



THE STATE
of **ALASKA**

GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources
Department of Fish & Game

OFFICE OF THE COMMISSIONER

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Bonnie Million, Field Manager
BLM Anchorage Field Office
Attn: BSWI RMP
4700 BLM Road
Anchorage, Alaska 99507
BSWI_RMP_COMMENT@blm.gov

RE: Bering Sea – Western Interior Draft Resource Management Plan and Environmental Impact Statement

Dear Ms. Million,

The State of Alaska (State) has reviewed the Bureau of Land Management's (BLM) Draft Bering Sea – Western Interior Resource Management Plan and Environmental Impact Statement (RMP/EIS). The following comments represent the consolidated views of State resource agencies.

We recognize the complexity in developing a land use plan designed to provide overall management guidance in an expansive geographic area, especially given the unique landownership in Alaska; however, the Draft RMP/EIS is unnecessarily complicated, making it difficult to evaluate the effect of all the overlapping management actions that apply to multiple resources and uses. Further, many of the small-scale maps in the Draft RMP/EIS depict BLM designations as covering entire watersheds, regardless of land ownership, implying that planning decisions apply far beyond BLM's authority.

The range of alternatives in the plan is also misleading. Alternative B contains multiple layers of special designations and use restrictions that have not been consistently reconciled, and which we anticipate will largely be impossible for BLM to implement. While Alternatives C and D appear on the surface to contain far fewer special designations and restrictions, instead relying on the existing regulatory mechanisms for resource conservation, many of the elements in Alternative B are in fact carried forward under the guise of a different designation but with the same or similar restrictive management. For example, while Alternative D does not carry forward any of the Area of Critical Environmental Concern (ACEC) designations, it does include 4.9 million acres of high-value watershed designations with an accompanying overlay of right-of-way avoidance areas. Many of the proposed ACECs rely on existing statutory designations as justification for applying the ACEC designation, thus layering multiple designations intended to protect the same resource. The plan, under all alternatives, further distorts the perception that such extensive management restrictions are needed because there is little recognition of the existing federal and state regulatory framework, which provides for resource protection, now and into the future.

The plan inappropriately applies and overuses the ACEC designation. Of the twelve ACECs proposed in Alternative B, data suggests that only two of these, the Sheefish Spawning ACEC and the Swift River Whitefish ACEC, are scientifically supported and justified in the management of discrete areas of spawning habitat. While there is scientific basis for the existence of these two ACECs, the proposed size and geographic extent is excessive and unnecessary to protect the documented spawning areas. For example, rather than protecting the linear 15.5 mile stretch of river where Kuskokwim sheefish are known to spawn, the proposed Sheefish Spawning ACEC encompasses nearly 700,000 acres, most of which does not contain relevant or important sheefish spawning habitat. Ultimately, BLM fails to adequately explain how the management prescriptions for the proposed ACECs are unique and not provided for in existing laws and regulations, to ensure management is targeted to the conservation of the resource for which an ACEC is designated, and to ensure that the size of an ACEC is defined in a manner that protects the relevant resource values.

As written, the Draft RMP/EIS violates key provisions set forth in the Alaska National Interest Lands Conservation Act (ANILCA). ANILCA speaks directly to the balance Congress sought to achieve by designating over 100 million acres of conservation system units (CSUs) across Alaska and leaving the remaining BLM-managed public lands available for more intensive use and disposition.¹ These BLM lands were considered necessary to provide a land base for uses, activities, and fulfillment of entitlement obligations that were otherwise restricted within CSUs. Across all action alternatives, the plan is comprised of a web of administrative designations that will impede BLM's ability to carry out its multiple use mandate under the Federal Land Policy and Management Act (FLPMA), unseating the balance achieved for Alaska in ANILCA.

Key issues include:

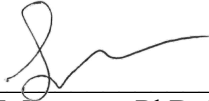
- Plan is overly complex with inconsistent management direction;
- Plan does not recognize key provisions in ANILCA;
- Oversized ACECs lack appropriate justification;
- Right-of-way restrictions impact community development needs;
- Community Focus Zones circumvent State and Federal Boards authority to address fish and wildlife allocation issues; and
- Management actions implement restrictions and/or potential limitations on State-owned RS 2477 Rights-of-Way and navigable waters.

Many of the issues in the attached comments were previously identified by the State, as a cooperating agency, during the planning process but were not addressed in the Draft RMP/EIS. We request that our concerns receive due consideration and urge BLM to issue a final plan that

¹ ANILCA 101(c) provides: "This Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby."

adopts a balanced approach reflective of BLM's multiple use mandate under FLPMA and the Congressional intent through ANILCA provisions that must also be addressed.

Sincerely,



Sara W. Longan, PhD, Deputy Commissioner
Alaska Department of Natural Resources



Doug Vincent-Lang, Commissioner
Alaska Department of Fish & Game

Cc: Joe Balash, DOI, Assistant Secretary for Lands & Minerals Management
Chad Padgett, Alaska State Director, Bureau of Land Management
Kip Knudson, Director, State & Federal Relations, Office of the Governor of Alaska
Steve Wackowski, Senior Advisor for Alaskan Affairs, Department of the Interior

Attachments:

State of Alaska Comments
List of Navigable-in fact Waterbodies in Planning Area
Known Travel and Access Routes in the Planning Area Map
RS 2477 Fact Sheet
State Generally Allowed Use Fact Sheet
Kuskokwim Area Plan Amendment Map