

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## OFFICE OF THE GOVERNOR

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April 6, 1994

Steve Martin  
Superintendent  
Gates of the Arctic National Park and Preserve  
P. O. Box 74680  
Fairbanks, AK 99707

Dear Mr. Martin:

The State of Alaska has concluded its review of the Anaktuvuk Pass Exchange/Agreement, as amended, and the proposed implementing legislation. This letter represents the consolidated comments of the State's resource agencies.

At the outset, we appreciate your willingness to involve the State in the final stages of this process. Regrettably, similar opportunities were not available to us during the initial development of the agreement. We particularly appreciate the recent informal opportunities to suggest amendments to the legislation.

The Section 4 disclaimer, attached, will help insure that this legislation does not set a precedent regarding access for subsistence purposes elsewhere in Gates of the Arctic or in other units of the national park system in Alaska. Similarly, new language we have offered concerning wilderness management (also attached) will insure that the affected wilderness areas will continue to be managed consistent with ANILCA. We also appreciate the continuing efforts to explain the effects of this agreement and amendments to local residents at Anaktuvuk Pass.

As you know, the State has taken the position that a legislative solution to the difficult access challenges faced by residents of Anaktuvuk Pass is not in the long term best interests of subsistence users. The State preferred an administrative solution. Nonetheless, we respect that the parties to the agreement have selected a legislative route. The State will not attempt to thwart this effort.

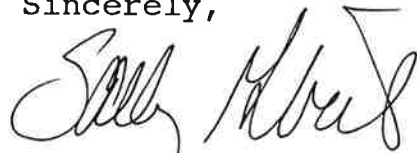
For the record, the following reiterates our remaining concerns.

- \* The National Park Service appears to have used this legislation to avoid its responsibilities under ANILCA to provide subsistence users with reasonable access to subsistence resources on public lands. (Section 811)
- \* The National Park Service relies on an overly restrictive definition of "traditional".
- \* The NPS has inappropriately applied Executive Order 11644 and the Wilderness Act to prohibit ATV access in ANILCA-created designated wilderness areas.
- \* The agreement inappropriately terminates 17(b) easements, which provide public access to State-owned land, water, and resources.
- \* A fixed legislative solution lacks flexibility to respond to changing patterns of traditional activities.

In conclusion, we recognize that the parties to this agreement have devoted considerable effort to resolution of this difficult issue. While we have concerns with the approach, we genuinely hope the agreement will meet the needs of the local residents who will be affected. The State also requests to kept informed of progress in implementing the agreement, such as monitoring impacts of ATV access.

Thank you again for the opportunity to work with you on the legislation. If you have any questions, please call me at 561-6131.

Sincerely,



Sally Gibert  
State CSU Coordinator

Attachment

cc:

John Morehead, Regional Director, NPS

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.

State of Alaska Amendments to  
Anaktuvuk Pass Draft Legislation

Section 4. CONFORMANCE WITH OTHER LAW

Revision to paragraph 2:

*"Nothing in this Act or the Agreement shall be construed to enlarge or diminish the rights, privileges or obligations of any person, except to the extent specifically set forth in this Act or the Agreement, including specifically the preference for subsistence uses and access guaranteed under the Alaska National Interest Lands Conservation Act, as amended (43 U.S.C. 3111 et seq.)."*

Section 3. WILDERNESS REDESIGNATION

Add a new sentence at the end of this section, as follows:

*"The lands designated as wilderness in this section shall be managed by the Secretary of the Interior in the same manner as lands designated as wilderness by Section 701 of the Alaska National Interest Lands Conservation Act".*

Section 5. DESIGNATION OF THE NIGU WILDERNESS AREA

In the last sentence, delete "Section 1315 and Sec. 1316 of" and reword so that the sentence reads:

*"The Nigu block, encompassing those federal lands outlined on the map in Exhibit C, shall be managed as BLM wilderness in accordance with ANILCA."*

**CSU Distribution List  
Anaktuvuk Pass Legislation  
April 6, 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*