

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

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March 10, 1994

Jim Ducker  
Military Withdrawals Planning Team  
Division of Resources (931)  
Bureau of Land Management  
Box 13  
222 West 7th Avenue  
Anchorage, AK 99513

Dear Mr. Ducker:

The State of Alaska has reviewed the Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (FEIS) for the Fort Greely Maneuver Area and Air Drop Zone; and the RMP and FEIS for the Fort Wainwright Maneuver Area. This letter represents the consolidated comments of the State's resource agencies. Except as noted, all comments apply to both documents.

#### Governor's Consistency Review

The State generally supports the management direction in these two plans which seek to provide opportunities for non-military uses of the subject withdrawals consistent with primary military uses. The State has also completed its review of the documents pursuant to 43 CFR 1610.3-2. Subject to the actions requested below, the State finds the plans to be consistent to the maximum extent practicable with the State's policies, plans and programs.

#### Shorelands

The State of Alaska owns shorelands (the beds of navigable waterways) in Alaska. We request a statement in the Record of Decision (ROD) that the Bureau of Land Management will work with the Department of Natural Resources (DNR), Division of Water, to identify state-owned shorelands. This is particularly important for areas identified for closure to all non-military access. Once these lands have been identified, BLM should request that DNR close these lands to public entry for public safety purposes consistent with this RMP.

### Water Rights

In the future, if the federal government wishes to obtain water rights on either of these withdrawals, we request that the State's water rights application process be used. Attached is a policy statement regarding water rights that we request be adopted by BLM and the U.S. Army in the ROD.

### Fish and Wildlife Data

Both RMP's contain innaccurate information concerning wildlife populations. The ROD should note the following corrections so managers and users of these withdrawals may properly conduct activities in a manner sensitive to the resources.

**Fort Greely, Page 65**, The Environmental Consequences section states "The withdrawn lands host healthy wildlife populations. Currently hunters harvest...forty caribou...." Since preparation of the draft EIS, the Delta caribou herd has rapidly declined from 10,700 animals in 1989 to 3,000-3,500 in 1993. In response, the caribou hunting season has been closed since October, 1991 to reduce this herd's rate of decline.

**Fort Wainwright, Page 38**, The Affected Environment section states "Moose density in the YMA range from around 0.1 moose/sq mi in some...habitats to slightly higher density in the few better habitat areas such as Ninetyeight Creek, in the southeast corner of YMA, during early winter." During the Alaska Department of Fish and Game moose census in November 1990, the 53 sq mi drainage of Ninetyeight Creek had approximately 2.2 moose/sq mi. This is 22 times more moose than acknowledged in the document.

### Cultural Resources

Both RMPs commit to a Cultural Resources Management Plan to be developed in consultation with the State Historic Preservation Officer (SHPO). The SHPO's office looks forward to being involved in this additional planning. It is hoped that this effort will offset the RMPs' lack of specific commitment to protection of cultural resources beyond recognition of existing law, i.e. the National Historic Preservation Act (NHPA). The RMPs misleadingly tout the completion of a 1986 plan titled "Historic Preservation Plan for U.S. Army Lands in Alaska". This plan was widely criticized. There was no attempt to make improvements and, to our knowledge, it was never adopted by the Army as a policy statement.

**Fort Greely RMP, Page 16:** The plan states that the Ptarmigan Creek Cabin (XMH-575) will be mitigated by Historic American Building Survey (HABS) recordation and archaeological testing. Other forms of mitigation should be considered. HABS recordation should be done routinely under Section 110 of the NHPA to collect baseline management data; it is not automatically acceptable as mitigation for an adverse effect.

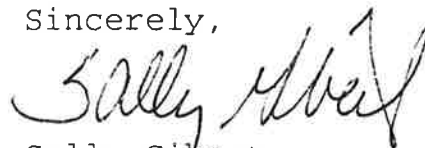
**Fort Greely RMP, Page 82:** Response 2-1 to SHPO comments states the Army has completed inventories of the withdrawal". This implies that the full withdrawal has been inventoried. In fact, only portions have been inventoried at the reconnaissance level. We request that the upcoming Cultural Resources plan prioritize and address specific inventory needs along with adequate funding mechanisms for implementation.

**Fort Wainwright RMP, Page 16, Quarry Road site (XBD-095):** We agree that excavation of this and other significant sites may be warranted. Excavation may be appropriate for historic properties when: 1) they are eligible for listing on the National Register of Historic Places under Criterion D (potential to yield information important in prehistory or history), 2) the information cannot be preserved in some other way, and 3) consultation with the SHPO and Advisory Council on Historic Preservation has been completed.

If you have any questions concerning these cultural resources comments, please contact Tim Smith at 762-2625.

Thank you for the opportunity to provide these comments. If you have any additional questions, please call me at 561-6131.

Sincerely,



Sally Gibert  
State CSU Coordinator

Attachment

cc:

Harry Noah, 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.

Attachment  
State of Alaska  
March 10, 1994

Water Rights

We request that the following language be adopted as part of the Records of Decision for the Fort Greeley and Fort Wainwright RMPs.

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 reasonably 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 those 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.

The Bureau of Land Management and the U.S. Army will work cooperatively with the State of Alaska to inventory and quantify its federal water rights under state law. Water resources of the (Fort Greeley) (Fort Wainwright) military reservations will be managed to maintain the primary purposes for which the withdrawal was made.

In addition to federal reserve water rights, the ROD should note that a federal agency can apply for water rights through the existing state water rights system. Use of the State's application system will, in many cases, provide the Service 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 Service 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.

**CSU Distribution List  
Ft. Greely and Wainwright RMPs  
March 15, 1994**

*Tina Cunning, Department of Fish & Game, Anchorage*

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

*Priscilla Wohl, Department of Environmental Conservation, Anchorage*

*Joyce Beelman, Department of Environmental Conservation, Fairbanks*

*Alice Iliff, Department of Natural Resources, Anchorage*

*Norm Piispanen, Department of Transportation/Public Facilities, Fairbanks*

*Paul Rusanowski, Division of Governmental Coordination, Juneau*

*Cheri Jacobus, Attorney General's Office, Anchorage*

*Mary Pignalberi, Tourism, Department of Commerce & Economic Development, Juneau*

*Dick Swainbank, Department of Commerce & Economic Development, Fairbanks*

*Stan Leaphart, CACFA, Fairbanks*