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March 29, 1994

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 Final Public Use Management Plan (PUMP) for the Alaska Peninsula/Becharof National Wildlife Refuge Complex, dated February 1994. This letter represents the consolidated comments of the State's resource agencies.

We greatly appreciate the attention given to State comments provided throughout this planning process. The final plan is simple, straight forward, and clearly articulated. Management intent is clearly described in quantified terms, and public concerns are appropriately acknowledged.

In particular, we applaud the Service's responsiveness to public comment as illustrated by the substantive changes in management direction. The Service's partnership approach to this planning effort leaves few remaining issues and increases the likelihood of smooth implementation. We sincerely hope the Service will apply this successful planning format and approach to subsequent step-down plans.

ENVIRONMENTAL ASSESSMENT

We understand that the Service is no longer printing Environmental Assessments with the final PUMPs. We consequently request that all final documents contain written acknowledgement of substantive revisions and corrections. Such EA corrections should be documented for the public even if they do not lead to modification of the accompanying plan.

AMENDMENTS TO THE COMPREHENSIVE CONSERVATION PLAN

The EXECUTIVE SUMMARY states: "The plan includes minor amendments of the Alaska Peninsula Comprehensive Conservation Plan." Such amendments should include those CCP issues which were resolved by the Service in cooperation with the State after the Alaska Peninsula and Becharof CCPs were completed (e.g., clarification of allowed uses in administrative zones). We request inclusion of these previously agreed-to "amendments" in the Record of Decision.

We request that the ROD also supplement the page 42 discussion of public involvement with a commitment that the Service will advise the State of Alaska prior to either revising or amending the PUMP.

USE OF MECHANIZED EQUIPMENT

We continue to object to the PUMP's statement on page 23 reiterating "Alaska Policy Manual, RW-16" provisions which inappropriately limit use of equipment (e.g., chainsaws and generators) to only subsistence users in Alaska refuges. ANILCA Section 1316 clearly directs:

*On all public lands where the taking of fish and wildlife is permitted . . . the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses" of "equipment directly and necessarily related to such activities.*

To correct this long-standing issue, the ROD should adopt the November 1987 Alaska Land Use Council policy concerning use of mechanized equipment. Until such time as the Service adopts limiting regulations under ANILCA Section 1316, prohibitions of ANILCA-protected use of such equipment are unenforceable administrative limitations on public use.

ACCESS

The final plan commendably recognizes the statutory and regulatory provisions which will provide for continued use of ORVs for subsistence purposes. We request the ROD contain a commitment that the several affected divisions of the Department of Fish and Game will have the opportunity to be involved in preparation of the ORV use monitoring plan discussed on page 41. We also reiterate that ORV use analyses and guidelines can best be evaluated after completion of studies of traditional (pre-ANILCA) access.

Despite the positive intent to allow continued ORV access for subsistence activities, we are concerned that the Service may overlook the necessity to conduct studies to document traditional (pre-ANILCA) access and access for traditional activities, protected under ANILCA Sections 811 and 1110, respectively.

Reliance on one field season's observations and discussions with some local residents is not adequate. We urge initiation of a more thorough cooperative, interagency study of pre-ANILCA access as soon as possible. Such a cooperative study would reduce potential misinterpretations that the Service is allowing unrestricted ORV use for subsistence uses, discriminating in which protected uses it allows, not adequately defining "adverse effects".

We appreciate that the plan clarifies the application of the new ORV policy in relation to existing regulations affecting the refuge; e.g., restricted access provisions in the Naknek drainage under federal and state hunting regulations. The Federal Subsistence Board has adopted the State's Naknek Controlled Use Area prohibiting use of all motorized equipment except airplanes, boats and snowmobiles for hunting from August 1 to November 30 (1993/1994 federal subsistence regulations booklet, page 44). We request that any informational materials provided to the public regarding ORV uses in the refuge similarly reflect these hunting-related access restrictions.

We commend the Service's decision to recognize the need for, and allow the use of, ORVs in the vicinity of the Yantarni Bay airstrip. The airstrip, a trail to the beach, and a trail to the "old well site" should be designated for use by ORVs. Such trails provide important access to unvegetated, state-owned shorelands and tidelands will result in minimal habitat disturbance.

The State contends, however, that the following statement of page ix is incorrect: *"Recreational ORV use is prohibited on the refuges by 43 CFR 36.11 except for the proposed use in the Yantarni Bay airstrip area."* Similar incorrect statements appear on pages 14 and 33. Alaska-specific regulations at 43 CFR clearly recognize ANILCA provisions which protect access for traditional (pre-ANILCA, not just subsistence) activities.

The State also continues to disagree that "air boats are prohibited" on refuges in Alaska (pages x, 28). Where such uses occur on state waterways they may only be regulated by the State unless damage to refuge uplands can be documented. If airboats are used as access for traditional activities, such access cannot be restricted on refuge lands without formal rulemaking.

#### MONITORING PROGRAMS

The ROD should include a commitment that the Department of Fish and Game will be involved at the outset in the design and conduct of monitoring programs (pages x, xi, 28, 32-34, 40-41, 43-45). Several of the subject activities are protected by ANILCA and/or involve assessment of impacts on fish and wildlife populations. Cooperative development of programs may increase the number of management options available through both federal and state avenues and will reduce agency differences in interpretation of data.

CAMPING LIMITS

The proposed camping limit of 7 nights for 6 popular areas listed on pages xi, 30, and 33 may be worthy of consideration, but many traditional users camp 10 days or longer (e.g., bear hunting, trapping). We request the ROD defer proposed camping limits until guidelines are cooperatively established for determining impacts, studies providing documentation have been completed, and alternatives to reduce impacts have been exhausted. Furthermore, camping restrictions cannot be implemented in Alaska refuges without following appropriate rulemaking procedures, such as those in 50 CFR 36.42.

Any geographic areas listed for camping or other restrictions should be defined on a map which has been cooperatively developed with those State agencies having related responsibilities (e.g., DFG and DNR). We request such maps (and/or written narratives of boundaries) also be published in any future proposed regulations rather than subject to administrative changes by the refuge.

TEMPORARY FACILITIES

We are pleased that the plan recognizes the definition of temporary facilities adopted by the Service and Alaska Land Use Council in Appendix F-1. However, the list of definitions on page xiv fails to include or reference that definition, thereby leaving some confusion for the reader. We request the ROD clarify the intent that the F-1 definition of temporary facilities applies throughout the plan for refuge land.

We caution the Service to carefully consider the ANILCA protections provided in Section 1316; without the reasonable use of temporary facilities, many statutorily protected uses cannot reasonably continue.

The plan fails to clarify who precisely will be required to have a reclamation bond for use of temporary facilities (page 36). We are concerned that this requirement may be more intrusive and difficult to enforce than the gains anticipated by the refuge management in reducing camping impacts.

We object to the added requirement that all campsites be accessible by refuge aircraft and boats. This latter requirement, even if it were only applied to commercial use operators, is somewhat counter-productive because the more accessible the temporary camps are, the more likely they will be in conflict with subsistence users and the general public. To reduce such conflicts, it would be better for commercial camps to be as inaccessible as possible. Judging by the number of helicopters based at the refuge each summer, the Service should be able to visit any difficult-to-reach problem sites for inspection.

ANCSA 17(B) EASEMENTS

The Service is commended for including the management decisions regarding easements in the plan (page ix, 36). Identification, resolution, and marking of ANCSA 17(b) easements is important for public access across private lands to public lands and waters, thereby reducing trespass on private lands. We request the Record of Decision to include acknowledgement that:

*Refuge staff will begin working with Native corporations and the State of Alaska to identify and mark Alaska Native Claims Settlement Act Section 17(b) easements on the ground as requested by the corporations and the State and subject to funding availability.*

CABIN MANAGEMENT POLICY

We continue to object to total preclusion of "public use cabins" (pages xii, 36). Such cabins may be necessary for public health and safety and for dispersal of public uses so as to reduce impacts to some locations of the refuge.

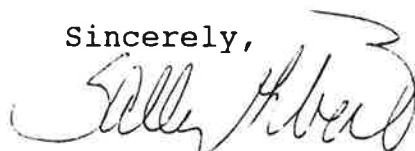
We are already on record in correspondence with the Service regarding several unresolved issues with the Service's cabin management policy. In most instances, those issues are based on the inconsistencies of the policy with ANILCA intent and directions. We are hopeful that the Service will initiate dialogue with the State to resolve outstanding issues prior to publication of the rulemaking. We also hope our issues are being considered in the day-to-day management of the existing cabins on refuges.

FISH AND GAME MANAGEMENT

Although this section of the plan (pages 20-22) is substantially improved, one major but apparently unintentional error remains in the discussion of federal subsistence management (page 20) which should be corrected in the Record of Decision as follows: "The State of Alaska generally retains fish and wildlife management authority on all [State and private] lands and [navigable] waters. . . . Wherever possible, State subsistence regulations are adopted for federal public lands." These changes render the language consistent with the rest of the section.

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:

Ronald Hood, Refuge Manager, Alaska Peninsula/Becharof National  
Wildlife Refuge Complex

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

John Katz, Governor's Office, Washington, D.C.

**CSU Distribution List**  
**AP/B Final PUMP**  
**March 29, 1994**

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