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July 8, 1993

Bob Stevens
Resource Support, Refuge Planning
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

Dear Mr.  Stevens:

The State of Alaska has reviewed the internal review draft of the Kisaralik River Management Plan. This letter represents the consolidated comments of the State's resource agencies.

We appreciate the opportunity to review this document, and have relatively few comments at this time. We note, however, that since a number of reviewers are currently involved in field season activities, additional comments may be submitted during the public review period.

In general, we find the plan to be well-written and thoughtfully presented. After reviewing the plan in the overall context of river management on the Yukon Delta Refuge, our most significant comment simply questions the need for this type of plan. There is little indication in the plan that the Service's stated objectives could not be met primarily through management of commercial guides, which does not require a river management plan. We suggest that the Service reconsider whether this plan is the most productive use of limited budgets and planning staff. If the Service chooses to proceed, we urge that the planning staff work closely with other affected landowners, as discussed later in this letter.

Preferred Alternative

The plan primarily "proposes regulations and policies that would apply mainly to river guides" (page 1). We realize this is currently the largest issue since no guiding permits have been issued despite an increasing demand. There are, however, problems in the approach which warrant further consideration. For example, strict limitations on guides may only serve to shift pressure to other areas in the region.

Although the preferred alternative indicates some guiding will be allowed, no clear distinction is made between guided fishing, guided sightseeing, guided hunting, and other uses which may have varying degrees of conflicts with existing uses and may be more appropriately controlled through seasonal and spatial limitations. Moreover, the preferred alternative does not clarify that fishing guides WILL be permitted to use the river. The plan should also clarify that the Service's authority to regulate guides is based on their use of the uplands, not the state-owned river bed.

The State conceptually supports the Service's desire to develop sustainable guided and unguided recreational use at levels which maintain the outstanding attributes of the river corridor; however, any proposed regulatory restrictions of public use must be 1) within the Service's jurisdiction, and 2) accompanied by documentation of resource damage that would occur in the absence of such restrictions. Unless such resource damage can be documented, the State does not support, nor would it implement, restrictions or permit requirements for public recreation along the river corridor.

Fish and Game Management

Management of fish and wildlife in Alaska remains vested in the State of Alaska, consistent with the State Constitution and reconfirmed in the Alaska National Interest Lands Conservation Act (ANILCA) Section 1314. A Master Memorandum of Understanding between the Service and the Alaska Department of Fish and Game (MMOU) defines the roles and cooperative mechanisms of the agencies. The plan (page 9) incorrectly implies that the MMOU is no longer in effect. Recent meetings between the Commissioner of the Department of Fish and Game (DFG) and the Regional Director of Fish and Wildlife Service have reconfirmed intentions to continue cooperating consistent with the terms of the MMOU. Moreover, we are unaware of any formal notice from the Service concerning termination, as required in the MMOU. We urge this section be rewritten to correct this significant error.

The text seems to scramble the (a) federal government's responsibility to assure the subsistence priority as manager of public lands with (b) the State's responsibility for management of fish and wildlife. These are distinct management responsibilities. We request this section of the plan be rewritten to correctly describe the State's management authority for fish and resident wildlife on ALL lands in Alaska.

Similarly, the plan should clarify that the Federal Subsistence Board *has assumed regulatory authority of fish and wildlife harvests* to provide a subsistence priority on federal lands. The State believes that ANILCA clearly did not grant such management authority to the Secretaries of Interior and Agriculture, and that such action preempts the State's regulatory authority; hence, the State has filed litigation (*Alaska vs Babbitt et al*). Recognition of this situation should be addressed in the plan for the benefit of the public. Furthermore, the plan should be corrected to note that the Federal Board has not even purported to assume ALL management authority on federal lands as indicated here, although the federal assumption of regulatory authority over subsistence harvests has significantly impacted the State's management ability.

Subsistence (pages 34-37)

The plan's description of subsistence uses of the Kisaralik River area is limited to the community of Kwethluk, because comparable information is not available for other local communities known to use the area. DFG staff indicate the river may also receive relatively heavy use by residents of Bethel, Akiakchak, and Akiak. We recommend an expanded discussion in this section for other communities, even if this means only translating or summarizing information available on the subsistence harvest area maps mentioned on page 34. A source should also be provided for those maps so this information can be evaluated by plan reviewers. We also request more information on the derivation of these maps. We suggest the second sentence in the first full paragraph on page 35 be revised to begin "In 1985-1986," as that is the year addressed in the Coffing study of Kwethluk.

ANILCA Section 810 Subsistence Evaluation

The limited data presented on subsistence activities in the Kisaralik River area makes it difficult to conclude that none of the proposed alternatives would impact subsistence uses (pages 44-46). The plan notes on page 37 that "growing public use of the river has brought an increased potential for conflict, especially competition for resources between recreational visitors and subsistence users." If the number of recreationists and river guides increases as is projected, in response to the Kisaralik

being a comparatively "underused" river, the Service may be underestimating potential use levels in the future by users whose values and practices may conflict with those of local residents. This plan should indicate how the situation on the Kisaralik River differs from the rivers in and near the Togiak Refuge, where user group conflicts have been documented.

Objectives

The goal statement which precedes the objectives makes clear the commitment to "provide high quality fish and wildlife oriented public use opportunities", but the written objectives do not address recreation uses. We request the objectives be amended (pages vii and 6) to add an objective that supports the continuation of recreational fishing and hunting activities in the Kisaralik River Corridor, such as:

"Provide continued opportunities for sport fishing and hunting use of fish and wildlife in the Kisaralik River Corridor."

In view of the ANILCA refuge purposes, the following purely editorial reorder of the presently listed objectives is suggested for consistency:

Protect fish and wildlife resources and their habitats . . .

Provide continued subsistence use of fish, wildlife and . .

Protect water quality

Monitor fish and wildlife habitats . . .

Provide recreation in a pristine, natural and . . .

ANILCA legislative intent clarified that the order of the stated refuge purposes does not represent prioritization. If the Service is intending that the objectives reflect a prioritization, this should be clearly discussed - including how such prioritization would be implemented in the event any of these objectives become mutually exclusive.

Fisheries

The plan's discussion of fisheries (page 31) includes references to the Service's Fisheries Management Plan (FMP). The latter is an agency-required document (even though the Service does not "manage" any fisheries), and the FMP clearly confirms that the State of Alaska is the fisheries manager. It would be helpful if the discussion in the river plan were similarly clarified.

The river plan references the FMP's call for specific studies on subsistence uses, including household surveys. The plan should further indicate whether additional information relevant to recreation and river management will be needed which should be sought simultaneously in the household surveys of subsistence uses. If proper linkages are not made between various implementation plans, the public is at risk of being unduly burdened by researchers. We also request the plan commit to consultation with the DFG's Division of Subsistence regarding any planned subsistence studies associated with this and/or other refuge management plans.

Public Involvement

We are encouraged that the Service reconfirmed past commitments to public and state involvement in step-down plans which implement the comprehensive conservation plan. We suggest that statements (page 10) regarding revisions and amendments include confirmation that such involvement will be extended to the revision and amendment processes. This appears to be the intent of the section, but it could be more clearly stated.

The summary statements (pages 14-15) of the Preferred Alternative contain several provisions which we strongly endorse, such as annual public meetings to review activities on the river and address concerns. The plan should specify how conflicts and other concerns raised at these meetings would be addressed and how the State's involvement would similarly be included. The public information provisions in the preferred alternative may reduce potential conflicts between visitors and local residents. We also suggest that the discussion include how linkages will be established between related implementation plans.

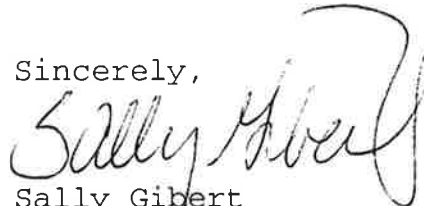
Planning Context

Other than the provisions for guiding, there appears to be little meaningful difference between Alternative A (current situation) and the Preferred Alternative. (If this is not the case, the plan needs to clarify the distinctions.) Given that the primary differences are new provisions for allowing limited guided use of the river, this plan may be unnecessary. The State owns and manages the submerged lands and waters of the Kisaralik River. The refuge portion of the river contains numerous inholdings. The upstream portion of the drainage's uplands are under State jurisdiction. The downstream uplands are primarily private. Given this mix of jurisdictions, the traditional federal planning and regulatory approach may actually increase the range and extent of conflicts rather than resolve them. Additionally, any subsequent resolutions that involve plan amendments may take another 3 to 5 years.

At this juncture, we strongly encourage the Service to consider initiating a cooperative management approach as the preferred alternative instead of Alternative C. For example, both the Situk and Gulkana Rivers faced similar pressures and difficulties in the early 1980s. Cooperative management plans were developed for these rivers by representatives of the State, federal agencies, private landowners, and river users. Such cooperative management of access and public uses proved to be an invaluable method for educating all parties of the complex legal authorities, among other issues. Involvement of local residents and other river users in the development of such plans also imparts a sense of ownership in solutions rather than fostering potential conflict with refuge management.

Thank you for the opportunity to provide these comments. We look forward to review of the draft river management plan. If you have any questions or wish to discuss any of the ideas presented here, please feel free to call me at 561-6131.

Sincerely,



Sally Gibert
State CSU Coordinator

cc:

Denny Strom, Refuge Manager, Yukon Delta National Wildlife Refuge
Helen Clough, Togiak National Wildlife Refuge
Carl Rosier, Commissioner, Department of Fish and Game
Harry Noah, Commissioner, Department of Natural Resources
John Sandor, Commissioner, Department of Environmental
Conservation
Bruce Campbell, Commissioner, Department of Transportation and
Public Facilities
Richard Burton, Commissioner, Department of Public Safety

CSU Distribution List
Kisaralik RMP
July 8, 1993

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Terry Haynes, Department of Fish & Game, Fairbanks

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