

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION



SOUTHCENTRAL REGIONAL OFFICE
3601 "C" STREET, SUITE 370
ANCHORAGE, ALASKA 99503-5930
PH: (907) 269-7470/FAX: (907) 561-6134

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562/FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-0690

May 7, 1997

Regional Director
Attn: Bob Stevens
U.S. Fish and Wildlife Service
1011 E. Tudor Rd.
Anchorage, AK 99503

Dear Mr. Stevens:

Re: Final Kisaralik River Management Plan, Decision Notice, and FONSI

We are in receipt of the above-referenced document, which you signed on March 26, 1997. The State of Alaska has reviewed the document and we would like to take this opportunity to reiterate the following comments.

The Kisaralik River is navigable, owned and managed by the State of Alaska. Given State ownership, the Fish and Wildlife Service (FWS) has no basis for its prohibition of commercial guiding on the Kisaralik River. The management of guiding activity on state land is a state function and the plan impermissibly arrogates state authority. We do appreciate the addition of the fourth paragraph on page 8 (placed incorrectly, we assume, under the Native Corporation Lands heading) recognizing the State's assertion that the river is navigable and therefore the shorelands are owned by the State.

Also, the plan fails to recognize the right of access to federal lands guaranteed under ANILCA. Section 1110(a) guarantees access to federal lands for traditional activities such as guiding, fishing and recreation. This section is complimented by Section 1110(b), which provides the state a guaranteed right of access as an inholder. The plan does not recognize the guaranteed right to access refuge lands to facilitate use of the river. Any contemplated restrictions of such activities must adhere to the closure requirements set forth in ANILCA.

The prohibition of guided activity also stands in direct conflict with the Congressional mandate to preserve recreational activities within the refuge per Section 101(b) of ANILCA. Guides and air taxi operators can provide access to, and safe passage through, the river corridor to the general public who would otherwise not necessarily have the means to access and experience the river.

We appreciate your consideration of these comments. If you have any questions please do not hesitate to contact us.

Sincerely,



Alan Phipps

Project Review Coordinator

cc: John Katz, Governor's Office, D.C.
Marilyn Heiman, Governor's Office, Juneau
Diane Mayer, Director, DGC
John Shively, Commissioner, DNR
Frank Rue, Commissioner, DFG
William Hensley, Commissioner, DCED