



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

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March 24, 2017

Tim LaMarr, Central Yukon Field Manager  
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222 University Avenue  
Fairbanks, AK 99709-3844

Dear Mr. LaMarr:

The State of Alaska reviewed the Central Yukon Resource Management Plan (CYRMP) Preliminary Alternatives Concepts (PAC) document. The following comments represent the consolidated views of state agencies and supplement the State's scoping comments dated January 17, 2013, which is incorporated herein by reference.

The PAC was posted on the "Documents and Reports" page of the CYRMP ePlanning website during the week of January 17, 2017, which initiated the start of a 60-day public comment period and a series of public meetings pursuant to the Bureau of Land Management's (BLM) recently finalized planning rule, Planning 2.0 (FR 81, December 12, 2016). BLM issued notices to announce scheduled public meetings, however, despite our requests to also announce the availability of the PAC and associated review opportunity, no additional notice was issued. Further, the home page of the CYRMP planning website also focused primarily on the public meetings. Neither the home nor meeting pages provided links to the PAC or indicated that comments were being accepted outside attendance at the public meetings. Noticing the opportunity to comment on the PAC separate from public meeting announcements would have helped to ensure all interested stakeholders and members of the public were aware of the comment opportunity, regardless of whether they attended the meetings.

Despite the State's role as a cooperating agency, the PAC was posted without the State's knowledge and without an opportunity to review or discuss the substantive provisions of the document before its release. We therefore do not agree with the statement in the PAC that the State worked with the planning team to develop the document's content (page 1, section 2).

We understand the PAC was intended to get early input on the proposed plan alternatives to assist BLM in further development of the draft plan; however, the PAC does not clearly explain how the alternatives address the identified planning issues. The PAC also provides little information about the need for and management of various special designations and allocation scenarios, or on-the-ground impacts to users, yet components of the alternatives are extremely specific. As a result, we are concerned that the feedback BLM receives on the PAC will be not fully informed. Therefore, many of the State's comments that follow identify a need for more information to substantiate the proposed alternatives and associated management prescriptions. While we are also aware that BLM is proposing a range of alternatives, we have identified actions that we either do not support or view as inappropriate under any alternative. As a cooperating agency, we anticipate further discussions on these issues to ensure the plan includes a reasonable and viable range of alternatives that take Alaska's unique context into consideration, consistent with the Federal Land Policy and Management Act (FLPMA) and other applicable laws, such as the Alaska National Interest Lands Conservation Act (ANILCA).

Considering these procedural and content-related concerns, we request BLM take the full set of comments received during the National Environmental Policy Act scoping phase of the planning process into consideration as it further develops the draft plan, not just the verbal and written comments submitted during this comment period.

We appreciate BLM's efforts to arrange transport for state staff to the Wiseman/Coldfoot public meeting and other efforts to facilitate communication with the State. We look forward to working collaboratively with BLM as the planning process progresses.

### **Public Land Order Withdrawals**

We have two primary concerns regarding the proposed alternatives in the PAC as they relate to state selections and management of the utility corridor; 1) the PAC proposes retention of Public Land Order (PLO) 5150 in all but one of the alternatives, which would continue to preclude the State's valid top filing selections from attaching; and 2) alternatives B and C would result in fragmented ownership of the utility corridor.

The Dalton Highway Utility corridor was created by PLO 5150 on December 28, 1971, to protect the route of the Trans-Alaska Pipeline System (TAPS). The PLO withdrew the corridor from mineral leasing, settlement, and state and Alaska Native land selections. The State selected lands within the corridor as part of its regular selections; however, it did so as a "Top Filing" pursuant to ANILCA Section 906(e), which allowed for state selection of lands that were previously unavailable. The original purpose of PLO 5150 – to allow construction of the TAPS and Dalton highway - has been met. TAPS and the Dalton highway have been developed and operational since the mid to late 1970's.

In 2004, Congress passed the Alaska Land Transfer Acceleration Act (ALTAA), which among other purposes, intended to expedite the complex process by which State and Alaska Native Claim Settlement Act (ANCSA) regional and village corporations fulfilled their land entitlements. Section 207 of ALTAA directed BLM to review PLOs issued pursuant to Section 17(d)(1) of the ANCSA and report to Congress on whether any of these lands could be opened to entry. BLM concluded that many of the PLOs had fulfilled their purpose and identified the land use planning process as the means to evaluate and make recommendations on lifting the withdrawals. The report recognized that numerous environmental laws and regulatory authorities were now in place that did not exist when the lands were withdrawn pursuant to ANCSA 17(d)(1), which also applies to PLO 5150.

Specifically, BLM's ALTAA Report states:

*In the early 1970s when the lands were withdrawn under Section 17(d)(1) and (d)(2) of the ANCSA, there were few regulations to oversee the development of the public lands and protect important natural resources. Since then Congress has passed significant legislation for the orderly development of the public lands and to protect the environment from adverse impacts. The BLM has 1) developed extensive oil and gas lease stipulations, required operating procedures (ROPs), and surface management regulations for miners, which are now in place and sufficient to assess and protect the resources in most situations...*

*In summary, there are more than 158,958,000 acres of d-1 withdrawals in Alaska. Many of these d-1 withdrawals have outlived their original purpose. It may be appropriate to lift many of the d-1 withdrawals and the most effective and preferred means in managing this process is through BLM's land use planning process. Approximately 152,181,400 acres or 95% of these withdrawals could be lifted consistent with the protection of the public's interest.*

The State's long-held position on the retention of outdated PLOs has been expressed in previous correspondence to BLM (attached). Most recently, in a recent letter dated January 21, 2016 to Deputy Secretary

Mike Conner, Alaska Department of Natural Resources (DNR) Commissioner Mark Myers identified the need to lift outdated PLOs to enable the State to move forward with finalizing its land entitlement under the Alaska Statehood Act, including PLO 5150, which precludes the State's highest priority selections from attaching. In a letter dated September 14, 2005 to State Director Henry Bisson, DNR Deputy Commissioner Dick LeFebvre expressed support for BLM's efforts to evaluate the need for continued withdrawals, especially when the purpose for the withdrawal had been fulfilled.

Alternatives B and C in the PAC propose lifting portions of PLO 5150, leaving areas near various creeks and rivers, ACEC designations, and administrative sites withdrawn. Fragmented land ownership in the utility corridor will unnecessarily complicate management of infrastructure and resources. In developing plan alternatives, BLM should consider the potential land ownership pattern following completion of State and Alaska Native land conveyances. A recommendation to lift PLO 5150 in its entirety would not leave gaps in ownership within the corridor.

As noted above in the ALTAA Report, many of the existing withdrawals on BLM lands in Alaska have "outlived their purpose," are an "unnecessary encumbrance on the public land records complicating interpretation of the title record by the public," and "are no longer critical for the protection of the public's interest." Further, PLO 5150 impedes the State's highest priority top filing of the inner corridor from automatically attaching. We therefore request that the CYRMP's range of alternatives include at least one alternative that recommends lifting all PLOs in the planning area that have outlived their intended purpose, including PLO 5150.

### **Mineral Closures**

The Chandalar mining district encompasses much of the area of the southern Brooks Range within the planning boundary. This area has had active exploration and development dating back to the early 1900's, and continues to this day. Relatively recent information indicates the presence of rare earth elements in several areas. Access to, and the ability to develop locatable minerals and rare earth elements is important to the State's economy. We are pleased that the PAC includes an alternative that proposes to remove most withdrawals to allow exploration and development of these resources, which are important both locally and nationally. We encourage BLM to retain alternatives in the draft plan that allow access and development of these resources.

### **Management of Fish and Wildlife**

The Alaska Department of Fish and Game (ADF&G) serves as the primary agency responsible for management of fish and wildlife on all lands in Alaska regardless of ownership. Clarification of this role and a commitment to cooperate in related matters is addressed in the Master Memorandum of Understanding (MMOU) between the BLM and ADF&G. The State requests that the respective roles of ADF&G and BLM be recognized in the plan along with a commitment to cooperate on issues of mutual interest. We ask that all alternatives meet the intent of the MMOU, particularly in regards to ADF&G's role as the "primary agency responsible for management of all uses of fish and wildlife on State and Bureau lands," the "primary agency responsible for the management of use and conservation of fish and wildlife resources on Bureau lands," and "the primary agency responsible for policy development and management direction relating to uses of fish and wildlife resources on State and Bureau lands." We request the alternatives avoid decisions on allocation of fish and wildlife, which are the purview of the Boards of Fisheries and Game.

The most heavily used portion of the planning area for hunting and fishing is within the Dalton Highway Corridor Management Area (DHCMA), yet this use would be considered light by standards elsewhere in Alaska or the Western United States. The entire DHCMA is important for providing access to hunting and fishing. Motorized land vehicle use is prohibited within the corridor, and hunting under state regulations for big game is limited to bow and arrow only. The DHCMA also provides opportunities for one of the few road accessible Dall sheep hunts in the state, an important consideration for hunters interested in an unguided hunt or a hunt without commercial aircraft transport.

Many of the proposed restrictions in the PAC, such as restrictions on stream crossings or rights-of-way, potentially overlap with existing ADF&G permitting authority for resident and anadromous streams. For example, ADF&G has statutory responsibility for protecting freshwater anadromous fish habitat and providing free passage for anadromous and resident fish in fresh water bodies. Any activity or project that is conducted below the ordinary high water mark of an anadromous stream requires a fish habitat permit. Other proposed restrictions may potentially overlap with ADF&G Division of Wildlife Conservation responsibilities. ADF&G permits development projects on a case-by-case basis. The BLM area-wide restrictions proposed in the PAC could have the unintended effect of pushing development projects onto neighboring private, state or other federal lands, even if resource impacts would be less on BLM administered lands. Given the extensive size and remoteness of the planning area, most available resource information is based on the broadest of inventories. Relying on cursory, rather than site-specific information is problematic. We are concerned that broad-scale designations and restrictions will diminish the importance of mitigating project-specific impacts across the planning area and request BLM re-consider the need for the proposed special designations and withdrawals identified in the PAC.

### **3.2 Lands and Realty, ROW Exclusion and Avoidance Areas**

We request BLM avoid application of right-of-way (ROW) exclusion or avoidance areas in the CYRMP. Alaska is a relatively young state with limited infrastructure and a resource-based economy, which Congress recognized when it passed ANILCA and established the Title XI transportation and utility system process in Title XI to ensure that the vast areas designated in the law would not interfere with the social and economic needs of the State. The same need exists for BLM managed multiple use lands, which in many areas are located between conservation system units (CSUs) and other state and private lands. Applying ROW exclusion or avoidance area designations could unnecessarily preclude future access needs or interfere with the statutorily required ANILCA Title XI process. For the CYRMP, ROW exclusion and avoidance areas generally conflict with the overarching purpose of the utility corridor and should not be applied in the corridor under any of the alternatives. The recently finalized Eastern Interior Resource Management Plan (EIRMP) did not designate any ROW avoidance or exclusion areas and we request that the CYRMP do the same.

Additional concerns with the ROW exclusion and avoidance areas identified in the PAC are identified below.

- Alternatives B and C exclusion and avoidance areas:
  - Alternative B, page 10, and Alternative C, page 9, South Fork Koyukuk River ACEC and Upper Teedriinjik (Chandalar) River ACEC: RS2477 routes currently provide the only existing overland access to isolated tracts of state land. We request that use of these routes be recognized and retained in the plan.
  - Alternative B, page 10, and Alternative C, page 9, Alternatives B and C, page 20: The South Fork Koyukuk River ACEC and Jim River ACEC contain the eastern most portions of the Bettles Road and we request that the use of this road be recognized and retained in the plan.
- In general, ROW exclusion or avoidance areas should not overlap RS2477s as these routes are and will likely continue to be needed for winter access. This applies to the Upper Kanuti, Jim River, Ray Mountains, South Fork Koyukuk, Upper Teedriinjik (Chandalar) River, Indian River, Galena Mountain Caribou, Mentanontli River/Lake Todatonten, South Todatonten Summit, and Alatna River ACECs.
- In some cases, the ROW exclusion and avoidance areas are defined by areas that are difficult to envision or locate on the ground, such as the 100-year floodplain within some ACECs, known overwintering habitat, or known spawning areas. Excluding ROWs from 100-year floodplains without adequate descriptions or justification needlessly excludes public use and ignores existing authorities that would mitigate resource impacts associated with development projects.

- It is important that access to and from airports are not affected by ROW exclusions areas, as well as ACECs, SRMAs, ERMAs. The following is a list of airports and M&O camps located along the Dalton corridor, which need to be recognized and identified throughout the draft plan and on all maps.

#### *Airports*

- Deadhorse
- Galbrath Lake
- Chandalar Lake
- Wiseman
- Coldfoot
- Prospect Creek
- Livengood Camp

#### *M&O Camps*

- Deadhorse
- Sag River
- Chandalar
- Coldfoot
- Jim River
- Seven Mile
- Livengood
- Manley Hot Springs

### **3.3 Lands with Wilderness Characteristics**

As stated in our scoping comments, the State does not support managing lands for wilderness characteristics (LWC). Numerous statutory exceptions in ANILCA, which apply to designated wilderness, do not apply to BLM multiple-use lands being managed to protect wilderness character. This could easily result in BLM multiple-use lands being managed more restrictively than ANILCA CSUs (including designated Wilderness), or being managed inappropriately to the non-impairment standard in FLPMA Section 603 in the event BLM forwards wilderness recommendations in the future, pursuant to ANILCA Section 1320. We recognize that the PAC includes a general statement that ANILCA allowed uses that apply to designated wilderness will also apply to BLM lands managed to protect wilderness characteristics. However, we are concerned that they will not be adhered to for the life of the plan as implementation will be left to the discretion of future managers who may not be familiar with either the overarching intent or specific provisions in ANILCA. Further, BLM has yet to develop regional guidance, which would help ensure ANILCA is recognized and implemented appropriately on BLM-managed lands statewide, where applicable.

The LWC overview appears to misinterpret ANILCA Section 1316 as being applicable only to subsistence uses, when ANILCA allows for temporary facilities related to *all* take of fish and wildlife on public lands. We reiterate our previous request to clarify that this allowance is not limited to subsistence use. The recently finalized EIRMP correctly references this allowance as “temporary structures and equipment placement related to hunting, fishing, and trapping” (p. 50, 51 Fortymile ROD, for example). We request the CYRMP similarly recognize this important provision.

It is also not possible for anyone to meaningfully comment on alternatives that propose LWC management because there were no associated maps indicating which lands would be managed for LWC, nor explanation for any of the LWC alternatives, including 11 million acres in Alternative B, and 5 million acres Alternative C. For perspective, 11 million acres is three times the size of the state of Connecticut, yet the PAC does not explain the need for such extensive protection. And while Alternative C states that “wildlife migration corridors” would be managed for LWC, the document does not identify the wildlife species that would benefit from the designation, or explain what activities could impede wildlife migration in the corridors, absent their designation.

Alternative C also proposes managing for LWC on lands adjacent to existing CSUs, which effectively serve as buffer zones around Alaska's vast CSUs, even though these units have specific boundaries published in the Federal Register. The PAC does not include a description of the goals or purposes for the buffer zones; therefore, their underlying need is unclear. Establishing buffers for CSUs inappropriately alters the carefully considered balance established by Congress for Alaska, as described in ANILCA (Section 101(d)). Further, the plan needs to recognize that existing environmental laws and regulatory authorities are in place to protect resource values, both on BLM-managed land in the planning area and on adjacent lands, including CSUs. We do not support special area designations or prescriptions, absent adequate justification.

### **3.4 Areas of Critical Environmental Concern (ACECs)**

Neither the PAC nor the ACEC Report contain sufficient information needed to conduct a meaningful biological analysis; therefore, we are unable to support the new or expanded ACECs at this time. We request BLM explain in specific detail why the ACECs are needed, including the tie between the size of the ACECs and the intended protections to resources. The CYRMP planning area encompasses relatively undisturbed, intact habitat. ADF&G biologists view only the Galena Mountain Caribou ACEC as having critical habitat for wildlife in accordance with BLM's relevance and importance criteria. In addition, no critical issues were identified in the PAC or ACEC Report; therefore, none of the newly nominated or expanded ACECs appear to address a specific problem requiring immediate action. The ACEC Report theorized potential impacts but they were presented without merit. We recognize that BLM considers the ACEC process to consist of separate steps - first, identifying relevance and importance, and second, identifying the need for special management - however, we are commenting on both steps as they are logically joined. Higher use compared to the rest of the planning area does not mean an area needs special management or restrictions on multiple uses.

As noted in our scoping comments, there are 34 existing ACECs or RNAs within the planning area, but only 13 have special management requirements (from the Utility Corridor RMP), and just 5 have a special management plan. We question the need to retain the existing ACECs that for decades have never been subject to special management, which is one of the requirements for initial ACEC designation.

We understand the plan must provide a range of alternatives; however, we are concerned with the overall lack of information regarding the purpose and need for any combination of ACECs, or for individual ACECs in general. We are also concerned that although listing the bookend alternatives of 2 ACECs (Alternative D) and 31 ACECs (Alternatives B and C) does represent a full range of alternatives, it does not provide any insight into what groupings of ACECs BLM would find logical or necessary. From observation of past planning processes, it seems unlikely that BLM would choose either the "all" or the "nothing" alternative. We recommend BLM develop alternatives which are reasonable enough to be selected as the preferred alternative. Doing so would allow adequate public review of BLM's probable actions.

Notwithstanding our general lack of support for ACECs, we are supportive of the intent behind the statement in the PAC that ANILCA-specified uses would be compatible with ACECs. However, the proposed travel management restrictions for individual ACEC units restrict methods of access allowed under ANILCA Sections 811 and 1110(a). Restrictions on motorized access within ACECs could preclude access in both summer and winter for the public, including hunters, anglers, and wildlife viewers. We do not support access restrictions unless supported by site-specific resource concerns. Further, any proposed closures and restrictions would also be subject to additional public outreach and regulatory requirements associated with the ANILCA closure process (see ANILCA access section in the EIRMP). Where state management authorities or resources are involved, we also request advance consultation with the appropriate state agency.

Generally, ACECs in Alaska have remained open to most uses. However, ACECs in the recently completed EIRMP overall are more restrictive than ACECs in other recent plans, such as the Kobuk-Seward, East Alaska, and Bay Area RMPs. From what we have seen thus far with the development of the Bering Sea-Western

Interior RMP and now the CYRMP, we are concerned that the generalized resource concerns identified in support of proposed ACECs do not justify neither their size nor the proposed special management. For example, justification provided for the ACECs with Fish/Riparian values relies on the logic that riparian resources constitute 3% of the BLM managed lands in the planning area; therefore, they are rare on a regional basis and as such, meet the ACEC importance criteria. The rationale also deems the Fish/Riparian values important because riparian resources perform a disproportionate number of biological and physical functions. Using this logic, virtually any riparian resource would meet the importance criteria. On that basis, there is virtually no difference between the Fish/Riparian values within the ACECs as compared to those outside the ACECs. We request BLM reevaluate the ACECs adhering more closely to BLM guidance and develop alternatives accordingly.

Spawning areas are also listed as justification for the ACECs with Fish/Riparian values. Presumably the critical spawning areas are much smaller than the ACEC as a whole. We request BLM specify criteria for identifying critical spawning areas, provide documentation of the critical spawning areas identified in the planning area, and clarify whether the entire drainage will be treated equally in terms of protections, or whether the critical spawning areas themselves will be managed differently to provide more specific protection. We also request that BLM demonstrate why existing state management and regulations are insufficient in protecting spawning areas to justify the need for the overlaying ACEC designation. Designation of a spawning area as an ACEC is not justified without identifiable and realistic resource concerns.

Many of the ACECs proposed for summer OHV restrictions are within five miles of the Dalton Highway, where OHV use is already restricted under state law. We request that the impact analysis in the draft plan compare the status quo with the proposed restrictions so as not to overstate the impacts of the BLM restrictions. In addition, numerous ACECs with ROW exclusion or avoidance areas as special management conflict with the Dalton Highway and the Trans Alaska Pipeline System (TAPS). For example, the proposed restrictions for the South Fork Koyukuk River, Jim River, Upper Kanuti River, and Sukakpak Mountain ACECs need to be modified to resolve this issue. We also note that numerous ACECs identified in Alternative B as ROW exclusion areas and in Alternative C as ROW avoidance areas are currently being used for overland travel in the summer, and, or winter, as described below for specific ACECs.

#### *ACECs outside the DHCMA*

- Galena Mountain Caribou ACEC  
We recommend BLM maintain the Existing Galena Mountain Caribou ACEC. The existing ACEC correctly prioritizes calving grounds of the Galena Mountain Caribou and an expansion of the ACEC will dilute the effective priority of that important habitat, which has already been designated. This area is not accessible by OHV; therefore, it is unclear why the proposed OHV restrictions are necessary. If intended for those under BLM permit, the plan should clarify.
- Dulbi River ACEC  
Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, or other wildlife have not been identified in the existing Dulbi River ACEC; therefore, the ACEC is unnecessary and should not be carried forward into the draft plan. Identified wildlife use patterns are very low, as is use of the area by the public. Since the DM812 permit hunt was established in 2004, an average of 31 permits were issued annually. An average of 74% of permittees did not hunt, and an average of five moose were harvested annually over the 12-year period. An average of 1.7 hunters harvested 0.5 moose annually on the RM834 permit in Unit 21C. The remoteness of the area is self-regulating.
- Spooky Valley RNA/ACEC, Ray Mountains/Tozitna River ACEC, Upper Kanuti River ACEC  
This is a combined comment to address similar concerns regarding the proposed Spooky Valley/Ray Mountains/Upper Kanuti River ACECs. Patterns of public use are very low in the Spooky Valley area;

therefore, the area should not be designated an ACEC given the limited impacts and need for special management. In fact, hunters may be the only known users of the area. Hunter use and harvest are self-regulating due to the remoteness and limited landing sites for aircraft (see table below). Use of the four small non-migratory herds listed below is not significant enough to warrant access restrictions based on wildlife resource use or potential habitat damage concerns. The BLM should support research to identify and prioritize calving ground identification for the Ray Mountain and Hodzana Hills herds. Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, or other wildlife have not been identified in this area.

Ray Mountains, Galena Mountain, Wolf Mountain, and Hodzana Hills caribou reported harvest, regulatory years 2000–2013 (Pamperin 2015)

Year	Ray Mountains			Galena Mountain		Wolf Mountain		Hodzana Hills <sup>a</sup>	
	Bulls	Cows	Unk	Bulls	Cows	Bulls	Cows	Bulls	Cows
2000–2001	2	0	0	2	0	0	0		
2001–2002	1	2	0	0	0	0	0		
2002–2003	2	0	0	0	0	0	0		
2003–2004	2	0	0	0	0	0	0		
2004–2005	2	1	0	0	0	0	0		
2005–2006	0	0	0	0	0	0	0	0	0
2006–2007	0	0	0	0	0	0	0	0	0
2007–2008	3	0	0	0	0	0	0	1	0
2008–2009	2	0	0	0	0	0	0	0	0
2009–2010	1	0	0	0	0	0	0	0	0
2010–2011	2	0	1	0	0	0	0	2	0
2011–2012	2	0	1	0	0	0	0	4	0
2012–2013	2	2	0	0	0	0	0	2	0
2013–2014	2	0	0	0	0	0	0	0	0

<sup>a</sup> Hodzana Hills caribou were considered part of the Ray mountain harvest prior to regulatory year 2005–2006.

- Upper Kanuti River ACEC

The Upper Kanuti River ACEC is listed as a ROW avoidance area yet it overlaps the Dalton Highway, TAPS, and RS2477 winter routes to state lands, including Squaw Creek Mine in the Chandalar District. Alternative B proposes that travel be closed during the summer yet the Kanuti Camp airstrip and access road are within the boundary of the ACEC.

Use is limited on the Upper Kanuti drainage, primarily to within 1 mile and less of the Dalton Highway by summer fishermen, and provides a unique recreational opportunity for a short section given the extensive length of river. Special management needs, such as safe vehicle pullouts at river crossings, do not need a special designation to be improved; those actions can be justified under current management. Use at the Kanuti River crossing does not justify needing special management, which is required for ACEC designation. Fewer than 4 hunt groups/year use the Kanuti River access at the DHCMA for hunting moose or caribou. Radio-collaring studies of moose have demonstrated there were no substantial migrations between the DHCMA, GAAR, or KNWR (Joly et al. 2015). Radio-collaring studies of the Ray Mountains and Hodzana Hills caribou did not document exchange between the two herds but did document that the herds had a strong fidelity to their respective home ranges (Horne et al. 2014). Dall sheep radio-collaring studies conducted in Unit 24A showed strong fidelity to home ranges as well (Brainerd, 2014). Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, or other wildlife have not been identified in this area.



Designation of this area as an ACEC is not justified and therefore unnecessary, given lack of identifiable and realistic resource concerns. See also the combined comment for Spooky Valley, Ray Mountains/Tozitna River, and Upper Kanuti ACECs below.

- South Fork Koyukuk River ACEC

The South Fork Koyukuk River ACEC is identified as a ROW avoidance area; however, it is transected by the Bettles Road. High use in this crossing does not justify the need for special management, which is required for ACEC designation. Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, or other wildlife have not been identified in this area; therefore, designation of this area as an ACEC is unnecessary.

- Sulukna River ACEC

No wildlife concerns have been identified for the Sulukna River ACEC. Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, or other wildlife have not been identified in this area. The remoteness of this area is self-regulating and does not justify the need for special management, which is required for ACEC designation. For years 2012 through 2016, an average of 20 hunters have harvested 13 moose annually in the entire Upper Nowitna Drainage, including the Sulukna drainage. This level of moose harvest is well below the limits for sustainable harvest. Given the lack of identifiable and realistic resource concerns, designation of this area as an ACEC is not justified and therefore unnecessary.

- Upper Teedriinjik (Chandalar) ACEC

The Upper Teedriinjik (Chandalar) ACEC ROW avoidance area conflicts with RS2477 winter routes to state lands. In the original ACEC Report (Table 3), BLM found that this proposed ACEC met fisheries/riparian criteria but did not meet the wildlife criteria. We concur with that conclusion and question whether the inclusion for wildlife values is an error. If intentional, we request BLM provide new information and the relevance and importance analysis that supports its inclusion. If not, designation of this area as an ACEC for wildlife values is not justified and therefore unnecessary.

- Indian River ACEC

The Indian River ACEC ROW avoidance area conflicts with RS2477 winter routes and should not be included as special management. See also combined comments for Hogatza River and Indian River ACECs.

- Indian River ACEC and Hogatza River Tributaries ACEC

Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, or other wildlife have not been identified in the proposed Hogatza River Tributary/Indian River ACECs; therefore, there is no need to designate the areas as ACECs. Hunter use patterns are very low. Since the DM889 permit hunt was established in 2004, an average of 52 permits were issued annually. An average of 51% of permittees did not hunt, and an average of 11 moose were harvested annually over the 12-year period. An average of 29 hunters harvested 6 moose annually on the RM834 permit in Unit 24C and 24D. The remoteness of the area is self-regulating.

- Jim River ACEC

Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, Dall sheep or other wildlife have not been identified in the proposed Jim River ACEC. Use is primarily within 1 mile of the Dalton Highway by summer fishermen, and the area provides a unique opportunity for a short section of the extensive length of river. Management needs such as safe vehicle pullouts at river crossings, do not need special designation to be constructed. In fact, designation as an ACEC could make it more difficult to construct such facilities. High use in this crossing does not

justify the need for special management, which is required for ACEC designation. The Jim River ACEC avoidance area contains the Bettles Road, and under Alternative B, the popular camp sites and roads near Jim River would be unnecessarily closed to summer travel as well as the Gobblers Knob to Prospect Creek gravel road. Given the lack of identifiable and realistic resource concerns, designation of this area as an ACEC is not justified and is therefore, unnecessary.

- Alatna River ACEC

Unique wildlife habitats that provide migration or important habitats for specific life history needs for moose, caribou, or other wildlife have not been identified in this area. The Alatna River ACEC conflicts with an RS2477 winter route. Given the lack of identifiable and realistic resource concerns, designation of this area as an ACEC is not justified and is therefore unnecessary.

- Lake Todatonten Pingos RNA/ACEC

The remoteness of this area is self-regulating. In addition, existing environmental laws and regulatory authorities would mitigate resource impacts to soil, water and vegetation, absent a designation. Given the lack of identifiable and realistic resource concerns, it appears this ACEC is not justified and therefore unnecessary.

#### *ACECs within the DHCMA*

The following information and hunting data applicable to the proposed ACECs in the DHCMA are provided to inform the CYRMP:

The proposed Poss Mountain, Snowden Mountain, Nugget Creek, and Sukapak Mountain ACECs receive use primarily during 1 Aug – 20 Sept during the general Dall sheep seasons due to existing statutes and regulations. However, that relatively limited human use has little biological effect on sheep during the fall because adults are in prime condition and lambs are fully mobile. Sheep are not significantly affected by low elevation disturbance on mineral licks from hunters. Unit 24A provides unique sheep hunting opportunity for hunters with limited resources, without the risk of over-harvest due to the rams only, full-curl management strategy adopted by ADF&G in this area. The area within the corridor should continue to be managed to maximize opportunity and should not be managed to prioritize a wilderness-like experience, which is provided extensively in the adjacent federal CSUs (i.e., Gates of the Arctic National Park and Preserve, Kanuti National Wildlife Refuge, and Arctic National Wildlife Refuge). Most hunters in the DHCMA are traveling by foot due to the Alaska State Statute's restrictions on motorized use and hunting regulations; therefore, foot traffic impacts to habitat are limited. High use during a short time-period in these areas does not justify the need for special management, which is required for ACEC designation. Archery only regulations within the DHCMA already limit hunting activity.

In regulatory year 2009-2010 (RY09), guided nonresidents harvested 2 sheep within the Dalton Highway Corridor Management Area (DHCMA) in Unit 26B; and (RY10) guided nonresidents harvested 2 sheep within the DHCMA in Unit 24A. Guided nonresident sheep hunters had not reported harvesting sheep within the DHCMA prior to 2009. The ACEC nominations appear to relate to competition concerns among the local residents of Wiseman and Coldfoot (who also qualify as subsistence hunters on federal lands), nonlocal residents, and guided nonresident hunters in this area, which does not meet the criteria for ACEC identification or need for special management to protect important and relevant values.

The DHCMA extends 5 miles either side of the Dalton Highway and under state hunting regulations, this is an archery only area. The DHCMA and BLM lands overlap; and federally-qualified hunters can use rifles for hunting on federal lands under federal regulations. In addition, bag limits and seasons differ in that the state hunting regulations have a bag limit of one ram, full curl or larger during Aug. 10-Sept. 20 and federal subsistence hunting regulations have a bag limit of one ram, 7/8 curl or larger during Aug. 10—Sept. 20. Also,

federally-qualified hunters may also hunt within Gates of the Arctic National Park (GAAR) for 3 sheep during Aug. 1-Apr. 30.

In Unit 26B, during RY06-RY10, ADF&G estimated that a total of 2 sheep were harvested by Wiseman and Coldfoot residents (federally qualified subsistence hunters) using rifles. The number of hunters from these 2 communities was 3-6 annually during RY06-RY08; with no hunters in RY09 and RY10. During the same time-period, an additional 14 sheep were harvested (~ 3 sheep annually) by a combination of nonlocal residents and by 2 nonresidents. These 14 sheep were taken by bow and arrow.

In Unit 24A, during RY06-RY10, ADF&G estimated that a total of 9 sheep (~ 2 sheep annually) were harvested by Wiseman or Coldfoot residents (federally qualified hunters) using a rifle. The number of hunters from these 2 communities was 3-5 annually. During the same time-period, an additional 10 sheep were harvested (2 sheep annually) by a combination of nonlocal residents and by 2 nonresidents. These 10 sheep were taken by bow and arrow.

For moose hunting from 2009 to 2013 in the DHCMA, 20 permits were issued annually north of Slate Creek and 50 permits were issued south of Slate Creek. Of those permits, annual averages included 14 hunters killed 2 moose annually and 31 hunters killed 3 moose annually, in the two areas respectively.

- Galbraith Lake ACEC

While Dall sheep do use small portions of Galbraith Lake for lambing and spring foraging, we do not consider this to be critical habitat. According to the 2009 BLM report “Dall Sheep Use of ACECs in the Utility Corridor Management Area, Alaska,” the previously identified mineral lick did not have signs of recent use, and no other mineral licks were identified. The Utility Corridor RMP noted “This area is currently withdrawn from mineral location and entry as part of the inner Corridor. No mineral withdrawal specific to mineral licks is necessary at this time.” Both Alternative B and C now recommend withdrawal from locatable minerals for the entire ACEC as well as any mineral licks. There appears to be no wildlife-related need for this ACEC or the associated proposed withdrawal as special management.

- Toolik Lake RNA

The special status species cited by BLM for this RNA are plant species, not fish or wildlife species. For clarity, we recommend specifying “special status *plant* species.” Toolik Lake serves as a floatplane takeoff for the public, including hunters and anglers. In the absence of resource concerns, we support continued public access and use within the RNA.

- Midnight Dome ACEC

Midnight Dome ACEC contains Nolan Road and Hammond River Road. It is inappropriate to close these roads in the summer as proposed in Alternative B. We do not support applying this management prescription to any alternative.

- Poss Mountain ACEC

The Poss Mountain ACEC area currently provides the only summer overland access to state lands east of the Dalton Highway in T. 31 N., R. 9 W., Fairbanks Meridian. We request that this area remain open to OHV in the summer. Very few sheep inhabit Poss Mountain.

### **3.5 Recreation Management Areas**

While we understand Special Recreation Management Area (SRMA) designations maintain a recreation focus, the plan must also recognize and accommodate ANILCA protected subsistence uses. In addition, the DHCMA is managed under PLO 5150 for the primary purpose of providing a transportation and utility corridor for the Trans-Alaska Pipeline and the Dalton Highway. Because of this unique mixture of uses, SRMA designations

and BLM's accompanying requirement to incorporate Benefits Based Management are not a good fit in the corridor, and possibly elsewhere outside the corridor where both recreational and subsistence uses occur.

Even though hunting is an important use within the corridor, it may or may not be considered a recreational use depending on the hunter's objectives. Most of the users in the corridor come from outside the area; few locals use the area compared to nonlocal users. However, as mentioned above, this is not a high use area. The PAC provides no explanation for why the corridor, which is currently managed as one SRMA, needs to be broken up into 3-9 separate SRMAs, depending on alternative. Additionally, SRMA and ERMA designations appear to be another mechanism for imposing additional restrictions on uses and access. To date, BLM has been providing for multiple uses in this area. Absent a driving need, which is not provided in the PAC, we support continuation of the current management approach.

Therefore, rather than designating "Recreation Management Areas" (SRMAs and ERMAs), we request the plan take a more general approach to facilitate recreation and other public uses. The Dalton Highway provides opportunities for hunting, wildlife viewing, and fishing. To facilitate these uses, we recommend the plan include "meeting public needs for fish and wildlife related access" as a goal or objective. Examples of specific projects that could be pursued in support of this plan goal or objective without encroaching on State fish and wildlife management responsibilities include providing bathrooms, boat ramps, and parking facilities (see also Fish and Wildlife Management general comment). We request BLM avoid any recreation use restrictions that fall under the purview of the State or that indirectly limit hunters and anglers.

### **3.6 Off-Highway Vehicle (OHV) and Travel Management**

The alternatives in the PAC make no distinction between subsistence and non-subsistence OHV use. The plan needs to clearly state which OHV and travel management decisions apply to federally qualified subsistence users, and explain that any restrictions to subsistence access will be implemented through the ANILCA Section 811 regulatory closure process identified for the EIRMP. Because existing state regulations restrict OHV (including snowmachine) use within the Dalton Highway Corridor, except for a few specific purposes, the vast majority of OHV use in the planning area is outside the DHCMA. These areas are not road accessible and most users are likely to be federally-qualified subsistence users. As a result, restrictions on OHV use will primarily affect subsistence users; therefore, restrictions on non-subsistence OHV use will likely have little to no effect on resource values. Where OHV use is currently allowed (i.e. outside of the Dalton corridor), we request that BLM manage OHVs to facilitate access while conserving riparian and wetland resources. We request BLM provide site-specific justification for proposed restrictions to OHV use. Concern that use may increase in the future is insufficient.

Existing roads and trails in the corridor include a few mining claim roads, such as in the Gold Creek area, in a relatively short portion (approximately 50-60 miles) of the Dalton Highway on the south side of the Brooks Range. These roads are already closed to hunters by DHCMA regulation after the first quarter-mile within 5 miles of the road surface. There are virtually no existing routes or trails in the proposed areas where summer OHV travel would be limited to designated routes or trails. So far, BLM has not identified designated routes or trails for the CYRMP, and in the EIRMP, designation of routes or trails was deferred to step-down travel management plans. We are concerned that decisions which limit travel to designated routes or trails could eliminate summer OHV travel altogether, and that the on-the-ground effects may not be fully realized until the later step-down plan is completed. We request the plan clarify whether OHV limits apply to summer use. We also request the plan identify the size of the affected areas.

The seasonal limitations for OHV use, including closing bluffs and 100-year floodplains in watersheds (line #2, page 29), are extremely restrictive. In addition, while we understand the intent is to protect riparian and water-body resources, the public will not likely be able to identify a 100-year floodplain in the field. Moreover, our understanding is that 100-year floodplains have not been mapped for much of Alaska. We recommend BLM clearly identify the necessity for riparian and water-body resource protections, limit protective measures only to

those areas that are necessary, and ensure protective measure are practical in the sense that they can be identified on-the-ground.

The Jim River and Midnight Dome/Kalhabuk ACECs contain gravel road networks with sustainable road surfaces that need to be excluded from the summer road closure proposed under Alternative B. In addition, the OHV trails along Gold Creek in the Poss Mountain ACEC also need to be excluded from the summer use closure as they provide the only overland access to state lands within T. 31 N., R. 9 W., Fairbanks Meridian.

The PAC proposes to restrict aircraft landings in the Spooky Valley, Upper Kanuti, Jim River, or Ray Mountains areas. We are not aware of any related resource concerns; therefore, do not support closures that would unnecessarily restrict access to these areas. In addition, except for the Galena Mountain Caribou ACEC, which as noted above, has been specifically identified as a calving area critical for a specific life-history event for the population, there are no wildlife issues in any of the other ACECs. The PAC does not provide justification for the proposed summer OHV limits in the Galena Mountain Caribou ACEC. We therefore request an opportunity to discuss BLM's concerns and options for special management for this ACEC.

### **Mineral Licks**

We request BLM explain the specific management concerns regarding mineral licks and how the proposed restrictions will address these concerns. Most human use near mineral licks primarily occurs Aug 1– Sept 20 during the general Dall sheep hunting seasons. Human disturbance likely has little biological effect on sheep during the fall, because adults are in prime condition and lambs are fully mobile. Like other big game hunting seasons that occur during the fall, hunter disturbance to sheep during fall in general and specifically near sheep mineral licks has little or no biological impacts, and sheep are the least vulnerable to disturbance during that time of year. To support restrictions related to mineral licks that affect hunter access, BLM needs to demonstrate that sheep are being significantly affected by low elevation disturbance to mineral licks from hunters during that period (B. Wendling, ADF&G-sheep researcher-personal communication).

### **High Value Watersheds**

It is difficult to evaluate the relevance of the restrictions for the high value watersheds with the small-scale maps provided. There is also no estimate of the total size of the affected areas nor information that explains why particular watersheds are considered high value, other than a general statement that equates high value watersheds with high value fisheries. High value fisheries are also not described. We request BLM address these issues as the alternatives are further developed, as well as identify reasons why management action is considered necessary given the extensive federal and state regulatory authorities that already apply to waterbodies, absent a special designation.

### **Suitable Wild River Segments**

Several proposed decisions are based on the status of a river being “suitable” for recommendation pursuant to the Wild and Scenic Rivers Act. Presumably some of the suitable river segments are based on fish or wildlife values; however, we have not seen a complete assessment of the values, and therefore cannot evaluate the relevance of the proposed restrictions. In addition, the PAC applies a ROW exclusion area to “suitable river segments classified as Wild per the Wild and Scenic Rivers Act” (page 9, alternative B), which is inconsistent with the ANILCA Title XI transportation and utility system process that allows for ROWs across CSUs, including Wild and Scenic Rivers. We reiterate our request to not apply ROW avoidance or exclusion areas to CSUs (either designated or recommended as suitable in the CYRMP) and to simply defer to the ANILCA Title XI process and the respective implementing regulations at 43 CFR 36.

We also reiterate the State's strong objection to a wild and scenic river study and remain opposed to any recommendations for additional wild and scenic river designations on BLM lands as the study is in direct conflict with Section 1326(b) of ANILCA. We also object to considering rivers as suitable, even if just for

analysis purposes (i.e. BLM Manual 6400) and applying interim management that would be inconsistent with ANILCA for a designated river.

### **Priority Caribou Habitat**

Priority caribou habitat is used to determine management under Alternative B; however, the maps provided simply show “caribou habitat.” There is no information as to what constitutes “priority caribou habitat,” where this habitat is located, or the size of the priority caribou habitat area. We disagree with labeling caribou winter range or caribou calving as priority habitat. Under such a broad approach, all BLM and USFWS lands within the region would easily qualify as priority habitat—rendering the term “priority” meaningless. Also, most of these areas are already generally inaccessible to the public. We are concerned that this approach would result in use restrictions in the few areas that are accessible to the public.

As noted above, one area that has been accurately identified as important for caribou is a migration corridor to calving grounds for the Galena Mountain herd, which is located downstream of McAntee Creek, south of the Melozitna River and north of the Yukon River. The Wolf and Galena Mountain herds show strong home range fidelity. However, public use within the area is light and the remoteness of this area is self-regulating.

### **Priority species habitat and priority watersheds**

The terms “priority species habitat” and “priority watersheds” are used in the ACEC section without explanation. We therefore request an opportunity to discuss these concepts with BLM during the development of the draft plan.

### **Landscape Connectivity**

We support the concept of landscape connectivity and avoiding habitat fragmentation. However, BLM appears to equate connecting CSUs with landscape connectivity. The PAC does not identify projected causes of habitat fragmentation, or habitat blocks that are important to maintain either within BLM lands or between lands of other ownerships. Nor does it provide maps or descriptions of areas that would be managed for landscape connectivity. Simply adding protections to BLM lands between CSUs may have no bearing on wildlife migration patterns or other important aspects of actual habitat connectivity. We recommend the BLM identify the human activities of concern to migration and identify the wildlife species that are at risk. We also recommend BLM identify areas that are considered important for habitat connectivity and wildlife movement, rather than assuming all areas between CSUs provide habitat connectivity or corridors for wildlife movement. Further, providing connectivity does not necessarily mean human activities need to be excluded as most activities will have no effect on maintaining the connectivity or on wildlife movements. For instance, encounters with one or two snowmachines would not mean a caribou herd would not reach its calving grounds. Designating vast areas dilutes the effectiveness of managing unique areas where real migration issues may exist.

Some alternatives propose managing for wilderness characteristics within wildlife migration corridors; however, the PAC does not provide enough information, such as locations, size of areas, or species, to evaluate the proposal. It is also unclear why, if wildlife migration is the driving concern for the proposed management, these areas would be managed to protect wilderness characteristics instead of more specifically for wildlife habitat.

Radio-collaring studies of moose have demonstrated there are no substantial migrations between the DHCMA, Gates of the Arctic National Park and Preserve, or the Kanuti National Wildlife Refuge (Joly et al. 2015). Radio-collaring studies of the Ray Mountains and Hodzana Hills caribou did not document exchange between the two herds but did identify that the herds had a strong fidelity to their respective home ranges (Horne et al. 2014). Dall sheep radio-collaring studies conducted in Unit 24A showed strong fidelity to home ranges of ewes, and no travel corridors between existing federal conservation units were identified (Brainerd, 2014).

## Key Focal Species

Key focal species is one of three major themes for the alternatives; however, there is no explanation of what the key focal species are, why they are considered key focal species, or what key focal means. We request BLM explain this theme.

## Maps

The maps provided were well done as they show a lot of data. The following recommendations would make them more useful.

- Increase font size for the community names
- Increase font size in the title block
- Show the Dalton Highway on all maps (good reference point)
- Show communities on all maps
- Change the color of the military and the ACEC lands to make them more distinct. Alternatively, a black outline of the ACECs would make them more distinct from military lands.
- Reference which maps go with each section. Use the name of the map as it is shown on the eplanning website. For example:
  - 3.1. Locatable Minerals
    - Mapping*
    - CYRMP\_AltsPrelim\_locatable\_mineral\_A
  - 3.2 Land and Realty
    - Mapping*
    - CYRMP\_AltsPrelim\_Recreation\_FairbanksSU\_B
- Provide a combined ACEC, Minerals and Realty map for all alternatives
- Identify airports and M&O camps on all maps, including airport boundaries, when necessary (see also Lands and Realty general comment).

## Page-specific comments

Page 8, Lands and Realty Overview, second paragraph: The Umiat Road corridor is a potential future route. We suggest BLM add the following to the last sentence “...Toolik Lake RNA for potential future use.”

Page 11, Lands with Wilderness Characteristics, Goal: The goal indicates that BLM intends to manage *all* lands with wilderness characteristics for size, naturalness, solitude, and outstanding opportunities for primitive and unconfined recreation, which would apply to most BLM lands within the planning area. To be consistent with BLM policy, the goal should instead be to determine which lands with wilderness characteristics are to managed to protect wilderness characteristics. We recommend the following edit:

*Where determined appropriate, manage lands with wilderness characteristics for size, naturalness, solitude, and outstanding opportunities for primitive and unconfined recreation.*

Page 11, Lands with Wilderness Characteristics, objective: We request the second objective bullet more accurately reflect the Wilderness Act, which states that lands provide solitude *or* primitive and unconfined recreation, but not necessarily both. We also recommend removing the word “nonmechanical” because BLM’s stated intention is to allow ANILCA-specified uses on lands that are managed to protect wilderness characteristics, and ANILCA Section 1110(a) includes “non-motorized surface transportation methods.” Bicycles are an example of surface transportation that is non-motorized but mechanical. Likewise, we request that “non-motorized surface transportation methods” be added to the list of ANILCA-specified uses that would be compatible with lands with wilderness characteristics. We request the following edit:

*Outstanding opportunities for solitude (when the sights, sounds, and evidence of other people are rare or infrequent and where visitors can be isolated, alone, or secluded from others) ~~and~~ or outstanding*

*opportunities for primitive and unconfined recreation (where the use of the area would be through nonmotorized, ~~nonmechanical~~ means and where minimal developed recreation facilities are encountered).*

Page 16-24, Section 3.4, ACECs: We suggest the list of ACECs be alphabetized for easier reference.

Page 25, Section 3.5, Recreation Management Areas, Objectives, first bullet: We request the plan clarify the first bullet. Specifically, explain what is meant by a comprehensive approach to recreation planning and identify the recreational activities that this would apply to.

Thank you for this opportunity to comment. Please contact me at 907-269-7529 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Magee', written in a cursive style.

Susan Magee  
State BLM Planning Coordinator

Enclosures