- * Recent parcels conveyed at Horse Marine Lagoon and Akalura Lake are not included in the analysis.
- * The background information on bears on page 7 does not cite recent literature by Barnes, Smith, and VanDaele.
- * The scale on the maps is not accurate. Many small parcels of private land appear to be several times larger than they are. Such misrepresentation, even if unintended, can inappropriately influence reviewers.
- * Figures on pages 10 and 11 do not correspond with the text.
- * The discussion of the Refugium appears to be unrelated to the priority analysis.
- * The deer habitat map is not complete, nor does it reflect present deer densities.

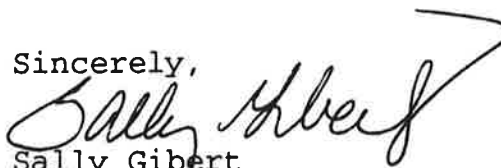
- * The introduction of purposes of the refuge (page 7) should be corrected to parallel language in ANILCA (i.e., "include . . . among others").
- * The description of "Subsistence" on page 32 is not an accurate reflection of federal law, nor of the differences between the state and federal law.
- * A discussion of the relationship between management decision guidelines contained in the Comprehensive Conservation Plan and those in the Public Use Management Plan should to be included on page 32. As written, the public could incorrectly interpret which plan has overall import.

Conclusion

We strongly urge the Service to reconsider its modifications to the statewide adopted system, and more importantly, work cooperatively with appropriate state and Service staff to reevaluate Kodiak-specific changes prior to moving forward on this plan.

Thank you for the opportunity to provide these comments. State agencies look forward to working with the Service on this plan. Please call (561-6131) if you would like assistance in arranging additional consultation.

Sincerely,



Sally Gibert
State CSU Coordinator

cc:

Jay Bellinger, Refuge Manager, Kodiak Refuge
Carl Rosier, Commissioner, Department of Fish and Game
Glenn Olds, Commissioner, Department of Natural Resources
John Sandor, Commissioner, Department of Environmental
Conservation
Frank Turpin, Commissioner, Department of Transportation and
Public Facilities
Richard Burton, Commissioner, Department of Public Safety
John Katz, Governor's Office, Washington, D.C.

**CSU Distribution List
Kodiak LPP State Letter
February 1, 1993**

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