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March 26, 1993

Gary Vequist  
Chief, Branch of Resource Management  
National Park Service  
2525 Gambell Street, Room 107  
Anchorage, Alaska 99503

Dear Mr. Vequist:

The State of Alaska has reviewed the Draft Resource Management Plan for the Sitka National Historical Park. This letter represents the consolidated comments of the State's resource agencies.

Water Rights

Since this plan does not directly change or make recommendations concerning public use, it is not necessary to include the State's guidelines for management of the beds of navigable waterbodies. The plan should, however, acknowledge the role of the State regarding water rights. To do this, we request inclusion of the following language on pages 10-11 (before Forest and Vegetation section):

Federal reserved water rights are created when federal lands are withdrawn from entry for federal use. They are created for the minimum amount of water reasonably necessary to satisfy both existing and reasonable foreseeable future uses of water for the primary purposes for which the land is withdrawn. The priority date is the date the land is withdrawn for the primary purposes.

Federal reserved water rights in Alaska can be claimed and adjudicated in basin-wide adjudications in conformance with the McCarran Amendment under state law, AS 46.15.165-169 and 11 AAC 93.400-440, either administratively or judicially. Alternatively, federal water rights may be applied for and granted under state law for either out-of-stream or instream water rights. In any case, water claimed or requested must be quantified.

suggested language insert continued:

The NPS will work cooperatively with the State of Alaska to inventory and quantify its federal water rights under state law. Water resources of the Sitka National Historical Park will be managed to maintain the primary purposes for which the park was established.

In addition to federal reserve water rights, the plan should note that a federal agency can apply for water rights through the existing state water rights system. By applying for water rights through the State it will, in many cases, provide the NPS with the senior water rights and save both the State and federal government the cost of a federal reserve water right adjudication. The issuance of state water rights will not preclude the federal agency from applying for its federal reserve water rights in the future if the need arises. The Alaska Water Use Act also allows public agencies to apply for reservations of water for instream uses including fisheries, recreation, and water quality purposes.

Page 1, paragraph 1: The plan should note that the State owns the water in Indian River.

In addition, please include the editorial changes concerning water issues provided under separate cover.

We also refer you to the position statement of Sheldon Jackson College regarding the historical and current use of Indian River water for verification of water rights information. If you have any questions concerning these water rights comments, please contact Gary Prokosch, Department of Natural Resources, Division of Land, at 762-2571.

#### Page-Specific Comments

Page 5, paragraph 4. Federal regulations specific to Alaska park units are also promulgated in 36 CFR Part 13.

Page 42, paragraph 1. The problem statement should be revised to clarify that the 49.5 acres of intertidal (tideland) area are not a part of the park. The introduction on page 1 correctly describes these 49.5 acres as lands adjacent to the Sitka park which belong to the City of Sitka and the State of Alaska and are leased by the National Park Service.

Page 43, paragraph 1. Similarly, this problem statement should be corrected to reflect that aquatic wildlife are not "in the park". Statements such as "the park intertidal zone and shoreline" and "intertidal zone within the park boundaries" should also be corrected.

If the National Park Service desires to pursue funding to inventory and monitor species outside the park, such studies should be clearly described as possible cooperative studies with the appropriate State, federal and local agencies having jurisdiction over the land and resources involved.

Page 44, paragraph 1. The State looks forward to reviewing the park trail management plan, especially in light of trail and road use which may pre-date the establishment of the park. Some of these routes may qualify as valid rights-of-way under Revised Statute (RS) 2477.

Page 65, Recommended Action. Discussion of revisions to the Land Protection Plan which involve land outside the existing boundaries of the park should acknowledge the involvement of affected landowners and the public.

Thank you for the opportunity to provide these comments. If you have any questions, please feel free to call this office.

Sincerely,



Sally Gibert  
State CSU Coordinator

cc:

Michele Hellickson, Superintendent, Sitka Nat'l Historical Park  
Glenn Olds, Commissioner, Department of Natural Resources  
Carl Rosier, Commissioner, Department of Fish and Game  
John Sandor, Commissioner, Department of Environmental  
Conservation  
Bruce Campbell, 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  
Sitka RMP Comments  
March 30, 1993**

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*Terry Haynes, Department of Fish & Game, Fairbanks*

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