



U.S. Fish & Wildlife Service

Arctic National Wildlife Refuge

**Revised Comprehensive
Conservation Plan**

Final Environmental Impact Statement

Volume 3 - Response to Public Comments



U.S. Fish and Wildlife Service Mission

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats, for the continuing benefit of the American people.



National Wildlife Refuge System Mission

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

This Comprehensive Conservation Plan describes programs that may exceed future budget allocations and therefore does not constitute specific commitments for future staff increases, project details, or funding.



U.S. Fish & Wildlife Service

Arctic National Wildlife Refuge

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Conservation Plan**

Final Environmental Impact Statement

**Volume 3 - Response to Public Comments
January 2015**

**Prepared by Arctic Refuge and the Alaska Region of the U.S. Fish and Wildlife Service
in cooperation with the National Aeronautics and Space Administration**

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Acronyms

ADEC	Alaska Department of Environmental Conservation
ADFG	Alaska Department of Fish and Game
ADNR	Alaska Department of Natural Resources
AIWFMP	Alaska Interagency Wildland Fire Management Plan
ANILCA	Alaska National Interest Lands Conservation Act
ANCSA	Alaska Native Claims Settlement Act
ASRC	Arctic Slope Regional Corporation
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BLM-AFS	Bureau of Land Management Alaska Fire Service
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CRMP	Comprehensive River Management Plan
DOI	Department of the Interior
EA	environmental assessment
EIN	easement identification number
EIS	environmental impact statement
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FMP	Fire Management Plan
FNSB	Fairbanks North Star Borough
GIS	Geographic Information System
GMU	Game Management Unit

Acronyms

GPS	Global Positioning System
I & M	Inventory and Monitoring
ICRMP	Integrated Cultural Resource Management Plan
IWSRCC	Interagency Wild and Scenic Rivers Coordinating Council
KIC	Kaktovik Iñupiat Corporation
LCC	Landscape Conservation Cooperative
LPP	Land Protection Plan
MPA	Marine Protected Area
MRA	Minimum Requirement Analysis
NASA	National Aeronautics and Space Administration
NEPA	National Environmental Policy Act
NOAA	National Oceanic and Atmospheric Administration
NPR-A	National Petroleum Reserve-Alaska
NPS	National Park Service
NWPS	National Wilderness Preservation System
NWSRS	National Wild and Scenic Rivers System
ORV	outstandingly remarkable value
PLO	Public Land Order
PUNA	Public Use Natural Area
RIT	Refuge Information Technician
RNA	Research Natural Area
ROC	region of comparison
ROD	record of decision
SNAP	Scenarios Network for Alaska Planning
TUS	transportation or utility systems

USFS	U.S. Forest Service
USGS	U.S. Geological Survey
VUMP	Visitor Use Management Plan
WSA	Wilderness Study Area
WSP	Wilderness Stewardship Plan

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A Note about Wilderness Terminology

Throughout this Plan, the term “wilderness” has different meanings depending on the context in which it is used. To clarify the intent of these different meanings, the following conventions are used:

“w”ilderness versus “W”ilderness

Arctic Refuge is currently comprised entirely of wildlands that host natural, undeveloped conditions, a range of special values, and provide opportunities for isolated and primitive recreation. Refuge staff works to protect these qualities and special values throughout the Refuge. The word “wilderness” (“w” not capitalized) and the phrase “wilderness characteristics” are used when describing these qualities and special values across Arctic Refuge as a whole. The word “wilderness” (not capitalized) is also used as an adjective when describing the wilderness qualities referenced in the Alaska National Interest Lands Conservation Act (ANILCA) Section 101(b) (“wilderness resource values”) and Section 304(g) (“wilderness value”).

The word “Wilderness” (“W” capitalized) is used when it refers specifically to Refuge lands designated by Congress as part of the National Wilderness Preservation System. “Wilderness character” is a phrase from the Wilderness Act used to summarize the qualities the agency is mandated to preserve within designated Wilderness. These include the maintenance of “untrammeled,” “natural,” and “undeveloped” conditions and the provision for “solitude or primitive and unconfined recreation.” Note that these qualities are essentially the same as the wilderness characteristics found across all the wildlands of Arctic Refuge, including the approximately 60 percent of the Refuge currently under Minimal Management (see Chapter 2, Section 2.3.3). However, by statute, the Wilderness Act requires the Refuge provide a very high level of protection to these qualities of Wilderness character within designated Wilderness.

For More Information

“Wilderness” and related terms, such as “wilderness characteristics,” “Wilderness character,” and “wilderness values” are defined in Appendix M. For an explanation of the differences between Minimal Management and the management of designated Wilderness, see Chapter 2 (Sections 2.3.3 and 2.3.4) and Chapter 3 (Table 3-3).

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A Note about Acreages

Various acreages are reported throughout this Comprehensive Conservation Plan (Plan, Revised Plan for Arctic National Wildlife Refuge (Arctic Refuge, Refuge). These acreages come from many sources, including:

- Official land surveys
- Warranty deeds, patents, and other legal documents
- Public Laws, Public Land Orders (PLOs), Executive orders, etc.
- Geographic Information Systems (GIS) data

All acreages reported in this document are estimates of the true area represented on the ground. Some of these estimates are inherently more accurate, or closer to ground conditions, than are others. For example, surveys performed by a licensed land surveyor provide the most accurate acreage estimates. Acreages obtained from GIS data are typically less accurate. Acreages obtained from Public Laws, PLOs, and other legislation may or may not be derived from land surveys, making it difficult to ascertain the accuracy of these estimates. Because of the range of sources from which acreages are obtained, the following guidelines have been used to report acreages in this Plan.

- When reporting acreages that are based on surveys, patents, deeds, and interim conveyances, the reported acreage is that which is specified by the survey or legal document. These acreages will be reported to two decimal places.
- We handle acreages from laws, regulations, and other legal documents in two ways. If we are citing what the document said, we report the acreage as it is specified in the legal document, whether or not the acreage values are derived from actual surveys. We also use GIS to map acreages from laws, regulations, etc., and GIS-derived acreages may not agree with those in the legal document.
- When reporting acreages derived solely from GIS data, the acreages are rounded to take into account the approximation of digitally-constructed parcel boundaries. The magnitude of rounding is determined by the following:

ROUNDING FACTORS		EXAMPLES	
Acreage Range	Round Up to Nearest	GIS-derived Acreage	Rounded Up To
0 - 99	1	27.1857	28
100 - 999	10	133.5374	140
1,000 - 9,999	100	4,729.3048	4,800
10,000 - 99,999	1,000	87,637.1057	88,000
100,000 – and higher	10,000	684,304.5108	690,000

A Note about Acreages

- Very large acreages (in the millions) will be displayed in the text as a number with two decimal places (e.g., “19.64 million acres”). These acreages are still rounded per the tables here and should not be assumed to be highly accurate acreages such as from surveys or legal documents.

Based on these noted accuracy issues and guidelines, there may be cases in this Plan where the summation of individual acreages may not coincide with anticipated total acreages. This is to be expected given the inherent accuracy limits of the various acreage estimates.

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1. Introduction

The public comment period on the draft Revised Comprehensive Conservation Plan (Plan, Revised Plan) and draft environmental impact statement (EIS) for Arctic National Wildlife Refuge (Arctic Refuge, Refuge) ran from August 15 to November 15, 2011. Section 2 of this volume of the Revised Plan summarizes the public comments we received. This volume contains all the comments we identified as requiring a response from the U.S. Fish and Wildlife Service (Service), along with the Service's responses. Copies of select comment letters are provided in Volume 4.

Comments and their responses are sorted by topic and sub-topic (please refer to the Table of Contents). To help the reader find specific comments, we provided two indices in Volume 4. One index identifies the page number(s) on which a commenter's name or organization is referenced; the other index identifies the page number(s) on which a comment number is referenced. Personal information (such as name and address) was retained unless someone specifically requested confidentiality.

2. Summary of Comments

2.1 Comment Response Process

We received communications on the draft Revised Plan via email, mail, fax, hand delivery, the project website (<http://arctic.fws.gov/ccp.htm>), telephone, form letter campaigns from non-governmental organizations (NGOs), and via oral and written communications at public hearings and community meetings. Every communication we received was read by Refuge staff or project planners and by AECOM, a third party contractor hired to analyze public comments. All communications were organized and reviewed, and the following information was collected:

- the alternative the commenter preferred;
- whether the commenter generally supported designated Wilderness, oil and gas development, or had no stated preference; and
- whether the commenter stated they had personally used the Refuge for subsistence, hunting/fishing, other recreational use, as a commercial guide, or had a non-identified use (for example, stated that they had visited the Refuge but did not say what they did while they were there).

All communications were further reviewed for sections, paragraphs, and sentences that would require a response from the Service. Comments requiring a response are known as “substantive comments¹.” For the purposes of the Revised Plan, and in accordance with the Council of Environmental Quality’s (CEQ’s) National Environmental Policy Act (NEPA) implementing regulations, we defined substantive comments as those that:

- question, with reasonable basis, the accuracy of the information in the EIS or environmental assessment (EA);
- question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis;
- present new information relevant to the analysis;
- present reasonable alternatives other than those analyzed in the EIS or EA, new ideas for the alternatives, and/or
- cause changes or revisions in one or more of the alternatives.

Comments that are not considered substantive or do not require a response include the following:

- Comments in favor of or against the proposed action or alternatives without providing reasons that meet the previously described criteria (such as “the Service should select Alternative A”)
- Comments that only agree or disagree with Service policy or decisions without providing justification or supporting data per the previously described criteria (such as “more permits should be authorized”)

¹ Throughout this summary the term ‘communication’ refers to an individual submission, for example, an electronic mail (email), letter, phone record, form letter, etc. The term ‘comment’ refers to a section within any communication that was identified as either requiring a response from the Service (substantive) or not requiring a response (non-substantive).

- Comments that don't pertain to the planning area or the Plan (such as "the government should eliminate all oil and gas development in the Beaufort Sea," when the Plan is about management of Arctic Refuge)
- Comments that take the form of vague, open-ended questions

A communication could contain both substantive and non-substantive sections. Non-substantive comments (i.e., those that do not require a response from the Service) are summarized in Section 2.4, which also includes examples of such comments. Although we read and coded all communications, the Service did not respond to non-substantive comments, and they are not included in this volume.

All communications were organized so that an objective analysis and presentation of the comments could be made. Each was assigned a unique identifying tracking number and entered into a database where substantive comments were sorted into topics and sub-topics. Many people chose to comment using form letters prepared by various organizations. Only one copy of each form letter was reviewed for substantive comments (see Appendix N). However, all communications received on the draft Revised Plan are being kept by the Service as part of the planning record.

The Service also received thousands of communications that were not specific to the Plan, such as postcards celebrating the Refuge's 50th anniversary or letters in support or opposition to certain bills in Congress. The Service has retained these documents, but they were not reviewed as part of the comment analysis process for the Revised Plan.

All communications received during the Revised Plan's scoping period and those received on the draft Revised Plan will be reviewed again in preparation for upcoming step-down plans, such as the Visitor Use Management Plan and the Wilderness Stewardship Plan. The Service will look specifically for comments relevant to each step-down plan. Communications considered non-substantive for this EIS process, and therefore not addressed in the Revised Plan, could be considered relevant to the step-down plans and would be included in these separate analyses.

2.2 Quantitative Analysis of Communications Received

2.2.1 Overview

Approximately 612,285 individual communications (an individual piece of mail, website submission, form letter, statement at a public hearing, etc.) on the draft Revised Plan were received during the public comment period. Of these communications, 1,988 were original statements (36 percent from Alaska) and 610,297 were form letters. A total of 115,466 (19 percent) of the form letters were customized in some way by the sender. A total of 1,305 comments requiring a response from the Service were identified. Only 341 of the communications we received contained such comments. These comments and their written responses can be found in this volume.

We received form letters via email, mail, or on compact disc (CD) from NGOs. The total number of form letters includes an unknown number of duplicate comments. The form letters were provided to the Service in several different formats and each individual communication was counted, resulting in some duplication. Some individuals may also have submitted the same comment several times using the same or different submittal method (e.g., submitting a form letter multiple times, or sending a letter by mail and email).

Of the form letters, approximately 610,000 communications reflected the views of, and closely mirrored language suggested by, advocacy groups, including:

- Defenders of Wildlife, including those submitted through the Care2 website (97,265)
- Greenpeace, including those submitted through the Change.org website (87,997)
- Sierra Club (85,344 in five different formats)
- Natural Resources Defense Council (59,585)
- Center for Biological Diversity (52,915 in two different formats)
- The Wilderness Society (52,770)
- Alaska Wilderness League (49,048 in four different formats)
- Save Our Environment Action Center (42,596 in two different formats)
- National Wildlife Federation Action Fund (24,058)
- League of Conservation Voters (18,060)
- Audubon Society (17,829)
- CREDO (16,078)
- Endangered Species Coalition, including those submitted through the Change.org website (2,788 in two different formats)
- Wilderness Watch (1,143)
- Pacific Environment (815)
- National Wildlife Refuge Association (725 in two different formats)
- Resource Development Council (628 in two different formats)
- Operators Local 375 (205)
- Gwich'in Nation (100)
- Republicans for Environmental Protection (78 in two different formats)
- Friends of Alaska National Wildlife Refuges (4)

A small number of form letters came from unknown sources.

2.2.2 Public Hearings

Public hearings on the draft Revised Plan were held in six locations (Anchorage, Fairbanks, and four villages located near the Refuge) as listed in Table 1. At each meeting, we made available copies of the draft Revised Plan and the separately bound “Planning Update 3: Summary of Draft CPP, June 2011” for the public to review and take home. Written communications were accepted at all meetings, and we provided writing materials for attendees to submit communications on site.

Three types of public meetings were held:

- Open House - posters on display, PowerPoint presentation played on loop, and Service staff available to answer questions.
- Community Meeting - posters on display, PowerPoint presentation given at meeting, and public question and answer session between Service staff and attendees, during which comments were captured on flip chart paper.
- Public Hearing - formal testimony recorded and transcribed.

In Arctic Village, Fort Yukon, Kaktovik, and Venetie, posters were displayed and Service employees were available to answer questions informally before the public was given the opportunity to provide recorded testimony. A translator was available in Arctic Village, Fort Yukon, Kaktovik, and Venetie.

Table 1. Draft Revised Plan meeting locations, dates, types, and attendance

Location	Type/Date/Time	Number of Non-Speakers ¹	Number of Speakers ²	Total Attendees
Anchorage				
US Fish and Wildlife Service Regional Office	Open House: 9/20/2011	39	n/a	39
Wilda Marston Theatre	Public Hearing: 9/21/2011	75	71	146
Fairbanks				
Pioneer Park Civic Center	Open House: 8/24/2011	51	n/a	51
Carlson Center	Public Hearing: 10/19/2011	59	102	161
Arctic Village				
Community Hall	Community Meeting ³ : 10/4/2011	67	n/a	67
Community Hall	Public Hearing: 11/14/2011	6	4	10
Fort Yukon				
Tribal Hall	Community Meeting & Public Hearing ³ : 10/28/2011	23	11	34
Kaktovik				
City Hall	Community Meeting ³ : 10/25/2011	22	n/a	22
City Hall	Public Hearing: 11/3/2011	24	6	30
Venetie				
Community Hall	Community Meeting: 9/1/2011	20	n/a	20
Community Hall	Public Hearing: 11/15/2011	1	3	4
Totals		387	197	584

¹ This represents the number of people who signed in at the welcome table but did not speak. This number may be underestimated because not everybody signed in.

² The number of speakers was collected only for meetings where a court reporter transcribed proceedings (i.e., Public Hearings).

³ These dates represent rescheduled dates.

We documented 584 attendees at our meetings, 197 of which provided oral comments. An additional 196 communications were received in the form of letters, documents, handwritten materials, staff notes, and flip chart notes. A total of 393 communications of all types were received through community meetings and public hearings.

2.2.3 Communications by Affiliation

Table 2 presents a breakdown of the affiliation of communications received (where the commenter stated an affiliation). Form letter communications were considered to be affiliated with an organization. Those communications not tallied in Table 2 were received from individuals with no apparent affiliation.

2.2.4 Place of Origin of Commenter

Arctic Refuge is recognized as a place of regional, national, and international significance, and this was reflected in both the overall number of communications we received and the geographic origin of the communications. We received approximately 3,300 communications from Alaska. The greatest number of Alaskan communications originated in Anchorage, followed closely by Fairbanks. The greatest number of non-Alaskan communications originated in California. We received a total of 270 communications from communities near the Refuge (Arctic Village, Fort Yukon, Kaktovik, and Venetie; Table 3).

Table 2. Affiliation of communications received on draft Revised Plan/EIS

Affiliation Type	Number of Communications Received ¹
Organizations²	610,400
Businesses	207
Tribal Governments and Tribal Organizations	14
State Agencies and Representatives	11
Federal Agencies, Entities, and Representatives	6
Alaska Native Corporations	4

¹Numbers are approximate as based on affiliations declared by commenter. Note that affiliations were difficult to determine from public hearing transcripts.

²Includes form letters. The remainder of communications were received from individuals with no affiliation (i.e., no form letter could be assigned to the communication and the author provided no affiliation).

We received a number of form letters with addresses that were not complete or were incorrect in some way. For example, many had United States (U.S.) listed when the address was for a non-U.S. country. Common examples of this include AR (Argentina), DE (Germany), WA (Western Australia), NE (Netherlands), and IL (Israel). Some had the U.S. listed as the country when the city and postal code matched that of a non-U.S. country. Some had U.S. states and zip codes listed with no country assigned, while others had non-U.S. cities and postal codes with no country assigned. The contractor used the data provided in the form

letters and researched the states, postal/zip codes, and countries in an effort to provide more accurate statistics on the place of origin of the commenter (Tables 3, 4, and 5). Where no state or country could be determined, no value was assigned. For non-form letters, place of origin was based on the city, state, and/or country provided by the commenter, and therefore some of these communications have limited or no place of origin information available. As a result, the statistics are approximate and totals are underestimated to a varying degree. For example, adding up totals of Table 3 and Table 4 results in a lower value than the total of communications from the United States provided in Table 5.

Table 3. Origin of Alaskan communications, August 15-November 15, 2011

Community	Number of Communications ¹	Community	Number of Communications ¹
Anchorage	858	Girdwood	15
Fairbanks	840	Valdez	13
Juneau	145	Willow	13
Homer	136	Douglas	12
Kaktovik	89	Adak	11
North Pole	87	Petersburg	11
Fort Yukon	86	Auke Bay	10
Sitka	84	Dillingham	10
Ketchikan	74	Elim	10
Palmer	73	Skagway	10
Arctic Village	66	Delta Junction	9
Eagle River	62	Elmendorf AFB	9
Wasilla	58	Anchor Point	8
Unknown	54	Barrow	7
Chugiak	32	Copper Center	7
Seward	32	Fort Wainwright	7
Soldotna	31	Healy	7
Kenai	29	Klawock	7
Venetie	29	Sterling	7
Kodiak	24	Thorne Bay	7
Talkeetna	21	Gustavus	6
Denali National Park	20	Clarks Point	5
Ester	20	Cordova	5
Haines	16	Craig	5

Community	Number of Communications ¹
Kasaan	5
Kasilof	5
Kotzebue	5
Point Baker	5
Big Lake	4
Dutch Harbor	4
Naknek	4
Nome	4
Seldovia	4
Tenakee Springs	4
Togiak	4
Two Rivers	4
Ward Cove	4
Chickaloon	3
Glennallen	3
Kake	3
Nenana	3
Salcha	3
Shaktoolik	3
Sutton	3
Tanana	3
Tok	3
Wiseman	3
Circle	2
Clam Gulch	2
Fritz Creek	2
Manley Hot Springs	2
Ninilchik	2
Nulato	2
Port Alexander	2

Community	Number of Communications ¹
Saint George	2
Wrangell	2
Akutan	1
Anderson	1
Beaver	1
Eagle	1
Fort Greely	1
Fort Richardson	1
Gakona	1
Halibut Cove	1
Hooper Bay	1
Hope	1
Indian	1
Kaltag	1
King Salmon	1
Koyukuk	1
Larsen Bay	1
Meyers Chuck	1
Nikiski	1
Nunapitchuk	1
Pelican	1
Point Hope	1
Stevens Village	1
Trapper Creek	1
Total	3,303¹

¹Not all commenters provided information about the community in which they reside. Therefore, “Number of Communications” is approximate and may underestimate the total number originating from individual communities.

Table 4. Origin of U.S. State and U.S. Territory communications (excluding Alaska), August 15 – November 15, 2011

State	Number of Communications ¹	State	Number of Communications ¹
AE (military)	10	ND	371
AL	1,886	NH	2,949
AP (military)	1	NE	1,444
AR	1,603	NJ	13,753
AZ	10,052	NM	6,431
CA	95,577	NV	2,796
CO	15,091	NY	37,283
CT	6,417	OH	11,184
DC	1,314	OK	1,707
DE	1,238	OR	13,546
FL	24,890	PA	18,193
GA	5,957	PR	596
GU	37	RI	1,578
HI	2,595	SC	2,775
IA	2,763	SD	618
ID	1,655	TN	4,715
IL	18,669	TX	18,635
IN	5,567	UT	2,724
KS	2,437	VA	9,606
KY	2,798	VI	148
LA	1,937	VT	2,417
MA	13,981	WA	18,011
MD	8,233	WI	8,249
ME	3,093	WV	1,312
MI	10,838	WY	660
MN	8,474	Total	447,113 ¹
MO	5,799		
MS	839		
MT	1,775		
NC	9,886		

¹ Not all commenters provided information about the state or territory in which they reside. Therefore, “Number of Communications” is approximate and may underestimate the total number originating from individual states and territories.

Table 5. Origin of international communications (including U.S.), August 15 – November 15, 2011

Country	Communication Count¹	Country	Communication Count¹
U.S.	532,689	Czech Republic	80
Canada	2,472	Turkey	78
United Kingdom	2,043	Malaysia	72
Germany	1,447	Singapore	68
France	1,154	Norway	60
Italy	1,023	Philippines	53
Australia	906	Chile	48
Spain	726	Hungary	48
Belgium	456	Japan	45
Mexico	455	Ukraine	44
South Africa	408	Peru	42
Brazil	368	China	38
Netherlands	352	Indonesia	33
Portugal	314	Costa Rica	32
Sweden	287	Malta	32
Greece	253	Slovenia	30
Poland	213	Estonia	26
New Zealand	204	Nicaragua	23
Switzerland	203	Thailand	22
Denmark	178	Slovakia	21
Austria	176	Uruguay	21
Argentina	170	Venezuela	21
Finland	149	Honduras	20
Croatia	136	Hong Kong	19
Ireland	136	Pakistan	19
Colombia	123	Guatemala	18
India	123	United Arab Emirates	18
Romania	118	Bangladesh	17
Russia	92	Cyprus	17
Israel	91	Ecuador	17
Serbia	89	Kenya	17
Bulgaria	85	Luxembourg	14

Country	Communication Count ¹
Latvia	13
Lithuania	12
Afghanistan	11
Iran	11
Macedonia	11
Panama	10
South Korea	10
Dominican Republic	9
Iceland	9
Taiwan	9
Egypt	8
El Salvador	8
Paraguay	8
Puerto Rico	7
Lebanon	6
Mauritius	6
Morocco	6
Namibia	6
Nepal	6
Bosnia	5
Macau	5
Trinidad and Tobago	5
Vietnam	5
Yemen	5
Bermuda	4
Cayman Islands	4
Jamaica	4
Maldives	4
Moldova	4
Montenegro	4
Albania	3
Algeria	3
Azerbaijan	3

Country	Communication Count ¹
Belarus	3
Bolivia	3
Botswana	3
Ethiopia	3
Gibraltar	3
Saudi Arabia	3
Antilles	2
Cuba	2
Curacao	2
Iraq	2
Kazakhstan	2
Korea	2
Kuwait	2
Nigeria	2
Seychelles	2
Sri Lanka	2
Swaziland	2
Tasmania	2
Zimbabwe	2
Armenia	1
Azores	1
Bahamas	1
Bali	1
Berlin	1
Bahrain	1
Bhutan	1
Brunei	1
Canary Islands	1
Cook Islands	1
Federated States of Micronesia	1
Fiji	1
Georgia	1

Country	Communication Count ¹
Ghana	1
Grenada	1
Jordan	1
Monaco	1
Mozambique	1
Oman	1
Republic of Trinidad and Tobago	1
St. Lucia	1

Country	Communication Count ¹
Syria	1
Tunisia	1
Tuvalu	1
Uganda	1
Total	549,045 ¹

¹Not all commenters provided information about the country in which they reside. Therefore, “Number of Communications” is approximate and may underestimate the total number originating from individual countries.



2.3 Information Collected for All Communications

Certain information was collected for every communication (see section 2.1). For those communications stating a preference for one of the proposed alternatives, Alternatives A, C, and E were mentioned most frequently. Some commenters did not provide clear support for a specific alternative. Others explicitly stated they disliked all the alternatives and/or suggested a new alternative. Still others asked that we combine pieces of different alternatives.

Many respondents, but not all, expressed their opinions about increasing the amount of designated Wilderness in the Refuge or how they perceived oil and gas development. Overall, support for designated Wilderness or oil and gas development was mutually exclusive.

A total of 935 communications included information about personal use of the Refuge (Table 6). Only those respondents that clearly stated that they had used the Refuge were included in this count. The count does not reflect actual Refuge use, past or present.

Table 6. Commenter identified Refuge use

Description of Use	Number ¹
Subsistence	41
Hunting/Fishing	10
Other Recreational Use	376
Commercial Guide	27
Use type not identified²	484

¹Includes only those commenters that clearly stated they had used the Refuge and does not reflect actual Refuge use.

²Communications where the commenter mentioned having been on the Refuge but did not provide any information about the activity that they were undertaking.

2.4 Form Letters and Comments Not Requiring a Response (Non-substantive)

2.4.1 Form Letters

Over 99 percent of the communications received were form letters. Twenty known organizations submitted form letters, with several submitting variations or slightly different text depending upon the method of submittal (for example, Sierra Club submitted hard copy petitions as well as electronic form letters with different text). One form letter petition was submitted from an unknown source, but the content was affiliated with the Gwich'in Nation. Five other unknown organizations submitted form letters as well. In total, 39 unique form letters were received. A copy of each form letter can be found in Appendix N.

Three of the form letter campaigns (representing two organizations) were in support of oil and gas development and were concerned with the potential for increasing economic opportunity by developing the 1002 Area. The remaining 36 form letters supported increasing the amount of designated Wilderness in the Refuge and/or stated opposition to oil and gas development in Arctic Refuge.

2.4.2 Comments Not Requiring a Response

Non-form letters mirrored very similar concerns as the form letters. Following are examples of comments from communications other than form letters that do not require a Service response. These examples address designated Wilderness and oil and gas concerns:

Wilderness Designation/Character:

“I support protection of the Arctic Refuge’s Special Values—from the wilderness character of the whole refuge, to ecological protection at the landscape scale, wildlife habitats, rivers, Alaska Native culture and subsistence, and recreation.”

“In general I support Alternative E. Wilderness is one of the main objectives in the establishment of the Arctic National Wildlife Refuge. This is our wildest of all refuges in the US. For this reason I support wilderness recommendation for the vast majority of lands within the Brooks Range unit, the Coastal Plain and the Porcupine Plateau.”

Oil and Gas Development:

“When development proponents say the footprint (few roads, installations to be constructed and serviced by air) would be small during exploration is at best a gross deception because nothing is said to the post exploratory scenario, that is, once oil is discovered and what would a mushrooming infrastructure may entail such as mining gravel for things as road, drilling pad, building and pipeline construction as part of a complex delivery system.”

“Big Oil has already destroyed hundreds of wildlife in last year’s Gulf Disaster, and they are on an unconscionable mission to continue their greedy and careless plan to drill wherever they can on our planet. Please stop this destructive corporate giant from destroying our animals, and our oceans. Please sign into law this Conservation Plan for the Arctic National Wildlife Refuge.”

“Two of your identified alternatives could permanently close the 1002 area of the Coastal Plain to oil and gas development. With an estimated 16 million barrels of oil and 18 trillion cubic feet of natural gas, these alternatives would severely jeopardize our country’s energy security.”

“The ANWR 1002 area should continue to be excluded from wilderness designation because its potential for augmenting Alaska’s and the United States’ hydrocarbon resources should not be sacrificed to add to the enormous wilderness area already designated on the North Slope.”

Comments not requiring a response from the villages of Arctic Village, Fort Yukon, Kaktovik, and Venetie focused on concerns related to the residents’ deep connection to the land and the resources of the area. Some comments focused on topics that will be addressed in future step-down plans, such as concerns about visitor behaviors. These comments will be reviewed again when the step-down plans are written. Following are examples of such comments from these villages:

“I have been fortunate to grow up with intelligent educators, role models and, essentially, this community. I would have to say the most important education I have received is in attending and—or listening to meetings and hearings both local and afar. Ever since I was an infant, I have been living off of this land and so have most everyone here, all at a cost of driftwood, wild animals, plants and water or ice. We believe this

was given to us through our Creator. We have always given back to the land, animals and plants as much as we have taken. We have always been great stewards of these lands between what you know as Kaktovik and our special—specifically-chosen private lands, lands we need in order for our future generations to strive in this world. This land belongs to the people who live here.”

“I wanted to say the Gwich'in people have—since the beginning, have fought for the land. The battle has always been in our back yard. The people that live here will always rely on our culture and it's our subsistence that feeds our children. We want this area to be closed to oil development.”

“We know where we go fishing, hunt, travel, we did this forever, leave everything alone. We need help to keep the land the way it is and preserve it.”

“I'd highly recommend you guys for Alternative E to protect the Arctic Refuge because the Refuge means a lot. It's rich in land and it provides for the many species of animals, including the Porcupine Caribou Herd and to thousands of birds where they migrate from all over the world. If it opens, where it's nice and green, if a disaster happens, it won't be green anymore. It will turn black and polluted. Birds and the caribou won't know where to go. Highly, strongly keep it protected.”

“If they open that up for drilling and, you know, what about our future for our kids? I mean, there's a lot of areas that are used for hunting. There are some sacred grounds and stuff like that and if they went through all that and it just destroy our hunting areas. I mean, there's a lot of things that will be destroyed...”

“These lands in the coastal plain are not wilderness and does not qualify this designation because our ancestors lived on these lands, hunted on these lands, fished on these lands and fought battles to keep the lands to protect them for our future use and for their descendants. There are many graves in our traditional lands and more are being found and some are eroding on the coast and have to be re-buried. So the idea of trying to make the 1002 area into a wilderness designation is another slap in our faces because we live here, our ancestors died here and this is not a place without people.”

3. Substantive Comments

This section contains the substantive comments we received on the draft Revised Plan and draft EIS. The Service's comment response follows each comment. The comments are organized into 52 topic areas. Within each topic heading, several sub-topics are also identified. The Table of Contents identifies page numbers for topics and sub-topics.

3.1 Comment Numbers

Every comment is displayed with a unique identifying number with up to six digits and three decimal places. The six digits to the left of the decimal place denote the number of the communication in which the comment was found. This is a unique number assigned to each of the 612,285 communications we received. The three numbers to the right of the decimal point identify the specific substantive comment within the communication. Thus, a number “.015” identifies the fifteenth substantive comment in a particular letter, email, etc.

3.2 Grouped Comments

For many of the comment topic areas, we received a number of identically worded comments or those that were worded very similarly. In these cases, we chose a representative comment from a group of like comments and listed the comment number and name of each person or organization providing the comment. We then provided a single response to address all the comments in the group. Grouped comments are sorted by topic only and are always listed at the beginning of a topic area. Sub-topic headers and single comments are listed after the grouped comments.

Although we grouped comments for the purposes of this volume of the Revised Plan, every comment was carefully read and a response written to that comment before the decision was made to group it with other comments. If a particular comment cannot be found under its sub-topic, it may be part of a group at the beginning of the topic. We encourage you to use the indices in Volume 4 to help you find the location of specific comments or commenters.

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3.1 TOPIC: Air Quality

Group A.1: Air Quality

If part of the Arctic Refuge, or nearby areas on-land or off-shore, were developed, the infrastructure necessary to produce and transport oil to market would devastate the rest of the wilderness area with all forms of pollution; air, water, hazardous wastes. In order to prevent that, at least for air pollution, the entire Refuge should be designated as a Class I area under the Prevention of Significant Deterioration regulations (PSD, Clean Air Act (40CFR51, 52, 81). The Refuge meets the criteria for a Class I area (size, pristine air quality, wildness, limited historic human impact) and should be protected in the future by such designation. While Class I designation ultimately requires an act of Congress, as does the administrative act of designating wilderness (under the 1964 Wilderness Act), it would protect the area from massive degradation of air quality, including in the interim while the designation is being considered by the Fish and Wildlife Service, and is therefore, consistent with wilderness management under the CCP. Wilderness recommendation and the proposal to designate the Refuge as a Class I area are the two most important regulatory steps that FWS can take to protect the wilderness character and values of the Arctic National Wildlife Refuge today.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.072
- Betsy Kelson 136973.001
- Greg Scott 136997.001

Response to Group A.1: Air Quality

Other commenters also recommended that Arctic National Wildlife Refuge, or the designated Wilderness within the Refuge, be designated as a Class I area under the Prevention of Significant Deterioration regulations of the Clean Air Act. [Clean Air Act §164(d), 42 U.S. C. §7474(d); and 40 CFR parts 51, 52, and 81].

Class I areas receive the highest degree of protection, with only a small amount of certain kinds of additional air pollution allowed. Mandatory Class I areas were designated by Congress and include international parks, areas in the National Wilderness Preservation System (NWPS), national memorial parks larger than 5,000 acres, or national parks larger than 6,000 acres, that were in existence (or authorized) on August 7, 1977. The Mollie Beattie Wilderness at Arctic National Wildlife Refuge was designated as Wilderness in 1980 by the Alaska National Interest Lands Conservation Act - Public Law 956-487 (December 2, 1980), thus it is not a Mandatory Class I area.

Congress initially designated all other attainment areas as Class II and allowed a moderate increase in certain air pollutants. Congress prohibited re-designation of some Class II areas that exceed 10,000 acres to the less protective Class III status. These areas are called Class II floor areas. The Mollie Beattie Wilderness is an example of a Class II floor area.

It is not within the Service's purview to pursue Class I designation for Arctic National Wildlife Refuge or the Mollie Beattie Wilderness. Only states or Native American governing bodies have authority to re-designate areas.

Additionally, it is not the Service's responsibility to analyze in this Revised Plan the incremental effects of potential air quality degradation from off-site activities. Rather, it is our responsibility to disclose the effects of Plan implementation on air quality; we concluded that implementing the Plan would have no effect on air quality in the Refuge or off-Refuge (see

Chapter 5). Environmental analyses conducted as part of proposed off-site developments are required to disclose the effects of the proposed actions on Refuge air quality.

3.1.1 *Baseline Conditions*

Comment 000234.001
Dan Shorb

Air Quality, Baseline Conditions

This area should be utilized by keeping its ‘carbon sink’ capabilities for clean and healthy air. Remember, the Amazon Jungle is one of the largest carbon ‘sinks’ in the world, but it is being deforested rapidly. This is hugely affecting the amount of carbon in the atmosphere (it just doesn’t get absorbed). This Alaskan version of the carbon sink, we can still save (and utilize its Carbon absorption capabilities). This carbon ‘sink’ piece alone makes it worth protecting (not just for future generations, but for us, now). (see here: <http://www.sciencemag.org/content/333/6045/988.full>)

Response to Comment 000234.001

We recognize that carbon sinks are important for carbon sequestration and we certainly store carbon in Arctic Refuge. Tundra biomes are carbon sinks by locking up carbon in the permafrost, but predicted climate warming will release large amounts of stored carbon into the atmosphere and further global warming. We do recognize that potential shrubification of these altered areas may counter some of those affects. Although we are managing for natural habitats, the broader scale climatic changes that could affect the carbon source/sink dynamics of the Refuge are beyond the Service's control.



3.2 TOPIC: Alternatives - Issues Considered but Eliminated

Group B.1: Alternatives – Issues Considered but Eliminated

the last clause in footnote 2 to Table D-1 (DEIS at D-19) should be changed to state “issue is one of policy or law” as the current language suggests that there may be more discretion than actually exists on these issues.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.025
- Northern Alaska Environmental Center, Pamela Miller 136801.088
- Sierra Club, Dan Ritzman 137014.021

Response to Group B.1: Alternatives – Issues Considered but Eliminated

In response to your comment, we made the requested change to Table D-1.

Group B.2: Alternatives – Issues Considered but Eliminated

Yet another misinterpretation of ANILCA that we find in Appendix D is the statement that ANILCA Section 1004 requires the Service to manage the wilderness character of the Coastal Plain (1002 Area) and its suitability for inclusion in the National Wilderness Preservation System. This is not accurate and should be corrected in the final CCP.

Section 1004 does in fact require the Secretary of the Interior to review the suitability or non-suitability of the Federal lands described in ANILCA Section 1001 for preservation as wilderness. The lands described in Section 1001 include:

“...all Federal lands (other than the submerged lands on the Outer Continental Shelf) in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve-Alaska, other than lands included in the National Petroleum-Alaska and in conservation system units established by this Act.”

The Arctic National Wildlife Refuge, Gates of the Arctic National Park and Preserve and the Noatak National Preserve were not included in the wilderness study area mandated by Sections 1001 and 1004 by virtue of their status as conservation system units. As such, wilderness reviews of any non-designated lands within those units were to be conducted only under the authority of ANILCA 1317.

Submitted By:

- Citizens’ Advisory Commission on Federal Areas, Stan Leaphart 032675.008, 032675.010

Response to Group B.2: Alternatives – Issues Considered but Eliminated

In response to public comments, we have removed reference to Alaska National Interest Lands Conservation Act (ANILCA) Section 1004 from the entire Plan. The area encompassed by Section 1004 does not include Arctic Refuge.

Group B.3: Alternatives – Issues Considered but Eliminated

The final CCP should acknowledge and support the continuation of the existing prohibitions on oil and gas, leasing, development, and production of KIC and ASRC lands. Because all of these points are based in law, see ANILCA Section 1003, these prohibitions cannot be changed.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.026
- Sierra Club, Dan Ritzman 137014.022

Response to Group B.3: Alternatives – Issues Considered but Eliminated

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. This prohibition includes the commercial development of oil and gas or sand and gravel from lands owned by Kaktovik Iñupiat Corporation (KIC) and Arctic Slope Regional Corporation (ASRC). However, Congress can decide to authorize such development. If Congress makes a decision to allow oil and gas studies or activities on the Refuge and/or on Native corporation lands, that action will be incorporated into the Plan and implemented.

Group B.4: Alternatives – Issues Considered but Eliminated

The CCP draft is greatly remiss in not addressing the visitor use issues described in sections D.5.11-D.5.10. The problems and impacts they relate to are only growing worse and need to be addressed now. The 1988 CCP recognized that and stated the development of a public use management plan would be a high priority. That was in 1988, and no related step-down plans have even begun. Your CCP workbook asked what issues the plan should address and the public identified these issues. They shouldn't be delayed to some possible future planning process. In particular, crowding on popular rivers needs to be reduced, aircraft landing impacts need to be addressed now, group size should be limited to 8 or 9 people, and for use allocation, a private user preference or "freedom of choice" policy should be implemented.

Submitted By:

- Wilderness Watch - Full 000017.005
- Lolly Andrews 136919.005
- Stacy Hortaridis 136931.001

Response to Group B.4: Alternatives – Issues Considered but Eliminated

Managers at the Refuge have decided that options for visitor use management would be best addressed through a public planning process separate from this Revised Plan. Refuge managers, working with a planning team, will immediately begin the Visitor Use Management Plan (VUMP) following approval of the Revised Plan. The VUMP will address visitor use issues identified during the process for the Revised Plan and assess visitor impacts and information needs. The management guidelines prescribed in the Revised Plan will be used in the interim to manage visitor use during the development of the VUMP. Refuge managers will consider levels of use, timing and distribution of use, and activities and behaviors of visitors. Managers may use education, site management, regulation, enforcement, and/or rationing/allocation to manage visitor use at Arctic Refuge, consistent with the VUMP. Please also see Chapter 2, Section 2.1.2, Objective 2.4, and Section 2.1.5, Objective 5.4.

Group B.5: Alternatives – Issues Considered but Eliminated

Regarding Appendix D.4.1, the issue of conflict between wilderness values and science-related technologies should be addressed in the plan because it is escalating and not adequately resolved by the current MRA process.

Submitted By:

- Wilderness Watch - Full 000017.008
- Susan Morgan 136985.006
- Julie Raymond Yakoubian 136993.006

Response to Group B.5: Alternatives – Issues Considered but Eliminated

We recognize that the issue of science-related technologies relative to Wilderness values is challenging and dynamic. The Refuge will continue to work within relevant laws and policies to address decisions regarding appropriate use of science-related technologies within designated Wilderness. Please refer to Chapter 2, Section 2.4.20 for a description of the MRA process. We will not include additional explicit requirements for science-related technologies in designated Wilderness within the Plan. However, this issue will be addressed in the Wilderness Stewardship step-down planning process, step-down planning process, which will include additional opportunities for public involvement.

Group B.6: Alternatives – Issues Considered but Eliminated

Section D.6.3 should characterize the types of private lands that exist inside the Arctic Refuge boundary, and explicitly note the ANCSA Section 22g authority that the FWS has to influence activities on those lands.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.027
- Sierra Club, Dan Ritzman 137014.023

Response to Group B.6: Alternatives – Issues Considered but Eliminated

Chapter 4, Section 4.1.2 discusses the types of private lands in the Refuge and Section 4.1.2.5 discusses the 22(g) restrictions. It is unnecessary to duplicate this information in Appendix D, Section D.6.3.

Group B.7: Alternatives – Issues Considered but Eliminated

Page 3-6, § 3.1.2 Issues Considered but Eliminated from Detailed Study, second paragraph. According to USFWS policy (602 FW 3), the purpose of developing a CCP is to provide refuge managers with a long-term management plan. As stated in the introduction to this CCP/EIS, “The purpose of this planning process is to develop a Revised Plan for the Arctic Refuge to provide management direction for the next 15 years.” It is possible that Congress may authorize oil and gas leasing and production in the Arctic Refuge within the timeframe of this document. Therefore, to fulfill the purpose and need of this CCP to provide management direction for the Refuge, an advanced analysis of management guidelines for oil and gas exploration, leasing and production should be considered in an alternative. While the Service does not have the authority to open the 1002 Area to oil and gas leasing, it has the responsibility to manage the effects of such a program when authorized by Congress. Additionally, the Service has ample administrative authority over oil and gas development on other lands it manages and may apply those authorities to the Arctic Refuge once directed to by Congress.

Submitted By:

- State of Alaska, Sean Parnell 136805.098, 136805.143

Response to Group B.7: Alternatives – Issues Considered but Eliminated

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge, and ANILCA Section 1002(h) directed the Department of the Interior (DOI) to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. Should Congress open Arctic Refuge to oil and gas leasing, development, and production, the Plan would be amended to address such leasing, development and production.

3.2.1 Ecological Issues

Comment 137013.015

Issues Considered but Eliminated, Ecological Issues

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

D.3.2 Issue of Hunting effects on Population Structures and Genetics. Refuge biologists think that trophy hunting and "...all forms of hunting (and fishing) could potentially have an effect on population structures and the genetics of animal populations on the Refuge." The staff has decided "to consider studying the issue through the Refuge's inventory and monitoring (I & M) or research plans."

Given the decline in caribou, sheep, muskoxen, and moose in the last two decades (4-119), a decision to merely consider studying the issue is a weak response. We recommend that the Refuge give high priority to research designed to determine if sport (trophy) is having negative effects on genetic makeup and population structures, and whether the effects, if any, could be contributing to the decline in the populations of these animals.

Response to Comment 137013.015

Assessments of the effects of hunting on the demographics and genetics of wildlife populations are inconsistent in the scientific literature. Based on literature review, we believe that additional and more definitive studies need to be done. We know little about the specific effects of hunting on Refuge wildlife populations. Arctic Refuge is a vast remote area, making acquisition of such information difficult. Wildlife populations here live in large wilderness environments, suggesting that hunting pressure is relatively light in most regions of the Refuge, although certain populations such as Dall's sheep and moose in certain drainages do experience greater pressure. Our lack of knowledge indicates that the effects of hunting on wildlife species should be investigated further. Monitoring species status and trends is a priority for the Refuge, and specific work investigating potential causes of population declines and other population-level changes will be appropriately described through the Refuge's Inventory and Monitoring (I&M) step-down plan, which will include a Research Plan.

Comment 000017.007
Wilderness Watch – Full

Issues Considered but Eliminated, Ecological Issues

In Appendix D, 3.2 the issue of trophy hunting altering the genetic structure of Dall Sheep and perhaps other species is relegated to a “consider studying” category. It should be addressed in the plan because the refuge’s mandate to protect biodiversity includes genetic compositions and thus requires action.

Response to Comment 000017.007

Assessments of the effects of hunting on the demographics and genetics of wildlife populations are inconsistent in the scientific literature. Based on literature review, we believe that additional and more definitive studies need to be done. Monitoring species status and trends is a priority for the Refuge. Investigations of hunting effects on selected species and potential causes of population declines or demographic shifts will be considered in the Refuge's I&M step-down plan, which will include a Research Plan.

Comment 136985.004
Susan Morgan

Issues Considered but Eliminated, Ecological Issues

The Refuge is mandated to preserve biodiversity, so restriction of trophy hunting of Dall sheep and other species should be included in this draft and not deferred for further study.

Response to Comment 136985.004

Regulations regarding general and subsistence hunting, including seasons and bag limits, are not normally set by Arctic Refuge's manager. By law, such regulations are the responsibility of the Alaska Board of Game and the Federal Subsistence Board. Any person can submit proposals for changes in hunting regulations through these boards, and any person can testify at meetings where hunting regulations are passed to make their opinions known. Relatively little is known about the effects of hunting on Dall’s sheep populations, and the scientific literature is divided on this issue. We will address data gaps regarding abundance, trends, and distribution of Dall’s sheep on the Refuge, including potential anthropogenic impacts, in our I&M step-down planning process, which will include a Research Plan.

3.2.2 Management Issues

Comment 136794.008
Bill Iverson, President
Alaska Outdoor Council

Issues Considered but Eliminated, Management Issues

-----Preamble/Intro-----

The Alaska Outdoor Council (AOC) recommends that the Service withdraw their draft ANWR CCP/EIS and submit a draft that would be consistent with NEPA regulations regarding the study, development, and submission of appropriate alternatives to recommend a course of action which could resolve conflicts concerning alternative uses of available resources within ANWR.

-----Comment-----

5. AOC recommends that an Alternative Management Plan that would encourage hunting, fishing, boating, snowmobiling, wildlife observation and photography on the Refuge be added to the Alternative list, and then made available for public comment.

Response to Comment 136794.008

Like other refuges in the Refuge System, Arctic Refuge is managed to provide for wildlife-dependent recreational uses: hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation. Under ANILCA, motorized access such as snowmobiles, boats, and airplanes are allowed in Arctic Refuge, including in designated Wilderness. Public uses and public access are addressed in the management policies and guidelines in Chapter 2 of the Revised Plan (see Chapter 2, Section 2.4 and Table 2-1). These management policies and guidelines would be adopted under five of the Plan's six alternatives (Alternatives B, C, D, E, and F). In recognition of our role in providing appropriate and compatible recreational uses, we added a new objective, Objective 5.1 (see Chapter 2, Section 2.1.5). This objective states, "Refuge managers will continue to provide access for a range of compatible recreational activities, including hunting, fishing, wildlife observation, photography, camping, backpacking, river floating, and mountaineering." The list included in the objective is representative of the most common recreational uses on the Refuge but is not all-inclusive of those uses.

Comment 136805.099**Issues Considered but Eliminated, Management Issues**

**Sean Parnell, Governor
State of Alaska**

Page 3-6, § 3.1.2 Issues Considered but Eliminated from Detailed Study, fourth paragraph, last sentence. As it applies to various areas, including the Refuge's three existing wild rivers designated by ANILCA that do not have identified ORVs, the draft Plan states "existing management, in combination with Refuge purposes, affords a high degree to protection for the features and values in these specially designated area and that no further additional management guidance is needed." We agree with this statement, which calls into the question the very need to conduct a study or recommend additional wild and scenic rivers on the Refuge. As we stated in our November 12, 2010 comments on the Wild and Scenic River Eligibility Report:

The Refuge already has the administrative means to provide adequate resource protection for all river corridors within its boundaries. Several rivers are also within existing designated wilderness or wilderness study areas, which are far more restrictive forms of management. Given the Refuge's extreme remoteness, expansive size (19 million acres) and limited seasonal visitor use, there is no existing or anticipated "threat" to any of the rivers, especially the largest potential threat identified in the Report – public use.

Response to Comment 136805.099

The Wild and Scenic Rivers Act requires Comprehensive River Management Plans (CRMPs) be developed for waters included in the National Wild and Scenic Rivers System (NWSRS). These comprehensive plans should incorporate desired conditions for the river corridor and, where appropriate, user capacities. We believe the management approach taken for Arctic Refuge has offered, and will continue to offer, a high degree of protection for the Refuge's three designated wild rivers until we complete comprehensive management plans specific to each wild river corridor. The Wild and Scenic Rivers Act offers a range of management tools beyond what is available through Wilderness designation and Minimal Management. Like Wilderness, wild river designation provides statutory protection to the river corridor, while Minimal Management is an administrative category that can be changed by the Service through a Plan amendment. Unlike designated Wilderness, the Wild and Scenic Rivers Act

requires the Refuge to establish, monitor, and enforce the kinds and amounts of public use that can be sustained without adversely impacting a river's values.

Comment 136805.100
Sean Parnell, Governor
State of Alaska

Issues Considered but Eliminated, Management Issues

Page 3-7, § 3.1.3.1 Wilderness Actions not in the Alternatives. See general comment regarding establishment of WSAs. This section discusses land and water buffer areas near Arctic Village and Kaktovik. It is unclear why these areas, which appear to be excluded from the wilderness recommendation, were included in the Wilderness Review (Appendix H) but not included in any of the descriptions or maps associated with recommended wilderness in Chapter 3.

Response to Comment 136805.100

In the Revised Plan, the maps of the alternatives now show the areas excluded from the wilderness recommendation. The map of the Wilderness Study Areas (WSAs) in the wilderness review (Appendix H) was changed to no longer show these areas since all lands not currently designated as Wilderness were studied.

3.2.3 Oil and Gas Development

Comment 136809.001

Issues Considered but Eliminated, Oil and Gas Development

William C. Reffalt, Vice President and Issues Coordinator
Blue Goose Alliance

-----Preamble/Intro-----

Comments Directed to Specific Planning Issues

Beyond that summary and brief explanation, the Alliance herein offers a number of observations and comments regarding sections of the CCP that we believe have need of improved explanations or corrections to inadequate presentations in the current draft. We offer these in the spirit of assisting Refuge personnel in making the final CCP as informative, factual and friendly to the reader as possible. The CCP document is obviously a complex compilation of factual materials and explanations of intended future management protocols which includes compliance with the regulations of the Council on Environmental Quality regarding Environmental Impact Statements and public outreach.

-----Comment-----

I. The so-called "no more clauses".

A. Section 101(d): The discussions in the draft document (Chapter 3, Section 1.3 and Appendix D, Section 2.1) pertaining to this perceived policy issue are inaccurate and incomplete. Given that the FWS believes this to be an important "policy issue", it is important that the text accurately presents and explains it.

Section 101(d) is primarily addressed to potential future Congressional actions rather than the Executive. The final clause in the legislative language states: "...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."

In fact, the statement has little legal or legislative effect. It is a statement of a "sense of the 96th Congress" made on December 2, 1980, however it is a precept of Congress that no single

Congress has power to bind or prevent a future Congress' decision to pass legislation. Time passes and things change, therefore conditions may bring fresh need or even urgency for actions by Congress. Now, 31 years since passage of ANILCA, the current or any future Congress may decide to create new conservation system units without in any way violating the statement made by the 96th Congress in Section 101(d).

As verification of these statements, I refer refuge staff to Section 102(4) of ANILCA—the definition of conservation system unit: “The term “conservation system unit” means any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument including existing units, units established, designated, or expanded by or under the provisions of this Act, additions to such units, and any such unit established, designated or expanded hereafter.” (Emphasis added)

If the same 96th Congress that postulated the conditions expressed in Section 101 (d) and the provisions discussed below did not contemplate that some future Congress might pass legislation to create one or more new conservation units or to expand such units then it would not have had need to include the provisions regarding future additions or units established “hereafter”. The explanation in the CCP should recognize that 101(d) neither is directly addressed to the Executive Branch nor generally affects its interactions with future Congresses. 101(d) should be quoted in full in an Appendix of the CCP and limits of its reach explained.

Response to Comment 136809.001

A full legal analysis of the scope of Section 101(d) of ANILCA is beyond the scope of the Plan. As mentioned in Appendix D, many people who commented during scoping and during public review of the draft Plan referred to Sections 101(d), 1326(a), and 1326(b) collectively as the “no more” clauses. As explained in our responses to these comments, we believe that preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1) and Section 304(g)(2)(B).

Comment 136801.089

Issues Considered but Eliminated, Oil and Gas Development

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The final CCP should acknowledge and support the continuation of the existing prohibitions on oil and gas, leasing, development, and production of KIC and ASRC lands. Because all of these points are based in law, see e.g., ANILCA Section 1003, these prohibitions cannot be changed. Further, Section D.6.3 should characterize the types of private lands that exist inside the Arctic Refuge boundary, and explicitly note the ANCSA Section 22g authority that the FWS has to influence activities on those lands.

Response to Comment 136801.089

Several sections of the Revised Plan (most notably Chapter 2, Section 2.4.18.2) acknowledge ANILCA Section 1003 and its prohibition of oil and gas leasing, development, and production anywhere on Arctic Refuge. Alaska Native Claims Settlement Act (ANCSA) 22(g) restrictions are discussed in detail in Chapter 4, Section 4.1.2.5, and Section 4.1.2 discusses the types of

private lands in the Refuge. It is unnecessary to duplicate this information in Appendix D, Section D.6.3.

Comment 136795.005 Issues Considered but Eliminated, Oil and Gas Development
David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection

We urge the FWS to monitor the impacts that oil and gas activities outside the Refuge boundaries have on the Refuge, its wildlife populations, and the importance of its habitat to arctic wildlife populations.

Response to Comment 136795.005

The Refuge does not have authority over lands, land uses, or actions outside its boundaries. However, Refuge staff collaborates with others, including the Alaska Department of Fish and Game (ADFG), other Federal agencies, academic institutions, and non-governmental organizations (NGOs), on many wildlife studies designed to evaluate anthropogenic impacts. The Revised Plan includes multiple objectives to increase understanding of stressors acting on biological resources in the Refuge through inventory, monitoring, and research, and to enhance collaboration with others working outside the Refuge's boundaries on shared resources.

Comment 136805.144 Issues Considered but Eliminated, Oil and Gas Development
Sean Parnell, Governor
State of Alaska

Page D-1, § D.1.1 Oil and Gas Development. ANILCA and NEPA require that the Plan address oil and gas exploration and potential oil and gas development and production in the 1002 area. Section 1002 of ANILCA explicitly identifies the oil and gas resources of the coastal plain, and directs that the Secretary study the role of oil and gas development in the area and make recommendations regarding it to Congress. By singling the coastal plain out for special study based on its oil and gas potential, Congress has identified oil and gas development and production as a potential purpose of the Refuge. In 1987 the Secretary recommended that section 1003 of ANILCA be repealed, and that the 1002 area be opened to oil and gas development and production. The statement that “[t]here is nothing in the Refuge’s purposes . . . that requires the Service to consider or propose development and utilization scenarios for natural resources, such as oil and gas, as part of the comprehensive conservation planning process” is inaccurate. Congress has directed that the oil and gas resources of the coastal plain be evaluated and that the planning effort for the Refuge consider these values. While it is true that the final decision regarding oil and gas development in the Refuge rests with Congress; so does the final decision regarding any further wilderness reviews.

Response to Comment 136805.144

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge’s coastal plain, along with a baseline study of the area’s fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge’s coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the Bureau of Land Management (BLM) in 1991 (Banet 1991) and the U.S. Geological Survey (USGS) in 1998, 2001, and 2005 (USGS 2001,

Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

The Service does have legal authority to conduct a wilderness review. The Revised Plan is an update of the 1988 Plan and is a management plan for the entire Refuge; it is being completed as a statutory requirement of ANILCA Section 304(g)(1). Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” While the wilderness review could result in a recommendation to designate additional Wilderness areas in the Refuge, the Service’s authority is limited to making recommendations. Only Congress can designate Wilderness.

Comment 136803.005**Issues Considered but Eliminated, Oil and Gas Development****Lisa Murkowski, Senator, Alaska****US Senate**

The impacts of Wilderness or WSR designations or recommendations upon future development of both state and federal resources would be substantial and unacceptable. The mere consideration of Wilderness and/or WSR recommendations are already causing substantial administrative burden upon projects on state lands. Specifically, DOI’s input to the Draft Environmental Impact Statement on industrial infrastructure necessary for long-awaited development of the Point Thomson oil and gas leases includes assessment of the 1002 Area’s Wilderness values.⁶ This is alarming and unacceptable for two reasons. First, it unmistakably indicates an FWS policy and intention of treating the 1002 Area as a designated Wilderness area absent either a recommendation as such, much less a Congressional designation as such. This, if manifested, would amount to a de-facto Wilderness designation of the 1002 Area and therefore a violation of both multiple statutes and the Constitution’s Property Clause. Secondly, the application of Wilderness considerations over state lands amply demonstrates that an expansive bureaucratic footprint can extend from existing Wilderness areas, straight through non-Wilderness areas, and finally into non-federally held property. Such a heavy-handed interpretation of the law would create essentially unlimited buffer-zones around Wilderness areas and, if applied in one region, would enjoy precedent sufficient for zealous administrators to apply throughout the nation’s Wilderness system. The legal and political backlash from such a policy would jeopardize the entire legacy of and potential for protected lands throughout the Nation and forestall future Congressional willingness to grant additional Wilderness, WSR, or other conservation units. As FWS is well aware, ANWR’s estimated oil reserves amount to between 5.7 billion barrels and 16.0 billion barrels, with potential federal revenues of between \$84.6B and \$237.5B at current prices.⁷ A unilateral administrative recommendation to sterilize this commonly-owned resource is entirely inappropriate and cannot be rationalized against the existing opportunities which Alaska’s massive Wilderness areas already offer for the Act’s purposes. Such a recommendation also cannot be rationalized against the President’s concession that “Part of the reason oil companies are drilling a mile beneath the surface of the ocean – because we’re running out of places to drill on land and in shallow water.”⁸ To the extent this trend is viewed by the Administration as a negative one, it is irreconcilable with the administrative treatment

of the largest estimated oilfield on the continent as an area that should be shut off to that resource's development. The management of the 1002 Area must therefore be consistent with the prospect of future oil and gas development, allowing for continuing study for this purpose including updated resource inventory and analysis. Should Congress make a decision to escalate or de-escalate the likelihood of such development, then and only then may FWS take steps to advance such disposition. To do so prematurely would defy Congress, the Constitution, and the U.S. taxpayer.

Response to Comment 136803.005

The U.S. Army Corps of Engineers is the lead agency for the Point Thomson Draft Environmental Impact Statement (EIS). The Service is a cooperating agency. That Draft EIS disclosed potential environmental effects of the alternatives considered on the existing wilderness characteristics of the adjacent Arctic Refuge as required by the National Environmental Policy Act (NEPA) implementing regulations.

Regarding future management of the Arctic Refuge coastal plain, Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge's coastal plain, along with a baseline study of the area's fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986.

The environmental consequences section of the Revised Plan addresses the economic effects of each of the Plan's six alternatives. There would be no effect from the administrative action of recommending additional Wilderness areas in the Refuge. We also disclose the effects of potential Wilderness designation on a variety of impact topics, including economic impacts. We discuss economic effects under the no-action alternative and for each of the action alternatives, including the two that would potentially recommend the 1002 Area for Wilderness designation. As pointed out in the comment and in the Plan and EIS, final management direction for the coastal plain is up to Congress.

3.2.4 Other Issues

Comment 000017.009 Wilderness Watch – Full

Issues Considered but Eliminated, Other Issues

Regarding Appendix D.6.1, the unsightly administrative buildings on Peters and Big Ram Lakes should be removed. This is a significant issue and should be addressed in the alternatives.

Response to Comment 000017.009

Any proposal to remove buildings at Lake Peters or at Big Ram Lake requires compliance with NEPA. Rather than folding this issue into the Revised Plan, we opted to conduct a

separate environmental analysis that will allow us to consider the effects of a detailed proposal (who, when, how, etc.) and conduct focused consultation, such as with the State Historic Preservation Officer. Under Objective 2.5 (see Chapter 2, Section 2.1.2), the Refuge will complete an environmental analysis of the potential removal of buildings at Lake Peters within two years of the decision on the Revised Plan.

3.2.5 Policy Issues

Comment 032675.007

Issues Considered but Eliminated, Policy Issues

Stan Leaphart, Executive Director

Citizens' Advisory Commission on Federal Areas

The explanation in Appendix D also misrepresents the purpose of a wilderness review when it states:

“... a wilderness review is a tool we can use to evaluate whether we are effectively managing the Refuge according to the Refuge’s purposes and other legal requirements.” (D-3)

In fact, the Service’s own Wilderness Stewardship Policy (Part 610) rebuts this claim when it explains the purpose of a wilderness review:

“A wilderness review is the process we follow to identify and recommend for congressional designation Refuge System lands and waters that merit inclusion in the National Wilderness Preservation System (NWPS).” (610 FW 4.4)

An examination of the remainder of Chapter 4- Wilderness Review and Evaluation - in the Wilderness Stewardship Policy finds no discussion of or guidance for utilizing a wilderness review as a tool to evaluate management of the Arctic Refuge as the explanation in Appendix D claims. The Service has numerous other tools to determine how effectively it is managing this or any other refuge. The sole purpose of a wilderness review is to determine if an area or areas of a refuge will be recommended for designation as wilderness. A wilderness area is statutorily defined as a conservation system unit. Therefore, any administrative review for the purpose of recommending or creating an additional wilderness in Alaska is a clear violation of ANILCA Section 1326(b). No amount of rationalization or semantical tap-dancing can explain that away.

Response to Comment 032675.007

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” The review assists the Refuge in evaluating the efficacy of its management because the review process requires us to determine whether lands have wilderness values and whether they are qualified and suitable for inclusion in the NWPS. The review does not require us to recommend areas for Wilderness designation; rather, it requires us to follow a standardized process by which areas could be recommended.

Comment 136805.145
Sean Parnell, Governor
State of Alaska

Issues Considered but Eliminated, Policy Issues

Page D-3, § D.2.1 ANILCA .No More. Clauses, sixth paragraph. ANILCA Section 1004's wilderness review requirement only applies to those lands described in Section 1001, which excludes the Arctic Refuge, including the 1002 Area. Service policy and a Director's memorandum do not trump the prohibitions in section 1326(b) of ANILCA against wilderness and wild and scenic river reviews in Alaska. The draft Plan states that the wilderness reviews are being used as "a tool" for the Service to evaluate whether we are effectively managing the Refuge according to the Refuge's purposes and other legal requirements, including ANILCA Section 1004, which requires the Refuge to maintain the wilderness character of the Coastal Plain and its suitability for inclusion in the National Wilderness Preservation System. This statement is disingenuous and inaccurate. The Service has other administrative tools available to it to measure the effectiveness of Refuge management, and the Wilderness Act provides only one purpose for conducting wilderness reviews: to inform recommendations that Congress designate wilderness. Furthermore, section 1004 of ANILCA does not apply to the coastal plain nor to any other part of the Refuge.

Similarly, the Service's argument that wild and scenic river reviews are administrative actions that permit the Service to "assess the efficacy of its management in meeting Refuge purposes and other legal requirements" is also disingenuous and inaccurate. The Service has other administrative tools for assessing the efficacy of its management, and the only legal purpose for conducting a wild and scenic river review is to inform recommendations to Congress to add rivers to the National Wild and Scenic Rivers System. Additionally, the Service fails to identify what "other legal requirements" require a wild and scenic river review.

Response to Comment 136805.145

In response to public comments, we removed references to ANILCA Section 1004 from the entire Plan. The area encompassed by Section 1004 does not include Arctic Refuge.

We stand by our statement that the wilderness review is a tool to assist the Refuge in evaluating the efficacy of its management. While it is not the only tool available, it does provide insight into the condition of the wilderness resource for lands and waters under Minimal Management. The planning process for the Revised Plan followed the provisions of ANILCA 304(g)(1) and 304(g)(2)(B), which requires us to identify and describe "the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge." ANILCA 304(g)(3)(A) states that each plan shall designate areas within the Refuge according to their respective resources and values and specify the programs for conserving fish and wildlife and the programs relating to maintaining the Refuge's special values. The Service believes the best tool we have to identify, describe, and maintain the Refuge's wilderness values is to use the guidance in 610 FW 4, which describes the wilderness review process. Similarly, a wild and scenic river review allows us to determine outstandingly remarkable river-specific values, including scenic, recreational, geologic, fish, wildlife, historic, and cultural values.

3.2.6 Visitor Use Issues**Comment 137013.016**

Issues Considered but Eliminated, Visitor Use Issues

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

D-10 Crowding. The Service recognizes that “...crowding is a concern in only a few areas of the Refuge.” These areas should be identified in the final Plan and as part of the Refuge’s public information program. This information would help visitors seeking a true Alaska wilderness experience to avoid the crowded areas.

Response to Comment 137013.016

The Refuge website currently offers information that advises visitors of the potential for encountering other visitors and ways to reduce the potential for encounters. Refuge staff recognizes the careful balance that needs to be taken between 1) providing educational materials and opportunities that encourage visitor actions that protect wilderness qualities on the Refuge, versus 2) allowing the public unimpeded access to the Refuge, while 3) not undertaking actions that draw increased visitor numbers to this fragile landscape. As visitor impacts on the ground increase over time, we may need to do more of 1), at the expense of 2), while remaining true to 3). To accomplish this, we will be creating, as soon as possible, additional educational materials on the web and in pamphlet form to encourage appropriate visitor actions. Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Comprehensive Conservation Plan (Revised Plan). This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and it will assess visitor impacts and information needs. Based on this effort, managers may develop new educational requirements to better manage visitor use at the Refuge.

Comment 136794.003

Issues Considered but Eliminated, Visitor Use Issues

**Bill Iverson, President
Alaska Outdoor Council**

Refuge data, draft ANWR CCP/EIS, Chapter 4, 4.4.5 Visitor Use and Recreation, estimates 1,000 to 1,250 visitors to the Refuge per year for the last decade. Of which 90% are supported by commercial concessionaires. None of the draft Alternatives in the CCP/EIS considers ways of reducing: crowding, social conflicts, accumulations of human waste, or site-hardening other than restricting use.

Response to Comment 136794.003

Crowding, social conflicts, human waste, and concentrated use areas are all issues that were raised during public scoping (see Appendix D). These are important issues that Refuge staff decided were best addressed in a VUMP and a Wilderness Stewardship Plan—step-down planning efforts that can focus on the complexity and inter-relationships of the issues. The Refuge is committed to a VUMP (see Chapter 2, Section 2.1.5, Objective 5.4) and a Wilderness Stewardship Plan (Section 2.1.2, Objective 2.4), and these planning processes are scheduled to begin immediately following the decision on the Revised Plan. Together, these step-down plans will allow the Service to address visitor use concerns for the entire Refuge in a holistic manner.

Comment 032625.004

Issues Considered but Eliminated, Visitor Use Issues

**Nicole Whittington-Evans, Alaska Regional Director
The Wilderness Society**

Polar Bear Viewing in Kaktovik -

D-14; Polar Bear Viewing in Kaktovik – TWS supports the approach USFWS has outlined in the DEIS, D5-12, and believe it is critical that a reputable polar bear viewing program be developed in partnership with local guides and the community of Kaktovik. This type of program is in keeping with the National Wildlife Refuge System Improvement Act of 1997 which identified six priority wildlife-dependent recreation uses, including: hunting, fishing, wildlife observation and photography, environmental education, and interpretation. Additionally, this is a wilderness-dependent recreation activity that also provides a local economic opportunity that is in keeping with ANILCA. The USFWS should make every effort to support, help steer and continue to work with at the local community level to ensure that the developing polar bear viewing program is successful and infused with the spirit of stewardship.

Response to Comment 032625.004

Refuge and Marine Mammals Management Polar Bear Program staffs continue to coordinate the Service's community-based partnership with Kaktovik community leaders and other Federal, State, municipal, and tribal governments to manage emerging polar bear viewing tourism activities surrounding the small village of Kaktovik. This broad group of partners addresses human safety and polar bear conservation concerns, including development of a well-managed and coordinated recreational polar bear viewing program and the effects of such a program on the community. The Kaktovik Polar Bear Committee was formed by consent from the Native Village of Kaktovik Tribal Council and originated through a Service-sponsored Tribal Wildlife Grant (2007-2010). The committee is the working group that collaborates with the Service to determine polar bear-related co-management priorities and actions affecting polar bear conservation and the community, along with the Alaska Nanuq Commission, formed through co-management authorities of the Marine Mammal Protection Act of 1972.

Comment 032627.020

Issues Considered but Eliminated, Visitor Use Issues

**Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations**

While many problem issues are recognized in the Draft CCP (D.5 Visitor Use Issues), nearly all are relegated to “considered but eliminated from detailed study.” We are very concerned because the draft CCP primarily addresses only the Kongakut River in the Alternatives and does so with relatively minor measures which do not adequately address the issue. The final CCP must include the strongest possible commitment that the Service will act to restore wilderness character throughout the Refuge (not just the Kongakut River) to the level and quality that existed when Congress designated Wilderness in 1980.

Response to Comment 032627.020

The management options for the Kongakut River included in the Plan's alternatives represent the actions the Refuge can take right now, without promulgating regulations or completing a VUMP. Because the Refuge wants to consider management holistically, the alternatives include interim measures until visitor use management is completed for the entire Refuge. The Refuge

is committed to restoring wilderness characteristics across the Refuge. The Refuge will complete a Wilderness Stewardship Plan (WSP) for the Refuge's designated Wilderness area (see Chapter 2, Section 2.1.2, Objective 2.4), and we will expand efforts to restore impaired or degraded areas in Wilderness and Minimal Management lands (see Objective 2.7). In recognition of the importance of these issues, we have elevated the VUMP and the WSP to our highest planning priority, and they will begin immediately upon approval of this Revised Plan.

Comment 136983.001
RA Montgomery

Issues Considered but Eliminated, Visitor Use Issues

The CCP draft does not include visitor use described in D.5.11-D.5.10. The 1988 CCP said that a public use management plan would need to be a high priority and so far no plans have even begun (that we know of).

Response to Comment 136983.001

The Refuge has decided that public use constitutes a sufficiently complex issue to merit its own step-down plan. In recognition of its importance to the public, the VUMP will begin immediately upon implementation of the Revised Plan. We anticipate it will take 3-5 years to complete.

Comment 136995.001
Barbara Roman

Issues Considered but Eliminated, Visitor Use Issues

The CCP draft is greatly remiss in not addressing the visitor use issues described in sections D.5.11-D.5.10. The problems and impacts they relate to are only growing worse and need to be addressed now. The 1988 CCP recognized that and stated the development of a public use management plan would be a high priority. That was in 1988, and no related step-down plans have even begun. Your CCP workbook asked what issues the plan should address and the public identified these issues. They shouldn't be delayed to some possible future planning process. In particular, crowding on popular rivers needs to be reduced, aircraft landing impacts need to be addressed now, group size should be limited to 8 or 9 people, and for use allocation, a private user preference or "freedom of choice" policy should be implemented.

Response to Comment 136995.001

Managers at the Refuge have decided that options for visitor use management would be best addressed through a public planning process separate from this Revised Plan. Refuge managers, working with a planning team, will immediately begin the VUMP following approval of the Revised Plan. The VUMP will address visitor use issues identified during the process for the Revised Plan and assess visitor impacts and information needs. The management guidelines prescribed in the Revised Plan will be used in the interim to manage visitor use during the development of the VUMP. Refuge managers will consider levels of use, timing and distribution of use, and activities and behaviors of visitors. Managers may use education, site management, regulation, enforcement, and/or rationing/allocation to manage visitor use at Arctic Refuge, consistent with the VUMP. Please also see Chapter 2, Section 2.1.2, Objectives 2.4 and 2.5 and Section 2.1.5, Objective 5.4.

3.3 TOPIC: Alternatives Analyzed

Group C.1: Alternatives Analyzed

Although thorough, the alternatives presented in the CCP are inadequate, as they fail to provide an option to recommend the Porcupine Plateau Wilderness Study Area (WSA) alone, or in conjunction with the Coastal Plain WSA. In relevant part, Alternative A provides for no action beyond the current conservation practices. Alternative B recommends the Brooks Range WSA. Alternative C recommends the Coastal Plain WSA. Alternative D recommends the Brooks Range and Porcupine Plateau WSA. Alternative E recommends all the Brooks Range, Porcupine Plateau, and Coastal Plain WSAs. Alternative F is the same, in relevant part, as Alternative A. I recommend two additional alternatives to provide for a recommendation of the Porcupine Plateau alone, or in conjunction with the Coastal Plain WSA. The current CCP alternatives are inadequate for two reasons: (1) they do not fully satisfy NEPA requirements; and (2) they do not adequately address the International Porcupine Caribou Herd Agreement and the Yukon River Salmon Agreement. These points will be elaborated upon below. In the report, the CCP authors concede that all combinations of the three WSAs were not included, alleging “we could not include all combinations and maintain a manageable number of alternatives.” U.S. Fish and Wildlife Service, FWS-R7-2010-N290, Draft Comprehensive Conservation Plan And Draft Environmental Draft Environmental Impact Statement, Arctic National Wildlife Refuge, 3.13.1 (2011) available at <http://artic.fws.gov/ccp.htm>. This explanation does not pass muster, as a complete picture would require the addition of only two alternatives to the analysis. Failure to do so is a procedural mistake. It limits the agency’s options going forward, and is inadequate for the reasons set forth above.

Submitted By:

- Nathaniel Wallshein 137002.001, 137002.002

Response to Group C.1: Alternatives Analyzed

NEPA requires us to consider a “reasonable range” of alternatives—not every possible alternative. We have complied with, and fully satisfied, the regulatory requirements of NEPA because we offered alternatives ranging from none, one, two, to all three WSAs.

The alternatives adequately address the International Porcupine Caribou Herd Agreement and the Yukon River Salmon Agreement. Under all management alternatives, the Service and Arctic Refuge would continue to cooperatively manage caribou and salmon on Refuge lands and waters according to these international agreements and according to any future revisions or amendments to these agreements (see Chapter 3, Section 3.2.1.1). Impact topics in the effects analysis include Water Quality and Aquatic Habitats, Fish Populations and Natural Diversity, and Mammal Populations and Natural Diversity. Any potential effects of the proposed alternatives on the Porcupine caribou herd or on salmon included in the Yukon River Salmon Agreement are disclosed under these impact topics.

Group C.2: Alternatives Analyzed

the Service should revise the Plan to include an option that allows for responsible oil and gas exploration and development in the 1002 Area of the Coastal Plain.

Submitted By:

- Alaska Outdoor Council, Bill Iverson 136794.009
- Alaska Trucking Association, Aves Thompson 000089.001
- Arctic Power, Matthew Fagnani 032636.002
- Congress of the United States, House of Representatives, Don Young 032617.003
- Fairbanks Chamber of Commerce, Lisa Herbert 009536.003
- Livengood Gold Project, Rick Solie 136814.001
- State of Alaska, Bill Barron 000033.001
- The Silver Agency, Keith Silver 000084.002
- Matthew Fagnani 000046.002
- Peter Gadd 136950.002
- Sami Glascott 000050.001
- Paul S. Glavinovich 136782.001
- Mary Klebs 136975.002
- Katie Montgomery 032615.001
- Lance Roberts 009583.001
- John Shively 221450.001

Response to Group C.2: Alternatives Analyzed

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Group C.3: Alternatives Analyzed

The Service has unreasonably restricted the scope of alternatives and public comment by refusing to consider an oil and gas development alternative in the draft CCP. ANILCA required the Service to study 1002 area's petroleum resources and consider how oil and gas development could impact wildlife and the environment. It also directed the Secretary of Interior to provide Congress with recommendations with respect to such development. In 1987, the Department of the Interior concluded oil development would have minimal impact on wildlife and recommended Congress open the coastal plain to development.

ANILCA mandated the Service to periodically revisit the issue of oil and gas activity within the 1002 area. This directive is as clear as the mandate the Service claims to have that requires it to revisit wilderness issues. There have been considerable advancements in oil and gas exploration and development in the nearly 25 years since the original study was completed.

Submitted By:

- Doyon Limited, John Woodman C.P.G. 137005.001
- Resource Development Council - Website 136523.001
- Gerald A. Richards 221886.001
- Rick Shattuck 136940.001

Response to Group C.3: Alternatives Analyzed

The Service did not unreasonably restrict the scope of alternatives and public comment when we chose not to include an alternative focused on oil and gas development. Such an alternative is not a reasonable alternative under the NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the Refuge. Congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge (Clough et al. 1987) in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Group C.4: Alternatives Analyzed

After the hearing in Anchorage in May 2010, it was our understanding that the purpose of the Agency's scope of work on the ANWR draft was to find a way to strike a balance between critical habitat and ecosystems and the production of critical energy resources.

The CCP draft in its current form only addresses the issue of wildlife and ecosystem protection and completely ignores any alternative uses regarding oil and gas development.

The CCP draft excludes any practices that would include working with the State of Alaska to manage both wildlife protections in conjunction with responsible resource development.

Additionally, the current non-wilderness status of the 1002 Coastal Plain does not hinder USFWS's mission to protect critical habitat and wildlife. Under the National Environmental Policy Act (NEPA), federal agencies must "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources". It's blatantly apparent that the USFWS has not and is not following established law regarding the conflicts surrounding ANWR by virtue of the fact that none of the alternatives you've offered for this revised draft plan provide for options for responsible resource development.

ANILCA (the Law) also specifically directs USFWS to "provide for a comprehensive and continuing inventory of the assessment of the fish and wildlife resources ... and an analysis of oil and gas exploration development". Section 1005 of ANILCA states that the Secretary (of Interior) "shall work closely with the State of Alaska and Native Village and Regional Corporations in evaluating the impacts of oil and gas exploration, development and production".

It is obvious that the USFWS has instead opted to ignore the federal law outlined in ANILCA and has discarded the State of Alaska's opposition to the addition of any wilderness designations in the 1002 area. I feel that the Agency has grievously overreached their legal

authority and should be directed to consider oil and gas development as an alternative management practice.

Submitted By:

- Arctic Power, Gail Phillips 000074.001, 032641.001

Response to Group C.4: Alternatives Analyzed

Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive management plans be prepared and periodically updated for each refuge. While some of the public requested the Plan “strike a balance” between habitats, ecosystems, and energy resources, we did not modify the Plan’s purpose and need statement or the Plan’s alternatives in response to this scoping issue or public comment on the draft Revised Plan.

Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the Refuge. Congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. If Congress makes a management decision, that action will be incorporated into the Plan and implemented.

The Service does have legal authority to conduct a wilderness review. The Revised Plan is an update of the 1988 Plan, is a management plan for the entire Refuge, and is being completed as a statutory requirement of ANILCA Section 304(g)(1). Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” By being part of the Revised Plan, the wilderness review does not violate ANILCA. While the wilderness review could result in a recommendation to designate additional Wilderness areas in the Refuge, it might not include any such recommendation. The Plan includes alternatives that would recommend additional Wilderness and those that would maintain the non-wilderness status of the 1002 coastal plain and other areas of the Refuge. The Service’s authority is limited to making Wilderness recommendations. Only Congress can designate Wilderness.

Group C.5: Alternatives Analyzed

The Service has unreasonably restricted the scope of alternatives and public comment by refusing to consider an oil and gas development alternative in the draft CCP. ANILCA required the Service to study 1002 area’s petroleum resources and consider how oil and gas development could impact wildlife and the environment. It also directed the Secretary of Interior to provide Congress with recommendations with respect to such development. In 1987, the Department of the Interior concluded oil development would have minimal impact on wildlife and recommended Congress open the coastal plain to development.

Submitted By:

- American Petroleum Institute, Richard Ranger 136818.005
- Associated General Contractors of Alaska, John MacKinnon 136824.002
- Granite Construction Company, Mike Miller 136982.002
- Bill Staley 136999.001
- William Staley 137000.001

Response to Group C.5: Alternatives Analyzed

The Service did not violate ANILCA or NEPA when we chose not to include an alternative focused on oil and gas development. Such an alternative is not a reasonable alternative under NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA contains a broad prohibition on such activities “until authorized by an Act of Congress,” and Section 1002 expressly withdrew all public lands in the coastal plain of the Refuge from all forms of entry or appropriation under the mining laws and mineral leasing laws of the United States. These statutory prohibitions bar oil and gas leasing anywhere in the Refuge until Congress enacts future legislation. Past congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Group C.6: Alternatives Analyzed

In 1987, the Department of Interior concluded that oil development would have minimal impact on wildlife and recommended the 1002 area be opened. In 1995, Congress voted to open the area to exploration, but President Clinton vetoed the measure. Now, 16 years later, the new draft plan for ANWR does not even include a single alternative that would recommend opening the 1002 area to oil and gas development.

Submitted By:

- Fairbanks Chamber of Commerce, Lisa Herbert 009536.002
- Greater Fairbanks Chamber of Commerce, Lorna Shaw 032680.002

Response to Group C.6: Alternatives Analyzed

ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987, where it has remained ever since. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Group C.7: Alternatives Analyzed

I have difficulty choosing between your Alternatives C and E, and wish that you would combine the conservation measures of the two.

Submitted By:

- Jeff Fair 136966.001
- Peggy Nelson 136986.001

Response to Group C.7: Alternatives Analyzed

NEPA requires that we present a reasonable range of alternatives. Given the many various combinations of possible approaches to address issues and concerns, we settled on the six

alternatives presented as a reasonable range to approach Refuge management for the next 15 years. The Service decided that these alternatives would achieve the mission of the Service, fulfill the purpose and need for the planning document, and best respond to key issues and concerns identified during public and internal scoping. While we recognize the commenter's concerns, we will maintain the current range of alternatives.

3.3.1 Alternative A: General

Comment 136959.001
Sybil Carof

Alternatives Analyzed, Alternative A: General

Please accept Alternative 1 from CCP (and change the name) to something more appropriate.

Response to Comment 136959.001

We have no Alternative 1 in the Revised Plan. The commenter may be referring to Alternative A. We will continue to refer to Alternative A as "Alternative A" to avoid confusion and to differentiate between all the Alternatives A through F.

3.3.2 Alternative B: Kongakut River Visitor Management

Comment 136816.004 Alternatives Analyzed, Alt B: Kongakut River Visitor Management
John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Fourth bullet under Alternative B is not possible without a strong monitoring program. And I question how an impacted area would be rehabilitated, other than early detection followed by restricting use of the impacted area until it rehabilitates itself naturally.

Response to Comment 136816.004

The Service agrees that a monitoring program is needed for both assessing and managing impacts to resources caused by visitor use. Refuge staff will develop monitoring programs for wildlife and habitats on Refuge lands in an Ecological I&M Plan (Chapter 2, Section, 2.1.1, Objective 1.2). The Refuge staff will also develop a VUMP (Chapter 2, Section 2.1.5, Objective 5.4), and a WSP (Chapter 2, Section 2.1.2, Objective 2.4). The Refuge staff will address habitat monitoring and site rehabilitation related to visitor use in these plans. Please also see Chapter 2, Section 2.1.2, Objective 2.7 for specific actions that the Refuge staff will do to restore impacted sites.

3.3.3 *Alternative C: Kongakut River Visitor Management*

Comment 136796.012

Alternatives Analyzed, Alt C: Kongakut River Visitor Mgmt

**Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife**

As Defenders outlined in our Arctic Refuge CCP scoping comments, recreational use of the Refuge is increasing with improved access. While wildlife viewing, backpacking, and rafting are generally considered low-impact activities, recreation does have the potential to significantly disturb wildlife and detract from the wilderness experience valued so highly by visitors to the Refuge. We believe the visitor use management actions outlined in Alternative C will help the Service to better protect the ecological integrity of the Refuge while providing high-quality, wilderness-associated visitor experiences. However, to the extent that budget and staffing allows, we encourage the Service to add to Alternative C the additional provisions related to Kongakut River visitor use provided in Alternatives D and E, namely to:

- Increase efforts to educate about compliance and then enforce compliance of Special Use Permit conditions and existing visitor use regulations.
- Redistribute the number of groups on the river during heavy use periods (late June and mid-August) by working with commercial guides to voluntarily modify their use of the river basin throughout the season.
- Work with commercial air-taxi operators to avoid flight-seeing activities and to disperse commuting flight paths in and out of the Kongakut valley, subject to safe aircraft operation, inclement weather conditions, and takeoff and landing approach requirements.⁴⁶

Response to Comment 136796.012

In response to this and other comments received, Refuge managers have rewritten the Kongakut River management alternatives to more clearly express increased efforts to address immediate concerns about the river's conditions. Action alternatives propose that Kongakut River management issues be addressed in Visitor Use Management and Wilderness Stewardship plans, to begin immediately upon approval of this Revised Plan. Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions affecting desired resource conditions and visitor experiences consistent with the values for which the area was established. Managers may use education, regulation, redistribution, and allocation of visitor use to better manage visitor use at the Refuge. These step-down plans will develop a management framework including stated desired conditions and management goals, standards, indicators, thresholds, and actions to insure accountable management of Kongakut resources.

In the interim, this Revised Plan identifies, in Goals 2, 5, and 9 (see Chapter 2, Section 2.1), objectives illustrating a commitment to educating the public, including commercial guides, about Refuge management issues of concern related to wilderness characteristics on the Kongakut, minimizing impacts to natural and experiential resources, and enforcing existing visitor use regulations meant to protect those resources. Goal 5 also conveys the Refuge's intent to increase its work with commercial service providers to temporally redistribute commercial groups on the river until the step-down plans are completed. In addition, Kongakut River management under Alternatives B and C place an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first; and Alternative B was also modified to include that, "beginning in 2012, and yearly thereafter until step-down planning is complete,

Refuge staff would expand monitoring of visitor use impacts and experience opportunities to document the range of degradations that have occurred.”

The Refuge has no authority to regulate flightseeing because airspace is regulated by the Federal Aviation Administration (FAA). The Refuge only has authority to regulate flights in which landings occur or to take law enforcement action when a flight results in actual harassment of animals or other illegal acts. Although the FAA regulates the airspace above the Refuge, we are concerned with aircraft disturbance to both visitors and wildlife. We have revised Appendix D, Section D.5.15 (Fixed-wing Aircraft) to commit the Refuge to addressing such aircraft issues during the development of the concurrent VUMP and WSP. One possibility these plans will consider is development of a voluntary agreement between the Refuge, commercial air service providers, and private pilots to lessen the visual and noise effects of aircraft in certain areas or at certain times. Recognizing that the Refuge’s flight program is also part of the concern, the Service would also be subject to the provisions of a voluntary agreement. As part of the Revised Plan’s commitment to use information and education as a management tool (Goal 9), the Refuge will expand efforts to inform pilots of disturbance problems and encourage them to use altitudes and procedures that minimize or avoid these problems.

3.3.4 Alternative C: Wild and Scenic Rivers

Comment 032613.001 Alternatives Analyzed, Alt C: Wild and Scenic Rivers

Jon Klingel

-----Preamble/Intro-----

However, I suggest Alternative C be modified to add the following:

-----Comment-----

Recommend the Brooks Range WSA for Wilderness designation.

Recommend the Hulahula River for Wild and Scenic status.

Recommend the Marsh Fork of the Canning River for Wild and Scenic status from the headwaters downstream to at least Shublik springs.

Recommend the Kongakut River for Wild and Scenic status.

I also suggest you take a close look at the East Fork of the Chandalar River from the headwaters above Arctic Village to the flat water above the village and downstream from the village to Venetie. This river has good Wild and Scenic qualities except near Arctic Village which has a lot of activity including power river boats.

Response to Comment 032613.001

A variety of alternatives could have been developed for the Revised Plan, including several combinations of WSAs, suitable wild and scenic rivers, and Kongakut River visitor management proposals. NEPA, however, requires we present a reasonable range of alternatives and not every possible alternative. While we appreciate your suggestion, we have decided not to revise the alternatives in the Plan.

The full extent of the East Fork Chandalar River within Arctic Refuge was evaluated in the wild and scenic river review (see Appendix I). The river was determined to have an outstandingly remarkable cultural value. While the East Fork Chandalar River meets many of the criteria that would make it a suitable addition to the National Wild and Scenic River System, the boundary between the Refuge and lands owned by the Native Village of Venetie

Tribal Government is in the middle of the river. Joint management would be required to fully implement the Wild and Scenic Rivers Act for this waterway. While the tribe has expressed some interest in partnering with us in this effort, we could not guarantee joint management would occur and therefore did not recommend this river. Nothing in the wild and scenic river review prevents or prohibits a reexamination of this river, and a different conclusion could be drawn then. It is quite possible that through continued communication and consultation with the Native Village of Venetie Tribal Government, a partnership will develop that would eventually allow the East Fork Chandalar River to be effectively managed as a wild river.

3.3.5 Alternative C: Wilderness

Comment 248856.001

Alternatives Analyzed, Alternative C: Wilderness

National Wildlife Refuge Association - Email v1 - alt C

I urge the FWS to modify Alternative C to include Wilderness recommendation for other refuge lands that are eligible and qualify for such designation but include exceptions to permit the continuation of traditional activities on the refuge by the Gwich'in people. These exempted areas should be managed in a manner that supports these traditional and cultural activities while maintaining Wilderness characteristics.

Response to Comment 248856.001

Alternative E recommends all suitable Refuge lands be designated as Wilderness, with the exception of the areas in the vicinity of Arctic Village and Kaktovik. The excluded areas were developed in coordination with local residents and tribal representatives. The 181,077 acres near Arctic Village and the 29,160-acre area around Kaktovik will remain in Minimal Management across all the alternatives. The Refuge is mandated by ANILCA to provide the opportunity for continued subsistence uses by local residents when consistent with other Refuge purposes. ANILCA also requires a priority preference for subsistence uses. Currently, traditional activities are allowed to continue across the Refuge, whether in designated Wilderness or lands under Minimal Management.

Comment 006022.001

Jon Klingel

Alternatives Analyzed, Alternative C: Wilderness

The Marsh Fork of the Canning area should be added to Alt. C as Wilderness. The Marsh Fork is the most biologically productive portion of the Canning with an excellent sheep population, the major mineral lick for the region, with significant use by wolves, caribou, grizzly, and moose, in addition to Dall Sheep. It also has a wintering population of arctic char. The Marsh Fork has excellent wilderness characteristics and is used by hikers and people floating the river. The most popular route is float plane access at Porcupine Lake. See Canadian Arctic Gas Study Ltd. (CAGSL) series for detailed biological information, especially Vol. 24.

Response to Comment 006022.001

The Refuge recognizes the importance of the Marsh Fork Canning River and has identified it as having outstandingly remarkable fish and recreational values through the wild and scenic river review. A variety of alternatives could have been developed for the Revised Plan, including several combinations of WSAs, suitable wild and scenic rivers, and Kongakut River visitor management proposals. NEPA requires we present a reasonable range of

alternatives—not every possible alternative. Rather than proposing a finger of designated Wilderness management along a single river corridor, the wilderness review in the Revised Plan evaluates three large WSAs: Brooks Range, Porcupine Plateau, and Coastal Plain. The Marsh Fork Canning River is part of the Brooks Range WSA and is therefore included in alternatives B, D, and E. The Plan’s goals, objectives, and management policies and guidelines (see Chapter 2) recognize the wilderness characteristics, ecological integrity, and recreational values of the entire Refuge. These aspects of the Plan would be adopted and implemented if any of the five action alternatives (alternatives B, C, D, E, or F) were to be selected as the preferred alternative. Through the goals, objectives, and management policies and guidelines, the Marsh Fork Canning would be managed for the qualities and attributes you identify in your comment. However, it would only receive the more permanent commitment of Wilderness protection if Alternatives B, D, or E were selected as the preferred alternative and wilderness recommendations were adopted by Congress through legislation. While we appreciate your suggestion, we have decided not to revise the alternatives in the Plan.

3.3.6 Alternative E: Funding and Personnel

Comment 136800.011

Alternatives Analyzed, Alt E: Funding and Personnel

Debbie Miller, Author

Caribou Enterprises – Full

Given our economic times, I was somewhat surprised to read that 21 employees would be needed if Alternative C or E were to be implemented. Our current budget hawks might find it rather absurd to learn that 21 new staff positions (\$749,000) are needed to designate some of the Refuge lands as wilderness? Some thought should be given to our economic times and the true budgetary needs for wilderness managed lands.

Frankly, I can’t imagine that new wilderness legislation would pass Congress with such a fiscal note attached. I recommend that the budget for managing wilderness be more modest and in keeping with current staffing at the Arctic Refuge.

Response to Comment 136800.011

The additional staff and budget put forward in the alternatives is not a result of Wilderness, as you suggest. Rather, additional funds and staff are needed to complete the work outlined in the goals and objectives. We agree with you, however, that the number of staff and the dollars requested appear excessive. We have revisited our staffing and funding evaluations of the alternatives to make sure they accurately reflect what is truly needed to implement the Revised Plan. The total number of positions was reduced to 3.5 full-time permanent employees, one temporary intermittent employee, and four temporary seasonal employees. Base cost was reduced from \$4,601,000 in the draft Plan to \$4,044,000 in the Revised Plan. We have also added language to the description of the alternatives to clarify that it is the goals and objectives that are driving the funding and staffing needs.

3.3.7 Alternative E: Wilderness**Comment 136811.001**

Alternatives Analyzed, Alternative E: Wilderness

Mark Richards, Co-Chair**Alaska Backcountry Hunters & Anglers**

We would have preferred an alternative management plan that included both the Coastal Plain and Brooks Range WSAs, but did not include the Porcupine Plateau WSA. However, for whatever reason that was not an option within the Draft CCP.

We do not support inclusion of the Porcupine Plateau WSA in Alternative E, as this area south of Brook Range includes a number of privately owned in holdings, permitted cabins, thousands of acres of private Native lands, the Canyon Village town site, and has long been a heavily utilized hunting and fishing trapping destination for many subsistence and other users. We don't believe wilderness designation is appropriate for this area of the Refuge.

Response to Comment 136811.001

A variety of alternatives could have been developed for the Revised Plan, including several combinations of WSAs, suitable wild and scenic rivers, and Kongakut River visitor management proposals. NEPA, however, requires we present a reasonable range of alternatives and not every possible alternative. While we appreciate your suggestion, we have decided not to revise the alternatives in the Plan. We have noted your reasons for not wanting the Porcupine Plateau recommended for Wilderness.

Comment 136800.010

Alternatives Analyzed, Alternative E: Wilderness

Debbie Miller, Author**Caribou Enterprises – Full**

I support Alternative C and Alternative E with respect to the establishment of new wilderness areas within the Arctic Refuge.

However, Alternative E needs to modify its proposed wilderness boundaries to better reflect the local concerns of Venetie and Arctic Refuge residents. There should be an adequate amount of land surrounding these villages for logging, subsistence activities, and other possible commercial uses. I recommend that USFWS conduct a series of meetings with villagers to better define these boundaries for proposed wilderness on the south side of the Brooks Range.

Securing wilderness designation of the coastal plain of the Arctic Refuge has been a goal for many Americans for more than three decades. This is the most threatened area within the Refuge and the most biologically sensitive region. Alternative C should take precedence because of this.

At the same time, USFWS should work with local communities in the southern region of the Refuge and propose a southern wilderness region that has widespread support. When Alternative E is modified to reflect those interests, we can move forward with future wilderness proposals for the southern region of the Refuge.

Response to Comment 136800.010

Both Alternatives B and E include an 181,077-acre area that would be excluded from wilderness recommendation if either of these alternatives were to be selected as the preferred alternative. Under all the alternatives, the lands in the exclusion area would continue to be

managed as Minimal Management, as they are now. The exclusion area was identified through face-to-face conversations with residents of Arctic Village, as well as with representatives of the Arctic Village Council and the Native Village of Venetie Tribal Government. Some of the residents provided us with hand-drawn maps outlining important subsistence and logging areas and travel corridors. The information gathered during our visit to the village was compiled to create the exclusion area. The maps of Alternatives B, D, and E (see Chapter 3) have been revised to show the exclusion area. We developed a 29,160-acre exclusion area around the community of Kaktovik through a similar process, and the maps for Alternatives C and E have been revised to show this exclusion area as well.

3.3.8 Alternatives Development

Comment 136805.107

Alternatives Analyzed, Alternatives Development

**Sean Parnell, Governor
State of Alaska**

Page 3-54, § 3.4.5.1 Wilderness. ANILCA Section 304(g)(1) states “...the Secretary shall identify and describe”... “special values”... “or wilderness values of the refuge.” The Service is not mandated to preserve wilderness character outside of designated wilderness nor does the Refuge have a “purpose of preserving wilderness values.” This discussion reveals a major flaw in this basic assumption.

Response to Comment 136805.107

You are correct that the Service is not mandated to preserve Wilderness character outside of designated Wilderness. Further, the establishing purpose of the former Arctic Range only applies to those lands and waters that were part of the former Range, not the entire Refuge. In response to your comment, we have changed the first sentence in Chapter 3, Section 3.4.5.1 and other sections of the Revised Plan, such as Appendix H, where we were unclear or in error about the Refuge’s purposes. ANILCA Section 304(g)(3) states the Plan will specify programs for management of the Refuge’s special values. The wilderness resource value of the Refuge’s minimally managed lands and waters is a special value of the Refuge, and therefore it is appropriate for the Service to explore alternatives that would manage wilderness characteristics of both designated Wilderness and Minimal Management lands.

Comment 136852.001

Alternatives Analyzed, Alternatives Development

Marilyn Savage

How did we decide to do the six alternatives? There seems to be a division between C and E – I like E, but how did we come up with these alternatives?

Response to Comment 136852.001

NEPA requires us to present a reasonable range of alternatives. During a one-week planning workshop, Refuge staff, Service planners, and Arctic Refuge planning partners explored numerous options for the Plan’s alternatives. We eventually settled on six alternatives that constitute a reasonable range of approaches to Refuge management for the next 15 years. All six of the alternatives achieve the mission of the Service, meet the purposes of the Refuge, fulfill the purpose and need for the planning document, and respond to key issues and concerns identified during public and internal scoping.

3.3.9 Evaluation of Alternatives**Comment 136794.002**

Alternatives Analyzed, Evaluation of Alternatives

Bill Iverson, President**Alaska Outdoor Council**

There are no Alternatives in the draft ANWR CCP/EIS to enhance opportunities to participate in wildlife-dependent recreation. Recreational values, while no longer listed as one of the purposes of the federal law create by ANILCA for ANWR, still need to be part of a detailed study in the CCP. The National Wildlife Refuge System and Goals and Refuge Purposes document 601 FW 1 1.8(D) includes providing and enhancing recreational opportunities.

Alaskans don't want to see any further reduction in public access to public lands. There are other ways to reduce recreational users impacts on Refuge lands and user conflicts that are not part of any of the proposed Alternatives published in the draft ANWR CCP/EIS.

Response to Comment 136794.002

Arctic Refuge is part of the National Wildlife Refuge System. As such, we are mandated to provide opportunities for the public to use and enjoy Refuge lands while meeting its primary mission of conservation stewardship. We manage the Refuge to provide for wildlife-dependent recreational uses, and certain uses (specifically: hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation) are priority public uses. Such recreational opportunities are compatible with Refuge purposes (see Appendix G) and will not be diminished by any aspect of the Revised Plan. Public access to the Refuge is consistent with ANILCA, and public recreation will be managed "to perpetuate experiences that are consistent with the National Wildlife Refuge System Improvement and Refuge Recreation Acts, ANILCA Section 101 recreation provisions, the Refuge's special values (Section 1.5), and with consideration of public preferences"(Chapter 2, Section 2.4.15). Further, we state in Chapter 3, Section 3.2.1.2, that regardless of the alternative selected, the Service and the Refuge will continue to "allow appropriate and compatible private and commercial uses," "provide methods of public access currently allowed by law and regulation," and that "recreational opportunities that currently exist at Arctic Refuge will continue to be provided."

Comment 136803.002

Alternatives Analyzed, Evaluation of Alternatives

Lisa Murkowski, Senator, Alaska**US Senate**

2. The federal government does not have and will not have the resources necessary for the study, process, or ultimate management attendant to the recommendation or designation of new Wilderness areas in the Arctic. The Interior Department has faced enormous challenges in retaining its most experienced professionals since the federal salary freeze adopted in 2010 as a spending reduction measure. It is commonly known and even accepted at the federal level that budgetary constraints will impact all levels of employees, government wide, and all federal operations. Because of the exacerbated expense and difficulty in maintaining the characteristics of lands for conservation purposes in an Arctic environment, FWS recommending additional Wilderness or WSRs is particularly egregious from a standpoint of fiscal responsibility.

Response to Comment 136803.002

The additional staff and funding put forward in the alternatives is not a result of recommending additional Wilderness areas. Rather, additional staff and funds would be needed to complete the

work outlined in the goals and objectives of the Revised Plan. We recognize that, in light of current budget declines, the Plan represents an ambitious set of goals and objectives for the next 15 years. We acknowledge in the Plan that the described programs may exceed future budget allocations and therefore do not constitute specific commitments for future staff increases, project details, or funding. The Plan identifies Service priorities so that the highest priority work will be accomplished. We agree with you that the number of staff and the dollars requested in the draft Plan appear to be high. As a result, we have revisited our staffing and funding needs to more accurately reflect what would be needed to implement the Plan. The total number of positions was reduced to 3.5 full-time permanent employees, one temporary intermittent employee, and four temporary seasonal employees, and the base cost was reduced to \$4.04 million. In addition, we have added language to clarify that it is the goals and objectives that are driving the funding and staffing needs.

Comment 136844.001
Unnamed 8

Alternatives Analyzed, Evaluation of Alternatives

Is there an Alternative the Feds don't want?

Response to Comment 136844.001

The final plan includes the Preferred Alternative.

Comment 032656.001
Michael Pollen

Alternatives Analyzed, Evaluation of Alternatives

-----Preamble/Intro-----

America and Alaska needs to tap the resource potential of the 1002 area as was planned in the original ANILCA act. It is important to keep in mind that this resource potential will add to the wealth of our state and nation, not just as an economic objective, but as an environmental one. One of the greatest threats to sustaining a healthy environment is human poverty. A sad example of that is Haiti, where the impoverished population has virtually denuded this once lush tropical island for what fuel value could be obtained from the forests. The erosion that has followed from tropical storms continues to wash the once fertile soil into the ocean, continuing the cycle of poverty and environmental ruin. I believe that one of the reasons that Alaska and the US are able to maintain reasonable environmental controls is that we can afford to do so. Tapping the resource potential of the 1002 area is a means to sustain our economy and the high quality environmental systems we use in the US.

Alaskans and the oil and gas industry know how to do this with minimal impact. Our passage through this area will likely last for decades, but will someday fade away leaving the natural environment to return to its wilderness condition. In the interim, Alaska and the US will benefit from the jobs, creation of wealth, and support of environmental systems and technology that will derive from the resource potential of the 1002 Area.

-----Comment-----

I urge you to consider carefully the full range of the potential impacts that a wilderness designation of the 1002 Area will have. A broader analysis may well reveal that economic and environmental interests actually converge to their mutual benefit here.

Response to Comment 032656.001

The environmental consequences section of the Revised Plan addresses the effects of each of the Plan's six alternatives. There would be no economic or environmental effect from the administrative action of recommending additional Wilderness areas in the Refuge. We also disclose the effects of potential Wilderness designation on a variety of impact topics, including fish and wildlife resources and the local economy, even though Wilderness designation is not a reasonably foreseeable future action. We discuss these effects under the no-action alternative (Alternative A) and for each of the action alternatives (Alternatives B-F). We believe our effects analysis is sufficient for the decision maker to make an informed decision regarding wilderness recommendations and other aspects of the Revised Plan.

**Comment 032626.028
Greg Warren****Alternatives Analyzed, Evaluation of Alternatives**

V1, 3-10, 3.2 Alternatives: To clarify roles and responsibilities, I recommend that the discussion be supplemented with the following: "ADFG will continue to establish hunting regulations in the Refuge. Initial compatibility determinations of the ADGF hunting regulations effects on key wildlife species will be completed within two years. These determinations will be updated when population trends change or regulations for harvest levels (bag limits) and hunting seasons are modified by Alaska Board of Game/ADFG or every five years, which every period is sooner."

Response to Comment 032626.028

Chapter 3, Section 3.2 was not changed in response to your comment. This section describes the Plan's six alternatives and addresses the Service's and Refuge's management actions that will continue regardless of which alternative is selected. This section does not list non-Service management actions.

Pursuant to the Master Memorandum of Understanding between the Service and ADFG (see Appendix B, Section B.1.1), the ADFG agrees to "recognize the Service as the agency with the responsibility to manage migratory birds, endangered species, and other species mandated by Federal law, and on Service lands in Alaska to conserve fish and wildlife and their habitats and regulate human use." Correspondingly, the Service agreed to "recognize the right of the ADFG as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska," and to use the State's regulatory process to the maximum extent allowed by Federal law. The State of Alaska also agrees to "manage fish and resident wildlife populations in their natural species diversity on Service lands."

According to the Services' Appropriate Uses Policy (603 FW 1.10B) when compatible, the take of fish and wildlife under State regulations is a Refuge use, and we have found this use to be appropriate on Arctic Refuge (see Appendix G). The promulgation of regulations is not a Refuge use and therefore is not subject to compatibility. The "take of fish and wildlife" under state regulations on Arctic Refuge, including all equipment, facilities, and services needed to support hunting, was evaluated in two compatibility determinations, "Commercial Big-game Hunting Services" and "General Hunting" and found to "not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission." Therefore, these uses are compatible.

Comment 032626.030
Greg Warren

Alternatives Analyzed, Evaluation of Alternatives

V1, 3-53, 3.4.3 Response to National Wildlife Refuge System Mission: It is possible that the relinquishment of Refuge population management responsibilities to the State is resulting in the Refuge System being degraded. Alternatives need to address State fish and wildlife hunting regulations concerns.

Response to Comment 032626.030

Responsibility for management of Refuge wildlife populations has not been relinquished to the State. Hunting on Arctic Refuge under current State and Federal regulations was found compatible with Refuge purposes and the mission of the National Wildlife Refuge System (see Appendix G). As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed the Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

This Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge, which do not vary across the five action alternatives. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. Addressing the effects of Refuge management activities on the National Wildlife Refuge System is beyond the scope of this Plan.

Comment 032626.039
Greg Warren

Alternatives Analyzed, Evaluation of Alternatives

The DEIS does not discuss the scientific and analytic basis for the comparison of the proposed action and alternatives. A Supplemental or Final EIS needs to correlate the discussion of effects to the affected environment chapter.

Response to Comment 032626.039

The CEQ’s regulations state the environmental consequences section of an EIS “forms the scientific and analytic basis” for the comparisons of the alternatives. The regulations also say the section will include the environmental impacts of the alternatives, any adverse environmental effects that cannot be avoided should the proposal be implemented, the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved should the proposal (Plan) be implemented. Given the nature of the Plan, we believe the environmental consequences section meets the

requirements of the regulations and discloses the effects of the alternatives we considered. Based on specific comments from other reviewers, we made numerous changes to the environmental consequences chapter that we believe strengthened the analysis. The environmental consequences section of an EIS related to a plan is, by nature, more general than the same section of an EIS evaluating a specific project. Because the document is a combined Plan and EIS, the affected environment chapter contains substantially more information than is required for the impact assessment but is of value in understanding and documenting our knowledge of the resources and uses of the Refuge.

3.3.10 Management Actions Common to All Alternatives

Comment 136817.022 Alternatives Analyzed, Management Actions Common to All Alts
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

-----Preamble/Intro-----

In its discussion of alternatives, the Draft Plan sets forth several management actions common to all alternatives. One category of these management actions is “public use and access,” addressed in Section 3.2.1.2 of the Draft Plan. Although Section 3.2.1.2 of the Draft Plan contains a paragraph addressing subsistence, this discussion is insufficient.

-----Comment-----

First, the bulleted list of actions that the USFWS and the Refuge will continue to take as “standard practice” with regard to “public use and access” contains no reference to subsistence use and access for subsistence use, and is therefore incomplete. ASRC and NSB propose that USFWS add the following bullets to the list of standard practices under Section 3.2.1.2 in the final revised Plan:

* provide the opportunity for continued subsistence uses by local residents * ensure that rural residents engaged in subsistence uses have reasonable access to subsistence resources, subject to reasonable regulation

Response to Comment 136817.022

In response to your comment, we added a bullet to the list in Chapter 3, Section 3.2.1.2, that states the Service will provide the opportunity for continued subsistence uses by federally qualified rural residents. We have also added text to the second bullet clarifying that “public access” includes rural residents engaged in subsistence uses.

Comment 136817.023 Alternatives Analyzed, Management Actions Common to All Alts
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

-----Preamble/Intro-----

In its discussion of alternatives, the Draft Plan sets forth several management actions common to all alternatives. One category of these management actions is “public use and access,” addressed in Section 3.2.1.2 of the Draft Plan. Although Section 3.2.1.2 of the Draft Plan contains a paragraph addressing subsistence, this discussion is insufficient.

-----Comment-----

Second, although the “Subsistence” paragraph appropriately recognizes that “[p]roviding for continued subsistence opportunities is an important purpose of Arctic Refuge,” the paragraph otherwise only addresses resource monitoring to ensure the compatibility of subsistence use. It says nothing of how, under each alternative, USFWS will, in accordance with the relevant provisions of ANILCA, provide for such continued subsistence opportunities. Given the stated importance of this purpose of the Refuge, this discussion should be expanded to explain that, regardless of the alternative selected, USFWS will provide the opportunity for continued subsistence uses by local residents and ensure that rural residents engaged in subsistence uses have reasonable access to subsistence resources, subject to reasonable regulation.

Response to Comment 136817.023

The intent of the paragraph on subsistence in Chapter 3, Section 3.2.1.2 is to state the Refuge will provide for continued subsistence opportunities regardless of which alternative is selected in the record of decision (ROD). For explanations of how this will be accomplished, we refer you to the goals and objectives and management policies and guidelines in Chapter 2. While most of the chapter has bearing on subsistence resources and opportunities, we direct you especially to Section 2.4.13.

Comment 136805.101

Alternatives Analyzed, Management Actions Common to All Alts

**Sean Parnell, Governor
State of Alaska**

Page 3-12, Porcupine Caribou Herd. The State of Alaska has primary management authority for the Porcupine Caribou Herd. We request the state management authorities be recognized in this paragraph.

Response to Comment 136805.101

In response to your comment, we acknowledged the State of Alaska’s authority in management of the Porcupine caribou herd in Chapter 3, Section 3.2.1.1.

Comment 136805.102

Alternatives Analyzed, Management Actions Common to All Alts

**Sean Parnell, Governor
State of Alaska**

Page 3-13, § 3.2.1.2 Public Use and Access, Subsistence, first paragraph. Section 303(2)(B)(iii) of ANILCA, is very specific. One of the four purposes for which the Refuge was established is to provide the opportunity for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats. To be consistent with ANILCA, we request the last sentence be revised by replacing the general reference to .other Refuge purposes. with the two specific purposes above.

Response to Comment 136805.102

In response to your comment, we changed the paragraph on subsistence in Chapter 3, Section 3.2.1.2.

**Comment 136767.001
Unnamed 6**

Alternatives Analyzed, Management Actions Common to All Alts

-----Preamble/Intro-----

Meeting Notes Draft CCP Meeting in Venetie

-----Comment-----

Why did we lose the sheep management area?

Response to Comment 136767.001

The Arctic Village Sheep Management Area was established in 1991, expanded in 1995, and remains in place today. Regulations governing Dall's sheep hunting in the Arctic Village Sheep Management Area are set by the Federal Subsistence Board and the State of Alaska Board of Game, with input from the Federal Regional Advisory Councils and other interested publics. A brief history of regulations and the current status of the Area are included in Chapter 4, Section 4.3.7.3 under the heading "Dall's Sheep." Currently, sheep hunting in the Arctic Village Sheep Management Area, including the 1995 addition of Red Sheep and Cane creeks drainages, are limited to federally qualified subsistence hunters from the communities of Arctic Village, Venetie, Fort Yukon, Chalkyitsik, and Kaktovik during the season from August 10th through April 30th. Further, the Refuge does not authorize commercial big-game guides in the area around Arctic Village, including the Arctic Village Sheep Management Area, to minimize conflicts between local and nonlocal users.

**Comment 136784.001
Adrienne Hall**

Alternatives Analyzed, Management Actions Common to All Alts

In all alternatives I'd encourage the Refuge to establish a formal monitoring protocol for wilderness character as outlined in Keeping it Wild by Landres et al.

<http://www.wilderness.net/toolboxes/documents/WC/Keeping%20it%20Wild%20Interagency%20Strategy%20GTR-212.pdf> 3)

Response to Comment 136784.001

A formal monitoring protocol for Wilderness character was developed for five of the six alternatives (Alternatives B, C, D, E, and F). The Service has adopted Keeping it Wild as a monitoring protocol for designated Wilderness across the National Wildlife Refuge System. Objective 2.6 (see Chapter 2, Section 2.1.2) was revised to reflect this policy decision, and under the objective, the Refuge is committed to monitoring Wilderness character. The full suite of goals and objectives, including Objective 2.6, will be adopted should any one of the five action alternatives be selected as the preferred alternative. This provision will not be adopted if Alternative A, the no-action alternative, is selected.

3.3.11 No Oil and Gas Alternative

Comment 000097.001 Alternatives Analyzed, No Oil and Gas Alternative
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

We believe the Service violated ANILCA and NEPA and BEPA by failing to consider development on the coastal plain as one of the alternatives in the draft CCP and EIS.

ANILCA specifically requires the Service to consider oil and gas exploration, development and production activities in this area. Under NEPA, the Service must consider all reasonable alternatives for land management in the Refuge and oil and gas development is a reasonable alternative, particularly since Congress specifically set aside the coastal plain for potential development.

Response to Comment 000097.001

The Service did not violate ANILCA or NEPA when we chose not to include an alternative focused on oil and gas development. Such an alternative is not a reasonable alternative under NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the Refuge. Congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. If Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 032620.001 Alternatives Analyzed, No Oil and Gas Alternative
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

AOGA is greatly concerned by the Service's failure to consider the vast resources contained in the coastal plain area of ANWR in the draft CCP/EIS. On the contrary, AOGA believes the importance of these resources to U.S. domestic supply and energy needs cannot and should not be ignored. The U.S. Geological Survey ("USGS") estimates that the coastal plain could hold up to 16 billion barrels of oil and 18 trillion cubic feet of natural gas. To put this in perspective, to date, approximately 16 billion barrels of oil have been produced from Alaska's North Slope. This means oil might continue to flow through the Trans-Alaska Pipeline System ("TAPS") for potentially another 30 years if the coastal plain is opened to development.

In 2010, the U.S. consumed 19.1 million barrels of petroleum products per day, importing over 50-percent, costing hundreds of millions of dollars per day and resulting in the export of hundreds of thousands of jobs. Development of ANWR's potential oil and gas resources would help increase the nation's energy independence, extend the life of TAPS, increase tax and royalty revenues to state, local and federal governments, and create tens of thousands of jobs on an annual basis across the country. The lack of any consideration of ANWR's oil and gas potential should be corrected in the final CCP/EIS.

Response to Comment 032620.001

Chapter 4, Section 4.2.7 of the Revised Plan discusses oil and gas occurrence and potential in Arctic Refuge. However, the Service has no authority over the disposition of potential oil and gas resources underlying the 1002 Area of the Refuge. Oil and gas disposition is not related to the purpose and need for the Revised Plan and has no basis in the Refuge's purposes or the mission of the National Wildlife Refuge System. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 032620.010

Alternatives Analyzed, No Oil and Gas Alternative

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

The draft CCP/EIS, if finalized as written, would violate NEPA because it does not evaluate a reasonable range of alternatives and because it contains an unlawfully narrow, and incorrect, purpose and need statement. The CCP/EIS' failure to consider opening the 1002 coastal plain for oil and gas development at least as an alternative in the EIS is a fundamental violation of NEPA as well. NEPA regulations, CEQ guidance, and case law require that a NEPA review consider every reasonable alternative to a proposed action. See, e.g., 40 CFR 1502.14(a) (An EIS must "Rigorously explore and objectively evaluate all reasonable alternatives.") Failure to do so defeats the purpose of NEPA, in part by failing to inform the public of all alternatives prior to adopting a course of action.

Here, Congress required USFWS to open the 1002 coastal plain for exploration activity and to report to Congress on whether it should be opened for oil and gas development. Section 1002(d), (h). An alternative which Congress has required the agency conducting the EIS to study is necessarily a reasonable alternative which must be considered in an EIS. Moreover, CEQ guidance on NEPA requires that agencies consider all alternatives including those which require Congressional legislation. A correct approach under NEPA here would be a legislative EIS pursuant to Section 1002(h) and NEPA regulations at 40 CFR 1506.8.

USFWS' claimed justification for its refusal to consider an EIS alternative of development of the 1002 coastal plain area as required by Congress is also wrong. USFWS asserts that "The purpose and need for the CCP is to ensure that activities, actions and alternatives fulfill the legal purposes for which the Refuge was established... It is outside the Refuge's and Service's administrative authority to consider or propose oil and gas development activities." EIS Summary at 15. However, Congress directed DOI, by statute, to consider exactly such an alternative in Section 1002 of ANILCA, which created the 1002 coastal plain as a distinct part of the Refuge. DOI itself recommended this alternative in the 1987 1002(h) Report and Legislative EIS submitted to Congress. The "administrative authority" of the Service here also includes the express duty to promulgate regulations for oil and gas exploration in the coastal plain pursuant to Section 1002(c), an authority the Service acted upon.²⁶

To say the least, consideration of oil and gas development cannot therefore be presumptively contrary to the express statutory purposes of the Refuge with respect to 1002.²⁷ Once again, ANILCA controls consideration of the "purpose" of the Refuge. Nor is DOI lacking "administrative authority" to give effect to the statutory duties imposed on the agency by Congress.

Unfortunately, the failure to inform the public and to consider all reasonable alternatives, including further exploration and potential development in the coastal plain, is so pervasive as to invalidate the public process which has been followed to date. The initial public notice of the CCP stated that “we will not consider or respond to comments that support or oppose [oil and gas] development,” thus skewing the public comment process from the beginning. 75 FR 17765, April 10, 2010. Now, despite receiving many such comments, USFWS has refused to consider a Congressionally mandated alternative of potential oil and gas development.

The result is a draft EIS which fails to advise the public of key issues and alternatives, and which is “so inadequate as to preclude meaningful analysis.” See 40 CFR 1502.9.

Response to Comment 032620.010

The Service did not violate ANILCA or NEPA when we chose not to include an alternative focused on oil and gas development. Council on Environmental Quality (CEQ) regulations require us to consider a reasonable range of alternatives—not all possible alternatives. Further, while CEQ regulations allow us to consider alternatives that would require legislation, we are not required to do so.

We determined that an oil and gas alternative is not a reasonable alternative under NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA contains a broad prohibition on such activities “until authorized by an Act of Congress,” and Section 1002 expressly withdrew all public lands in the coastal plain of the Refuge from all forms of entry or appropriation under the mining laws and mineral leasing laws of the United States. These statutory prohibitions bar oil and gas leasing anywhere in the Refuge until Congress enacts future legislation. Past congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

The Service does have legal authority to conduct a wilderness review and has not violated ANILCA Section 1326. The Revised Plan is an update of the 1988 Plan and is a management plan for the entire Refuge. The Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1). Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” By being part of the Revised Plan, the wilderness review does not violate ANILCA.

You are correct that some of our public involvement materials said “we will not consider or respond to comments that support or oppose [oil and gas] development.” However, we have accepted, read, evaluated, and considered every public comment submitted to us during both scoping and the public review period on the draft Revised Plan. The public comment process has not been skewed by us. Rather, because those who choose to participate in any planning effort are a self-selecting group, the public itself can skew the comments submitted to an agency. In the case of this Revised Plan, most people opted to comment on their opinion for or against oil and gas development on the Refuge, and many were energized to have others who share their view comment on this subject too. Our summary report of the scoping comments

(see Appendix J) and the detailed response to public comments on the draft Revised Plan (Volume 3 of the Revised Plan) clearly show that comments on oil and gas development (pro and con) were accepted and considered in their entirety.

Comment 136798.001

Alternatives Analyzed, No Oil and Gas Alternative

**Mike Hawker, Representative
Alaska State Legislature**

I am gravely concerned about the alternatives presented in the draft revised Comprehensive Conservation Plan and draft Environmental Impact Statement for the Arctic National Wildlife Refuge (ANWR) and strongly oppose any additional wilderness designation.

None of the six alternatives include responsible resource development, even though Alaska National Interest Lands Conservation Act (ANILCA) mandated that petroleum resource development be considered and the Department of the Interior concluded oil production from the 1002 area would have minimal impact, recommending that the coastal plain be open to development.

Response to Comment 136798.001

ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987, where it has remained ever since. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 136980.002

Alternatives Analyzed, No Oil and Gas Alternative

**Gail Mayo, President
Arctic Audubon**

The BIG issue of oil and gas assessment and possible development on the coastal plain should be addressed up front in the plan with the understanding that any development on the coastal plain would be a Congressional prerogative and would require environmental impact studies.

Response to Comment 136980.002

In response to public comments, we added text to Chapter 1, Section 1.1, to explain how oil and gas development was addressed in the Revised Plan. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge, and ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987, where it has remained ever since. When Congress takes action to address the 1002(h) report or change the ANILCA 1003 provision, that action will be incorporated into the Plan and implemented.

Comment 032675.016

Alternatives Analyzed, No Oil and Gas Alternative

**Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas**

The Service chose to eliminate from further study in the DCCP any consideration or examination of oil and gas leasing or development within the 1002 Area in the range of alternatives. The justification given is that the Service has no administrative authority over oil

and gas development because under ANILCA 1003 only Congress can authorize oil and gas development in the area. Putting aside the obvious inconsistency between the Service's decision to recognize this section of ANILCA while ignoring the equally clear language in Section 1326, the DCCP and DEIS should have included an alternative that addressed potential oil and gas exploration in the 1002 Area. Without an examination of this key issue, the DEIS is incomplete and does not meet NEPA's requirements.

Response to Comment 032675.016

It is up to the agency preparing the Plan and EIS to determine the scope of the plan and the EIS. The Service determined the Plan and EIS would not address oil and gas development within the Refuge because decisions relating to such development are the purview of the U.S. Congress. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

The Service decided to address the issues of wilderness and wild rivers because such issues are the purview of the Service under Section 304(g) of ANILCA. ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value...."

Comment 136783.001

Alternatives Analyzed, No Oil and Gas Alternative

**Mindy Rowland, Executive Director
First Things First Alaska Foundation**

The Board of Directors of the First Things First Alaska Foundation adamantly opposes changing all or any part of the status of the Arctic National Wildlife Refuge (ANWR) to a wilderness designation or wild and scenic river designation.

Such designations would violate the "no more" clauses of the Alaska National Interest Lands Conservation Act (ANILCA) and would be contrary to the intent of Congress in passing this law. ANILCA was accepted in good faith by the people of Alaska with the explicit understanding that no further lands would be removed for potential development. ANILCA mandates that the Department of the Interior periodically revisit the issue of oil and gas activity within the coastal plain of ANWR, and in fact has determined that such activities could occur with minimal impact on wildlife. The US Fish and Wildlife Services' proposed comprehensive conservation plan is in clear violation of that charge in that it would eliminate any opportunity for future development and does not allow for an oil and gas development alternative.

Response to Comment 136783.001

The wilderness and wild and scenic river reviews included in the Revised Plan do not violate ANILCA. The reviews do not constitute a withdrawal, nor are they being conducted for the sole purpose of establishing a conservation system unit. The reviews are part of the periodic

comprehensive conservation planning process required by ANILCA 304(g)(1), and they are consistent with the requirement in ANILCA 304(g)(2)(B) to consider “the special values of the refuge as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value....” Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 032680.001

Alternatives Analyzed, No Oil and Gas Alternative

**Lorna Shaw, Chair, Board of Directors
Greater Fairbanks Chamber of Commerce**

The CCP should recognize modern technology, coupled with tough environmental regulations, could allow the responsible development of known resources in the United States where variables can be controlled and risks mitigated. Alternatives to conventional oil and gas development that minimize the impact of resource development to the environment, including low-impact directional drilling from well-positioned pads and minimizing road construction, should be encouraged.

One low-impact proposal would be directional drilling from State land to the oil reservoir beneath ANWR. There are certainly other alternatives that could be considered that would minimize the impact of resource development to the environment. The Sub-horizontal drilling (1), using off-the-shelf technology, could develop this resource with minute impact to the surface, yet guarantee optimum resource recovery.

Response to Comment 032680.001

Arctic Refuge staff has no authority over actions on State land or other lands outside the Refuge’s boundary. A formal proposal to directionally drill from State lands into the Federal oil and gas resources inside the Refuge would require congressional action. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge and the oil and gas reserves within the Refuge are owned by the Federal government. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 136805.016

Alternatives Analyzed, No Oil and Gas Alternative

**Sean Parnell, Governor
State of Alaska**

The State renews its objections to the draft Plan’s failure to include any alternative that addresses potential oil and gas exploration and development in the coastal plain area, and to the draft Plan’s failure to address the negative economic and resource development consequences of a potential wilderness designation of the coastal plain. These omissions violate the National Environmental Policy Act (NEPA) and ANILCA. The CCP must identify alternatives that include potential resource development of the coastal plain and address the associated potential impacts of such an alternative.

Response to Comment 136805.016

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented. The environmental consequences section of the Revised Plan addresses the economic effects of each of the Plan's six alternatives. There would be no effect from the administrative action of recommending additional Wilderness areas in the Refuge. We also disclose the effects of potential Wilderness designation on a variety of impact topics, including economic impacts. We discuss economic effects under the no-action alternative and for each of the action alternatives, including the two that would potentially recommend the 1002 Area.

Comment 136805.019

Alternatives Analyzed, No Oil and Gas Alternative

**Sean Parnell, Governor
State of Alaska**

The Service assumes that the draft Plan is limited to addressing the Refuge purposes identified in ANILCA § 303(2)(B), and—inappropriately—the purposes identified in PLO 2214 in establishing the original Arctic National Wildlife Range. This view ignores other statutory management requirements for the Refuge, including the provisions of § 1002, which requires “an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.” It also ignores the resource assessment requirements of § 1002(c), which requires that the baseline study be revised “as new information is obtained,” including the potential impacts of oil and gas exploration, development, and production on such wildlife and habitats.

The Service relies on Section 1003 of ANILCA as justification for not considering an oil and gas exploration and development alternative. However, Section 1003 simply reserves to Congress the final decision regarding production, leasing and “other development leading to production” in the Refuge. Section 1003 does not allow the Service to ignore the ongoing study and planning requirements regarding potential oil and gas exploration and development in the Refuge.

The last formal study of the oil and gas development potential of the Refuge (the 1987 § 1002(h) report) recommended that Congress repeal § 1003 and open the coastal plain to exploration and development. NEPA requires that the Service continue to evaluate this alternative, and provide management direction for the potential oil and gas leasing and development that may be allowed during the life of the Plan.

Response to Comment 136805.019

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge's coastal plain, along with a baseline study of the area's fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986.



Comment 136805.020
Sean Parnell, Governor
State of Alaska

Alternatives Analyzed, No Oil and Gas Alternative

It is inappropriate for the Service to dismiss identification and analysis of an oil and gas alternative based on the logic that Congress must act before such an alternative could be implemented. Curiously, the necessity for Congressional action in designating wilderness has not precluded the Service from conducting wilderness reviews on all land in the Refuge that is not already designated wilderness.

Response to Comment 136805.020

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge, and ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987, where it has remained ever since. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness values of the refuge.”

Comment 136805.022
Sean Parnell, Governor
State of Alaska

Alternatives Analyzed, No Oil and Gas Alternative

Information that would enable a complete review of the potential impacts due to oil and gas leasing, production and development is currently missing from this CCP/EIS. Some additional topics that should be addressed in the Plan regarding oil and gas development are:

- . Available Data and Information
- . Potential Location and Size of Development Areas
- . Facility Needs – Pads, Roads, and Pipelines
- . Seasonality of Different Development Activities
- . Spill Prevention and Response
- . Stipulations/Required Operating Procedures/Mitigation Measures

Per USFWS policy (612 FW 2), an oil and gas management plan is recommended on lands where oil and gas activity is projected. Inclusion of the elements of such a plan in this CCP/EIS, or the deferment of this planning tool to a step-down plan, would assist refuge managers in the event that Congress opens the 1002 area for oil and gas leasing and production. In light of the recent activity in Congress towards this end, and the increasing public support of opening the Refuge to oil exploration, such a plan is essential to ensure wise management of this area in the future.

Response to Comment 136805.022

As stated in our response to other comments, Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge, and ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987, where it has remained ever since. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented. Oil and gas activity is not projected for Arctic Refuge, therefore developing an oil and gas management plan is not appropriate nor necessary.

Comment 136805.160
Sean Parnell, Governor
State of Alaska

Alternatives Analyzed, No Oil and Gas Alternative

This draft Plan goes to great lengths to discuss the “benefits” associated with designating Refuge lands as wilderness, but offers nothing to explain the trade-offs and lost opportunities associated with precluding responsible development of the 1002 Area’s rich oil and gas resources. Given the explicit direction in ANILCA for the 1002 Area, not only is this contrary to National Environmental Policy Act requirements, it is grossly irresponsible. Since this draft Plan fails to disclose what is at stake should this misguided effort to designate the 1002 Area as wilderness succeed, I offer the following hard facts.

National Energy Security

Two-thirds of our nation's annual petroleum needs are imported from foreign nations, often having far less stringent environmental protections, at a cost of more than \$150 billion per year. Exploration and production of the Arctic Refuge's vast reservoirs will help reduce foreign oil imports, thus decreasing domestic energy costs while increasing national security. Further, as recognized in the 1987 Section 1002(h) Report, the development of the 1002 Area would contribute to our national energy and security needs by prolonging the useful life of the Trans Alaska Pipeline System (TAPS), allowing it to continue serving the public as one of the foremost domestic energy assets in the nation.

Studies suggest the 1002 Area could produce a ten-year sustained rate of one million barrels per day. For example, in its most recent assessment of the 1002 Area, the U.S. Geological Survey estimates that the amount of technically recoverable oil ranges between 5.7 billion and nearly 16 billion barrels. To put this in perspective, the upper range of this estimate is nearly equal to the total amount that TAPS has transported since it came online in 1977.

Economic Benefits

By all accounts, job creation and reducing government debt are ultimately necessary to foster the nation's economic growth. As State and local governments face difficult decisions on how to address budget deficits, the potential economic benefits of oil exploration and development in Alaska could become even more critical. Revenues from oil production in the 1002 Area could support lagging budgets at all levels of government. These revenues originate from bonus bids received during lease sales, rental fees for leases, royalties relating to production quantities, and taxes on operator income. The Congressional Research Service's estimates of potential revenues from development of the 1002 Area are in the tens of billions of dollars, helping states and communities pay for education, infrastructure, and other vital services, while creating tens of thousands of jobs throughout the nation, not just in Alaska.

Response to Comment 136805.160

Thank you for sharing your opinion and this information. As noted elsewhere, we are not analyzing oil and gas alternatives in the Plan and EIS. Oil and gas development within Arctic Refuge is not currently a reasonably foreseeable future action, therefore we are not analyzing the effects of Wilderness designation or our management on oil and gas development within the Refuge. As pointed out in our responses to other comments, oil and gas development is prohibited by Section 1003 of ANILCA.

Comment 136920.001

Alternatives Analyzed, No Oil and Gas Alternative

**Gary Brackett, Manager, Business and Trade
Tacoma Chamber of Commerce**

The draft management plan does not include a full range of options, only a limited range of possibilities. For instance, it has included alternatives to designate Wilderness, which requires the approval of Congress. But, it does not include oil and gas development, also requiring Congressional action.

Response to Comment 136920.001

The wilderness review included in the Revised Plan is part of the periodic comprehensive conservation planning process required by ANILCA 304(g)(1), and is consistent with the requirement in ANILCA 304(g)(2)(B) to consider "the wilderness value of the refuge." Section

1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 221179.001
Gregory Hall

Alternatives Analyzed, No Oil and Gas Alternative

As “public land”, the presentation of any long term plan that fails to consider the direct and indirect effects of resource development is a failure on the part of the U.S. Fish and Wildlife Service to consider the ramifications and effect on the United States to “provide for the common defense, promote the general Welfare and secure the Blessings of Liberty to ourselves and our Posterity...” as stated in our constitution.

Response to Comment 221179.001

Arctic National Wildlife Refuge was established for purposes of wildlife conservation—not for resource development. It is up to the agency preparing the Plan and EIS to determine the scope of the Plan and the EIS. The Service determined the Plan and EIS would not address oil and gas development within the Refuge because decisions relating to such development are the purview of the U.S. Congress. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 032651.003
Mark Lindsey

Alternatives Analyzed, No Oil and Gas Alternative

-----Preamble/Intro-----

In preparing the draft CCP for the Arctic National Wildlife Refuge (“ANWR”), is the USFW Service (the “Service”) correct in deciding to exclude meaningful consideration of the oil and gas development potential of the 1002 Area?

-----Comment-----

the Service’s explanation that “It is outside the Refuge’s and Service’s administrative authority to consider or propose oil and gas development alternatives” is untrue and it in no way justifies exclusion of oil and gas development issues from consideration. Please note the following guidance from Council on Environmental Quality web site – list of 40 most faq’s: also published at 46 Fed. Reg. 18026 (1981): Prepared by NICHOLAS C. YOST, CEQ General Counsel[3].

“MEMORANDUM FOR FEDERAL NEPA LIAISONS, FEDERAL, STATE, AND LOCAL OFFICIALS AND OTHER PERSONS INVOLVED IN THE NEPA PROCESS”

“2a. Alternatives Outside the Capability of Applicant or Jurisdiction of Agency. If an EIS is prepared in connection with an application for a permit or other federal approval, must the EIS rigorously analyze and discuss alternatives that are outside the capability of the applicant or can it be limited to reasonable alternatives that can be carried out by the applicant?”

A. Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is “reasonable” rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.

2b. Must the EIS analyze alternatives outside the jurisdiction or capability of the agency or beyond what Congress has authorized?

A. An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered. Section 1506.2(d). Alternatives that are outside the scope of what Congress has approved or funded must still be evaluated in the EIS if they are reasonable, because the EIS may serve as the basis for modifying the Congressional approval or funding in light of NEPA’s goals and policies. Section 1500.1(a).”

This policy guidance from the agency in charge of NEPA is the exact opposite of the Service’s approach.

There is other language within NEPA and elsewhere in various Federal regulations and policies that could be cited here in support of the notion that Service has erred in its one-sided approach to the 1002 Area. This comment is already long, and I think the point is made, so I will leave those references for another day.

Response to Comment 032651.003

The comment mentions guidance from the CEQ that applies to environmental impact statements prepared in “connection with an application for a permit or other federal approval.” The Plan and EIS are not related to applications for permits or Federal approvals. The comment also references CEQ guidance about considering reasonable alternatives outside the legal jurisdiction of the agency. While from the perspective of an individual who wishes to see oil and gas development within Arctic Refuge, considering such an alternative would appear reasonable, the Service does not believe that considering oil and gas alternatives within the context of meeting the planning requirements of Section 304 of ANILCA is reasonable.

Therefore, the Service did not violate ANILCA or NEPA when we chose not to include an alternative focused on oil and gas development. Such an alternative is not a reasonable alternative under NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA contains a broad prohibition on such activities “until authorized by an Act of Congress,” and Section 1002 expressly withdrew all public lands in the coastal plain of the Refuge from all forms of entry or appropriation under the mining laws and mineral leasing laws of the United States. These statutory prohibitions bar oil and gas leasing anywhere in the Refuge until Congress enacts future legislation. Past congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 000066.001
Benjamin Moore

Alternatives Analyzed, No Oil and Gas Alternative

-----Preamble/Intro-----

There's certainly conflict of competing interest in the 1002 area. Federal law provides that agencies such as yours must study, develop and describe appropriate alternatives to recommend forces of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. With that in mind, ANILCA provides that the purpose of Section 1002 is, quote, to provide for a comprehensive and continuing inventory of the assessment of fish and wildlife resources, analysis of the impact of oil and gas exploration, development and production and to authorize exploratory activity within the coastal plain, close quote.

The statute goes on to provide that the Secretary of Interior must provide Congress with the recommendations, again I quote, with respect to whether further exploration for and the development and production of oil and gas within the coastal plain should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats and other resources are voided or minimized, close quote.

-----Comment-----

What we have here is a draft CCP that proposes several alternatives that include new wilderness designations for ANWR while refusing to even consider oil and gas development in the 1002. The mere fact that an alternative requires legislative implementation such as oil and gas activity in the 1002 area does not automatically establish it as being beyond the domain of what's required for discussion and consideration in the CCP.

Response to Comment 000066.001

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented. Further, while CEQ regulations allow us to consider alternatives that would require legislation, we are not required to do so. We determined that an oil and gas alternative is not a reasonable alternative under NEPA.

Comment 136938.002
Brian Newton

Alternatives Analyzed, No Oil and Gas Alternative

The CCP draft in its current form only addresses the issue of wildlife and ecosystem protection, and completely ignores any alternative uses regarding oil and gas development. The CCP draft excludes any practices that would include working with the State of Alaska to manage both wildlife protections in conjunction with responsible resource development. Additionally, the current non-wilderness status of the 1002 Coastal Plain does not hinder USFWS mission to protect critical habitat and wildlife. Under the National Environmental Policy Act (NEPA), federal agencies must "study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

Response to Comment 136938.002

The Service did not violate ANILCA or NEPA when we chose not to include an alternative focused on oil and gas development. Such an alternative is not a reasonable alternative under NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the Refuge. Congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 009573.001

Alternatives Analyzed, No Oil and Gas Alternative

Jim Plaquet

The United States Fish and Wildlife Service should develop a new alternative that includes opening the 1002 area to oil and gas exploration and development. None of the current six management proposals address any alternative resource development scenarios. The intention of the “no more” clause was adopted to prevent the study or declaration of wilderness, of additional federal land within the state or by any other government entity besides Congress. The 1002 area was set aside with the intent to study potential development for oil and gas. Under the National Environmental Policy Act, it requires federal agencies to study, develop, and describe appropriate alternatives, to recommend courses of action in any proposal which involves unresolved conflicts concerning alternate uses of available resources. Given the conflict over competing uses in the 1002 area, the Service must consider oil and gas development as an alternative. Oil and gas development can and does co-exist with wildlife in America’s National Wildlife Refuges; in fact, there are numerous examples including the Kenai National Wildlife Refuge, the site of the first major discovery of oil and gas in Alaska. The Service should consider oil and gas development in the 1002 area as an alternative management practice.

Response to Comment 009573.001

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

The Service does have legal authority to conduct a wilderness review and has not violated the ANILCA “no more” clause. The Revised Plan is an update of the 1988 Plan and is a management plan for the entire Refuge. The Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1). Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” By being part of the Revised Plan, the wilderness review does not violate ANILCA.

Comment 009609.001
Kate Williams**Alternatives Analyzed, No Oil and Gas Alternative**

I believe Service violated ANILCA and NEPA by failing to include a development alternative in the draft plan. ANILCA specifically requires the Service to consider oil and gas exploration, development, and production activities on the Coastal Plain. Under NEPA, the Service must consider all reasonable alternatives for land management and oil and gas development is a reasonable alternative, particularly since Congress specifically set aside the Coastal Plain for potential development.

Furthermore, reviewing ANWR for wilderness designations violates ANILCA's "no more" clause for the Coastal Plain. The Service only considered additional wilderness as an alternative; it did not consider any development scenario, in clear violation of Section 1326. The Service maintains that it did not consider oil and gas development because Congress reserved the authority to make final decisions on development in ANWR. Following that logic, the Service acted outside of its authority by considering wilderness alternatives since only Congress can designate wilderness.

Response to Comment 009609.001

The Service did not violate ANILCA or NEPA when we chose not to include an alternative focused on oil and gas development. Such an alternative is not a reasonable alternative under NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the Refuge. Congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

The Service does have legal authority to conduct a wilderness review and has not violated ANILCA Section 1326. The Revised Plan is an update of the 1988 Plan and is a management plan for the entire Refuge. The Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1). Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge." By being part of the Revised Plan, the wilderness review does not violate ANILCA.

3.3.12 Other Alternatives Suggested**Comment 000017.010
Wilderness Watch – Full**

Alternatives Analyzed, Other Alternatives Suggested

Regarding the Kongakut River, the alternatives do not provide a reasonable range of means for protecting this overused river. Limiting the number of groups during peak periods needs to be an alternative.

Response to Comment 000017.010

The alternatives developed for visitor management on the Kongakut River reflect the management options available to the Refuge right now. In the draft Revised Plan, the alternatives built upon each other—adding management options in a spectrum across the alternatives. In response to public comments, we revised the alternatives for the Kongakut River issue in the Revised Plan by offering three distinct options (see Chapter 3). Even in the Revised Plan, however, we cannot impose restrictions on non-guided visitors without first promulgating regulations. Further, we did not want to commit to certain management actions without first developing a VUMP for Arctic Refuge. Through the visitor use management planning process, we should be able to work with the public to explore and develop additional management approaches to address concerns around visitor use of the Kongakut River.

**Comment 136753.001
Carla Sims**

Alternatives Analyzed, Other Alternatives Suggested

-----Preamble/Intro-----

I know they say that our hunting rights would be protected under ANILCA act but, look, you're already trying to place more regulations on us. We have to have a permit to build a tent frame. No, we don't need to have a permit to camp and use our land where we've always used it. That is not right.

I was going to list a lot of reasons why we should -- why I didn't -- I was going to list reasons why this is not right but I'm not going to because we should not have to justify our reasons or ask for permission to be on our own land that was stolen from us in the beginning. I oppose any more of the land as being designated wilderness as I believe that will be one step closer to losing our land and hunting rights, just as I believe opening up -- opening it up to oil development will do that.

-----Comment-----

I believe the only option is to give the land back to us so we can manage it as we managed it in the past.

Response to Comment 136753.001

Thank you for your comment. The Service respects the rights of subsistence hunters and private landowners in and near Arctic Refuge. The Service believes this Revised Plan will adequately protect subsistence hunting and fishing. The Service will continue to partner with local residents as it manages Arctic Refuge.

Comment 137004.002
David Wiswar

Alternatives Analyzed, Other Alternatives Suggested

I support Wild and Scenic River designation for the Hulahula and Kongakut rivers and feel the W&S rivers designation should have been a separate alternative.

Response to Comment 137004.002

NEPA requires us to consider a “reasonable range” of alternatives. We have complied with, and fully satisfied, the regulatory requirements of NEPA by offering alternatives ranging from none, one, three, to all four suitable wild rivers. While we could have had an alternative that considered wild river recommendations separate from wilderness recommendations or Kongakut River visitor management, we opted to combine wild river recommendations with the other issues so as to keep the number of alternatives to a manageable number.

3.3.13 Responsiveness to Goals

Comment 136805.105
Sean Parnell, Governor
State of Alaska

Alternatives Analyzed, Responsiveness to Goals

Page 3-54, Response to Refuge Goals, second paragraph, first sentence. While a close working relationship between the State and the Service is a shared goal, in this context we disagree that “All alternatives promote close working relationships with the State of Alaska...” Over the strong objections of the State, the draft Plan not only includes recommendations to designate wilderness and wild and scenic rivers, it also proposes management guidance that will severely limit the ability of the Department of Fish and Game to fulfill its constitutional mandates for the sustainability of fish and wildlife.

Response to Comment 136805.105

In response to your comment, we revised the sentence to say that all the alternatives promote partnerships and collaboration with the State, local communities, and other public and private partners.

Comment 136805.106
Sean Parnell, Governor
State of Alaska

Alternatives Analyzed, Responsiveness to Goals

Page 3-54, § 3.4.4 Response to Refuge Goals, second paragraph, second sentence. The statement that “all alternatives discussed in this Plan support . . . commercial activities” is inaccurate. The alternatives that recommend wilderness designations do not support commercial activities. Moreover, there are a variety of statements aimed at further restricting commercial operators.

Response to Comment 136805.106

In response to your comment, the sentence in Chapter 3, Section 3.4.4 was changed to read “commercial services” instead of “commercial activities.”

3.3.14 Table 3-2 (Comparison of Alternatives)**Comment 032626.029**

Alternatives Analyzed, Table 3-2 (Comparison of Alts)

Greg Warren

V1, 3-38 Comparison of the Alternatives, Table 3-2: Differences between population management programs are not addressed for each alternative. Wildlife population management actions by the Refuge and ADFG should be included in the summary table.

Response to Comment 032626.029

Wildlife population management was not an issue dealt with in the alternatives, but rather in the revised management guidelines. Therefore, differences in wildlife population management across alternatives are limited to Alternative A versus all other alternatives. Please see Chapter 2, Section 2.4.12, and Chapter 3, Table 3-2 in the Revised Plan.

3.4 TOPIC: ANILCA**Group D.1: ANILCA**

-----Preamble/Intro-----

The U.S. Fish and Wildlife Service (FWS) included a Wilderness component in their revision of the Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge (ANWR).

-----Comment-----

However, the FWS does not have the authority to declare new Wilderness designations in ANWR, only Congress can. In addition, Section 1326(b) of ANILCA states that federal agencies are not allowed to study lands to be considered for set-asides unless Congress specifically authorizes it. Including a Wilderness study in the CCP revision is clearly a violation of Alaska National Interest Lands Conservation Act (ANILCA).

Submitted By:

- Alaska Board of Game, Cliff Judkins 032619.008
- Jason Brune 00040.001
- Jason R. Custer 221127.001
- Robert Laule 136932.001
- Brian Newton 136938.001
- Doug Ward 221124.001

Response to Group D.1: ANILCA

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” While the wilderness review could result in a recommendation to designate additional Wilderness areas in the Refuge, the Service’s authority is limited to making recommendations. Only Congress can designate Wilderness.

Group D.2: ANILCA

The purpose of the ANILCA clause is to allow the USFWS to mitigate impact land use and not lock up new land. Recommending the designation of wilderness violates the precedent set by ANILCA and goes against the intended purpose of the 1002 Coastal Plain.

Submitted By:

- Arctic Power, Matthew Fagnani 032636.003
- The Silver Agency, Keith Silver 000084.003

Response to Group D.2: ANILCA

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge, and ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. Should Congress open Arctic Refuge to oil and gas leasing, development, and production, the Plan would be amended to address such leasing, development, and production.

Group D.3: ANILCA

Not only would new Wilderness and Wild and Scenic River designations violate the “no more” clauses of ANILCA, they would go against the original intent of Congress and the law.

Submitted By:

- Associated General Contractors of Alaska, John MacKinnon 136824.001
- Granite Construction Company, Mike Miller 136982.001
- Mary Klebs 136975.001
- Brian Newton 136938.003

Response to Group D.3: ANILCA

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value....” Only Congress can designate Wilderness or wild rivers.

Group D.4: ANILCA

In the CCP DEIS Section 810 Evaluation, FWS states that “[n]one of the management alternatives evaluated in this Plan propose actions that would reduce subsistence uses because of direct effects on wildlife or habitat resources or that would increase competition for subsistence resources.” DEIS at 5-87. While this may be true, the Section 810 Evaluation fails to consider whether the cumulative impacts of the proposed action may have significant restrictions on subsistence uses. To comply with ANILCA, the FWS must consider not only the direct effects, but also the cumulative impacts of the proposed action in making its determination that the proposed action would not have a significant restriction on subsistence uses. See *Sierra Club v. Penfold*, 664 F. Supp at 1310.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.034
- Northern Alaska Environmental Center, Pamela Miller 136801.120
- Various Environmental Organizations, Nicole Whittington-Evans 032627.054

Response to Group D.4: ANILCA

We revised the language in the Section 810 evaluation (Chapter 5, Section 5.10) to make it clear that we do not believe the cumulative effects of reasonably foreseeable future actions would reduce subsistence uses because of direct, indirect, or cumulative effects on wildlife or habitat resources, or would increase competition for subsistence resources.

Group D.5: ANILCA

I understand it is necessary to update the twenty-two year old plan, however, further wilderness reviews for ANWR are unjustified. Alaska has much of its land protected and supplementary protection for the refuge will result in additional restrictive consequences for the State of Alaska and the U.S. resource potential. The FWS has no authority to declare additional wilderness designations within the existing refuge. Therefore, the actions of the FWS are nothing more than a gross waste of taxpayer money and an overstep in authority.

Submitted By:

- Congress of the United States, House of Representatives, Don Young 032617.001
- Matthew Fagnani 000046.001

Response to Group D.5: ANILCA

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” While the Service might potentially recommend additional Wilderness for Arctic Refuge, only Congress can designate Wilderness.

Group D.6: ANILCA

RDC is strongly opposed to new Federal wilderness and Wild and Scenic River designations in ANWR and the mere implications of such consideration is inconsistent with the promises that were made in ANILCA. In our view, any such designations are in violation of the intent of the 1002 area and Alaska statehood.

Submitted By:

- Resource Development Council, Carl Portman 000075.001
- Tony Johansen 221990.001
- Lance Stevens 221126.001

Response to Group D.6: ANILCA

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value....” While the wilderness and wild and scenic river reviews could result in recommendations to designate additional Wilderness areas or wild rivers in the Refuge, the Service’s authority is limited to making recommendations. Only Congress can designate Wilderness or wild and scenic rivers.

Group D.7: ANILCA

Alternatives “c” and “E” of the Draft CCP recommend the additional inclusion of the 1002 Coastal Plain for Wilderness status.

This recommendation conflicts with the “No More Clause” of Alaska National Interest Lands Conservation Act (ANILCA), ANWR’s creation bill, which specifically prohibits the study and designation of new land in Alaska as wilderness without express permission from congress. The draft defends itself from conflict with the “No More Clause” by stating the USFWS does not view the CCP as a study for inclusion of “new” land, because it claims the land within the ANWR border is already protected by refuge system rules thus it is not “new”.

The intention of the debate when the “no more clause” was adopted was to prevent the study or declaration of wilderness of additional federal land within the state by any other government entity besides Congress. By claiming that the 1002 Coastal Plain is not new land, the USFWS is ignoring the intent of congress when ANILCA was put forward. The 1002 Area was set aside with the intent to study potential development for oil and gas.

Submitted By:

- Alaska State Legislature, Dan Saddler 000081.001
- Arctic Power, Matthew Fagnani 032636.001
- Calista Corporation, June McAtee 032635.001
- The Silver Agency, Keith Silver 000084.001

Response to Group D.7: ANILCA

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that

comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. Should Congress open Arctic Refuge to oil and gas leasing, development, and production, that Plan would be amended to address such leasing, development and production.

Group D.8: ANILCA

The Draft Plan also misconstrues section 1317 of ANILCA in an apparent effort to support its assertion of authority to conduct a wilderness review of the Coastal Plain. In the Draft Plan, the USFWS asserts that “Section 1317 of ANILCA requires that all refuge lands that were not designated as wilderness to be reviewed as to their suitability for wilderness designation.” Draft Plan at A-5. However, the USFWS glosses over the specific language of section 1317 and ignores the fact that section 1317 set forth a one-time process for wilderness review, with specific timeframes, and that the limited review provided for by the language already has been completed.

In this regard, section 1317 of ANILCA provides that “Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of §3(d) of the Wilderness Act relating to public notice, public hearings, and review by State and other agencies, review, as to their suitability or nonsuitability for preservation as wilderness, all lands within units of the National Park System and units of the National Wildlife Refuge System in Alaska not designated as wilderness by this Act and report his findings to the President.” 16 U.S.C. §3205(a) (emphasis added). It further provides that “The Secretary shall conduct his review, and the President shall advise the United States Senate and House of Representatives of his in accordance with the provisions of §3(c) and §(d) of the Wilderness Act. The President shall advise the Congress of his recommendations with respect to such areas within seven years from the date of enactment of this Act.” 16 U.S.C. §3205(b) (emphasis added). This general wilderness review authorized by section 1317 was completed years ago. There is nothing whatsoever in section 1317 to indicate that Congress intended that this section provide the USFWS continuing authority to conduct wilderness reviews of all non-designated lands within the National Park System and National Wildlife Refuge System in Alaska ad infinitum. In fact, section 1317’s language is much to the contrary. Accordingly, the Draft Plan’s erroneous description of section 1317 should be struck from the Plan.

Submitted By:

- American Petroleum Institute, Richard Ranger 136818.004
- ASRC/North Slope Borough, Rex Rock & Edward Itta 136817.008

Response to Group D.8: ANILCA

We agree the wilderness review provisions of ANILCA 1317 provided a five-year period for agencies to evaluate the suitability or non-suitability of lands within conservation system units for preservation as Wilderness. We added this timeframe to the discussion of ANILCA 1317 in Appendix A.

As you may be aware, the reviews of Alaska refuges conducted by the Service in the mid-1980s were never completed. They never formally went beyond the Service, and the Secretary of the Interior never presented the findings of the reviews to the President of the United States. The original wilderness review completed for Arctic Refuge under ANILCA Section 1317 was never forwarded to the President or Congress. Nevertheless, the current wilderness review is not being completed under the provisions of ANILCA 1317. Rather, it is being completed under the provisions of ANILCA Section 304(g).

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

Group D.9: ANILCA

The Original Arctic National Wildlife Range’s Purposes Apply to the Entire Arctic Refuge: In the CCP, the FWS states that the purposes for which the original Arctic National Wildlife Range (“Arctic Range”) was established only apply to those lands in the original Arctic Range: “Under Section 305 of the Alaska National Interest Lands Conservation Act (“ANILCA”), the Range’s original wildlife, wilderness, and recreation purposes still apply to those lands in the former Range.”⁵ However, under FWS’s own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System,⁶ the purposes of the original Arctic Range apply to all Arctic Refuge lands. The misinterpretation and misapplication of Refuge purposes pervades the CCP and the management decisions that FWS is considering and proposing. Thus, it is vital that FWS clearly state that the original Arctic Range purposes apply to the entire Arctic Refuge and that the CCP reflect this understanding.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.019
- Various Environmental Organizations, Nicole Whittington-Evans 032627.046

Response to Group D.9: ANILCA

The original purposes of the Range only apply to those lands and waters in the Refuge which were part of the Range, to the extent they are not inconsistent with ANILCA and ANCSA. Congress did not expand the purposes of the Range to the lands designated by ANILCA in 1980. Rather, Congress set forth new purposes for the entire Refuge. Section 305 of ANILCA very clearly states that the provisions of ANILCA prevail, including the purposes set forth in Section 303(2)(B). We consulted with our Solicitor’s office on this interpretation of ANILCA. In some places in the draft Plan, we incorrectly stated the original purposes of the Range applied to the whole Refuge. We corrected these errors in the Revised Plan and final EIS.

Group D.10: ANILCA

-----Preamble/Intro-----

ANILCA is THE law of the land. The purpose of the 1002 section is to authorize exploratory activity within the coastal plain.

-----Comment-----

This CCP represents a blatant attempt to bend or break the law. It is clear that the authors want to ignore the No More Clause with this biased attempt to incorrectly interpret the Service's mission in a manner that would preclude the exploration called for by both ANILCA and the Service's ROD.

Submitted By:

- Drue Pearce 221177.001, 230534.001

Response to Group D.10: ANILCA

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge's coastal plain, along with a baseline study of the area's fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987. The report and the decision have remained with Congress ever since. With submittal of the report, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

By being part of the Revised Plan, the wilderness review does not violate the "No More" clauses of ANILCA. Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit and it does not call for the withdrawal of land. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge." While the wilderness review could result in a recommendation to designate additional Wilderness areas in the Refuge, the Service's authority is limited to making recommendations. Only Congress can designate Wilderness, and only Congress can make a final decision regarding oil and gas development in Arctic Refuge.

Group D.11: ANILCA

ANILCA required the Service to study 1002 area's petroleum resources and consider how oil and gas development could impact wildlife and the environment. It also directed the Secretary of Interior to provide Congress with recommendations with respect to such development. In 1987, the Department of the Interior concluded oil development would have minimal impact on wildlife and recommended Congress open the coastal plain to development. ANILCA mandated the Service to periodically revisit the issue of oil and gas activity within the 1002 area. This directive is as clear as the mandate the Service claims to have that requires it to revisit wilderness issues.

There have been considerable advancements in oil and gas exploration and development in the nearly 25 years since the original study was completed.

Submitted By:

- Alaska Oil and Gas Association, Kate Williams 032620.011
- Granite Construction Company, Mike Miller 136982.003
- Mary Klebs 136975.003

Response to Group D.11: ANILCA

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge's coastal plain, along with a baseline study of the area's fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986.

Group D.12: ANILCA

New Wilderness and Wild and Scenic River designations clearly violate the "no more" clauses of ANILCA and go against the original intent of Congress and the law.

Submitted By:

- Alaska Oil and Gas Association, Kate Williams 032620.004
- Alaska Railroad, Wendy Lindskoog 032614.001
- Citizens' Advisory Commission on Federal Areas, Stan Leaphart 032675.006

Response to Group D.12: ANILCA

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. The Plan does not call for the withdrawal of new lands, but rather it considers options for managing an existing conservation system unit (Arctic Refuge). The Revised Plan is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value...." Only Congress can designate wilderness or wild rivers.

Group D.13: ANILCA

The Commission's scoping comments submitted in June 2010 strongly objected to the decision to conduct suitability and eligibility reviews for the purpose of developing recommendations for additional wilderness within the Arctic Refuge. The question of additional wilderness designations for all national wildlife refuge units in Alaska was previously addressed in reviews authorized by

ANILCA Section 1317. This section is the only authority for conducting wilderness reviews within National Wildlife Refuges in Alaska and has long been recognized in both policy and practice.

The original reviews were required to be completed within five years from the date of enactment of ANILCA, with any recommendations for additional wilderness to be submitted to Congress within seven years of the date of enactment. Both of those deadlines are long past and there is no authority to conduct further reviews.

The wilderness review for the Arctic Refuge, excluding the 1002 area, was conducted in conjunction with the development of the original CCP. The November 1988 Record of Decision for the CCP and Final EIS selected an alternative that represented the management situation existing at that time. It contained no proposal or recommendation for additional wilderness.

Submitted By:

- Alaska Oil and Gas Association, Kate Williams 032620.005
- Citizens' Advisory Commission on Federal Areas, Stan Leaphart 032675.003

Response to Group D.13: ANILCA

We agree the wilderness review provisions of ANILCA 1317 provided a five-year period for agencies to evaluate the suitability or non-suitability of lands within conservation system units for preservation as Wilderness. As you may be aware, the reviews of Alaska refuges conducted by the Service in the mid-1980s were never completed. They never formally went beyond the Service, and the Secretary of the Interior never presented the findings of the reviews to the President of the United States. The original wilderness review completed for Arctic Refuge under ANILCA Section 1317 was never forwarded to the President or Congress.

Nevertheless, the current wilderness review is not being completed under the provisions of ANILCA 1317. Rather, it is being completed under the provisions of ANILCA Section 304(g).

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge."

Group D.14: ANILCA

The Original Arctic National Wildlife Range's Purposes Apply to the Entire Arctic Refuge

In the CCP, the FWS states that the purposes for which the original Arctic National Wildlife Range ("Arctic Range") was established only apply to those lands in the original Arctic Range: "Under Section 305 of ANILCA, the Range's original wildlife, wilderness, and recreation purposes still apply to those lands in the former Range." DEIS at 1-18. See also U.S. FWS Refuge Purposes Arctic National Wildlife Refuge Map, available at: <http://arctic.fws.gov/pdf/ccppurposesp2011.pdf>. However, under FWS's own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System, see FWS Refuge Management Part 601 National Wildlife Refuge System, 601 FW 1 at 1.16 (July 26, 2006), the purposes of the original Arctic Range apply to all Arctic Refuge lands.

The original Arctic Range was established in 1960 “to preserve unique wildlife, wilderness, and recreational values.” Public Land Order 2214 (Dec. 6, 1960). The Alaska National Interest Lands Conservation Act (“ANILCA”) expanded the original Arctic Range by adding 9.2 million acres, included additional refuge purposes and re-designated the unit as the Arctic National Wildlife Refuge. These new, additional purposes include:

- (i) to conserve fish and wildlife populations and habitats in their national diversity including, but not limited to, the Porcupine caribou herd (including participation in coordinated ecological studies and management of this herd and the Western Arctic caribou herd), polar bears, grizzly bears, muskox, Dall sheep, wolves, wolverines, snow geese, peregrine falcons and other migratory birds and Arctic char and graying;
- (ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;
- (iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents, and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and quantity within the refuge.

94 Stat. 2390, P.L. 96-487 at §303(2) (Dec. 2, 1980).

As FWS’s longstanding policy and guidance regarding determining expanded refuge purposes clearly states:

When we acquire an addition to a refuge under an authority different from the authority used to establish the original refuge, the addition also takes on the purpose(s) of the original refuge unless Congress determines otherwise, but the original refuge does not take on the purpose(s) of the addition unless Congress determines otherwise.

601 FW 1 at 1.16. In the present case, the Arctic Refuge additions were established under a different authority (ANILCA) than the authority used to establish the original Arctic Range (Public Land Order 2214). Thus, applying FWS’s policy for determining the purposes of a refuge,¹ for FWS’s current determination that the Arctic Range purposes only apply to those lands within the original Arctic Range to hold true, there would need to be some indication from Congressional that the original Arctic Range purposes should not apply to the entire Arctic Range.

Nothing in ANILCA indicates that Congress did not intend the original Arctic Range purposes to apply to the entire Arctic Refuge. To the contrary, ANILCA Section 305 states that:

All proclamations, Executive orders, public land orders and other administrative actions in effect on the day before the date of the enactment of this Act with respect to units of the National Wildlife Refuge System in the State shall remain in force and effect except to the extent that they are inconsistent with this Act or the Alaska Native Claims Settlement Act.

P.L. 96-487 (Dec. 2, 1980) (emphasis added). This is a clear statement from Congress that Public Land Order 2214 — which set forth the Arctic Range purposes — was to remain in effect post-ANILCA unless it is inconsistent with ANILCA. The legislative history of ANILCA indicates that Congress did not intend the purposes included in ANILCA for the expanded Arctic Refuge to be the exclusive refuge purposes: “Sections 301, 302 and 303 set forth the purposes for each designated or redesignated unit and additions to existing units.

Enumeration of purposes is not exclusive, but is set forth as a guide for management.” House Report No. 96-97(I) at 174 (April 18, 1979) (emphasis added).

The purposes set out in Public Land Order 2214 for the Arctic Range are not inconsistent with the purposes set out in ANILCA for the Arctic Refuge; the two authorities set forth overlapping and complimentary purposes recognizing the exceptional wilderness, wildlife, recreation, subsistence resources, international importance, and water quality of the Refuge.² All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wilderness values of the Arctic Refuge allows for the achievement and furtherance of protecting the wildlife values.

Thus, ANILCA itself and its legislative history indicate that Congress intended that Public Land Order remain in effect for the newly expanded and redesignated Arctic Refuge and that the purposes included in ANILCA were to be inclusive, rather than exclusive, of existing Arctic Refuge purposes. Accordingly, because these purposes are complimentary and not inconsistent, under FWS’s policy, the purposes of the original Arctic Range apply to the entire Arctic Refuge.

We request that the Final CCP be revised in all appropriate sections to correct the Draft CCP which misconstrues the laws and policies regarding Refuge purposes (as described above).

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.004
- Northern Alaska Environmental Center, Pamela Miller 136801.008
- Sierra Club, Dan Ritzman 137014.001
- Various Environmental Organizations, Nicole Whittington-Evans 032627.047
- Wilderness Watch, Fran Mauer 032628.037

Response to Group D.14: ANILCA

The original purposes of the Range only apply to those lands and waters in the Refuge which were part of the Range, to the extent they are not inconsistent with ANILCA or ANCSA. Congress did not expand the purposes of the Range to the lands designated by ANILCA in 1980. Rather, Congress set forth new purposes for the entire Refuge. Section 305 of ANILCA very clearly states that the provisions of ANILCA prevail, including the purposes set forth in Section 303(2)(B). We consulted with our Solicitor’s office on this interpretation of ANILCA. In some places in the draft Plan, we incorrectly stated the original purposes of the Range applied to the whole Refuge. We corrected these errors in the Revised Plan and final EIS.

The Service Manual has two conflicting policies concerning Refuge purposes—601 FW 1.16 and 603 FW 2.8. Service Manual 603 FW 2.8 is essentially a restatement of ANILCA Section 305, which makes it clear that ANILCA and ANCSA control when there is a conflict between pre-ANILCA and ANILCA purposes. ANILCA is a statute, and as such, it takes precedence over the policy in 601 FW 1.16 to the extent the policy is inconsistent with ANILCA. As a result, the statement in 601 FW 1.16 that purposes of the original refuge attach to lands acquired as an addition to a refuge under a different authority does not apply.

Group D.15: ANILCA

The option of future energy development in the 1002 area should remain on the table, precluding any new Wilderness designation over the Coastal Plain. Not only would new Wilderness and Wild and Scenic River designations violate the “no more” clauses of ANILCA, they would go against the original intent of Congress and the law.

Submitted By:

- Charles Becker 221143.001
- Cara Wright 222160.001

Response to Group D.15: ANILCA

Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit, and the Plan does not call for the withdrawal of land. Rather, the reviews are being completed as a statutory requirement of ANILCA Section 304(g)(1). ANILCA Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value....”

3.4.1 ANILCA Section 810 Evaluation

Comment 136817.010

ANILCA Section 810 Evaluation

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

For many Alaskans, particularly Alaska Natives residing in remote, rural villages, subsistence hunting, fishing, and gathering remains the primary source of food. Subsistence also remains a critical element of a culture that has survived in the harsh Arctic Alaskan environment for thousands of years. In view of this, Congress has provided clear direction that the cultural and other aspects of subsistence living must be protected. ANILCA specifically recognized that the continued opportunity for subsistence uses of public lands is critical to physical, economic, traditional, social and cultural existence of rural Native and non-Native residents of Alaska. 16 U.S.C. § 3111(1). As well, one of the purposes of the Refuge, pursuant to ANILCA, is to provide the opportunity for continued subsistence uses by local residents, consistent with the other Refuge purposes of conserving fish and wildlife populations and habitats in their natural diversity and fulfilling international treaty obligations with respect to fish and wildlife. ANILCA § 303(2)(B)(iii).

Section 810 of ANILCA, 16 U.S.C. § 3120, requires the heads of Federal agencies to evaluate the effects of any proposed land withdrawal, reservation, lease, occupancy, use, or other disposition of Federal lands upon subsistence uses. This evaluation must include findings on three specific issues: (1) the effect on subsistence uses and needs; (2) the availability of other

lands for the purpose sought to be achieved; and (3) other alternatives that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes. Section 810 also prohibits agencies from proceeding with any proposed disposition that would significantly restrict subsistence uses, without first following certain procedures and making certain findings.

Although the USFWS, as required by law, undertook such an evaluation as part of its preparation the Draft Plan, that evaluation wrongly concluded with a finding that the proposed action would not result in significant restriction to subsistence uses and needs. As the USFWS has recognized, significant restriction to subsistence uses may occur when an action may substantially limit access by subsistence users to resources. The USFWS's section 810 evaluation concluded that, based upon section 811(b) of ANILCA and 50 C.F.R. § 36.12(a) of the Service's regulations, "None of the alternatives would reduce subsistence uses because of limitations on access or by physical or legal barriers to harvestable resources." Draft Plan at 5-87. Responding to concerns raised by residents of Kaktovik, ASRC, and NSB, the evaluation further explained that: "Current traditional methods and patterns of motorized and non-motorized access would not be affected by wilderness designation. Traditional access and subsistence uses would continue to be permitted according to ANILCA and current regulations and policies." Draft Plan at 5-94. To the contrary, we continue to maintain that wilderness designation for the Coastal Plain would impose substantial limitations on access to subsistence resources.



Of course, the USFWS is correct that “On refuge lands in Alaska, including wilderness areas, section 811(b) of ANILCA authorizes the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence activities.” Draft Plan at 5-87. USFWS is also correct that “This mandate is carried forward and incorporated in Service regulation in 50 CFR 36.12(a).” Draft Plan at 5-87. However, ASRC and NSB strongly disagree with the USFWS’s conclusion that, under Alternatives C and E, “Current traditional methods and patterns of motorized and non-motorized access would not be affected by wilderness designation.” Draft Plan at 5-93, 5-96. As USFWS admits, “requests for construction or location of new cabins would receive greater scrutiny.” Draft Plan at 5-93, 5-96. ASRC and NSB have no doubt that the same would be true for motorized and non-motorized access, and that this scrutiny -- and the attendant and unavoidable delays that are involved in any decision making process that involves these issues -- will lead to changes in the methods and patterns of access.

The USFWS correctly recognizes that “The subsistence user groups most affected by the Coastal Plain WSA-wide designation would be the north side Iñupiat village of Kaktovik.”[2] Draft Plan at 5-93. The Village of Kaktovik, the only village within the 19.6 million acres of the ANWR’s boundaries, is situated within the 1.5 million acres of the Coastal Plain. The population of the Kaktovik community is significantly—over eighty percent—Alaska Native or part Native. Designation of the Coastal Plain as wilderness under the Wilderness Act would severely impact the subsistence activities and traditional way of life for the residents of the Village of Kaktovik. The USFWS recognizes that the subsistence cycle for Kaktovik is constant and occurs year round. See, Draft Plan, Table 4-24 at p. 4-182. Despite being private land owners within the Coastal Plain, the Village would be surrounded by wilderness, making the villagers essentially refugees on their own land. Due to its isolation, the Village has maintained its Iñupiat Eskimo traditions. As with other rural communities in the region, subsistence hunting, fishing, and whaling are a major element of the traditional Native culture in the area and a primary source of nutrition, and play a major role in the local economy. Indeed, the USFWS recognizes that designation of the Coastal Plain as wilderness “could increase visitor use near Kaktovik’s traditional and subsistence use areas, which could increase conflicts between locals and visitors.” Draft Plan at 5-40.

In its section 810 evaluation, the USFWS makes the statement that “Some subsistence users would view the wilderness designation on their homeland as complementary to their subsistence and cultural perspective.” Draft Plan at 5-93. But USFWS also acknowledges that some of the Iñupiat residents impacted the most from wilderness designation, such as those that live in Kaktovik, would instead “view wilderness designation as a foreign concept and at variance with their traditional beliefs.” *Id.* Wilderness designation (and to some extent even management pending congressional action on a proposed designation) carries with it significant limitations on access and uses that will choke off traditional activities. Motorized access to the vast hunting areas around the villages by snowmachine and other vehicles, and shelters and semi-permanent structures used for camping and hunting activities, would be limited and problematic. Indeed, Alaska Native communities already confront these issues with existing nearby designated wilderness areas.

The designation of the thin ribbon of coastal plain that exists between the mountain front and the coastline as additional wilderness would compound and spread this burden. This area includes the total remainder of caribou and waterfowl hunting areas, fish camps, ancestral campsites, and existing Native allotments. Alternatives C and E propose wilderness “creep” toward the shoreline to eventually even surround privately-held lands near the Village. Life is

difficult enough already with current wilderness areas. Sending this burden further northward to overlie even more fishing, waterfowl, and caribou harvest areas, gravesites and birthplaces, Native allotments, and semi-permanent hunting shelters would be devastating to the Iñupiat Natives for whom this area is their home and source of subsistence.

Alaska's North Slope is, and has long been, the home of Alaska Native people who continue to maintain a strong connection to the land that is fundamental to our very way of life. In addition to the substantial economic value that our people (and the broader community) can draw from responsible development of the area's resources (if and when Congress permits it), the land and its resources are essential to our subsistence way of life. The designation of new wilderness areas would further foreclose already limited economic opportunities for our people. Such action also would severely impair the ability of these lands to continue to provide for subsistence use and related needs of rural residents on the North Slope by substantially limiting subsistence users' access to and use of the area's natural resources. These are precisely the interests that ANILCA was carefully designed to protect when it struck its balance between resource protection and resource use and development.

Designation of additional wilderness cannot be rationalized with the promises that have been made to the Native Americans who live on the North Slope of Alaska. Our people already are deprived of substantial economic opportunity by virtue of the fact that the Coastal Plain of the Arctic National Wildlife Refuge is closed to such activities as oil and gas development without further act of Congress, by Federal government actions that have to date prevented development of the National Petroleum Reserve-Alaska, and by other land reservations, designations, and withdrawals in the area. Recommending additional land designations that could shut down our communities' traditional activities on top of this simply cannot be squared with current Federal Indian policy.

Response to Comment 136817.010

We believe the Revised Plan protects the subsistence rights provided for residents of Kaktovik and others in ANILCA Title VIII and in the subsistence purpose for Arctic Refuge. Many goals and objectives in the Revised Plan (see Chapter 2, Section 2.1) specifically address subsistence management and consultation and cooperation with local communities, tribal governments, and others in management of the Refuge. Title VIII of ANILCA provides that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes subject to reasonable regulations. Regulations specific to subsistence use of timber and plant materials are found in 50 CFR 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for their household needs, and no permit is required for that harvest. Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge. If more than 20 live trees are needed, as would typically be required for a cabin or a house, the subsistence user must apply for a special use permit for the additional amount of trees needed.

ANILCA Section 1110(a) specifies the use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units. ANILCA Section 811(b) allows local rural residents the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed when engaged in subsistence uses subject to reasonable regulations. Such use will be in compliance with State and Federal law in such a manner as to prevent damage to the Refuge, and to prevent the herding, harassment, hazing,

or driving of wildlife for hunting or other purposes. ANILCA Section 811 implementing regulations can be found at 50 CFR 36.12

We have updated parts of the ANILCA Section 810 analysis (Chapter 5, Section 5.10) and fully believe that should additional lands within Arctic Refuge be designated Wilderness in the future, the ANILCA subsistence priority, including traditional uses, will be protected and that there will be no significant restriction of subsistence uses or access due to Wilderness designation.

Comment 032644.005
Wade Willis
Science Now Project

ANILCA Section 810 Evaluation

-----Preamble/Intro-----

Potential negative impacts to federally qualified rural subsistence harvest opportunity from commercial guided sport hunting activities has not been evaluated in the draft CCP EIS. [see footnote 1]

-----Comment-----

Yet the perceived negative impact from commercial guided sport hunting activities is so severe in specific areas of the Arctic Refuge that the refuge is currently in the process of conducting an ANILCA 810 analysis to justify an action already taken to close commercial guided sport hunting activities in Guide Use Area (GUA) 12. The ANILCA 810 evaluations for GUA 12 are not mentioned in the draft Arctic Refuge CCP.

To date, the refuge manager has conducted no formal analysis to justify the administrative decision to revoke commercial guided sport hunting activities in GUA 10a.

Response to Comment 032644.005

We do not agree with the information presented in this comment. Our management of Guide Use Area 12 on Arctic Refuge is described in our response to comment 137012.002.

Comment 136822.006
Wade Willis
Science Now Project

ANILCA Section 810 Evaluation

Lack of current analysis of impacts to federally qualified rural subsistence hunting opportunity.

The USFWS does not even mention in the draft CCP the current ANILCA 810 analysis associated with the existing closure to commercial guided sport hunting activities in guide use area 12. No formal ANILCA 810 analysis has ever been done in regards to perceived conflicts that have resulted in the closure of what is termed as guide use area 10A.

Response to Comment 136822.006

We are not required to offer all guide areas for commercial use, and there are several guide areas throughout the Alaska refuges where the Service decided not to offer guide permits. We are only required to conduct a Section 810 analysis when we propose an affirmative action, such as offering guide permits. ARC 12 was not offered for commercially guided hunting during the last open season. Please see our response to comment 137012.002 for additional information regarding ARC 12.

Comment 137012.001
Wade Willis
Science Now Project

ANILCA Section 810 Evaluation

A status update of the Guide Use Area 12 ANILCA 810 analysis.

- i. Why was the need for this particular 810 analysis not identified in the draft CCP?
- ii. Why was the GUA 12 810 analysis not included in the draft CCP?

Response to Comment 137012.001

We are not required to offer all guide areas for commercial use, and there are several guide areas throughout the Alaska refuges where the Service decided not to offer guide permits. We are only required to conduct a Section 810 analysis when we propose an affirmative action, such as offering guide permits. ARC 12 was not offered for commercially guided hunting during the last open season for a number of reasons. ARC 12 encompasses the Arctic Village Sheep Management Area, which is only open to subsistence sheep hunting for residents of Arctic Village, Fort Yukon, Chalkytsik, Venetie, and Kaktovik. Therefore, general State hunters and non-residents of Alaska would not qualify to hunt sheep in this area. Commercially guided hunting used to be allowed in ARC 12, but the permittee found it was not economically feasible to operate in the area without being able to hunt sheep. Without guided sheep hunting, the area did not have the densities, concentrations, and distributions of other desired big-game species to be considered economically viable.

Hunting guides are limited to three Guide Use Areas across the State. Because of this, they need to be extremely selective about where they choose to guide. The remainder of ARC 12 not within the Arctic Village Sheep Management Area is in close proximity to Arctic Village where there are substantial amounts of private lands (owned by a Regional Native Corporation and numerous Native allottees). These lands are not open to general public access and use. More specifically, they are not open to commercially guided sport hunting. ARC 12 covers a large portion of Arctic Village's actively used traditional hunting grounds, including Old John Lake, which is nearly entirely surrounded by private lands. Whether real or perceived, there is great potential for conflict between subsistence and commercial hunters to occur in ARC 12. Even without a commercial hunting guide, there are sometimes conflicts between Federal subsistence hunters and state of Alaska general hunters.

Proposals for and against sport hunting in the Arctic Village Sheep Management Area have been continually reviewed through the Office of Subsistence Management process since the 1990s. By not offering this area for commercially guided hunting, we are hoping to minimize conflicts. The rest of the Refuge is open to commercial guide hunting operations. Because we did not offer a guide permit for ARC 12 during the last open season, a Section 810 analysis was not required for ARC 12. However, a Section 810 Analysis was completed for all the other Guide Use Areas in which permits were issued. These analyses are on file in the Refuge office.

Comment 137012.002
Wade Willis
Science Now Project

A portion of GUA 10 is currently revoked for all commercial guided sport hunting activities yet it is my understanding the refuge manager is not planning to conduct an 810 analysis for GUA 10.

- i. Can you provide any formal statements of reason or findings justifying the revocation of commercial guided sport hunting activities in portions of GUA 10?
- ii. If negative impacts to refuge management mandates other than subsistence are the primary issue, please provide the specific concern the refuge manager is mitigating by this revocation with supporting data such as historical high rates of sport harvest or effort, or direct negative impacts to the sheep population.

I have spoken to Richard on several occasions regarding the revocation of GUA 12 and portions of GUA 10 for commercial hunting services. It is my understanding that he has never released a formal “finding” of potential negative impact to either subsistence hunting opportunity or a management mandates for either GUA, yet, through administrative decision, has denied commercial guided sport hunting activities in both GUA’s based on a “perceived” negative impact of some kind. If there is any type of document justifying those decisions, I’d like to get a copy.

The result of these administrative decisions in ANWR has resulted in citizens of the US (e.g. non residents) being denied access to the refuge regarding using a state issued sport hunting harvest ticket for sheep or brown bear. When a decision of a refuge manager denies public access to the refuge, and revokes the state’s right to authorize harvest of wildlife as defined by ANILCA, the highest attention to procedural protocol and documentation of the perceived negative impact should be followed in the Science Now Projects opinion.

In addition, if the impacts of commercial harvest of wildlife is so significant that restricting public access is required, you would assume the issue would be at the forefront of the draft CCP revision process – which it is not. I am aware of no other issue regarding the management of ANWR resources that has resulted in the need to restrict public access to the refuge.

I understand the issue, have direct experience as a commercial operator in ANWR, and agree that both areas have valid concerns. What I am looking for is the refuge to identify the problem in a formal document and to identify the justification for the administrative decision, which in this case, appears to lack any formal analysis of the “perceived” problem. The public deserves to have this information.

The regional and refuge specific policies for the management of consumptive take, including commercial harvest, need to be improved in my opinion. I understand that my opinion is not shared by some, but actions speak louder than words, and the actions of the refuge manager in ANWR would suggest a significant impact is occurring from consumptive take in ANWR.

As you know, yesterday I stressed that the consumptive take of wildlife in ANWR is the most pressing management issue for the USFWS in the Science Now Projects opinion. It’s overdue for this “issue” to be elevated beyond quiet administrative decisions and find the light of public awareness, debate and review. Adding to my concern is that fact that Geoff, through an administrative action, is considering issuing a memo directing refuge managers to elevate the

subsistence take of wildlife to the highest level of management priority. This only exemplifies the immediate need for public involvement in ANWR's consumptive take problems.

That the Arctic refuge is preferring to keep the review of consumptive take during the CCP process to a minimum and address the issue formally after the CCP review process-- is disappointing but not unexpected.

Response to Comment 137012.002

i. We would only revoke a permit when the permit holder violates the terms of the permit or some on-the-ground management condition changes, such as the State closes the area to hunting. Guide Use Area ARC10a was delineated on the map accompanying the 2002 prospectus solely for the purposes of describing past guided hunting use in that area, and for illustrating the potential for conflict with unguided hunters accessing the area from the Dalton Highway. It was never considered a stand-alone Guide Use Area, nor was it administratively closed to guided hunting use. The current guide who's permitted in ARC10 described in his competitive prospectus operations plan that he would not use the area described as ARC10a for guided hunting. The 810 analysis for ARC10 was completed before the permit was issued and is kept in the Refuge office. Because of the potential for confusion, the sub-area ARC10a is not described in the 2011 Arctic Refuge prospectus and is not depicted on our current Guide Use Area map.

ii. We are not required to offer all guide areas for commercial use, and there are several guide areas throughout the Alaska refuges where the Service decided not to offer guide permits. We are only required to conduct a Section 810 analysis when we propose an affirmative action, such as offering guide permits. ARC 12 was not offered for commercially guided hunting during the last open season for a number of reasons. ARC 12 encompasses the Arctic Village Sheep Management Area, which is only open to subsistence sheep hunting for residents of Arctic Village, Fort Yukon, Chalkytsik, Venetie, and Kaktovik. Therefore, general State hunters and non-residents of Alaska would not qualify to hunt sheep in this area. Commercially guided hunting used to be allowed in ARC 12, but the permittee found it was not economically feasible to operate in the area without being able to hunt sheep. Without guided sheep hunting, the area did not have the densities, concentrations, and distributions of other desired big-game species to be considered economically viable.

Hunting guides are limited to three Guide Use Areas across the State. Because of this, they need to be extremely selective about where they choose to guide. The remainder of ARC 12 not within the Arctic Village Sheep Management Area is in close proximity to Arctic Village where there are substantial amounts of private lands owned by a Regional Native Corporation and by Native allottees. These lands are not open to general public access and use. More specifically, they are not open to commercially guided sport hunting. ARC 12 covers a large portion of Arctic Village's actively used traditional hunting grounds, including Old John Lake, which is nearly entirely surrounded by private lands. Whether real or perceived, there is great potential for conflict between subsistence and commercial hunters to occur in ARC 12. Even without a commercial hunting guide, there are sometimes conflicts between Federal subsistence hunters and State of Alaska general hunters.

Proposals for and against sport hunting in the Arctic Village Sheep Management Area have been continually reviewed through the Office of Subsistence Management process since the 1990s. By not offering this area for commercially guided hunting, we are hoping to minimize conflicts. The rest of the Refuge is open to commercial guide hunting operations.

Comment 137014.030
Dan Ritzman, Alaska Program Director
Sierra Club

ANILCA Section 810 Evaluation

In the CCP DEIS Section 810 Evaluation, FWS states that “[n]one of the management alternatives evaluated in this Plan propose actions that would reduce subsistence uses because of direct effects on wildlife or habitat resources or that would increase competition for subsistence resources.” DEIS at 5-87. While this may be true, the Section 810 Evaluation fails to consider whether the cumulative impacts of the proposed action may have significant restrictions on subsistence uses. To comply with ANILCA, the FWS must consider not only the direct effects, but also the cumulative impacts of the proposed action in making its determination that the proposed action would not have a significant restriction on subsistence uses. See *Sierra Club v. Penfold*, 664 F. Supp at 1310.

Response to Comment 137014.030

The ANILCA Section 810 analysis (Chapter 5, Section 5.10) was revised to consider whether the cumulative impacts of the proposed action may have significant restrictions on subsistence uses and subsistence resources. The following factors will be considered to determine if a significant restriction of subsistence uses and needs may result from any one of the alternatives:

*A reduction in subsistence uses due to factors such as direct impacts on the resource, adverse impacts on habitat, or increased competition for the resources.

*A reduction in the subsistence uses due to changes in availability of resources caused by an alteration in their distribution, migration, or location.

*A reduction in subsistence uses due to limitations on the access to harvestable resources such as physical or legal barriers.

3.4.2 Designated Wilderness and ANILCA

Comment 000097.002
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

Designated Wilderness and ANILCA

Reviewing ANWR for wilderness designations violates ANILCA’s no more clause. For the coastal plain, the Service only considered additional wilderness as an alternative and did not consider opening the area to development, a clear violation of Section 1326.

Response to Comment 000097.002

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision,

the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 032620.017

Designated Wilderness and ANILCA

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

Page H-27: Wilderness Reviews

The concept of “symbolic wilderness” is problematic for many reasons, especially if applied to the 1002 coastal plain area. This incorrectly presumes that ANWR should be managed to maintain an abstract symbolic status in the minds of those who have never visited the Refuge. Important to remember is that Congress designated 8 million acres of actual, not symbolic, wilderness in the Refuge. This fulfilled the wilderness purpose of the original Range. The 19 million acre Refuge as a whole is the size of several states, and as contemplated in ANILCA can be managed for different purposes without impacting the actual wilderness Congress established.

Response to Comment 032620.017

As described in the wilderness review, the Coastal Plain WSA “holds symbolic and existence values for many people who find satisfaction in just knowing the area exists and will be passed on to future generations.” The statement merely recognizes how many people feel about the area. The Plan also recognizes that other people would like to see the area opened for oil and gas development.

Comment 032649.001

Designated Wilderness and ANILCA

**John Coghill, Alaska State Senator, District F
Alaska State Legislature**

I strongly urge adoption of Alternative A - No Action and contend that any change in the management of the 1002 Coastal Plain area of ANWR resulting in wilderness classification or any change to valid existing rights, including hunting and fishing, without Congressional action is a violation of ANILCA and further federal broken promises to State of Alaska and its people.

Response to Comment 032649.001

Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” The Plan proposes no changes to hunting and fishing on the Refuge, both of which are considered priority public uses of all national wildlife refuges and have been found compatible on Arctic Refuge.

Comment 136818.001

Designated Wilderness and ANILCA

**Richard Ranger, Senior Policy Advisor
American Petroleum Institute**

The Alaska National Interest Lands Conservation Act (ANILCA) restricts the authority to study [or to designate] new federal wilderness areas in wildlife refuges and parks in Alaska, including in the Arctic NWR, without further act of Congress [1]. ANILCA established the Arctic NWR in its present form and with its present purposes, including doubling the size and designating some 8 million acres of the original Arctic National Wildlife Range as wilderness under the Wilderness Act of 1964 – except the coastal plain that is the subject of Section 1002 of ANILCA, and the portion of the Arctic NWR that is the principal concern of this letter. Any action USFWS proposes to undertake with respect to the Arctic NWR coastal plain must observe the statutory requirements of ANILCA. Such actions must also observe Congressional intent and the statutory purposes expressed in Section 1002, and acknowledge the possibility of leasing, exploration and development of oil and natural gas resources on the coastal plain.

Response to Comment 136818.001

Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge’s coastal plain, along with a baseline study of the area’s fish, wildlife, and habitats. The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge’s coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 136818.003

Designated Wilderness and ANILCA

**Richard Ranger, Senior Policy Advisor
American Petroleum Institute**

In passing ANILCA, Congress recognized the importance of both the environmental and energy resources of the Arctic NWR, by specifying in Section 1002 of ANILCA that about 1.5 million acres of the coastal plain on the Refuge (or about 8 percent of its 19 million acres) should be subject to a thorough resource evaluation. ANILCA mandated USFWS to periodically revisit the issue of oil and gas activity within the so-called “1002 area”. This directive is as clear as the mandate the Service claims to have that requires it to revisit wilderness issues. Until Congress takes action, no production of oil and natural gas from the Refuge is allowed, nor may leasing and development leading to production take place. As will be further detailed in comments to be filed by the Alaska Oil and Gas Association, ANILCA also disclaims the need for future establishment of additional conservation system units

(including new wilderness areas) in Alaska. The statute restricts executive authority to consider these except as authorized by ANILCA itself or further acts of Congress. See, e.g., Sections 101(d) and 1326. Section 1326(b) of ANILCA is designed to foreclose exactly the actions which the CCP is purporting to undertake: new studies considering the establishment of new conservation system units in Alaska.

Response to Comment 136818.003

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge's coastal plain, along with a baseline study of the area's fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

By being part of the Revised Plan, the wilderness review does not violate ANILCA Sections 101(d) or 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge."

Comment 136817.001

Designated Wilderness and ANILCA

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

The USFWS appropriately has placed "off the table" any discussion or consideration of whether the 1002 Area should be made available for oil and gas development. ASRC and NSB believe that the issue of when/whether oil and gas development should be authorized in the 1002 area is inextricably linked with the process of conducting a wilderness review and recommending/not recommending the 1002 area for wilderness designation and, because Congress clearly reserved for itself the task of making the determination, the USFWS should now abandon any consideration of any alternative, such as Alternative C and Alternative E, that would include recommendation of the 1002 Area for wilderness designation by Congress.

Indeed, the USFWS should not take any action through this CCP revision process that would have the intent or effect of prejudging Congress's decision relating to this reserved authority. It is difficult to envision how the USFWS can undertake wilderness review of the 1002 Area and consider recommendation of the area for wilderness designation independent of the issues that the agency has recognized are reserved by law for congressional decision and beyond the scope of this CCP revision process. In fact, the Draft Plan recognizes as much when it admits that,

under Alternative C, the likelihood of opening the 1002 Area to oil and gas exploration would be substantially reduced. Draft Plan at 5-33 (emphasis added). It further states that, under Alternative C, “[w]ilderness designation could have a major, long-term, regional or greater and negative effect on economic development by restricting potential oil and gas exploration and development of the 1002 Area.” Draft Plan at 5-39. Conversely, in its discussion of the environmental consequences of Alternative F, the Draft Plan states “No additional wilderness recommendations could allow for the 1002 Area to more easily be opened by Congress to oil and gas, preserving this potential economic opportunity.” Draft Plan at 5-71.

Any assertion, therefore, that the USFWS will not address in this planning process whether or not the Coastal Plain should be made available for oil and gas development is specious at best. The USFWS itself explicitly acknowledges that its decision whether or not to recommend the Coastal Plan for wilderness designation will substantially impact whether or not the area is opened to potential oil and gas exploration and development. Given the agency’s recognition that Congress has reserved for itself the decision as to whether or not the Coastal Plain should be made available for oil and gas development, further consideration of alternatives that would recommend wilderness designation for the 1002 Area simply distracts the agency and the public from giving appropriate attention to the other important issues at stake in revising the CCP, and undermines congressional authority to make the ultimate decision on oil and gas development.

Response to Comment 136817.001

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge, and ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987, where it has remained ever since. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness values of the refuge.”

Comment 136817.002

Designated Wilderness and ANILCA

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

Despite the explanation set forth in section D.2.1 of the Draft Plan, the Secretary’s effort to consider recommending wilderness designation of additional wilderness areas on Alaska’s North Slope is, in fact, fundamentally inconsistent with the provisions of ANILCA that were carefully drafted to ensure a balance between protection of scenic, natural, cultural and environmental values and satisfaction of the economic and social needs of the State of Alaska and its people. Notably, as further discussed below, and contrary to statements in the Draft Plan, it is also inconsistent with Service policy.

Section 101(d) of ANILCA expressly recognizes that “the 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, in that section, Congress found that “the designation and disposition of the public lands in Alaska” pursuant to ANILCA “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.” Thus, section 101(d) states that ANILCA obviated “the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas,” including new units of the National Wilderness Preservation System. See ANILCA § 102(4).

This critically important point is again made in the “no more” provision of section 1326 of ANILCA. This provision expressly limits the authority of the executive branch to establish or expand conservation areas in the state, again based upon Congress’s determination that ANILCA established “a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition.” Although we recognize that Congress would have the ultimate say in whether any additional lands are designated as wilderness, by considering alternatives that would recommend new wilderness areas, the actions contemplated by the USFWS in the wilderness review and identification of alternatives inappropriately strikes a new balance that would further favor the protection of wilderness characteristics and diminish the availability of lands for uses that may be inconsistent with the protection of such characteristics.

Wilderness recommendation of certain areas on Alaska’s North Slope also would be inconsistent with section 1001 of ANILCA. Section 1001(b) of ANILCA did authorize the Secretary of the Interior to undertake a study to “review the wilderness characteristics, and make recommendations for wilderness designation” of “all Federal lands (other than submerged lands on the Outer Continental Shelf) in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve Alaska other than lands included in the National Petroleum Reserve Alaska and in conservation system units established under [ANILCA].” See also ANILCA § 1004. And, section 1001(c), in addition to calling for the Secretary to make findings on “the potential oil and gas resources of these lands,” called for the Secretary to make findings on “the national interest in preservation of the wilderness characteristics of these lands.”

Response to Comment 136817.002

By being part of the Revised Plan, the wilderness review does not violate ANILCA Sections 101(d) or 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

ANILCA Sections 1001 and 1004 do not apply to Arctic Refuge. The Revised Plan was edited to correct misstatements in the draft Plan regarding ANILCA 1004.

Comment 136817.004
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

The Draft Plan's response to these provisions of ANILCA is not consistent with the policies cited for its support. First, with respect to the issue of whether a wilderness review is required, the Draft Plan erroneously relies on USFWS policy as a basis for conducting a wilderness review for ANWR during this planning process. Draft Plan at D-3. As a threshold matter, it does not make sense to suggest, as the Draft Plan does, that general Service policy must be followed even when fundamentally inconsistent with specific statutory authority governing the Service's management of particular areas. But, the Draft Plan does not even accurately describe the cited policies, which do, in fact, recognize the unique provisions of ANILCA and did not require a wilderness review as part of this planning process. 601 FW 3 does not address wilderness review. While 610 FW 4 does at least address wilderness review, it does not, as the Draft Plan states, direct refuges in Alaska to conduct wilderness reviews during comprehensive conservation planning. In fact, paragraph 4.2 of 610 FW 4 explicitly states just the opposite:

This chapter covers all lands of the National Wildlife Refuge System (Refuge System) that are outside of Alaska, are not currently designated wilderness, and are subject to wilderness review. Wilderness reviews are not required for refuges in Alaska. Refer to 610 FW 5.17 for additional guidance for Alaska.

610 FW 4 (emphasis added). And paragraph 5.17 of 610 FW 5.17, explicitly addressing the question whether the Service conducts wilderness reviews of refuge lands in Alaska, makes the point again:

We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA. Additional wilderness reviews as described in the refuge planning policy (602 FW 1 and 3) are not required for refuges in Alaska. During preparation of CCPs for refuges in Alaska, we follow the provisions of section 304(g) of ANILCA, which requires us to identify and describe the special values of the refuge, including wilderness values. Subsequently, the CCP must designate areas within the refuge according to their respective resources and values and specify the programs for maintaining those values. However, ANILCA does not require that we incorporate formal recommendations for wilderness designation in CCPs and CCP revisions.

610 FW 5.17 (emphasis added). Accordingly, the Draft Plan's statement that Service policy directs refuges in Alaska to conduct wilderness reviews during cooperative conservation planning is wrong. The Service's cited policies therefore provide no basis whatsoever for undertaking a wilderness review as part of this planning process.

Response to Comment 136817.004

Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge." By being part of the Revised Plan, the wilderness review does not violate ANILCA and is consistent with Service policy 610 FW 4 and 610 FW 5.17. The Service believes

the best tool we have to identify, describe, and maintain Arctic Refuge's wilderness values in accordance with ANILCA 304(g) is to use the guidance in 610 FW 4.

Service policy 610 FW 5.17 does indeed say that wilderness reviews are not required for refuges in Alaska. However, this does not mean that a refuge in Alaska cannot conduct a wilderness review; it means refuges have the flexibility to conduct a wilderness review if the manager decides that a wilderness review is the appropriate way to help achieve the purposes of the refuge and mission of the Refuge System. Former Service Director Sam Hamilton made the decision in his memorandum of January 28, 2010, that wilderness reviews in Alaska refuges "will ensure that we fully evaluate lands and waters that may merit inclusion in the NWPS and will comply with the Wilderness Act, ANILCA, and National Wildlife Refuge System Administration Act, and the U.S. Fish and Wildlife Service Refuge Planning and Wilderness Stewardship policies." This direction in no way dismisses, overrides, or conflicts with FW 610 5.17 of the Wilderness Stewardship Policy.

As explained in the draft Plan and EIS, we chose to conduct the wilderness review for the entire Refuge. We believe we are within the legal requirements of ANILCA and are meeting current Service policy and direction provided by Director Sam Hamilton in his memorandum of January 28, 2010, telling us to complete a wilderness review of Refuge lands and waters.

Comment 136817.006

Designated Wilderness and ANILCA

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

The Draft Plan further erroneously asserts that section 1004 of ANILCA requires the Refuge "to maintain the wilderness character of the Coastal Plain and its suitability for inclusion in the National Wilderness Preservation System." Draft Plan at D-3, 5-38, 5-61. Section 1004 directed the Secretary, as part of the study required by section 1001, to "review the suitability or nonsuitability for preservation as wilderness of the Federal lands described in section 1001 and report his findings to the President." 16 U.S.C. § 3144(a). Section 1004 further provided for "the wilderness study area designated by this section" 1004 to be administered by the Secretary to maintain then-existing wilderness character and potential for inclusion in the National Wilderness Preservation System. 16 U.S.C. § 3144(c). This requirement, in accordance with its express language, was clearly limited to the wilderness study area designated by 1004. It did not extend to other areas of the Refuge. Any other reading of the statute, such as that adopted by USFWS in the Draft Plan, is wrong.[1]

In fact, USFWS policies do not impose such a requirement in wilderness study areas ("WSAs"), recommended wilderness, and proposed wilderness in Alaska. In this regard, Paragraph 5.18 of 610 FW 5.17 makes clear that: The review provisions of ANILCA (see section 1317(c)) do not affect the normal administration and management of the affected areas of the refuge until Congress takes action. We will manage WSAs, recommended wilderness, and proposed wilderness according to the management direction in the CCP for these areas. In Alaska, MRAs are not required for proposed refuge management activities and commercial services in WSAs, recommended wilderness, and proposed wilderness.

610 FW 5.17. Thus, even WSAs, recommended wilderness, and proposed wilderness in Alaska are to be managed in accordance with the normal management direction in the plan, and not managed to maintain the area's wilderness character and its suitability for inclusion in the National Wilderness Preservation System.

Response to Comment 136817.006

The comment is correct regarding the applicability of ANILCA Section 1004 to Arctic Refuge. We have removed reference to ANILCA Section 1004 from the entire Plan. The area encompassed by Section 1004 does not include Arctic Refuge. WSAs on Arctic Refuge would be managed under Minimal Management.

Comment 136817.007

Designated Wilderness and ANILCA

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

Second, with respect to the issue of whether a wilderness review violates the “no more” clause referenced above, the USFWS has indicated that it believes that such reviews do not violate ANILCA “because the reviews do not constitute a withdrawal nor are they being conducted for the sole purpose of establishing a conservation system unit.” Draft Plan at 3-6. ASRC and NSB respectfully suggest that this is an attempt to draw a distinction without a difference. Sections 101(d) and 1326 of ANILCA clearly evidence Congressional intent that ANILCA sets forth the complete and sole plan for management of public lands in Alaska, and that absent further Congressional action, further establishment or designation of lands is not necessary nor authorized. We note that Section 1326 (b) -- which contains the “sole purpose of establishing a conservation unit” language that is cited by the USFWS -- states in its entirety:

No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation areas or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

16 U.S.C. § 3213(b)(emphasis added).

ASRC and NSB submit that the purpose of the wilderness review that is at issue here is both related to and similar to studies that are undertaken for the purpose of “considering the establishment of a conservation system unit, national recreation area, national conservation areas.” To that end, we believe that undertaking this review violates the prohibition set forth in Section 1326(b) of ANILCA.

Accordingly, nothing in the Draft Plan’s discussion of the ANILCA “No More” clauses provides a legitimate basis for the USFWS’s decision to conduct a wilderness review of the Coastal Plain of ANWR. In fact, Section 1326(b) of ANILCA expressly prohibits such a review, and the decision to undertake the review was inconsistent with USFWS policy and with ANILCA. Any further action to pursue recommendation of the Coastal Plain for designation as wilderness on the basis of this review would be similarly contrary to USFWS policy and ANILCA. Congress spelled out the respective roles and responsibilities of USFWS and Congress with respect to the underlying issue of oil and gas development in ANWR, including in the Coastal Plain. The USFWS fulfilled its limited role on this issue when it submitted the LEIS and embedded ANILCA Report to Congress in 1987; further decision making regarding oil and gas development rests solely with Congress. The USFWS, therefore, must abandon any further consideration of Alternatives C and E, or any other option that would include wilderness recommendation for the Coastal Plain, as it moves to finalize its plan. And for the reasons stated above, ASRC and NSB also oppose any alternatives that include wilderness recommendations for any other portions of the Refuge.

Response to Comment 136817.007

We agree that the Service fulfilled its role under Section 1002(h) of ANILCA, when, on June 1, 1987, the DOI submitted a report to Congress on the oil and gas potential of the Refuge's coastal plain, along with a baseline study of the area's fish, wildlife, and habitats (Clough et al. 1987). When Congress makes a management decision on the 1002(h) report, the action will be incorporated into the Refuge's Revised Plan and implemented.

The Service does have legal authority to conduct a wilderness review. The Revised Plan is an update of the 1988 Plan and is a management plan for the entire Refuge and is being completed as a statutory requirement of ANILCA Section 304(g)(1). Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge." While the wilderness review could result in a recommendation to designate additional Wilderness areas in the Refuge, the Service's authority is limited to making recommendations. Only Congress can designate Wilderness.

Comment 136809.002

Designated Wilderness and ANILCA

William C. Reffalt, Vice President and Issues Coordinator**Blue Goose Alliance**

-----Preamble/Intro-----

Comments Directed to Specific Planning Issues

Beyond that summary and brief explanation, the Alliance herein offers a number of observations and comments regarding sections of the CCP that we believe have need of improved explanations or corrections to inadequate presentations in the current draft. We offer these in the spirit of assisting Refuge personnel in making the final CCP as informative, factual and friendly to the reader as possible. The CCP document is obviously a complex compilation of factual materials and explanations of intended future management protocols which includes compliance with the regulations of the Council on Environmental Quality regarding Environmental Impact Statements and public outreach.

-----Comment-----

B. Section 1326 (a) and 1326 (b): The discussion in the Draft CCP is not accurate and, in fact, is misleading. It would be more informative to quote the provisions in the Act.

Section 1326 (a) is actually an authorization for withdrawals, under existing provisions of law (such as the 1906 National Monuments authority of the President, or the authorities found in Section 204 of the Federal Land Policy Management Act), when such lawful withdrawals contain more than 5,000 acres of public lands. It places two provisos on such withdrawals—1) that the "...withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress" and, 2) that "Such withdrawal shall terminate unless Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress."

Many land designations are not "withdrawals" and therefore would not be affected by this section. For example, the recent decision by FWS to establish a Landscape Conservation Cooperative (LCC) does not abridge, in the view of this author (and apparently in the view of FWS), Section 1326 (a) constraints and, therefore does not require the Federal Register notice or a notice to both houses of Congress. In the same light, designation within the Arctic National Wildlife Refuge of an area "Free of Commercial Activity and Mechanization" in the Firth-Mancha RNA as discussed in the Draft CCP in Appendix D (at D-7) would not be

contrary to Section 1326 (a). It would entail designation of a special regulations area within an established “Conservation System Unit”, rather than “withdrawal” of some new area on otherwise general public lands. The Refuge has ample authority to accomplish the ends it believes desirable in such a designation. The provision of “natural quiet” and an area free from mechanization would be a truly welcome relief to many hikers and campers and I can think of no better place to install such an area within the NWRS than in the Arctic NWR.

Section 1326 (b) constrains itself with the condition that the studies to be prohibited include only those that would be for the single purpose of considering the establishment of a new conservation system unit (CSU), etc. Thus, studies that have broader purposes but may include such consideration of a new CSU, would not violate the provision.

In both Subsections 1326 (a) and (b) the emphasis is placed on new CSUs. Thus, within existing CSUs, such as the Arctic NWR, by normal logic and legislative inference, the prohibitions would not apply. There are numerous provisions in the Act calling upon the implementing agencies to conduct studies, consider future designations such as Wilderness and Wild and Scenic River, etc., that clearly place an expectation in Congress that agencies will conduct such work and make appropriate recommendations to the Congress. If such was not intended, Section 1326 (a) would contain an opening proviso: “Notwithstanding other provisions of law, including this Act” The lack of that proviso is strong evidence that the 96th Congress was not attempting to circumvent agency requirements and activities under the numerous laws by which they must abide, including ANCSA and ANILCA.

Discussion of these matters, along the lines contained herein, would be more illuminating and helpful to the general public interested in this Refuge and its future programs.

Response to Comment 136809.002

We believe we have emphasized in the document and in our response to comments about ANILCA Sections 1326(a) and 1326(b) that we are not considering new conservation system units, nor are we conducting single purpose studies. Rather we are complying with the planning requirements of ANILCA Section 304(g).

Comment 032617.002

Designated Wilderness and ANILCA

Don Young, Congressman

Congress of the United States, House of Representatives

As a result of these concessions, ANILCA contains provisions known as the “No More” clauses, which unmistakably clarify that Alaska has given its share of land for federal conservation system units (CSU). For example, Section 101 (d) states that the need for more parks, preserves, monuments, wild and scenic rivers in Alaska has been met. Moreover, Section 1326(a) states that administrative withdrawals, such as the Antiquities Act, can no longer be used in Alaska unless, “Congress passes a joint resolution of approval within one year after the notice of such withdrawal has been submitted to Congress.” In addition, Section 1326(b) states that federal agencies are not even allowed to study lands for consideration for set-asides unless Congress specifically authorizes the study. The United States Congress has not authorized a Wilderness study ANWR, and one shouldn’t have been a part of the CCP.

Response to Comment 032617.002

We agree with the comment that the U.S. Fish and Wildlife Service has no authority to declare Wilderness. The Service believes, however, that by being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan

derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

Comment 009536.001

Designated Wilderness and ANILCA

**Lisa Herbert, Executive Director
Fairbanks Chamber of Commerce**

In our view, a wilderness designation of the Coastal Plain would be in violation of the “no more” clauses in ANILCA, the intent of the 1002 area, and Alaska statehood.

Response to Comment 009536.001

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” Only Congress can designate Wilderness.

Comment 136806.001

Designated Wilderness and ANILCA

**Carl Portman, Deputy Director
Resource Development Council for Alaska Inc.**

DC is advocating for Alaska’s and, indeed, our nation’s interests in urging the Service to recommend to Congress that the 1002 area be opened to responsible oil and gas exploration and development, as was recommended by the Department of Interior over 20 years ago. RDC is strongly opposed to new federal Wilderness and wild and scenic river designations in ANWR and the mere implication of such consideration is inconsistent with promises that were made in ANILCA. In our view, any such designations are in violation of the “no more” clauses in ANILCA and the intent of the 1002 area and Alaska statehood.

The 1002 area was excluded from the existing Wilderness designation in a compromise struck under the 1980 Alaska Lands Act. In exchange, Congress doubled the size of the refuge and designated eight million acres outside the 1002 area as Wilderness. In recognizing the 1002 area’s enormous oil and gas potential, Congress mandated a study of its petroleum resources, as well as its wildlife and environmental values. In 1987, the Department of the Interior concluded oil development would have minimal impact on wildlife and recommended the 1002 area be opened. In 1995, Congress voted to open the area to exploration, but President Clinton vetoed the measure.

Under ANILCA, the Service has a mandate to periodically revisit the issue of oil and gas development within the 1002 area. In our view, the mandate is clearer than the authority the Service claims to have on revisiting the wilderness suitability and wild and scenic river eligibility issues. In addition, there was considerable improvements in oil and gas exploration and

development technology that has greatly reduced industry's footprint in the many years since the original study was completed. These improvements would make it possible to develop the 1002 area's energy reserves while directly utilizing only a fraction of the area.

We now have a Draft CCP that proposes several alternatives that include new Wilderness designations for ANWR while refusing to even consider oil and gas development in the 1002 area. The mere fact that an alternative requires legislative implementation, such as oil and gas activity in the 1002 area, does not automatically establish it as beyond the domain of what is required for discussion and consideration in the CCP.

Moreover, ANILCA provides that the purpose of Section 1002 "is to provide for a comprehensive and continuing inventory of the assessment of fish and wildlife resources....an analysis of the impacts of oil and gas exploration development and production, and to authorize exploratory activity within the coastal plain." The statute goes on to provide that the Secretary of the Interior must provide Congress with recommendations "with respect to whether further exploration for, and the development and production of, oil and gas within the coastal plain should be permitted and, if so, what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats, and other resources are avoided or minimized."

Therefore, in our view, the Service is required by statute to evaluate the impacts of oil and gas exploration. In addition, it is a violation of NEPA not to do so, given the law provides that federal agencies must "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." There is certainly a conflict over competing uses of the 1002 area. As a result, the Service must consider oil and gas development as an alternative.

Response to Comment 136806.001

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge's coastal plain, along with a baseline study of the area's fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986.

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge, and ANILCA Section 1002(h) directed the DOI to provide Congress with a report on the future management of the 1002 Area of the Refuge. The report was provided to Congress on June 1, 1987, where it has remained ever since. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit.

Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness values of the refuge.”

Comment 136805.001
Sean Parnell, Governor
State of Alaska

Designated Wilderness and ANILCA

The State reiterates its strong objection to this new ANILCA Section 1317 wilderness review and remains opposed to any recommendations for additional wilderness designations in the Arctic Refuge. This wilderness review is not only in direct conflict with ANILCA Sections 1317 and 1326(b), and thus illegal, it ignores the 1987 Department of Interior Resource and Assessment 1002(h) Report’s recommendations for the 1002 Area, and publicly-vetted Service policy.

Response to Comment 136805.001

The current wilderness review is not being completed under the provisions of ANILCA 1317. Rather, it is being completed under the provisions of ANILCA Section 304(g). ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit and does not conflict with ANILCA 1326(b). Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

On June 1, 1987, the DOI complied with ANILCA 1002(h) when it submitted a report to Congress on the oil and gas potential of the Refuge’s coastal plain, along with a baseline study of the area’s fish, wildlife, and habitats (Clough et al. 1987). The report and decision have remained with Congress ever since. When Congress makes a management decision on the 1002(h) report, the action will be incorporated into the Refuge’s Revised Plan and implemented.

Comment 136805.002
Sean Parnell, Governor
State of Alaska

Designated Wilderness and ANILCA

ANILCA’s “No More” Clause

The Plan refers to recent Service policy as justification for conducting this wilderness review, and states that the wilderness review does not violate ANILCA Section 1326(a) because “the reviews do not constitute a withdrawal” and do not violate ANILCA section 1326(b) because they are not “being conducted for the sole purpose of establishing a conservation system unit” (page 3-6 and D-3, last paragraph). Administrative policy does not trump Congressional direction. ANILCA Section 1317 required a one-time wilderness review for all lands not already designated as wilderness within conservation system units. As the Plan openly acknowledges, the Service conducted that review in conjunction with the 1988 CCP.

Wilderness reviews were a major component of the Refuge’s 1988 Plan. That process formally examined all non-wilderness portions of the Refuge except for the 1002 Area. (Page H-32) Service Policy (610 FW 5.17) also confirms these reviews are complete.

We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA.

This subsequent wilderness review is therefore in direct conflict with both Section 1317 and Section 1326(b), which states:

No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit... or for similar or related purposes shall be conducted unless authorized by this Act or further Act of Congress. [Emphasis added]

The current draft Plan also states:

These reviews are administrative actions and a means by which the Refuge can assess the efficacy of its management in meeting Refuge purposes and other legal requirements, including ANILCA Section 1004, which requires the Refuge to maintain the wilderness character of the Coastal Plain and its suitability for inclusion in the National Wilderness Preservation System. (Page D-3, 6th paragraph) [Emphasis added]

First, as explained in detail in the subsection below, none of the Refuge, including the 1002 Area, is included in the wilderness study area mandated by Sections 1001 and 1004; therefore, Section 1004, including the interim management direction of 1004(c), does not apply.

It also appears from this statement that a management objective is being fabricated to support the claim that the wilderness review is “not being conducted for the sole purpose of establishing a conservation system unit” (Page D-3, last paragraph) and as such, is not in conflict with Section 1326(b). However, the purpose of the wilderness review is clearly stated in the April 7, 2011 Notice of Intent and the review itself.

The Revised CCP will... review Refuge lands for potential recommendation for Congress for inclusion within the National Wilderness Preservations System. (75 FR 17763)

The purpose of a wilderness review is to identify and recommend to Congress lands and waters... that merit inclusion as part of the National Wilderness Preservation System. (Wilderness Review, page H-2) [Emphasis added]

The Service has ample means to evaluate the effectiveness of refuge management without also violating this cornerstone provision of ANILCA. Furthermore, neither the Wilderness Act nor ANILCA authorizes the use of wilderness reviews for any purpose other than identifying land to Congress that is suitable for designation as Wilderness. Especially in the context of ANILCA, wilderness reviews have only one purpose: to identify land suitable for a Congressional wilderness designation. In ANILCA section 1326(b), Congress specifically reserved for itself the authority to direct further studies to support establishment of conservation system units in Alaska. The Service may not usurp this authority by invoking a collateral, administrative purpose for conducting a wilderness review. Finally, the draft CCP addresses only two major planning issues: whether additional areas of the Refuge should be recommended for wilderness designation, and whether additional rivers should be recommended for inclusion in the National Wild and Scenic River System. The fact that these are the only two major issues analyzed in the draft Plan indicates that the single purpose of the wilderness reviews and wild and scenic river reviews is to consider the establishment of a conservation system unit.

Response to Comment 136805.002

You are correct that a wilderness review conducted under the provisions of ANILCA 1317 was included in the 1988 Plan. As you may be aware, the reviews of Alaska refuges never formally

went beyond the Service, and the Secretary of the Interior never presented the findings of the reviews to the President of the United States. The original wilderness review for Arctic Refuge was never forwarded to the President or to Congress. Nevertheless, the current wilderness review is not being completed under the provisions of ANILCA 1317. Rather, it is being completed under the provisions of ANILCA Section 304(g).

By being part of the Revised Plan, the wilderness review and wild river review do not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the statutory requirement in ANILCA 304(g)(1) that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit, but rather it considers options for managing an existing conservation system unit (Arctic Refuge). Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value....”

The wilderness review assists the Refuge in evaluating the efficacy of its management because the review process requires us to determine whether lands have wilderness values and whether they are qualified and suitable for inclusion in the NWPS. The review does not require us to recommend areas for Wilderness designation; rather, it requires us to follow a standardized process by which areas could be recommended. The same holds true for wild river evaluations. The Plan also contains numerous other sections that update Refuge management including revised policies and guidelines and a new vision, goals, and objectives for Refuge management (see Chapter 2).

Comment 136805.003
Sean Parnell, Governor
State of Alaska

Designated Wilderness and ANILCA

Contrary to information in the Plan (Page H-32), the wilderness study called for in Sections 1001 and 1004 did not include any of the Arctic Refuge, including the 1002 Area. Section 1004(a) specifically refers to the wilderness study area as “...Federal lands described in section 1001...” Section 1001(a) states:

The Secretary shall initiate and carry out a study of all Federal lands (other than submerged lands on the Outer Continental Shelf) in Alaska north of 68 degrees north latitude and east of the western boundary of the National Petroleum Reserve – Alaska, other than lands included in the National Petroleum Reserve – Alaska and in conservation system units established by this Act. [Emphasis added]

Prior to this planning process, the Service had properly acknowledged the scope of Section 1001 and application of Section 1004. The attached map of the Section 1001 Central Arctic Management Area wilderness study boundary confirms that Sections 1001 and 1004 do not apply to the Refuge or the 1002 area.

Response to Comment 136805.003

The document was corrected to accurately portray that Sections 1001 and 1004 of ANILCA do not apply to Arctic National Wildlife Refuge.

Comment 136805.004
Sean Parnell, Governor
State of Alaska

Designated Wilderness and ANILCA

Furthermore, the Department of Interior's Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment Report and Recommendation to the Congress of the United States and Final Legislative EIS (1002(h) Report) stated that "No further study or public review is necessary for the Congress to designate the 1002 area as wilderness" (Page 103, Alternative E – Wilderness Designation) and included an alternative that would allow Congress to designate the 1002 area as wilderness. This remains an option for Congress' consideration to this day, along with the Secretary of Interior's recommendation to Congress (April 1987) to authorize development of the refuge's oil and gas resources. In fact, the general comment below regarding the need to include an oil and gas alternative identifies two Senate bills and one House bill, which are pending that would open the coastal plain, to oil and gas leasing and development. Thus, the 1988 wilderness review conducted by the Service in conjunction with the original CCP appropriately excluded the 1002 Area. Service Director John Turner acknowledged as much in revising the original 1988 wilderness recommendations for seven Alaskan Refuges in January 1991, including the Arctic Refuge, and only recommended adding the Brooks Range review unit, thus again appropriately excluding 1002 Area (Page H-33, H.5 Appendix: Previous Wilderness Reviews).

Response to Comment 136805.004

The report prepared under Section 1002(h) of ANILCA was provided to Congress on June 1, 1987. With that submittal, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. When Congress makes a management decision on the 1987 report, that action will be incorporated into the Plan and implemented. As stated previously, preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. The wilderness review is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge." As explained in the draft Plan and EIS, we chose to conduct the wilderness review for the entire Refuge. We believe we are within the legal requirements of ANILCA and are meeting current Service policy and direction provided by Director Sam Hamilton in his memorandum on January 28, 2010, telling us to complete wilderness reviews for Alaska refuges.

Comment 136805.005
Sean Parnell, Governor
State of Alaska

Designated Wilderness and ANILCA

Director's Memorandum

The Service states on page D-3 that "Service policy (601 FW 3 and 610 FW 4), and a recent director's memorandum (Hamilton 2010), directs refuges to conduct wilderness reviews during comprehensive conservation planning, including for Alaska." While we recognize that policy sets Service direction and the National Director sets that policy, it must be consistent with federal law. If there is a conflict, statute prevails.

The Wilderness Stewardship Policy was completed through an extensive public process, with participation from the State of Alaska through the Department of Fish and Game and the

Association of Fish and Wildlife Agencies. However, based on a Director's Memorandum, the Service not only violates ANILCA Sections 1317 and 1326(b), it also dismisses a legitimate public process.

Former Director Williams issued a memorandum of Planning Requirements Regarding Alaska Refuges in 2004. The memorandum suspended wilderness reviews for Alaska refuges until the Wilderness Stewardship policy was finalized. The final policy was published in the Federal Register on November 7, 2008. Section 601 FW 5.17 of the policy states:

We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA. Additional wilderness reviews as described in the refuge planning policy (602 FW 1 and 3) are not required for refuges in Alaska. During preparation of CCPs for refuges in Alaska, we follow the provisions of section 304(g) of ANILCA, which requires us to identify and describe the special values of the refuge, including wilderness values. Subsequently, the CCP must designate areas within the refuge according to their respective resources and values and specify the programs for maintaining those values. However, ANILCA does not require that we incorporate formal recommendations for wilderness designation in CCPs and CCP revisions. (Emphasis added.)

The 2010 Hamilton memorandum disregards the policy, however:

Although the Wilderness Stewardship policy does not require that Alaska Refuges conduct wilderness reviews, conducting such reviews will ensure that we fully evaluate lands and waters that may merit inclusion in the National Wilderness Preservation System and will comply with the Wilderness Act, the Alaska National Interests Lands Conservation Act, the National Wildlife Refuge System Administration Act, as amended, and the Fish and Wildlife Service Refuge Planning and Wilderness Stewardship policies. (Emphasis added.)

We question this reasoning. First and foremost, policy cannot preempt statute. As stated above, ANILCA Section 1317 required a one-time wilderness review for all lands not already designated as wilderness within conservation system units. This has been accomplished, and the Wilderness Stewardship Policy reflects this. Moreover, as the later enacted and specifically applicable statute, ANILCA supersedes the Wilderness Act in Alaska. There is no direction in the National Wildlife Refuge System Administration Act, as amended, that requires wilderness reviews. In fact, the Act states that "if any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail." The Hamilton memorandum does not justify conducting new wilderness reviews in Alaska, over explicit direction in ANILCA and publicly-vetted Service policy.

Response to Comment 136805.005

We disagree with this interpretation of ANILCA and Service policy. Please refer to our responses to comments numbers 136805.001 through 136805.004 for additional information.

Comment 136805.006
Sean Parnell, Governor
State of Alaska

Designated Wilderness and ANILCA

The State objects to the use of the term "wilderness study areas" in the draft Plan for any part of the Refuge. As noted above, Section 1317 of ANILCA provided a one-time wilderness review authority for wildlife refuges in Alaska. The Service completed the wilderness review

for all parts of the Refuge (except the coastal plain) in the 1988 CCP. The 1002 area was reviewed as part of the Department of Interior Resource and Assessment 1002(h) Report, which stated that “No further study or public review is necessary for the Congress to designate the 1002 area as wilderness” (Page 103, Alternative E – Wilderness Designation) and included an alternative that would allow Congress to designate the 1002 area as wilderness. The term “wilderness study area” is specific to the wilderness review process set forth in the Wilderness Act, the applicability of which to Alaska is expressly and specifically limited by ANILCA. The Service does not have the authority to create wilderness study areas administratively. Thus, the use of the term “wilderness study area” is inappropriate, confusing to the public, and unnecessarily inflames all sides of the public debate over management of the Refuge and especially the 1002 area.

Response to Comment 136805.006

Following the guidance in ANILCA, the Wilderness Act, and in the Service Manual, we believe “Wilderness Study Area” is the appropriate term. The term was retained in the Revised Plan and final EIS.

Comment 136805.159**Designated Wilderness and ANILCA**

**Sean Parnell, Governor
State of Alaska**

Through ANILCA, Congress established the Refuge, and designated eight million acres as wilderness. Congress also set aside the Refuge 1002 Area to study the potential for responsible oil and gas development, and authorized exploration activities to facilitate that effort. The resulting 1987 Coastal Plain Resource Assessment 1002(h) Report, which included an alternative to designate the area as wilderness, concluded that Congress should authorize oil and gas development. Nowhere in Section 1002 of ANILCA did Congress provide direction to, yet again, study the 1002 Area’s potential for wilderness designation. By glaring omission, this Plan not only disregards this earlier recommendation, it ignores the fact that the 1002 Area was purposely not included in the 1988 Arctic Refuge wilderness review because it was already covered in the 1987 Section 1002(h) Report, and the decision was solely in the hands of Congress, where it remains today. I am therefore appalled by this current and blatant attempt to use this planning process to circumvent both the intent of ANILCA and Congress’ authority in this matter.

Response to Comment 136805.159

The Revised Plan was modified to indicate that the purposes from Public Land Order 2214 only apply to the original Range, to the extent they are consistent with ANILCA and ANCSA, and not to the entire Refuge. ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value” apply to the entire Refuge. The purposes listed in ANILCA Section 304 apply to the entire Refuge.

Comment 136803.003

Designated Wilderness and ANILCA

**Lisa Murkowski, Senator, Alaska
US Senate**

Recommending additional Wilderness or WSRs within ANWR is inconsistent with both the authorities granted in law and clear Congressional intent. A common misperception is that the federal government owns ANWR and its resources. In law and reality, the federal government only holds those resources in trust, as a manager, for the US taxpayers. The US taxpayers have granted this management authority through Congress, and Article 4, Section 3 of the U.S. Constitution holds that it is solely and finally through Congress that the disposition of these commonly-held lands may occur. Rather than ignore the basic division of power between Congress and the Executive Branch, FWS should recognize the standing law and clear Congressional intent with an understanding that, unless repealed, statute presumes against future designations of conservation units in Alaska generally.

The “no-more” clause of the Alaska National Interest Lands Conservation Act (ANILCA) expressly states, “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.”

Should FWS take steps to encroach upon or compromise Congressional authority over any federally-held lands, or should any federal agency take unilateral steps to sterilize a commonly-owned and valuable resource, this fundamental principle of public land management would be corrupted, and public reaction, likely manifested in Congress, may be both swift and far reaching.

Response to Comment 136803.003

We do not believe we are encroaching on congressional authority over federally held lands. The Service is complying with the requirements of Section 304(g) of ANILCA. Decisions regarding Wilderness designation, wild river designation, or oil and gas development within Arctic Refuge are the purview of Congress.

Comment 032627.001

Designated Wilderness and ANILCA

**Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations**

While the Service completed a process to determine wilderness recommendations in the 1980's, for all Alaska refuges including the Arctic, the Secretary of the Interior never forwarded the recommendations to the President. Thus we believe the Service still has not met the requirements of Section 1317 of ANILCA overall for Alaska's refuges. Regardless, the intent of ANILCA with respect to wilderness reviews in refuges is clear that all Alaska refuges are deserving of wilderness reviews and recommendations. And while the Arctic Refuge was dealt with differently than other refuges in ANILCA in Section 1002 of the Act, we believe that at this time, the purposes of section 1002 have been fulfilled, and that it is the

legal duty of the Service to complete a wilderness review and recommendation for the Arctic Refuge, like all other refuges in Alaska or elsewhere in the nation.

Response to Comment 032627.001

The Revised Plan contains a wilderness review of all non-wilderness lands within Arctic Refuge.

Comment 032638.001

Designated Wilderness and ANILCA

John Craig

Alaska was promised that if we allowed the size of ANWR to be doubled, and 8 MILLION Acres designated as Wilderness - we would have the right to develop the small coastal plane in Area 1002.

- Yet, nearly 25 years later - America's most promising remaining domestic oilfield has still not been opened for exploration or development - and AMAZINGLY that option is not even offered in this current CCP draft.

Response to Comment 032638.001

Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 000047.001

Designated Wilderness and ANILCA

Theresa Fiornio

The refuge planning process also provides a service with the opportunity to conduct critically important wilderness reviews. In fact, the law articulated a wilderness review for the Arctic Refuge. Section 304 of ANILCA requires wilderness and other special values to be identified in the planning process. Section 1004 requires wilderness review for existing Federal lands located north of 68 degrees north latitude and east of the west boundary of the NPR-A. Section 1317 requires wilderness review for all refuge system lands that were already not designated as wilderness as well as a recommendation based on findings from those reviews, requirements that have never been completed.

Response to Comment 000047.001

Section 1004 of ANILCA requires wilderness review of lands described in Section 1001 for "suitability or nonsuitability for preservation as wilderness." The lands described in Section 1001 of ANILCA do not include conservation system units established by ANILCA, and therefore do not include Arctic National Wildlife Refuge. Section 1317 of ANILCA states the Secretary shall review the suitability or nonsuitability for preservation as Wilderness all lands within units of the National Wildlife Refuge System in Alaska not designated as Wilderness and report his findings to the President within five years from the date of enactment of ANILCA. Recommendations from the President were due to Congress within seven years of the date of enactment of ANILCA. The original wilderness review completed for Arctic Refuge under ANILCA Section 1317 was never forwarded to the President or Congress.

Comment 032651.001
Mark Lindsey

Designated Wilderness and ANILCA

Issue: In preparing the draft CCP for the Arctic National Wildlife Refuge (“ANWR”), is the USFWS Service (the “Service”) correct in deciding to exclude meaningful consideration of the oil and gas development potential of the 1002 Area?

Discussion: The 1002 Area was created by the enactment of ANILCA in 1980. That legislation remains the most definitive record of what Congress intended for the 1002 Area. In ANILCA, Congress required the Secretary of the Interior to evaluate the 1002 Area for its potential as an oil and gas province. The result of this Congressional mandate was the April, 1987 issuance of the Arctic National Wildlife Refuge, Alaska Coastal Plain Resource Assessment, Report and Recommendation to Congress and Final Environmental Impact Statement. In that report, the Secretary of the Interior recommended opening the 1002 Area to oil and gas development, subject to certain stipulations. However, as we all know, to date no such legislation has been enacted.

These facts indicate that Congress and the Department of the Interior believe that the consideration of the oil and gas potential of the 1002 Area is central to any planning process for that section of ANWR. Of course, there is an abundance of other information indicating that the public feels the same way: that is, that regardless of whether one is for or against it, the issue of opening the 1002 Area is an issue of significance.

In the draft CCP, the Service justifies its decision to exclude consideration of the oil and gas development potential of the 1002 Area as follows (from the CCP draft summary updated August, 2011)[1]:

“However, according to the National Environmental Policy Act (NEPA), the alternatives considered in an Environmental Impact Statement (EIS) must meet the purpose and need for the proposed action. The purpose and need for the CCP is to ensure that activities, actions and alternatives fulfill the legal purposes for which the Refuge was established.

The CCP also must fulfill the mission of the National Wildlife Refuge System and provide direction on how the U.S. Fish and Wildlife Service will meet these purposes. It is outside the Refuge’s and Service’s administrative authority to consider or propose oil and gas development alternatives. Congress has reserved the authority to make final decisions on oil and gas development in Arctic Refuge.”

There are a number of problems with this explanation. The first is the opening statement that the alternatives considered in an EIS must meet the purpose and need for the proposed action. NEPA says no such thing, nor is such a requirement included in the CEQ regulations at 40 CFR 1502. On the contrary, NEPA provides that an agency must[2]:

“(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on

- (i) the environmental impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,

- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. "

And 40 CFR 1502.14 reads as follows:

"Sec. 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives."

Nowhere in NEPA or in the enabling regulations is there any support for the Service's explanation that an alternative must meet the Service's purpose and need.

The notion that an alternative may be eliminated if it fails to meet the purpose and need of the action being proposed makes some sense in some cases. For example, when an EIS is required due to, say, a proposal to construct an ice road over tundra to reach a drilling location, it makes sense to limit alternatives to those which could achieve the same purpose – e.g. consider air transport to the site as an alternative, or consider other access to the site by means other than ice road, and to eliminate from consideration any alternative that has nothing to do with reaching the drill site. However, in the present case, the entire concept of eliminating an alternative if it does not meet the purpose and need as defined by the Service essentially results in a situation where the Service doesn't have to consider any alternative use of the land that is not consistent with the mission of the Service. In other words, under the Service's construction of this issue, it need not consider any views other than those that conform to its own policy objectives. This is clearly nonsense and is not what is intended in NEPA.

The narrow and very limiting definition used by the Service of the "purpose and need" notably excludes the primary reason that a CCP is needed in the first place: The need for a CCP is imposed by Section 304 of ANILCA, the same legislation that created the 1002 Area and set it aside for special studies of oil and gas potential. A more accurate definition of the need for the

CCP would directly reference this ANILCA requirement. By setting it aside for oil and gas development study, ANILCA treats the 1002 Area differently from any other part of the National Refuge system and makes it very clear that there is a significant unresolved issue relating to land use there. Given this broader context of why a CCP is required, it is difficult to credit the Service's decision to exclude full consideration of oil and gas development alternatives.

Response to Comment 032651.001

Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. While some of the public requested the Plan "strike a balance" between habitats, ecosystems, and energy resources, we did not modify the Plan's purpose and need statement or the Plan's alternatives in response to these public comment on the draft Revised Plan.

Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the Refuge. Congressional authorization to conduct an exploration program in the 1002 Area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 032651.004

Designated Wilderness and ANILCA

Mark Lindsey

Issue: Has the Service complied with all applicable laws and regulations and with USFW policy in its wilderness review of the 1002 Area?

Discussion: Per the draft CCP:

"The current review was initiated in compliance with the refuge planning process outlined in U.S. Fish and Wildlife Service (Service) Manual (602 FW 3 and 4) and is conducted in accordance with Service Manual (610 FW 3, 4, and 5)."

However, 610 FW (cited by the Service in the preceding paragraph) reads:

"4.12 What factors does the Service consider when conducting a wilderness study? We study each WSA identified in the inventory to analyze all values (e.g., ecological, recreational, cultural, economic, symbolic), resources (e.g., wildlife, water, vegetation, minerals, soils), public uses, and refuge management activities within the area. The analysis includes an evaluation of whether we can effectively manage the WSA to preserve its wilderness character. We analyze these elements through the refuge planning process to determine the most appropriate management direction for each WSA."

The draft CCP does not comply with this provision in that it includes no meaningful analysis of the economic or mineral resources of the 1002 Area[4].

This point also ties into the point made above – that NEPA similarly requires a close look at alternatives to the action being proposed (in this case, alternatives to the wilderness designation)[5].

After studying this legislative, regulatory and policy guidance, it is clear that any consideration of the 1002 Area for wilderness designation must include a far more complete analysis of the oil and gas development potential of the region.

Response to Comment 032651.004

The intent of 610 FW 4.12 is not to direct analysis of resources (including minerals) for potential economic exploitation, but rather to provide baseline data on values, resources, and uses to aid in evaluating the agency’s ability to effectively manage a WSA to preserve its Wilderness character. We believe we have provided an adequate level of analysis in the document. As stated in our response to other comments, neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the Refuge. Congressional authorization to conduct an exploration program in the 1002 area expired when, on June 1, 1987, the DOI provided Congress with a report on the future management of the 1002 Area of the Refuge in compliance with ANILCA 1002(h). The report and decision have remained with Congress ever since. Until Congress takes action to change the provision of ANILCA 1003 or to implement the 1987 report, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 032651.006

Designated Wilderness and ANILCA

Mark Lindsey

-----Preamble/Intro-----

If ever there was a proposal “which involves unresolved conflicts concerning alternative uses of available resources”, a proposal to designate the 1002 Area as wilderness fits the bill. The Service’s position appears to be that opening the 1002 Area to oil and gas activities is not an “appropriate alternative” since any “appropriate alternative” has to satisfy the “need and purpose” of the CCP. Whether this position is viable is probably a matter for the courts, but it is clear that it is a position that the Service does not need to take. There is a simple and logical solution that better serves the public interest (discussed below in General Comment #1).

-----Comment-----

As steward of the Coastal Plain, you have an obligation to manage it as best you can, and of course this includes an obligation to assess and protect the wildlife resources and other aspects of this wild and complex place. However, you also have a responsibility to the American people to evaluate alternative uses of the land that may make sense, even if those uses are not consistent with what you as individuals or as an agency would like. While the objectives of the Wilderness Act are admirable, and setting aside lands as wilderness is an important part of preserving outstanding values for all Americans, the highest and best use of portions of the Coastal Plain may well be to develop the underlying oil and gas reserves. Clearly, man needs to exploit resources to live. By choosing to disregard this alternative land use, one that Congress and the nation as a whole are vitally interested in, the Service is failing to provide any decision maker – in this case, Congress, but also the American people – with a balanced and fair look at the possibilities that exist on the Coastal Plain. Instead, a one-sided

CCP that results in a recommendation for wilderness designation for the Coastal Plain will make it even more difficult to ever conduct a balanced and fair dialog about this issue, an outcome that is a disservice to us all.

Please consider the future of our children and grandchildren. After all, aren't all these laws, regulations and policies ultimately supposed to see to their needs? Will there be opportunities for them if we don't create some? What public and private sector prospects will await them if we fail to adequately consider all our productive land use alternatives? Where will the funding come from to provide essential government services?

You are in a position of great power and responsibility as steward of ANWR. There are presently two pages[6] that discuss oil and gas potential of the Coastal Plain: two pages out of 1,200. You cite 21 reference studies of whitefish, 22 dealing with climate change, 30 about subsistence issues/data and hundreds of other references on a wide variety of subjects – about 600 references in all -but just one that addresses oil and gas development. This is hardly an evenhanded analysis of one of the most important issues in America today. Please put some balance back in the CCP by either (a) providing a full evaluation of an oil and gas development alternative for the Coastal Plain or (b) taking the approach taken in the 1988 CCP: Leave the 1002 Area as it is and continue to wait and see if Congress takes action.

The existing CCP published in 1988 deals with this issue much more reasonably and transparently. As stated in that CCP:

“The Fish and Wildlife Service (the Service) is presently managing the “1002” area as it has done in the past, essentially as a minimal management area. Until the Congress takes action on the future of the “1002” area the Service will continue this practice. In all alternatives included in this comprehensive conservation plan for the Arctic Refuge, the “1002” area is treated as a minimal management area. Actions that the Congress may take in the “1002” area—including making it available for oil and gas exploration and development or designating it as wilderness—will not be addressed in this plan. Any decision made by the Congress regarding the future management of the “1002” area will be incorporated into this plan and implemented. Should any additional studies or a wilderness review of the “1002” area be required, they will be undertaken and completed at that time (see also the “Wilderness Review of the 1002 Area” in the Introduction).”

This approach is entirely consistent with ANILCA. It also simplifies the CCP by obviating the need for either a wilderness study or an updated study of the oil and gas potential of Area 1002. It does not change the present management practices in Area 1002, which, in the absence of Congressional action, are expected to continue in any event. I have read the January 28, 2010 directive from the Director of the Service mandating wilderness reviews for Alaska Refuges. It would be a simple matter for the Director to amend this directive to exclude the 1002 Area based on ANILCA (which makes it clear that the 1002 Area is a special case within the Refuge system) and based on our national interest. Absent this action, if the wilderness review of the 1002 Area stays in, a comprehensive analysis of the oil and gas possibilities should also be included.

Response to Comment 032651.006

Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere in the

Refuge. Until Congress takes action to change the provision of ANILCA 1003, the Service will not and cannot permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented. We added a discussion of ANILCA 1003 to Chapter 1.

The Service does have legal authority to conduct a wilderness review. The Revised Plan is an update of the 1988 Plan and is a management plan for the entire Refuge. The Revised Plan is being completed as a statutory requirement of ANILCA Section 304(g)(1). Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” By being part of the Revised Plan, the wilderness review does not violate ANILCA.

Comment 000064.001
Charisse Millett

Designated Wilderness and ANILCA

I would also like to remind you that under ANILCA 1002 was taken out of any wilderness designation. It was a promise made to the state of Alaska and to the residents of the state of Alaska that 1002 would be open for exploration and development of its oil and gas resources. I'd like you to please consider closely the issue that you are taking up here. It's the wrong path to follow. It's not legal, it's not right.

Response to Comment 000064.001

Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.



ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. The wilderness review is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “the wilderness value of the refuge.” While the wilderness review could result in a recommendation to designate additional Wilderness areas in the Refuge, the Service’s authority is limited to making recommendations. Only Congress can designate Wilderness, and only Congress can make a final decision regarding oil and gas development in Arctic Refuge.

3.4.3 General

Comment 032620.003

ANILCA, General

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

ANILCA is the controlling statute which established more than 100 million acres of federal conservation system units in Alaska, including parks, wildlife refuges, wild and scenic rivers, and wilderness. Following years of Congressional and national debate, ANILCA was enacted in December 1980 in the final days of the Carter Administration as a sweeping bipartisan compromise intended to resolve the scope and nature of the federal land conservation system in Alaska. As part of the compromise, and as a Congressional reaction to years of executive branch land “freezes” and withdrawals in Alaska, ANILCA contained well known “no more” clauses disclaiming any need for future establishment of additional conservation system units, and restricting executive authority to consider these except as authorized by ANILCA itself or further acts of Congress. See, e.g., Sections 101(d) and 1326. Moreover, as detailed below, ANILCA specifically controls over any conflicting general provision of the National Wildlife Refuge Administration Act,³ and specifically governs the CCP process here.⁴

Section 1326(b) of ANILCA expressly prohibits exactly the actions which the CCP is purporting to undertake: new studies considering the establishment of new conservation system units in Alaska. In addition, the time for any proposal for more wilderness in national parks or wildlife refuges under ANILCA was specifically limited under Section 1317 to five years after its enactment. That time has long since run. No provision of ANILCA, or any other controlling law, authorizes such an agency proposal decades later. Instead, Sections 101(d), 1317 and 1326(b) each prohibit it.

ANILCA established the Arctic National Wildlife Refuge in its present form and with its present purposes. The original 9 million acre Arctic National Wildlife Range, created by a public land order in 1960, did not establish any wilderness and did not prohibit mineral leasing. ANILCA doubled its size and designated all of the original Range, except the 1002 coastal plain area, as wilderness under the Wilderness Act of 1964 – a designation that could only be made by Congress. Congress deliberately chose not to make the 1002 area wilderness, and instead in Section 1002 imposed specific “resource assessment” requirements on the U.S. Department of Interior (“DOI”).

Section 1002(d) in mandatory terms required USWFS to promulgate regulations to open the coastal plain for oil and gas exploration. Section 1002(e) required baseline studies of fish and wild resources. Most importantly, Section 1002(h) required DOI to prepare a report directly to Congress containing “the recommendations of the Secretary with respect to whether further exploration for, and the development and production of, oil and gas within the coastal plain

should be permitted.” The 1987 1002(h) Report and Legislative EIS submitted by DOI to Congress⁵ recommended exactly that, specifically “making available... the entire Arctic Refuge coastal plain for oil and gas leasing.”⁶

Section 1002 not only imposed mandatory duties on USFWS, its provisions also reflect both the Congressional intent and the statutory purposes for establishment of the 1002 area of the Refuge. These necessarily include the possibility of both exploration and opening the 1002 coastal plain for oil and gas development. These requirements of Section 1002 cannot be ignored. Yet that is precisely what USFWS proposes.

Any action USFWS now proposes to undertake with respect to the coastal plain must first give effect to the DOI duties, Congressional intent and statutory purposes of Section 1002. The CCP fails to do so. The CCP thereby independently violates the requirements of Section 1002. Instead, the CCP undertakes an untimely study of new wilderness not required by Section 1002, which never mentions wilderness, and prohibited by ANILCA.

For many years USFWS maintained the position both to Congress and the public that any further action on the 1002 coastal plain is solely up to Congress. The 1987 1002(h) Report and Legislative EIS and the current CCP restate this many times. Congress did not authorize, and in ANILCA prohibits, further untimely agency consideration of new wilderness and wild and scenic rivers in ANWR. If any further review or new recommendation with respect to the 1002 coastal plain is now permissible, it must include the one Congress actually required: a direct report to Congress pursuant to Section 1002(h) addressing whether to open the coastal plain for oil and gas development.

Response to Comment 032620.003

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wilderness and wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value....” Only Congress can designate Wilderness or wild rivers.

We agree that the wilderness review provisions of ANILCA 1317 provided a five-year period for agencies to evaluate the suitability or non-suitability of lands within conservation system units for preservation as Wilderness. The current wilderness review is not being completed under the provisions of ANILCA 1317. Rather, it is being completed under the provisions of ANILCA Section 304(g), as discussed above.

Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge’s coastal plain, along with a baseline study of the area’s fish, wildlife, and habitats (Clough et al. 1987). The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge’s coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic

Refuge. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

3.4.4 Planning Requirements

Comment 032620.007

ANILCA, Planning Requirements

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

4. ANILCA Controls Over Any Conflicting General Authority Over Refuges, And Specifically Controls the Conservation Planning Process Here

USFWS in the draft CCP prominently relies upon its authority under the National Wildlife Refuge System Improvement Act Of 1997,¹⁵ which “organically” amends the National Wildlife Administration Act of 1966. However, the USFWS’ own enabling act expressly provides that ANILCA controls over any conflicting general Service authority over refuges, and specifically controls the ANWR CCP.

While ANILCA as the later and more specific act necessarily controls over the earlier 1966 Refuge Act, it is essential to note that clauses in the 1997 Improvement Act expressly and specifically require that, in the event of any conflict, ANILCA controls. Section 9 of the 1997 Act, “Statutory Construction With Respect To Alaska,” subsection(b), “Conflicts of Laws,” provides that “If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail.”

More specifically, Section (e) of the National Wildlife Refuge Administration Act of 1966, as amended by the Section 7 of the 1997 Act, addresses requirements for conservation plans. This section is entitled “Refuge conservation planning program for non-Alaskan refuge lands.” This section expressly provides that “refuge lands in Alaska...shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act...”¹⁶ Thus, the current CCP is governed by ANILCA, not by the National Wildlife Administration Act of 1966 generally.

In addition, the amended Wildlife Refuge Administration Act provides that, “if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the mission of the System.”¹⁷ The purposes of a refuge, in turn, are defined by reference to the law which created it: “The terms “purposes of the refuge” and “purposes of each refuge” mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.”¹⁸

For ANWR, the purposes of the Refuge must be “the purposes specified in or derived from” ANILCA.

Response to Comment 032620.007

The Revised Plan was prepared following the planning requirements of ANILCA Section 304 and Service planning policy—specifically, the requirement to prepare a vision statement, goals, and objectives for each refuge. There is no conflict between the ANILCA requirements

and the planning requirements of the Service planning policy. The revised plan has not identified any conflicts among the purposes of Arctic Refuge and the mission of the National Wildlife Refuge System. We have corrected the discussions of Refuge purposes in the Revised Plan to indicate that the purposes listed in ANILCA apply to the entire refuge and that the purposes of the original Arctic Range only apply to the Range , to the extent they are not inconsistent with ANILCA or ANCSA. The purposes of the Wilderness Act also attach to the designated Wilderness portion of the Refuge (see Chapter 1, Section 1.4).

Comment 032620.008

ANILCA, Planning Requirements

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

The USFWS' Own Wilderness Stewardship Policy Provides That Wilderness Studies Under Section 1317 Have Been Completed and New Studies Are Not Required

While ANILCA is controlling here, it is nonetheless significant to note USFWS' own formal position on wilderness reviews under Section 1317. This is set forth in the USFWS "Wilderness Stewardship Policy."¹⁹ This Policy has a separate Section 5 applicable to Alaska refuges which the draft CCP fails to acknowledge. This in turn states:

5.17 Does the Service conduct wilderness reviews of refuge lands in Alaska?

We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA. Additional wilderness reviews as described in the refuge planning policy (602 FW 1 and 3) are not required for refuges in Alaska. During preparation of CCPs for refuges in Alaska, we follow the provisions of section 304(g) of ANILCA, which requires us to identify and describe the special values of the refuge, including wilderness values. Subsequently, the CCP must designate areas within the refuge according to their respective resources and values and specify the programs for maintaining those values. However, ANILCA does not require that we incorporate formal recommendations for wilderness designation in CCPs and CCP revisions.²⁰ (emphasis added.) The Policy also acknowledges, as the CCP does not, that ANILCA controls over the Policy in the event of a conflict.²¹ The statements that "We have completed wilderness reviews for refuges in Alaska in accordance with Section 1317 of ANILCA" and that "additional reviews ... are not required" independently negate any reliance on Section 1317.²² Moreover, it demonstrates conclusively USFWS' own position that its wilderness reviews are at best non-statutorily authorized political actions, not mandatory or even discretionally authorized actions.

Response to Comment 032620.008

Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. The wilderness review is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "wilderness value of the refuge." As explained in the draft Plan and EIS, we chose to conduct the wilderness review for the entire refuge and believe we are within the legal requirements of ANILCA. While the Service Manual does not require wilderness reviews for Alaska Refuges, such reviews are not prohibited. The Service Director in his memorandum on January 28, 2010, instructed us to complete a wilderness review for Alaska refuges. The original wilderness

review completed for Arctic Refuge under ANILCA Section 1317 was never forwarded to the President or Congress.

Comment 032620.009

ANILCA, Planning Requirements

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

DOI and USFWS Must Comply With Section 1002 With Respect to the Coastal Plain
The CCP also fundamentally violates ANILCA by failing to give any effect to Section 1002. Section 1002 contains the controlling provisions of ANILCA with respect to the coastal plain. This is the elephant in the living room which the CCP ignores.

Sections 1002(d) and 1002(h) require promulgation of regulations to permit oil and gas exploration and a report to Congress on potential opening of the coastal plain for oil and gas development. These provisions also conclusively establish that these requirements are among the Congressional purposes of the Refuge with respect to the coastal plain. These are mandatory statutory provisions directly binding upon USFWS.²³

If USFWS intends to propose altering the status quo of the 1002 area, or contends that ANILCA time limits do not apply, then it must first implement the requirements of Section 1002 with respect to the coastal plain. If ANILCA time limits do not apply and additional studies can be conducted, then the requirements of Sections 1002(d) and (h) must first be reopened. These are not mere discretionary, politically motivated administrative actions such as the present wilderness reviews at most comprise. Nor are they barred by Sections 101(d), 1326(b) and 1317.

Nevertheless, the longstanding position that DOI and USFWS have taken, both to Congress and to the public, has instead been that disposition of the 1002 lands is an issue solely for Congress. The 1988 ANWR CCP, which is still in effect, repeatedly recognized that the disposition of 1002 was an issue for Congress itself, not for USFWS to decide in a CCP: “The Congress will determine the future management of the “1002” area.”²⁴ The 1987 legislative EIS which contained the 1002(h) report to Congress, while considering wilderness and other alternatives, recommended opening the 1002 lands for oil and gas development. The LEIS expressly concluded that “No further study or public review is necessary for Congress to designate the 1002 area as wilderness. Previous studies and public debate have sufficiently covered the issue.”²⁵ All of this is still the case. Instead of undertaking new wilderness studies prohibited by ANILCA, USFWS in the alternative should adhere to its own longstanding position that only Congress can address the disposition of the 1002 coastal plain.

Response to Comment 032620.009

The requirements of Section 1002(d) and 1002(h) of ANILCA are not purposes of the Refuge. Rather, they provide direction to the Service to accomplish two specific tasks. Section 1002(d) requires the Secretary to establish regulations for exploration. Section 1002(h) required a report to Congress. The regulations were promulgated in 1983 and can be found at 50 CFR Part 37. The report required by Section 1002(h) was completed and submitted to Congress on June 1, 1987. The current Plan revision is complying with the requirements of ANILCA Section 304.

Comment 136817.003
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

ANILCA, Planning Requirements

Section 1001(b) of ANILCA also requires that the study referenced above include an assessment of “the potential oil and gas resources of these lands” and requires that the Service “make recommendations concerning future use and management of those resources.” See, ANILCA, § 1001(b)(1). The study and findings authorized and required under sections 1001 and 1004 were required to be completed “no later than eight years after the date of enactment of [ANILCA].” In accordance with the statute, the USFWS began the required studies in 1981, and information gathered from the various biological, seismic and geological studies was used to complete a Legislative Environmental Impact Statement (LEIS), which included the Secretary’s final report and recommendation, that was submitted to Congress in 1987. Notably, the environmental impact statement prepared by the Department of the Interior in connection with the report concluded that designation of the 1002 Area as wilderness “is not necessary to protect the 1002 area environment and is not in the best interest of the Nation.” Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment: Report and Recommendation to the Congress of the United States and Final Legislative Environmental Impact Statement, U.S. Dep’t of the Interior, Apr. 1987, at 189. In addition, in that report the Secretary of Interior recommended that Congress authorize an oil and gas leasing program that would avoid unnecessary adverse effects on the environment.

Thus, although Congress has not acted to date on the recommendation in the report that was required by ANILCA, it is clear that the USFWS’s obligations under these provisions have long since been completed, and the provisions’ authorities are now moot and provide no further authority to the USFWS to undertake additional studies or reviews of the area’s wilderness potential or to recommend wilderness designation of the area on the basis of such studies or reviews.

Response to Comment 136817.003

We agree that the requirements of Section 1002(h) have been met with the report provided to Congress in 1987. Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.”

Comment 032675.001
Stan Leaphart, Executive Director
Citizens’ Advisory Commission on Federal Areas

ANILCA, Planning Requirements

The Commission questions whether the DCCP and DEIS fully comply with the basic planning requirements of ANILCA 304(g) which direct the Service to prepare a comprehensive conservation plan that examines a wide range of issues. In actuality, the DCCP and DEIS address only two questions. The first is whether additional lands within the refuge should be recommended for designation as wilderness. The second is whether additional rivers should be recommended for designation as wild and scenic rivers. The discussion and analysis in the DCCP and DEIS, as well as any proposals for future management actions, focus almost solely

on these two points. The development of strategies to address other issues are left for future “step-down” plans. Considering their narrow and limited scope, we do not find that the DCCP and DEIS represent a comprehensive plan, as required by ANILCA.

Response to Comment 032675.001

Only three significant planning issues are carried forward into the alternatives of the Revised Plan, and many issues have been deferred to step-down plans. The Revised Plan, however, does much more than address just these three issues. The Revised Plan put forwards a suite of goals and objectives (Chapter 2, Section 2.1) that represent specific commitments and management priorities for Refuge staff for the next 15 years. The Plan also presents a management framework (Chapter 2, Section 2.4) that will guide all aspects of Refuge management, including step-down planning, until the Plan is again revised. The management framework, goals, and objectives are the true heart of the Revised Plan. The decision to defer numerous issues to step-down plans will allow Refuge staff to focus on the intricacies of these planning issues and to work more directly with those members of the public concerned about these issues.

You are correct that the environmental effects analysis (Chapter 5) consists primarily of impact characterizations. However, this approach is appropriate and sufficient given the Plan is not proposing any actions that would actively disturb or modify lands or waters within Arctic Refuge. Service planning policy and NEPA regulations both allow broad discretion in deciding which issues to address in a plan and which to defer to step-down planning. Our approach is fully consistent with ANILCA planning requirements.

Comment 000033.002

ANILCA, Planning Requirements

**Bill Barron, State Director of the Division of Oil and Gas
State of Alaska**

Section 304 of ANILCA requires the plan identify and describe present potential requirements for infrastructure relative to oil and gas development. The plan does not do this even though the study report mandated by Section 1002(h) recommended that Congress approve oil and gas development in the coastal plain.

Response to Comment 000033.002

While the 1002(h) report recommended that Congress approve oil and gas development in the Refuge’s coastal plain, Congress has not yet acted on this recommendation. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan.

ANILCA 304(g)(2)(D) requires comprehensive conservation plans identify and describe “the present and potential requirements for access with respect to the refuge, as provided for in Title XI.” At this time, determining oil and gas infrastructure would be totally speculative on our part. Should Congress open Arctic Refuge to oil and gas leasing, development, and/or production, the Plan would be amended to address such activities and their access and infrastructure requirements.

Comment 032627.023
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

ANILCA, Planning Requirements

-----Preamble/Intro-----

In addition, we have the following specific comments regarding wilderness stewardship and visitor use:

-----Comment-----

In several instances (Pages 4-215, 4-216 and others) the draft CCP acknowledges that wilderness qualities along the Kongakut River are degraded by high levels of visitor use. The Draft CCP fails to address the fact that the Kongakut is not the only area of the Refuge where values have been degraded. Public comments were submitted during scoping, which included, as an example, photographic documentation of an aircraft landing strip scar on the upper Sheenjek River (in designated Wilderness and within the Wild River corridor) which had occurred since 1980. There are many other such examples. Omissions of this type render the draft CCP inadequate for meeting the basic requirements to “identify and describe significant problems” (Section 304(g)(2)(E) of ANILCA). The Final CCP must describe and address resource problems in a more thorough and comprehensive manner.

Response to Comment 032627.023

We appreciate your concerns regarding the effects of visitor use (including impacts from aircraft landings) in areas of the Refuge other than the Kongakut River. The proposed Visitor Use Management and Wilderness Stewardship step-down plans will address, among other things, aircraft landing impacts (see Chapter 2, Section 2.1.2, Objective 2.4, and Section 2.1.5, Objectives 5.4 and 5.9). Together, these step-down plans will allow the Service to address visitor use concerns for the entire Refuge in a holistic manner. The Refuge is committed to completing these plans, and the planning processes are scheduled to begin immediately following approval of the Revised Plan. In the interim, we believe the management actions proposed in the Revised Plan will address short-term management of the Kongakut River and other areas of the Refuge while we proceed with the step-down plans.

We disagree the Revised Plan is inadequate for meeting basic requirements to identify and describe significant problems per ANILCA Section 304(g)(2)(E). We do not believe the landing impacts described by the commenter require immediate action, nor have we identified these effects as a “significant problem that may adversely affect populations and habitats of fish and wildlife” as required by Section 304 of ANILCA (see Chapter 1, Section 1.10).

Comment 032651.005

ANILCA, Planning Requirements

Mark Lindsey

Issue: Is the 1002 Area a special case within the Refuge system and as such any blanket application of general management practices, refuge objectives and goals etc. may be inappropriate and inadequate under ANILCA?

Discussion: In ANILCA §1002, Congress set aside the Coastal Plain of ANWR and made it subject to special consideration. ANILCA includes several provisions concerning the 1002 Area that differ from the mandates for the Refuge system as a whole. By way of example, but not limitation, the standard applied to uses of Refuge lands generally is that such uses must be compatible with the major purposes for which such areas were established – a very restrictive

provision. In ANILCA, Congress does not apply this restrictive standard to the 1002 Area. Instead, it established standards based on adverse effects. From ANILCA:

“3) an evaluation of the adverse effects that the carrying out of further exploration for, and the development and production of, oil and gas within such areas will have on the resources referred to in paragraph (2)”

“...what additional legal authority is necessary to ensure that the adverse effects of such activities on fish and wildlife, their habitats, and other resources are avoided or minimized.”

Congress recognized the possibility that oil and gas activities could have adverse effects on fish and wildlife – but still wanted to consider opening the 1002 area to such activities. This is very different from, and much more lenient than the “compatible with major purposes” standard that applies elsewhere in ANWR. Further, the very act of carving out the Coastal Plain for study distinguishes it from the rest of the Refuge. However, in the CCP, the Service applies the same standards, goals, etc., those applicable to the Refuge system as a whole, to the 1002 Area. This “one size fits all” approach ignores Congressional intent, and is a deficiency in the draft CCP.

Response to Comment 032651.005

We disagree with this analysis of ANILCA. Section 1002(a) states, “The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.” Section 1002 of ANILCA does not address management of other activities within the coastal plain. Section 304 of ANILCA spells out the requirements for administration of refuges, including all of Arctic Refuge. Except for the requirements regarding the exploration program conducted in advance of the report to Congress, the compatibility standard applies to other uses of the coastal plain (1002 Area). Unless Congress makes a different decision, the coastal plain is managed under the Minimal Management category as described in Chapter 2, Section 2.3.3 of the Plan and the compatibility standard applies. Please note the exploration program called for in Section 1002 was completed.

3.4.5 Refuge Purposes and ANILCA

Comment 136794.001

Refuge Purposes and ANILCA

**Bill Iverson, President
Alaska Outdoor Council**

In Appendix D: Issues Considered but Eliminated from Detailed Study of the draft ANWR CCP and EIS agency staff wrote “There is nothing in the Refuge’s purpose, or mission of the Refuge System, that requires the Service to consider or propose development and utilization scenarios for natural resources, such as oil and gas, as part of the comprehensive conservation planning process.” Is it the policy of the Refuge System to not try and resolve conflicts concerning alternative uses of available resources if they are not stated in the refuge purpose? ANILCA Title III Sec. 303(2)(B). Claiming no responsibility for the decisions on oil and gas development in the Arctic Refuge because it isn’t listed as one of the purposes of the Refuge is contrary to NEPA requirements. Oil and gas development was one of the most commented on conflict between users groups during the ANWR CCP/EIS scoping period.

Response to Comment 136794.001

The Revised Plan is not contrary to ANILCA or NEPA. Neither the Service nor the DOI has any legal authority under current law to allow oil and gas exploration, leasing, development, or production in Arctic Refuge. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change this provision, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives in the Plan. If Congress opens the Refuge to oil and gas activities, the Plan would be amended and Congress' decision would be incorporated into the Plan and implemented.

Comment 136809.003

Refuge Purposes and ANILCA

**William C. Reffalt, Vice President and Issues Coordinator
Blue Goose Alliance**

-----Preamble/Intro-----

Comments Directed to Specific Planning Issues

Beyond that summary and brief explanation, the Alliance herein offers a number of observations and comments regarding sections of the CCP that we believe have need of improved explanations or corrections to inadequate presentations in the current draft. We offer these in the spirit of assisting Refuge personnel in making the final CCP as informative, factual and friendly to the reader as possible. The CCP document is obviously a complex compilation of factual materials and explanations of intended future management protocols which includes compliance with the regulations of the Council on Environmental Quality regarding Environmental Impact Statements and public outreach.

-----Comment-----

II. Cooperation and Coordination With Others (Sections 1.3.1 – 1.3.5)

Several sections in Chapter One provide inaccurate information regarding the provisions of ANILCA, the authority and responsibility of the Refuge in its administration of the refuge and its resources and its role in coordination and cooperation with the numerous stakeholders.

The following discussion of Federal Court decisions related to Constitutional Law include the basics needed to understand the legal foundations for federal management of National Wildlife Refuges and the fish, wildlife, plants and their respective habitats found therein (and the numerous other resources and responsibilities delegated to the Secretary of the Interior by Congress, and re-delegated to the Director of FWS and thence down the chain of command to the Refuge Manager).

Chapter 2 of Michael Bean's third edition of *The Evolution of National Wildlife Law*¹ discusses the legal framework for the development of Federal wildlife law and presents the key provisions of the Constitution and Federal Court cases that establish the foundation for it. Of primary importance are the provisions in the Constitution known as the Property Clause, the Treaty-making power and the Commerce Clause. Bean and Rowland find that "[t]he *Kleppe* decision and *Missouri v. Holland* clearly establish the property clause and the treaty-making power as sound sources of authority for federal wildlife law, notwithstanding the state ownership doctrine." (Bean and Rowland, *Ibid.* p.23) Following a two page discussion of several court decisions regarding federal authorities under the Commerce Clause, the authors state, "In Light of these decisions, it is clear that federal authority to regulate wildlife under the commerce clause is of equal stature to that conferred by the property clause. Accordingly, federal regulation of wildlife pursuant to the commerce clause is unrestrained by the state

ownership doctrine. In fact, the contention that state ownership bars federal wildlife regulation has received no authoritative judicial support since the 1912 decision in *The Abby Dodge*, a decision that, though never overruled, has been given a quiet interment.” (Bean and Rowland, *Ibid.* pp. 24-25)

To avoid wordy and complicated restatement of important decisions of the Federal Courts regarding these matters, I have elected to simply quote key findings from the pertinent court decisions on the Constitutional basis of Federal authorities to manage fish, wildlife, plants and habitats on National Wildlife Refuges:

The Property Clause authority and Congressional delegation in the National Wildlife Refuge System Administration Act : On August 24, 1999, the U.S. District Court in Cheyenne, Wyoming for the District of Wyoming held for the U.S. position on all counts in a lawsuit initiated by the State of Wyoming against the United States related to management of the National Elk National Wildlife Refuge. In that case (No. 98-CV-037B), the State of Wyoming asserted a claim to primacy with respect to the management of Elk on the National Wildlife Refuge (NENWR). Although the Judge was clearly sympathetic to the claims of the State, he ruled in favor of the position taken by the Federal Government on every issue.

Some key holdings by Judge Brimmer:

1. The Property Clause of the Constitution, Article IV, Section 3 “permits an exercise of the complete power which Congress has over public property entrusted to it...[and that] necessarily includes the power to regulate and protect the wildlife there.” (quoting from *Kleppe v. New Mexico* – 426 U.S. 529 (1976), a decision by the U.S. Supreme Court)
2. “Kleppe provides that the authority to regulate wildlife on federal public lands was not a power left to the several States.” (quoting Wyoming Judge Brimmer)
3. “Further, the Supreme Court, in *Kleppe*, determined that managing wildlife on federal land was not a power reserved to the States; it was taken by the Federal Government under the auspices of the Property Clause. Simply put, Wyoming does not have the sovereign power to manage wildlife on Federal lands and the provisions of the Refuge Act do not grant Wyoming that power.” (again quoting Judge Brimmer)
4. “The mission of the Refuge Act is to provide a national network of lands whereby wildlife can be managed and preserved for future generations.... Allowing each state to manage wildlife on the national refuges within its borders would thwart the goal of creating a nationwide network of lands to be managed by one entity.” (Judge Brimmer)
5. “Wyoming does not have mutual rights to manage wildlife on the Elk Refuge.”
6. “The Property Clause gives the Federal Government complete power over particular public property that Congress has entrusted to it...the Refuge Act grants the authority to manage wildlife on refuge lands to the Secretary of the Interior. Congress has intended, through the sweeping general language of the Refuge Act, to vest such authority in the Secretary.” (Judge Brimmer)
7. “Congress has undoubtedly envisioned a nationwide, cohesively administered network of lands and waters where wildlife would be managed and conserved under the direction of the Secretary. There is no indication in these provisions that Congress intended to curtail the Secretary’s power or leave any residual power to the States.” (Judge Brimmer)
8. “A more reasonable interpretation of the ‘saving clause’ (in the Refuge Improvement Act) is that it reflects a Congressional intent for states to retain their role as primary managers of hunting and fishing of resident wildlife within their borders as consistent with State law ‘to the extent practicable.’” (Judge Brimmer)

The Commerce Clause authority

In general, the States have relied upon a Supreme Court decision rendered in 1896 entitled *Geer v. Connecticut* - 161 U.S. 519 (1896) which expounded a state ownership doctrine. However, over the years since that decision, there have been a number of decisions eroding the concept and, in a decision rendered by the Supreme Court in 1979, it was bluntly overruled:

The Supreme Court held in *Hughes v. Oklahoma*, 441 U.S. 322 (1979):

“The Oklahoma statute is repugnant to the Commerce Clause. (*Hughes v. Oklahoma*, pp. 325-339)

(a) *Geer v. Connecticut* ... is overruled. Time has revealed the error of the result reached in *Geer* through its application of the 19th Century legal fiction of state ownership of wild animals. Challenges under the Commerce Clause to state regulations of wild animals should be considered according to the same general rule applied to state regulations of other natural resources. (*Hughes v. Oklahoma*, pp. 326-335) (b) Under that general rule, this Court must inquire whether the challenged statute regulates evenhandedly with only ‘incidental’ effects on interstate commerce, or discriminates against interstate commerce either on its face or in practical effect; whether the statute serves a legitimate local purpose; and, if so, whether alternative means could promote this local purpose as well without discriminating against interstate commerce. (*Hughes v. Oklahoma*, p. 336) (c) The Oklahoma statute on its face discriminates against interstate [441 U.S. 322, 323] commerce.... (*Hughes v. Oklahoma*, pp. 336-338) (d) States may promote the legitimate purpose of protecting and conserving wild animal life within their borders only in ways consistent with the basic principle that the pertinent unit is the Nation; and when a wild animal becomes an article of commerce, its use cannot be limited to the citizens of one State to the exclusion of citizens of another state. (*Hughes v. Oklahoma*, pp. 338-339)”

The Treaty-Making power

The seminal decision of the Supreme Court regarding the Treaty-making powers of the Federal Government and its application to wildlife management occurred in *Missouri v. Holland*, 252 U.S. 416 (1920). *Bean and Rowland* (pp. 17-19) present the key findings and provide a brief discussion:

“Justice Oliver Wendell Holmes, writing for the seven-member majority that included Justice Louis Brandeis and even Chief Justice White, easily disposed of Missouri’s ownership argument:

‘The State ... founds its claim of exclusive authority upon an assertion of title.... No doubt it is true that as between a State and its inhabitants the State may regulate the killing and sale of such birds, but it does not follow that its authority is exclusive of paramount powers. To put the claim of the State upon title is to lean upon a slender reed. Wild birds are not in the possession of anyone; and possession is the beginning of ownership....’

‘But for the treaty and the statute [i.e. the Migratory Bird Treaty of 1916 and MBT Act of 1918] there soon might be no birds for any powers to deal with. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the States. The reliance is vain.’ (Quoting from the decision, pp. 434-435)

“Missouri v Holland established beyond question the supremacy of the federal treaty-making power as a source of authority for federal wildlife regulation. More importantly, it forcefully rejected the contention that the doctrine of state ownership of wildlife barred federal wildlife regulation, and it invited the question of what further sources of federal power might be used in developing a body of federal wildlife law.”

Given the above Supreme Court and Federal District Court decisions, the information in the draft CCP in a number of locations is decidedly biased against Federal authorities granted to the Refuge in the Constitution and current law. Changes should be made to sections dealing with refuge authority to exert increased regulatory and other control of commercial and other visitors, public uses of refuge resources, the ability to require permits conditioned by limits that better protect refuge lands and waters, and related matters, including limiting overcrowding and related problems in some public uses including river usage, fuel and other storage caches, and hunting (which may be affecting refuge wildlife populations and wildlife habitats). While cooperation and coordination are reality in America’s land management milieu, the strong position of refuge management – and the responsibilities placed upon it pursuant to its primary purposes and several other statutes – should leave no doubt that the authority necessary to correct overuse, crowding, damage to refuge land, conflicts between users, etc., rests firmly and unequivocally with the Refuge Manager.

Response to Comment 136809.003

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed the Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.” This plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Refuge would find the use incompatible and would not allow the use on the refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or policies, the Service would find it not compatible and would not allow the program on the refuge. Before allowing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Section 2.4.2. The refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent

with the Refuge's purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 136805.010**Refuge Purposes and ANILCA**

**Sean Parnell, Governor
State of Alaska**

While the 1988 CCP for the Arctic Refuge makes no mention of the original Range purposes, the revised Plan inappropriately extends the purposes cited in Public Land Order 2214, which created the Arctic Range, to the entire Arctic Refuge. The draft Plan relies on Section 305 of ANILCA in claiming that “the Range’s original wildlife, wilderness, and recreation purposes still apply to those lands in the former Range.” (page 1-18). In addition, the Plan asserts “The Refuge’s ANILCA purposes are consistent with and complimentary to the original purposes for the Arctic National Wildlife Range.” (page 1-18) The draft Plan takes this further by stating core management direction is based on the premise that the original range purposes do not conflict with ANILCA or ANCSA: “The Refuge’s special values, vision statement, goal and objectives are rooted in these [Range and ANILCA] purposes.” (page 1-12).

However, ANILCA Section 305 explicitly recognizes that prior authorities, such as PLO 2214, remain “in force and effect except to the extent that they are inconsistent with this Act or the Alaska Native Claims Settlement Act and, in any such case, the provisions of such Acts shall prevail.” ANILCA Section 303(2), which established the Refuge and redesignated the Range as part of the Refuge, does not include “[preservation of] unique . . . wilderness . . . values” (PLO 2214) in the list of purposes for which the Refuge was established and is to be managed. Instead, wilderness areas within wildlife refuges are specifically identified in Section 702 of ANILCA, and Section 702(3) specifically designates a portion of the original Range. The wilderness preservation management directive in PLO 2214 therefore applied only to the original Range, and has been superseded by the formal wilderness designation of the original Range in ANILCA section 702(3).

Not only has the wilderness directive in PLO 2214 been superseded by the formal wilderness designation in ANILCA section 702(3), but its wilderness directive cannot be read into the management intent for the rest of the Refuge, as set forth in ANILCA Section 303(2). As stated above, wilderness preservation is pointedly absent from the list of purposes for which the Refuge was established. Instead, ANILCA Section 1317 provided for a one-time wilderness review of wildlife refuges in Alaska, reserving to Congress the ultimate determination as to whether any of the remainder of the Refuge was to be managed to preserve wilderness character.

Furthermore, ANILCA includes a variety of provisions applicable to refuge management that would not be consistent with the original range purposes, especially as described in Sections 1.4.1.1 through 1.4.1.3 of the draft Plan. A prime example of a provision that would certainly conflict with the original Range purposes is ANILCA Section 1002, which addressed authorizing oil and gas exploration and development in the Arctic coastal plain, and, in subsection 1002(h), tasked the Secretary to evaluate and recommend to Congress whether oil and gas exploration and development should be permitted. Other examples include motorized access allowed in Sections 811 and 1110, and cabins authorized in Section 1303, which likely conflict with all three purposes, as described in PLO 2214 and sections 1.4.1.1 through 1.4.1.3 of the draft Plan.

The draft Plan also fails to consistently make clear that the PLO 2214 Range purposes, if they do in fact apply, would apply only to the former Range. For example, the wilderness purposes of the original Range do not apply to the ANILCA additions, and therefore, cannot be used to justify conducting a wilderness review of the Brooks Range and Porcupine Plateau areas. (Page H-16 and H-21) Numerous other examples that illustrate this are provided below in the page-specific comments.

The Service must fully quote Section 305 and properly address the purposes identified in PLO 2214, as they are modified by the full context of ANILCA. The original Range purposes cannot provide justification for precluding any activities, now or in the future, that conflict with ANILCA.

Response to Comment 136805.010

The purposes listed in ANILCA Section 304 apply to the entire Refuge. The Revised Plan was modified to indicate the purposes from Public Land Order 2214 only apply to the original Range, to the extent they are not inconsistent with ANILCA or ANCSA, and do not apply to the entire Refuge. We also quote ANILCA 305 (see Chapter 1, Sections 1.3.1, 1.4.2, and 1.4.2.2).

3.4.6 Wild and Scenic Rivers and ANILCA

Comment 032620.006

Wild and Scenic Rivers and ANILCA

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

No “Further Act of Congress” Authorizes Consideration of New Wilderness and Wild and Scenic Rivers in ANWR

USFWS cites no “further Act of Congress” subsequent to ANILCA as required by Section 1326(a) to authorize consideration in the CCP of establishment of new conservation system units in the form of new wilderness and wild and scenic rivers. No such authority is apparent.¹⁴

Response to Comment 136795.001

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review and a wild and scenic river review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. As stated in our response to other comments, these reviews are being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge.”

Comment 032675.005
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

Wild and Scenic Rivers and ANILCA

In the June 2010 scoping comments and again in our November 2010 comments on the Draft Wild and Scenic River Eligibility Report the Commission also objected to the decision to conduct wild and scenic river reviews. In addition to pointing out that these reviews ran contrary to ANILCA Section 1326(b), we also reminded the Service that one of the primary purposes for establishing the Arctic Refuge was to ensure “water quality and necessary water quantity within the refuge.” (ANILCA Section 303(2)(B)(iv)).

After reviewing the Wild and Scenic River Review in Appendix I of the DCCP, the Commission renews its objection and requests that the Service discontinue any further efforts to complete the review process or to make any recommendation for designation of any additional wild and scenic rivers within the Arctic Refuge.

Response to Comment 032675.005

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value.”

Comment 136795.001
David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection

Wild and Scenic Rivers and ANILCA

We also encourage the agency to review its management of the Ivishak, upper Sheenjok and Wind rivers within the boundaries of the Arctic Refuge that were designated as wild rivers in Section 602 of ANILCA, and address current and future agency efforts to maintain the outstanding values associated with these three Wild Rivers.

Response to Comment 136795.001

Objective 3.5 of the Revised Plan (see Chapter 2, Section 2.1.3) calls for the Refuge to develop a CRMP for each of the Refuge’s three designated rivers. Through the step-down planning process, the Service would collect baseline resource assessments documenting current conditions related to each river’s free-flowing condition, water quality, and outstandingly remarkable and other river values. The CRMPs will also identify measurable indicators, thresholds, and intervals for long-term monitoring and a suite of management actions for each river. We believe current Refuge management will protect values associated with the Ivishak, Sheenjok, and Wind rivers until the CRMPs are completed.

Comment 136805.007
Sean Parnell, Governor
State of Alaska

Wild and Scenic Rivers and ANILCA

The State reiterates its strong objection to the wild and scenic river study and remains opposed to any recommendations for additional wild and scenic river designations in the Arctic Refuge. This study is in direct conflict with ANILCA Section 1326(b).

ANILCA defines conservation system units to include wild and scenic rivers, and amended the Wild and Scenic River Act to add 26 rivers to the Wild and Scenic River System. ANILCA also directed the study of 12 additional Alaska rivers for potential wild or scenic designation. ANILCA Section 606 further amends the Wild and Scenic River Act specifically for rivers either designated or identified for study by ANILCA. While the draft Plan indicates the wild and scenic river review is a required element of comprehensive conservation plans, nothing in ANILCA supports this conclusion. Section 304(g) contains no requirement for wild and scenic river studies, and section 1326(b) expressly prohibits them:

No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.

The draft Plan also states:

These reviews are administrative actions and a means by which the Refuge can assess the efficacy of its management in meeting Refuge purposes and other legal requirements.... (Page D-3, 6th paragraph)

As noted in the previous section regarding wilderness reviews, the Service has ample administrative tools available to evaluate the effectiveness of management without conducting a study that violates ANILCA. The sole purpose of a wild and scenic river review is to evaluate a river's suitability for congressional designation as a wild or scenic river, which ANILCA defines as a conservation system unit. A collateral, administrative objective cannot pre-empt the statutory language of ANILCA.

Response to Comment 136805.007

ANILCA Section 304(g) requires comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes wild and scenic river reviews, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the "special values of the refuge."

Comment 136805.008
Sean Parnell, Governor
State of Alaska

Wild and Scenic Rivers and ANILCA

The Wild and Scenic River Eligibility Report, included in this draft Plan as part of the Wild and Scenic River Review (Appendix I), was also distributed to stakeholders for review and comment separate from, and prior to, the release of the draft Plan and DEIS, which further indicates the wild and scenic river review was in fact conducted for the "single purpose" (ANILCA Section 1326(b)) of considering the establishment of a conservation system unit. In

ANILCA section 1326(b), Congress specifically reserved for itself the authority to direct further studies to support establishment of conservation system units in Alaska. The Service may not usurp this authority by invoking a collateral, administrative purpose for conducting a wild and scenic river review.

Response to Comment 136805.008

By being part of the Revised Plan, the wild and scenic river review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wild river review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. As stated in our response to other comments, the wild and scenic river review is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “special values of the refuge.”

3.5 TOPIC: Archaeological Resources

3.5.1 Area History

Comment 032620.016

Archeological Resources, Area History

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

Page 4-164, Section 4.4.4: Subsistence Uses

This section, and others, uses a “blended” approach to the history of resource use and puts use by “ancestors of the Iñupiat and Athabascan peoples” on seemingly equal footing. This paradigm ignores the archaeological evidence of more intensive year-round use of the landscape by Inupiat people.

The first archaeology done in Arctic Alaska was conducted in June and July 1914 by Diamond Jenness in what is now the Refuge. Large permanent village sites on Barter Island and Arey Island (as opposed to ephemeral sites south of the Brooks Range the CCP document cites) testify to the intensive year-round and permanent ties to the landscape by the ancestors of the Inupiat. This “leavening” approach taken by the authors of the document in regards to the history of land use is not an accurate portrayal of the past and tends to over emphasize the intensity of Athabascan use through time.

Response to Comment 032620.016

We agree that Chapter 4, Section 4.4.4, Subsistence Uses, should include further information regarding Iñupiat ancestral and modern use. We provided additional Iñupiat information in this section; however, Arctic Refuge encompasses much of the traditional homelands of both the Iñupiat and Gwich’in peoples and their ancestors. As described in Section 4.4.1.2, archeological records indicate early man used sites along the Arctic coast (including lands currently in the Refuge) as well as areas south of the Brooks Range, which remained ice free during glaciation periods and provided important immigration routes from Asia to the Americas. Intensive use of the coastal area by Iñupiat and Iñupiat ancestors is well documented. Iñupiat use of inland areas south of the coastal plain is much less well known. Over 70 archeological and historical sites have been documented in the northern region of the Refuge representing a long, rich and vibrant history of Iñupiat or their

ancestor's use. A prehistoric Iñupiat village existed on Barter Island, and the area served as an important trading site since aboriginal times for Iñupiat from the east and west along the coast and from inland areas to the south, including the Gwich'in people. It is clearly evident that Arctic Refuge is a treasured cultural landscape for both the Iñupiat and Gwich'in people. Their contemporary use sites are often shared with millennia-old archeological sites, continuing the living link between past and present.

3.5.2 General

Comment 136833.001
Unnamed 16

Archeological Resources, General

Traditional trails have been there for millennia and need protection.

Response to Comment 136833.001

Refuge staff and the State historic preservation officer manage historical resources pursuant to the National Historical Preservation Act. The Service will work with local residents and elders to identify and document trails, identify sites or areas at risk to damage, vandalism or loss, monitor their condition, and conduct periodic law enforcement patrols as necessary to conserve cultural resources. Objective 5.7 was expanded and strengthened to increase presence and effectiveness of resource-protection activities on the Refuge.

3.6 TOPIC: Biological Environment

3.6.1 General, Multiple Resources (Fish, Wildlife, Plants)

Comment 136801.016

Biological Environment, General, Multiple Resources

Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Because of the dual management practices for fish and wildlife between the Service and ADF&G, this plan should include the Service's goals, not simply rely on ADF&G management objectives for the Refuge's big-game and fish populations described in Chapter 4.

Response to Comment 136801.016

The Refuge has not developed specific population-size goals for fish and wildlife. Rather, we have established goals and objectives for ecological conditions that are consistent with Refuge purposes and special values. Please refer to Chapter 2, Section 2.1.

Comment 032613.002

Biological Environment, General, Multiple Resources

Jon Klingel

The Marsh Fork is biologically very productive especially for Dall sheep, brown bear, wolves and at times caribou and moose. There are several sheep mineral licks within a half mile of the river. There is some use by wolverine. The Canadian Arctic Gas Study Limited (CAGSL) volume 24 contains considerable biological information about this area. I assume you have the CAGSL series.

Response to Comment 032613.002

The Canadian Arctic Gas Study Limited series is included in the Refuge's reference library and is frequently consulted by Refuge staff. We are aware of the wildlife values of the Marsh Fork Region, and thank you for your observations.

3.7 TOPIC: Cabins/Camps

Group E.1: Cabins/Camps

We request information on the number of cabins on the Refuge, their condition, and which cabins are categorized as abandoned and why. It is our understanding there were 37 cabins on the Refuge at the time of the original CCP. While we support cleaning up hazardous or contaminated materials from abandoned cabins and hunting guide camps, we do not support removal of cabins or camps as they are “features of...historical value” as outlined by the Wilderness Act and they also provide important emergency shelter. We further maintain that removal of any cabin within the refuge would require appropriate analysis under the National Environmental Policy Act and Congressional notification.

Submitted By:

- Citizens’ Advisory Commission on Federal Areas, Stan Leaphart 032675.014
- State of Alaska, Sean Parnell 136805.024

Response to Group E.1: Cabins/Camps

The 1988 Plan included an estimate of 37 cabins on Refuge lands. Some of these could only be seen from the air, and their condition remains unknown. A few were on lands that have since been conveyed to Native corporations or to individuals as Native allotments. Two cabins were removed because they had become marginally habitable due to lack of use, and their deteriorating stoves, stove pipes, and roofs constituted a safety hazard. One cabin, rehabilitated by the Service in the mid-1970s after a long period of disuse, was removed because it was deteriorating, no longer needed, and was occasionally used as a base for illegal activities. One cabin burned as a result of arson, reportedly because of a trapping area dispute between two trappers. At least one cabin (and perhaps more) burned in wildfires. Cabins that have not been used have decayed considerably or collapsed in the 20-some years since last seen.

Currently, the Refuge has 15 cabins under permit, and three cabins for which a permit has expired and the permit holders have not requested renewal. These were all permitted for trapping. While cabins determined to be abandoned or in trespass may be disposed of in accordance with regulations at 50 CFR 36.33(b)(2), the Refuge does not plan to remove existing cabins not under permit unless their use causes safety, liability, or other problems. In that case, the Refuge would follow the appropriate NEPA process, and if the cabin is in designated Wilderness, congressional notification would be provided. Cabin records are maintained in the Refuge office and are not included in this Plan. However, we added a new section on trapping cabins to Chapter 4 (Section 4.4.1.4). The Alaska regional cabin policy was revised in 2010 to ensure consistency with ANILCA, and we believe it provides appropriate guidance for making determinations regarding the permitting and administration of cabins on the Refuge.

Comment 136745.001

Cabins/Camps

NoraJane Burns

Nora Jane Burns said a guide messed up her husband’s portable camp. Our hunters should have their camps protected even if they are outside their traditional allotments. When a law enforcement officer came, he or she told her husband to clean up the mess as if blaming her husband for the problem.

Response to Comment 136745.001

Comment noted.

Comment 032662.005
David McCargo

Cabins/Camps

Additional permanent and semi-permanent subsistence facilities, or any structures for that matter, should be disallowed because their proliferation could be endless.

Response to Comment 032662.005

With the exception of temporary tent camps, any new structures or facilities on Refuge lands would need to be determined to be necessary for administration of the area consistent with Refuge purposes, goals, and objectives, or for continuing an ongoing traditional activity. With that standard, we are certain there will be no proliferation subsistence facilities, although in rare circumstances, some may be approved.

Comment 136998.004
Thor Stacey

Cabins/Camps

Supporting additional areas of wilderness designation is tempting for me, due the extra statutory protections afforded but I'm opposed to the resulting moratorium on the construction of trapping/emergency cabins for subsistence use. This should be amended to provide and special avenue for cabin approval.

Response to Comment 136998.004

The Alaska Regional cabin policy governing the Refuge's administration of cabins reflects the intent of ANILCA Section 1303(b)(1) to limit the construction of new trapping or subsistence cabins to situations where they are "necessary to provide for a continuation of an ongoing activity or use otherwise allowed within the unit or area where the permit applicant has no reasonable alternative site for constructing a cabin." This ANILCA provision applies to both designated Wilderness and Minimal Management areas. We believe it appropriately provides for consideration of new trapping and subsistence cabins while protecting the Refuge's special values.



3.8 TOPIC: Climate and Climate Change

Group F.1: Climate and Climate Change

Additionally, to strengthen the CCP, we recommend that the FWS include additional analysis of the impacts of climate change on wildlife and habitats to ensure robust consideration of climate change impacts on the Arctic Refuge.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.016
- Defenders of Wildlife, Julie Kates 136796.007
- Northern Alaska Environmental Center, Pamela Miller 136801.046
- Sierra Club, Dan Ritzman 137014.013

Response to Group F.1: Climate and Climate Change

A section on the impacts of climate change was added to each of the following sections of Chapter 4: vegetation (Sections 4.3.3 and 4.3.4), fish (Section 4.3.5.4), birds (Section 4.3.6.10), and mammals (as part of the description of each mammal species or group of species in Section 4.3.7.3).

Group F.2: Climate and Climate Change

-----Preamble/Intro-----

It will be important for the Refuge to work with the broader arctic scientific community to quickly identify a climate relevant monitoring program, one that respects the wilderness character of the Refuge.

-----Comment-----

Finally, engaging the local communities, like Kaktovik, Arctic Village and Venetie, will also provide important insight into change on the Refuge.

Submitted By:

- Wendy Loya 000061.001, 000061.002

Response to Group F.2: Climate and Climate Change

The Refuge recognizes the need to work with the Arctic scientific community in a manner consistent with the Refuge's management guidelines and other applicable laws, policies, and guidance, as well as to engage local communities in climate change monitoring. Please see Refuge Goals 1, 6, and 7 (Chapter 2, Sections 2.1.1, 2.1.6, and 2.1.7); these goals were revised slightly from the draft Plan to further highlight the concepts of collaboration and cooperation.

Group F.3: Climate and Climate Change

In addressing climate change, the plan should allow natural systems to evolve and adapt, without intervention.

Submitted By:

- Frank Keim 009544.004
- Frank & Jennifer Keim 032622.005

Response to Group F.3: Climate and Climate Change

The draft Plan notes the Refuge's intention to adopt a non-intervention approach (see Goal 6 in Chapter 2, Section 2.1.6), and our intent is unchanged in the Revised Plan.

Group F.4: Climate and Climate Change

It's worth noting that if the Coastal Plain of the refuge was to ultimately be designated as wilderness, its store of carbon would be sequestered, thus making a contribution to reducing the climate change that would impact the refuge.

Submitted By:

- Lou Brown 009509.001, 032648.001

Response to Group F.4: Climate and Climate Change

Climate change's effect on carbon sequestration is addressed in Chapter 4, Section 4.3.4.3. Local climate warming will cause large amounts of stored carbon to be released to the atmosphere and exacerbate global warming. The climate will warm whether or not additional Wilderness is designated in Arctic Refuge. The amount of carbon that will be released as local air temperatures warm is so large that any additional amount caused by surface industrial activity, for example from increased bare ground and reduced vegetation cover, is very small by comparison. As far as the carbon stored in the oil reserves below the coastal plain, the economics of the world-wide supply and demand for oil are too complicated to predict whether sequestering this oil would reduce the amount of fossil fuels burned globally.

Group F.5: Climate and Climate Change

Given the wilderness character of the Refuge, the Service should also guard against increasing other stressors, and proposals for new uses or management activities on the Refuge should be evaluated carefully with respect to potential cumulative impacts on resources potentially threatened by climate change.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.015
- Sierra Club, Dan Ritzman 137014.012

Response to Group F.5: Climate and Climate Change

We addressed responding to non-climate stressors in both monitoring and management contexts within the goals and Objectives. Please see especially Goals 1 and 6 in Chapter 2, Sections 2.1.1 and 2.1.6.

3.8.1 Cumulative Effect

Comment 136796.006

Climate and Climate Change, Cumulative Effect

Julie Kates, Refuge Associate, Federal Lands Program

Defenders of Wildlife

The Draft CCP comprehensively details the past, current, and projected future climate on the Refuge using models and scenarios specific to Alaska.[30] It does a good job of outlining climate change impacts to various Refuge resources and ecological processes, including permafrost, fire regime, lakes and wetlands, coastal habitats, and nutrient cycling and mobilization of contaminants.[31] The Draft CCP also covers a broad suite of potential impacts to vegetation, including changes in phenology, alterations in the distribution and composition of communities, treeline shifts, spread of invasive species, and pest and pathogen outbreaks. However, we recommend that the Service give additional attention to the interactions among these various impacts. For instance, how will the interactions of forest pests and fire affect forest health in a

warmer environment? How will drying interact with loss of permafrost to impact tundra communities? How will coastal erosion interact with other changes on the tundra?

Response to Comment 136796.006

Some information about potential interactions among climate change effects is already included in the Revised Plan. For example, the discussion of fire and forest insects in Chapter 4 includes the concept that insect attacks may make forest more fire prone (Section 4.3.3.1). We intentionally avoided speculation about potential interactions because of the paucity of such information in the Arctic climate change literature.

3.8.2 Effects of Alternatives

Comment 136784.004 Adrienne Hall

Climate and Climate Change, Effects of Alternatives

Under New Management Guidelines, I support Statement #6 about climate change. However, it is important that the Refuge specify how far it's willing to go in terms of manipulation. I support a non-intervention approach, but the statements in the draft are somewhat contradictory. Management Guideline #1 Fish and Wildlife Habitat Management seems to suggest that some degree of manipulation is acceptable while the climate change goal emphasizes a let-it-be approach. How far is the Refuge willing to go to control invasive species? Is spraying for invasive weeds acceptable? What about fencing off million of acres? Where do you draw the line in terms of maintaining "natural" conditions? One solution would be to define the term "natural" as "freedom from intentional human control." Then you could add the exceptions listed in Statement #6 (public safety, T & E species, subsistence, though you still walk a slippery slope with how far you're willing to go to maintain those things if climate change is forcing them out of Refuge boundaries or into extinction.) Either way, I think the Refuge would benefit from being more specific about its definition of natural and the limits of mechanical treatments and construction of structures in the face of climate change when it is unlikely that the future assemblage of species will reflect the current one.

Response to Comment 136784.004

The commenter would like the Refuge to be more specific about what manipulations might be done in the future in response to climate change. The Revised Plan recognizes that an adaptive management approach will be necessary and that we do not currently have the information needed to set firm boundaries on management practices. Because of the many uncertainties regarding future climate change effects on Refuge wildlife and habitats, Refuge staff will have to follow an adaptive management approach. We cannot at this time 'specify how far it's willing to go in terms of manipulation' or 'draw the line'; we do not have the information needed to establish firm limits. This issue is covered in Chapter 2, Section 2.4.10.1 (Climate change). It is also covered in Sections 2.4.11.1, 2.4.11.2, and 2.4.12 (habitat, fire management, and wildlife population management sections) and in Chapter 2, Sections 2.1.1 and 2.1.5, Goals 1 and 6.

This comment addresses text in the 'Summary of Draft CCP, Planning Update 3, June 2011' rather than text in the draft Revised Plan. The commenter says that statements about how much manipulation could be allowed are somewhat contradictory, based of differences between numbers 1 and 6 in the New Management Guidelines section on the Summary document. The two statements compared are identical, except that the second gives further examples of 'management emergencies.' We do not think that statements in the full draft Plan are contradictory. The management guideline for fish and wildlife habitat management

(Chapter 2, Section 2.4.11.1) states, "For Arctic Refuge, habitat management seeks to sustain the highest degree of natural biological diversity, integrity, and environmental health. The intent of management will be to leave habitats unaltered and unmanipulated. Natural habitats will not be modified or improved to favor one species over another. Except as necessary to protect threatened and endangered species or to meet other management emergencies, management will focus on perpetuating the distinctive qualities of natural condition and wild character." This is in agreement with Section 2.4.10.1.

While the Refuge's purposes and goals call for conservation of fish, wildlife, plants, and their habitats in their natural diversity, this may not be possible for some species and ecosystems in the future if the meaning of conservation and natural continues to be understood in the context of relatively fixed historic ecosystems and species assemblages. There are many unknowns regarding the potential effects of climate change. The Refuge will continue studies and will evaluate likely future scenarios for climate change effects on wildlife and ecosystems, with emphasis on species that are threatened, endangered, or important for subsistence. Refuge management will investigate and consider a full range of responses to potential climate change impacts. For the near future, the Refuge will follow a policy of non-intervention throughout the Refuge, whereby natural systems are allowed to adapt and evolve, accepting that some species may be replaced by others more suited to the changing climate. As the implications of climate change become better understood, the Service may need to re-assess some assumptions underlying the Refuge's purposes. The Service may need to reexamine the meaning of fundamental concepts such as conserve, preserve, and natural, and revise goals and objectives accordingly.

3.8.3 General Impacts

Comment 136796.005

Climate and Climate Change, General Impacts

**Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife**

Defenders recently developed a set of criteria for evaluating how well climate change is incorporated into final CCPs. As the Service finalizes the plan for the Arctic Refuge, we recommend that planning staff refer to these criteria to ensure that consideration of climate change is comprehensive. The fact sheet, "Climate Change and National Wildlife Refuge Conservation Planning," that includes these criteria is appended to these comments.

Response to Comment 136796.005

Planning staff reviewed the fact sheet and gave the draft Revised Plan a score of 68 percent based on the rating criteria. That is higher than 5 of the 8 example refuges scored on the fact sheet. The Arctic Refuge draft Revised Plan received the highest possible score for all criteria under "background" and "monitoring/research/adaptive management." It received lower scores for several criteria under "assessment" and "actions." To receive the highest scores for those categories, the Revised Plan would have to include "detailed projections/assessments of climate change impacts for more than half of the refuge's major wildlife species or groups," and the same for "more than half of the refuge's major habitat types." It would also have to include "specific management goals/objectives/strategies, based on climate change impact projections, for more than half of the refuge's major wildlife species or groups identified as vulnerable to climate change," and the same for "more than half of the refuge's major habitats identified as vulnerable to climate change." Chapter 4 of the Revised Plan provides an overview of the current and predicted effects of climate change on Refuge habitats, based on an extensive

literature review, but we did not have the information necessary or space in the document to provide details for specific habitats and species. Goal 6 in Chapter 2, Section 2.1.6 states that we will evaluate effects of climate change within four years and also “will develop scenarios for management strategies that incorporate current and predicted effects of climate, including a range of potential responses.” At this time, we do not have the information necessary to develop objectives and strategies for specific habitats and species; that will require a literature review and an adaptive management process. As stated under Goal 6, “management decisions will incorporate the best available science, but we will acknowledge the uncertainty of (climate effects) predictions and be adaptive to accommodate changing situations.”

Comment 009556.002

Climate and Climate Change, Effects of Alternatives

John Lyle

I also address addressing — support addressing climate change, specifically by reducing stressors on wildlife and natural systems, including humans, meaning the visitor impacts should be monitored and strictly regulated so that the wilderness character is not only preserved but restored to its original condition.

Response to Comment 009556.002

We addressed responding to non-climate stressors in both monitoring and management contexts within the goals and objectives. Please see especially Goals 1 and 6 in Chapter 2, Sections 2.1.1 and 2.1.6.

Comment 000092.001

Climate and Climate Change, Effects of Alternatives

Robert White

So all the way from the Yukon River that supplies the essential fatty acids in fish, but Native peoples to the coastal plain that has the nearshore marine system as well, is very important to us. So we must therefore protect the whole of the Arctic Refuge. I would maintain to attempt to get wilderness status for the coastal plain is essential.

I've researched on geese as well as muskox and caribou in that area. We need enhanced monitoring to do this and this monitoring should take place in the communities and in some way the Fish and Wildlife Service could help in establishing long-term monitoring by the communities, therefore understanding what's going on with climate change. So the monitoring would be those events important to the people as well as those events important to the ecology and the survival of the animals that are there and the insects and the birds.

Response to Comment 000092.001

We agree the Refuge should partner with local communities to evaluate the effects of climate change on refuge resources, including those important for subsistence. Our goals and objectives (Chapter 2) acknowledge this need and commit us to pursuing this path.

3.8.4 Modeling

Comment 136805.023
Sean Parnell, Governor
State of Alaska

Climate and Climate Change, Modeling

When modeling the potential impacts of climate change on fish and wildlife and their uses, the focus should remain on potential impacts within the next 10-20 years, not those speculated beyond this period. There is simply too much uncertainty in the models and associated causal evidence chains to speculate beyond this period. Also, the focus should remain on habitat and not on speculated responses of individual species to projected habitat changes. Furthermore, because of uncertainty associated with causal evidence chains, we do not support the use of “habitat envelope models” to speculate on species response.

Response to Comment 136805.023

Focus on near term = 10-20 years:

The focus of the predictions for climate change and impacts to habitats in Arctic Refuge in Chapter 4 is overwhelmingly on the near future—not the distant future. The Revised Plan makes no predictions for any future climate or habitat change unless current evidence exists that the change is already occurring here in Alaska (including the five topics listed in the next paragraph plus others in Chapter 4). Therefore, these predictions are valid for a 10-20 year time period.

The only climate and habitat projections in the Revised Plan beyond 20 years are for temperature, precipitation, permafrost, growing season length, and landscape drying, all based on Scenarios Network for Alaska Planning projections using a widely accepted and quite conservative climate model. Available climate models are more robust over longer time periods versus short (e.g., 10 to 20-year) time periods because of the statistical “noise” created by year-to-year variation. Further, evidence in the published scientific literature exists for all of these changes already occurring. Using computer programs to model future performance based on current condition and historical trends is a valid and widely accepted way to make predictions and will be retained in the final EIS.

Focus on habitat, not species:

The commenter says that focus should remain on habitat—not responses of species to habitat changes. The majority of the climate change effects information in the Revised Plan focuses on habitat. However, we also discuss potential effects on species of concern to the Refuge and the Service. In these cases, the information presented is based on peer-reviewed literature and principles that are overwhelmingly accepted within the scientific community, and therefore will be retained in the final EIS.

Habitat envelopes

The Refuge has not developed habitat envelope models for wildlife species.

Comment 003596.001
Ann Rak

Climate and Climate Change, Modeling

Perhaps we should be thinking about how to capture all the methane that is probably going to be released there due to the global warming that will release it from the permafrost.

Response to Comment 003596.001

This is beyond the scope of the Arctic Refuge Revised Plan.

3.9 TOPIC: Consultation and Coordination

Group G.1: Consultation and Coordination

The State of Alaska's management objectives for wildlife habitats and populations differ greatly from those mandated for the Service and as contained in the refuge purposes. While the DEIS states that "the Service and ADFG recommitted to this formal agreement in 2006," it fails to include the current agreement. This should also be provided in Appendix B so that it is available to the public.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.013, 136801.068

Response to Group G.1: Consultation and Coordination

The Service remains committed to the Master Memorandum of Understanding that we recommitted to in 2006. Appendix B of the Revised Plan includes a copy of the current agreement.

Group G.2: Consultation and Coordination

We recommend that in Appendix B 1.1, the statement, "the USFWS and ADFG share mutual concern for all fish and wildlife resources..." be deleted and replaced with a statement that where the agencies differ, refuge purposes have supremacy and the state should be preempted.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.012
- Northern Alaska Environmental Center, Pamela Miller 136801.012
- Sierra Club, Dan Ritzman 137014.009
- Various Environmental Organizations, Nicole Whittington-Evans 032627.039
- Wilderness Watch, Fran Mauer 032628.029
- Wilderness Watch - Full 000017.006
- Lolly Andrews 136919.004
- Ann Cohen 136923.001
- Julie Raymond Yakoubian 136993.005
- Greg Warren 032626.007
- David Carroll 018612.001

Response to Group G.2: Consultation and Coordination

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to "manage fish and resident wildlife populations in their natural species diversity on Service lands." The Service agrees to "recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska." Both agencies agree "to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law

unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

3.9.1 Cooperating Agencies

Comment 136791.001
Frederick C. Dean

Consultation and Coordination, Cooperating Agencies

-----Preamble/Intro-----

Additional notes and comments:

-----Comment-----

- I was concerned when I read the MMOU between ADF&G and the FWS. ADF&G #2 is very generally worded and without reference to any standard for measuring departure from “natural species diversity.” • FWS #7 prescribes the necessity of “formal” determination, even in the event of animal control actions. Just what is meant or implied by “formal”? Conflicts between the two agencies’ management philosophies have arisen even within the past twelve or 18 months if my memory is correct.

- It seems that this memo, while not in itself a direct part of the CCP, is in need of renegotiation. The State seems to have come out way ahead in terms of what is demanded of it (see above); and given the recent politicization of the Boards and the Executive branch, the intent of the Constitution is being disregarded.

Given the situation with the MMOU with ADF&G, I am somewhat skeptical of the adequacy of the very general language in Goal 2.4.12 “Fish and Wildlife Population Management. Again, this may be the time to seek a more up-to-date MMOU from one perspective. On the other hand, given State politics at this time perhaps a delay is warranted.

Response to Comment 136791.001

In the glossary, the Service defined natural diversity as the total range and variety of living organisms found in biological systems. The ADF&G and the Service signed the Master Memorandum of Understanding (see Appendix B), spelling out the general policy and

guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

This Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or policies, the Service would find it not compatible and would not allow the program on the Refuge. Before allowing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

The Master Memorandum of Understanding was recommitted to in 2006. The State of Alaska is our closest partner in managing national refuges within the State, and the Service believes the existing Master Memorandum of Understanding was, and will continue to be, adequate to prevent or minimize conflicts in management policies. Please also see the glossary (Appendix M) where the Service defines what a Master Memorandum of Understanding is and does.

3.9.2 Federal Coordination

Comment 136875.001
Unnamed 25

Consultation and Coordination, Federal Coordination

Federal agencies need to work together better to keep each other aware of important things like when an allotment is for sale. There needs to be better interagency communication.

Response to Comment 136875.001

We agree there needs to be better coordination and communication between Federal agencies involved in land conveyances, transfers, and sales, and we will work to implement appropriate interagency agreements. We will also work to improve our internal communications between the Refuge and the Service’s Realty Branch regarding land status of Native allotments in the area. As described in Chapter 2, Section 2.4.4, Service policies require development of a step-down plan referred to as a Land Protection Plan (LPP), which helps identify and prioritize which private lands within Refuge boundaries the Service would like to see conserved for fish and wildlife habitat. This step-down plan would discuss a full range of alternative methods and means for land and resource conservation, including fee simple purchase, conservation

easements, and cooperative management agreements to achieve Refuge purposes, goals, and objectives. The Service only acquires land from those landowners who are willing to sell. For a Native allottee, the advantage of selling to the Service rather than through a Bureau of Indian Affairs (BIA) competitive sale is that ANILCA subsistence rights are preserved with a sale to the United States, rather than to a private, State, or corporate group.

3.9.3 Local Government Consultation

Comment 136681.001 Consultation and Coordination, Local Government Consultation
Unnamed 23

Could use more coordination with NSB planning department to help with enforcement – not in terms of law enforcement but more in terms of land management enforcement

Response to Comment 136681.001

In our cover letter to commercial recreational service providers, we acknowledge the North Slope Borough (Borough) also has permitting requirements for commercial service providers operating in the Borough, and we provide our commercial use permittee's with contact information for the Borough Planning Department in Barrow. In our special use permit conditions, we require commercial service providers comply with all applicable Federal, State, and municipal laws.

Comment 136725.001 Consultation and Coordination, Local Government Consultation
Unnamed 63

Seems like there is room to work together, share information, should be in the plan, how to coordinate with local municipal governments.

Response to Comment 136725.001

The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues affecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship, we added Objective 4.1 Formal Consultation to Chapter 2, Section 2.1.4. We also recognize the importance and value of consultation, collaboration, and cooperation with local communities and governments. To that end, we embedded language into Objective 4.1 requiring the Refuge to conduct either formal or informal consultation, collaboration, or cooperation with local Native communities, tribes, and Native corporations in all actions and decision making processes that may have tribal implications or otherwise affect local governments and communities. In addition to formal consultation with federally-recognized tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations, subsistence advisory groups, and local governments.

3.9.4 State Coordination

Comment 137013.004 Consultation and Coordination, State Coordination
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

1-10. Coordination with the State of Alaska. The State had representatives on the FWS planning team for the RCCP (Plan). What did these representatives want included in the Plan, and what was the Service's response?

Response to Comment 137013.004

Service planning policy (602 FW 1) requires us to invite State and tribal conservation agencies to participate on our planning teams. Our planning policy also requires comprehensive conservation plans be consistent with State fish and wildlife plans to the extent practicable. ANILCA Section 304(g)(4) requires us to consult with appropriate State agencies. State representatives did not come to planning team meetings with specific items they wanted included in the Plan. Rather, they provided comments on write-ups produced by Refuge staff and participated in team discussions. The State's interest is in making sure the planning process and the resultant Plan is consistent with ANILCA and other Federal laws and policies. Copies of all written communications between the Service and the State of Alaska related to revision of this Plan are in the planning record. The State of Alaska's official public comment letter appears in Appendix O of Volume 4 of the Revised Plan.

Comment 137013.005 Consultation and Coordination, State Coordination
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

The 1982 Service-ADF&G Master Memorandum of Understanding originated under a federal administration notably hostile to ANILCA and conservation. In 2006 the MMOU was renewed, apparently unchanged, by federal and state administrations opposed to ANILCA and conservation in general. Given that the present administration generally supports the missions of the Service and the Refuge System, what changes to the MMOU does the Service consider are necessary to strengthen its hand in dealing with a State bent on implementing intensive management and predator control programs within national wildlife refuges in Alaska?

Response to Comment 137013.005

The Service remains committed to the 2006 Master Memorandum of Understanding and committed to working with the State of Alaska as our partner in managing Federal lands within the State of Alaska.

Comment 032675.018 Consultation and Coordination, State Coordination
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

Commission fully supports the authority of the State of Alaska through the Board of Fisheries, the Board of Game and the Department of Fish and Game (ADF&G) to manage all fish and wildlife within the state. We have discussed the DCCP and DEIS with ADF &G staff and share their concerns about the potential for overly restrictive management guidelines

proposed in the plan to negatively impact the State's ability to fully manage fish and wildlife by eliminating legitimate management tools.

We also share their concern that, as proposed, the management guidelines will unnecessarily restrict proactive management of fish and wildlife and habitat. Such restrictions are inconsistent with the Master Memorandum of Agreement between the Service and ADF&G. The guidelines should be revised in consultation with ADF&G.

Response to Comment 032675.018

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to "manage fish and resident wildlife populations in their natural species diversity on Service lands." The Service agrees to "recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska." Both agencies agree "to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans."

Comment 136801.011

Consultation and Coordination, State Coordination

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 1-10 We are extremely concerned about the major role the Service has given the State of Alaska, particularly its membership on the core planning team. Given that the State of Alaska has wildlife management policies and practices that differ in a number of fundamental ways, including its intensive management law that favor one species over another, and subsistence management laws that are inconsistent with ANILCA's Title 8 provisions, that the federal government has responsibility for subsistence fisheries management on navigable waters, and that the State is aggressively promoting activities in the Arctic Refuge like opening the Arctic Refuge to oil and gas development which is fundamentally incompatible with the refuge purposes, it was inappropriate for the State of Alaska to have been on the core planning team (see Appendix L-5), nor to be in attendance at the core team's meetings. This team should have been solely U.S. Fish and Wildlife Service staff.

We urge FWS to change the make-up of the core planning team for the final EIS so that the public can have confidence that the plan was not unduly influenced by the presence of State of Alaska officials. We are particularly concerned about the scale of influence the State of Alaska may have had in the development of the CCP with respect to proper management practices and goals for addressing the Arctic Refuge's purpose "to conserve fish and wildlife populations and habitats in their natural diversity" emphasis added (ANILCA Sec. 303 (2)(B)(i)).

Response to Comment 136801.011

The Service’s planning policies direct the structure of the planning team used in developing comprehensive conservation plans for refuges. According to 602 FW 3.4C(1)(a), the planning team is multidisciplinary and consists of the planning team leader, the refuge manager and key staff members, and appropriate support staff or specialists from both regional and field offices. We provide representatives from appropriate State and tribal conservation agencies, and any public agency that may have a direct land management relationship with the Refuge, the opportunity to serve on planning teams. We also ask other Federal and tribal natural resource agencies to provide team members as appropriate. If the requirements of Section 204(b) of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) is met, participation by these State and tribal agencies is not subject to the Federal Advisory Committee Act.

Comment 136801.017

Consultation and Coordination, State Coordination

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The explanation of ADNR’s authority over management (DEIS p. 1-10) fails to mention the limitations of the lands, water, surface and subsurface resource management within the refuge. For example, lands for the original Arctic National Wildlife Range were withdrawn prior to Alaska’s statehood and the state does not have navigable waters, submerged lands, or any surface or subsurface resources within for that area. Furthermore, there are other limitations to ADNR’s management authorities over other aspects of management and for the refuge additions. The way this paragraph is written exaggerates the ADNR management authority over lands within the external boundary of the Arctic National Wildlife Refuge.

Response to Comment 136801.017

You are correct about lands being withdrawn prior to Arctic National Wildlife Range being established, and this withdrawal does affect navigable waters, submerged lands, and other State ownership within the boundaries of Arctic Refuge. Chapter 4, Section 4.1 and Appendix E in the Revised Plan discuss land status in detail, including State ownership. In response to your comment, we added a footnote to the last paragraph of Chapter 1, Section 1.3.4 referring the reader to Chapter 4, Section 4.1 (especially Sections 4.1.2.7 and 4.1.2.8) and Appendix E for additional information about State-owned land, water, and surface and subsurface resources within the boundaries the Refuge.

Comment 136801.015

Consultation and Coordination, State Coordination

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

-----Preamble/Intro-----

Sec. 1.3.3 Coordination with the State of Alaska

-----Comment-----

Given that subsistence is one of the purposes of the Arctic Refuge (ANILCA Sec. 303(2)(B) iii, and that the State of Alaska’s management of subsistence is inconsistent with ANILCA, this section needs to better explain the role of Federal subsistence management including for fisheries in navigable waters, the Federal Subsistence Board, and Federal Subsistence Regional Advisory Committees and their context in the complicated system.

Response to Comment 136801.015

This section of the Plan is about coordination with the State of Alaska. There is an explanation of the role of the Federal Subsistence Board in subsistence management in the third paragraph of this section. The Federal Subsistence Board process is mentioned in more detail in Chapter 2 of the Plan including in the Section 2.4.13 Subsistence Management, and in Chapter 4 there is an entire section entitled ANILCA Subsistence Management on Federal Public Lands which provides detailed information about the process, including the role of the regional advisory committees. We believe the level of detail provided is appropriate for a comprehensive conservation plan. Full details of the Federal Subsistence Management Program are available from the Federal Subsistence Board.

**Comment 136807.001
Duane Howe**

Consultation and Coordination, State Coordination

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

3 The Alaska Fish and Game department, which one might assume should be interested in managing the wildlife of the refuge, is presently more interested in predator control. At some future date the department may become more interested in true wildlife management and might then become more interested. At the present time, Alternative E would not seem to be a fitting role for them.

Response to Comment 136807.001
Comment noted.**Comment 136941.001
Jon Spar**

Consultation and Coordination, State Coordination

All planning and execution must assure that the main overriding goal is to preserve the natural abundance of creatures and habitat and by no means will ever be secondary to commercial needs of any type especially hunting for sport.

The plan must state definitively that when in conflict with the AK state F&G Dept goals that wilderness values and the overriding purpose of the refuge take priority and that FWS (Fish & Wildlife Svc.) take strong action to preempt any manipulation of the by F&G to compromise the wilderness character of the refuge.

Response to Comment 136941.001

The Management Policies and Guidelines (Chapter 2, Section 2.4) provide management direction for the Refuge until the Plan is revised 15 or more years in the future. These Guidelines (see Chapter 2, Sections 2.4.11 and 2.4.12) state that fish and wildlife habitat would not be actively managed, or altered. Rather, management would seek to sustain the highest degree of natural diversity and biological integrity. Activities such as crushing, chemical, or mechanical treatments, or the construction of structures would not be allowed. The Refuge is also required, however, to provide for priority public uses, including: hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation.

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 032626.054

Consultation and Coordination, State Coordination

Greg Warren

V2, B-1, B.1.1 Alaska Department of Fish and Game: The discussion on coordination needs to be supplemented to clarify the responsibilities of the Service and requirements for compatibility determinations. As stated in the MMOU, ADFG regulations would not apply if found to be incompatible with documented refuge goals, objectives, or management plans. The Service should consider that the basis for the MMOU in 1982 were the Federal and State laws in effect at that time. The MMOU should have been formally revisited after the Alaska State Legislature amended a statute in 1994 to direct the State Board of Game to implement an intensive management program. I recommend that the MMOU be amended for all of the Alaska Region to address the changed conditions.

The Refuge should implement processes, such as compatibility determinations, to assure that the State's fish and wildlife management mandates are not being applied to the population management programs in the Arctic Refuge.

Response to Comment 032626.054

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.” The Service remains committed to working with the State of Alaska as our partner in managing Federal lands within the State of Alaska, and we recommitted to the Master Memorandum of Understanding in 2006.

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge's purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge's mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge's purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

3.9.5 Tribal Coordination/Govt to Govt

Comment 032620.002 Consultation and Coordination, Tribal Coord/Govt to Govt
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

The Service failed to recognize the rights and interests of the indigenous people living in and near the Refuge, specifically the shareholders of the Kaktovik Inupiat Corporation and ASRC, who own almost 100,000 subsurface and surface acres in the coastal plain. As mentioned previously, the Service should carefully consider ASRC's comments in the final CCP/EIS.

Response to Comment 032620.002

The Service gave careful consideration to KIC and ASRC comments in the Revised Plan and final EIS and on all issues about which they wanted to communicate or consult. The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In 2011, the DOI Policy on Consultation with Indian tribes was published, reaffirming the commitment for government-to-government relationship with Indian and Alaska Native tribes. In August 2012, the policy was amended to include ANCSA Native corporations. The Federal Subsistence Board recently approved a Government-to-Government Consultation protocol for tribes and an interim Government-to-ANCSA Corporation consultation protocol that will guide its efforts until final protocols can be developed.

The vision statement, special values, goals, and objectives in the Revised Plan and final EIS acknowledge Arctic Refuge encompasses substantial portions of the traditional homeland of Inupiat and Gwich'in peoples and calls for continued opportunities for traditional subsistence uses and relationships with the land. The Plan recognizes the interconnectedness of the Alaska Native people of the region and their environment. The Refuge is fully committed to implementing and achieving our subsistence and cultural mandates under ANILCA and other laws. Three step-down planning efforts will be initiated upon approval of the Revised Plan: an I&M Plan (Chapter 2, Section 2.1.1, Objective 1.2), VUMP (Section 2.1.5, Objective 5.4), and a WSP (Section 2.1.2, Objective 2.4). These step-down plans would collectively, and in an integrated manner, address essential components of the Refuge's special values and public use opportunities in the Refuge. We will fully meet our consultation requirements with tribal groups, ANCSA Native corporations, Native organizations, and local communities in development of these plans, ensuring local residents have a meaningful role and involvement in addressing their concerns and issues, including conflicts with non-residents and nonlocal users.

Comment 136815.001

Consultation and Coordination, Tribal Coord/Govt to Govt

Carrie Stevens, Special Projects, Natural Resources Dept.**Council of Athabaskan Tribal Governments**

The Council submits that cooperation and coordination with the Council and Yukon Flats Tribal Governments in development and drafting of the Draft Revised CCP was limited at best. While the attempt to coordinate with affected Tribal Governments is appreciated, the process was inadequate. The Council's Executive Director and Natural Resources Program were never directly contacted for participation or facilitation in the planning process. These limitations are reflected in the Draft Revised CCP's inadequate level of inclusion of Tribal Government's and tribal member's knowledge of and reliance on their traditional lands which constitute the Refuge.

The Council, as a leader in Tribal Natural Resources management, has successfully negotiated and managed an Annual Funding Agreement (AFA) for selected programs, functions, services, and activities (PFSAs) of the Yukon Flats National Wildlife Refuge. This agreement is the first of its kind in the history of the nation, the first AFA for selected PFSAs of a federal Conservation Unit by a tribal entity. With this background, the Council should have been provided consideration for inclusion within the Core Planning Team for the Refuge CCP process.

Response to Comment 136815.001

In October of 2009, Arctic Refuge, through phone calls and formal invitation letters sent to the First Chiefs of nine tribal councils, including, Gwichyaa Zhee Gwich'in Tribal Government, extended a request for the tribes to participate in any way that would be meaningful to them, including (but not limited to) participation on any of the planning core, extended, or advisory teams or by formal tribal consultation in the revision of the draft Revised Plan. The formal letter of invitation was sent by certified mail to the First Chiefs of the nine federally-recognized tribes with geographic and cultural ties to Arctic Refuge. In doing so, the First



Chiefs who serve as the Board members and governing body for the Council of Athabaskan Tribal Governments received notification of the planning process for the Revised Plan and the invitation to be a participant at any level of the planning teams or to appoint members to any of the planning teams. Follow-up phone calls to each of the nine tribes were made in late November and mid-December of 2009 in an effort to determine what level of involvement each tribe wished to have in the development of the draft Revised Plan and whether the tribe wanted to engage in formal government-to-government consultation.

The Native Village of Kaktovik opted to participate on the extended team, and the Naqsragnuit Tribal Council of Anaktuvuk Pass appointed a representative to the advisory team. There were no responses received from any of the other tribes. Phone calls and letters were mailed to each tribe in January 2010, informing them that the planning teams had been formed; however, because of the special relationship for formal consultation with federally-recognized tribes, they could submit comments and recommendations at any time throughout the planning process. Public scoping meetings were held in Fort Yukon, Arctic Village, Venetie, and Kaktovik at council or tribal buildings during spring of 2010. On April 20, 2010, the Refuge manager and assistant manager met with the Council of Athabaskan Tribal Government's Executive Director, Ben Stevens, in Fort Yukon to discuss the beginning of the planning process for the Revised Plan and the desire of the Refuge to work collaboratively with the Council of Athabaskan Tribal Government's Natural Resource Department to gather harvest and subsistence use data with the communities of Arctic Village and Venetie.

In October 2010, the Refuge manager telephoned, then mailed a letter, with preliminary draft planning documents to the First Chiefs of Fort Yukon, Venetie, Arctic Village, and Kaktovik, requesting consultation with the tribal and village councils for an internal draft review of the Revised Plan. This was done as a courtesy to our partners and was not available to the general public. The Refuge engaged in numerous information and outreach efforts with the Villages of Fort Yukon, Venetie, Arctic Village, and Kaktovik, mailing planning updates, village resident pamphlets, and meeting announcements and flyers to every post office box holder within these four villages. Numerous phone calls and emails were made to local governments and tribes during the summer and fall months. On August 17, 2011, the Refuge assistant manager met with the Council of Athabaskan Tribal Government Chiefs and other members at their annual meeting in Arctic Village to discuss the Revised Plan's progress, a wildlife proposal regarding the Arctic Village Sheep Management Area, and the desire of the Refuge to have more involvement from Native communities in the planning and review process for the Revised Plan. While attending the Council of Athabaskan Tribal Government Chiefs meeting, the assistant manager met with Carrie Stevens of the Council of Athabaskan Tribal Government's Natural Resources Department regarding the planning process for the Revised Plan, the current Federal hunting proposal for the Arctic Village Sheep Management Area, and the desire to work cooperatively to gather harvest data within the communities of Arctic Village and Venetie. In November 2010, we were able to share with the Gwichyaa Zhee Gwich'in Tribal Government and the other tribal partners with ties to the Refuge an internal review draft of the Revised Plan. This was again done as a courtesy to our partners and was not available to the general public.

Comment 136815.002 Consultation and Coordination, Tribal Coord/Govt to Govt
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabaskan Tribal Governments

Due to significant historic, cultural and geographic importance to the Council's Tribal Governments the Council submits that the partnership with the Refuge should not be limited to the aforementioned two objectives. The Tribal Governments and their members hold extensive traditional knowledge of this place serving as stewards since time immemorial, and their involvement should be included within the daily management of multiple aspects of the Refuge. Specifically, as outlined in the Draft Revised CCP, the Council and Tribal Governments should be included as partners within the strategy to implement the following Goals and Objectives:

Objective 1.2: Inventory and Monitoring of Wildlife and Habitats;
 Objective 1.4: Ecological Review;
 Objective 1.6: Fire Management Planning;
 Objective 1.7: Wildlife Management Proposals;
 Objective 1.8: Water Quality and Quantity;
 Objective 1.9: Water Rights;
 Objective 1.12: Land Protection Plan;
 Objective 1.13: Long-term Ecological Monitoring;
 Objective 2.3: Wilderness Stewardship Plan;
 Objective 4.1 – 4.5: ALL objectives related to Subsistence Use;
 Objective 5.3: Visitor Use Management Plan;
 Objective 5.5: Visitor Management Coordination with Neighbors;
 Objective 5.7: Visitor Study;
 Objective 5.8: Visitor Use Management;
 Objective 6.1: Effects of Climate Change;
 Objective 6.4: Collaboration on Climate Change;
 Objective 7.2: Collaborative Research;
 Objective 7.3: International Treaties and Agreements;
 Objective 7.4: Baseline Water Quality Study;
 Objective 8.1 – 8.9: ALL objectives related to conservation of Cultural Resources;
 Objective 9.1 – 9.8: ALL objectives related to enhancing understanding, appreciation, & stewardship of the Refuge.

The Council supports the development of a strong partnership to identify and secure funding to accomplish these objectives, including the development of an AFA with the Arctic National Wildlife Refuge.

Response to Comment 136815.002

The Service supports the development of strong partnerships to accomplish the Refuge's goals and objectives and would be interested in further discussions regarding potential Annual Funding Agreements with tribes. The process for requesting, negotiating, and developing an Annual Funding Agreement is found in 25 CFR 1000.170 and implemented through Service Policy 512 FW 5. As described in regulations and policy, a formal letter of interest for an Annual Funding Agreement needs to be sent to the Service Director to begin the process.

Comment 136815.006 Consultation and Coordination, Tribal Coord/Govt to Govt
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan Tribal Governments

The Council submits that they be included in, and meaningful Government to Government consultation be included in, the development of future Step-Down Plans as outlined in Section 6.3 Future Step-Down Plans, most notably: Integrated Resources Management Plan, Comprehensive River Management Plan, Ecological Inventory & Monitoring Plan, Research Plan, Wilderness Stewardship Plan, Visitor Use Management Plan, and Land Protection Plan. The Council requests that thorough outreach is conducted for adequate Tribal input into all Step-Down plans.

Response to Comment 136815.006

Arctic Refuge is fully committed to meeting the unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship, we added Objective 4.1 Formal Consultation, to Chapter 2, Section 2.1.4, and embedded language requiring either formal or informal consultation, collaboration, or cooperation with local Native communities in all issues or actions that may have tribal implications. Formal tribal consultation will be conducted on all step-down plans that may in any way have implications to tribes. In addition to formal consultation with federally-recognized tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations such as Council of Athabascan Tribal Government, Tanana Chiefs Conference, Gwich'in Steering Committee, the North Slope Borough, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies.

Cultural Objective 8.1 (Chapter 2, Section 2.1.8) on Collaboration, Partnerships, and Traditional Knowledge was broadened to acknowledge the Refuge will continue to consult with local tribal governments and Native corporations and work with Native organizations, Native elders, and others who possess knowledge of the area's cultural and traditional uses, landscapes and habitats, and area resources to gain an understanding of past conditions and current observations. These efforts will help bring together traditional knowledge and Western science to promote wise use and conservation of fish and wildlife and their habitats. Also, see Objectives 7.1, 7.2 and 7.3 (Chapter 2, Section 2.1.7), which discuss Wildlife Management Proposals, Collaborative Research, and International Treaties and Agreements. These objectives further commit and acknowledge the Refuge will continue to collaborate and partner with tribes , Native corporations, and work with Native Alaskans on a wide range of topics including the Porcupine caribou herd management and traditional subsistence use.

Comment 136815.007 Consultation and Coordination, Tribal Coord/Govt to Govt
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan Tribal Governments

The Council supports the development of a strong partnership with the USFWS for stewardship of the traditional lands and resources within the Arctic National Wildlife Refuge. The Council requests that more effective and regular, outreach, communication, and Tribal Government consultation is conducted regarding the management activities of the Refuge, as well as the implementation and progress of the CCP, with the Council and the Tribal Governments.

Response to Comment 136815.007

We are fully committed to implementing and achieving our subsistence and cultural mandates under ANILCA and other laws such as the National Historic Preservation Act, the Archaeological Resources Protection Act, and the Native American Graves Protection Act. We expanded and strengthened subsistence Goal 4 and its objectives (Chapter 2, Section 2.1.4), as well as the cultural resources Goal 8 objectives (Chapter 2, Section 2.1.8) to ensure consultation and strong partnerships are maintained. The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship we added Objective 4.1 Formal Consultation, and embedded language requiring either formal or informal consultation, collaboration, or cooperation with local Native communities in all of the subsistence and cultural objectives.

In addition to the formal consultation with federally-recognized tribal governments and Native corporations, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies. Objective 4.5 recognizes the importance and need to compile existing and historical use data to ensure traditional subsistence use and knowledge is thoroughly and accurately considered in Federal and State fishing and hunting regulation proposals. Objective 8.1 on Collaboration, Partnerships, and Traditional Knowledge was broadened to acknowledge the Refuge will continue to consult with local tribes and ANCSA Native corporations and work with local Native elders and others who possess traditional ecological knowledge of the areas ecosystems and wildlife to gain an understanding of past conditions and current observations. These efforts will help bring together traditional knowledge and Western science to promote wise use and conservation of wildlife and habitats.

It is important that the Refuge regularly communicate with local villages and subsistence users to exchange information. We will continue the current Refuge Information Technician (RIT) Program in Kaktovik and Arctic Village, and we hope to expand the RIT program to Venetie and Fort Yukon in collaboration with those communities and neighboring Yukon Flats National Wildlife Refuge when funding becomes available (see Chapter 2, Section 2.1.4, Objective 4.3). We are always looking for ways to improve the exchange of information between the Refuge and our local communities through the RIT program and would welcome any suggestions. Locally hired RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and other community groups. Iñupiat and Gwich'in people and their ancestors maintained a vital connection to the land for thousands of years.

Iñupiat and Gwich'in people have been the land's stewards and caretakers, and much of Arctic Refuge's legacy exists today because it has been nurtured so well. ANILCA recognizes this important connection between Native people and the land for continued cultural and subsistence purposes. Arctic Refuge's vision and goals also share the Native perspective and values towards the land and nature (see Chapter 1, Section 1.6). We thank the Gwichyaa Zhee Gwich'in Tribal Government and members of the Fort Yukon community for their comments and recommendations we received during the public scoping meeting for the Revised Plan, for the internal review of the draft Revised Plan, for the Tribal Resolution 11-L-02, and for the public review of the draft Revised Plan and the meeting held at your tribal hall and the subsequent interviews with village elders. Information and formal comments received from

members of Fort Yukon were substantial and of great assistance to Service staff and our partners in developing the Revised Plan and EIS.

Comment 136846.003

Consultation and Coordination, Tribal Coord/Govt to Govt

Edward Alexander, Second Chief

Gwichyaa Zhee Gwich'in Tribal Government

Think what people are saying earlier before this testimony was taken is that this document, as well-written as it is, reflects very little of the people here and it's not the fault of the people here that that's so. People here are very friendly. Look at how many people show up and interested in what you're doing. I mean, if I had a meeting, there wouldn't be 30 people to show up, you know what I mean? They're interested. They're trying to help but this document doesn't reflect that. When we talk about the Arctic Village sheep management area and people like Bob was saying well, what are we -- why don't we have our own ideas in this document.

Response to Comment 136846.003

The Service made a concerted effort to include tribes and local residents in the planning process. For a detailed write-up of tribal consultation, please refer to Appendix B, Section B.3. Refuge staff requested consultation with, and have kept informed, nine federally-recognized tribes with geographic and cultural ties to Arctic Refuge: Gwichyaa Zhee Gwich'in Tribal Government, Fort Yukon; Native Village of Kaktovik, Kaktovik; Native Village of Stevens Tribal Government, Stevens Village; Native Village of Venetie Tribal Government, Venetie; Naqsragnuit Tribal Council, Anaktuvuk Pass; Beaver Traditional Council, Beaver; Denduu Gwich'in Tribal Council, Birch Creek; Chalkyitsik Traditional Council, Chalkyitsik; and Circle Traditional Council, Circle. We also engaged and coordinated with two village councils: Arctic Village Council and Venetie Village Council.

The tribes were first contacted in October 2009 at the beginning of the planning process, and then again in November and December 2009. Letters to each tribe in January 2010 informed them the planning process was underway and planning involvement teams had been formed; however, because of the tribe's special governmental status, they were welcome to contact the Refuge or the planning team at any time and make recommendations or comments. Public scoping meetings were held in tribal or council buildings in the communities of Fort Yukon, Arctic Village, Venetie, and Kaktovik, and in the cities of Fairbanks, Anchorage, and Barrow between April and June 2010. In October 2010, the Refuge contacted the tribes and village councils by phone, and then sent preliminary draft planning documents to the First Chiefs and all tribal council members of the nine tribes and the two village councils. The letters requested consultation with the Native Councils on an internal review draft of the Plan. This was done as a courtesy to the tribes and planning team partners and was not available to the general public. Refuge staff visited Fort Yukon, Venetie, Arctic Village, and Kaktovik in November 2010 to gather any comments the tribes and/or local residents might have on the Plan.

On February 8, 2011, the Gwichyaa Zhee Gwich'in Tribal Government passed Resolution 11-L-02 requesting government-to-government consultation on the Revised Plan. However, Tribal Resolution 11-L-02 was not sent to Arctic Refuge until April 13, 2011, along with the tribe's comments on the internal review draft of the Plan. On April 22, 2011, the Refuge manager responded to the Gwichyaa Zhee Gwich'in Tribal Government, thanking the council for their comments and acknowledging the consultation request. In August 2011, Refuge staff met with members of the Council of Athabaskan Tribal Government Chiefs at their annual meeting in Arctic Village to discuss the Plan's progress and the Refuge's desire to have more involvement

from Native communities. Additional meetings were scheduled with the tribal and village councils in their communities during the fall of 2011 to present and take comments on the draft Revised Plan and EIS.

In May and June 2012, the Refuge manager participated in formal government-to-government consultation with three federally-recognized tribes: Gwichyaa Zhee Gwich'in Tribal Government, Native Village of Venetie Tribal Government, and the Native Village of Kaktovik. In addition, the Refuge manager met with the Arctic Village Council and the Venetie Village Council. In September 2012, the Refuge manager engaged in formal consultation with Regional Native corporation Doyon Limited. Consultation with all nine federally-recognized tribes, ANCSA Native corporations, and the two village councils was again initiated with the release of the Revised Plan and final EIS and will continue through Plan approval and implementation.

In addition to efforts to formally invite federally-recognized tribal governments to be involved in the development of the Revised Plan, the Refuge's mailing list includes other Native organizations, including Native corporations and village governments (see Appendix K). All governments, organizations, and corporations on our mailing list received copies of documents distributed as part of our public involvement strategy. In addition, the Refuge manager sent letters to Doyon Limited and the Tanana Chiefs Conference specifically inviting their representatives to attend public meetings. Further, we sent planning updates and fliers announcing public meetings to every post office boxholder in Arctic Village, Fort Yukon, Kaktovik, and Fort Yukon. Meeting fliers were posted in public places throughout each community, and where possible, they were also announced over the local radio station or CB radio.

Comment 032654.001

Consultation and Coordination, Tribal Coord/Govt to Govt

Jen McCormack, PhD Candidate

University of Arizona, Native Nations Institute

I support Alternative E to protect as much sacred land as possible and recommend U.S. Fish and wildlife consult more with Gwich'in leaders to manage this land and life

Response to Comment 032654.001

The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship we added Objective 4.1 Formal Consultation (Chapter 2, Section 2.1.4), and embedded language requiring either formal or informal consultation, or collaboration, or cooperation with local Native communities in all of the subsistence, cultural, or other objectives that may have tribal implications. In addition to formal consultation with federally-recognized tribal governments and ANCSA Native corporations, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies.

**Comment 136668.001
Unnamed 11**

Consultation and Coordination, Tribal Coord/Govt to Govt

Someone wondered who the Refuge asked to collaborate and is collaborating with in developing the CCP; they were curious if the tribes and tribal governments (and who within) had been contacted to participate as the Refuge was developing the CCP

Response to Comment 136668.001

In early October 2009, Refuge staff requested consultation or involvement with nine federally-recognized tribes with geographic and cultural ties to Arctic Refuge. The Refuge manager initially contacted the First Chiefs of the following tribes by phone, followed immediately by a formal letter, informing the Chiefs the Refuge was beginning a planning process for revision of the Refuge's Comprehensive Conservation Plan and that we were requesting tribal participation in the planning process: Gwichyaa Zhee Gwich'in Tribal Government, Fort Yukon; Native Village of Kaktovik, Kaktovik; Native Village of Stevens Tribal Government, Stevens Village; Native Village of Venetie Tribal Government, Venetie; Naqsragnuit Tribal Council, Anaktuvuk Pass; Beaver Traditional Council, Beaver; Denduu Gwich'in Tribal Council, Birch Creek; Chalkyitsik Traditional Council, Chalkyitsik; Circle Traditional Council, Circle. The tribes were invited to participate in any way that would be meaningful to them, including (but not limited to) participation on any of the core, extended, or advisory teams working to develop the Revised Plan. We also asked whether the tribes wanted to engage in formal government-to-government consultation.

With no response from the tribes, the Refuge again contacted each of the nine tribes in late November and again in mid-December 2009 to determine what level of involvement the tribes wished to have and whether the tribes wanted to engage in formal government-to-government consultation. The Native Village of Kaktovik opted to participate on the extended team, and the Naqsragnuit Tribal Council of Anaktuvuk Pass appointed a representative to the advisory team. Letters were sent to each tribe in January 2010 informing them the planning process was underway and planning involvement teams had been formed. However, because of the tribe's special governmental status, they were welcomed to contact the Refuge or the planning teams at any time and make recommendations or comments. Public scoping meetings were held in tribal or council buildings at Fort Yukon, Arctic Village, Venetie, Kaktovik, and in Fairbanks, Anchorage, and Barrow during spring and summer of 2010. In October 2010, the Refuge telephoned, then mailed a letter and preliminary draft planning documents to the First Chiefs of each of the federally-recognized tribes, and to all tribal council members in Fort Yukon, Venetie, Arctic Village, and Kaktovik. The letter requested consultation with the tribal councils on an internal review draft of the draft Revised Plan. This was done as a courtesy to our partners and was not available to the general public.

On February 8, 2011, the Gwichyaa Zhee Gwich'in Tribal Government passed Resolution 11-L-02 with many good recommendations for the internal review draft of the Plan as well as a request for government-to-government consultation. Tribal Resolution 11-L-02 was not sent to Arctic Refuge until April 13, 2011. On April 22, 2011, the Refuge manager responded to the Gwichyaa Zhee Gwich'in Tribal Government, thanking the council for their comments and acknowledged the consultation request stating, "If the Gwichyaa Zhee Gwich'in Tribal Government wishes to have formal Government to Government consultation meetings with members of the council, independent of the scheduled public meetings, please let me know and we will schedule a meeting as appropriate." The Refuge requested, through various officials of the Gwichyaa Zhee Gwich'in Tribal Government on a number of occasions, to be put on the

tribal council's meeting agenda either before or during the public review period of the draft Revised Plan.

In August 2011, Refuge staff addressed the members of the Council of Athabascan Tribal Government Chiefs annual meeting in Arctic Village. We discussed progress on the Revised Plan, an Arctic Village Sheep Management Area hunting proposal, and the desire of the Refuge to have more involvement from the Native communities. Additional meetings were scheduled with the tribal and village councils in their communities during the fall of 2011 to present and take comments on the draft Revised Plan. The First Chief of the Gwichyaa Zhee Gwich'in Tribal Government, Mike Peter, requested the Refuge wait until after the annual tribal council elections were completed on October 29, 2011, and new members were seated and officially sworn in before meeting with the Refuge and the full tribal council. The Refuge asked to be notified when this election process was completed and when the next official tribal council meeting was scheduled. We appreciate the comments submitted by Gwichyaa Zhee Gwich'in Tribal Government, and they were considered in the preparation of the Revised Plan. Formal consultation was held with the Gwichyaa Zhee Gwich'in Tribal Government, Native Village of Kaktovik, and the Native Village of Venetie Tribal Government in May 2012. Formal consultation was held with Regional Native corporation Doyon Limited in September 2012.

In addition to efforts to formally invite federally-recognized tribal governments to be involved in the development of the draft Revised Plan, the Refuge's mailing list includes other Native organizations and local governments, such as the North Slope Borough, the North Star Borough, the cities of Fairbanks and North Pole, and several local Native corporations, organizations, and village councils (e.g., Doyon Limited, ASRC, Tanana Chiefs Conference, Council of Athabascan Tribal Governments, etc). The following village governments are also on the mailing list: Arctic Village Council; City of Fort Yukon; Venetie Village Council; City of Kaktovik; Chalkyitsik Traditional Council; City of Anaktuvuk Pass; Beaver Traditional Council; Circle Traditional Council; Birch Creek Village Council; Native Village of Stevens. Please refer to Appendix K for a comprehensive list of corporations and organizations. All governments, organizations, and corporations on our mailing list received copies of documents distributed as part of our public involvement strategy. In addition, the Refuge manager sent letters to Doyon Limited, Tanana Chiefs Conference, and the Anchorage and Fairbanks chambers of commerce, specifically inviting their representatives to attend public meetings. We also sent planning updates and flyers announcing public meetings to individual box holders in Arctic Village, Fort Yukon, Kaktovik, and Venetie. Meeting flyers were also sent to Refuge contacts within each of these communities for posting in public places. Public meetings were also announced over local radio stations or CB radio.

Comment 136835.001
Unnamed 18

Consultation and Coordination, Tribal Coord/Govt to Govt

Will we be meeting with GZGTG [Gwichyaa Zhee Gwich'in Tribal Government] in formal govt-to-govt before November 15? Are other tribes included?

Response to Comment 136835.001

The Gwichyaa Zhee Gwich'in Tribal Government passed Resolution 11-L-02 on February 8, 2011. However, Tribal Resolution 11-L-02 was not sent to the Refuge right away, and we received it at Arctic Refuge on April 13, 2011, along with the tribe's comments on the internal review draft of the Plan. On April 22, 2011, the Refuge manager responded to the Gwichyaa Zhee Gwich'in Tribal Government, thanking the council and members of the Fort Yukon

community for their comments and recommendations, from which numerous changes were made to the draft planning document. The Refuge's April 22, 2011, letter acknowledged the tribe's request for government-to-government consultation stating, "If the Gwichyaa Zhee Gwich'in Tribal Government wishes to have formal Government to Government consultation meetings with members of the council, independent of the scheduled public meetings, please let me know and we will schedule a meeting as appropriate." On numerous occasions, the Refuge requested, through various officials of the Gwichyaa Zhee Gwich'in Tribal Government, to be put on the council's meeting agenda both before, during, and after the public review period of the draft Revised Plan. The First Chief requested the Refuge wait until after the annual council member elections were completed and the new member seated and officially sworn in before holding a meeting with the Refuge. The Refuge asked to be notified when this process was completed and when the next official tribal council meeting was scheduled with the Refuge on the agenda. Formal consultation was held with the Gwichyaa Zhee Gwich'in Tribal Government, Native Village of Kaktovik, and the Native Village of Venetie Tribal Government in May 2012. Formal consultation was held with Regional Native corporation Doyon Limited in September 2012.

We wish to thank the Gwichyaa Zhee Gwich'in Tribal Government and members of the Fort Yukon community for the extensive comments and recommendations received during scoping meetings, the internal review of the draft Plan, the meeting and hearing on the public review draft of the Revised Plan held at your tribal hall, and the subsequent interviews with village elders and informal communications with tribal representatives. We also thank the Gwichyaa Zhee Gwich'in Tribal Government council for formally meeting with us on May 10, 2012. During this meeting, the tribe said they will be passing a resolution for formal tribal consultation on any final decision made regarding the Revised Plan and that they want to consult at the highest government level. The tribe is prepared to send a tribal representative to Washington, D.C., to be part of any decision making discussions. Information and formal comments received from members of Fort Yukon were substantial and of great assistance to Service staff and our partners in developing the Revised Plan and EIS. The Refuge looks forward to continued consultation with the Gwichyaa Zhee Gwich'in Tribal Government, other tribes, and ANCSA Native corporations in advance of the final decision on the Plan and as we move into Plan implementation.

**Comment 136877.001
Unnamed 27**

Consultation and Coordination, Tribal Coord/Govt to Govt

The Lacey Act says that tribes and agencies have to work together – why can't you hire someone from Arctic Village to help manage Red Sheep Creek?

Response to Comment 136877.001

The Refuge currently has RITs employed in Arctic Village and Kaktovik, and we hope to expand the RIT program to Venetie and Fort Yukon in the future in collaboration with those communities (see Chapter 2, Section 2.1.4, Objective 4.3). Arctic Village's RIT was very effective in coordinating community involvement and comments at the Federal Eastern Interior Regional Advisory Council and the Federal Subsistence Board meetings regarding the proposal to reclose Red Sheep and Cane Creek to nonlocal hunters. Through strong coordination, involvement, and testimony by community members, Native organizations, and Refuge staff, the proposal was approved by the board to reclose these drainages to nonlocal hunters to minimize conflicts between local and nonlocal users. Arctic Village's RIT serves in

many capacities: managing the Arctic Village Visitor Contact Station; providing information to visitors about the Refuge, its resources, and local communities through visitor contacts and informational kiosks; and disseminating brochures and posters, which help minimize conflicts between visitors and local users of the Refuge. Locally hired Native RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and visitors.

The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship we added Objective 4.1 Formal Consultation to Chapter 2, Section 2.1.4 and embedded language requiring either formal or informal consultation, collaboration, or cooperation with local tribes, ANCSA Regional corporations, and Native communities in all of the subsistence and cultural objectives.

Comment 136856.003
Carrie Stevens

Consultation and Coordination, Tribal Coord/Govt to Govt

I'd also like to make a note on tribal government consultation that was noted earlier that was requested and there wasn't a response. I believe it's Executive Order 13175 that now mandates all entities to enter into tribal consultation so if you're working in the Arctic Village Council office, all of a sudden you got about a hundred requests for tribal consultation from the Department of Justice, the Department of -- every department and so I think that some of these critical issues just got clumped in a pile of tribal consultation paper work that was every single program that affects tribes. So you have to understand you have two people working in the tribal council office and they run every single federal program for their people. So I don't think that -- we need to look at government to government consultation, tribal consultation of how we can work together to make that effective and meaningful because a letter is probably not effective and meaningful.

Response to Comment 136856.003

Arctic Refuge understands that tribal and village councils have very high workloads with many important issues requiring their attention and involvement. These council offices are often understaffed and unable to respond immediately to all the requests placed upon them by a wide variety of organizations and agencies. President Obama and the executive branch of our government has taken great effort to ensure that Federal agencies are responsive to the unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting resources, subsistence and traditional uses, or other activities that may have tribal implications. Because of these concerns, we always follow up our coordination efforts with phone calls, emails, and letters and update our council membership records annually to keep up with new members and elected leadership. We are willing to come to Fort Yukon at any time convenient to the tribal council for face-to-face meetings. We thank the Gwichyaa Zhee Gwich'in Tribal Government and members of the Fort Yukon community for the extensive comments and recommendations we received during the public scoping meeting; the preliminary internal review of the draft Revised Plan and draft alternatives; Tribal Resolution 11-L-02; the public review of the draft Revised Plan; meetings held at your tribal hall; and subsequent interviews with village elders. Information and formal comments received from

members of Fort Yukon were substantial and of great assistance to Refuge staff and our partners in developing the draft Revised Plan and EIS.

Comment 032646.001
Unknown Unknown

Consultation and Coordination, Tribal Coord/Govt to Govt

Currently the Native Village of Venetie Tribal Government-Venetie and Arctic Village has grown to about 3,000 members and their historic dependency on the porcupine herd for food must be considered regarding the federal government's trust responsibility laws with the Native American tribes.

Response to Comment 032646.001

In 2011, the governments of the United States and Canada agreed it was time to re-constitute the eight-member International Porcupine Caribou Board to further cooperation on conservation of this unique international resource. The purpose of this Board is to guide research, monitoring, conservation and protection of the Porcupine caribou herd and its habitat. The Secretary of the Interior recently appointed four members to the International Porcupine Caribou Board, including a member from the Iñupiat Native community of Kaktovik, a member from the Gwich'in Native community of Venetie, the ADFG, and the Service.

The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship we added Objective 4.1 Formal Consultation, to Chapter 2, Section 2.1.4 and embedded language requiring either formal or informal consultation, collaboration, or cooperation with local Native communities in all of the subsistence, cultural, and other objectives that may have tribal implications. In addition to formal consultation with federally-recognized tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies.

Objective 4.2 recognizes the importance and need to compile existing and historical use data to ensure traditional subsistence use and knowledge is thoroughly and accurately considered in Federal and State fishing and hunting regulation proposals or management actions. One of the purposes for which the Refuge was established is to provide for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, including but not limited to the Porcupine caribou herd... and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats (Section 303(2)(B)(i)(ii)(iii)). Cultural Goal 8, Objective 8.1 (Chapter 2, Section 2.1.8) regarding Collaboration, Partnerships, and Traditional Knowledge was broadened, acknowledging the Refuge will continue to consult with local tribes and ANCSA Native corporations and work with Native elders and others who possess traditional knowledge of the areas ecosystems and wildlife to gain an understanding of past conditions and current observations. These efforts will help bring together traditional knowledge and Western science to promote wise use and conservation of wildlife and habitats. Also, see Goal 7, Objectives 7.1, 7.2, and 7.3 (Chapter 2, Section 2.1.7), which discuss Wildlife Management Proposals, Collaborative Research, and International Treaties and Agreements. These objectives further acknowledge the Refuge will continue to collaborate and partner with tribes and Native

corporations and work with Native Alaskans on a wide range of topics including the Porcupine caribou herd management and traditional subsistence use.

3.10 TOPIC: Cultural and Historical Resources

3.10.1 Cultural History

Comment 032620.015 Cultural and Historical Resources, Cultural History
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

Page 4-126: Early North Alaskan History

The discussion of Modern Iñupiat is inadequate. At a minimum, placename maps documenting the extensive Iñupiat cultural geography of land areas that are now within the refuge should be included (see “Subsistence Land Use and Place Names Maps for Kaktovik Alaska” by Pedersen et al. 1985). The lack of acknowledgement of the Iñupiat’s extensive use of the landscape for gathering, harvesting, consuming and trading the area’s natural resources is a theme that runs throughout the document. The CCP should be more sensitive to the traditional Iñupiat use of natural resources.

Response to Comment 032620.015

The Revised Plan attempts to comprehensively incorporate information on traditional uses of the Refuge, for example with regard to current subsistence use (Chapter 4, Section 4.4.4.2). However, the need for more current ethnographic information was very evident in the development of the Plan, and this is reflected in several of the cultural and subsistence objectives. In Chapter 2, please refer to Objectives 4.1 Formal Tribal Consultation, 4.5 Manage Subsistence Use Data, 4.6 Subsistence Access, 8.1 Collaboration, Partnerships and Traditional Knowledge, 8.2 Integrated Cultural Resources Management Plan, and 8.4 Improve Management through Increased Knowledge of Cultural Resources, which includes collaboratively compiling a cultural resource atlas and archive. The Refuge is committed to working with Native tribes, Native organizations, and local residents to better understand and appreciate traditional uses of natural resources.

3.10.2 Cultural Resources

Comment 136789.005 Cultural and Historical Resources, Cultural Resources
Bob Childers, Executive Director
Gwich’in Steering Committee

-----Preamble/Intro-----

We are concerned that the plan contemplates a very large increase in the Refuge budget, but a decrease in funding may be more realistic. We believe the plan should identify priority activities that address the most important refuge issues, and also those that could be delayed, in the event of a significant decrease in existing funding. Otherwise, we will not know what you plan to really do.

-----Comment-----

For example, archeological plans and research could be postponed until a qualified Gwich’in professional was available to undertake them. This would delay these costs for some years (except for emergency archeological salvage,) and contribute to the economic viability of

Gwich'in. In addition the work would benefit from the researcher having access to tribal knowledge and a wider cultural context that would not be available to a non-Gwich'in researcher. Any funds available for cultural research at this point in time should be considered for granting to Gwich'in efforts at collecting the knowledge of our elders. That is the most urgent need, and will be the basis for understanding many cultural issues in the future.

Response to Comment 136789.005

We recognized these are economically challenging times for our country, and large increases to the Refuge budget may not be forthcoming in the near future. However, we are tasked with planning for the next 15 years to meet the Refuge needs and mandates and to anticipate what will be needed to accomplish them. We also recognize that much of the work that needs to be accomplished in the near future will most likely be done by our existing staff through collaboration and partnerships with Native groups and organizations, tribes and villages, elders, and universities. We also strengthened and expanded our subsistence and cultural objectives and reorganized our current and ongoing priorities to address what we believe are our most pressing needs. A new formal consultation objective was added, as well as the broader Collaboration, Partnerships, and Traditional Knowledge objective. Multiple subsistence and cultural objectives acknowledge that time is of the essence for interviewing and recording elders who have a long and extensive knowledge of the land while they are still living.

Comment 136735.001
Unnamed 72

Cultural and Historical Resources, Cultural Resources

When artifacts or bones become exposed due to erosion or other natural forces
Need to recognize place where people have been forever, not up for grabs even if it is being destroyed by natural forces. Places still need to be respected.

Response to Comment 136735.001

The Service agrees that these sites need to be respected. In meeting our unique legal and political relationships with Alaska Native tribal governments, the Refuge consults with the appropriate tribal group regarding issues that affect cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. The Refuge follows our legal mandates for protection and conservation of cultural resources such as the Archeological Resources Protection Act, National Historic Preservation Act, and the Native American Graves Protection Act. Please also see Chapter 2, Section 2.4.10.5 for policies and laws that direct how the Refuge protects cultural and historical resources.

3.11 TOPIC: Editorial Corrections

3.11.1 *Figures and Maps*

Comment 137001.002

Editorial Corrections, Figures and Maps

David VanDenBerg

I believe your map of the Canning River is wrong. If the blue line indicates the active channel, then I believe the map wrongly depicts the lower river's course through the delta. From 2002 (or so) until 2008 (my last time on the Canning), the lower river flowed west, almost into the Staines, not arcing east, as shown. I suspect it does the same today – and if not, will again.

Response to Comment 137001.002

We found that aufeis at the fork of the lower Canning channels diverts most of the water to the eastern channels early in the summer. After the ice melts, most of the river flows down the western channel. The maps were adjusted to display both Canning River channels.

3.11.2 *General*

Comment 136816.016

Editorial Corrections, General

John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

New Management Guidelines (pages 15 - 17 of Summary of Draft CCP)

In reviewing the Summary, I am doing so because it represents the full CCP. Most of my concerns with the Summary, therefore, extend to the full CCP. It is a little confusing because the Summary is not always consistent with the CCP or it fails to include what I think is important information. I am including my concerns with the Summary (even the few instances where the full CCP clarifies the issue or otherwise satisfies my concern) because when the CCP is adopted, it is the updated Summary that people will be looking at for general reference.

Response to Comment 136816.016

The summary was created to familiarize the reader with key points in the draft Revised Plan and was not intended to be comprehensive. We are not aware of a lack of clarity or inconsistencies between the summary and the full Revised Plan. The commenter does not identify what inconsistencies were of concern, so we cannot respond to this comment with any specificity. We have done our best to accurately and adequately summarize the Revised Plan in the summary the goes with it. In response to your comment, we added a disclaimer alerting people that the summary is meant to give a quick overview of the Plan but that the full Plan should be used for an in-depth review of specific topics.

3.11.3 Literature Cited

Comment 136805.122
Sean Parnell, Governor
State of Alaska

Editorial Corrections, Literature Cited

Page 4-101, Figure 4-5. The figure references “Caikoski 2008, USFWS” as the source of data. This is not an accurate reference.

Response to Comment 136805.122

The figure caption includes two citations: 1) Caikoski 2008, and 2) unpublished data from the Service. No errors were made in the way these references were cited in the figure caption. The report (Caikoski 2008) summarizes information for Dall’s Sheep surveys over a large area of northern Alaska, and includes extensive tables presenting these data. The unpublished data from the Service provides additional survey information. Both references are accurate.

3.11.4 Text

Comment 136805.044
Sean Parnell, Governor
State of Alaska

Editorial Corrections, Text

Page 1-28, § 1.8.2 Initiate Public Involvement and Scoping. The last line of this section references Appendix I, but should reference Appendix J.

Response to Comment 136805.044

Correction made.

Comment 136805.096
Sean Parnell, Governor
State of Alaska

Editorial Corrections, Text

Page 2-69, § 2.4.18.7 Other Commercial Uses, last sentence. The cross reference to section 2.4.14.9 appears to be an error and should probably be to section 2.4.14.7, Transportation and Utility Systems.

Response to Comment 136805.096

This was indeed an error and was corrected.

Comment 136950.001
Peter Gadd

Editorial Corrections, Text

This document suffers from unnecessary length and complexity. It is clear that a 1,200 page document is so difficult for citizens to understand and absorb, that comments will be limited to a select slice of the population. Why is this so lengthy? Much like all legislation these days, it is not possible to read it in its entirety in one sitting (a necessary goal for clear and concise written communication). Lack of clarity and overwhelming the reader with paper are clear intentions of the authors.

Response to Comment 136950.001

The document is intended to be a comprehensive plan that will guide management of the Refuge for 15 years. However, we realize that not everyone has the time to read a 1,200-page document, so we produced a 20-page summary that was posted to our website and sent to all those on our mailing list.

3.12 TOPIC: Environmental Consequences***Group H.1: Environmental Consequences***

-----Preamble/Intro-----

The Arctic Refuge Draft Environmental Impact Statement for the Draft Revised Comprehensive Conservation Plan fails to account for, and consider the impacts of, multiple reasonably foreseeable future actions, the effects of which will likely impact the FWS's management of the Arctic Refuge. The reasonably foreseeable actions not analyzed in the DEIS are:

-----Comment-----

Federal Bureau of Ocean Energy Management 2012-2017 OCS Oil and Gas Leasing Program- The Bureau of Ocean Energy Management is currently in the process of developing a new five year leasing program for outer-continental shelf waters. See <http://www.boem.gov/Oil-and-Gas-Energy-Program/Leasing/Five-Year-Program/Current-Five-Year-Leasing-Plan.aspx> (last visited October 25, 2011). The Proposed Program includes a lease sale in the Beaufort Sea. See Draft Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2012-2017 (Oct 2011). Offering additional federal oil and gas leases in the Beaufort Sea could result in additional exploration and development activities in the area, increasing air and water pollution, industrial facilities, and demand for construction resources (i.e., gravel), among other things. The impacts of the leasing and the associated activities will impact the management, objectives and goals of the Arctic Refuge.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.031
- Northern Alaska Environmental Center, Pamela Miller 136801.117
- Sierra Club, Dan Ritzman 137014.027
- Various Environmental Organizations, Nicole Whittington-Evans 032627.051

Response to Group H.1: Environmental Consequences

A discussion on Federal oil and gas leasing in the Beaufort Sea outside of State of Alaska territory was added to the discussion topics in Appendix C of the Revised Plan. Since this activity is beyond the purview of the Arctic Refuge Revised Comprehensive Conservation Plan and does not constitute imminent exploration activities, the leasing activities were not included as a reasonably foreseeable future action.

Group H.2: Environmental Consequences

-----Preamble/Intro-----

The Arctic Refuge Draft Environmental Impact Statement for the Draft Revised Comprehensive Conservation Plan fails to account for, and consider the impacts of, multiple reasonably foreseeable future actions, the effects of which will likely impact the FWS's

management of the Arctic Refuge. The reasonably foreseeable actions not analyzed in the DEIS are:

-----Comment-----

State of Alaska Areawide Oil and Gas Lease Sales-The State of Alaska, Department of Natural Resources recently issued a Notice of Sale for a considerable lease sale for the vast majority of state lands in the Beaufort Sea Areawide, the North Slope Areawide and the North Slope Foothill Areawide areas on December 7, 2011. See <http://dog.dnr.alaska.gov/Leasing/LeaseSales.htm>. The lease sales could result in exploration and development activities in areas adjacent to the Arctic Refuge, increasing air and water pollution, industrial facilities, demand for construction resources (i.e., gravel) and water, among other things. The impacts of the lease sales and the associated activities will impact the management, objectives and goals of the Arctic Refuge.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.032
- Northern Alaska Environmental Center, Pamela Miller 136801.118
- Sierra Club, Dan Ritzman 137014.028
- Various Environmental Organizations, Nicole Whittington-Evans 032627.052

Response to Group H.2: Environmental Consequences

A discussion of State of Alaska oil and gas leasing in the Beaufort Sea within the State's territory, on the North Slope, and in the North Slope Foothills area was added to the discussion topics in Appendix C of the Revised Plan. Since the leasing activity does not constitute imminent exploration activities, this was considered outside the purview of the Revised Plan and not included as a reasonably foreseeable future action.

Group H.3: Environmental Consequences

-----Preamble/Intro-----

The Arctic Refuge Draft Environmental Impact Statement for the Draft Revised Comprehensive Conservation Plan fails to account for, and consider the impacts of, multiple reasonably foreseeable future actions, the effects of which will likely impact the FWS's management of the Arctic Refuge. The reasonably foreseeable actions not analyzed in the DEIS are:

-----Comment-----

State of Alaska Board of Game Proposal 130 —This proposal authorizes a brown bear predator control program in Game Management Unit (“GMU”) 26B, which encompasses the State land on the North Slope as well as a portion of the Arctic Refuge. See Game Management Units/Special Management Units, Unit 26 Arctic Slope, available at: <http://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2011-2012/alaskaboardofgame2012.pdf>. The stated purpose of the program is to reduce brown bear predation on muskoxen. See Alaska Board of Game, 2011/2012 Proposal Book Arctic, Western, and Interior Regions, and Statewide Regulations, Cycle B Schedule at 174-76, available at: <http://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2011-2012/alaskaboardofgame2012.pdf>. As noted above, intensive management is inconsistent with Arctic Refuge purposes and values, and the FWS cannot allow Alaska to conduct such activities on the Refuge. That said, a brown bear predator control program on non-Refuge lands within GUM 26B will impact the population of brown bears within the Refuge and affect FWS's management of the Refuge to protect the wildlife.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.033
- Northern Alaska Environmental Center, Pamela Miller 136801.119
- Sierra Club, Dan Ritzman 137014.029
- Various Environmental Organizations, Nicole Whittington-Evans 032627.053

Response to Group H.3: Environmental Consequences

The ADFG decision to accept proposal 130 was analyzed and included in Appendix C. The intensive management program, as outlined in proposal 130, does not include areas within the Refuge. However, because bears may wander widely, this action could impact wildlife populations on Arctic Refuge. The action is a reasonably foreseeable future action and is included in the effects analysis in Chapter 5.

Group H.4: Environmental Consequences

V1, 5-4, 5.2.1 Effects Common to Alternatives: Hunting as allowed by ADFG regulations is likely to be materially interfering with or detracting from the fulfillment of the purposes of the Refuge for all alternatives, including no action. The environmental consequences chapter needs to address the potential effects of the ADFG regulations and special use permitted activities on the hunted species and ecosystem. These effects may be common to all alternatives. What are the potential direct, indirect, and cumulative effects of the bag limits on the hunted species, other wildlife, and wildlife related visitor use purposes of the Refuge? If the Refuge determines the ADFG's hunting regulations to be in conflict with the Refuge's purposes than State regulations must be preempted. A determination of a substantial effect would allow for a broader range of NEPA alternatives or mitigation that would be addressed in a Supplemental EIS or FEIS. A new alternative would need to be designed to mitigate the potential impacts to an acceptable level. For a programmatic plan such as the CCP, the alternative or mitigation could be increased regulatory mechanisms to assure that the Refuge purposes are realized.

Submitted By:

- Greg Warren 032626.043, 032626.041

Response to Group H.4: Environmental Consequences

Hunting regulations and Refuge permitting processes do not vary across alternatives. Hunting on Arctic Refuge under current State and Federal regulations was found compatible with Refuge purposes and the mission of the National Wildlife Refuge System (see appendix G). As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed the Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to "manage fish and resident wildlife populations in their natural species diversity on Service lands." The Service agrees to "recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska." Both agencies agree "to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law

unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.” This Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge.

The need for further information about effects of hunting on wildlife species will be considered during the development of the step-down I&M and Research plans for Arctic Refuge.

Group H.5: Environmental Consequences

The cumulative impacts analysis in the CCP DEIS is insufficient to satisfy NEPA’s requirements to consider and analyze the cumulative impacts of a project. The DEIS purports to consider the cumulative effects, stating “At the end of each alternative, we disclose the anticipated cumulative effects of the alternative on the biophysical and human environments and to reasonably foreseeable future actions.... The anticipated positive or negative effects of the reasonably foreseeable activities are discussed first, followed by a discussion of anticipated cumulative effects of each alternative.” DEIS at 5-2.[31] However, the discussion of cumulative impacts associated with each alternative with respect to the effects of the alternative and the effects of reasonably foreseeable future actions is lacking. At the end of the discussion of the environmental consequences of each alternative, the DEIS contains a few sentences discussing the impacts of the alternative on the Arctic Refuge and its management, followed by the very cursory statement that “These effects would be cumulative to the effects of climate change, development activities, and management decisions made by other throughout the region.” DEIS at 5-20, 5-32, 5-43, 5-55, 5-67, and 5-75. There is no actual discussion or analysis of the impacts of climate change, development activities or management decision in the region on the Arctic Refuge. As the Ninth Circuit explained, [i]n accord with NEPA, the Forest Service must ‘consider’ cumulative impacts. [] To ‘consider’ cumulative effects, some quantified or detailed information is required. Without such information, neither the courts nor the public, in reviewing the Forest Service’s decisions, can be assured that the Forest Service provided the hard look that it is required to provide.

Neighbors of Cuddy Mountain v. U.S. Forest Serv., 137 F.3d 1372, 1379 (9th Cir. 1998)
(internal citation omitted)

To the extent that FWS is relying on Appendix C to the DEIS to provide that analysis, FWS must clearly say so. Additionally, review of Appendix C reveals that the analysis of the planning efforts is incomplete and inadequate. First, as explained below, the planning efforts included in Appendix C fail to include multiple current and reasonably foreseeable future actions. Second, the impacts discussed for each planning effort are cursory, generally consisting of statements that the action is not thought to adversely affect Refuge management. See e.g., DEIS at Appendix C: Other Planning Efforts at C-6. As explained above, this cursory discussion does not satisfy NEPA. See *Neighbors of Cuddy Mountain v. U.S. Forest Serv.*, 137 F.3d at 1379.

To satisfy NEPA, FWS needs to take a hard look at the cumulative impacts of past, present and reasonably foreseeable future actions on Refuge management, objectives and goals. This requires an analysis and discussion of such impacts in the EIS. See *Lands Council*, 379 F.3d at 745. Without such, the DEIS for the Arctic Refuge CCP is inadequate.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.029
- Northern Alaska Environmental Center, Pamela Miller 136801.115
- Sierra Club, Dan Ritzman 137014.025
- Various Environmental Organizations, Nicole Whittington-Evans 032627.049, 032627.048

Response to Group H.5: Environmental Consequences

A discussion of reasonably foreseeable future actions considered in our analysis of cumulative effects was added to Chapter 5, Section 5.1.3. Also, additional proposed actions were identified in Appendix C in response to public comment, and we determined whether any of these planning efforts or actions were a reasonably foreseeable future action for the purposes of this Revised Plan. While the reasonably foreseeable actions currently under analysis (e.g., Poker Flat) are described, the effects of the proposed actions on Arctic Refuge will be disclosed in the NEPA documents currently under preparation for each of the actions. If there are no direct or indirect effects of a proposed action, then there will be no cumulative effects. As the proposed action is Service management of Arctic Refuge, there are few direct or indirect effects that are not negligible or minor. Most effects of Service management are positive on most resources. Therefore, the cumulative effects analysis of each alternative is limited and in all cases only minor, if any, cumulative effects are anticipated.

Goal 6 (see Chapter 2, Section 2.1.6) describes how the Refuge plans to evaluate and consider the effects of climate change in its ongoing management, research, and monitoring programs. The effects of climate change on the Refuge are not sufficiently well understood to be able to quantify them. Also, the cumulative effects of any of the proposed management actions in relation to climate change are likely to be very minor.

The proposed action and this EIS are necessarily programmatic. As pointed out in numerous sections of the document, additional NEPA compliance, including cumulative effects analysis, will be required to implement many of the actions proposed in this Revised Plan, such as the Visitor Use Management and Wilderness Stewardship step-down plans.

3.12.1 Cumulative Effects: General

Comment 136820.030
Cindy Shogan, Executive Director
Alaska Wilderness League

Environmental Consequences, Cumulative Effects: General

We also note that a cumulative impact analysis for the Porcupine Caribou Herd is an international obligation. The International Porcupine Caribou Herd Agreement states that “When evaluating the environmental consequences of a proposed activity, the Parties will consider and analyze potential impacts, including cumulative impacts, to the Porcupine Caribou Herd, its habitat and affected users of Porcupine Caribou.”

Response to Comment 136820.030

The International Porcupine Caribou Herd Agreement is summarized in Section A.1.1.3. We revised this section in the Revised Plan to include note of the obligation that the parties to the agreement share to consider cumulative effects of proposed activities on the herd, its habitat, and potentially affected users. The International Porcupine Caribou Board was briefed on the Plan.

Comment 136801.114 Environmental Consequences, Cumulative Effects: General
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

This background is provided for a basic overview to consider in the cumulative impacts analysis which addresses reasonably foreseeable projects taking place beyond the Refuge boundaries.

This area may face cumulative impacts from the oil and gas activities that take place on lands and waters beyond the borders of the refuge. The Northern Alaska Environmental Center scoping letter (June 7, 2010) provided information on why oil and gas infrastructure and activities besides being prohibited by law are also incompatible with its purpose. Please include that letter by reference as comment. It also provides additional background on negative oil and gas impacts across the North Slope, including documentation from scientific studies by the National Research Council (2003) and others, long-term impacts to tundra vegetation and disturbance to bears caused by seismic exploration, pervasive spills, and other harm to wildlife and wilderness. Please also see Broken Promises by The Wilderness Society⁵⁸ for further information about the limitations and false promises of directional drilling and the wide range of oil and gas impacts to fish, wildlife, subsistence and wilderness that have taken place on the North Slope, as well as additional sources.⁵⁹

Response to Comment 136801.114

Comment noted. The effects of nearby proposed actions, such as oil and gas activities, on Arctic Refuge will be disclosed in the NEPA documents prepared for each of the actions. These activities are beyond the purview of Arctic Refuge and its Revised Plan.

For the Revised Plan, the proposed action is Service management of Arctic Refuge. There are few direct or indirect effects that are not negligible or minor, and most effects of Service management are positive on most resources. Therefore, the cumulative effects analysis of each alternative is limited and in all cases only minor, if any, cumulative effects are anticipated.

Comment 136978.003 Environmental Consequences, Cumulative Effects: General
Wendy Loya

While I encountered no one in the Junjik River Valley in 2009 (until in the vicinity of Arctic Village), only one other party in my travels from the Atigun Gorge to Arctic Village in 2010 and one party when I traveled the Jago River from the Divide to Kaktovik in 2011, I observed many parties traveling into the Kongakut and Marsh Fork/ Canning River areas in pursuit of hunting and recreation during these August travels. I imagine that use of the Refuge is increasing, and thus this may need to be considered in evaluating cumulative effects in the future, particularly where visitor use is concentrated near critical habitat areas.

Response to Comment 136978.003

Data presented in Chapter 4, section 4.4.5 Visitor Use and Recreation document fairly consistent patterns of visitor use through the refuge and do not suggest that visitor use is increasing. The VUMP will address visitor use in more detail and will address the cumulative effects of visitor use management that will be proposed in that time.

3.12.2 Effects Common to Alternatives**Comment 032675.017**

Environmental Consequences, Effects Common to Alts

Stan Leaphart, Executive Director**Citizens' Advisory Commission on Federal Areas**

In discussing the environmental effects of the various alternatives, the DCCP contains a statement that is without foundation. On page, 5-14, under the discussion of wilderness, is the following: "By not recommending wilderness designation in the Coastal Plain, the 1002 Area could be opened more easily by Congress to oil and gas." Similar statements are found elsewhere in this section.

Such statements are categorically false and misleading. A decision on whether to authorize oil and gas development of the 1 002 Area by Congress is not bound in any way by a recommendation for wilderness designation of the area. As the DCCP points out numerous times, only Congress can designate wilderness and only Congress can authorize oil and gas leasing within the 1002 Area. This and any similar comments should be removed from the final Revised CCP.

Response to Comment 032675.017

This statement was removed from the final document. As the comment points out, only Congress can designate the coastal plain as Wilderness or open it to oil and gas leasing.

Comment 136801.111

Environmental Consequences, Effects Common to Alts

Pamela Miller, Arctic Program Director**Northern Alaska Environmental Center**

As a general comment regarding your analysis, environmental impacts need to be evaluated at the National level, not just as broadly as regionally, due to the Refuge itself providing a unique place in the National Wildlife Refuge System, the lands are owned by all Americans and they have a stake in their protection, and this is our largest and northernmost Arctic unit of the NWR System.

Response to Comment 136801.111

While there is clearly national interest in management of Arctic Refuge, we did not identify any environmental effects from the proposed action and alternatives that would be national in scope.

Comment 136801.112

Environmental Consequences, Effects Common to Alts

Pamela Miller, Arctic Program Director**Northern Alaska Environmental Center**

The Refuge also provides important international benefits, as it is unique in the circumpolar Arctic for its wilderness value and great diversity of intact Arctic ecosystems. The circumpolar vegetation map (CAVM Team 2003) shows that 30% of all wetlands in this region are in Alaska and a significant portion of those are in the arctic coastal plain ecoregion, 57 with those in the Arctic Refuge being the only wetlands on the entire North Slope of the US protected by law from oil and gas development. Other migratory animals use the refuge habitats for key times in their lives, and maintenance of these activities also provides international benefits. Therefore, there could be benefits from Arctic Refuge protection at an international level.

Response to Comment 136801.112

The lands and resources within Arctic Refuge are protected by the current designation, and all proposed management therefore there would be no change in benefits at the international level from any of the alternatives.

Comment 136805.129

Environmental Consequences, Effects Common to Alts

**Sean Parnell, Governor
State of Alaska**

Page 5-7, § 5.2.1.2 Impacts of the New Guidelines on the Human Environment. The environmental effects analysis should consider the effects of the limitations this draft Plan imposes on fish and wildlife population and habitat management on the Refuge (see general comment on Fish and Wildlife Management). Furthermore, without allowing for active habitat management or predator management, as well as stating that population management will focus on little or no human manipulation, we question the assertion that the new management regime will have a "...long-term, Refuge-wide, positive effect on the availability of subsistence resources and the opportunity for continued subsistence use" and further question whether the revised regional management guidelines in the draft Plan present environmental justice concerns.

To adequately analyze and compare the effects, the Service must consider the nature of the impact. The draft Plan consistently lacks a determination of whether the impact is positive or negative, and whether any action will have a direct or indirect effect on the environment.

Response to Comment 136805.129

The management policies and guidelines provide for active fish and wildlife management should subsistence resources be jeopardized. Management of Alaska refuges must balance among our wildlife purposes and our subsistence purposes and responsibilities, and we believe this Plan achieves that balance. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of a population. The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. In cooperation with the State and Federal boards, the Refuge will continue to proactively prevent wildlife-related emergencies through conducting surveys, monitoring, research, law enforcement, and working through other regulatory processes. Chapter 2, Section 2.4.2, discusses that emergency situations could arise, whereby threatened or endangered species, natural diversity, water quality and/or quantity, or subsistence resources are seriously jeopardized, or the introduction of an invasive species potentially necessitate actions not normally permissible. In such emergencies, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary while considering the immediate and long-term effects of potential response actions on Refuge purposes, goals, objectives, and special values. We believe that this approach will continue to provide the subsistence opportunities provided for in ANILCA. We revised our subsistence findings and environmental justice sections of the document.

Comment 136805.130
Sean Parnell, Governor
State of Alaska

Environmental Consequences, Effects Common to Alts

Page 5-11, Mammal Populations and Natural Diversity, second paragraph. The State is unaware of any data that demonstrates or suggests that current levels of sheep harvest from the eastern Brooks Range “could change the genetic composition” of the sheep population. We are also unaware of any data that demonstrates or suggests this is the case anywhere in Alaska. We recommend the Service provide data to support such a statement or remove it from the Plan.

Response to Comment 136805.130

The statement was removed in the revised Plan.

Comment 136805.132
Sean Parnell, Governor
State of Alaska

Environmental Consequences, Effects Common to Alts

Page 5-12, § 5.2.4.2 Effects to the Human Environment, Wilderness Values. The following statement is a grossly over-exaggerated description of the effects of activities occurring off-Refuge lands on refuge resources. The identified impacts are entirely speculative and would, even if they came to exist, be limited in geographic scope as the pipeline corridor is located 63 miles to the west of the refuge boundary.

Oil companies have been planning for a natural gas pipeline in the utility corridor in which the Trans-Alaska Pipeline is located. If natural gas pipeline planning and on-the-ground efforts for its construction continue, effects to recreational opportunities for solitude and natural conditions along western boundary of Refuge could cause moderate to major, long-term, localized, and negative impacts to the visitor experience.

Response to Comment 136805.132

The westernmost portion of the Refuge, near Atigun Gorge, is adjacent to the Dalton Highway and the Trans-Alaska Pipeline corridors. The effects described in Section 5.2.4.2 were made in reference to this section of the corridor only—not further north where the corridor is some distance from Arctic Refuge. In response to your comment, we have modified the text to clarify that we are referring only to the westernmost portion of the Refuge.

Comment 136805.131
Sean Parnell, Governor
State of Alaska

Environmental Consequences, Effects Common to Alts

-----Preamble/Intro-----

Page 5-11, Mammal Populations and Natural Diversity, second paragraph.

-----Comment-----

The Alaska Department of Fish and Game does not administer a “trophy hunt” for sheep anywhere in the Brooks Range, although many hunters consider large, full-curl sheep a “trophy.”

Response to Comment 136805.131

The reference to “trophy hunting” was removed in the revised Plan.

Comment 136948.002
Alan Francisco

Environmental Consequences, Effects Common to Alts

-----Preamble/Intro-----

I also submit the following comments:

-----Comment-----

Regarding 5.2.4.2, Visitor Services and Recreation Opportunities: Natural gas pipeline construction does not have any positive effect on any part of the Refuge, and recreational opportunities do not need to be mentioned.

Response to Comment 136948.002

This section of the plan was rewritten to remove discussion of a possible natural gas pipeline; that discussion properly belongs in the cumulative effects analysis, as it is not a Refuge action and would not occur on the Refuge.

Comment 032626.038
Greg Warren

Environmental Consequences, Effects Common to Alts

V1, 5-1, 5.1 Environmental Consequences: The section fails to address the likelihood of conflicts between the CCP alternatives and the objectives of state land use plans (e.g., ADFG Hunting Regulations).

Response to Comment 032626.038

In the Master Memorandum of Understanding between the ADFG and the Service (See Appendix B), the State agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands. Furthermore, the Service retains the final authority over management of fish and wildlife on Refuge lands and waters.”

Comment 032626.045
Greg Warren

Environmental Consequences, Effects Common to Alts

V1, 5-9, 5.2.4.1 Common Effects of the Alternatives on Resources, Glaciers: Management of areas designated as both Wilderness and Wild Rivers would receive protection under both authorities, so the statement in the DEIS needs to be corrected (16 U.S.C. 1281(b)).

Response to Comment 032626.045

The section on effects on glaciers was removed from the document, as none of the alternatives would have any detectable effects on glaciers in Arctic Refuge.

3.12.3 Impact Topics

Comment 136801.113
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Environmental Consequences, Impact Topics

There is a strong benefit to Wilderness designation of the Arctic Refuge Coastal Plain which was not reflected in the analysis for alternatives C or E, due to its special values, uniqueness, protection as a national wildlife refuge, protection from oil and gas development, and from upholding all of its purposes. The Arctic Refuge is unique on the North Slope as the only

coastal area closed by law to leasing, exploration, development and production. It is the only place in the nation where both the arctic coastal plain and Arctic foothills ecoregions receive protection in a conservation unit. Therefore, continued protection of its lands by law from oil and gas development, the management actions which further the goals of the national wildlife refuge system, and the national commitment as a Wilderness Study Area and ultimately designated Wilderness protection provides a positive benefit that these lands can continue to provide their benefits to fish, wildlife, people, and their existence value locally, regionally, nationally, and internationally – to the world! While incalculable, these benefits of Wilderness and Wild and Scenic Rivers need to be described in order to provide an accurate assessment of the impacts, including to local economies and communities. Subsistence way of life is an economy and impacts to the traditional subsistence way of life and its culture also need to be considered as a benefit for protecting the lands from oil and gas development if the supposed irretrievable consequences to the economy, etc. are described from the fact that Wilderness designation’s restraint keeps the fossil fuel in the ground. There is also a benefit with respect to climate change from this restraint in making a national commitment through Wilderness designation to keep oil and gas in the ground.

The analysis of impacts of Wilderness designation errs in its assessments to science and scientific activities because science certainly can continue, albeit in a way that has the least impact to this valuable wilderness “control” area, because science is one of the purposes per the Wilderness Act: “Except as otherwise provided for in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, education, conservation, and historical use.” (The Wilderness Act, Sec. 4.(b).) We note, however, that ANILCA provided modifications that provide for subsistence in Wilderness.

Response to Comment 136801.113

The document mentions that Arctic Refuge is closed to oil and gas development in multiple locations. While we briefly describe some effects that could occur should Congress designate any additional lands within Arctic Refuge as Wilderness, the action under consideration in some of the alternatives is the recommendation of additional lands for Wilderness designation. The effects analysis shows that current management (Minimal Management) protects the resources. The main difference is that in designated Wilderness, lands are afforded statutory protection that can only be changed by an act of Congress. Other management categories are administrative designations that are subject to change by the Service through future Plan revisions or sooner through a Plan amendment. There are no reasonably foreseeable future actions identified that would affect Refuge resources requiring analysis beyond that provided in the revised effects chapter.

Comment 136805.133
Sean Parnell, Governor
State of Alaska

Environmental Consequences, Impact Topics

Page 5-14 through 5-75, Chapter 5, Effects Analyses. For each of the alternatives, the effects analyses all indicate the presence or absence of a wilderness designation make the 1002 area “more easily opened by Congress to oil and gas” or alternatively “the likelihood of opening the 1002 area to oil and gas exploration would be substantially reduced.” An administrative recommendation has no effect on Congress’ authority to designate wilderness or allow oil and gas development in the 1002 Area. These statements are speculative and misleading and need to be deleted.

This same logic is applied to the analyses of wilderness on local economy and commercial uses and there is little to no discussion of the opportunities that would be foreclosed by a wilderness designation, especially in the 1002 Area.

Response to Comment 136805.133

We agree with you that an administrative recommendation has no effect on Congress' authority to designate Wilderness or allow oil and gas development in the 1002 Area. The administrative act of recommending an area for Wilderness designation would also have no effect on Refuge resources or operations, as we state in Section 5.2.2. We removed the statements you request in your comment and added a statement to Section 5.2.2 clarifying that an administrative recommendation has no effect on Congress' authority to designate Wilderness or allow oil and gas development.

Comment 136948.003
Alan Francisco

Environmental Consequences, Impact Topics

-----Preamble/Intro-----

I also submit the following comments:

-----Comment-----

Regarding 5.7.1 Vegetation and Terrestrial Habitats, Kongakut River: Vegetation disturbances can't be positive.

Response to Comment 136948.003

The section was revised.

Comment 136948.004
Alan Francisco

Environmental Consequences, Impact Topics

-----Preamble/Intro-----

I also submit the following comments:

-----Comment-----

Regarding 5.7.2 Cultural Resources, Wild and Scenic Rivers: Damage to cultural resources or sites can't be positive.

Response to Comment 136948.004

The section was revised.

Comment 032626.040
Greg Warren

Environmental Consequences, Impact Topics

V1, 5-3, 5.1.3 Impact Topics: The general discussions that are presented around resource categories are valuable, but are too general to describe adequately the effects of the alternatives. I believe that the effects need to be quantified using the best available data. This would include describing the effects of the no action, proposed action, and alternatives on the principle wildlife species: Dall sheep, moose, grizzly bear, caribou, black bear, and wolves. For illustrative purposes, I will use an example of what should be covered in the environmental consequences chapter. Wolves and wolverines are addressed in the affected environment section on page 4-114. This section describes that north of the Brooks Range there are

between 20 and 40 wolves present between Canning River and the Canada border. Furthermore, the section describes that little is known about population trends or abundance of wolverines in Arctic Refuge. Currently, ADFG 2011-2012 hunting regulations for 26C established a ten wolf and one wolverine bag limit for the area for both residents and nonresidents. For the purpose of this example, assume there are 100 recreational hunters that have the opportunity to harvest 10 wolves each or 1,000 wolves—the 100 estimate of hunters was derived from 1977 recreational hunting data. Related, in just one of the several big game guide commercial service areas, the Refuge is currently inviting proposals that describe the authorized number of clients for wolf hunting as six. The Federal subsistence harvest limits are 15 wolves and five wolverine. Extrapolating from the above information, what are the potential direct, indirect, and cumulative effects of hunting on the 20 to 40 wolves and the unknown number of wolverine that inhabit this part of the Refuge? Relying on past harvest data is very limiting, but that may be the best available information. With limited population data, it is critical that the Refuge CCP establish direction and processes to assure that ADFG goals and regulations do not circumvent the goals and objectives of the Refuge.

Response to Comment 032626.040

This is a general management plan that does not evaluate the hypothetical effects if every hunter took all the animals allowed under existing bag limits. Nor does the plan try to evaluate the specific effects of State of Alaska hunting regulations, which are potentially revisited annually. The Service participates actively in the State of Alaska and Federal Subsistence Board regulatory process. We believe that the current regulatory processes in place provide adequate protection for Refuge resources; should the Service believe there is a problem with



existing hunting regulations, we would work through the appropriate process to change the regulations to protect Refuge resources. Our goals and objectives (see Chapter 2) include commitments to manage for biological integrity (Objective 1.1), monitor wildlife populations (Objective 1.2), and participate in State fisheries, State game, and Federal subsistence board processes (Objective 1.6).

3.12.4 Effects by Alternatives

Comment 136805.136

Environmental Consequences, Effects by Alternatives

**Sean Parnell, Governor
State of Alaska**

Page 5-26, Impacts to the Human Environment from Alternative B, Kongakut River, last sentence. The Plan properly acknowledges that impacts from this alternative to the human environment are not possible to ascertain, due to the fact that these impacts will not be known until a step down plan has been completed. We therefore question how the Plan can analyze and assert that the different alternatives will have a positive effect on water quality, terrestrial habitats, bird populations and natural diversity, mammal populations, subsistence, and cultural resources. Management will not change under any of the alternatives until a step-down plan has been completed and current use levels are having a negligible effect on these populations or resources.

Response to Comment 136805.136

Management proposed under Alternative B would change prior to completion of the step-down plan with voluntary limits on guided use and more active Refuge management, which we believe will result in positive effects on some resource conditions within the Kongakut River drainage.

3.13 TOPIC: Environmental Justice

3.13.1 *Effects of Alternatives*

Comment 136789.008

Environmental Justice, Effects of Alternatives

**Bob Childers, Executive Director
Gwich'in Steering Committee**

The Gwich'in Niintsyaa Resolution addresses Wilderness only for the Coastal Plain of the Arctic Refuge. Other portions of the Refuge have never been considered in these discussions. Please correct at P. 5-93 and elsewhere.

Response to Comment 136789.008

We revised the Environmental Justice section for Effects of Alternate's B, C, D, and E to reflect the 1988 Gwich'in Niintsyaa Resolution regarding Wilderness designation for the 1002 Area of Arctic National Wildlife Refuge. The sentence now reads: "A resolution adopted by Gwich'in Nation at their Arctic Village meeting in 1988, and reaffirmed at biannual meetings since, continues to support wilderness review and designation for the 1002 Area of Arctic National Wildlife Refuge."

Rationale: The 1988 Gwich'in Niintsyaa Resolution that was reaffirmed at past biannual meetings only addresses Wilderness designation for the 1002 area Arctic National Wildlife Refuge. On April 19, 2010, the Gwich'in Steering Committee sent a letter to members suggesting two very important points to make regarding the Refuge Comprehensive Conservation Plan: (1) "The Plan should recommend the Coastal Plain be proposed as Wilderness designation to protect the caribou and Gwich'in way of life for future generations" and (2) "Support wilderness review for the Coastal Plain and for all refuge lands not yet designated as wilderness." The second recommendation for a wilderness review for all Refuge lands not yet designated as Wilderness was only a suggestion to members of the Gwich'in Nation should they wish to comment regarding the Refuge's planning process. The second recommendation for wilderness review of all other Refuge lands was not included in the 1988 Gwich'in Niintsyaa Resolution.

3.14 TOPIC: Fire and Fire Management

3.14.1 General

Comment 136801.074

Fire and Fire Management, General

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

Sec. 2.4.11.2 Fire Management

p. 2-50. Fire Management Plans should also include considerations of climate change as a factor in fire behavior, air quality, habitat qualities and diversity, and effects on local communities and landowners.

Response to Comment 136801.074

The Fire Management Plan includes consideration of these concerns, and a new revision undertaken in 2012 will continue to include consideration of these concerns.

Comment 136816.022

Fire and Fire Management, General

John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Page 16, line item 3 in the table, “Fire Management – Prescribed Fires and Wildland Fire Use,” which is shown as “allowed.” This is inconsistent with the full CCP, which states [see page 2-77 of the CCP (Table 2.1)] that Fire Management – Prescribed Fires and for Fire Management – Wildland Fire Use are both “may be allowed” for all Wilderness, Wild River, and Minimal Management. The Summary CCP Draft is not consistent with the full CCP draft. I think that the full CCP draft is correct and that this is probably a transcription error going from the full CCP to the Summary. In any event, there should not be a blanket “allowed.” There should be language that compels a thoughtful and meaningful analysis and evaluation of all alternatives before this is allowed... and this should apply to all three categories. If these activities are to be allowed in special or emergency circumstances, then there should be strong guiding language accordingly.

Response to Comment 136816.022

The draft Plan is the correct version: Use of Prescribed Fires and Wildland Fires “may be allowed.” Note that the correct terminology for “Wildland Fire Use” is now “Use of Wildland Fire.”

3.15 TOPIC: Glaciers

Comment 136804.007

Glaciers

Matt Nolan

The Role of Refuge Glaciers within the Refuge. I felt that the role of glaciers within the Refuge ecosystems was not treated adequately within the CCP, and I advocate for this role to receive status and highlight equal to or exceed that received by permafrost within its text. Specifically, I have attached a peer-reviewed paper that outlines the central role that glaciers may play in ecosystem function in the 1002 area, and I believe that this text should be included in some form within the CCP. Specifically, the only section of glaciers within the CCP, section 4.2.1.8, is awkwardly placed. The interactions of the physical landscape with the living zone, that is how one affects the other, is a primary goal of ecological study and one which the founders of Arctic Refuge were keenly aware of and seeking to ensure would occur here in perpetuity. I believe the interactions of glaciers here with fish, birds, shrubs, and marine food webs is a great example of this sort of study and could be blended in easily with the existing text for everyone's mutual benefit.

Response to Comment 136804.007

We feel the glacier section is well placed in 4.2.1.8, along with the descriptions of ecoregions and areas of special consideration like the Coastal Marine System. An additional paragraph describing the effects of glaciers on downstream ecosystems was added to the text.

3.16 TOPIC: Glossary (Appendix M)

Group I.1: Glossary (Appendix M)

Page M-22: The term untrammeled is defined as referring to “the freedom of a landscape from the human intent to permanently intervene, alter, control or manipulate natural conditions or processes.” Use of the word “permanently” is not a requirement of the Wilderness Act and its use is not consistent with the intent of the Wilderness Act. To retain the untrammeled condition of designated Wilderness requires foregoing any effort, temporary or permanent to intervene or manipulate the natural processes. The Final CCP should delete the word “permanently” from the description of untrammeled because it incorrectly describes a key descriptor for Wilderness.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.032
- Wilderness Watch, Fran Mauer 032628.023
- Susan Morgan 136985.007

Response to Group I.1: Glossary (Appendix M)

The definition for “untrammeled” in the draft Plan is that used in Service policy 610 FW 1.5. We agree that the qualifier “permanently” in reference to actions that would intervene, alter, control, or manipulate natural conditions or processes is not a requirement of the Wilderness Act and is not consistent with the intent of the Wilderness Act. It was removed from the definition of “untrammeled.”

Group I.2: Glossary (Appendix M)

Page M-25: The definition of wildness is limited and incomplete. Like untrammeled, wildness refers to the state of an ecological system characterized by freedom from the human interest to alter, restrain or control ecological processes and thus not subject to management interventions or manipulations. Wildness can persist in environments that have been altered or continue to be influenced by external human factors as long as nature’s autonomy is respected and ecosystems are allowed to adapt to changes and evolve as they will. We recommend that the Final CCP include the above described definition as it better explains the term which is so crucial to the Arctic Refuge, and a large portion of the public’s interest in such a special place.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.033
- Wilderness Watch, Fran Mauer 032628.024

Response to Group I.2: Glossary (Appendix M)

Our definition of “wildness” is that used in Service policy 610 FW 1.5.

Comment 000017.012

Glossary (Appendix M)

Wilderness Watch – Full

The Glossary (page M-22) incorrectly defines the word “untrammeled,” the key descriptor for Wilderness. As defined in the glossary, untrammeled only refers to “the human intent to permanently intervene, alter, control, or manipulate natural conditions or processes.” The qualifier “permanently” must be deleted because it is not a qualification from the Wilderness

Act, and is not consistent with the intent of the Wilderness Act. Maintaining the untrammelled condition of Wilderness requires foregoing any effort, temporary or permanent, to intervene or manipulate natural processes

Response to Comment 000017.012

The definition of ‘untrammelled’ was revised in a manner we believe is consistent with the intent of the Wilderness Act, Howard Zahniser, and the Forest Service definition.

Comment 032626.048

Glossary (Appendix M)

Greg Warren

The glossary definition of natural diversity is incorrect. Directory 701 FW 1 defines natural diversity as, “the number and relative abundance of indigenous species that would occur without human interference.”

Response to Comment 032626.048

In response to your comment, we have adopted the definition of “natural diversity” that is in Service Manual 701 FW 1.

Comment 032626.087

Glossary (Appendix M)

Greg Warren

M. Glossary Definitions: It is essential that the Refuge use definitions as described in law, regulations, Final FR Notices, and policy without adjusting the wording unless there is ample justification for making the change. Following are recommendations on where to locate definitions for the following terms:

- * Biological Diversity – Use the definition from 601 FW 3
- * Biological Integrity – Use the definition from 601 FW 3
- * Ecological Integrity – Add from 602 FW 1
- * Environmental Health - Use the definition from 601 FW 3
- * Historic Condition – Add from 601 FW 3
- * Natural Diversity – Use the definition from 602 FW 1
- * Sound Professional Judgment – Use the definition from 603 FW 2
- * Untrammelled – Use the Forest Service definition found in FSM 2320.5: In the context of the Wilderness Act, an untrammelled area is where human influence does not impede the free play of natural forces or interfere with natural processes in the ecosystem. Howard Zahniser, who inserted the term into the legislation, described untrammelled as, not subject to human controls and manipulations that hamper the free play of natural forces. I believe that the definition in 610 FW 1 does not meet the intent of the Wilderness Act.
- * Use the definition from 610 FW 1
- * User Capacity – Use the 1982 Interagency Guidelines on the Wild and Scenic Rivers Act to define this term: The quantity and mixture of recreation and other public uses that can be permitted without adverse impact on the resource values of the river area.

* Visual Resource Management—I recommend using the BLM’s description: Visual Resource Management involves inventorying scenic values and establishing management objectives for those values through the resource management planning process, and then evaluating proposed activities to determine whether they conform to management objectives.

* Wild and Scenic River Corridor – Use language from ANILCA that amended the WSR Act *
Wilderness Character – Use the definition from 610 FW 1

Response to Comment 032626.087

In response to your comment, we adopted the definition of “Biological Integrity” that is in Service Manual 601 FW 3. For “Biological Diversity,” we use the definition from 601 FW 3, except the phrase “also commonly referred to as biodiversity” was added. The term “Ecological Integrity” was added to the glossary, using the definition provided in 602 FW 1; and for “Environmental Health,” we use a definition consistent with 601 FW 3. We also adopted the definition of “Natural Diversity” that is in Service Manual 701 FW 1.

The term “Historic Condition” was removed from the glossary because it is not used anywhere in the Revised Plan.

In response to your comment, the definition for “Sound Professional Judgment” was revised to that used in 603 FW 2, and we adopted the BLM description of “Visual Resource Management.” We also revised the definition of “Untrammeled” to better meet the intent of the Wilderness Act and its chief author, Howard Zahniser.

We modified our definition of “User Capacity” based on input from the Service’s Wild and Scenic Rivers Coordinator who works closely with the Interagency Wild and Scenic Rivers Coordinating Council. The term “Wild and Scenic River Corridor” was removed from the Revised Plan. “Wilderness Character” is described in 610 FW 1 but is not succinctly defined; our definition is based on the description in 610 FW 1.

3.17 TOPIC: Implementation and Monitoring

Comment 032626.052
Greg Warren

Implementation and Monitoring

V1, 6-9, 6.6 Monitoring and Evaluation: The draft CCP does not describe monitoring Dall's sheep, moose, grizzly bear, caribou, black bear, and wolf populations. It is important to monitor the health of these populations, especially in light of the ADGF current hunting regulations. Shouldn't populations be closely monitored for the species that are listed in ANILCA for why the area was established (Section 303(B))?

Response to Comment 032626.052

We agree that wildlife population monitoring is an important part of management of Arctic Refuge. Please see Chapter 4, Section 4.3.7 for details on status and trends of selected mammals on the Refuge, including results of current and past monitoring efforts. Further details of wildlife monitoring programs will be included in the I&M step-down plan, which will be prepared following approval of the Revised Plan.

3.18 TOPIC: International Treaty Obligations

Group J.1: International Treaty Obligations

We also note that a cumulative impact analysis for the Porcupine Caribou Herd is an international obligation. The International Porcupine Caribou Herd Agreement states that “When evaluating the environmental consequences of a proposed activity, the Parties will consider and analyse potential impacts, including cumulative impacts, to the Porcupine Caribou Herd, its habitat and affected users of Porcupine Caribou.”

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.116
- Sierra Club, Dan Ritzman 137014.026
- Various Environmental Organizations, Nicole Whittington-Evans 032627.050

Response to Group J.1: International Treaty Obligations

The International Porcupine Caribou Herd Agreement is summarized in Section A.1.1.3. We revised this section in the Revised Plan to include note of the obligation that the parties to the agreement share to consider cumulative effects of proposed activities on the herd, its habitat, and potentially affected users. The International Porcupine Caribou Board was briefed on the Plan.

Comment 136801.109

International Treaty Obligations

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The caribou information needs to address not only the sensitive calving, but also the sensitive post-calving (nursery) habitats particularly within the Coastal Plain, per the findings of the International Porcupine Caribou Technical Committee report from 1993.

Response to Comment 136801.109

Use of the Refuge during the post-calving period by caribou of the Porcupine and Central Arctic Herds is described in Section 4.3.7.3 of the Revised Plan.

3.19 TOPIC: Irreversible and Irretrievable Commitments

Comment 136805.017
Sean Parnell, Governor
State of Alaska

Irreversible and Irretrievable Commitments

The CCP also must include a more thorough analysis of the irreversible and irretrievable commitments of resources which are implicated in a wilderness designation.

Response to Comment 136805.017

We revised this section and believe it is adequate. Again, final decisions regarding Wilderness designation and oil and gas development are up to Congress.

Comment 136805.134
Sean Parnell, Governor
State of Alaska

Irreversible and Irretrievable Commitments

Page 5-99, § 5.12 Irreversible and Irretrievable Commitment of Resources; § 5.13 Relationship Between Local Short-term Uses and Maintenance and Enhancement of Long-term Productivity; and § 5.14 Unavoidable Adverse Effects.

In the last sentence of each of these sections, it is implied that wilderness designation and revoking of the designation are equally probable actions. This conflicts with the statements of potential effects in each of the alternatives that recommend wilderness designation (B, C, D and E), where it is implied that changes in wilderness designation are “exceedingly rare.”

Response to Comment 136805.134

These sections of Chapter 5 were revised to be consistent.

Comment 032626.049
Greg Warren

Irreversible and Irretrievable Commitments

V1, 5-99, 5.12 Irreversible and Irretrievable Commitment of Resources: The idea that loss of wildlife and habitat and visitor uses opportunities can be retrieved over time is false. If there were a major energy related development in the Arctic, impacts to the wildness of the Refuge would be irreversible and irretrievable.

Response to Comment 032626.049

Arctic Refuge remains closed to oil and gas development under all alternatives, and none of the actions proposed in any of the alternatives would have irreversible or irretrievable commitments of Refuge resources.

3.20 TOPIC: Land Status

3.20.1 *Effects of Alternatives*

Comment 136818.002

Land Status, Effects of Alternatives

**Richard Ranger, Senior Policy Advisor
American Petroleum Institute**

The Arctic NWR coastal plain contains 92,000 acres of private land owned by the Kaktovik Inupiat Corporation (KIC) of Kaktovik, the only human settlement within Refuge borders. The Arctic Slope Regional Corporation (ASRC), an Alaska Native regional corporation, owns the subsurface mineral estate beneath the KIC lands and ASRC's rights to develop these resources continue in force and effect.

Response to Comment 136818.002

Sections 4.1.2.1 and 4.1.2.2. summarize Native corporation land ownership in the Refuge and Section 4.1.2.1 discusses the subsurface estate acquired by ASRC and the land use stipulations that will remain with the land in perpetuity.

3.20.2 *Native Ownership*

Comment 032662.009

Land Status, Effects of Alternatives

David McCargo

Fortunately, the Arctic Refuge is fairly clean of Native Allotments that plague most of the other Alaska conservation units. Most of the Allotments applications were fraudulent or dubious at best. The Service needs to examine what it can and cannot to regulate Allotments such as the manner of ingress and egress. Like other intrusions, Allotment impacts will continue to get worse over time.

Response to Comment 032662.009

Comment noted. Native allotments are private lands and are not regulated by the Service.

3.20.3 *Navigable Waters*

Comment 032626.017

Land Status, Navigable Waters

Greg Warren

V1, 2-37, 2.4.3 Land Exchanges and Acquisitions: Ownership of riverbeds in the areas added to the Arctic National Wildlife Range has not been adjudicated. I recommend that the CCP set the stage for a collaborative approach of working with the State and all Federal agencies in Alaska to obtain ownership of any State owned navigable riverbeds of the potential Wild and Scenic Rivers.

Response to Comment 032626.017

Comment noted. Resolving land ownership of navigable river beds or potential wild and scenic rivers across Alaska is beyond the scope of the Revised Plan.

3.21 TOPIC: Legal and Policy Context (Appendix A)

3.21.1 *Legal Guidance (International Treaties)*

Comment 136801.009 Legal and Policy Context (App A), Legal Guidance (Int Treaties)
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 1-9. Para 1. This should list the Wilderness Act of 1964 among the most important laws and the role of the Arctic Refuge within the National Wilderness Preservation System. It should also list the key international treaties including the Migratory Bird Treaty Act, Agreement on the Conservation of Polar Bears, International Porcupine Caribou Herd Agreement, and the Yukon River Salmon Agreement contained in Appendix A, because they are fundamental to the refuge addressing a specific purpose of the Arctic Refuge “to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats.” (ANILCA Sec. 303(2)(B)(ii). This would improve public understanding of the broad legal context the Arctic Refuge, including its international significance for the wildlife as well as people in other countries which who management obligations are shared.

Response to Comment 136801.009

The text in the draft Revised Plan directs the reader to Appendix A where all the legal, policy, and planning guidance are described in more detail.

Comment 136801.010 Legal and Policy Context (App A), Legal Guidance (Int Treaties)
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 1-9. Para 2. This section should explain that the purpose for the original refuge, “to preserve its unique wilderness values” while correctly retained for the original refuge, it also applies to the whole refuge, including the refuge expansion made through the ANILCA additions.

Response to Comment 136801.010

We disagree with the commenter’s statement. The original purposes of the Range only apply to those lands in the Refuge that were part of the Range, and then only to the extent they are not inconsistent with ANILCA or ANCSA. The Range was incorporated within and made part of the new Arctic Refuge by Section 303(2) of ANILCA. Congress did not expand the purposes of the original Executive order to the lands added by ANILCA, but rather set forth new purposes for the entirety of the Refuge. The Range purposes do not apply to the lands added in 1980 by ANILCA.

Comment 136805.028 Legal and Policy Context (App A), Legal Guidance (Int Treaties)
Sean Parnell, Governor
State of Alaska

Page 1-9, § 1.3.1 Legal Guidance. This section states that “Each alternative in this document includes a wilderness recommendation...” This statement is inaccurate as Alternatives A and F do not include recommendations.

Response to Comment 136805.028

In response to your comment, we revised the statement in Section 1.3.1.

Comment 136805.029 Legal and Policy Context (App A), Legal Guidance (Int Treaties)
Sean Parnell, Governor
State of Alaska

Page 1-9, § 1.3.1 Legal Guidance, third sentence. ANILCA established the Arctic National Wildlife Refuge and re-designated the Arctic National Wildlife Range as part of the new Refuge. We request these sentences be revised to reflect that ANILCA did not expand the Range, but re-designated it as part of the Refuge. This comment also applies to Page A-1, Section A-1, Legal Guidance.

Response to Comment 136805.029

In response to your comment, we have revised sections 1.3.1 and A.1.

Comment 136805.030 Legal and Policy Context (App A), Legal Guidance (Int Treaties)
Sean Parnell, Governor
State of Alaska

Page 1-9, § 1.3.1 Legal Guidance, third paragraph. The State objects to any wilderness reviews of the Refuge because the Service satisfied the wilderness review requirements of ANILCA pertaining to the Refuge and the 1002 area and has no legal authority to conduct them.

Response to Comment 136805.030

We disagree that the Service has no legal authority to conduct a wilderness review. Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” By being part of the Revised Plan, the wilderness review does not violate ANILCA.

Comment 136805.031 Legal and Policy Context (App A), Legal Guidance (Int Treaties)
Sean Parnell, Governor
State of Alaska

Page 1-9, § 1.3.1 Legal Guidance, fourth para. The Wild and Scenic Rivers Act of 1968 does not provide authority for wild and scenic river reviews in Alaska. Section 1326(b) of ANILCA prohibits any further studies in Alaska for the single purpose of considering the establishment of a conservation system unit. ANILCA § 102(4) defines “conservation system unit” to include wild and scenic rivers. The only legal purpose for conducting a wild and scenic river review is to consider the establishment of a wild and scenic river. The State therefore objects to any wild and scenic river reviews in the Refuge because Section 1326(b) of ANILCA prohibits them.

Response to Comment 136805.031

We disagree that Section 1326(b) prohibits the Service from conducting a wild and scenic river review. Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive management plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wild and scenic river review, the Revised Plan is not being completed for

the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirements of ANILCA Section 304(g)(1) and 304(g)(2)(B).

Comment 136805.138
Sean Parnell, Governor
State of Alaska

Legal and Policy Context (App A), Legal Guidance (Int Treaties)

Page A-5, § A.1.2.4 ANILCA. This summary of ANILCA needs to include Section 1002, which provides very specific and relevant direction for the Arctic Refuge.

Response to Comment 136805.138

In response to your comment, we added a paragraph to Section A.1.2.4 outlining the specific direction provided for Arctic Refuge in ANILCA Section 1002 and 1003.

Comment 136805.139
Sean Parnell, Governor
State of Alaska

Legal and Policy Context (App A), Legal Guidance (Int Treaties)

Page A-5, § A.1.2.4 ANILCA, last sentence of first paragraph; and Page A-6, § A.1.2.5 Wilderness Act of 1964, last sentence. These sentences are misleading, as they lead the reader to believe that section 1317 of ANILCA provides continuing authority for the Service to conduct wilderness reviews on refuge lands in Alaska. Section 1317 requires that refuge lands not designated as wilderness by ANILCA undergo a wilderness review within 5 years of ANILCA's enactment, which was on December 2, 1980. The Service completed this requirement with respect to the 1002 area in the April, 1987 Arctic National Wildlife Refuge, Alaska, Coastal Plain Resource Assessment, Report and Recommendation to the Congress of the United States and Final Legislative Environmental Impact Statement. With respect to the rest of the Refuge, the Service fulfilled the wilderness review requirement of ANILCA section 1317 in the current CCP, dated September 1988. Both of these studies rejected the alternatives that recommended additional wilderness be designated in the Refuge.

Response to Comment 136805.139

We revised the last sentence of the first paragraph of Section A.1.2.4 and the last sentence of Section A.1.2.5 to clarify that the wilderness review requirement of ANILCA Section 1317 was to be completed within five years of the enactment of ANILCA.

3.21.2 Other Laws and Regulations

Comment 000096.001
Deborah Williams

Legal and Policy Context (App A), Other Laws and Regulations

The last point is that it is very important to make sure this is Federal land that, where necessary, preemption is implemented and that this should be specified in this plan.

Response to Comment 000096.001

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the

previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

3.21.3 Policy Guidance

Comment 032626.053
Greg Warren

Legal and Policy Context (App A), Policy Guidance

V2, A-10, A-2.4 Compatibility 603 FW: I recommend supplementing this discussion to clarify the relationship between a compatibility determination and NEPA describing that: “A compatibility determination is not an action under NEPA. Deciding to allow a specific use is the action, which would require NEPA compliance.” Consider providing an example of when NEPA would apply such as the issuance of a Commercial Big Game Guide Services permit.

Response to Comment 032626.053

In response to your comment, we added text to Appendix A, Section A.2.4, and to Appendix G, Section G.2, clarifying the relationship of compatibility determinations and NEPA.

3.22 TOPIC: Mammals

3.22.1 *Baseline Conditions: Caribou*

Comment 136805.116
Sean Parnell, Governor
State of Alaska

Mammals, Baseline Conditions: Caribou

Page 4-91, Porcupine Caribou Herd, second paragraph, last two sentences. The information presented here is inaccurate. The 2010 photo census demonstrated an increase in the number of Porcupine Caribou Herd (PCH) caribou from 123,000 in 2001 to 169,000 in 2010.

Page 4-92, Porcupine Caribou Herd. Figure 4-4 should be updated to reflect the 2010 photo census.

Response to Comment 136805.116

The 2010 photocensus data was not yet available when the draft was prepared. Your suggestion regarding the updated information of the Porcupine caribou herd 2010 photocensus is included in the Revised Plan.

Comment 136805.117
Sean Parnell, Governor
State of Alaska

Mammals, Baseline Conditions: Caribou

Page 4-95, Porcupine Caribou Herd, last paragraph. Outdated surveys suggest harvest is likely 4,000 caribou per year; however it is difficult to assert harvest level with any certainty.

Response to Comment 136805.117

We agree with your comment that the Porcupine caribou herd harvest numbers are from outdated surveys and the fact that harvest levels are hard to obtain with any certainty; therefore we eliminated the discussion regarding those data.

Comment 136805.119
Sean Parnell, Governor
State of Alaska

Mammals, Baseline Conditions: Caribou

Page 4-95 & 96, Central Arctic Caribou Herd. In the first paragraph, population numbers should reflect the most recent photocensus conducted in 2010. The 2010 photocensus resulted in 70,034 caribou. The year attributed to 68,000 should be 2008, not 2009. The reference to percent of size of caribou herds to each other is confusing and needs clarification.

Response to Comment 136805.119

Your suggestions reflecting updated information are included in the Revised Plan.

Comment 136805.118
Sean Parnell, Governor
State of Alaska

Mammals, Baseline Conditions: Caribou

-----Preamble/Intro-----

Page 4-95, Porcupine Caribou Herd, last paragraph.

-----Comment-----

The current regulations cited for Canada are no longer valid. The Harvest Management Plan for Yukon is adaptive based on photo census results, or other biological information if a current photo census is not available. The newly implemented regulations for Canada are more liberal based on the current photo census result of 169,000.

Response to Comment 136805.118

The 2010 photocensus data was not yet available when the draft was prepared. Your suggestions reflecting updated information are included in the Revised Plan.

Comment 136805.120
Sean Parnell, Governor
State of Alaska

Mammals, Baseline Conditions: Caribou

-----Preamble/Intro-----

Page 4-95 & 96, Central Arctic Caribou Herd.

-----Comment-----

In the last paragraph, the statement “Residents of Kaktovik primarily hunt caribou from the Central Arctic Herd” is incorrect. The Plan needs to instead indicate that the herd hunted varies annually depending on herd distribution.

Response to Comment 136805.120

We added your suggestions for clarity.

3.22.2 Baseline Conditions: Other Bears

Comment 136805.125
Sean Parnell, Governor
State of Alaska

Mammals, Baseline Conditions: Other Bears

Page 4-114, Grizzly Bears. At the top of page the Plan states, “An average of 39 grizzly bears were killed per year by general hunters.” We believe many of these bears may have been taken outside the Refuge. This may also be the case with other harvest data provided and needs to be verified.

Response to Comment 136805.125

All harvest information came from ADFG reports or personal communications from ADFG wildlife biologists. The statement referred to in your comment (from Chapter 4, Section 4.3.7, in the subsection “Brown (grizzly) bears”) was reviewed and corrected based on information provided by ADFG (E. Lenart, ADFG, area biologist, pers. comm.). Because harvest data are reported by a Game Management Unit (GMU) encompassing both State and Federal lands, it is difficult to determine how many bears were taken on State lands versus Refuge lands. Your statement that “we believe many of these bears may have been

taken outside the Refuge” may not be accurate because Arctic Refuge encompasses more than half of Unit 25A, almost all of the mountain habitat in Unit 26B where bear densities are highest (Lenart 2007), and all of Unit 26C.

3.22.3 Baseline Conditions: Other Carnivores

Comment 032644.010
Wade Willis
Science Now Project

Mammals, Baseline Conditions: Other Carnivores

The state of Alaska currently authorizes the harvest of up to 10 wolves per day for an unlimited number of residents, nonresidents, and nonresident aliens. [see footnote 5]

The estimated wolf population in the refuge is based on limited and often outdated information. In season reporting requirements are not sufficient to identify unsustainable harvest rates during anyone regulatory year.[10]

The current hunter effort occurring in the Arctic Refuge would eliminate the wolf population without any doubts if the hunters exercised their right, and were capable of finding and harvesting, 10 wolves per day.

Response to Comment 032644.010

The State Board of Game bag limit for hunting wolves in GMUs 25A and 26, which together include most of Arctic Refuge, is a seasonal total of 10 wolves per hunter (not 10 wolves per day) during the season from August 10 until May 31. In Arctic Refuge, as you correctly pointed out, numbers and population trends of wolves are not known, and surveys for wolves are not being conducted at this time. For clarity, this information was added to Chapter 4, Section 4.3.7, in the subsection “Wolves.” An average annual harvest of 39 wolves per year from Units 25A, 26B, and 26C combined, suggests that hunters are taking below their annual bag limit of 10. However, as stated in this section, the number of wolves killed by local subsistence hunters and trappers is unknown and adds to this annual harvest (Stephenson 2006). The Arctic Refuge Revised Plan does not specifically address Federal or State hunting regulations in any of its alternatives, and the effects of hunting and trapping are likely to be the same for all alternatives. Specific proposals to change these regulations should be addressed to the Board of Game or the Federal Subsistence Board.

Comment 136805.126
Sean Parnell, Governor
State of Alaska

Mammals, Baseline Conditions: Other Bears

Page 4-115, Wolverine, second paragraph. Although abundance and trends in abundance are unknown for wolverine in the Refuge, the second paragraph suggests that wolverines are scarce and rarely observed. State wildlife biologists frequently observe wolverines and wolverine tracks while conducting game surveys.

Response to Comment 136805.126

Biologists flying surveys or radio-tracking marked animals in Arctic Refuge record observations of all wildlife and tracks. In 28 years (1983-2011), wolverines were seen on three occasions north of the Brooks Range in Unit 26C during annual muskox censuses. One pair of wolverines was seen during radio-tracking flights between the Sagavanirktok River and the

Canning River in 2006-2009. These sightings, as well as the infrequent sightings reported in Chapter 5, suggest that north of the Brooks Range, wolverines may not be as abundant as in other parts of Alaska. Little is known about wolverines in Arctic Refuge south of the Brooks Range, where densities may be higher but few wildlife surveys are conducted and track detectability from the air is reduced. This information was added to the section on wolverines, under Mammals in Chapter 4.

3.22.4 Baseline Conditions: Other Ungulates

Comment 136805.121

Mammals, Baseline Conditions: Other Ungulates

Sean Parnell, Governor

State of Alaska

Page 4-97, Dall Sheep, second paragraph, last sentence. The draft Plan states that Dall sheep in the Arctic Refuge give birth to lambs every other year, which is inaccurate. Most adult ewes give birth every year.

This comment also applies on page 4-101 where the language is similar.

Response to Comment 136805.121

We added your suggestions for clarity.

Comment 136805.123

Mammals, Baseline Conditions: Other Ungulates

Sean Parnell, Governor

State of Alaska

Page 4-106, Moose. The paragraph beginning with “In 1995-1996” states that “88% of moose wintering in these drainages moved to Old Crow Flats” and “Many moose moved to Arctic Refuge to winter on the Firth.” These statements are somewhat misleading because the data comes from a small number of radio-collared animals. The information should be conveyed using the radio-collar data.

Response to Comment 136805.123

We added your suggestion for clarity.

Comment 136805.124

Mammals, Baseline Conditions: Other Ungulates

Sean Parnell, Governor

State of Alaska

Page 4-107. Figure 4-8. This figure states that moose counts were all from fall surveys; however, since 1994, data has been collected in the spring. It is not possible to directly compare fall and spring moose survey numbers. In addition, the data collected during 1986—1991 was collected by the Refuge instead of Lenart 2008, as cited.

Response to Comment 136805.124

We added your suggestion for clarity. Please note that although the Refuge collected the data, it was summarized by Lenart and the citation is therefore appropriate.

3.22.5 Baseline Conditions: Polar Bears**Comment 032620.012**

Mammals, Baseline Conditions: Polar Bears

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

THE DRAFT CCP/EIS CONTAINS MISSTATEMENTS ABOUT THE EFFECTS OF OIL AND GAS ACTIVITIES

The draft CCP/EIS includes statements about the effects of oil and gas activities, particularly with regard to polar bears, which are not consistent with other decisions in which USFWS has made findings that oil and gas activities have, at best, a negligible effect on the species. As USFWS has recognized in a number of regulatory processes and under the Marine Mammal Protection Act (“MMPA”) and the Endangered Species Act (“ESA”), as well as in subsequent litigation, oil and gas exploration, development and production activities are not a source of mortality and/or serious injury to polar bears, nor a cause or contributing factor to the listing of the polar bear as a threatened species. Despite this continued recognition by USFWS, the draft CCP/EIS contains a number of contradictory statements which must be corrected in the final document.

For example, the draft CCP/EIS states that oil and gas exploration in and near the Beaufort Sea is a major conservation concern for polar bears. See, e.g. Page 4-111. This contradicts conclusions contained in the USFWS’ final rule listing the polar bear as threatened under the ESA.

Oil and gas exploration, development, and production activities do not threaten the [polar bear] species throughout all or a significant portion of its range based on: (1) mitigation measures in place now and likely to be used in the future; (2) historical information on the level of oil and gas development activities occurring within polar bear habitat within the Arctic; (3) the lack of direct quantifiable impacts to polar bear habitat from these activities noted to date in Alaska; (4) the current availability of suitable alternative habitat; and (5) the limited and localized nature of the development activities, or possible events, such as oil spills.

73 Fed. Reg. 28212, 28266 (May 15, 2008). This statement is also inconsistent with the USFWS’ final rule establishing incidental take regulations authorizing the nonlethal, incidental take of small numbers of polar bears (and Pacific walrus) associated with oil and gas activities in the Beaufort Sea and adjacent coast, which concluded that expected takings of polar bears during oil and gas activities will have a “negligible” impact on polar bears.

Based on the best scientific information available, the results of monitoring data from our previous regulations (16 years of monitoring and reporting data), the review of the information generated by the listing of the polar bear as a threatened species and the designation of polar bear critical habitat...the results of our modeling assessments and the status of the population, we find that any incidental take reasonably likely to result from the effects of oil and gas-related exploration, development, and production activities...will have no more than a negligible impact on polar bears...

76 Fed. Reg. 47010, 47041 (August 3, 2011). The draft CCP/EIS also included statements indicating that an oil spill associated with development in ANWR could have “important” effects on the southern Beaufort Sea polar bear population. Once again, this is inconsistent with prior USFWS decisions, namely the incidental take regulations referenced above. There are a number of other regulatory decisions as well as court decisions recognizing that the oil and gas industry’s effects on polar bears are negligible.²⁸ Since no new or contrary evidence

regarding industry's impacts on polar bears was presented in the CCP/EIS, any contradictory statements in the draft document should be corrected.

Response to Comment 032620.012

Because the final ruling 76 Federal Regulation 47010 and 47041 were not published until August 3, 2011, this information was not included in the draft Revised Plan. The section on polar bears in Chapter 4 was rewritten to incorporate your suggestions and concerns.

Comment 032620.013

Mammals, Baseline Conditions: Polar Bears

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

USFWS makes statements in the draft document that climate change is perhaps the “greatest” current conservation concern for polar bears. See, e.g. Page 4-111. USFWS should clarify and refine this statement to remain consistent with prior decisions, including the incidental take regulations for polar bears in the Beaufort Sea and adjacent coast, which have recognized that the impacts of climate change on polar bear habitat – i.e. sea ice – is a primary cause of polar bear populations declines. Id. at 47020 (“Habitat loss due to changes in Arctic sea ice has been identified as the primary cause of the decline in polar bear populations...”).

Response to Comment 032620.013

The paragraph containing this statement on polar bears in Chapter 4 was rewritten to clarify the statement, as part of a revision of the section.

3.22.6 Effects of Alternatives

Comment 032612.001

Mammals, Effects of Alternatives

Sue Hall

-----Preamble/Intro-----

I was pleased to be able to recommend more wilderness protection for ANWR but have some additional concerns for the already existing wilderness along the Kongakut River. I was last there in June of 2000 with four other people camped near the Whaleback Mtn. landing strip.

Heavy concentrations of wolf scat litter the esker ridges just south of the landing strip. Hiking south past this well marked denning area will almost always elicit wolf howling and a decoy wolf will appear standing in plain view howling to divert your attention to it while the pups scamper into hiding with the other adults. Who knows how long the Kongakut wolves have been using the Whaleback Mtn area to raise their young. It is ideally situated for easy access to sheep, caribou and squirrels. They appear to be tolerant specie and have adapted ways to deal with the invasive specie that arrives every summer in roaring aircraft. But over the course of the days you begin to notice that the wolf chasing a sheep on the hillside above your camp didn't make a kill. And after a long hike you return to camp and find a wolf and a caribou walking towards each other in some kind of age old ritual and you try to slip down behind a rock to watch but they both look up at you with a bothered look and walk away from each other in opposite directions. Then you do begin to feel like an intruder...

-----Comment-----

It is awesome to see wild wolves so close and to share their space temporarily but if you start to multiply all the planes and all people over the years that use that airstrip then I think it

begins to border on wildlife harassment. In national parks most denning areas are precluded from camping and aircraft. Perhaps we should show the Kongakut wolves the same obeisance.

Response to Comment 032612.001

Wolf dens on and near the Kongakut River have been used for several decades, suggesting that these animals are tolerant of current levels of humans activity. However, the issue of potential harassment of wolves by human activity in the Kongakut River drainage will be evaluated and may be addressed in our step-down planning process.

Comment 032626.046

Mammals, Effects of Alternatives

Greg Warren

V1, 5-11, 5.2.4.1 Common Effects of the Alternatives on Resource Categories, Mammal Populations and Natural Diversity: The one sentence effects description that states, “Dall’s sheep seem to be capable of sustaining harvest levels” does not adequately address Refuge purposes as identified in ANILCA, nor does the “disclosure” meet NEPA requirements. Do all of the alternatives demonstrate that the Refuge is conserving mammal populations (e.g., grizzly bears, Dall’s sheep, wolves, and wolverines) and habitats in their natural diversity? Does the analysis insure the professional integrity, including scientific integrity, of the discussions and analyses in EIS (40 CFR 1502.24)? What are the direct, indirect, and cumulative effects of hunting on mammal populations (40 CFR 1502.16)?

Response to Comment 032626.046

The effects of hunting cannot be analyzed without long-term information about abundance, trends, distribution, and factors affecting rates of recruitment and survival. These data are not available for most mammals in Arctic Refuge, and data gaps will be considered in the I&M and Research step-down plans. Hunting and trapping effects on mammals in Arctic Refuge do not differ among alternatives, because Federal and State regulations apply equally to all alternatives and no alternatives specifically address management of hunting opportunity. The discussion under Mammal Populations and Natural Diversity in Chapter 5 was rewritten to explain this.

Comment 032626.047

Mammals, Effects of Alternatives

Greg Warren

-----Preamble/Intro-----

V1, 5-11, 5.2.4.1 Common Effects of the Alternatives on Resource Categories, Mammal Populations and Natural Diversity:

-----Comment-----

The environmental consequence disclosure discussions are insufficient and need to be more robust in the FEIS and correlated with the affected environment discussion found in the Species of Special Interest and Concern section, pages 4-88 thru 4-119.

Response to Comment 032626.047

The discussion under Mammal Populations and Natural Diversity in Chapter 5 was revised to address your concerns.

3.22.7 *Species of Concern*

Comment 032620.014

Mammals, Species of Concern

**Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association**

Page 4-89, Table 4-8: Terrestrial mammals of Arctic National Wildlife Refuge are of special interest because they are used by humans and are known to be important components of northern ecosystems. This table graphically equates “hunting/trapping” and “viewing” – in the table they are on equal footing. Subsistence use should be given more protection than a pedestrian viewer.

Response to Comment 032620.014

Table 4.8 did not intend to imply that one use was more or less important than another use. Text was added to the title of the table to clarify this.

Comment 032626.031

Mammals, Species of Concern

Greg Warren

V1, 4-88 to 4-119, 4.3.7.3 Species of Special Interest and Concern: I recommend that the details of this section be retained or expanded in the EIS. The information provided in this section is important for understanding the consequences of the no action and action alternatives.

Response to Comment 032626.031

As recommended, we have expanded the information under Mammals- Species of Special Interest and Concern, particularly with respect to descriptions of habitats and potential effects or non-effects on these species from changing climatic conditions.



3.23 TOPIC: Management Categories

Group K.1: Management Categories

This plan should not include categories from its “statewide management template” that are not suitable management categories and list activities that are not appropriate Refuge uses in the Arctic Refuge (DEIS at 2-31 to 2-32 and Table 2-1)). Although lands in other Alaskan refuges fall into five categories, only those categories applicable to the Arctic Refuge should be included in this CCP: Minimal, Wilderness, and Wild River. Due to the Arctic Refuge’s Special Values, purposes- particularly its unique wilderness purpose-, and goals, it is inappropriate for this plan to include the Intensive and Moderate Management categories at all. They should not “be available should the plan be amended in the future to include either of these management categories” (DEIS at 2-31) because the categories contain activities that are incompatible with the fundamental purposes of the Arctic Refuge. This contingency for possible plan amendments does not establish clear and predictable policies in this CCP which have been subject to full review, and inclusion of the Moderate and Intensive Categories sets an expectation that incompatible activities may be allowed in the future. These incompatible, harmful activities as listed in Table 2-1 should include public access via highway vehicles, off-road (all-terrain vehicles like air boars and air-cushion vehicles), helicopters, all weather roads, unimproved roads, designated Off-Road Vehicle Routes and Areas for public use and recreation, roadside exhibits and waysides, constructed and maintained airstrips, docks, visitor contact facilities on refuge lands, developed campgrounds, construction of bunkhouses, construction of aircraft hangers, sale of sand and gravel. Therefore, the Intensive and Moderate Management categories should be removed from this CCP, including from Table 2-1.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.019
- Northern Alaska Environmental Center, Pamela Miller 136801.055
- Sierra Club, Dan Ritzman 137014.015

Response to Group K.1: Management Categories

The Service will not allow incompatible activities in the future on Refuge lands categorized as Minimal, Wild River, or Wilderness Management. Management direction is described and retained in the Revised Plan for the Intensive and Moderate Management categories to provide a basis of comparison and to be available if this Plan is amended in ways that would require Refuge lands to be designated Moderate or Intensive Management. The Refuge staff will review public comments, local and State government recommendations, research, and other information every three years to determine if revisions to the Plan are needed. A proposal to designate any lands in Arctic Refuge as Moderate or Intensive Management would require a Plan amendment. A Plan amendment is a major change that would require extensive review and public input. The Service would conduct new environmental analyses under the NEPA and its compatibility policy.

Group K.2: Management Categories

The section on Alaska Native Claims Settlement Act Section 22(g) (Sec. 2.3.6.2 DEIS at 2-36), is incomplete regarding the nature of commercial activities that can occur on Arctic Slope Regional Corporation and Kaktovik Inupiat Corporation lands. The facts regarding the prohibition on oil and gas development that applies to these lands should be included.

ASRC's lands are subject to specific legal restrictions, namely the laws governing the Arctic Refuge and its purposes and the prohibition on oil and gas development. The "Chandler Lake Exchange" (August 9, 1983 Agreement between ASRC and Interior Secretary James Watt) gave subsurface lands for 92,000 acres within the Arctic National Wildlife Refuge to the Arctic Slope Regional Corporation despite the fact that ANCSA prohibited Regional Corporations from making selections in National Wildlife Refuges. However, the exchange agreement states that oil and gas leasing, development and production on these lands is prohibited unless Congress opens them. Additionally, ASRC currently does not have, and never had, a reasonable expectation that it could produce oil and gas from its speculative (restricted title) subsurface interests.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.021
- Northern Alaska Environmental Center, Pamela Miller 136801.059
- Sierra Club, Dan Ritzman 137014.017

Response to Group K.2: Management Categories

In response to your comment, we added a paragraph to Section 2.3.6.2 addressing the restrictions put in place on ASRC and KIC lands under the terms of the 1993 Chandalar Lake Agreement. This agreement is also discussed in Chapter 4, Section 4.1.2.1

3.23.1 General

Comment 136805.103

Management Categories, General

**Sean Parnell, Governor
State of Alaska**

Page 3-52, Motorized Generators and Water Pumps. If determined necessary for the administration of the area and as a minimum tool to complete the project, the Wilderness Act provides for the use of motorized generators and water pumps. We request this table reflect that intent.

Response to Comment 136805.103

Table 3-3 was modified to indicate that it addresses general public use of motorized generators and water pumps and that they are not allowed in designated Wilderness.

Comment 136948.001

Management Categories, General

Alan Francisco

-----Preamble/Intro-----

I also submit the following comments:

-----Comment-----

Regarding 2.5, Management Categories Table: Commercial fisheries are not vital to the refuge and should not be permitted.

Response to Comment 136948.001

Section 304(d) of the ANILCA provides for restricting commercial fishing rights if the use is determined to be inconsistent with Refuge purposes and to be a "significant expansion of commercial fishing activities...beyond the level of such activities during 1979." As there were no commercial fishing activities or facilities on Arctic Refuge in 1979, any proposed facilities

would be considered new. The Refuge would complete a compatibility determination for any new commercial fishery and related facilities and equipment to decide if it was compatible with the purposes of Arctic Refuge.

3.23.2 Minimal

Comment 136805.072
Sean Parnell, Governor
State of Alaska

Management Categories, Minimal

Page 2-33, § 2.3.3, fifth paragraph. ANILCA Section 1004 applies to the Section 1001 wilderness study area, which did not include the Arctic Refuge coastal plain. We request this paragraph be removed.

Response to Comment 136805.072

In response to public comments, we removed reference to ANILCA Section 1004 from the entire Plan. The area encompassed by Section 1004 does not include Arctic Refuge.

3.23.3 Moderate

Comment 032627.045
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Management Categories, Moderate

In the DEIS, Chapter 2.4.18.4, Commercial Harvest of Timber and Firewood, inappropriately includes discussion of commercial harvest of timber in a “Moderate” management category, among other management categories. The Moderate management category should not be included here on page 2-68 in the DEIS, or the FEIS, as it does not apply to the refuge. If the Moderate management category is similarly included in other places in the DEIS, we encourage the USFWS to remove it.

Response to Comment 032627.045

We agree, and we removed this error from Section 2.4.18.4.

3.23.4 Wild River

Comment 137013.011
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

Management Categories, Wild River

2-35 Wild River Management. “Any portion of a wild river that is in designated wilderness is subject to the provisions of both the Wilderness Act and the Wild and Scenic Rivers Act; in case of conflict between the provisions of these laws, the more restrictive provisions apply.”

Can the Service identify any provision of the Wild and Scenic River Act that is more restrictive than a comparable provision of the Wilderness Act? As noted above, in Table 2-1 the comparison of wilderness management with wild river management indicates that the provisions of the Wilderness Act are more restrictive.

Response to Comment 137013.011

The Wilderness Act does not include any restrictive provisions comparable to those of Section 7 of the Wild and Scenic River Act. Section 7(a) prohibits any department or agency of the United States from assisting in (i.e., constructing, licensing, permitting, or funding) the construction of a water resources project that would have a “direct and adverse” effect on the values for which the river was established. The “direct and adverse” standard applies to projects within the boundaries of the designated river corridor. This is the section of the Wild and Scenic Rivers Act that prohibits dams. Section 7(a) of the Wild and Scenic Rivers Act also precludes Federal assistance to projects below, above, or on a stream tributary to a designated river corridor that have been determined to “invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present...as of the date of designation...” The “invade or unreasonably diminish” standard applies to projects outside the designated river corridor.

Any project that affects a river’s free-flowing characteristics is a water resources project. In addition to projects licensed by the Federal Energy Regulatory Commission (e.g., dams and the ancillary facilities), water resources projects may also include: dams; water diversion projects; fisheries habitat and watershed restoration/enhancement projects; bridges and other roadway construction or reconstruction projects; bank stabilization projects; channelization projects; levee construction; recreation facilities such as boat ramps and fishing piers; and activities that require a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers.

The Wild and Scenic Rivers Act requires the river’s outstandingly remarkable values and other river values be preserved, that a CRMP be written for each river included in the NWSRS, and that the kinds and amounts of public use that can be sustained without adversely impacting the resource be established, monitored, and enforced. While this can be done in designated Wilderness areas, it would be an administrative choice to do so. By comparison, the Wild and Scenic Rivers Act requires such management actions by statute. Given that the management vision for Arctic Refuge is to maintain the ecological function and wilderness characteristics of the Refuge’s lands and waters, in many cases, there may be no practical difference in management of a wild river and designated Wilderness; but in cases of conflict, the more restrictive provisions of the Wild and Scenic Rivers Act and the Wilderness Act apply.

Comment 137013.014

Management Categories, Wild River

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

4-10 Wild River management of the Wind, Ivishak, and Sheenjek Wild Rivers. The Refuge manages all three under the Wild River Management category. However, the Sheenjek, which is in the Arctic Wilderness, must be managed under the more stringent provisions of the Wilderness Act.

Response to Comment 137013.014

The Service uses the Wilderness Act and the Wild and Scenic Rivers Act (and other laws, policies, and regulations) to manage the wild river segment of the Sheenjek River. Section 10(b) of the Wild and Scenic Rivers Act addresses potential conflicts between the Wilderness Act and the Wild and Scenic Rivers Act. In cases where conflicts occur, the more restrictive provisions would apply.

Comment 136805.073
Sean Parnell, Governor
State of Alaska

Management Categories, Wild River

Page 2-35, § 2.3.5 Wild River Management. Wild and Scenic rivers designated by ANILCA do not have Outstandingly Remarkable Values (ORV) and ORVs were not developed for the existing Wild and Scenic Rivers in the refuge; therefore, we request the first sentence of the final paragraph be amended as follows:

Compatible uses of the Ivishak, Sheenjok, and Wind wild river corridors will be allowed where those activities do not detract from their [outstandingly remarkable] special values.

Response to Comment 136805.073

Section 2.3.5 was revised to reflect the requested revision.

3.23.5 Wilderness

Comment 137013.010
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

Management Categories, Wilderness

2-34 Wilderness Management. Exceptions to the general prohibition on permanent structures in wilderness areas "...include historic and cultural resources and, in certain circumstances, administrative structures or cabins that predate ANILCA, cabins that are necessary for trapping activities, and public use cabins necessary for the protection of human health and safety."

How many cabins of any kind are in the Arctic Wilderness and where are they located? Where are the commercial hunting and fishing seasonal base camps located? A map of the base camps would be a useful addition to the final Plan and to the Refuge's public information program, as it would give visitors planning a true wilderness experience the option of avoiding the camps.

Response to Comment 137013.010

The 1988 Plan included an estimate of 37 cabins on Arctic Refuge. Some of these were only seen from the air, and their condition remains unknown. A few were on lands that have since been conveyed to Native corporations or to individuals as Native allotments. Some cabins have decayed and fallen to ruin or been removed by the Refuge over the past two decades. Currently, the Refuge has 15 cabins under permit. Cabin records are maintained in the Refuge office and are not included in this Plan. We have provided additional information in a new section entitled Trapping Cabins (Section 4.4.1.4). Many Native allotments serve as seasonal hunting and fishing camps for local residents (see Chapter 4, Section 4.1.2.3 and Map 4-1). The Service maintains records of where guided hunting occurs, but those locations are not published in this Plan. There are no commercial fishing camps on Arctic Refuge.

3.24 TOPIC: Mineral Resources (non oil and gas)

3.24.1 Exploration/Development

Comment 136805.097 Mineral Resources (non oil and gas), Exploration/Development
Sean Parnell, Governor
State of Alaska

Page 2-72, § 2.4.22 Alaska Mineral Resource Assessment Program, first sentence. Section 304(c) of ANILCA does not withdraw refuge lands in Alaska from the operation of mineral leasing laws. Neither does PLO 2214. However, Section 1002 (i) withdraws the coastal plain from the mining and mineral leasing laws.

Response to Comment 136805.097

Section 304C of ANILCA states “All public lands (including whatever submerged lands, if any, beneath navigable waters of the United States (as that term is defined in section 1301(a) of title 43, United States Code) were retained in Federal ownership at the time of statehood) in each National Wildlife Refuge and any other National Wildlife Refuge System unit in Alaska are hereby withdrawn, subject to valid existing rights, from future selections by the State of Alaska and Native Corporations, from all forms of appropriation or disposal under the public land laws, including location, entry and patent under the mining laws but not from operation of mineral leasing laws.” There are no mining claims remaining on Arctic Refuge, therefore no mining is allowed. As stated in Chapter 2, Section 2.4.18.2 Mineral Exploration and Development, common variety minerals, including sand and gravel, may be sold in the Refuge in moderate and intensive management areas if any such areas are designated on the Refuge. Geothermal leasing is not allowed on refuges nor is coal leasing. Please refer to this section of the plan for additional information on exploration and development and Arctic Refuge.

Comment 032658.001 Mineral Resources (non oil and gas), Exploration/Development
Dennis Shepard

Strategic metals reviews should be conducted to ascertain whether rare earth metals are present-these rare earth elements have not previously been mined in sufficient quantities to develop those green technologies (such as solar cells fuel cells, and batteries)-

Response to Comment 032658.001

Arctic Refuge is withdrawn from mineral location under the mining law; therefore, exploration for strategic metals, except that conducted by the Federal government under ANILCA Section 1010, is not allowed.

Comment 136910.001 Mineral Resources (non oil and gas), Exploration/Development
Unknown Unknown

Concerned about the potential discovery of gold and mining development. Impacts to local users by recreational and commercial mining claims and activities.

Response to Comment 136910.001

Commercial activities or uses that involve the sale of Refuge resources for profit are prohibited within the Refuge, with the exception of valid mining claims, by the Mining Law of 1872 (Chapter 2, Section 2.4.18). Only lands in the Moderate or Intensive Management

categories are authorized for the extraction of sand, gravel, and other common variety saleable minerals (Chapter 2, Section 2.4.18.2). Since there are no valid mining claims and no Refuge lands in the Moderate or Intensive Management categories, the Refuge manager does not expect any commercial development of gold or other mineral resources or other types of extraction on lands in Arctic Refuge. Federal regulations at 50 CFR 36.31(b) state that surface collection, by hand (including handheld gold pans) and for personal recreational use only, of rocks and minerals is authorized, provided, however, that (1) collection of silver, platinum, gemstones, and fossils is prohibited; and (2) collection methods that may result in disturbance of ground surface, such as the use of shovels, pickaxes, sluice boxes, and dredges, are prohibited. These recreational activities may be prohibited or otherwise restricted in accordance with the provisions of 50 CFR 36.42.

3.25 TOPIC: National Values and Interests

Comment 122522.001

National Values and Interests

Richard Fischer

To designate its coastal area a wilderness zone. This zone should be closed to all travel except foot travel, dog sled, kayak, canoe, and other small craft with 40 horse power or less single engines and then only on a very limited basis. The Arctic National Wildlife Refuge as a whole should be designated a national Park with travel to the interior limited to small aircraft and a limited number of structures and visitors. Travel in the park needs to be regulated and very limited.

Response to Comment 122522.001

Comment noted. Arctic Refuge is a national wildlife refuge, and ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations.

3.26 TOPIC: Natural Areas

3.26.1 Research Natural Areas

Comment 136804.003

Natural Areas, Research Natural Areas

Matt Nolan

I would also ask considerations of some complete watersheds be considered Research Natural Areas, that have authority to encourage activities necessary for research but discourage those that do not.

Response to Comment 136804.003

The Service considers all of Arctic Refuge as having high scientific value—not just select watersheds. Please refer to Chapter 1, Section 1.5.6, Scientific Values, where we state, “...the Refuge has become a natural laboratory of international importance.” Maintaining research opportunities is one of the Refuge’s goals (refer to Chapter 2, Section 2.1.7, Goal 7). We are committed to managing the Refuge in such a way as to perpetuate the characteristics that make it valuable for scientific research. Currently all the lands administered by the Refuge are in one of three management categories: Minimal, Wilderness, or Wild River. All these categories offer a high degree of protection to the environment and contribute to the Refuge being “an internationally recognized benchmark for naturally functioning arctic and subarctic ecosystems” (Chapter 2, Section 2.1.7, Goal 7).

Comment 136804.004

Natural Areas, Research Natural Areas

Matt Nolan

Should these areas be considered by Congress for Wilderness designation, I would ask that Refuge staff advocate for two other uncommon requests. I would ask that the McCall Glacier Valley be re-considered by Congress as some sort of official scientific inholding within the existing Wilderness, helping to ensure that this valuable long-term research site is protected against the vagaries of politics and individual personality conflicts. This could be as a new RNA (land swap with an existing RNA?) or a donut hole of minimal management.

Response to Comment 136804.004

The McCall Glacier Valley is currently in designated Wilderness. There is, and will continue to be, research on the glacier and in the glacier valley. Scientific research and designated Wilderness are not mutually exclusive. Because the area is in Wilderness Management, there is a long-term commitment to preserve the Wilderness character of the area. Rescinding a Wilderness designation would require an act of Congress and is not within the purview of the Service or the Refuge.

Comment 136804.006

Natural Areas, Research Natural Areas

Matt Nolan

I would like to see more specific recognition of the McCall Glacier research program in these goals and within the CCP. This project is, perhaps arguably, the most internationally-recognized research program within the Arctic Refuge, and certainly the most intensively studied valley within the Refuge over the past 50 years. Explicit description of the value and findings of this project within the CCP would likely help ensure its continuation and help

scientists and managers alike in protecting it. There is no other project like this in Arctic Alaska, let alone the Refuge, and I believe this is worthy of highlight within the CCP.

Response to Comment 136804.006

An explicit description of the McCall Glacier research program, its value, and its findings were deferred to a step-down plan, the I&M Plan. Arctic Refuge will begin drafting the I&M Plan upon approval of the Revised Plan. The draft I&M Plan will be subject to peer review through an Ecological Review of the Refuge's biological program three years after approval of the Revised Plan, and will be finalized within four years of approval of the Revised Plan.

3.27 TOPIC: NEPA Process

Group L.1: NEPA Process

I would like to first comment about the “plan”. When I first tried to figure out what the “plan” was, I could only find abbreviated versions and summaries. I feel as a resident of this great State, a bit confused. Confused, because there wasn’t better information available or more comprehensive summaries given to show what the “plan” really is. I noticed two (2) very hefty volumes in the room opposite this testimony room. It would be nice if that info were easily available online, or it is that a better reference be made to its availability. When I clicked the hyperlink to view the full draft it certainly didn’t show me the full draft, it only showed the outline of the full draft.

Submitted By:

- Local 942 Laborers, Scott Eickholt 009520.001
- Scott Eickholt 032650.001

Response to Group L.1: NEPA Process

The summary was created to familiarize the reader with key points in the draft Revised Plan and EIS and was not intended to be comprehensive. On the last page of the summary, we listed several ways the reader could obtain additional information. For example, hard copies and CDs of the Revised Plan and EIS were available by contacting the Refuge. On the Internet, we initially posted the full draft Plan as a single hyperlink. When we heard people were having difficulties accessing the Plan, we made it available chapter by chapter.

Group L.2: NEPA Process

We provide information about the deficiencies in the analysis of scoping public comments in the section on Appendix D. We urge that the Draft CCP DEIS the entire public hearing record and all substantive and unique public comments be provided to the public as a published Appendix. This will be not only a valuable informative document but also provides information that may be compared and contrasted 15 years from now. It was very valuable to our organization to be able to read past comments on the CCP, but only selected ones from 1988 had been published in the hearing record; we wished there were more of the statements which had been written by the public included. Furthermore, the Response to Comments in the Final EIS should include the original comment letter (shrunk 4 to a page is acceptable) with lines in the margins showing the number for the Service’s Response as it links to the letter. This standard practice provides the author of comments to assess whether their concerns were adequately responded to as well as for others to understand the context of the comment as well as the response. This is a much better practice than extracting only disembodied comments.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.106, 136801.107

Response to Group L.2: NEPA Process

All substantive public comments and the Service’s responses are published in the Revised Plan. Comments are ordered by topic, which should allow people to easily find a comment they made and its response. We have published comment letters from organizations and government agencies and a copy of each of the form letters we received. We have also included those letters from the general public whose statements contained five or more substantive comments. All the comments we received and analyzed are available from the Service. The

volume of comments we received (more than 612,000 on the draft Revised Plan) prohibits us from printing every comment letter.

Group L.3: NEPA Process

You/we need to get the word out about the CCP, best going from house to house

Submitted By:

- Unnamed 23 136873.001
- Unnamed 42 136894.001

Response to Group L.3: NEPA Process

Meetings were held in several rural Alaska villages to solicit comments on the Plan. We usually arrived in a community the day before a meeting and left the day after. During our time in the village, we visited with tribal council members, elders, and other people suggested to us by the tribal council. Frequently these meetings were held in the homes of these individuals. We also sent planning updates and fliers announcing public meetings to every box holder in Arctic Village, Fort Yukon, Kaktovik, and Venetie.

3.27.1 Decisionmaking

**Comment 136742.001
Unnamed 8**

NEPA Process, Decisionmaking

Recommendations should recognize importance of Inupiat people on the land.

Response to Comment 136742.001

The Refuge’s Vision Statement, identified special values, and goals and objectives sections of the draft Revised Plan and final EIS acknowledge that Arctic Refuge encompasses substantial portions of the traditional homeland of Iñupiat and Gwich’in peoples and calls for continued opportunities for traditional subsistence uses and relationships with the land. The plan recognizes the interconnectedness of the Alaska Native people of the region and their environment. It calls for continued consultation with Native groups and the collection of traditional ecological knowledge of the area.

3.27.2 DEIS Comment Period

**Comment 032635.002
June McAtee, VP, Land & Shareholder Services
Calista Corporation**

NEPA Process, DEIS Comment Period

Since Alaskans are most affected by the CCP recommendation, we hope the USFWS gives the greatest weight to views of Alaskans and our past record of support to keep the “1002 area” accessible to future development. Since 1980, Alaska’s people and state government have been consistent on ANWR, each and every standing state legislature, both Mayors’ of North Slope Borough and Kaktovik Village, and Alaska’s members’ of Congress have all supported development in the “1002 area,” and, all have been consistently against increasing wilderness land in ANWR.

Response to Comment 032635.002

Alaskans have provided comments that have added great value to the planning process. However, because Arctic Refuge is Federal land, we must give equal consideration to all commenters, including those who do not live in Alaska.

Comment 136801.108

NEPA Process, DEIS Comment Period

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The author should be attributed to all comments quoted in the CCP. For example, the “Representative Comments” in the EIS are unattributed and should be identified as to their source with name and affiliation. For one thing, if the public quotes the quote in the future, they should be able to provide the source name.

Response to Comment 136801.108

We focused on the content of the comments, not on the identity of the author who made the comment. If someone wants to cite a quote from the Plan, they should reference the Revised Plan as its source.

Comment 136912.002

NEPA Process, DEIS Comment Period

Edward Sam

-----Preamble/Intro-----

Edward Sam

-----Comment-----

Said he wants a copy of the CCP meeting minutes to come back to the community.

Response to Comment 136912.002

Handwritten comments, flip chart notes, and recorded testimony from community meetings were transcribed, read, and analyzed as part of all the communications we received, such as letters, emails, website submissions, and faxes. The Revised Plan includes a summary of all the communications and the Service’s responses to substantive comments.

3.27.3 DEIS Hearings and Comment Analysis**Comment 136699.001**

NEPA Process, DEIS Hearings and Comment Analysis

Unnamed 3

People who know ANWR (local people) – their concerns should be treated differently.

Response to Comment 136699.001

Those who live in and near Arctic Refuge have provided expertise and knowledge that has added value to the planning process. However, because the Refuge is Federal land, we must give equal consideration to all commenters, including those who do not live in or near the Refuge. In keeping with guidance of Executive Order 13175 and the Service’s Native American Policy, the Service sent letters (dated October 2009) to nine federally-recognized tribes in the vicinity of Arctic Refuge to inform them of the process for the Plan and inviting them to be part of the planning team as well as engaging in government-to-government consultation. Because of the unique legal and political relationships for formal consultation

with federally-recognized tribes, they could submit comments and recommendations at any time throughout the planning process.

Comment 136721.001
Unnamed 5

NEPA Process, DEIS Hearings and Comment Analysis

USFWS listens to people outside the village concerning Wilderness, more so than the people living in the village.

Response to Comment 136721.001

Because the Refuge is Federal land, we must give equal consideration to all commenters. Those living in and near the Refuge provided valuable comments on wilderness. Those comments were given equal consideration to the comments of those who live elsewhere. In keeping with guidance of Executive Order 13175 and the Service's Native American Policy, the Service sent letters (dated October 2009) to nine federally-recognized tribes in the vicinity of Arctic Refuge to inform them of the planning process for the Comprehensive Conservation Plan and inviting them to be part of the planning team as well as engaging in government-to-government consultation. Because of the unique legal and political relationships for formal consultation with federally-recognized tribes, they could submit comments and recommendations at any time throughout the planning process.

Comment 136743.001
Unnamed 9

NEPA Process, DEIS Hearings and Comment Analysis

Need to better clarify the slide that says "No wilderness designation" It's misleading because USFWS is recommending wilderness designation (if the alternative has it) and that recommendation will be viewed and will be very important and carries a lot of weight. The language used in the slide diminishes the importance of people needing to express their views. Next slide also needs better clarification.

Response to Comment 136743.001

We appreciate your feedback on our public involvement materials. In the PowerPoint presentations we developed as part of our public involvement strategy, we attempted to emphasize the difference between wilderness recommendations and Wilderness designation. The Service can recommend an area for Wilderness designation, but it is only an administrative act and has no effect on public uses or on-the-ground Refuge management. Only Congress can actually designate Wilderness.

Comment 136770.001
Unnamed 9

NEPA Process, DEIS Hearings and Comment Analysis

We need a CCP workshop for people who translate so they can come to meetings and understand more. Get one person from each village.

Response to Comment 136770.001

The Service employs a Gwich'in Athabascan Refuge Information Technician (RIT) in Arctic Village, an Iñupiat RIT in Kaktovik, and a Gwich'in Village Liaison Specialist in Fairbanks. They are fluent speakers of their native languages. They received information about the Plan and the planning process in advance of their involvement in outreach efforts in villages within

and near the Refuge. Their role was to help the public understand the process and to translate as needed. In addition, the Refuge hired local Native translators for all scoping meetings and hearings held in Arctic Village, Venetie, Fort Yukon, and Kaktovik.

Comment 136771.001
Mildred Allen

NEPA Process, DEIS Hearings and Comment Analysis

We need a workshop for the CCP; some people need to be trained.

Response to Comment 136771.001

The Service employs a Gwich'in Athabascan RIT in Arctic Village, an Iñupiat RIT in Kaktovik, and a Gwich'in Village Liaison Specialist in Fairbanks. They are fluent speakers of their native languages. They participated in outreach efforts in villages within and near the Refuge to help the public understand the planning process and to translate as needed. While we did not hold "workshops" in local communities, Refuge staff and the RITs were available to speak one-on-one or in small groups of local residents for several hours on the days in which we held meetings or hearings in the communities.

Comment 136746.001
Bruce Inglangasak

NEPA Process, DEIS Hearings and Comment Analysis

Bruce Inglangasak said that three years ago the Refuge came to Kaktovik for a meeting and people in the village brought up their concerns. Then the Refuge sent a followup letter to everybody, but the letter didn't recognize all the concerns that were brought up in the meeting. Bruce also said that some of the concerns that were brought up during this CCP meeting had been brought up in that previous meeting.

Response to Comment 136746.001

It is not clear what concerns Mr. Inglangasak says were brought up at a previous meeting that were not acknowledged or addressed. Throughout the planning process, the Service has made every effort to capture all the issues and concerns the public has raised. Every comment we received was reviewed and considered. The Service welcomes continued public participation in the planning process, including comments on the step-down plans that will be developed following approval and implementation of the Revised Plan.

Comment 032645.001
Unknown Unknown

NEPA Process, DEIS Hearings and Comment Analysis

In future when you take testimony maybe you would support back and forth between people for and against a certain issue.

Response to Comment 032645.001

Our purpose in taking testimony at public meetings was to gather information that would aid us in the planning process. While some of those who testified at our public meetings may have wanted to change minds or promote a particular point of view through dialogue, this was not our goal.

Comment 032626.006
Greg Warren

NEPA Process, DEIS Hearings and Comment Analysis

V1, 1-29, 1.8.5 Prepare Draft Plan and Environmental Impact Statement: I was disappointed that the public meetings for the draft CCP and DEIS were held only in Alaska. I believe that two or three meetings in the lower 48 states were needed in order to “make diligent efforts to involve the public in preparing and implementing...NEPA procedures” (40 CFR 1506.6(a)).

Response to Comment 032626.006

Federal regulations require that, in preparing and implementing NEPA procedures, we hold public meetings “whenever appropriate.” Early in the planning process, we held a meeting in Washington, D.C. with only modest public participation. Additional public meetings outside Alaska were considered. However, due to budgetary limitations and the considerable cost of holding public meetings in other locations, we focused our public involvement efforts on providing information through our website and in updates mailed to interested parties. Given the 600,000 public comments we received on the draft Plan, we believe we our efforts were effective.

Comment 136826.004
Raelene Gold

NEPA Process, DEIS Hearings and Comment Analysis

I wish you would have held one hearing on the west coast in Seattle or Portland, given the long ties and interest here in Alaskan issues.

Response to Comment 136826.004

NEPA regulations require that, in preparing and implementing NEPA procedures, we hold public meetings “whenever appropriate.” Early in the planning process, we held a meeting in Washington, D.C. with only modest public participation. Additional public meetings outside Alaska were considered. However, given our budgetary limitations and the considerable cost of holding public meetings in other locations, we focused our public involvement efforts on providing information on the Refuge's website and in mailings. Given the 600,000 public comments we received on the draft Plan, we believe we our efforts were effective.

Comment 014754.001
Tina Henize

NEPA Process, DEIS Hearings and Comment Analysis

Recently a biologist at another National Wildlife Refuge said, in public, concerning another wildlife issue, that thousands of emails and letters generated and transmitted by non-profits around the country meant nothing to USFWS and local Refuges' management plans, that only letters and input from 'reputable' and credentialed individuals were considered as valid. This was extremely disturbing to me and showed a total disregard and disrespect of the contributions by individuals and the environmental non-profits toward the agency's consideration of actions necessary to uphold the basic mission of USFWS: protecting wildlife and their habitats.

Response to Comment 014754.001

We are unaware of the remarks by the biologist that the commenter is referring to. Public participation is an integral element of the Service planning process, and we greatly appreciate the interest the public has shown in Arctic Refuge and its future management. Every communication the Service received on the draft Plan and EIS was carefully read and evaluated, including those from individuals and environmental nonprofits. Any comments that addressed

specific elements of the Plan have been taken into consideration. Where appropriate, the Plan was revised, corrected, or changed to fully address the comments we received.

3.27.4 General

Comment 032619.001

NEPA Process, General

**Cliff Judkins, Chairman
Alaska Board of Game**

The overarching concern that arises in review of the draft is centered on the Service's apparent - indeed stated - predetermined policy to favor one extreme as a general management guideline: "Because the Service intends to manage the Arctic Refuge at the far end of the unaltered spectrum, the Arctic Refuge plan calls for a more hands-off approach to management and allows less manipulation of the environment than other Alaska Refuge CCPs." This approach offends the defined process for updating the plan, which anticipates that public input as well as compliance with applicable federal laws will reveal the appropriate shape of the document.

Response to Comment 032619.001

The planning process used for the Revised Plan is consistent with ANILCA, NEPA, and Service planning policy. Even after compliance with Federal laws and policies, the planning process provides a certain level of administrative flexibility in proposing a management approach for any refuge. In 1988, the first Plan for Arctic Refuge was completed. It went through an extensive public review process, and the decision made at that time was to manage the Refuge in a manner that would keep it as wild as possible, consistent with Federal laws and policies. The management approach put forward in the Revised Plan is consistent with the Minimal Management approach implemented by the 1988 Plan. The Revised Plan went through additional public review and comment, and the Refuge considered and incorporated public input prior to publishing the draft Plan in August 2011. The first public comment period (scoping) ran from April 7 to June 7, 2010. We received over 94,000 comments on a variety of issues, including comments on how to manage the Refuge. In the draft Plan, the Refuge put forward a management approach consistent with public comment, Federal laws, and policies. A final decision was not made about the proposed approach until public comments on the draft Plan were fully reviewed and considered.

Comment 032619.009

NEPA Process, General

**Cliff Judkins, Chairman
Alaska Board of Game**

We urge the Service step back from its present course driven by a preordained intent that incorrectly restricts or eliminates certain possibilities for refuge management. It is inappropriate and unfair to the public for this one-sided approach to cripple the planning process and limit the range of options available for development of the alternatives.

Response to Comment 032619.009

In 1988, the first Plan for Arctic Refuge was completed. It went through an extensive public review process, and the decision made at that time was to manage the Refuge in a manner that would keep it as wild as possible, consistent with Federal laws and policies. The management approach put forward in the Revised Plan is consistent with the Minimal Management

approach implemented by the 1988 Plan. The Revised Plan provides a reasonable range of alternatives that are consistent with the mission of the Service, the mission of the National Wildlife Refuge System, the purposes of Arctic Refuge, as well as ANILCA, NEPA, and Service planning policy.

**Comment 136677.001
unnamed 1**

NEPA Process, General

Problem in NEPA process – potentially cooperative parties may not have the resources (e.g. tribe).

Response to Comment 136677.001

We agree with your comment that some of the parties that might be interested in more active involvement in the planning process might not have the resources to fully participate. We thought it important to continue to inform these groups. Therefore, all the agencies, tribes, and Native corporations we originally approached as potential cooperating agencies were retained on our mailing list, and they received periodic updates about the Revised Plan and the planning process. In the case of tribes, we conducted seven informal consultations with nine federally-recognized tribes and two village councils: 1) when the planning process first began, 2) during the scoping phase, 3) during the stakeholder comment period of the wild and scenic river review, 4) in advance of the draft internal review document, 5) during the public review phase of the draft Plan, 6) in advance of the Final internal review document, and 7) during the public review phase of the Revised Plan. Each of these consultation periods lasted 30–45 days.

**Comment 032622.006
Frank & Jennifer Keim**

NEPA Process, General

The record of comments taken during the 2010 scoping stage of the CCP indicates I was not included as a supporter of further Wilderness designation on the Arctic Refuge. This lack of veracity on the part of some within the USFWS concerns me greatly. Please read my appended Scoping Comments carefully to see that I do indeed favor the designation of the greatest amount of Wilderness possible and that the largest number of rivers possible in the Refuge be set aside as Wild and Scenic Rivers.

Response to Comment 032622.006

We went back through the planning record and located your original scoping comment, a copy of your comment with handwritten notations from the contractor who analyzed the comments, and the final comment analysis materials prepared by the contractor. Your comment was indeed identified as one supportive of further Wilderness designation on Arctic Refuge and was coded as such. Additionally, the codes assigned to your comment acknowledged the variety of reasons you stated for your support of Wilderness. The analyses of public comments (conducted post-scoping and post-draft Plan), were accurate, thorough, and objective.

Comment 032651.007
Mark Lindsey

NEPA Process, General

The one-sided approach presently taken in the draft CCP is an invitation to litigation, and while there is no certain course to preventing a lawsuit, it makes little sense to adopt a heading that invites one when better alternatives exist. There are several parties interested in the development of the 1002 Area with the resources and motivation to challenge the legality of the CCP on the basis of a number of issues, including some of the specific comments I have made here. The Service has the opportunity to change direction before finalizing the CCP by adopting the approach taken in the 1988 CCP. There are huge benefits to this approach, including benefits to the Service. Do you really want to spend untold work time defending your work in court, or do you want to publish a CCP that finds general acceptance among the various interested parties, while preserving the land and its resources? Wouldn't you prefer to devote your time to land management, and not to litigation? In addition to requiring enormous amounts of your time and attention, litigation will also further erode the effectiveness of government, reduce public confidence in your process and be expensive and time consuming. You have the opportunity to greatly reduce the likelihood of litigation with no adverse consequences to the land you manage. Please consider revising the draft CCP accordingly.

Response to Comment 032651.007

We disagree that the Revised Plan takes “a one-sided approach.” The Plan, which was developed with substantial levels of public input, addresses many aspects of resource management in Arctic Refuge and puts forward a reasonable range of alternatives consistent with the mission of the Service, the mission of the National Wildlife Refuge System, the purposes of Arctic Refuge, ANILCA, NEPA, and Service planning policy. The decision to litigate is made by others. We have focused our planning efforts on a transparent, well-documented process that complies with Federal laws and policies.

Comment 032626.022
Greg Warren

NEPA Process, General

V1, 3-1, 3 Proposed Action: I could not identify the Proposed Action (40 CFR 1502.14).

Response to Comment 032626.022

The draft Revised Plan and EIS did not include a proposed action or preferred alternative. The Service wanted to consider public comments on the draft Plan before making a decision. A preferred alternative was identified in the Revised Plan.

3.27.5 Scoping

Comment 136801.104
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

NEPA Process, Scoping

p. 3-1. The plan should report that a strong majority of the public comments submitted during the scoping process supported more Wilderness to be designated in the Refuge, and supported recommended Wilderness for the Coastal Plain. The Summary of Comments here and in the Scoping Report in Appendix J presented the comments as if there was not overwhelming public support for more Wilderness in the Refuge, and that it was particularly needed for the Coastal Plain.

Response to Comment 136801.104

Public comments are not being tallied or treated as a vote; therefore, we did not attempt to characterize majority or minority support on any particular issue.

Comment 136801.105

NEPA Process, Scoping

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The “Representative Comments” did not represent all the concerns and justification that the public provided for why more Wilderness is needed in the Arctic Refuge nor the full range of wilderness values; see the Northern Alaska Environmental Center and Alaska Wilderness League et al. scoping letters dated June 7, 2011.

We are concerned that the “he said, she said” type portrayal does not reflect that actual nature of most public comment. Representative” The final EIS should correct this misrepresentation and provide additional eloquent statements from the public in support of Wilderness and describing the unique range of wilderness values the Arctic Refuge provides.

Response to Comment 136801.105

Public comments are not being tallied or treated as a vote; therefore, we did not attempt to characterize majority or minority support on any particular issue. All the comments we received and analyzed, including those addressing issues related to designated Wilderness, are available from the Service.

Comment 136801.121

NEPA Process, Scoping

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The analysis of public scoping comments failed to adequately analyze key refuge Resources that are a fundamental message of the majority of letters and hearing testimonies. Resource Codes should have also included Rivers, Water Quality, Subsistence, International Treaty and Agreements, Critical Habitats / Endangered Species Act, Wilderness and wilderness values including Solitude, Natural Quiet, Intact Landscapes, Natural Ecological System. For Action codes, there should not have been a category, Multiple Use Emphasis, as it is not appropriate for National Wildlife Refuge System or Arctic Refuge management. Subsistence should also have been included as a Tribal Activity, and Environmental Justice added to the Action Codes.

Response to Comment 136801.121

The purpose of the analysis of scoping comments was to identify the breadth of issues the public brought forth and to aid in developing issue statements. The analysis was done by an objective third party, a professional contractor of the NEPA Services group of the U.S. Forest Service with whom we have worked successfully on other comprehensive conservation plans in Alaska. Both the Action and Resource codes were developed based on the comments during the content analysis process and not in advance. The codes were adapted as the contractor progressed, and when necessary, the contractor conferred with the lead planner. We are confident that the analysis was sufficient for the purpose of the Revised Plan and EIS.

Comment 136919.001
Lolly Andrews

NEPA Process, Scoping

The scoping comments were poorly summarized and did not represent what we said. I hope this process is better.

Response to Comment 136919.001

The purpose of the analysis of scoping comments was to identify the breadth of issues the public brought forth and to aid in developing issue statements. The analysis was done by an objective third party, a professional contractor of the NEPA Services group of the U.S. Forest Service with whom we have worked successfully on other comprehensive conservation plan in Alaska. We are confident that the analysis was sufficient for the purpose of the Revised Plan and EIS.

Public comments on the draft Revised Plan were also read and analyzed by a professional third party, AECOM, who has extensive comment analysis experience for Federal land management plans in Alaska. Every comment was reviewed for “substantive” comments. Substantive comments are the paragraphs and sentences (or oral comments) that addressed specific content in the draft Plan. Such paragraphs and sentences may have: questioned the accuracy of the information in the plan; questioned the adequacy, methodology, or assumptions used; presented new and relevant information; presented new ideas for the alternatives; and/or presented ideas that would cause a change to or revision of an alternative. In lieu of a summary, and in keeping with NEPA requirements, we are publishing all substantive comments and the Service’s responses in the Revised Plan.



3.27.6 Violations**Comment 000098.001**

NEPA Process, Violations

Wade Willis**Science Now Project**

The consumptive take by the commercial hunting industry is an ongoing activity. It cannot be exempt from NEPA review based on a 23-year-old NEPA process. And it certainly can't be exempt from NEPA review for the current issues that are facing the resources of the Refuge. You have an obligation to bring the most significant issue in the Refuge at this time to the surface and make it a formal part of an analysis of this draft CCP.

Currently the consumptive take of wildlife by the commercial hunting industry is the only issue in the Refuge that you have, as a manager of the Refuge, had to restrict citizen access to the Refuge. That's how significant it is. So you've already admitted that the current issue is so dramatic that you are agreeing that there is significant impact occurring in the Refuge. You've already admitted that. Yet you turn around and you say in the draft CCP that you do not want to address that now, you want to do it sometime in the future and you're not even going to elevate it to your number one priority.

I'll remind you that in 1988 you said the same thing and you made it your number one priority in 1988. Guess what. The minute the ink was signed on the CCP that priority never was even addressed. It never came to fruition. We, as the public, deserve the right to be involved in this issue, okay. You're mandated by Congress to bring this activity to NEPA compliance.

Response to Comment 000098.001

In 1992, after soliciting public comments on a draft policy, the Service established a regional policy and formal process in which big-game guides were competitively selected to operate on Refuge lands. An environmental assessment was completed with the original guide allocation and a compatibility determination done, which found guided hunting to be compatible with Refuge purposes. This system was later codified in 50 CFR 36.41. The draft regulations were published in the Federal Register on November 1, 1996, for a 60-day public review period. Public meetings were held in Anchorage and Fairbanks, Alaska, during the period of public review of the draft regulations. The competitive application process used to select big-game hunting guides on Arctic Refuge is what defines the available number of guided hunting opportunities. A future step-down plan will not inform or modify this number. We do not agree with several of the comments regarding the Service's big-game commercial guide policy and program and encourage readers to review the policy in the CFR for details of the program. New permits will be in place on Arctic Refuge beginning with the 2014 season.

Comment 136805.018

NEPA Process, Violations

Sean Parnell, Governor**State of Alaska**

The Service has inappropriately limited the scope of the draft Plan by identifying wilderness and wild and scenic rivers as the only two major management issues within the scope of the draft Plan. Additionally, nearly all other significant management issues have been deferred to step-down plans, such as the Visitor Use Management Plan and the Wilderness Stewardship Plan. Although the draft Plan identifies Kongakut River management as a major management issue, the proposed alternatives still defer most, if not all, management decisions to the to-be-developed Visitor Use Management Plan. The inappropriately narrow scope, and deferral of

significant management issues to step-down plans, inappropriately skews and limits the impacts analysis in the draft Plan. As a result, the impacts analysis consists mainly of characterizations of an impact as “positive” or “negative,” but lacks explanation as to the nature and extent of the impact. Limited rationale is provided. Additionally, the deferral of most management issues to step-down plans leaves only wilderness and wild and scenic river reviews as the primary purpose of the draft Plan. This violates section 1326(b) of ANILCA, and indicates pre-decisional intent that runs afoul of NEPA.

Response to Comment 136805.018

You are correct that only three significant planning issues are carried forward into the alternatives of the Revised Plan and that many issues have been deferred to step-down plans. The Revised Plan, however, does much more than address just these three issues. The Revised Plan puts forward a suite of goals and objectives (Chapter 2, Section 2.1) that represent specific commitments and management priorities for Refuge staff for the next 15 years. The Plan also presents a management framework (Chapter 2, Section 2.4) that will guide all aspects of Refuge management, including step-down planning, until the Plan is again revised. The management framework, goals, and objectives are the true heart of the Revised Plan. The decision to defer numerous issues to step-down plans will allow Refuge staff to focus on the intricacies of these planning issues and to work more directly with those members of the public concerned about these issues. You are correct that the environmental effects analysis (Chapter 5) consists primarily of impact characterizations. However, this approach is appropriate and sufficient given that the Plan is not proposing any actions that would actively disturb or modify lands or waters within Arctic Refuge.

The Plan does not violate Section 1326(b) of ANILCA. It is a revision of the 1988 Plan and is a management plan for the entire Refuge. While it includes both a wilderness review and a wild and scenic river review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” By being part of the Revised Plan, the wilderness and wild and scenic river reviews do not violate ANILCA.

The Revised Plan is not pre-decisional. The draft Plan was released with no preferred alternative. The preferred alternative was not known until the Revised Plan was released. We have engaged the public and given strong consideration to their comments and opinions, including making modifications to the Plan to accommodate public concerns.

Comment 032651.002

NEPA Process, Violations

Mark Lindsey

-----Preamble/Intro-----

Issue: In preparing the draft CCP for the Arctic National Wildlife Refuge (“ANWR”), is the USFWS Service (the “Service”) correct in deciding to exclude meaningful consideration of the oil and gas development potential of the 1002 Area?

-----Comment-----

The Service’s narrow and incomplete construction of “purpose and need” drastically limits the scope of the CCP and is in direct contravention of the requirement at 40 CFR 1502.14 that the EIS “should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice

among options by the decisionmaker and the public.” The draft CCP fails to sharply define the issues relevant to wilderness designation of the 1002 Area. As written, it obscures them.

Response to Comment 032651.002

The alternatives in the Revised Plan are presented in comparative form in both Chapter 3 and Chapter 5 so as to assist the decision maker. For the wilderness issue, all the Service can do is potentially recommend additional Wilderness through the Revised Plan—an administrative action that would have no effect on Refuge resources and operations, or on local, State, or national economies. However, we did not limit our discussion of the environmental consequences of the alternatives to just the administrative action of recommending Wilderness. Rather, we opted instead to disclose the effects of Wilderness designation in the event Congress were to designate additional Wilderness.

In response to your comment, we have revised the Plan’s statement of purpose and need to better clarify the limitations under which the Refuge operates. Specifically, we have added mention of Section 1003 of ANILCA, which specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Additionally, we have added mention of the 1002 Area report required under Section 1002(h) of ANILCA. The report was provided to Congress in 1987 and has remained there ever since. Until Congress takes action to change the provision of 1003 or acts to implement the 1987 report, the Service will not permit oil and gas leasing in the Refuge under any of the alternatives of the Plan. If the law regarding management of the coastal plain (1002 Area) is changed, that change will be incorporated into the Plan and implemented.

3.28 TOPIC: Oil and Gas

3.28.1 Occurrences and Potential

Comment 136801.110

Oil and Gas, Occurrences and Potential

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 4-35. Oil and Gas Occurances and Potential.

This section overstates the potential and fails to provide the context that the Arctic Refuge is the only lands on the North Slope off limits to law to oil and gas exploration, development and production and there are other existing resources, particularly on state lands.

Response to Comment 136801.110

Chapter 4 is where we describe the current condition of various resources within the Refuge. Section 4.2.7 describes current knowledge of oil and gas presence, volume, and potential within the Refuge. It draws from the USGS assessment of oil and gas resources in Arctic Refuge and represents the most current, non-proprietary estimates available. It is not appropriate for us to discuss oil and gas activities on State lands in Chapter 4 because these activities are outside the purview of the Service. Elsewhere in the Plan we discuss law and policy related to oil and gas exploration, leasing, and development (e.g., Chapter 2, Section 2.4.18.2 and Appendix D).

Comment 136805.114

Oil and Gas, Occurrences and Potential

**Sean Parnell, Governor
State of Alaska**

Page 4-35, § 4.2.7 Oil and Gas Occurrences and Potential, third sentence. The phrase “permanently off-limits to oil and gas exploration” should be modified in favor of language that more clearly describes the limitations on oil and gas exploration, development, and production and the opportunities for oil and gas studies, surficial geology studies, subsurface core sampling, seismic surveys, and other geophysical activities.

Response to Comment 136805.114

The phrase “permanently off limits to oil and gas exploration” was deleted as it was not relevant to this section of the document. The conditions under which limited geological exploration can occur within areas of the Refuge, other than the coastal plain (1002 Area), are described in Chapter 2, Section 2.4.18.2.

Comment 136805.115

Oil and Gas, Occurrences and Potential

**Sean Parnell, Governor
State of Alaska**

Page 4-35, § 4.2.7 Oil and Gas Occurrences and Potential. We request the last sentence be revised to read:

Their accuracy can only be determined by systematic exploration of the subsurface[“in other words, by drilling test wells”] Acquiring reliable 3-D seismic data would dramatically increase the likelihood of exploration success, but actual oil and gas discoveries can only be made by drilling test wells.

Response to Comment 136805.115

The section was updated to read, “Their accuracy can only be determined by systematic exploration of the subsurface (in other words, by drilling test wells). Acquiring reliable 3-D seismic data would likely increase the probability of exploration success, but actual oil and gas discoveries can only be made by drilling test wells.”

3.29 TOPIC: Other Planning Efforts

Group M.1: Other Planning Efforts

Page C-1, § C.2.2 Denali-Alaska Gas Pipeline Project. This project has been discontinued.

Submitted By:

- State of Alaska, Sean Parnell 136805.140, 136805.141

Response to Group M.1: Other Planning Efforts

The Denali-Alaska Gas Pipeline Project was removed from Appendix C.

3.29.1 General

Comment 032671.001

Other Planning Efforts, General

**Olga Dominguez, Assistant Administrator, Office of Strategic Inf.
National Aeronautics and Space Administration**

After reviewing the Draft CCP/EIS, however, we have identified a substantial concern regarding several of the Alternatives presented in the document. This concern is focused on the potential for USFWS to recommend additional areas of Arctic NWR for Wilderness designation. While we recognize that Wilderness designation can only be effected by Congressional action, we feel that such a recommendation would place these lands that much closer to the ultimate disposition, which if acted upon, would have long-lasting, adverse effects on our ability to launch research rockets at PFRR.

As stipulated in previously issued Special Use pennits for Arctic NWR, we are prohibited from conducting missions that would have a planned impact location within the Mollie Beattie Wilderness Area. We understand and respect the purpose of that requirement. and will continue to do so into the future. To that end, we sunnise that the designation of additional Wilderness Areas would effectively preclude our ability to conduct future scientific research missions that have historically been undertaken safely and with minimal environmental effects.

While any additional Wilderness designation of lands within the PFRR flight corridor could theoretically limit future launch opportunities, of greatest concern to us are (in order of priority) Alternatives E, D, and B, as they include designation of the Brooks Range Wilderness Study Area (WSA). Although we fly different rocket configurations at PFRR, some of which do not overfly or land in the Arctic NWR, the program includes a significant number of higher-perfonnance vehicles, which are being used more frequently due to researchers' requirements to fly payloads to higher altitudes with extended flight durations.

Some of these vehicles carry payloads hundreds of kilometers above earth and accordingly have stages that land much further downrange. Generally, these areas within the Arctic NWR are approximately 400 kilometers downrange in the Brooks Range WSA, just east of the Wind River. The safety of public life and property are NASA's top priority in conducting its

missions. Therefore, the rocket stages are intentionally planned to land in this area to protect the Native Villages and the Trans-Alaska Pipeline System. An analysis of the 42 missions conducted from PFRR over the past ten years indicates that 19 missions had at least one stage that landed in the Brooks Range WSA. Had this area been designated as Wilderness, this would have precluded nearly half of our total missions from being conducted. Looking forward, we expect that potential impacts to NASA's sounding rocket program would be even greater given that we expect more of our flight manifests to contain the longer-range rockets.

To summarize our concern, designation of the Brooks Range WSA would have significant, deleterious effects on NASA's high latitude sounding rocket program. Although no planned impacts have occurred within the Porcupine Plateau WSA (Alternatives D and E) over the past ten years, the potential exists for its designation as Wilderness which would then preclude our ability fly certain moderate range rockets. Designation of the Coastal Plain WSA (Alternative C) is not expected to have any adverse effects on our operations.

We understand that a USFWS recommendation for Wilderness designation does not guarantee that such a designation for an area would be approved by Congress, and until any Congressional action takes place, the land management would likely remain in its current configuration (i.e., the minimal management category). However, we do note that the overarching assumption in the Draft CCPIEIS for assessing and comparing potential impacts of the Alternatives is that the subject WSAs are in fact "hypothetically designated." Accordingly, we request that USFWS assess and include the potential effects of each alternative on the ability of NASA and UAF to continue to conduct their respective missions at PFRR. Launch operations at PFRR provide an influx of economic stimulation at a time when tourism is generally limited in the Fairbanks area. More critically, if the scientific benefits were to be lost from being unable to conduct operations at PFRR, this would have devastating long reaching implications on our nation's ability to study and understand Geospace at high latitudes, including its upper atmosphere, and its interaction with the sun.

Of particular note is Arctic NWR's Goal 6, Objective 6.4, which clearly states the Refuge's commitment to collaborating with other organizations to assess potential effects of climate change on arctic and subarctic environments. Sounding rockets launched from PFRR offer a unique opportunity for conducting studies of the arctic region and complementing the research conducted by partner agencies that may rely more heavily on satellite-based observations or "boots on the ground" fieldwork. In particular, sounding rockets are especially useful for measuring aerosols, winds, and nitrous oxide in the high latitude mesosphere and lower ionosphere, as well as for studying the auroral borealis and its unknown interaction with the upper atmosphere. Pursuing an alternative in the CCP/EIS that could preclude such future research appears to us to be in direct contradiction to fulfilling this stated goal and objective.

We recognize that the National Environmental Policy Act is not intended to be a "voting" process by which an alternative's popularity is the sole reason for its selection. Rather an EIS is intended to provide sound information that in turn will facilitate informed decisions. As such, we feel that consideration of the dire impact of the proposed Wilderness designations to NASA's scientific research rocket program must be included in the Final CCP/EIS such that the USFWS decision maker, as well as the reviewing public, are fully aware of each alternative's consequences. We would be happy to provide further data or analysis to clarify these points and assist you in this effort.

Response to Comment 032671.001

On January 31, 2012, the National Aeronautics and Space Administration (NASA) and the Service signed a Memorandum of Understanding by which NASA became a cooperating agency on the Revised Plan. NASA's letter requesting cooperating agency status cited many of the concerns outlined in this comment. Since becoming a cooperator, NASA has been working with the Service on the Revised Plan by offering specialized expertise on the potential conflicts between Sounding Rockets Program operations at the Poker Flat Research Range and alternatives under consideration in the Revised Plan and EIS. NASA has provided the Service with relevant information about its operations at Poker Flat and an analysis of the potential consequences of the proposed alternatives on its programs.

Since January 2012, the Service and NASA have had numerous discussions about the Sounding Rockets Program, including its compatibility with Refuge purposes, its effects on Refuge resources and uses, rocket clean-up efforts, and the nature of the scientific research conducted by the program's scientists. The Service is a cooperating agency on NASA's upcoming EIS for the Sounding Rockets Program. We will continue to work in close partnership through both of these planning efforts and beyond.

The Revised Plan now includes information about the Sounding Rockets Program in Chapter 4 (Section 4.6), and in Chapter 5 we disclose the effects of each alternative on the Sounding Rockets Program and identify the program as a reasonably foreseeable future action. Additionally, our summary of NASA's Sounding Rockets Program EIS planning effort was revised and updated (see Appendix C).

Comment 136805.142

Other Planning Efforts, General

**Sean Parnell, Governor
State of Alaska**

Page C-2, § C.2.4 Point Thomson Project EIS. The discussion of the Pt. Thomson project is misleading, not objective, and prejudicial. Most problematic is that the discussion of the project in the draft Plan is based on an internal review draft of the Pt. Thomson DEIS – the DEIS has not yet been released for public review. The identified impacts are entirely speculative and would, even if they came to exist, be limited in geographic scope. It is inappropriate to assume that facilities located entirely on State land, and completely outside of the Refuge (2 and 5 miles from the Refuge boundary, and 5 and 8 miles from the Canning River) will “compromise scenic values and feelings of solitude.” Furthermore, the Canning River has not been designated a wild river and it is inappropriate to leverage WSRA management requirements for an undesignated river into proposed management restrictions for land outside the Refuge.

Response to Comment 136805.142

We revised the discussion in Appendix C, Section C.3.2 to reflect the information in the draft released to the public by the U.S. Army Corps of Engineers in November 2011. The U.S. Army Corps of Engineers is the lead agency making the determinations based upon the outcome of their analysis. The Service had a supporting and cooperative role to assist the Corps in producing the draft.

The Service has revised the third paragraph of Section C.3.2 to read: “The public raised several concerns during the scoping period for the Point Thomson Project in 2010. Some of the comments focused on visual and noise impacts, while others specifically referenced the

impacts to Arctic Refuge. Air and water quality concerns were also raised. To address these concerns, The Corps of Engineers has recognized a need for further data collection and analysis, such as conducting a visual impact assessment to determine the anticipated pre- and post-development appearance of the project from several viewpoints.”

The Canning River is not a designated wild river. In the wild and scenic river review completed by Arctic Refuge as part of the Revised Plan, the Canning River was determined to have outstandingly remarkable recreational, cultural, fish, and wildlife values. However, we preliminarily determined the Canning River is not suitable for inclusion in the NWSRS (Appendix I). A final decision whether to recommend the Canning River will be made in the ROD for the Revised Plan. The Canning River is eligible for inclusion in the NWSRS and was determined to have outstandingly remarkable Recreational, Cultural, Fish, and Wildlife values.

3.30 TOPIC: Purpose and Need

Comment 136805.025

Purpose and Need

**Sean Parnell, Governor
State of Alaska**

Page 1-2, first bullet. The State of Alaska and Service both have trust responsibilities regarding fish and wildlife. Additionally, the State and the Service work together to better understand how fish and wildlife utilize lands across Alaska, including the Refuge. We offer the following clarification for your consideration and request that the document be reviewed to correct references to “Refuge species,” “Refuge fish,” or “Refuge wildlife” wherever these statements appear.

New information about [Refuge] fish, wildlife, and habitats is available[. Refuge staff have] as more has been learned [more] about the status of wildlife populations and how these populations use the Refuge[‘s lands and resources].

Response to Comment 136805.025

In response to your comment, the Revised Plan was changed where it did not require extensive editing.

Comment 136805.026

Purpose and Need

**Sean Parnell, Governor
State of Alaska**

Page 1-2, third bullet. While we recognize that potential effects to fish, wildlife, and their habitats may come from both within and outside refuge boundaries, it is important the Service maintain existing direction regarding off refuge impacts in the draft Plan, which is consistent with Section 103(c) of ANILCA.

What impact will the comprehensive conservation plan have on impacts from developments on adjacent lands?

This is not a significant issue for the plan. The plan cannot address this question because the Service has no authority to regulate the use of lands outside the refuge or the activities that occur on those lands. In all of the alternatives, however, the Service will work with adjacent

landowners to minimize the potential for impacts from their activities and developments. If refuge resources are adversely affected by off-refuge development, the Service would have the same remedies under state and federal law that any landowner would have. The Service would cooperate with the appropriate agency(ies) to resolve the problem. The Service will rely on the U.S. Environmental Protection Agency, State of Alaska Department of Environmental Conservation, and other appropriate local, state and federal agencies to enforce compliance with environmental laws and pollution control standards. (Emphasis added, taken from page 39, Current Arctic CCP)

This comment also applies to Page 2-3, Objective 1.5, which states “the Refuge will identify the most important stressors affecting Refuge species and/or ecosystems and will begin developing strategies to evaluate and manage them... such as human developments near the Refuge or along migratory pathways.” See also page 2-49, 2.4.10.4 Visual Resource Management.

Response to Comment 136805.026

Section 103(e) of ANILCA states that “... No lands ...”[outside the Refuge boundary] “... shall be subject to the regulations applicable solely to public lands ...” [inside the Refuge boundary].

While the Service appreciates the State’s reminder that it does not have regulatory authority on private or State lands, we do not agree that Section 1.1 of the draft Plan indicates that we are overstepping our authority. This section describes the need for the Revised Plan and EIS, and the Service is required to consider cumulative effects in the Plan and EIS. In response to your comment, we have reworded that portion of the text in Section 1.1 that mentions uses of lands adjacent to the Refuge to clarify our interest is in the effects on resources within the Refuge.

We disagree with you about Objective 1.5, which is focused on climate change and other stressors that may originate on or off Refuge lands, primarily as a result of accelerating climate change. The rationale clearly states that the Service intends to “evaluate the source and effects of primary stressors affecting Refuge fish, wildlife, and their habitats. Strategies to monitor or mitigate effects of stressors will be developed consistent with Refuge goals, objectives, and management guidelines.” The Service does not interpret this intent to imply that it will seek new regulations, or that it would try to enforce any new or existing regulations on lands outside the refuge boundary.

We also disagree with you about Section 2.4.10.4. This section of the Management Policies and Guidelines directs the Service to minimize visual impacts from all activities, actions, uses, or developments on Refuge lands that now take place or that could happen in the future. This section also states that the Service should work with its partners, including the State, to do the same for activities outside the Refuge boundary. There is no intent to develop or enforce new or existing regulations to minimize visual impacts.

**Comment 032626.005
Greg Warren**

Purpose and Need

V1, 1-2, 1.1 Purpose and Need for Action: The purpose should describe the desired outcomes of having a CCP. I recommend supplementing the discussion to describe that the desired outcome of the planning process is to ensure that the Refuge is managed to achieve the purposes for which the Arctic Refuge, Wilderness, and Wild Rivers were established, and to

identify potential additions to the Wilderness Preservation System and Wild and Scenic Rivers System (602 FW 1.5).

Response to Comment 032626.005

The purpose and need statement (Chapter 1, Section 1.1) briefly specifies the underlying purpose and need for the Revised Plan and the EIS. Our purpose and need statement clearly explains why we have undertaken the planning process: “The purpose of this planning process is to develop a Revised Plan for Arctic Refuge to provide management direction for the next 15 years.” Our purpose and need statement goes on to say, “Revising the comprehensive conservation plan allows the Service to... [e]nsure the purposes of the Refuge and the mission of the Refuge System are being fulfilled.” Potential additions to the NWPS or the NWSRS were not a purpose and need for the Revised Plan. Rather, these were planning issues that were identified and carried forward into the Plan’s alternatives. The Refuge’s designated Wilderness area and three wild rivers were established through ANILCA, and they share the same purposes as the Refuge. The purposes of the Wilderness Act are within and supplemental to refuge establishing purposes for the Refuge’s designated Wilderness area.

3.31 TOPIC: Recreation and Visitor Use

Group N.1: Recreation and Visitor Use

Commercial services: The CCP should require the FWS to establish limits on the number of commercial outfitters allowed in the Refuge. The plan should also establish commercial free zones (as provided for by the FWS’s nationwide Wilderness Stewardship Policy).

Submitted By:

- Wilderness Watch - Full 000017.003
- Wilderness Watch - Partial 000016.003
- Bob Brister 136921.003
- John Lyle 032653.003
- Julie RaymondYakoubian 136993.004

Response to Group N.1: Recreation and Visitor Use

Guided hunting (commercial guide) permits are competitively awarded on Arctic Refuge, and the number of hunt guides is limited to a maximum of 16, one for each Guide Use Area within the Refuge. Permitted hunting guides are also restricted to a certain number of clients each year. With this Revised Plan, these limits will continue. Regarding commercial recreational service providers, Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and will assess levels of use, timing and distribution of use, and activities and behaviors of visitors. Based on these concurrent plans, managers may develop new limitations on commercial operations, including consideration of commercial-free zones, to better manage visitor use at the Refuge.

Group N.2: Recreation and Visitor Use

I also urge you to consider a requirement for the removal of all human waste from the Kongakut River and all frequently traveled rivers in the Refuge. Technology has advanced far

enough to make this eminently feasible and reasonably convenient, and would eliminate human waste problems, even with having to fly out with the waste. Education alone just isn't going to take care of the problem.

Submitted By:

- Adrienne Hall 136784.003

- Don Kiely 136974.002

Response to Group N.2: Recreation and Visitor Use

The improper disposal of garbage and human waste, including the accompanying sanitary products, was an issue in some locations on the Refuge, but there is currently no practical, dependable method for human waste carry-out. Refuge staff, many commercial guides, and independent visitors willing to take on the effort and expense will work closely with air operators to insure waste is hauled back to Fairbanks where it can be properly disposed of, but local communities (Arctic Village, Kaktovik, and Coldfoot) have not been capable of, or interested in, handling the burden of managing the waste of visitors. Refuge staff offers commercial service providers and visitors guidance about effective minimum impact techniques for disposing of human waste, and explores opportunities to partner with local communities to find practical solutions to visitor management issues of mutual concern. To address immediate concerns about conditions on the Kongakut River, the alternatives have been rewritten to more clearly convey the Refuge's intent to educate the public directly about Kongakut River management issues of concern and preferred practices for visitors to minimize their impacts on the environment. Refuge managers have decided that additional options for visitor use management, such as human waste management regulations, would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established.

Group N.3: Recreation and Visitor Use

USFWS is doing rule-making with the guidelines, and certain rules may make it prohibitive for locals to become hunting guides. Guiding is an exclusive and arrogant field that requires so much training and so much money to get that training to become a Master Guide which then qualifies a person to compete for hunting areas on the Refuge. There needs to be a mechanism that makes it so local people have an opportunity to become a guide. These local people would provide better stewardship of the land and bring in traditional hunting methods. USFWS permits should maybe differentiate and offer better opportunities for local folks to get involved.

Submitted By:

- The Wilderness Society, Nicole Whittington-Evans 032625.003

- Unnamed 55 136716.001

- Unnamed 56 136717.001

- Unnamed 57 136718.001

- Unnamed 59 136720.001

Response to Group N.3: Recreation and Visitor Use

Local hunters can contact the permitted hunting guides on Arctic Refuge and inquire about apprenticeship opportunities. Many guides hire “packers” (a packer is synonymous with “apprentice” in the guiding industry), which are employees who generally work for a minimal daily stipend and are responsible for aspects of camp logistics (setting up tents, cooking, caring for game meat, etc.) and for helping pack animals from the point of harvest back to camp. This is often the first step people take toward becoming a guide. This experience allows even experienced hunters insight into the guiding industry and helps prepare a person for additional responsibilities, such as those associated with assistant hunting guides. All of the Refuge’s hunting guides and their associated contact information can be found on the Refuge’s website at <http://arctic.fws.gov/huntguide.htm>. This information can also be provided in print by Refuge staff.

Group N.4: Recreation and Visitor Use

Visitor Use Management: I recommend that a moratorium be placed on issuing permits that would increase the number of visitor use days until such time that a step-down Visitor Use Management Plan direction can be applied.

Submitted By:

- Greg Warren 032626.002, 032626.037

Response to Group N.4: Recreation and Visitor Use

To address this comment’s concerns, the alternatives have been rewritten so that Kongakut River management under Alternatives B and C includes an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first.

Group N.5: Recreation and Visitor Use

Section 4(d)(6) of the Wilderness Act of 1964 allows commercial services to be performed in designated wilderness “to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” To our knowledge the Service has not determined “the extent necessary” for commercial activities under permit within the Arctic Refuge. Indeed, the Draft CCP indicates for example, on Page G-9 “There is currently no limit to the number of trips or clients, permittees can take to the Refuge, nor is there a limit to the number of commercial air operators permitted to operate on the Refuge.” It is our understanding that currently there is also no limit to the number of commercial recreation guides permitted to operate on the Refuge. Table 4-12 (Page 4-210) shows a steep, progressive rise in the number of commercial permits issued by the Refuge for 1980, when Wilderness was designated (7 permits) to 2008 when nearly 40 permits were issued. Page D-9 acknowledges that “non-competitively awarded special use permits are increasing in number year to year.” The Draft CCP does not report the number of commercial permits for air operators and recreation guides have been issued from 2008 to 2011. The Final CCP should provide this number.

Submitted By:

- Wilderness Watch, Fran Mauer 032628.032, 032628.033

Response to Group N.5: Recreation and Visitor Use

Section 4(d)(6) of the Wilderness Act allows commercial services, while Federal Regulation 50 CFR 36.31 (a) pertains to recreational activities and confirms, “Public recreational activities within Alaska national wildlife refuges are authorized as long as such activities are conducted in a manner compatible with the purposes for which the areas were established.” Additionally, ANILCA Section 1110(a) specifies allowable transportation methods for traditional activities on conservation units, including lands designated as Wilderness, subject to reasonable regulations. The activities of commercial visitor service providers currently are conditioned and authorized by permit, and the number of authorized commercial guides is strictly limited through a competitively awarded system.

Refuge managers have decided that options for visitor use management, including levels of commercial services and appropriate Wilderness stewardship management prescriptions that preserve Wilderness character, would be best addressed holistically through a public planning process separate from the Revised Plan. Managers have elevated the priority for completing the VUMP and the concurrent WSP, and they will begin immediately upon approval of the Revised Plan. As part of this planning effort, Refuge staff will update visitor use and commercial permitting data to evaluate visitor use trends. Refuge managers will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. To address immediate concerns about conditions on the Kongakut River, the alternatives have been rewritten so that Kongakut River management under Alternatives B and C includes an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first.

Group N.6: Recreation and Visitor Use

Aircraft landing sites: The CCP must mandate a process for developing regulations that prevent proliferation of aircraft landing sites in the Refuge and prescribe measures to restore impacted areas. The CCP should develop and implement a system of zones within the Refuge where aircraft landings are not permitted, and it should limit landings to durable services, such as gravel bars.

Submitted By:

- Defenders of Wildlife, Julie Kates 136796.014
- Various Environmental Organizations, Nicole Whittington-Evans 032627.028
- Wilderness Watch, Fran Mauer 032628.019
- Wilderness Watch - Full 000017.002
- Wilderness Watch - Partial 000016.002
- Bob Brister 136921.002
- Kit DesLauriers 136924.002
- Vivia Finlay 136928.002
- Andrew M. Keller 136797.003
- John Lyle 009556.003, 032653.002
- David McCargo 032662.003
- John Moore 136984.001
- Julie RaymondYakoubian 136993.003

Response to Group N.6: Recreation and Visitor Use

Comments from both the Refuge staff and the public have identified a number of aircraft issues that need to be addressed to protect Refuge resources and visitors' experiences. As part of the Visitor Use Management and Wilderness Stewardship planning processes, the Refuge will work with commercial air service providers and other interests to: 1) ensure that safety remains a primary concern; 2) document the condition and trends in current and emerging landing areas; 3) examine availability of durable landing areas, recognizing their often ephemeral nature; 4) identify and engage key partners and general public about landing area conditions; and 5) formulate and implement management strategies that protect the land, the vegetation, and wilderness characteristics. The planning process will determine and prioritize which impacted landing sites will be restored. It will also consider whether, consistent with the requirement for providing for reasonable access, there should be some zones within the Refuge where aircraft landings are not permitted and/or when flight paths may be voluntarily modified. The potential development of regulations will also be discussed during these step-down planning process.

The VUMP and the WSP will be started concurrently immediately upon approval of the Revised Plan. Managers estimate that the VUMP and WSP will take 3-5 years to complete. In the meantime, Objective 5.9 (Aircraft Landing Impacts) commits the Refuge to implement interim aircraft management strategies to address impacts to sensitive vegetative surfaces caused by aircraft landing on Refuge lands. The Revised Plan adds a new Objective 2.7 (Restoration of Impaired Sites), which is intended to improve conditions where wilderness characteristics and visitor experiences have been locally impaired on Refuge lands, both in areas under Minimal Management and in designated Wilderness. Also, the Refuge's management guidelines state that new cleared landing areas may be allowed in Minimal Management and are not allowed in designated Wilderness (see Chapter 2, Table 2-1). Furthermore, commercial air operators on the Refuge are not allowed to construct or clear new landing areas, and they must land on non-vegetated surfaces in the Kongakut River drainage.

Group N.7: Recreation and Visitor Use

Visitor Use Impacts and issues — During the scoping process, the public identified many actions needed to protect wilderness qualities and experiences, but almost all were deferred to some future planning process. The Refuge 1988 CCP previously committed the agency to address visitor use issues in future plans, but none was ever undertaken. Significant visitor use impacts and issues should be addressed in this plan.

Submitted By:

- Friends of Alaska Wildlife Refuges 000002.002
- Frank & Jennifer Keim 032622.004
- Jerry McDonnell 137007.002
- Sharon Baur 032610.002
- AKNWR Friends 032611.002

Response to Group N.7: Recreation and Visitor Use

Refuge managers have decided that options for visitor use management and Wilderness stewardship would be best addressed holistically through public planning processes separate from the Revised Plan. Managers have elevated the priority for completing the VUMP and the

concurrent WSP to begin immediately upon approval of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, that preserve wilderness characteristics and are consistent with the values for which the area was established. The comments we received during scoping and on the draft Revised Plan will be considered and incorporated into these step-down planning processes.

Group N.8: Recreation and Visitor Use

NEPA compliance of commercial activities in the Arctic Refuge must occur prior to the authorization of the activity.[2]

The current issuance of a prospectus for commercial guided sport hunting activities in the Arctic Refuge is considered a major federal action potentially affecting the quality of the human environment and is subject to NEPA compliance.[3]

The draft CCP identifies visitor use and recreation, including commercial recreation opportunities, and subsistence use of Arctic Refuge wildlife resources as major components of the human environment. [4]

A future “step down” planning process does not meet the stringent and thorough evaluation standards outlined in NEPA regulation.[3]

Any attempt to categorically exclude commercial guided sport hunting activities from NEPA review pending an unidentified “future” NEPA analysis, or the “future” development of a visitor use management plan after authorizing this activity simply does not satisfy federal NEPA compliance requirements.

To date, there has never been any NEPA evaluation of the for profit consumptive take of wildlife in the refuge despite the fact that the current Arctic Refuge manager has already adopted mitigation measures regarding the negative impacts from for profit consumptive take of wildlife in the refuge. In the absence of current or prior NEPA analysis of the activity of commercial guided sport hunting in the Arctic Refuge and the lack of any review in the draft CCP EIS, requesting NEPA impact assessment in the final CCP is justified.[5]

The public has every right to be involved in this issue through the congressionally mandated NEPA process, especially since the Arctic Refuge, through administrative decision, has determined commercial trophy hunting activities must be revoked in GUA 10a and 12 due to unacceptable negative impacts to the human environment.[1]

As well, one of the fundamental guiding principles for implementing NEPA review is the highly contentious nature of an issue, which is clearly identified in the strong public comments submitted during previous scoping meetings regarding consumptive take of wildlife in the Arctic Refuge.

Submitted By:

- Science Now Project, Wade Willis 032644.002, 032644.003, 136822.002

Response to Group N.8: Recreation and Visitor Use

In 1992, after soliciting public comments on a draft policy, the Service established a regional policy and formal process in which big-game guides were competitively selected to operate on Refuge lands. An environmental assessment was completed with the original guide allocation

and a compatibility determination done, which found guided hunting to be compatible with Refuge purposes. This competitive permit system was later codified in Federal regulation 50 CFR 36.41. The draft regulations were published in the Federal Register on November 1, 1996, for a 60-day public review period. Public meetings were held in Anchorage and Fairbanks, Alaska, during the period of public review of the draft regulations. The competitive application process used to select big-game hunting guides on Arctic Refuge is what defines the available number of guided hunting opportunities. A future step-down plan will not inform or modify this number. We do not agree with several of the comments regarding the Service's big-game commercial guide policy and program and encourage readers to review the policy in the CFR for details of the program. The guide selection process is in progress and new permits will be in place on Arctic Refuge beginning with the 2013-2014 hunting season.

Group N.9: Recreation and Visitor Use

Page 5-30: Claims are made that visitor monitoring on the Kongakut, would support actions that could be taken to prevent thresholds from being exceeded. Given the fact that such measures have been employed for the past 12 years, and wilderness conditions continue to decline, it is clear that this approach is not working, because no effective actions have been taken. With no limits on the number of commercial guides and air taxis (Figure 4-12) and no over-all limits on the number of groups allowed on the River at the same time, the positive effects claimed on page 5-30 are not substantiated by the facts on the ground.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.027
- Wilderness Watch, Fran Mauer 032628.018

Response to Group N.9: Recreation and Visitor Use

Refuge staff recognizes we have not determined when visitor use capacities are approached, and we have not adequately assessed visitor use. Completing a VUMP and a WSP are the Refuge's highest priorities. These planning efforts will begin immediately upon approval of the Revised Plan. Through the visitor use and Wilderness planning process, staff will consider levels of use, timing and distribution of use, and type and frequency of monitoring and compliance checks, along with a broad range of additional subjects. Based on these efforts, managers will evaluate a range of management actions appropriate to maintain desired resource conditions and visitor experiences, consistent with the values for which the area was established. To address immediate concerns about conditions on the Kongakut River, the alternatives have been rewritten. Options for managing visitor use on the Kongakut River under Alternatives B and C place an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first. Alternatives B to F were also modified to include a series of interim management measures such as working with guides to reduce the number of groups on the Kongakut River during heavy use periods, working with commercial air operators to disperse commuting flight paths, publishing schedules of proposed guided launch dates, and others (see Chapter 3, Section 3.2.3.3).

Group N.10: Recreation and Visitor Use

Under Alternative A (page 10 of the 20 page Summary of Draft CCP from the CD sent to me entitled "Arctic_DraftCCP_SummryRpt_052511.pdf") there is reference in the bullets to "occasional compliance checks" and "Visitor Use monitoring occurs ever other year or less

frequently” and “campsite conditions are monitored periodically.” That language is broad, and one gets the sense that monitoring and compliance checking is very rarely conducted. If you don’t know whether the rules are effective and being followed and if you don’t identify the nature, extent, and location of the impacts, it is hard to manage visitor use effectively.

Accordingly, I would like to see more emphasis placed on monitoring visitor use, identifying impacts, managing the impacts, and making sure the management is effective in protecting the wilderness itself, and maintaining the quality of the wilderness experience for those who visit the Refuge. I think, from the first bullet under Alternative B (which extends to the other action alternatives), that FWS recognizes this need, but the bullet does not go far enough. Establishment and implementation of a comprehensive monitoring and enforcement program should be a high management priority, with increasing emphasis as visitor use increases.

Submitted By:

- Don Kiely 136974.001
- John Lynch 136979.001
- John Strassenburgh 136816.002

Response to Group N.10: Recreation and Visitor Use

Refuge staff recognizes we have not adequately assessed visitor use and its impacts. Staffing and budget limitations keep us from conducting frequent monitoring trips; however, Refuge staff understands the importance of improving the efficacy of our monitoring program.

Monitoring protocols (e.g., how, when, where, what frequency, etc.) would be best determined through a Refuge-wide VUMP. Completing a VUMP and a WSP are the Refuge’s highest priorities, and they will begin immediately upon approval of the Revised Plan. Through the visitor use and Wilderness stewardship planning processes, staff will consider levels of use, timing and distribution of use, and the type and frequency of monitoring and compliance checks, along with a broad range of additional subjects. Based on these efforts, managers will evaluate a range of management actions appropriate to maintain desired resource conditions and visitor experiences, consistent with the values for which the area was established.

In the Kongakut River valley, the step-down plans will address crowding, resource degradation, loss of Wilderness character, and other impacts to the area and to visitor experience. In the interim, we would conduct on-site checks to educate users and ensure their compliance with terms and conditions of special use permits and existing Federal and State regulations; identify, evaluate, and rehabilitate impaired and impacted sites; and modify the current monitoring program to include criteria that specifically evaluate the effectiveness of management actions. Separate from the VUMP and WSP, the Refuge is committed to monitoring wilderness characteristics across the entire Refuge (see Chapter 2, Section 2.1.2, Objective 2.6) and to restoring impaired sites in both Minimal Management and designated Wilderness lands (see Chapter 2, Section 2.1.2, Objective 2.7).

Group N.11: Recreation and Visitor Use

There should be a mandated educational introduction to the Refuge teaching about wilderness values and restrictions and low impact use.

Submitted By:

- Arctic Treks, Carol Kasza 136971.003
- Lisa Moorehead 136937.001
- John Strassenburgh 136816.003
- Raelene Gold 136826.003

Response to Group N.11: Recreation and Visitor Use

Refuge staff recognizes the careful balance that needs to be taken between 1) providing educational materials and opportunities that encourage visitor actions that protect wilderness values on the Refuge, versus 2) allowing the public unimpeded access to the Refuge, while 3) not undertaking actions that draw increased visitor numbers to this fragile landscape. As visitor impacts on the ground increase over time, we may need to do more of 1), at the expense of 2), while remaining true to 3). To accomplish this, we will be creating, as soon as possible, additional educational materials on the web and in pamphlet form to inspire responsible visitor actions.

Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan and occur concurrent with the WSP which will consider similar issues. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and it will assess visitor impacts and information needs. Based on this effort, managers may develop new educational requirements to better manage visitor use at the Refuge and determine ways this information can be effectively disseminated to Refuge visitors.

Group N.12: Recreation and Visitor Use

User conflict areas, I think that that needs to be clarified. You know, you guys don't have to deal with it when you're in Fairbanks but I have to deal with it. I have to deal with tribal members who are rightfully angry when we have a boatload of hunters show up down here with just antlers. You don't have to deal with it. I have to deal with it. It's lucky they get out of here alive. You know what I mean? You know the people who are very, very and they see people have just wanton waste, you see people come back with antlers, moose is bloating on the side of the river. People from Fort Yukon use a lot of these areas that -- and it's not even identified and I think that when you talk about a conflict area, you know, we have 1,400 tribal members, 1,400 tribal members from Fort Yukon and when you only interview 26 of them and claim to call that science, I think it's very false. It's a false assumption when the interviews only have to do with moose and caribou and the things that other people deem valuable. It says a lot about your perspective. You know what I mean? There's other things that are valuable within our people here besides just the foods that we happen to consume that somebody else might be interested in consuming so there's a problem.

Submitted By:

- Gwichyaa Zhee Gwich'in Tribal Government, Edward Alexander 136846.002, 136846.004

Response to Group N.12: Recreation and Visitor Use

Both State of Alaska and Federal Subsistence regulations specify what must be salvaged from wildlife for human use. Failure to salvage, or wanton waste of wildlife, are serious violations of State and Federal law and are investigated when reported. The Revised Plan also recognizes the need for additional enforcement officer(s)/pilot staff to be stationed near the Refuge, who would have shared duties with Arctic, Kanuti, and Yukon Flats National Wildlife Refuges (see Objective 5.7). Objective 5.7 commits Refuge staff to coordination with other State and Federal law enforcement authorities to address violations, impacts resulting from visitor use, and other issues of concern to adjacent landowners. Strategies for minimizing potential visitor use impacts and reducing conflicts between local and nonlocal users, along with other visitor

use issues, will be addressed through concurrent Wilderness Stewardship and Visitor Use Management plans separate from this Revised Plan. Based on these concurrent plans, managers may develop new limitations on visitors to better manage visitor use at the Refuge. These planning processes will begin immediately upon implementation of the Revised Plan. Traditional knowledge and cultural practices will be important elements in developing strategies to minimize potential visitor use impacts and reduce conflicts between local and nonlocal users. We look forward to maintaining formal and informal consultations with tribal groups, Native organizations, and local communities in any planning effort that may have tribal or cultural implications, such as visitor use and Wilderness stewardship planning.

The Fort Yukon maps and data used in the final EIS for the Proposed Yukon Flats National Wildlife Refuge Land Exchange, as well as the Arctic Refuge draft Plan, utilized published information and mapping from Caulfield 1983 and from Sumida and Anderson 1990, depicting uses that extended into what is now Arctic Refuge. Both plans clearly document the source of the data, the time frame it represents, the number of households sampled, and that the data may not represent the full range and extent of the village's contemporary use areas for harvesting resources. Chapter 4, Section 4.4.4.2 further acknowledges that harvest use areas on the maps may have changed over time due to factors such as fluctuating populations of fish and wildlife, changing migration patterns and availability of resources, shifting climate and changes in habitat, and the impact of high fuel prices affecting travel distances and access patterns. The Refuge welcomes any new or more recent documents or reports, as well as maps of subsistence use areas for these communities, and will incorporate them into the Revised Plan as appropriate.

Group N.13: Recreation and Visitor Use

Reduce or stop impacts of rafting on wildlife, especially caribou.

Submitted By:

- Unnamed 8 136899.001
- Jonathon John 136908.004

Response to Group N.13: Recreation and Visitor Use

Objectives 1.1 and 1.2 commit Refuge managers to protect and maintain the landscape's biological integrity through holistic decision-making, and commit biologists to inventory and monitor ecological relationships among plants, fish, wildlife, and their habitats. Objectives 2.1 and 2.4 commit Refuge staff to develop, within designated Wilderness, programs that preserve the natural condition of Arctic Refuge as an ecological system, including physical resources and biophysical processes, such as caribou migration routes. Objectives 2.6, 5.2, 5.3 and 5.4 commit Refuge staff to preserving wilderness characteristics, consistent with the Refuge's special values, throughout Arctic Refuge. Strategies for stewarding biophysical processes by minimizing potential visitor use impacts and reducing conflicts between local and nonlocal users, along with other visitor use issues, will be addressed through concurrent Wilderness Stewardship and Visitor Use Management plans, separate from this Revised Plan. Traditional knowledge and cultural practices will be important elements in developing strategies to minimize potential visitor use impacts and reduce conflicts between local and nonlocal users. We look forward to maintaining formal and informal consultations with tribal groups, ANCSA Native corporations, Native organizations, and local communities in any planning effort that may have tribal or cultural implications, such as visitor use and Wilderness stewardship planning. These planning processes will begin immediately upon implementation of the Revised Plan. Based on these concurrent plans, managers may develop new limitations on visitors to better manage visitor use at the Refuge.

Group N.14: Recreation and Visitor Use

I think that limiting group size for all parties, including private trips, would be wise. In an area that takes so long to recover from use, party size is a critical factor to impact. I fully support maintaining the requirement that guided groups can only have one party on a river at one time. Again, I believe controlling visitor numbers before it's absolutely necessary would be key to maintaining a wilderness experience for all involved, whether by a lottery for float trips, spreading out launch dates among parties, or asking "commercial guides to voluntarily modify their use of the river basin throughout the season".

Submitted By:

- Shannon P. Coykendall 136790.001
- Kit DesLauriers 136924.001
- Gary Keir 136972.001
- Raelene Gold 136826.002
- Kevin Proescholdt 032663.002

Response to Group N.14: Recreation and Visitor Use

With this Revised Plan, the current limits on the maximum number of permitted hunting guides and clients and the maximum group size of 10 permitted recreation guides and clients will continue. Refuge managers have decided that additional options for visitor use management would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with Refuge purposes and the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on visitors, including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities, to better manage visitor use at the Refuge.

Group N.15: Recreation and Visitor Use

Please limit aircraft landings in the Refuge and commercial services.

Submitted By:

- Tim Durnell 136963.001
- Jeanne Held-Warmkessel 136929.001

Response to Group N.15: Recreation and Visitor Use

The Refuge is unable to make blanket restrictions on aircraft landings or overflights because reasonable access is guaranteed by ANILCA and because airspace is regulated by the FAA. The Service will address aircraft issues, and other public use conflicts, through concurrent Visitor Use Management and Wilderness Stewardship planning processes that will be undertaken as soon as the Revised Plan is implemented. As part of these planning efforts, Refuge staff will work closely with commercial air service providers and other interests to consider possible ways, consistent with the requirement to provide reasonable and safe access, aircraft activities may be regulated within the Refuge.

3.31.1 Air Transportation: Flying, Overflights, Landings

Comment 136811.004

Rec and Visitor Use, Air Transportation

Mark Richards, Co-Chair

Alaska Backcountry Hunters & Anglers

Regarding the step-down plans, visitor use and wilderness stewardship plans that are part of the revised CCP, we look forward to working with Refuge staff on future efforts to mitigate some of the visitor use concerns and conflicts.

The # 1 issue Refuge managers will have to deal with in that regard revolves around aircraft access, and how to fairly regulate aircraft access and visitor numbers in certain areas at certain times so that we curb some of the overcrowding and conflicts that arise, while still allowing everyone that wants to visit the Refuge to do so.

The most common complaint we hear from our membership and other hunters who hunt in the Refuge concerned aircraft access and use for sheep hunting, the low-level scouting of Dall sheep that impacts both sheep and sheep hunters, the lack of real ethical standards and a need for more stringent same –day –airborne regulations that mandate a longer timeframe before one can land and then legally harvest a ram, and/or a mileage component whereby one must be a certain straight-line mileage from the plane before hunting.

We recognize that there is not much Refuge managers can do to regulate such activities, and AK BHA will attempt to work via the Alaska Board of Game process to propose new regulations that govern aircraft access for sheep hunting statewide.



Response to Comment 136811.004

The Service recognizes the need to address crowding and other public use conflicts that are found in some areas, as well as the need to proactively prevent such problems from developing in other areas. Many of these issues are related to aircraft access patterns. They will be addressed in the Visitor Use Management and Wilderness Stewardship step-down plans that will be undertaken as soon as the Revised Plan is implemented. Commercial air operators and hunt guides permitted by the Refuge are required to meet special conditions that direct ethical hunting practices. The State of Alaska Board of Game (the regulatory body that promulgates regulations for use of aircraft while hunting), and the FAA (the agency that regulates air space above the Refuge) are two partners Refuge staff will engage with to address activities outside agency jurisdiction that may affect Refuge wildlife and the visitor experiences we seek to offer.

Low level scouting of game resulting in harassment of either wildlife or people is illegal. It is a practice our law enforcement officers watch for, though it can be difficult to successfully prosecute such violations. We agree that working through the Alaska Board of Game regulatory process is the best means of addressing your concern regarding the ethics of land and hunt time periods or distances.

Comment 136989.001

Rec and Visitor Use, Air Transportation

Donna Osseward, Chair**Alaska Coalition of Washington**

Airplanes should be more strictly restricted in the Refuge. They should be permitted only for Management, Guided Tour drop-off and pick-up, Research and for Rescue missions. All airplanes should be required to land only on designated durable land airstrips except in a emergency conditions and prohibited to land on sensitive tundra and wetland areas. Commercial airplane touring over the Refuge should not be permitted; it destroys the wilderness experience and causes noise pollution. Also, unrestricted camping with the use of airplanes for game spotting and hunting by plane should not be permitted. All airplanes flying over or landing in the Refuge should obtain permits for allowed activities with dates provided. There needs to be more enforcement of the rules with penalties for non-compliance. Helicopters should not be permitted in the Refuge because of their high impact on sensitive lands and noise.

Response to Comment 136989.001

ANILCA Section 1110(a) states that in conservation system units such as Arctic Refuge, the “the use of snowmachines... motorboats, airplanes, and non-motorized surface transportation methods for traditional activities...” shall be permitted subject to reasonable regulation. This includes access for subsistence and recreational purposes. Comments from both Refuge staff and the public have identified a number of aircraft issues that need to be addressed to protect Refuge resources and visitors’ experiences.

The Refuge has no authority to regulate flightseeing because airspace is regulated by the FAA. The Refuge only has authority to regulate flights in which landings occur or to take law enforcement action when a flight results in actual harassment of animals, which is illegal. Although the FAA regulates airspace above the Refuge, we are concerned with aircraft disturbance to both visitors and wildlife. Objective 5.9 (in Chapter 2, Section 2.1.5) and Section D.5.15 (in Appendix D) commit the Refuge to address issues related to aircraft landings and overflights during the development of the concurrent VUMP and WSP, which will be

undertaken as soon as the Revised Plan is implemented. We estimate these plans will take 3-5 years to complete.

The step-down planning processes will determine and prioritize which impacted landing sites will be restored. They will also consider whether, consistent with the requirement for providing for reasonable access, there should be some zones within the Refuge where aircraft landings are not permitted and/or where flight paths may be voluntarily modified. The potential development of regulations regarding aircraft landings on the Refuge will be discussed during these step-down planning processes, as will the possible development of a voluntary agreement between the Refuge, air service providers, and private pilots to lessen the visual and noise effects of aircraft in certain areas or at certain times.

Through stipulations placed on special use permits, commercial air operators on the Refuge are not allowed to construct or clear new landing areas, and they must land on non-vegetated surfaces in the Kongakut River drainage. Private pilots are not regulated through special use permits. Under Alternatives B through F of the Revised Plan, the Refuge would work with air operators to disperse commuting flight paths in and out of the Kongakut River valley and enforce permit conditions and Refuge regulations by increased occasional on-site checks. Similar actions could be implemented Refuge-wide pending completion of the Visitor Use Management and Wilderness Stewardship step-down plans. Objective 5.7 of the Revised Plan (see Chapter 2, Section 2.1.5) commits the Refuge to strengthen and unify law enforcement efforts on Refuge lands and waters.

The Service recognizes the concern related to helicopter use. Helicopters cannot be used for recreational purposes on Arctic Refuge. These and other limitations on helicopter landings by the agency and others are described in Chapter 2, Section 2.4.14.3 (Helicopters). This section was revised to clarify that helicopter landings will not be permitted in designated Wilderness except in cases of emergency, unless determined to be necessary through the MRA process. Section 2.4.14.3 has also been revised to clarify that the Service will not conduct helicopter operations over designated Wilderness, except for in-transit flights, in emergencies, or as provided for by an MRA determination. The need for further helicopter use and landings outside of designated Wilderness will be considered on a case-by-case basis. The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Strong justifications are needed for helicopter landings anywhere on refuges in Alaska.

Comment 136926.001

Rec and Visitor Use, Air Transportation

**Bob Dittrick, Co Owner
Wilderness Birding Adventures**

I support efforts to limit air traffic in narrow corridors, by encouraging alternative routes. When one is on a river which another group is leaving you will experience two flights per load (one coming –one going) where a normal trip will have 4 loads. That is 8 over-flights for every trip on the river, too many to experience and have a quality wilderness experience.

I have been experiencing over-crowdedness as an air carrier drops groups all around me and on top of me – landing seemingly everywhere with another group. It became very difficult to travel down river and have adequately camping areas because of the crowds. There may need to be some limits on that commercial activity.

Response to Comment 136926.001

The Service recognizes the need to address aircraft access issues, including crowding and other public use conflicts that are found in some areas, as well as the need to proactively prevent such problems from developing in other areas. These issues will be addressed in the Visitor Use Management and Wilderness Stewardship step-down plans that will be undertaken as soon as the Revised Plan is implemented. As part of these planning efforts, Refuge staff will work closely with commercial air service providers and other interests to consider whether, consistent with the requirement to provide reasonable and safe access, there should be some zones within the Refuge where and/or when flight paths may be voluntarily modified or aircraft landings would not be permitted.

**Comment 000017.015
Wilderness Watch – Full**

Rec and Visitor Use, Air Transportation

The management guideline prohibiting helicopter landing for recreation is good, but more limits on the use of helicopters by the agency should be specified.

Response to Comment 000017.015

The Service recognizes the valid concern related to helicopter use. Limitations on helicopter landings by the agency and others are described in Chapter 2, Section 2.4.14.3 (Helicopters). This section was revised to clarify that helicopter landings will not be permitted in designated Wilderness except in cases of emergency, unless determined necessary through the MRA process. It has also been revised to clarify that the Service will not conduct helicopter operations over designated Wilderness, except for in-transit flights, in emergencies, or as provided for by a MRA determination. The need for further helicopter use and landings outside of designated Wilderness will be considered on a case-by-case basis. The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Strong justifications are needed for helicopter landings anywhere on refuges in Alaska.

**Comment 136880.001
Unnamed 2**

Rec and Visitor Use, Air Transportation

There should be no-fly zones during caribou migration.

Response to Comment 136880.001

The Refuge has no authority to create no-fly zones because airspace is regulated by the FAA. Refuge pilots limit their own operations, and commercial air operators and hunt guides permitted by the Refuge are required to conduct legal operations and fulfill special conditions that support preserving optimal wilderness experiences for all visitors. Unless a flight results in actual harassment of animals, and is therefore illegal, the Refuge can only make recommendations. However, we recognize that flightseeing and other overflights can disturb wildlife during critical periods such as caribou calving and migration. We have revised Appendix D, Section D.5.15 (Fixed-wing Aircraft) to commit the Refuge to addressing such aircraft issues during the development of the concurrent VUMP and WSP, which will be undertaken as soon as the Revised Plan is implemented. One possibility these plans will consider is development of a voluntary agreement between the Refuge, air service providers, and private pilots to lessen the visual and noise effects of aircraft in certain areas or at certain times. As part of the Revised Plan's commitment to use information and education as a

management tool (Chapter 2, Section 2.1.9, Goal 9), the Refuge will expand efforts to inform pilots of disturbance problems and encourage them to use altitudes and procedures that minimize or avoid these problems.

Comment 136769.001
Unnamed 8

Rec and Visitor Use, Air Transportation

Air Service is taking over the airport, not paying their landing fee. Bring in people that are trespassing, stealing things. How do we protect the land for the future?

Response to Comment 136769.001

Arctic Village airport is located on the Native Village of Venetie Tribal Government lands that are privately owned. The airport was constructed and is maintained through funds provided by the FAA and is listed in FAA's Alaska Flight Information Supplement as a public use airport. However, commercial air service providers basing or placing facilities for their operations on the Arctic Village airport must receive permission from the Native Village of Venetie Tribal Government as the landowner. State of Alaska law enforcement personnel are responsible for enforcing issues of trespass and theft on private lands in Alaska. Refuge-permitted commercial air operators are required to adhere to all applicable laws, including being granted permission to use private lands prior to accessing those lands. A variety of educational tools have been developed to inform the public of non-Refuge lands within the Refuge boundary, and Goal 9 (see Chapter 2, Section 2.1.9) strengthens the commitment to work in partnership with gateway communities to address the impacts of visitors to our neighbors.

Comment 136967.002
Susan Feingold

Rec and Visitor Use, Air Transportation

The careful regulation of where it is permitted for aircraft to land, to prevent proliferation of airplane landing sites through the Wilderness lands. In the same spirit commercial service free zones should be established - as provided for by the FWS's nationwide Stewardship Policy. And of course prevention of low flying aircraft which would harass wild life, indigenous populations and visitors.

Response to Comment 136967.002

The Service recognizes the need to address aircraft access issues and crowding and other public use conflicts that are found in some areas, as well as the need to proactively prevent such problems from developing in other areas. These issues will be addressed in the Visitor Use Management and Wilderness Stewardship step-down plans that will be undertaken as soon as the Revised Plan is implemented. As part of these planning efforts, Refuge staff will work closely with commercial air service providers and other interests to consider whether, consistent with the requirement to provide reasonable and safe access, there should be some zones within the Refuge where and/or when flight paths may be voluntarily modified or aircraft landings would not be permitted. The Refuge takes law enforcement action when a flight results in actual harassment of animals, which is illegal.

Comment 136906.002
Gideon James

Rec and Visitor Use, Air Transportation

Airports on the Refuge, are existing landing zones considered as new facilities? How does that relate to the public use statement: “No new facilities” His concerned about the PU of aircraft on the Refuge. He stated that the Refuge Management should include a no-fly zone when the caribou are migrating.

Response to Comment 136906.002

Within the Refuge, the primary areas for aircraft access are undeveloped landing areas, gravel bars, lakes, rivers, and areas of ice and snow. These sites are not facilities and are neither constructed nor maintained by the Refuge. There are, however, impacts to the natural characteristics of the landscape associated with them, and these will be addressed in the Visitor Use Management and Wilderness Stewardship plans as described in Objective 5.9 (see Chapter 2, Section 2.1.5, Aircraft Landing Impacts). The Refuge has no authority to create no-fly zones because airspace is regulated by the FAA. Refuge pilots limit their own operations, and commercial air operators and hunt guides permitted by the Refuge are required to conduct legal operations and fulfill special conditions that support preserving optimal wilderness experiences for all visitors. Unless a flight results in actual harassment of animals, and is therefore illegal, the Refuge can only make recommendations. However, we recognize that flightseeing and other overflights can disturb wildlife during critical periods such as caribou calving and migration. We have revised Appendix D, Section D.5.15 (Fixed-wing Aircraft) to commit the Refuge to addressing such aircraft issues during the development of the concurrent VUMP and WSP, which will be undertaken as soon as the Revised Plan is implemented. One possibility these plans will consider is development of a voluntary agreement between the Refuge, air service providers, and private pilots to lessen the visual and noise effects of aircraft in certain areas or at certain times. As part of the Revised Plan’s commitment to use information and education as a management tool (Chapter 2, Section 2.1.9, Goal 9), the Refuge will expand efforts to inform pilots of disturbance problems and encourage them to use altitudes and procedures that minimize or avoid these problems.

Comment 136976.002
Suzanne Kuffler

Rec and Visitor Use, Air Transportation

Setting up specific landing sites with stone runways while having huge areas off limits to uncontrolled air traffic.

Response to Comment 136976.002

The Refuge’s management guidelines do not allow for constructed and maintained landing areas on the Refuge in either Minimal Management lands or in designated Wilderness. They do allow for minor brush cutting or rock removal by hand in unimproved areas where airplanes land in Minimal Management lands. In designated Wilderness, such existing unimproved areas are allowed to remain; however, new landing areas are not allowed (see Chapter 2, Table 2-1).

ANILCA requires we provide reasonable access to the Refuge. Consistent with this requirement, whether there should be zones in the Refuge where aircraft landings are not permitted and/or where flight paths could be voluntarily modified, are questions to be addressed as part of the Visitor Use Management and Wilderness Stewardship plans. These

step-down plans will begin concurrently and immediately upon approval of the Revised Plan; we estimate they will take 3-5 years to complete.

Comment 000069.001

Rec and Visitor Use, Air Transportation

Helen Nienhueser

I would like to suggest that in this summary -- I do support Alternative C in general, but in this summary under Alternative D where there is talk about work with air taxi operators. My trip down the Konugut, which must have been at least five years ago, there were too many airplanes. So if there is -- and I know that I got there in an airplane, so I know that managing it is not simple, but if there is a way to somehow reduce the number of airplanes, that would be good. So I would recommend that.

Response to Comment 000069.001

Although the FAA regulates the airspace above the Refuge, we are concerned with aircraft disturbance to both visitors and wildlife. We have revised Appendix D, Section D.5.15 (Fixed-wing Aircraft) to commit the Refuge to addressing such aircraft issues during the development of the concurrent VUMP and WSP, which will be undertaken as soon as the Revised Plan is implemented. One possibility these plans will consider is development of a voluntary agreement between the Refuge, air service providers, and private pilots to lessen the visual and noise effects of aircraft in certain areas or at certain times. Recognizing that the Refuge's flight program is also part of the concern, the Service would also be subject to the provisions of a voluntary agreement. As part of the Revised Plan's commitment to use information and education as a management tool (Chapter 2, Section 2.1.9, Goal 9), the Refuge will expand efforts to inform pilots of disturbance problems and encourage them to use altitudes and procedures that minimize or avoid these problems.

Comment 136804.010

Rec and Visitor Use, Air Transportation

Matt Nolan

Mechanized free zones. I read about such comments and though I'm not much in favor of designating an area totally free of aircraft landings, I would not be opposed to, say, prohibiting or discouraging their use on weekends or something similar in an area.

Response to Comment 136804.010

The issue of whether an area should be established as a mechanized-free zone, and, if so, what exceptions may apply, was deferred to the Wilderness Stewardship and Visitor Use Management step-down plans.

Comment 136994.001

Rec and Visitor Use, Air Transportation

Yote Robertston

I would also like to see more restrictions on the use of fixed wing aircraft. I have witnessed hassasing fly overs of sheep. And the spotting of rams from aircraft then landing and shooting. Is ruining our entire state not just Anwr.

Response to Comment 136994.001

The Service will address aircraft issues and other public use conflicts through concurrent Visitor Use Management and Wilderness Stewardship planning processes that will be

undertaken as soon as the Revised Plan is implemented. As part of these planning efforts, Refuge staff will work closely with commercial air service providers and other interests to consider possible ways, consistent with the requirement to provide reasonable and safe access, aircraft activities may be regulated within the Refuge. The Refuge takes law enforcement action when a flight results in actual harassment of animals, which is illegal. Please let Refuge law enforcement staff know whenever you witness illegal activities on the Refuge.

Comment 136998.005
Thor Stacey

Rec and Visitor Use, Air Transportation

I would also like to stress the need to restrict big game transporters and air taxis in the future. Specifically, transporter permits should be awarded only to part 135 air taxis who operate in the refuge for at least 3 months of the calendar year. This precludes “hunting only” seasonal operators and encourages healthy and safe transportation infrastructure on refuge lands. This will significantly reduce user conflicts as well, due to transporters understanding “non-consumptive” uses and will foster better community relations that will reduce conflicts with subsistence hunters.

Response to Comment 136998.005

The Refuge administers special use permits to commercial air transporters with stipulations intended to minimize impacts and ensure compatibility. The Refuge’s objective of allowing commercial aircraft operations in national wildlife refuges is to make available a variety of quality opportunities for the public to hunt, fish, or enjoy outdoor activities where such activities are compatible with Refuge purposes, resources, and management objectives. Special use permits authorizing this activity will be appropriately conditioned to protect Refuge resources and visitor experiences, and the activity will be monitored to ensure that an appropriate level of use is maintained.

The Service recognizes the need to address aircraft access issues, crowding, and other public use conflicts that are found in some areas, as well as the need to proactively prevent such problems from developing in other areas. These issues will be addressed in the Visitor Use Management and Wilderness Stewardship step-down plans that will be undertaken as soon as the Revised Plan is implemented. As part of these planning efforts, Refuge staff will work closely with commercial air service providers and other interests to consider, consistent with the requirement to provide reasonable and safe access, possible ways aircraft activities may be regulated within the Refuge, including whether there should be some zones within the Refuge where and/or when flight paths may be voluntarily modified or aircraft landings would not be permitted.

Comment 136816.005
John Strassenburgh

Rec and Visitor Use, Air Transportation

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Third bullet under Alternative D: I think that restricting or dispersing flight-seeing activities is a good idea. But I question the advisability of dispersing commuting flight paths (and I take it that “commuting” means pick up and drop off of river rafters, backpackers, etc.). The Kongakut is a mountainous area, and there are not a lot of ways into and out of particular landing spots. It seems to me that flight paths should be determined by the pilot according to safety and the direction the pilot is coming from or is headed after the pick-up or drop-off.

Response to Comment 136816.005

Regarding aircraft access to the Kongakut River, we fully agree that flight safety should be the highest priority for pilots. The Refuge does not suggest pilots select routes that compromise their safety standards. The Visitor Use Management and Wilderness Stewardship planning processes will consider the root concern of aviation and its effects on visitor experience conditions. Refuge staff will work closely with commercial air service providers and other interests to consider whether, consistent with the requirement to provide reasonable and safe access, there should be some zones within the Refuge where and/or when flight paths may be voluntarily modified and/or where aircraft landings would not be permitted.

Comment 136909.001

Rec and Visitor Use, Air Transportation

Unknown Unknown

Stated that use of aircraft is also causing a problem with them leaving gas cans on the land. Potential problem with contamination of land and water.

Response to Comment 136909.001

Commercial air operators permitted by the Refuge are required to receive prior approval before establishing fuel caches. Authorized caches are limited in size, must be clearly labeled, and are required to be removed after a temporary time period. Visitors are generally discouraged from leaving caches so that abandoned property does not affect the naturalness of the landscape. If Refuge staff encounter unlabeled caches left by the public that are not authorized under commercial permit, the caches are tagged with notification that the item will be removed in one year by order of the Refuge manager. Users of the Refuge who encounter unlabeled caches can contact Refuge staff with location information to expedite removal of the items after one year.

Comment 136826.001

Rec and Visitor Use, Air Transportation

Raelene Gold

Only guided trip plane drop off and pick up services should be allowed: overhead touring should not be allowed as it destroys the wilderness experience of others and causes noise pollution. Helicopters should not be allowed in the wilderness are 00 0 0 0 00 00.a.

Response to Comment 136826.001

The Refuge has no authority to regulate flightseeing because airspace is regulated by the FAA. The Refuge only has authority to regulate flights in which landings occur, or to take law enforcement action when a flight results in actual harassment of animals, which is illegal. Although the FAA regulates the airspace above the Refuge, we are concerned with aircraft disturbance to both visitors and wildlife. Objective 5.9 (in Chapter 2, Section 2.1.5) and Section D.5.15 (in Appendix D) commit the Refuge to address issues related to aircraft landings and

overflights during the development of the concurrent VUMP and WSP, which will be undertaken as soon as the Revised Plan is implemented. One option these step-down plans might consider is whether to develop a voluntary agreement between the Refuge, air service providers, and private pilots to lessen the visual and noise effects of aircraft in certain areas or at certain times.

The Service recognizes the concern related to helicopter use. Helicopters cannot be used for recreational purposes on Arctic Refuge. These and other limitations on helicopter landings by the agency and others are described in Chapter 2, Section 2.4.14.3 (Helicopters). This section was revised to clarify that helicopter landings will not be permitted in designated Wilderness except in cases of emergency, unless determined to be necessary through the MRA process. Section 2.4.14.3 has also been revised to clarify that the Service will not conduct helicopter operations over designated Wilderness, except for in-transit flights, in emergencies, or as provided for by an MRA determination. The need for further helicopter use and landings outside of designated Wilderness will be considered on a case-by-case basis. The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Strong justifications are needed for helicopter landings anywhere on refuges in Alaska.

3.31.2 Commercial Operations, General

Comment 136794.006

Rec and Visitor Use, Commercial Operations, General

Bill Iverson, President

Alaska Outdoor Council

-----Preamble/Intro-----

The Alaska Outdoor Council (AOC) recommends that the Service withdraw their draft ANWR CCP/EIS and submit a draft that would be consistent with NEPA regulations regarding the study, development, and submission of appropriate alternatives to recommend a course of action which could resolve conflicts concerning alternative uses of available resources within ANWR.

-----Comment-----

3. AOC recommends the construction of sanitation facilities, hardened camp sites, and aircraft landing sites along the Kongakut that commercial operators and their clients are required to use.

Response to Comment 136794.006

Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and it will assess the potential need for facilities. Based on this effort, managers may develop and/or require use of facilities to better manage visitor use at the Refuge. Chapter 2, Section 2.4.16 (Public Use Facilities) of the Revised Plan was modified to more clearly reflect this intent.

Comment 136807.004
Duane Howe

Rec and Visitor Use, Commercial Operations, General

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

13 The numbers of outfitters should be limited. No one should be required to hire an outfitter to travel in the wilderness unless they are not confident that they can keep from getting lost. Will anyone be available to find travelers that get lost? Wilderness travelers should file travel plans including when they plan to return.

Response to Comment 136807.004

Guided hunting (commercial guide) permits are competitively awarded on Arctic Refuge, so hunt guides are limited and are restricted to a certain number of clients each year. The State of Alaska hunting regulations require, under most circumstances, non-residents to hunt with a guide if they're pursuing brown bear, Dall's sheep or goat. By allowing commercial hunting guides on national wildlife refuges in Alaska, the Service is providing hunting opportunities to all U.S. citizens—not just Alaska residents. Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess visitor health and safety concerns.

Comment 136908.001
Jonathon John

Rec and Visitor Use, Commercial Operations, General

Stated his is concerned about hunting guides and use of aircraft, and the use of hunting transporters and aircraft. Said that transporter can bring in to many hunt clients. Said that transporters should be limited to an area and in how many clients they can bring in just like the commercial hunt guides. Said that local people should be hired to provide transportation, with boats etc. Transporter Permits should be given to local people.

Response to Comment 136908.001

Anyone interested in becoming a commercial service provider may establish a business and contact the Refuge to conduct business on Arctic Refuge. The State of Alaska and the Big Game Commercial Services Board has established a licensing process for hunting guides, including levels requiring various qualifications. Commercial recreational guiding services and water taxi services are currently provided within the Refuge by a number of locally owned businesses operating out of Kaktovik. Refuge staff has provided training opportunities to local residents interested in obtaining recreational guide and water taxi permits on the Refuge and worked with partners to train local youth from Arctic Village and Kaktovik interested in guiding careers. Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess levels of use, timing and distribution of use, and activities and behaviors of visitors, as well as the number of permitted air operators and the number of clients they are allowed to support. Based on this effort,

managers may use education, site management, regulation, enforcement, and/or rationing/allocation to better manage visitor use at Arctic Refuge.

3.31.3 Cumulative Effects

Comment 136822.007
Wade Willis
Science Now Project

Rec and Visitor Use, Cumulative Effects

Unsuccessful sport hunters are a source of negative impacts that must be considered.

The USFWS has no formal sport hunting management plan which coordinates and defines the scientific management of wildlife in the Arctic Refuge, including defining a sustainable sport hunting harvest opportunity limit for the total number of sport hunters, both guided and non guided combined, that are allowed the “opportunity” to harvest wildlife in the Arctic Refuge

Response to Comment 136822.007

As stated in our response to other comments, we have found the hunting and the guiding of hunting compatible with Refuge purposes. Refer to Appendix G for details of these compatibility determinations.

3.31.4 General

Comment 136820.017
Cindy Shogan, Executive Director
Alaska Wilderness League

Rec and Visitor Use, General

The Service has provided strong rationale in Sec. 1.4.1.3 Recreation Purpose, see DEIS at 1-17, that the Arctic Refuge’s wilderness purpose “was intended to offer a special kind of recreation, an authentic wildlands experience of a type increasingly hard to find elsewhere.” We support the policy to encourage self-reliance and preservation of opportunities for adventure, discovery, and the experience of solitude and isolation. The Final CCP should strengthen this part of the Management Guidelines (DEIS 2-63 to 2-64) by referencing the Special Values of the Arctic Refuge as a justification for this important approach to recreation and public uses in the Refuge.

Response to Comment 136820.017

Based on this and other similar comments, the management policies and guidelines in this Plan have been modified to emphasize the primary importance of the special values of Arctic Refuge. Additionally, revised Plan goals and objectives for Goals 2, 5 and 9 (see Chapter 2), relating to managing wilderness characteristics, recreation, and outreach across the Refuge, now more clearly articulate the importance of the special values of the Refuge. Note that the management policies and guidelines in this Plan are unique to Arctic Refuge and are not intended to establish precedents or standard management policies and guidelines for other national wildlife refuges in Alaska or for future comprehensive conservation plans developed by the Service.

Comment 136832.001
Unnamed 15

Rec and Visitor Use, General

Is there a way to limit the number of people who go to Arctic Refuge? They leave trash and scare the sheep away.

Response to Comment 136832.001

Refuge managers have decided that additional options for visitor use management, including the possibility of limiting visitor access, would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess visitor impacts and management needs. Based on this effort, managers may develop new requirements to better manage visitor use at the Refuge.

Comment 136768.001
Unnamed 7

Rec and Visitor Use, General

-----Preamble/Intro-----

Meeting Notes Draft CCP Meeting in Venetie

-----Comment-----

How can we get the sport hunters out of this area?

Response to Comment 136768.001

There are two types of regulations that apply to hunting in the state of Alaska: State general hunting regulations, which apply to all residents (including sport hunters), non-residents, and non-resident aliens; and the Federal subsistence hunting regulations, which apply to federally qualified rural residents who hunt on Federal lands. These two sets of regulations provide a legal framework for managing the harvest of Alaska's wildlife. Proposals can be submitted to the Alaska State Board of Game or the Federal Subsistence Board if you would like them to consider changes to the regulations. Some management restrictions have already been placed on sport hunters within Arctic Refuge. The Federal Subsistence Board established the Arctic Village Sheep Management Area in 1995, so that sheep hunting is only allowed by federally qualified subsistence hunters from the communities of Arctic Village, Venetie, Fort Yukon, Chalkyitsik, and Kaktovik. In 2006, the Federal Subsistence Board reopened just the Red Sheep and Cane Creek drainages to non-federally qualified users (general and sport hunters) because sheep populations in those drainages were reported to be healthy, and there had been relatively little hunting effort reported in those drainages by Arctic Village residents. In January 2012, the Federal Subsistence Board once again added Red Sheep and Cane Creek drainages to the Arctic Village Sheep Management Area, which again limited sheep hunting in those drainage's to only federally qualified subsistence hunters from Arctic Village, Venetie, Fort Yukon, Chalkyitsik, and Kaktovik during the season from August 10 through April 30. In addition, the Refuge does not authorize commercial big-game guides in the area around Arctic Village, including the Arctic Village Sheep Management Area, to minimize conflicts between local and nonlocal users.

Comment 032637.005
Peter Fontaine

Rec and Visitor Use, General

Emphasis needs to be placed on a leave no trace, no impact ethic within the Refuge, and education toward the importance of the Refuge as a unique, whole, undisturbed world. It must not be promoted as a recreational Mecca, and USFWS should administer it as non-intrusively as possible.

Response to Comment 032637.005

The original Range's recreational purpose and the Revised Plan's goals and objectives relating to managing wilderness characteristics, recreation, and outreach all speak to the value of minimizing impacts and helping visitors understand the unique special values throughout the Refuge. Management policies and guidelines (Chapter 2, Sections 2.4.14-16) stress off-site educational strategies, which minimize effects on visitor experiences. Many influences on visitor opportunities are determined by factors outside the control of management, such as depictions of the Refuge in popular culture and individual visitor choices. Refuge staff is not capable of controlling the media, internet, or interpersonal information sharing among the public, nor can we control an individual's personal choices about their use of technologies such as GPS, satellite phones, or other messaging devices. Refuge staff recognizes the careful balance that needs to be taken between 1) providing educational materials and opportunities that encourage visitor actions that protect wilderness qualities on the Refuge, versus 2) allowing the public unimpeded access to the Refuge, while 3) not undertaking actions that draw increased visitor numbers to this fragile landscape. As visitor impacts on the ground increase over time, we may need to do more of 1), at the expense of 2), while remaining true to 3). To accomplish this, we will be creating, as soon as possible, additional educational materials on the web and in pamphlet form to encourage appropriate visitor actions.

Comment 136850.001
Darlene Herbert

Rec and Visitor Use, General

I live in Fairbanks and I see so much wanton waste. When I go to the airport to pick up somebody from the village, I see horns and moose horns and that's all I see. I don't see no other meat. All I see is big 65, 70-inches horns and the -- and these are people having their own planes and people in commercial planes and I think that is so very wrong and I wrote about it on the Facebook one time how I see wanton waste on the meat, that they should at least give it to the nearest villages so they can at least enjoy the meat instead of going to waste.

Response to Comment 136850.001

The State of Alaska hunting regulations require hunters to remove all of the meat from the field before they're allowed to remove the antlers or horns [5 AAC 92.220(e) and (f): (e) Antlers or horns may not be transported from the kill site until all edible meat salvaged in accordance with (d) of this section has been transported to the departure point from the field. However, antlers or horns may be transported simultaneously with the final load of edible meat salvaged; (f) antlers or horns may not be transported from the field unless accompanied by all edible meat or unless possession of the meat has been transferred in accordance with 5 AAC 92.135]. To comply with this law, which was established to reduce the occurrence of wanton waste, hunters often have all of their meat flown out first, and then they fly out with their antlers or horns on a later flight (usually the same day). The law enforcement officers at Arctic Refuge report that wanton waste cases are extremely rare.

3.31.5 Group Size

Comment 136971.001
Carol Kasza, Owners
Arctic Treks

Rec and Visitor Use, Group Size

-----Preamble/Intro-----

While we know the following concerns aren't being addressed in the CCP, we do want to mention them now for consideration in the next steps.

-----Comment-----

In order to effectively, as well as fairly, address visitor impacts, all visitor use needs to be addressed, not just those visitors coming on guided trips. The non-guided segment of visitor use is the sector that has grown the most since the last CCP, and there is no way that a Visitor Use Management Plan can be effectively written without including all users. We support the current limits on group size for guided trips, but they need to be applied to non-guided groups as well. And if limits are to be placed on the number of permits given for guided trips, that would need to be in the context of limiting the overall numbers of visitors, not just those who choose to experience the Refuge with a guide.

Response to Comment 136971.001

With this Revised Plan, the current limits on the maximum number of permitted hunting guides and clients and the maximum group size of 10 permitted recreation guides and clients will continue. In response to this recurring comment, Refuge managers have decided that additional options for visitor use management would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on commercially-guided and independent visitors, including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities, to better manage visitor use at the Refuge.

Comment 032662.002
David McCargo

Rec and Visitor Use, Group Size

Controls need to be placed on heavily used areas to prevent over-use and to preserve both recreational and non-recreational wilderness values. In my day, areas like the Kongakut, Sheenjek, Hulahula, the Chandalar went from seeing little or no use to a great deal of use resulting in significant observable impacts. The level of activity most certainly has gotten worse. Group size limits should be placed on noncommercial users as well commercial users, and consideration should be given to disallowing commercial groups in certain areas. Priority should be given to nonguided users where the recreational carrying capacity is exceeded to preserve the wilderness experience. I would not want to see a system develop in the Refuge akin to what has occurred in place like the Grand Canyon or the Tatshensheni where commercial groups have become grandfathered-in oligopolies.

Response to Comment 032662.002

With this Revised Plan, the current limits on the maximum number of permitted hunting guides and clients and the maximum group size of 10 permitted recreation guides and clients will continue. Refuge managers have decided that additional options for visitor use management would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with Refuge purposes and the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on commercially-guided and independent visitors, including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities, to better manage visitor use at the Refuge. To address immediate concerns about conditions on the Kongakut River, the Alternatives have been rewritten to include, in Alternatives B and C, an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first.

Comment 136942.001

Rec and Visitor Use, Group Size

Mike Speaks

I have spent many years running the rivers you mention and the Kongakut in particular. The past few years the numbers have been down and conflicts of too many people have not been an issue. In the mid nineties it was different and I shifted my interest to the Hula Hula and Canning rivers to get away from the “crowds” and this is exactly how outfitters can deal with it, not by regulating. I do agree with one group at a time on the river for outfitters. This seems only fair to the small outfits. I must say, also your group size limit of 10 floaters is a bit unfair. It forces groups to go with 5 people per raft and does encroach on a persons experience, not to mention the safety aspect of the “New Fat American” that takes up two spaces. For economy, group size should be 12, which spreads out the clients and allows another guide to get work, aka JOBS. The 3 boats is no more difficult to camp with no impact. It only requires an extra flight.

Response to Comment 136942.001

With this Revised Plan, the current limits on the maximum number of permitted hunting guides and clients and the maximum group size of 10 permitted recreation guides and clients will continue. Appendix D, Section D.5.6 addresses the adverse effects that large groups can have on wildlife and on the wilderness experiences of other groups, and the physical impacts large groups are more likely to make, by nature of their size, even while practicing minimum impact techniques. Refuge managers have decided that additional options for visitor use management, including the potential impacts aircraft may also have on wildlife and visitor experiences, would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with Refuge purposes and the values for which the area was established.

Based on these concurrent plans, managers may develop new limitations on commercially-guided and independent visitors, including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities, to better manage visitor use at the Refuge. To address immediate concerns about conditions on the Kongakut River, the Alternatives have been rewritten to include, in Alternatives B and C, an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first.

3.31.6 Guided Hunting and Fishing

Comment 136807.005

Rec and Visitor Use, Guided Hunting and Fishing

Duane Howe

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

Popular fishing sights should not be allowed to become over fished. Wilderness is not a place for combat fishing.

Do not allow camping sights along fishing streams to become overused and degraded.

Response to Comment 136807.005

The State of Alaska manages the harvest of fish resources on Arctic Refuge, and bag limits are set to avoid adversely impacting fish populations. The river that receives the highest visitation is the Kongakut, at approximately 240 visitors per year. Only a portion of these visitors are anglers, and only some of the anglers dispatch the fish they catch. It's unlikely that the level of harvest would affect fish populations.

Two permit conditions that address your concerns are in place for guided fishing (currently there are no guided fishing permittees): 1) Total group size, including guides, is limited to 7 people for land-based trips and 10 people for water-based trips. Permit holders can have one group on a river or water body at a time. Concurrent possession of other Refuge permits does not increase this number. 2) Campsites may be occupied for a maximum of two nights, after which the camp must be moved at least one mile and not reoccupied by the same guide service within the following 14 days. An exception is allowed in situations where inclement weather might make river travel unsafe.

Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess impacts of camping and fishing. Based on this effort, managers may develop new camping and fishing requirements to better manage visitor use at the Refuge.

3.31.7 Guided/Non-guided Allocation**Comment 032644.009**

Rec and Visitor Use, Guided/Non-guided Allocation

Wade Willis**Science Now Project**

The Arctic Refuge has no regional or refuge specific policy regarding the allocation of wildlife harvest opportunity between guided and non guided sport hunters.

The draft CCP makes no mention of addressing allocation of sport hunting opportunity between guided, nonguided, and subsistence hunting.

Traditionally the Board of Game and Federal Subsistence Board manage allocation issues, yet the Arctic Refuge manager has trumped state authority to issue harvest tickets for nonresident and non US citizen trophy hunting opportunity for Dall sheep and brown bears.

This is a clear example that if the Board of Game or the Federal Subsistence Board adopt harvest opportunity regulations that negatively impact the management mandates of the refuge, the Arctic Refuge is mandated by congress to restrict that activity.

The justification for revoking Board of Game or Federal Subsistence Board hunting opportunity should carry the highest level of public involvement through the NEPA process.

Response to Comment 032644.009

We disagree with how the comment has characterized management of hunting on Arctic Refuge. The Refuge has not revoked any Alaska Board of Game or Federal Subsistence Board hunting opportunities. All hunting on the refuge is managed under State of Alaska and Federal Subsistence regulations. All Refuges in Alaska are open to recreational hunting and fishing. The State of Alaska hunting regulations require non-residents, under most circumstances, to hunt with a guide if they're pursuing brown bear, Dall's sheep or mountain goat. By allowing commercial hunting guides on national wildlife refuges in Alaska, the Service is providing hunting opportunities to all visitors—not just Alaska residents. On Arctic Refuge, permitted hunting guides have exclusive commercial use of a Guide Use Area but they do not have exclusive hunting use. In other words, all Guide Use Areas are open to unguided hunting by the general public.

Comment 136926.002

Rec and Visitor Use, Guided/Non-guided Allocation

Bob Dittrick, Co Owner**Wilderness Birding Adventures**

Private recreational users create significant damage to the Refuge and this issue is ignored by management.

I have seen much abuse to the refuge, resource damage, trash, debris from past development, toilet paper and feces near water courses. In the vast majority of these cases the perpetrators were private users. I have brought these issues to the Refuge Management's attention several times in the past and I am disappointed that none of the Alternatives or issues have taken this seriously.

Any attempt to address these issues without including the private user is a fool's folly and will never be successful. I understand the reluctance to "regulate" the private user but when they are the problem - it can't be solved without including them. Sometimes their groups are larger than those allowed by commercial operators. Because managers are afraid to require these

users to make contact with refuge personnel many head out on the river with no knowledge of no trace use or which areas are most heavily used or how to handle feces. If there are going to be limits to use then the private user needs to be included. By not requiring these users to check in with their plans the Refuge management has no control, no chance to disseminate educational information on best practices in the Refuge and little idea of what is actually happening there.

I do not support over-regulation of private users, but having them report their activities and therefore allow Refuge Staff to provide information is not regulation. If however if we get to the point of limiting use on busy rivers then the private user must be part of the equation.

Response to Comment 136926.002

Refuge staff agrees that a holistic, comprehensive planning effort to assess visitor use issues for both guided and unguided Refuge visitors is a top priority. Refuge managers have decided that options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and will assess levels of use, timing and distribution of use, and activities and behaviors of visitors. Based on these efforts, managers will evaluate a range of actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established.

Comment 136976.001
Suzanne Kuffler

Rec and Visitor Use, Guided/Non-guided Allocation

Control excessive use especially by setting the number of outfitters at one time.

Response to Comment 136976.001

Guided hunting (commercial guide) permits are competitively awarded on Arctic Refuge, and the number of hunt guides is limited to a maximum of 16, one for each Guide Use Area within the Refuge. Permitted hunting guides are also restricted to a certain number of clients each year. With this Revised Plan, these limits will continue. If your comment refers also to commercial recreational service providers, Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and will assess levels of use, timing and distribution of use, and activities and behaviors of visitors. Based on these concurrent plans, managers may develop new limitations on commercial operations, including consideration of commercial free zones, to better manage visitor use at the Refuge.

Comment 136976.003
Suzanne Kuffler

Rec and Visitor Use, Guided/Non-guided Allocation

Support off limit areas to outfitters so that independents can know the natural setting. This is provided for in the stewardship policies already and needs to be enforced.

Response to Comment 136976.003

Guided hunting (commercial guide) permits are competitively awarded on Arctic Refuge, and the number of hunt guides is limited to a maximum of 16, one for each Guide Use Area within the Refuge. Permitted hunting guides are also restricted to a certain number of clients each year. With this Revised Plan, these limits will continue. If your comment refers also to commercial recreational service providers, Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and will assess levels of use, timing and distribution of use, and activities and behaviors of visitors. Based on these concurrent plans, managers may develop new limitations on commercial operations, including consideration of commercial free zones, to better manage visitor use at the Refuge.

3.31.8 Impacts of recreation (conflicts/crowding)

Comment 136942.003
Mike Speaks

Rec and Visitor Use, Impacts of recreation (conflicts/crowding)

Requiring commercial and private groups to send in launch dates so we can see them on line is the best tool for dealing with crowds.

Response to Comment 136942.003

Refuge staff encourages commercial service providers to voluntarily coordinate their offered trip dates and drop-off locations to minimize perceptions of crowding among visitors. Additionally, historic data on the distribution of launch dates for the Kongakut River is noted in Chapter 4, Section 4.4.5.6 of the Revised Plan. To address immediate concerns about conditions on the Kongakut River, the alternatives have been rewritten to more clearly convey the Refuge's intent to work directly with commercial service providers to publish a schedule of proposed trip dates. Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess levels of use, timing and distribution of use, and activities and behaviors of visitors. Based on these concurrent plans, managers may develop new limitations on visitors to better manage visitor use at the Refuge.

Comment 032626.036
Greg Warren

Rec and Visitor Use, Impacts of recreation (conflicts/crowding)

V1, 4-226, 4.Perceived Crowding, Conflicts, and Resource Impacts: The first two paragraphs of this section should be moved to Environmental Consequences. The third paragraph should be described as an issue to be addressed in step-down management plans.

Response to Comment 032626.036

The Affected Environment chapter describes the components of the environment of Arctic Refuge, including current visitor-related experience conditions. Refuge managers have decided to retain Section 4.4.5.8 (see Chapter 4, Perceived Crowding, Conflict, and Resource Impacts) within the Affected Environment because it is a current condition of the Refuge warranting documentation and frequently commented upon by the public. Description of the conditions related to visitor use management are only briefly noted in Chapter 3, Section 3.1.2, and in Appendix D, which identify issues considered but eliminated from detailed study, because the effort to comprehensively address visitor use management issues was deferred to a VUMP to be started upon completion of the Revised Plan. In response to this comment, Section 5.2.4.2 (see Chapter 5, Common Effects to the Human Environment) was modified to note that, common to all alternatives, visitor use planning will be addressed through a step-down plan separate from this Revised Plan (see Chapter 2, Section 2.1.5, Objective 5.4).

Comment 136934.002

Rec and Visitor Use, Impacts of recreation (conflicts/crowding)

Phyllis Mains

My trek down the Atigun River Gorge will be filled with noise from low flying helicopters from the oil fields, and all kinds of human garbage washed in the river from the Dalton Highway—all the ugly signs of what development does to destroy wilderness. Significant visitor impacts should be dealt with in this plan.

Response to Comment 136934.002

The Service recognizes the effects of helicopter use, and of conditions on adjacent lands outside the Refuge, upon visitor experience along its western boundary. Refuge managers have no authority to regulate helicopter overflights because airspace is regulated by the FAA. The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Helicopter landings are strictly limited and may be authorized in a special use permit; their use for recreational purposes is not allowed on Arctic Refuge (See Chapter 2, Section 2.4.14.3 Public Access and Transportation Management, Helicopters for details). Refuge managers have decided additional options for visitor use management, including management efforts to mitigate the impacts noted in this comment would be best addressed through a VUMP separate from this Revised Plan. The visitor use management planning process will begin immediately following approval of the Revised Plan. The VUMP will address visitor use issues identified during the Revised Plan and the visitor use planning processes, and will assess visitor impacts and information needs. Based on this effort, managers may expand partnerships with adjacent land managers and sister agencies to better protect visitor opportunities at the Refuge.

3.31.9 Impacts of recreation (waste)**Comment 136801.007**

Rec and Visitor Use, Impacts of recreation (waste)

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

If there are problem campsites already in existence due to poor human waste disposal practices, has the Refuge considered encouragement of service trips by volunteers non-profit organizations, or guides who use this area frequently outside of the prime season to conduct cleanups?

Response to Comment 136801.007

We value individuals, nonprofit service organizations, commercial service providers, and local residents as partners in our endeavor to offer visitors excellent recreational opportunities through effective visitor use management, including mitigating the improper disposal of garbage and human waste, and other lasting impacts from use by previous visitors. We work with permitted operators in our shared educational efforts to inform their clients about the Refuge's special values, minimizing visitor impacts, and resource issues of concern. Recreational guides routinely conduct informal site naturalization efforts, and volunteers assist Refuge staff during regular clean-up efforts. In response to this and similar comments, the Revised Plan identifies a new objective within Goal 2, Objective 2.7: Restoration of Impaired Sites (Chapter 2, Section 2.1.2) to improve conditions where localized impairment of wilderness characteristics and visitor experiences occurs on Refuge lands. The VUMP will further address ways to expand land stewardship partnerships and strategies identified during public involvement for both the Revised Plan and the step-down planning process.

Comment 032669.001

Rec and Visitor Use, Impacts of recreation (waste)

**Juliette Boselli, Guide/Outfitter
Too-loo-uk River Guides**

I also want to comment on the Kongakut River and some of the other rivers overuse problems. I have been running the Kongakut almost every year for over 10 years now in June and like everyone else I saw in the past some serious overuse signs. I personally tried to stop running the Kongakut in June for a while but the Sierra Club keeps chartering a trip then and I realized if I didn't do it they would just charter with someone else. We started using a portable toilet, but to be honest, except at Caribou Pass, I really see no signs of human waste being an issue. Mostly what I see is trampled ground, trailing, tent rock rings, etc. Lately though the traffic on the Kongakut has very much subsided and the past few years impacts seem much less.

It is my belief that runners, especially professionals, are some of the best stewards of the river and I see that time and time again. Education for those that don't know how to best leave the least impact is key and therefore I fully support all alternatives that promote education and messages to help in this regard. I cannot let this issue go by though without sharing some of my experiences over the years with another user group, hunters. I have been appalled and sickened by some of the practices I have personally witnessed on several Refuge Rivers during hunting season, especially the Marsh Fork of the Canning. They simply are ignorant to leave no trace practices or flat out don't care. I have followed hunters down river to find toilet paper and human waste in giant heaps spread across the tundra (I'm talking several days worth) and bags of garbage left in the gravel. I continually find fire rings and have personally seen hunters building fires directly on the ground up on tundra benches with little clue as to

the damage they are doing. I do not think we can continue to discuss overuse areas and visitor impacts without addressing this very real problem. Hunters seem to be policed for their hunting practices but not for their impacts on the environment. I think that needs to change.

Response to Comment 032669.001

The improper disposal of garbage and human waste, including the accompanying sanitary products, was an issue in some locations on the Refuge. When enforcement officers encounter issues that negatively impact the environment— whether caused by hunters or non-hunters— they are immediately addressed. Officers may mitigate the damage (remove waste), issue a citation, and/or educate the visitor about how to practice more effective minimum impact techniques. To address immediate concerns about the range of conditions on the Kongakut River, the alternatives have been rewritten to more clearly convey the Refuge’s intent to educate the public about Kongakut River management issues of concern, and preferred practices for visitors to minimize their impacts on the environment. Alternatives B and C for the Kongakut River Issue now place an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first. Newly revised Objectives 9.1, 9.2, and 9.3 (Chapter 2, Section 2.1.9) illustrate the Refuge’s commitment to providing information that stewards the Refuge’s resources. Refuge managers have decided that additional options for visitor use management would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established. Based on these concurrent plans, managers may use education, regulation, redistribution, and allocation of visitor use to protect visitor experience, to better manage visitor use at the Refuge. We value commercial service providers as partners in our endeavor to offer visitors excellent recreational opportunities, and we work with permitted operators in our shared educational efforts to inform their clients about stewardship of the Refuge’s special values, minimizing visitor impacts, and resource issues of concern.

Comment 136807.009

Rec and Visitor Use, Impacts of recreation (waste)

Duane Howe

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

20 Management of human waste can become an undesirable issue if it is not dealt with. Rules should be established early and followed up on before they are allowed to become problems. Small digging tools can be carried easily in backpacks and work well.

Response to Comment 136807.009

The improper disposal of garbage and human waste, including the accompanying sanitary products, was an issue in some locations on the Refuge. Refuge staff offers commercial service providers and visitors guidance about effective minimum impact techniques for disposing of human waste, and explores opportunities to partner with local communities to find practical solutions to visitor management issues of mutual concern. Refuge managers have decided that

additional options for visitor use management, such as human waste management regulations, would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of this Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established. Based on these concurrent plans, managers may use education, regulation, redistribution, and allocation of visitor use to protect visitor experience opportunities, to better manage visitor use at the Refuge.

Comment 009545.002
Andrew Keller

Rec and Visitor Use, Impacts of recreation (waste)

The plan should address the issue of human food and bears. I suggest require the use of bear-resistant food containers for recreational users and working with the surrounding communities to control bear access to food waste in dumpsters and trashcans.

Response to Comment 009545.002

With this Revised Plan, the current requirement for use of bear-resistant food containers within 25 miles of the coast (polar bear critical habitat) will continue for all Refuge staff field operations and permitted activities. Refuge staff will also continue recommendations that all Refuge visitors use bear-resistant storage and partnerships between the Service, community leaders and other Federal, State, municipal, and tribal governments to co-manage bear safety issues. Refuge managers have decided that additional visitor use management actions would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on visitors, including regulating visitors, to better manage visitor use at the Refuge.

Comment 136797.002
Andrew M. Keller

Rec and Visitor Use, Impacts of recreation (waste)

The plan should address the issue of human food and bears. I suggest requiring the use of bear resistant food containers for recreational users and working with the surrounding communities to control bear access to food waste in dumpsters and trash cans. The two cabins on the Hulahula River are owned and managed by residents of Kaktovik. They are an intrusion in the wilderness and compromise visitors' wilderness experience, as specifically expressed to me by dozens of visitors. The visual impact is on private property and it may be not workable to address this. The fact that bears access human food and trash at these locations is a safety hazard to both bears and people. This situation needs to be addressed.

I support goal #5 and the concept of wilderness recreation. The plan should address the deterioration of wilderness values along the Hulahula and Kongakut Rivers caused by rapidly

increased use since the first CCP in 1988. Requiring commercial operators to carry out human waste should be seriously considered.

Response to Comment 136797.002

The improper disposal of garbage was an issue in some locations within the Refuge. Refuge staff has no federal jurisdiction over private lands within the Refuge boundary but offers commercial service providers and visitors guidance about effective minimum impact techniques, and partners with local communities to find practical solutions to resource management issues of mutual concern. Staff shares technical developments in human-bear safety best practices with neighboring residents and non-Refuge land managers. In response to this and similar comments, the Revised Plan identifies a new objective within Goal 2, Objective 2.7 (see Chapter 2, Section 2.1.2): Restoration of Impaired Sites, to improve conditions where localized impairment of wilderness characteristics and visitor experiences occurs on Refuge lands.

With this Revised Plan, the current requirement for use of bear-resistant food containers within 25 miles of the coast (polar bear critical habitat) will continue for all Refuge staff field operations and permitted activities. Refuge managers have decided that additional visitor use management actions would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on visitors, including regulating visitors, to better manage visitor use at the Refuge.

Comment 136942.002

Rec and Visitor Use, Impacts of recreation (waste)

Mike Speaks

And as far as campsite impact, ie tent rings, fire rings etc IT IS THE HUNTERS WHO DO THIS! I always preach leave no trace! The old addage of leave only footprints is wrong,, it is leave no trace and the hunters, especially at the air strips are the most obnoxious about trashing a location and the private groups aren't much better. It is the commercial guides who are the real stewards that care.

Response to Comment 136942.002

Comment noted.

3.31.10 Impacts of Recreation on Other Resources

Comment 136750.007

Rec and Visitor Use, Impacts of Recreation on Other Resources

**Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council**

I again want to emphasize that the guided hunt -- the guided sports commercial hunting in the refuge may be getting out of hand or getting too numerous and we -- you need to have the -- a - an objective or a goal to see what kind of an impact they have on our resources and the animals that we hunt here in -- within the Arctic National Wildlife Refuge.

Response to Comment 136750.007

The number of guided hunting opportunities on Arctic Refuge is not increasing. Hunting guides are limited to the number of clients they propose in the guiding prospectus they submit through the guided hunting program. The Refuge manager selects a maximum of one guide in each of 16 exclusive Guide Use Areas based in part on how their proposed operations support the Refuge's purposes. Client numbers do not change during the 10-year year period after the guide is selected unless the guide surrenders his/her permit or loses the area for failing to meet the conditions of his/her permit. Twelve guide permits are expiring in 2012, and we are currently in the process of competitively awarding new guide permits. The number of clients that applicants propose to book and the impact to providing for continuing subsistence opportunities are important selecting factors. Because guided hunting permits are competitively awarded, hunting guides are the most regulated, restricted, and monitored user group on Arctic Refuge. Hunting guides are the only user group that is restricted to a certain number of clients.

Regulations governing hunting harvest on Arctic Refuge are established by the Federal Subsistence Board and the Alaska Board of Game. Any person concerned about hunting regulations can submit proposals to change those regulations to the appropriate board, can comment on existing proposals, and can testify at board meetings to make their opinions known. Refuge biologists monitor the status and trends of selected populations of hunted species via survey efforts, often in cooperation with the ADFG and others. Revisions to the Refuge's Ecological I&M Program, which will address specific wildlife survey efforts, will be taken up in the step-down planning process.

**Comment 136867.001
Unnamed 18**

Rec and Visitor Use, Impacts of Recreation on Other Resources

When subsistence activities are disturbed like Red Sheep Creek being opened and planes affecting (wildlife) and (we are) not getting any moose up creek – it really hurts because of the Dollars going into resources like gas. Cost of living is high, cannot afford subsistence activities to be disturbed.

Response to Comment 136867.001

The Federal Subsistence Board, in January 2012, once again expanded the Arctic Village Sheep Management Area to limit sheep hunting in Red Sheep Creek and Cane Creek to federally qualified hunters from the communities of Arctic Village, Venetie, Fort Yukon, Chalkyitsik, and Kaktovik. The Federal Subsistence Board's action recognized the traditional and contemporary importance of this area to local subsistence sheep hunters and the need to minimize conflicts between local and nonlocal users to ensure subsistence opportunities.

**Comment 136744.001
Bert Akootchook**

Rec and Visitor Use, Impacts of Recreation on Other Resources

I like the way we are living now and there is another thing that I want to talk about, what my uncle has told me, that the Porcupine herd is always traveling through Canada and through here and we were told that we should not bother the leaders of the caribou, Porcupine herd, and I have been seeing people going up to the land before they even come in doing some studies, bring people to film the caribous that is going through their migration route. These things just got to stop after the first herd has already passed by. These things always -- is already happening at Arctic Village also. Their caribou are being bothered by film makers to

see where -- when the first caribou herd goes and then they'll take a different route. These are the kind of things that I don't want to see happen.

They used to have caribous along the coast, miles along the coast through many of years until Fish and Game started coming around with their airplanes or learn their migration route or what they have learned from the Native people and I believe that -- I think that should -- they should -- if you're going to have people up there, go up there after the first caribou herd go by.

Response to Comment 136744.001

Objectives 1.1 and 1.2 (Chapter 2, Section 2.1.1) commit Refuge managers to protect and maintain the landscape's biological integrity through holistic decision-making, and commit biologists to inventory and monitor ecological relationships among plants, fish, wildlife, and their habitats. Objectives 2.1 and 2.4 (Chapter 2, Section 2.1.2) commit Refuge staff to develop, within designated Wilderness, programs that preserve the natural condition of Arctic Refuge as an ecological system, including physical resources and biophysical processes, such as caribou migration routes. Objectives 2.6, 5.2, 5.3 and 5.4 (Chapter 2, Sections 2.1.2 and 2.1.5) commit Refuge staff to preserving wilderness characteristics, consistent with the Refuge's special values, throughout Arctic Refuge. Strategies for stewarding biophysical processes by minimizing potential visitor use impacts and reducing conflicts between local and nonlocal users, along with other visitor use issues, will be addressed through concurrent Wilderness Stewardship and Visitor Use Management Plans, separate from this Revised Plan. Traditional knowledge and cultural practices will be important elements in developing strategies to minimize potential visitor use impacts and reduce conflicts between local and nonlocal users. We look forward to maintaining formal and informal consultations with tribal groups, ANCSA Native corporations, Native organizations, and local communities in any planning effort that may have tribal or cultural implications, such as visitor use and Wilderness stewardship planning. These planning processes will begin immediately upon implementation of the Revised Plan. Based on these concurrent plans, managers may develop new limitations on visitors to better manage visitor use at the Refuge.

Arctic Refuge does not regulate airspace; this authority resides with the FAA. The Refuge only has authority to regulate flights in which landings occur and which require a special use permit, such as with commercial filming and audio recording. A special use permit for commercial filming and audio recording has special conditions attached to avoid impacts to Refuge resources and disruption to subsistence users and visitors. These conditions state specifically that wildlife and their movements may not be disturbed near subsistence hunters. They also state that the operation of aircraft at altitudes and in flight paths resulting in the herding, harassment, hazing, or driving of wildlife is prohibited. In designated Wilderness, commercial filming and audio recording are managed differently. Section 4(c) of the Wilderness Act of 1964 prohibits commercial enterprises in designated Wilderness, and the Refuge generally prohibits commercial videography in designated Wilderness unless we determine it is necessary to provide educational information about Wilderness uses and values and does not degrade the Wilderness character of the area.

Comment 136807.003
Duane Howe

Rec and Visitor Use, Impacts of Recreation on Other Resources

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

8 Trails must be properly designed in order to prevent improper changes in their directions and making new trails by attempting to make long trails shorter.

Response to Comment 136807.003

Arctic Refuge currently has no formal trails designed with the intent to support visitor use. In some locations, informal trail impacts, formed as a result of recurrent visitor use, are present. Chapter 2, Section 2.4.16 (Public Use Facilities) of the Revised Plan acknowledges that managers may develop trails if necessary to prevent resource damage. Refuge managers have decided that specific options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess the potential need for inventorying, evaluating, and rehabilitating informal, visitor-created trail impacts. Based on this effort, managers may develop and/or require use of formal trails, properly designed to minimize overall impacts and to better manage visitor use at the Refuge, and appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established.

Comment 032653.001
John Lyle

Rec and Visitor Use, Impacts of Recreation on Other Resources

I support addressing the realities of climate change, especially regarding reducing of stressors on wildlife and natural systems. These stressors include humans, therefore visitor impacts must be monitored and regulated so that the area's wilderness character is not only preserved but also restored to its original condition.

Response to Comment 032653.001

Goal 6 (Chapter 2, Section 2.1.6) of the Revised Plan addresses ways staff will evaluate the effects of climate change on Refuge resources. Objective 6.2 specifically commits Refuge staff to consider other stressors that may cause cumulative effects in addition to climate change, such as human influences on the landscape, when making management decisions. Objectives 2.1 and 2.4 (Chapter 2, Section 2.1.2) specifically commit Refuge staff to develop, within designated Wilderness, programs that preserve the natural condition of Arctic Refuge as an ecological system, including physical resources and biophysical processes. Objectives 2.6, 5.2, 5.3 and 5.4 (Chapter 2, Sections 2.1.2 and 2.1.5) commit Refuge staff to preserving wilderness characteristics, consistent with the Refuge's purposes and special values, throughout Arctic Refuge. Strategies for monitoring and regulating visitor impacts to preserve and restore Wilderness character and wilderness characteristics will be addressed through concurrent Wilderness Stewardship and Visitor Use Management Plans, separate from this Revised Plan.

Comment 136993.002

Rec and Visitor Use, Impacts of Recreation on Other Resources

Julie Raymond Yakoubian

I believe the CCP needs to address some of the significant visitor use impacts that have occurred since wilderness designation in 1980 - and impacts that may occur in the future - and that the final plan must adequately address this issue.

Response to Comment 136993.002

Objectives 1.1 and 1.2 (Chapter 2, Section 2.1.1) commit Refuge managers to protect and maintain the landscape's biological integrity through holistic decision-making, and commit biologists to inventory and monitor ecological relationships among plants, fish, wildlife, and their habitats. Objectives 2.1 and 2.4 (Chapter 2, Section 2.1.2) commit Refuge staff to develop, within designated Wilderness, programs that preserve the natural condition of Arctic Refuge by mitigating visitor use impacts. Objectives 2.6, 2.7, 5.2, 5.3 and 5.4 (Chapter 2, Sections 2.1.2 and 2.1.5) commit Refuge staff to preserving biophysical and experiential wilderness characteristics, consistent with the Refuge's special values, throughout Arctic Refuge. Strategies to minimize potential visitor use impacts and restore conditions where necessary, along with other identified visitor use issues, will be addressed through concurrent Wilderness Stewardship and Visitor Use Management Plans, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. Based on these concurrent plans, managers may develop new limitations on visitors to better manage visitor use at the Refuge.



3.31.11 Monitoring**Comment 136801.006**

Rec and Visitor Use, Monitoring

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The planning effort to protect the resources also needs to include objectives and goals for avoiding disturbance of the herd and its migration, especially during calving and post-calving, including from aircraft flights and other human caused intrusions. How will this be evaluated and monitored in a way that does not itself add more human intrusion?

Response to Comment 136801.006

Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor impact issues identified during the planning processes from both the Revised Plan and the VUMP and may include studies of wildlife-disturbance impacts. Protocols for any such studies would be peer reviewed. Based on these efforts, managers may develop a range of requirements to better manage visitor use at the Refuge.

Comment 000038.001

Rec and Visitor Use, Monitoring

David Brown

Addressing the consumptive take by the commercial hunting industry. I think if I was sitting at that table with you folks, I'd be taking into that a lot more consideration. There's got to be better monitoring. There's got to be a better balance.

Response to Comment 000038.001

Hunting guides are selected through a competitive application process. Each permitted hunting guide is responsible for complying with at least 34 permit conditions. In addition, they are required to conduct their guiding operation in accordance with their operations plan, which is one element used to rank and award Guide Use Areas during the competitive permit application process. Because guided hunting permits are competitively rewarded, hunting guides are the most regulated and monitored user group on Arctic Refuge. Their annual activities are closely monitored through law enforcement patrols, reporting requirements, and required State of Alaska paperwork.

Comment 136998.003

Rec and Visitor Use, Monitoring

Thor Stacey

The refuge would do better to fund and implement a more effective enforcement division for its existing regulations and special use permit conditions, than create more specialized management zones (Wilderness, Wild and Scenic Rivers). It is clear to me that the next 10-15 years will see a rise in interest and visitation to the refuge. This means that in both the short and long term future, enforcement will be critical to implementing the results of the final compromises of this CCP. I recommend dividing the refuge into three enforcement zones with both north and south side parity. One in Arctic Village and Kavik, one in Venetie and Kavik and one in Coldfoot and Happy Valley. Though this will require over 1 million dollars annually, it will be the ONLY way this CCP will be effectively implemented. I also recommend the purchase and

use of at least one gas powered helicopter for fish and game enforcement. This is more effective and safer than fixed wing patrol and will ensure air superiority over the general public.

Response to Comment 136998.003

Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address enforcement options and other visitor use issues identified during the planning processes from both the Revised Plan and the VUMP. Based on this effort, managers will develop a range of options to better manage visitor use at the Refuge.

3.31.12 Non-Guided Rafting/Boating

Comment 136823.002
Ruth Wood

Rec and Visitor Use, Non-Guided Rafting/Boating

I support working with commercial guides to redistribute the number of groups on the river during heavy use periods, but I think you need to try to redistribute private trips too. I took one trip where we saw 3 other guided trips and 2 private trips. That is a lot. I think private trips should require a simple permit so that NFW knows who's on the river when, and I think they should have a size limit even if it is the same as for commercial groups. Most private groups I've seen are smaller, so maybe the limit could be smaller, but better to have the limit before it is needed.

Response to Comment 136823.002

Refuge managers have decided that options for visitor use management—including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities—would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan and will include data about visitor use after 2009. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess visitor experience opportunities and management needs. Based on this effort, managers may develop new requirements to better manage guided and non-guided (private) visitor use at the Refuge.

3.31.13 Other Recreation Activities

Comment 136670.001
Unnamed 13

Rec and Visitor Use, Other Recreation Activities

Need to engage Kaktovik high school youth in career opportunities so they can get jobs with U.S. Fish & Wildlife.

Response to Comment 136670.001

Arctic Refuge appreciates and supports this recommendation. Through traditional knowledge and Western science, young people in the two neighboring communities of Kaktovik and Arctic Village learn to respect and protect their vital connection to the land. In Kaktovik, Refuge staff (including a locally-hired RIT) has partnered with the community and Kaveolook School to conduct a science camp with award-winning, innovating science teachers and researchers where Kaktovik youth learned about the Arctic marine ecosystem near their home and about career

opportunities in science. Staff has also regularly visited with youth to discuss polar bear biology and conservation and safety, and has hired seasonal biological technicians through the Alaska Native Science and Engineering Program at the University of Alaska Anchorage to pursue higher degrees (which some career paths require). We are supporting local response to increasing tourism by funding two Kaktovik Youth Ambassadors who will work with the Kaktovik Polar Bear Committee to orient visitors with community safety information during the subsistence whaling/polar bear viewing season. We are also exploring ways to bring a Youth Conservation Corps program to Kaktovik through partnerships with the North Slope Borough. Community, agency, and regional interest supports youth training programs that expose high school youth to training and career opportunities, but limited budgets, staff, and, at times, level of youth interest, limit what we can accomplish together in Kaktovik and Arctic Village.

3.31.14 Outreach/Education

Comment 136756.001
Unnamed 10

Rec and Visitor Use, Outreach/Education

We need the young people to get some training to protect and care for the land.

Response to Comment 136756.001

Arctic Refuge appreciates and supports this recommendation. Through traditional knowledge and Western science, young people learn to respect and protect their vital connection to the land. In Arctic Village, we have partnered with the community and other organizations to conduct Youth Conservation Corp programs and summer cultural and science camps. In Kaktovik, we have partnered and assisted with several summer marine science camps for younger students and have hired seasonal biological technicians through the Alaska Native Science and Engineering Program at the University of Alaska Anchorage. We are exploring ways to bring the Youth Conservation Corp program to Kaktovik through partnerships with the North Slope Borough. There is community, agency, and regional interest in youth training programs to protect and care for the land, but current budgets and availability of staff limit what we can accomplish together in both Kaktovik and Arctic Village.

Comment 136669.001
Unnamed 12

Rec and Visitor Use, Outreach/Education

Someone who worked at the Harold Kaveolook school wanted Refuge staff to come to the school and talk to the students about the CCP process.

Response to Comment 136669.001

Harold Kavelook School in Kaktovik has been a great partner and has consistently provided discussions and learning opportunities about Arctic Refuge for their students. Last year, we were invited to several classes at the school to present and discuss the Arctic Refuge's 50th anniversary film, "America's Wildest Refuge". We also gave an evening presentation of the film at the school for the community. We partnered with the school and marine researchers during the 2011 Marine Science Summer Camp, which was a great success with the students and community. In 2010, at the beginning of the Comprehensive Conservation Plan process, we held a public scoping meeting in Kaktovik in the school and received many good comments and suggestions. Unfortunately, we could not directly involve high school students in Kaktovik and Arctic Village in the planning process due to limited time and tight schedules. We are

willing to talk with school officials in Kaktovik about how to best involve students in the future to help us implement parts of the Plan and take part in other Refuge projects.

Comment 136671.001
Unnamed 14

Rec and Visitor Use, Outreach/Education

Seems like there is a lot more outreach emphasis placed on Arctic Village rather than Kaktovik.

Response to Comment 136671.001

The Refuge make's every effort to provide equal outreach and environmental education programs in Arctic Village and Kaktovik. Last year in Kaktovik, we were able to provide opportunities to participate in the Alaska Migratory Bird Calendar Contest in multiple classrooms. We also conducted elder interviews for the International Arctic Borderlands program to gather traditional ecological knowledge; partnered with researchers and the school for the Summer Marine Science Camp; provided training for local individuals interested in becoming guides for polar bear viewing and marine transportation services; worked cooperatively with the Native Village of Kaktovik and the community on their Tribal Wildlife Grant projects; and coordinated with the Kaktovik Kiosks Committee to update the village's 12 information and outreach kiosks. Kaktovik remains an important gateway community to Arctic Refuge, and we are looking for ways to further involve the Kaktovik RIT in community service, education, and outreach projects.

Comment 136673.001
Unnamed 16

Rec and Visitor Use, Outreach/Education

There have been some Refuge education programs in Kaktovik, but there could be more.

Response to Comment 136673.001

The Refuge staff appreciates the support Kaktovik shows for Refuge education programs in the community. Although the Refuge's education and outreach programs are affected by budget and the high cost of travel, we will continue to work with community leaders and our Kaktovik RIT to further involve community residents in education, outreach, and other Refuge projects. We will continue to strongly encourage our researchers and science partners to present evening talks and programs in Kaktovik about their research and monitoring projects. We will keep Kaktovik's concerns in mind as we develop other opportunities that benefit both the community and the Refuge.

3.31.15 Polar Bear Viewing

Comment 136977.001
Janiene Licciardi

Rec and Visitor Use, Polar Bear Viewing

-----Preamble/Intro-----

I would like to describe my experience in the village of Kaktovik in September 2011. This was my second visit. My arrival coincided with the fall whaling season. Two bowhead whales had been killed just before and during my visit, the remains of their carcasses dumped in the "bone pile" just outside of the village. It was soon clear to me that putting the whalebones out for the bears was a regular, seasonal event, which drew not only locals, but visitors from afar. I was

invited to drive to the bone pile by a working visitor similar to myself, although he had access to a vehicle. There were two other visitors (casual tourists) in the vehicle along with myself and the driver, and we parked near the bone pile in front of wooden sawhorses with the words “designated bear viewing area” written across them. These wooden rails were propped approximately 30 feet from the whale bones. About eight polar bears were present (and transiently, one grizzly), a few of them cubs, all eating and none of them paying much attention to the handful of vehicles parked near them. Some people had their windows rolled down, and I saw a child of about four years of age sitting in an open window of one truck. It seemed to me that I was at some sort of a trash dump, the bears a curious spectacle, not really wild, not really natural, not really being respected for what they were. It seemed a blending of game farm, bait station, and open-air zoo.

A couple of events surrounding the bone pile were elucidating. One was this: I observed a man with a camera in his hand step out of his truck, walk up to the wooden sawhorses (which were not zoo bars to the bears but perhaps to the man they were), and stand in the dim light of dusk, snapping pictures, his world reduced to the barrel-view of his lens, devoid of any peripheral vigilance. Another incident was this: a young polar bear (maybe a two year old cub) walked toward the vehicle I was in, put its nose and paws on the truck door, rocked it a little, slowly ambled around to the back of the truck, stood up, and eventually placed its paws on the lowered tailgate before we drove away.

Part of me regretted my presence and passive participation in this scene. Part of me was intensely excited to be close to the bears, so close I could see the blood on their muzzles, their vaporous breath in the air, the very nostrils from which this breath exhaled. Despite the thrill, I was ultimately saddened and unsatisfied. I’d seen other polar bears, brief mirages on the sea ice, blurs of yellow-white running across a road, and this was the way I preferred to see them, shunning humans and their activities. The driver of the vehicle I was within did not heed our requests to drive away when the bear approached. He thought it was alright to park within 40 feet of wild polar bears feeding on a staged bone pile. And indeed, there were no signs telling anyone any different (humans of the tourist sort need signs). Will this young bear learn a bad habit from these types of encounters? Will a careless human be injured or killed by such a bear someday, leading to the killing of the bear? This interface of humans and bears seemed incongruous. Here they were, large, enigmatic wild beasts, iconic symbols of the wild arctic, surrounded by flimsy wooden signs, exhaust-breathing trucks, and stupid humans. Although I consider myself thoughtful and respectful, my lack of preparation and foresight led to this transgression. How to fault all the other transgressors when I was one, too?

Beyond my own feelings about the bears in Kaktovik, there are many larger issues. I understand that unless we halt or reverse climate change, this particular race of polar bear is not long for the earth. I understand, too, that removing the bears’ ready source of meat and bone from the spoils of Kaktovik whalers would hasten their demise. Adding to the stew, people from all over the country and the world want to see polar bears before they disappear in the present big extinction, and they are coming to Kaktovik, which is hardly prepared for this invasion. For Kaktovik, and for the whole of the Refuge, this is a pivotal moment in conservation. The moment forces all of us, native and visitor alike, to reconsider how we can coexist with nature and animals, and to think deeply about what we expect from our preserves and parks in a rapidly changing world.

-----Comment-----

The revision of the Arctic National Wildlife CCP needs to reflect the changing landscape of the earth, changes in climate (an unequivocal fact in the arctic), changes in the ways people

travel and participate in so-called ecotourism, changes in the population and health of the animals and birds living within the Refuge, increasing demand for extraction of resources, and a burgeoning human population. The situation in Kaktovik is moderately alarming. I believe we can do better to allow polar bears a safe environment, and perhaps even some hope. I believe we can more effectively educate the public, teach appropriate behavior around wild polar bears, and take measures to reduce further harm to the bears and their habitat. I know, too, that this bone pile in Kaktovik is not inside the jurisdiction of the Refuge.

Response to Comment 136977.001

The National Wildlife Refuge System Improvement Act of 1997, the law that governs national wildlife refuges, states that the six “priority general public uses of the Refuge System” are (this is the order as designated in the law) hunting, fishing, wildlife observation and photography, environmental education, and interpretation. Following the requirements of this law, the opportunity to view polar bears in the wild on waters within Arctic Refuge jurisdiction surrounding the village of Kaktovik is supported by the Service, given this activity can be conducted in a way that does not result in disturbance to bears and the resources they depend on, and can be conducted in a way that is safe, legal, and sustainable for the communities the viewing activity may affect. This activity is one of many visitor use issues that likely will be considered in the VUMP, and Refuge managers have decided that options for visitor use management—including regulating, redistributing, rationing, or allocating visitor use to protect resources and visitor experience opportunities—would be best addressed through the VUMP and separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan and will include data about visitor use after 2009. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess emerging management needs. Based on this effort, managers may develop new requirements to better manage visitor use at the Refuge.

Refuge and Marine Mammals Management Polar Bear Program staff continues to coordinate the Service’s community-based partnership with Kaktovik community leaders and other Federal, State, municipal, and tribal governments to manage emerging polar bear viewing tourism activities surrounding the small village of Kaktovik. This broad group of partners addresses human safety and polar bear conservation concerns, including development of a well-managed and coordinated recreational polar bear viewing program and the effects of such a program on the community. The Kaktovik Polar Bear Committee, formed by consent from the Native Village of Kaktovik Tribal Council and originating through their efforts funded by a Service-sponsored Tribal Wildlife Grant (2007-2010), is the working group that collaborates with the Service to determine polar bear-related co-management priorities and actions affecting polar bear conservation and the community, along with the Alaska Nanuuq Commission, formed through co-management authorities of the Marine Mammal Protection Act of 1972.

3.31.16 Special Use Permitting**Comment 032644.007**

Rec and Visitor Use, Special Use Permitting

Wade Willis**Science Now Project**

The Arctic Refuge has no formal policy adopted through a public planning process to guide yearly amendments to the operational plan of individual commercial guided sport hunting Special Use Permits (SUP's).

The Alaska Board of Game (BoG) and the Federal Subsistence Board (FSB) meet to review GMU 26C issues on a two or three year cycle. Neither board is well equipped to respond to issues that arise on a yearly basis.

The primary issue is this: Only the USFWS is bound by the mandates of Congress to manage Arctic Refuge wildlife resources in the long term best interests of the public as a whole.

NEPA is the primary tool Congress gave the NPS to successfully accomplish this mandate. It is highly inappropriate for the draft CCP to recommend exempting the consumptive take of wildlife from a formal NEPA review immediately.

Response to Comment 032644.007

We believe we manage special use permits appropriately and have found both the public uses and the guiding of these public uses compatible with Refuge purposes. In Appendix G, please see compatibility determinations for Commercial Air Transportation Services, Commercial Big-game Hunting Guide Services, Commercial Recreational Fishing Guide Services, Commercial Guide Services, Recreational Fishing, General Hunting, and Wildlife Observation, Wildlife Photography Environmental Education, and Interpretation. As called for in this Revised Plan, we will be preparing future detailed plans addressing visitor use of the Refuge, including a VUMP, CRMPs, and a WSP. These plans will refine our management direction if necessary to further address management of recreation and visitor use on the Refuge.

Comment 136822.009

Rec and Visitor Use, Special Use Permitting

Wade Willis**Science Now Project**

The USFW enters into 10 year "business" contracts with the commercial guided sport hunting industry with a policy to sustain the economic viability of the concessionaire. Guided sport hunting activities are much easier to authorize than they are to revoke. Accordingly, strong attention to both issuing a new contract, and the terms of that contract, are warranted.

Response to Comment 136822.009

In 1992, after soliciting public comments on a draft policy, the Service established a regional policy and formal process in which big-game guides were competitively selected to operate on Refuge lands. An environmental assessment was completed with the original guide allocation and a compatibility determination done that found guided hunting to be compatible with Refuge purposes. This competitive permit system was later codified in 50 CFR 36.41. The draft regulations were published in the Federal Register on November 1, 1996, for a 60-day public review period. Public meetings were held in Anchorage and Fairbanks, Alaska, during the period of public review of the draft regulations. The competitive application process used to select big-game hunting guides on Arctic Refuge is what defines the available number of guided hunting opportunities. Permits are valid for five years, and guides can opt for a one-

time, five-year permit extension based on good performance, after which guides must again compete for the opportunity to obtain new permits. Arctic Refuge permits were offered for competitive selection in 2012 and applications are being evaluated in this competitive process as this response is being drafted.

Comment 032628.034

Rec and Visitor Use, Special Use Permitting

**Fran Mauer, Alaska Chapter
Wilderness Watch**

The Service received scoping comments recommending that an area free of commercial activity and mechanized access be considered for the Refuge as allowed under the Wilderness Stewardship policy (601 FW 2 E). This recommendation was relegated to “eliminated from detailed study.” Although the Service continues to avoid regulating the number of commercial operators, we disagree with the determination to not study this further. We request that the Final CCP include consideration of an area free of commercial activity and mechanized access in a Wilderness Stewardship or Visitor Use Management Plan. We also recommend that the Final CCP require that a freedom of choice option be included in the above planning process.

At a minimum the Service must place a moratorium on the issuance of any new commercial outfitter permits until an appropriate analysis of the need for commercial services and the extent that they are necessary is completed.

Response to Comment 032628.034

Section 4(d)(6) of the Wilderness Act allows commercial services, while Federal Regulation 50 CFR 36.31 (a) pertains to recreational activities and confirms, “Public recreational activities within Alaska national wildlife refuges are authorized as long as such activities are conducted in a manner compatible with the purposes for which the areas were established.” Additionally, ANILCA Section 1110(a) specifies allowable transportation methods for traditional activities on conservation units, including lands designated as Wilderness, subject to reasonable regulations. The activities of commercial visitor service providers currently are conditioned and authorized by permit, and the number of authorized commercial hunting guides is strictly limited through a competitively awarded system.

Refuge managers have decided that options for visitor use management, including levels of commercial services and appropriate Wilderness stewardship management prescriptions that preserve Wilderness character, would be best addressed holistically through a public planning process separate from this Revised Plan. Managers have elevated the priority for completing the VUMP and the concurrent WSP, and they will begin immediately upon approval of this Revised Plan. As part of this planning effort, Refuge staff will update visitor use and commercial permitting data to evaluate visitor use trends. Refuge managers will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on commercial operations, including consideration of commercial-free zones, to better manage visitor use at the Refuge. To address immediate concerns about conditions on the Kongakut River, the Alternatives have been rewritten so that Kongakut River Alternatives B and C include an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first.

Comment 136722.001
Unnamed 60

Rec and Visitor Use, Special Use Permitting

Locals are victims of permitting and outside hunting because it competes directly with local resources. Corporations are thinking about hiring a Master Guide with a permit already in the area, and the guide would take on a local apprentice. Guide would hunt for village and Guides and their clients would get the trophy value of the animal.

Response to Comment 136722.001

The State of Alaska and the Big Game Commercial Services Board are responsible for managing the commercial hunting industry. The board also determines the requirements for becoming licensed as an assistant guide, registered guide, or master guide. Applicants for Guide Use Areas on Arctic Refuge must meet the minimum qualifications that are outlined in regional policy, which include being licensed as a registered guide. If the Refuge were approached by anyone interested in becoming a hunting guide, staff would provide information about the process and help facilitate finding a guide with whom they could work. A collection of regulations applies to guiding that does not apply to hunting. The board has established a licensing process for hunting guides that slowly graduates them into increasing levels of responsibility. Most guides start as packers (unlicensed apprentices), then graduate to assistant guides and registered guides, and then some guides pursue a master guide license. Each of these levels requires various qualifications.

Comment 136723.001
Unnamed 61

Rec and Visitor Use, Special Use Permitting

Arctic Refuge should cooperate with local governments regarding the permitting process. Permits should have language that permittees need to seek permits from other governmental agencies that are applicable. Many permittees think that they only need permits for Arctic Refuge when they actually need other permits from other governmental organizations. Must seek all appropriate permits including those from local municipal governments.

Response to Comment 136723.001

The Refuge does provide information to applicants and special use permittees, telling them that local municipal governments such as the city of Kaktovik, tribal managed lands such as Venetie Reservation, and boroughs such as the North Slope Borough have unique ordinances and separate permitting requirements for activities taking place in their jurisdictions or on their lands.

Comment 136724.001
Unnamed 62

Rec and Visitor Use, Special Use Permitting

Owners of traditional use areas should be notified of who was issued a permit for use around their area.

Response to Comment 136724.001

The public can request information regarding special use permits issued by Arctic Refuge. This information is readily available to private landowners such as Native allottees, Native corporations, tribal governments, and Native village councils. In addition, the Refuge is committed to maintain both formal and informal consultations and communications with tribal

groups, Native organizations, and local communities regarding issues or decisions which may have tribal or cultural implications.

Comment 136733.001
Unnamed 70

Rec and Visitor Use, Special Use Permitting

When permitting a high risk activity that could possibly affect subsistence activities, good to have subsistence advisers.

Response to Comment 136733.001

We are not sure what high risk activity is being referred to in this comment. However, Refuge staff is concerned about any activity that could possibly affect subsistence resources or subsistence activities. The Refuge utilizes RITs in Arctic Village and Kaktovik to provide information to the local community about Refuge operations and to inform Refuge staff about local community issues and their concerns. The Refuge is always interested in the advice provided by local subsistence users, ANCSA Native corporations, Native organizations, or tribal governments regarding actions that could have implications for subsistence or cultural use.

Comment 136951.001
Nick Jans

Rec and Visitor Use, Special Use Permitting

I strongly urge that mandated NEPA compliance regarding commercial trophy hunting within ANWR is maintained according to the letter of the law. It is not right or fair that commercial trophy interests (i.e. registered guides) operate without FULL public participation as required by law, on a regular basis, as required by law.

According to the 1998 Comprehensive Conservation Plan, viz. Draft CCP Section 2.4.18, “the refuge must comply with NEPA and the compatibility requirements of the Refuge Administration Act before authorizing commercial activities or uses.”

I resent the fact that commercial interests are gaining access to public lands without mandated public input, and have de facto turned portions of ANWR into their own private reserves, from which they extract highly valued big game species for their own personal gain, while public access is limited.

I resent the fact that these private enterprise hunting activities have not been reviewed as required, with due public input.

ANWR is not a cash cow for a select few, guiding a moneyed elite, to extract valuable big game without due public comment.

I demand that the rule of law in all matters pertaining to this use of ANWR be adhered to, as required by law.

Response to Comment 136951.001

The National Wildlife Refuge System Improvement Act of 1997 states that the priority public uses of the Refuge System are hunting, fishing, wildlife observation and photography, environmental education, and interpretation. Following the requirements of this law, hunting is allowed and promoted on many national wildlife refuges across the U.S. In accordance with ANILCA, all Refuges in Alaska are open to recreational hunting and fishing. The State of Alaska hunting regulations require, under most circumstances, non-

residents to hunt with a guide if they are pursuing brown bear, Dall's sheep or mountain goat. By allowing commercial hunting guides on national wildlife refuges in Alaska, the Service is providing hunting opportunities to all visitors—not just Alaska residents. On Arctic Refuge, permitted hunting guides have exclusive commercial use of a Guide Use Area but they do not have exclusive hunting use. In other words, all Guide Use Areas are open to unguided hunting by the general public.

In 1992, after soliciting public comments on a draft policy, the Service established a regional policy and formal process in which big-game guides were competitively selected to operate on Refuge lands. An environmental assessment was completed with the original guide allocation and a compatibility determination done, which found guided hunting to be compatible with Refuge purposes. This competitive permit system was later codified in 50 CFR 36.41. The draft regulations were published in the Federal Register on November 1, 1996, for a 60-day public review period. Public meetings were held in Anchorage and Fairbanks, Alaska, during the period of public review of the draft regulations. The competitive application process used to select big-game hunting guides on Arctic Refuge is what defines the available number of guided hunting opportunities. Permits are valid for five years, and guides can opt for a one-time, five-year permit extension based on good performance, after which guides must again compete for the opportunity to obtain new permits.

Comment 009556.004
John Lyle

Rec and Visitor Use, Special Use Permitting

I believe there should be strict limits on numbers of outfitters and guides, and that vast sections of the refuge be totally off limits and set aside as commercial-free zones.

Response to Comment 009556.004

Guided hunting (commercial guide) permits are competitively awarded on Arctic Refuge and are restricted to a certain number of clients each year. Because guided hunting permits are competitively awarded, hunting guides are the most regulated, restricted, and monitored user group on Arctic Refuge. Refuge managers have decided that additional options for visitor use management, such as increased regulations for commercial recreational guides, would be best addressed through a VUMP separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess visitor impacts and information needs. Based on this effort, managers may develop new limitations on commercial operations to better manage visitor use at the Refuge.

Comment 136984.002
John Moore

Rec and Visitor Use, Special Use Permitting

Limit the number of commercial outfitters allowed in the Refuge or on the total amount of commercial outfitter operation (by watershed?), if found necessary to keep impacts to an acceptable level.

Response to Comment 136984.002

Guided hunting (commercial guide) permits are competitively awarded on Arctic Refuge, and the number of hunt guides is limited to a maximum of 16, one for each Guide Use Area within

the Refuge. Permitted hunting guides are also restricted to a certain number of clients each year. With this Revised Plan, these limits will continue. If your comment refers also to commercial recreational service providers, Refuge staff recognizes we have not determined when visitor use capacities are approached, and efforts to undertake a VUMP and a WSP have been moved up to first priority, to begin immediately upon implementation of the Revised Plan. Through the visitor use and Wilderness stewardship planning process, staff will consider levels, timing, and distribution of use and evaluate a range of management actions appropriate to maintain desired resource conditions and visitor experiences, consistent with the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on commercial operations to better manage visitor use at the Refuge.

To address immediate concerns about conditions on the Kongakut River, the Alternatives have been rewritten. Kongakut River Alternatives B and C place an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first.

Comment 136754.001
George Tagarook

Rec and Visitor Use, Special Use Permitting

If the refuge could continue charging big game hunters, recreationalists and guides more for taking subsistence resources away from subsistence users, ANWR -- they should work with North Slope Borough planning department to get permits for commercial uses, guides, recreationalists and work with the Native Village or the City of Kaktovik local residents and get permits for the northern use of the refuge and, working with the community of Kaktovik and Kaktovik local corporation, they could develop the land.

Response to Comment 136754.001

The Service is required to monitor commercial uses of national wildlife refuge land and water to ensure the activities are compatible with the purposes of each refuge. This oversight is formalized through the special use permit system and seeks to meet the mission of both the Service and the Refuge, while allowing for responsible commercial uses. As required under our regional policy RW-7(a), Revised Special Use Permit Fees for Commercial Guiding, Outfitting, and Transporting Operations on National Wildlife Refuges in Alaska, client use-day fees are to be paid annually and adjusted every three years. Client use-day fees are charged at a daily rate for guiding each client in commercial recreation and air operations at \$2.75 through 2012 and will be adjusted in 2013. The majority of these client use-day fees are returned to the station through the Recreation Fee Program within the Federal Lands Recreation Enhancement Act, 16 U.S.C. 6803(c). The fees fund Refuge projects to enhance visitor services including informational kiosks and polar bear safety information in neighboring communities. Also, the Refuge does provide information to applicants and special use permittees that local municipalities governments such as the city of Kaktovik, tribal managed lands such as Venetie Reservation, and boroughs such as the North Slope Borough have unique ordinances and separate permitting requirements for activities taking place in their jurisdictions or on their lands.

Comment 136775.001
Myra Thumma

Rec and Visitor Use, Special Use Permitting

You know, our goals should be protecting the areas where there's hunting areas, how to limit the hunting and all that because there's a lot of, you know, people coming in that is for trophy hunting and all that while that -- you know, where we're the people that are from this land. We know how to hunt. We know how to take care of the land and there's other people that just come in and just abuse the land and that's what a lot of people were against and I think that, you know, we have the right, as the people that lives here in the community and the villages, in a community where the people are from.

Response to Comment 136775.001

Hunters need to seek permission prior to hunting on private lands. If there are concerns about the level of use in particular hunting areas on Federal lands, a proposal to limit use may be submitted to the Federal Subsistence Board. Laws and regulations are in place to prohibit visitors from damaging Refuge lands and the accompanying natural resources. Most visitors, including hunters, treat the land respectfully and practice minimum impact camping techniques. Also, all of the commercial permittees have extensive permit conditions that hold them to a higher standard than the general public in terms of how they may impact the land. Regular law enforcement patrols help ensure compliance with these laws, regulations, and permit conditions.

3.31.17 Visitor Experience

Comment 032619.002
Cliff Judkins, Chairman
Alaska Board of Game

Rec and Visitor Use, Visitor Experience

-----Preamble/Intro-----

The following specific points further define the concerns and issues expressed by the Board:

-----Comment-----

Based on the Service's intent for its overall management approach, it is questionable that the recreational values expressed as one of the original purposes of the refuge when it was first established in 1960 will be adequately protected as required.

Response to Comment 032619.002

The recreational purpose only applies to the original Range lands—not the entire Refuge. The National Wildlife Refuge System Improvement Act of 1997, the law that governs national wildlife refuges, including all lands within Arctic Refuge, states that the six “priority general public uses of the Refuge System” are hunting, fishing, wildlife observation and photography, environmental education, and interpretation. The Refuge System Improvement Act, Refuge Recreation Act, Refuge purposes, and the Revised Plan's goals and objectives will work in concert to preserve the Refuge's range of recreational values, consistent with its special values.

Comment 000077.003

Rec and Visitor Use, Visitor Experience

David Raskin**Friends of Alaska National Wildlife Refuges**

Recreation opportunities must be managed to preserve the wilderness experience for visitors and the wilderness character of the refuge.

Response to Comment 000077.003

Because the term “Wilderness character” is prominent in the Wilderness Act, we have now limited its use to discussions specific to designated Wilderness. Where the term had been previously used to generally describe the character or nature of undeveloped lands that are also natural, untrammeled, and provide opportunities for solitude or primitive and unconfined recreation, it was replaced with “wilderness characteristics,” “wilderness qualities,” or “wilderness values.” Objectives 2.1, 2.4 (Chapter 2, Section 2.1.2) of the Revised Plan specifically commit Refuge staff to develop, within designated Wilderness, programs that preserve the Wilderness character of Arctic Refuge. Objectives 2.6, 2.7, 5.2, 5.3 and 5.4 (Chapter 2, Sections 2.1.2 and 2.1.5) commit Refuge staff to preserving wilderness characteristics (including experiential opportunities), consistent with the Refuge’s special values, throughout Arctic Refuge. Strategies for monitoring and regulating visitor impacts to preserve and restore Wilderness character and wilderness characteristics will be addressed through concurrent Wilderness Stewardship and Visitor Use Management Plans, which will be started immediately after approval of this Revised Plan.

Comment 032661.002

Rec and Visitor Use, Visitor Experience

James Gideon

Activities on Arctic refuge today is normal. Some years Arctic Village Airport get lot traffic of hikers floaters or just Adventure seekers. overall it indicate its real purpose.-The value of the coastal plain is serving the Public through attraction.-this new study should seriously recognize that and keep oil/gas development out of coastal plain of Arctic Refuge.

Response to Comment 032661.002

Refuge managers have decided that options for visitor use management would be best addressed through a VUMP, separate from this Revised Plan. This planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP and will assess levels, timing, and distribution of use and activities and behaviors of visitors. The Refuge is always interested in the advice provided by local subsistence users, Native organizations or tribal governments regarding actions that could have implications for subsistence or cultural use. In addition, the Refuge is committed to maintain both formal and informal consultations and communications with tribal groups, ANCSA Native corporations, Native organizations and local communities regarding issues or decisions that may have tribal or cultural implications.

Comment 009544.003
Frank Keim

Rec and Visitor Use, Visitor Experience

In the final plan, there should be a commitment to address valid public concerns of visitor use and wilderness stewardship.

Response to Comment 009544.003

Refuge managers have decided that options for visitor use management and Wilderness stewardship would be best addressed through public planning processes separate from this Revised Plan. To demonstrate their commitment to address public concerns related to visitor use and Wilderness stewardship, managers have elevated the priority for completing the VUMP and the concurrent WSP to begin immediately upon approval of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels, timing, and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, that preserve wilderness characteristics and are consistent with the values for which the area was established.

Comment 032622.003
Frank & Jennifer Keim

Rec and Visitor Use, Visitor Experience

In providing for wilderness recreation, the USFWS should allow opportunities for visitors to experience adventure, challenge, solitude, independence and freedom with minimal interference.

Response to Comment 032622.003

Goal 2 (Chapter 2, Section 2.1.2) commits Refuge managers to retain the exceptional wilderness values throughout Arctic Refuge, including the special values of independence and solitude. Objective 5.3 (Chapter 2, Section 2.1.5) of the Revised Comprehensive Conservation Plan specifically commits Refuge staff to maximize opportunities for visitors to experience adventure, challenge, exploration, and discovery. Refuge managers have decided that options for visitor use management and Wilderness stewardship that holistically provide for wilderness recreation would be best addressed through public planning processes separate from the Revised Plan. Managers have elevated the priority for completing the VUMP and the concurrent WSP to begin immediately upon approval of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, that preserve wilderness characteristics and are consistent with the values for which the area was established.

Management policies and guidelines (Chapter 2, Sections 2.4.14-16) stress off-site educational strategies, which minimize effects on visitor experiences. Many influences on visitor opportunities are determined by factors outside the control of management, such as depictions of the Refuge in popular culture, and individual visitor choices. Refuge staff is not capable of controlling the media, internet, or interpersonal information sharing among the public, nor can we control an individual's personal choices about their use of technologies such as GPS, satellite phones, or other messaging devices. Refuge staff recognizes the careful balance that needs to be taken between 1) providing educational materials and opportunities that encourage visitor actions that protect wilderness qualities on the Refuge, versus 2) allowing the public unimpeded access to the Refuge, while 3) not undertaking actions that draw

increased visitor numbers to this fragile landscape. As visitor impacts on the ground increase over time, we may need to do more of 1), at the expense of 2), while remaining true to 3). To accomplish this, we will be creating, as soon as possible, additional educational materials on the web and in pamphlet form to encourage appropriate visitor actions.

Comment 136804.001

Rec and Visitor Use, Visitor Experience

Matt Nolan

Kongakut River management. This issue is indeed a tricky one -- how to keep the public from loving the place to death as well as how to manage the public without them feeling like they are entering through the Iron Curtain. I think the Management Alternatives regarding education are all great ideas. However, I would propose an even simpler alternative that could be implemented at almost no cost right away. I'm a big fan of letting folks self-organize to meet common objectives, but often this requires some top-down help. In this case, I think establishing a web page, something akin to a Google Calendar, that would allow commercial operators or individuals to post their proposed dates and locations to a centralized location would eliminate much of the overcrowding issue without management intervention. That is, those users who seek a wilderness experience with minimal human interaction would spontaneously utilize such a calendar to avoid such interaction. The calendar itself would not be binding or enforced in any way, it's just a way of letting others know each others' intentions. If this is outside the current purview of Refuge management, I suspect an unofficial suggestion of this idea to the major guiding outfits would go a long way.

Response to Comment 136804.001

Refuge staff will consider this suggestion. At present, the staff encourages commercial service providers to voluntarily coordinate their offered trip dates and drop-off locations to minimize perceptions of crowding among visitors. Visitors planning trips currently have access to planned commercial trip launch dates via business advertisements. Additionally, historic data on the distribution of launch dates for the Kongakut River is noted in Chapter 4, Section 4.4.5.6 of the Revised Plan. To address immediate concerns about conditions on the Kongakut River, the alternatives have been rewritten to more clearly convey the Refuge's intent to work directly with commercial service providers to publish a schedule of proposed trip dates. Refuge managers have decided that additional options for visitor use management would be best addressed through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. The visitor use plan will assess levels of use, timing and distribution of use, and activities and behaviors of visitors.

Comment 136993.001

Rec and Visitor Use, Visitor Experience

Julie RaymondYakoubian

It turns out that there are a variety of compelling and important reasons why individuals who have never been to the Refuge value the place and I refer you to my UAF Northern Studies MA Thesis to read more about those reasons ("Distance Activism and the Arctic National Wildlife Refuge")

Response to Comment 136993.001

Refuge staff is familiar with this work and has found it useful. The mission of the National Wildlife Refuge System states "...to administer a network of lands ...for the benefit of present

and future generations of Americans,” and the title of the law expanding the Refuge (ANILCA) indicates that the interests of the Refuge’s nonlocal and non-visiting constituency should also be considered. Objective 9.4 (Chapter 2, Section 2.1.9) commits Refuge staff to maintaining a long-term data set about the diverse national interests and values that Arctic Refuge holds for the public.

Comment 032626.033
Greg Warren

Rec and Visitor Use, Visitor Experience

V1, 4-208, 4.4.5.2 Visitor Use and Recreation, Early Records of Visitor Use, Paragraph 3: The 1977 activities, attitude, and management preference study identified visitor use issues that persist today. Hence, it would be appropriate to describe that visitors in 1977 indicated preferences for the level of encounters with other recreationists and sighting of low flying aircraft, while including management recommendations. Include the following summary of the study in this section: “A descriptive study of activities, attitudes, and management preferences of recreationists was conducted on the Arctic National Wildlife Range. The majority of the sampled Arctic Range recreationists in 1977 were male, between 25 and 44 years old, and college educated. Recreationists were generally very satisfied with their trip. Satisfaction for hunters was associated with hunting success. Developments were generally opposed; general information was desired; and limiting plane landings was the most preferred of three proposed rationing systems. The limiting social factor for hunters was sightings of groups, and the limiting social factor for recreationists not hunting was light-aircraft sightings.” (Warren, G.A. 1980. Activities, attitudes and management preferences of visitors of the Arctic National Wildlife Range, Alaska. M.S. Thesis. Univ. of Idaho. 51 pp.)

Response to Comment 032626.033

Chapter 4, Section 4.4.5.2 of the Revised Plan is meant to provide a brief summary of early records of visitor use. Refuge staff will expand public awareness of available visitor use data (including comprehensive assessment of historic and contemporary information about visitor demographics and preferences) through educational objectives outlined in Goal 9 (Chapter 2, Section 2.1.9), and through public involvement in the VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. In response to this comment, direct reference to this work, “Activities, attitudes and management preferences of visitors of the Arctic National Wildlife Range, Alaska,” an incredibly valuable resource for visitor use management and planning, was added to Chapter 4, Section 4.4.5.

3.31.18 Visitor Use

Comment 136688.001
Unnamed 2

Rec and Visitor Use, Visitor Use

Want to see how many hundreds of people are accessing ANWR and wondered if the Refuge could supply those numbers.

Response to Comment 136688.001

The Affected Environment portion of the Revised Plan, Chapter 4, Section 4.4.5.3 (Contemporary Records of Visitor Use) provides known Arctic Refuge visitation numbers.

Comment 136732.001
Unnamed 6

Rec and Visitor Use, Visitor Use

Difference between Native uses and recreational uses needs to be better defined.

Response to Comment 136732.001

Appendix M of the Revised Plan includes a revised glossary of terms and phrases used throughout the Plan. “General fishing visitor,” “General hunting visitor,” and “Recreational visitor” are terms specifically defining users of the Refuge who are nonlocal and/or recreational. “Local resident” and “Federally qualified subsistence user” are terms specifically defining kinds of local users. The majority of the Refuge’s local users are Native Alaskans.

Comment 032637.004
Peter Fontaine

Rec and Visitor Use, Visitor Use

-----Preamble/Intro-----

Additionally the plan must include:

-----Comment-----

The Refuge must be kept as real wilderness - with an emphasis on challenge, exploration, discovery, solitude, self-reliance and adventure, not a highly promoted amusement park. This would mean no easy access or motorized public access, no “improvements”, no flight-seeing, no game spotting in planes, no competitive events, and a limit on group size.

Response to Comment 032637.004

Refuge managers have decided that options for visitor use management that preserve the Refuge’s special values and include appropriate designated Wilderness stewardship would be best addressed holistically through a public planning process separate from the Revised Plan. Managers have elevated the priority for completing the VUMP and the concurrent WSP to begin immediately upon approval of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. Based on this effort, managers may develop new management prescriptions to better manage visitor use at the Refuge.

Comment 136985.005
Susan Morgan

Rec and Visitor Use, Visitor Use

This draft CCP falls quite short in addressing growing visitor use impact. Wilderness character must be restored along river corridors that have been degraded, such as the Kongakuk. A process to restrict aircraft landing sites and to restore existing impacted areas must be established, and specific areas should be designated where aircraft is not allowed. It is also imperative that the FWS establish zones where commercial services are not allowed; the Agency should limit the number of outfitters permitted in the Refuge. While prohibiting helicopter landing for recreation use is desirable, additional FWS helicopter use in the Refuge should also be limited.

Response to Comment 136985.005

Guided hunting (commercial guide) permits are competitively awarded on Arctic Refuge and are restricted to a certain number of clients each year. Because guided hunting permits are competitively awarded, hunting guides are the most regulated, restricted, and monitored user group on Arctic Refuge. The number of hunt guides is limited to a maximum of 16, one for each Guide Use Area within the Refuge. Permitted hunting guides are also restricted to a certain number of clients each year. With this Revised Plan, these limits will continue. If your comment refers also to commercial recreational service providers, Refuge managers have decided that options for visitor use management, including appropriate Wilderness stewardship management prescriptions that preserve Wilderness character, would be best addressed holistically through a public planning process separate from the Revised Plan and have elevated the priority for completing the VUMP and the concurrent WSP to begin immediately upon approval of the Revised Plan. As part of this planning effort, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. Based on this effort, managers may develop new management prescriptions to better manage visitor use at the Refuge.

To address immediate concerns about conditions on the Kongakut River, the Alternatives have been rewritten so that Kongakut River Alternatives B and C include an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first. The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Strong justifications are needed for helicopter landings anywhere on Refuges in Alaska. Limitations on helicopter landings by the agency and others are described in Chapter 2, Section 2.4.14.3 (Helicopters) of the Revised Plan. This section was rewritten to clarify that helicopter landings will not be permitted in designated Wilderness except in cases of emergency, unless determined to be necessary through the MRA process. The Revised Plan has also been rewritten to clarify that the Service will not conduct helicopter operations over designated Wilderness, except for in emergencies, or as provided for by an MRA determination.

Comment 136804.008
Matt Nolan

Rec and Visitor Use, Visitor Use

User permits. It may be that if additional Refuge funding materializes as proposed, that a user-permit system be implemented. I'm not in favor of anything onerous or anything that leads to an approval/denial process for currently supported activities, just something to help with usage statistics for better management practices and ensuring adequate continued management funding. What I have in mind is a simple web-based tool, in which a visitor is funneled through a series of educational web pages that overview the essentials of what every visitor should know (history/philosophy, best camping practices, animal disturbance, legalities, non-permitted activities, etc), at the end of which a permit number is automatically granted; by uniquely tying a permit number to an individual, the individual is accepting responsibility for knowledge and respect of Refuge rules and legalities, and could skip the web pages if he or she wishes. At this time, the user has the choice of indicating their trip dates and locations and intents, but this information is not mandatory. Those users seeking solitude, however, would likely be self-motivated to give this information so to avoid user-interactions. Such a system would track both commercial and non-commercial users in the same way, and take pressure off of guides and air taxis to provide Refuge staff with usage data, they would only be required to list permit numbers for their clients, leaving the data itself up to the client in the application process. And while I'm all in favor of keeping Refuge access as unrestricted and permit-less as possible for everyone, the line between what is commercial and what is noncommercial seems like a very fuzzy one and I don't understand the need for awkward philosophical distinctions when the primary goals of Refuge physical protection are much more clearly defined, observable, and enforceable. But there may be larger issues that I'm unaware that necessitate this need, and here I'm mostly just thinking of small-scale commercial operations like photographers, film makers, scientists, etc. So I advocate for commercial work to be permitted within the Wilderness in the same way as noncommercial work, provided that work does not exceed any privileges open to the public. For example, my opinion is that if a commercial photographer comes to the Wilderness via fixed wing or on foot, he or she should not be required to do anything more than a private individual who takes a tourist photo, if their outward appearances and impacts are the same. Further, the tourist should not be at risk for Federal penalty if later they sell one of their photos having not submitted a commercial permit before their trip. If a commercial user seeks to use a helicopter, run a generator, etc, then this of course should go through the MRA process, but the same would apply to a non-commercial party, and this is something that could be flagged in an on-line education/permitting tool and the user directed to appropriate new web pages to start that approval process. So it seems to me that the criteria for allowing/denying an activity should be related to observables like access means, disturbance, group size, etc that are applied to all users, rather than primary intent, which is nearly impossible to define or enforce, as a user may come for one purpose, but leave fulfilling another, and the primary uses identified and supported by Arctic Refuge are so broad that any visitor cannot help but to leave fulfilling at least one of those uses. On the flip side of being fair, it seems to me that any restrictions currently placed on commercial groups should likely be placed on private groups, if these limitations are in the long-term interest of preserving the Refuge. In any case, the education program the Refuge management advocates is perhaps the most important and useful tool for protecting the land, regardless of permitting issues, these are just some thoughts on combining the two.

Response to Comment 136804.008

National wildlife refuges do not require permits for commercial still photography but do require permits for commercial filming and audio recording, per the Code of Federal Regulations which states “50 CFR 27.71 Motion or sound pictures: The taking or filming of any motion or sound pictures on a national wildlife refuge for subsequent commercial use is prohibited except as may be authorized under the provisions of 43 CFR part 5.” Refuge managers have decided that options for visitor use management that preserve the Refuge’s special values and include appropriate designated Wilderness stewardship would be best addressed holistically through a public planning process separate from the Revised Plan. Managers have elevated the priority for completing the VUMP and the concurrent WSP to begin immediately upon approval of the Revised Plan. These plans will address visitor use issues and proposals submitted by the public. The planning efforts will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. Based on these efforts, managers may use education, site management, new or modified regulations, enforcement, and/or rationing/allocation to develop new management actions to better manage visitor use at the Refuge.



3.32 TOPIC: Refuge CCP

3.32.1 Evaluation and Revision

Comment 032619.007

Refuge CCP, Evaluation and Revision

Cliff Judkins, Chairman
Alaska Board of Game

-----Preamble/Intro-----

The following specific points further define the concerns and issues expressed by the Board:

-----Comment-----

Throughout the plan we observe disparities between management direction in the Arctic Refuge CCP and the established and consistent management direction in other refuges in Alaska. The draft plan offers no basis for this divergence.

Response to Comment 032619.007

The Refuge manager, working with the planning team and the regional office, has modified the management policies and guidelines to primarily perpetuate the special values of Arctic Refuge (Chapter 1, Section 1.5). This modified management direction is unique to Arctic Refuge and is not intended to establish precedents or standard management policies and guidelines for other national wildlife refuges in Alaska or future comprehensive conservation plans developed by the Service. The Service has prepared a memo for the State of Alaska and internal decision makers to explain what is different and why it was changed regarding the modifications that were made to the management policies and guidelines. Please also see Chapter 2, Section 2.2 of the Revised Plan.

Comment 136810.006

Refuge CCP, Evaluation and Revision

Paul Krausman, President
The Wildlife Society

-----Preamble/Intro-----

TWS proposes the following recommendations and additions to the CCP:

-----Comment-----

TWS supports the CCP and the inclusion of alternatives E or C, and recommends strengthening the plan with further consultation and collaboration with certified wildlife professionals.

Response to Comment 136810.006

The public involvement process culminating in the Revised Plan benefited from the thoughtful input of many wildlife professionals. Further input from wildlife professionals will be sought throughout the I&M step-down planning process, which will include a Research plan.

Comment 136736.001
Unnamed 73

Refuge CCP, Evaluation and Revision

When Arctic Refuge writes their management plans, they need to include the importance of cultural and subsistence issues.

Response to Comment 136736.001

The Refuge staff is keenly aware of the importance of cultural and subsistence issues and the Revised Plan reflect this awareness. Native culture and subsistence is acknowledged and/or addressed in the Plan's vision statement, in several of the goals and objectives, and in the Refuge's Management Policies and Guidelines. A section about the archaeological resources, prehistory, and history of Arctic Refuge is included in Chapter 4, along with a discussion of communities within and near the Refuge and of subsistence uses of the Refuge. In Chapter 5, Section 5.10, we describe the potential impacts each alternative would have on subsistence opportunities and cultural resources, and we include a Section 810 analysis. Chapter 5 also includes a discussion of where subsistence and cultural issues intersect with environmental justice concerns. The Revised Plan includes a commitment to complete an Integrated Cultural Resource Management Plan (ICRMP) for Arctic Refuge (Chapter 2, Section 2.1.8, Objective 8.3) in cooperation and coordination with local communities and Native organizations and in consultation with tribes and ANCSA Native corporations. Additionally, we propose to complete a traditional access study (Chapter 2, Section 2.1.4, Objective 4.6), compile existing subsistence use data, and support village harvest monitoring programs (Chapter 2, Section 2.1.4, Objective 4.4). We are committed to partnering with local residents and Native organizations on a variety of Refuge activities and planning efforts, including collecting traditional ecological knowledge of the area's ecosystems and wildlife. We will consult formally and informally with tribes on a variety of Refuge actions.

Comment 136853.001
Bobby Solomon

Refuge CCP, Evaluation and Revision

You know, it's been 50 years since you've done your CC, whatever it's called, and then you want to do -- and the you say you want to do it for the next 15 years. I don't like that. Fifteen years? Why don't you do it for another 50 years? Why 15? Who picked that number?

Response to Comment 136853.001

ANILCA directs the Service to prepare and periodically update comprehensive conservation plans for all national wildlife refuges in Alaska. These plans provide the foundation for managing refuge activities and uses consistent with the purposes of the refuges. Service policy directs us to update these plans every 15 years. Arctic Refuge's first Plan was completed in 1988. Since then, many things have changed. For example, new scientific information on Refuge resources, such as fish and wildlife, is available, and public uses and patterns of use have changed since 1988. The Arctic Refuge Revised Plan will be approved in 2012, and the next revision will be due in 2027.

3.33 TOPIC: Refuge History

3.33.1 General

Comment 136805.109

Refuge History, General

Sean Parnell, Governor
State of Alaska

Page 4-1, § 4.1.1 Refuge History, fourth paragraph, first sentence. ANILCA did not double the size of the Refuge and rename it. ANILCA established the Refuge, redesignated the Range as part of the new Refuge, and designated a portion of the former Range as wilderness.

Response to Comment 136805.109

Comment noted. We have revised the text in Chapter 4, Section 4.1.1 to clarify the relationship of ANILCA to the Arctic Range.

Comment 136805.110

Refuge History, General

Sean Parnell, Governor
State of Alaska

Page 4-1, § 4.1.1 Refuge History, fifth paragraph. ANILCA Section 303(2)(B) clearly states “the purposes for which the Arctic National Wildlife Refuge is established and shall be managed include...” [Emphasis added] We request “established” replace “reestablished” in the first sentence.

Response to Comment 136805.110

Comment noted. We changed the word “reestablishing” to “establishing.”

Comment 136805.111

Refuge History, General

Sean Parnell, Governor
State of Alaska

Page 4-2, § 4.1.1, Refuge History, second full paragraph. ANILCA Section 1002 did not include direction to “review the 1002 area for its suitability for preservation as wilderness” as indicated in this section. ANILCA Section 1004’s requirement to evaluate the suitability for preservation as wilderness, only applies to those lands described in Section 1001, which excludes the Arctic Refuge, including the 1002 Area. The wilderness review for the coastal plain was completed as part of the 1002(c) baseline study and 1002(h) report, and the Secretary rejected the alternative that would have recommended the coastal plain for wilderness designation: “Given the existence of extensive lands set aside for wilderness and other preservation purposes in this area and in Alaska, the 1002 area’s value as statutory wilderness is not unique” (Page 477, 1988 CCP/EIS) and instead recommended that the entire 1002 Area to be opened for oil and gas leasing. See also page 12, note a/ of the current, 1988 CCP, which states that the wilderness review for the 1002 area can be found on pages 478-83 in the Arctic Refuge Coastal Plain Resource Assessment, Final Report, Baseline study of the fish, wildlife, and their habitats (Vol II (Garner and Reynolds, 1986). The 1002(h) Report also references the conclusions of a wilderness study conducted in the 1970’s and states “No further study or public review is needed for the Congress to designate the 1002 area as wilderness.” (Page 103, Alternative E, Wilderness Designation).

Response to Comment 136805.111

We agree that ANILCA Section 1004 does not apply to Arctic Refuge, and we have deleted this reference throughout the Revised Plan. We have also clarified that the wilderness review for the coastal plain was completed as part of the 1002(c) study and 1002(h) report.

Comment 136805.112

Refuge History, General

**Sean Parnell, Governor
State of Alaska**

Overall the description of the Range's history inappropriately overemphasizes wilderness as a purpose for establishing the Range. Preserving the ability to harvest fish and game and facilitate outdoor recreation also were specifically identified in PLO 2214, which did not prioritize wilderness preservation above wildlife preservation and recreation.

We request this entire section be revised to correct these errors and include the additional relevant information provided.

Response to Comment 136805.112

The second paragraph of Chapter 4, Section 4.1.1, states, "Arctic Range was established for the 'purpose of preserving unique wildlife, wilderness, and recreational values' and was withdrawn from all forms of appropriation under the public land laws..." We believe that Chapter 1, Section 1.4.1 (including subsections 1.4.1.1 through 1.4.1.3) appropriately describes wilderness as a primary motive for establishing the Arctic Range in 1960. Although the Range's establishing order did not prioritize the area's three purposes, the literature on the Range's establishment (Kaye 2006) reveals that to a large degree, Range proponents and the DOI interpreted the Range's wildlife and recreation values in the context of wilderness. Public land Order 2214 authorized, but did not compel, the Secretary of the Interior to permit hunting, fishing, and trapping in the Range. Recognizing the important role hunters played in establishing the Range, the Plan includes hunting values as one of the Refuge's special values (see Chapter 1, Section 1.5.10).

3.34 TOPIC: Refuge Infrastructure and Administration

Group O.1: Refuge Infrastructure and Administration

We need local people to be employed by FWS. Today I am introduced to people who are foreign to my traditional values.

Submitted By:

- Unnamed 32 136883.001
- James Gideon 032661.001

Response to Group O.1: Refuge Infrastructure and Administration

The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship, we added Objective 4.1 Formal Consultation to Chapter 2, Section 2.1.4, and embedded language requiring either formal or informal consultation, collaboration, or cooperation with local Native communities in all of the subsistence and cultural objectives (see Chapter 2, Sections 2.1.4 and 2.1.8).

The Refuge currently has RITs employed in Arctic Village and Kaktovik, and we hope to expand the RIT program to Venetie and Fort Yukon in the future in collaboration with those communities. Locally hired Native RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and visitors. See Objective 4.3: Refuge Information Technician. Arctic Village's RIT serves in many capacities: managing the Visitor Contact Station, supervising the Youth Conservation Corp workers, conducting traditional ecological knowledge interviews for the Arctic Borderlands project, assisting with field monitoring projects, staffing the Service booth at the Federation of Alaska Native convention, and working with students at school with the Migratory Bird Calendar Contest. Arctic Village's RIT was effective in coordinating community involvement and comments at the Federal Eastern Interior Regional Advisory Council and the Federal Subsistence Board meetings regarding the proposal to close Red Sheep and Cane Creek to nonlocal hunters. Through strong coordination, involvement, and testimony by community and Refuge staff, this proposal was approved, reclosing these drainages to nonlocal hunters. The Refuge also employs a full-time Native Community Liaison Specialist who is a Gwich'in Native from Arctic Village, fluent in the language, knowledgeable in the Gwich'in customs and traditions, and skilled in community relations.

Group O.2: Refuge Infrastructure and Administration

Edward said the Refuge's Subsistence Coordinator position, such as the one Vince Mathew's is in, needs to be a Native person. A Native person with local knowledge of resources and traditions for this area. Needs to be a Native person helping other Native people. The FWS need more local Native people working for the agency.

Submitted By:

- Unnamed 41 136893.001
- Edward Sam 136912.005

Response to Group O.2: Refuge Infrastructure and Administration

The current subsistence coordinator has over 20 years of experience working with the Office of Subsistence Management and Federal Subsistence Advisory Councils, local villages and communities, tribal governments and Native organizations, State and Federal agencies, and the Federal Subsistence Board. The current subsistence coordinator is highly skilled, well qualified, and dedicated to ensuring Refuge and ANILCA mandates for a continued opportunity for subsistence use are being provided. In the future, we will actively recruit applicants from villages and universities when job opportunities arise.

Group O.3: Refuge Infrastructure and Administration

The Administration Sites and Visitor Facilities management guideline should be modified to prohibit construction of any new buildings in the refuge.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.035
- Wilderness Watch, Fran Mauer 032628.026
- Wilderness Watch - Full 000017.017
- Julie RaymondYakoubian 136993.008

Response to Group O.3: Refuge Infrastructure and Administration

We have no plans to construct any new administrative or visitor facilities on the Refuge. We have revised the guidelines (Chapter 2, Section 2.4.16) to clarify that visitor facilities (buildings) may be developed off-site, if needed. We also describe when facilities may be necessary. Other types or visitor support facilities (e.g., campgrounds, boat launch sites, etc.) “shall not be placed in Wilderness, Wild River, and Minimal Management areas of the Refuge.” Certain types of facilities, including hardened campsites, sanitation facilities, and temporary signs may be developed “if necessary to prevent resource damage.”

Per Chapter 2, Section 2.4.21.1, new administrative facilities are not expressly prohibited but must meet the following standards: administrative field camps or other administrative facilities in Minimal, Wild River, and Wilderness Management categories will only be allowed when required to meet management objectives, when no reasonable alternative sites exist, and when the facilities are essential to protect the health and safety of employees and new facilities would be the minimum required to meet long-term needs. Any proposed facilities in Wilderness are subject to a MRA.

Group O.4: Refuge Infrastructure and Administration

The Peters Lake facility has always been an intrusion and should be downsized at the very least and preferably removed for the reasons stated.

Submitted By:

- Equinox Wilderness Expeditions, Karen Jettmar 032621.006
- Duane Howe 136807.007
- David McCargo 032662.006

Response to Group O.4: Refuge Infrastructure and Administration

The Plan includes an objective to evaluate the administrative site at Lake Peters. Objective 2.5 (Chapter 2, Section 2.1.2) states that “Within two years of Plan approval, Refuge managers will complete required analyses to potentially remove one or more buildings at Lake Peters,

and any identified building(s) will be removed within four years of Plan approval.” The appropriate level of environmental analysis will be completed, including any required consultation, such as with the State Historic Preservation Office. The Refuge manager will then develop a detailed project proposal that identifies the specific actions to be taken, and how and when the work would be accomplished. The project would be implemented and all work completed within four years of Plan approval.

Group 0.5: Refuge Infrastructure and Administration

Another issue of significant public concern, which has been expressed on numerous occasions over the past 30 years, is the facilities located at Peters Lake. The description found on Pages 4-236 and 4-237, fails to inform readers that these facilities occur within designated Wilderness. The buildings at Peters Lake are out of conformance with the Wilderness. Their removal should be a required action in the Final CCP. Facilities located at Big Ram Lake, built before refuge designation, are also inconsistent with Refuge purposes. The Final CCP should require their removal as well.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.029
- Julie RaymondYakoubian 136993.007

Response to Group 0.5: Refuge Infrastructure and Administration

In response to your comment, we clarified in Chapter 4, Section 4.5.1.6, that the Lake Peters facility is located in designated Wilderness. The Plan includes an objective to evaluate the administrative site at Lake Peters. Objective 2.5 (Chapter 2, Section 2.1.2) states that “Within two years of Plan approval, Refuge managers will complete required analyses to potentially remove one or more buildings at Lake Peters, and any identified building(s) will be removed within four years of Plan approval.” The appropriate level of environmental analysis will be completed, including any required consultation, such as with the State Historic Preservation Office. The Refuge manager will then develop a detailed project proposal that identifies the specific actions to be taken, and how and when the work would be accomplished. The project would be implemented and all work completed within four years of Plan approval.

Facilities at Big Ram Lake are outside the Refuge’s designated Wilderness. The site at Big Ram Lake predates the establishment of the Refuge and currently is used on a limited basis during wildlife surveys and law enforcement patrols. We have no plans at this time to remove facilities at Big Ram Lake, but we may consider their removal in the future.

3.34.1 Administrative Sites

Comment 136801.096 Refuge Infrastructure and Administration, Administrative Sites
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.21.1 Administration Sites and Visitor Facilities p. 2-71. This section should be modified to prohibit construction of any new buildings for administration, recreational, or commercial use facilities in the Refuge because they are incompatible with the wilderness purpose of the refuge as well as its recreational purpose to support unique type of recreational experience. New permanent Administrative Facilities should not be built on Refuge lands as they are unnecessary and incompatible with the Refuge purposes.

Furthermore, per ANILCA Section 1306(a)(2), there is ample opportunity to provide any necessary administrative sites or visitor facilities on adjacent Native lands, preferably within communities if they desire to host the facilities

Response to Comment 136801.096

We have no plans to construct any new administrative, commercial, or visitor buildings on the Refuge. According to our Management Guidelines, new administrative facilities could be constructed (Chapter 2, Section 2.4.21.1), and, should the need arise, we may consider them. Administrative facilities in Minimal, Wild River, and Wilderness Management categories will only be allowed when required to meet management objectives, when no reasonable alternative sites exist, and when the facilities are essential to protect the health and safety of employees. New facilities would be the minimum required to meet long-term needs. Public Use facilities, if needed, may be provided in gateway communities rather than on the Refuge (Chapter 2, Section 2.4.16). You are correct that ANILCA (Section 1306) requires us “to the extent practicable and desirable attempt to locate such sites (administrative and visitor facilities) and facilities on Native lands in the vicinity of the unit.” There are currently no public use cabins on Arctic Refuge, and new private recreational cabins will not be authorized. New commercial cabins are not permitted in designated Wilderness but may be allowed in other areas, if compatible and if no reasonable alternatives exist. We have no plans to construct or permit any additional cabins on Arctic Refuge.

Chapter 2, Section 2.4.16.1 (Cabins) states that subsistence and commercial cabins may be authorized under a special use permit; however, private recreational cabins will not be authorized. The management of existing cabins and review of proposals for construction of new cabins for traditional uses will be in accordance with the Service’s cabin regulations (50 CFR 36.33) and regional cabin policy. These regulations and the regional cabin policy are consistent with implementation of ANILCA Section 1315(a)(c)(d). There are currently no public use cabins on Arctic Refuge and the Service has no plans for constructing or designating new public use cabins.

Comment 136805.128
Sean Parnell, Governor
State of Alaska

Refuge Infrastructure and Administration, Administrative Sites

Page 4-233, § 4.5 Refuge Infrastructure and Administration. Since Big Ram Lake Field Station is being considered for removal, a photograph of the station in page 4-234 through 4-237 would be useful.

Response to Comment 136805.128

Big Ram Lake Field Station is not currently being considered for removal. Facilities at Big Ram Lake are outside the Refuge’s designated Wilderness. The site at Big Ram Lake predates the establishment of the Refuge and currently receives use during wildlife surveys and law enforcement patrols on an average of five days per year and, as such, could support refuge purposes and operations. We have no plans at this time to remove facilities at Big Ram Lake, but we may consider their removal in the future. The Refuge did not have a photo of this facility when we were preparing the draft Revised Plan. We now have a photo, and we will add it to the Administrative Facilities discussion in Chapter 4, Section 4.5.1.

**Comment 032628.020
Fran Mauer, Alaska Chapter
Wilderness Watch**

Refuge Infrastructure and Administration, Administrative Sites

Pages 4-236 and 4-237 Another issue of significant public concern, which has been expressed on numerous occasions over the past 30 years, is the facilities located at Peters Lake. The description here, fails to inform readers that these facilities occur within designated Wilderness and the Neruokpuk Lakes Public Natural Area and are inconsistent with the purpose of both land categories. It also exaggerates the 1999 reduction of its footprint by claiming: “In 1999, the footprint from the original facility was altered and greatly reduced.” In fact approximately 360 square feet were removed in 1999 (including a generator shed, sauna and Quonset hut), leaving some 1128 square feet still in place. The description goes on to inflate the importance of the facility for science, when most of the studies that are listed occurred during a brief period some 50 years ago. In subsequent years it has been a haven for “agency leaders” and VIPs probably more that it has been used for studies. A primary reason that it has not been a haven for the field workers is that its access during the summer field season is limited to float planes, whereas wheel aircraft are largely the predominant form of access in the Refuge during summer. Finally, this description claims that “Lake ice usually lasts well into June,” but fails to mention that due to ice thinning and melting around the edge of the lake it is rarely used by wheel aircraft after June 10. The favorable tone of this description contrasts with that given on Page 2-9 which indicates that actually these facilities are not needed. The buildings at Peters Lake are out of conformance with the designated Wilderness. Their removal should be a required action in the Final CCP. Facilities located at Big Ram Lake, built before refuge designation, are also inconsistent with Refuge purposes. The Final CCP should require their removal as well.

Response to Comment 032628.020

In reponse to your comment, we clarified in Chapter 4, Section 4.5.1.6, that the Lake Peters facilities are located in the Neruokpuk Lakes Public Use Natural Area (PUNA) and designated Wilderness. We also edited the write-up to ensure consistency with Objective 2.5 (Chapter 2, Section 2.1.2). This objective states that within two years of the Revised Plan’s approval, Refuge staff will complete an environmental analysis whether to remove one or more buildings at Lake Peters. If the decision is to remove buildings, the work would be done within four years of the Revised Plan’s approval. The appropriate level of environmental analysis will be completed, including any required consultation, such as with the State Historic Preservation Office. The Refuge manager will then develop a detailed project proposal that identifies the specific actions to be taken and how and when the work would be accomplished. An MRA would be completed on the proposed action before implementation.

Facilities at Big Ram Lake are outside the Refuge’s designated Wilderness. The site at Big Ram Lake predates the establishment of the Refuge and currently is used on a limited basis during wildlife surveys and law enforcement patrols. We have no plans at this time to remove facilities at Big Ram Lake, but we may consider their removal in the future.

**Comment 136678.001
Unnamed 20**

Refuge Infrastructure and Administration, Administrative Sites

Refuge headquarters should be based in Kaktovik so that the Refuge has a presence there.

Response to Comment 136678.001

Arctic Refuge has an administrative facility in Kaktovik and staff and cooperators work out of this facility, primarily in the summer months. The Refuge has a RIT, who is a native of Kaktovik, located there to increase communication between Refuge staff and people in Kaktovik. We have had permanent employees stationed in Kaktovik and may do so again in the future. Our headquarters has been, and will continue to be, co-located with the Yukon Flats and Kanuti National Wildlife Refuges in Fairbanks; however, we will continue to look for opportunities to partner with the KIC and the Native Village of Kaktovik and increase our staff presence in Kaktovik as funding permits.

**Comment 136954.001
Alan Batten**

Refuge Infrastructure and Administration, Administrative Sites

I have ambiguous feelings about the buildings at Lake Peters. On the one hand, I can see that having buildings there could be considered to be inconsistent with the Refuge Vision of maintaining an untamed arctic landscape throughout, and I commented to that effect during public input to the CCP process in the spring of 2010. However, having lived in the Lake Peters cabins in the summer of 1973 I have some affection for them. In the midst of all this wilderness, having one permanent roof might be a good idea for purposes of research, administration and emergency use.

Response to Comment 136954.001

We will determine the fate of the cabins at Lake Peters at a later date. The Plan includes an objective to evaluate the administrative site at Lake Peters. Objective 2.5 (Chapter 2, Section 2.1.2) states that “Within two years of Plan approval, Refuge managers will complete required analyses to potentially remove one or more buildings at Lake Peters, and any identified building(s) will be removed within four years of Plan approval.” The appropriate level of environmental analysis will be completed, including any required consultation, such as with the State Historic Preservation Office. The Refuge manager will then develop a detailed project proposal that identifies the specific actions to be taken, and how and when the work would be accomplished. The project would be implemented and all work completed within four years of Plan approval.

3.34.2 General**Comment 136789.004
Bob Childers, Executive Director
Gwich'in Steering Committee**

Refuge Infrastructure and Administration, General

We are concerned that the plan contemplates a very large increase in the Refuge budget, but a decrease in funding may be more realistic. We believe the plan should identify priority activities that address the most important refuge issues, and also those that could be delayed, in the event of a significant decrease in existing funding. Otherwise, we will not know what you plan to really do.

Response to Comment 136789.004

Comprehensive conservation plans set the management direction for national wildlife refuges, including establishing goals and objectives and providing guidance for future budget requests to fully meet those objectives. We recognize that the Revised Plan represents an ambitious set of goals, objectives, and strategies for the next 15 years, especially in light of current budget declines. We are committed to a quality program of comprehensive, integrated management of Refuge resources and the public use of Arctic Refuge to protect the Refuge's resources, special values, and visitor experiences. The staff considered the entire workload proposed in the draft Revised Plan and prioritized both the step-down plans and our objectives into: 1) immediate needs (Years 1-3 and ongoing); short-term needs (Years 4-8) and Long-term (Years 9+) (see Chapter 2: Goals, Objectives). These changes are also reflected in Chapter 6 (Implementation and Monitoring). Additional funds and positions needed to fully carry out these responsibilities are outlined in the description of each management alternative (Chapter 3: Issues and Alternatives) should funds become available.

We agree with you that the number of staff and the dollars requested appear excessive. We have revisited our staffing and funding evaluations of the alternatives to make sure they accurately reflect what is truly needed to implement the Revised Plan. The total number of positions was reduced to 3.5 full-time permanent employees, one temporary intermittent employee, and four temporary seasonal employees. Base cost was reduced from \$4,601,000 in the draft Plan to \$4,097,000 in the Revised Plan. We have also added language to the description of the alternatives to clarify that it is the goals and objectives that are driving the funding and staffing needs.

3.34.3 Staffing

Comment 136811.002

Refuge Infrastructure and Administration, Staffing

Mark Richards, Co-Chair

Alaska Backcountry Hunters & Anglers

Many of the comments we received from our members, and others, who visit the refuge, guide or hunt in the Refuge, run a permitted commercial air-taxi/transporter within the Refuge, come back to the fact that that Refuge basically has just one pilot/LEO on staff, and for such a large area this prevents adequate enforcement of existing regulations as well as investigating some of the illegal activities going on within the Refuge, such as unpermitted air-taxi operations.

We recommend that the Refuge fully consider funding an additional law enforcement officer/pilot.

Response to Comment 136811.002

This plan recognizes the need for increasing patrols by existing officers and the need for an additional enforcement officer/pilot position to be stationed near the Refuge who would have shared duties with Arctic, Kanuti, and Yukon Flats Refuges. Objective 5.7 (Chapter 2, Section 2.1.5) was strengthened and expanded to increase the efficiency, effectiveness and presence of existing resource protection officers in the area.

**Comment 136679.001
Unnamed 21**

Refuge Infrastructure and Administration, Administrative Sites

Will there be more of an Arctic Refuge presence in the villages? A stationed officer?

Response to Comment 136679.001

The Refuge currently has two RITs employed, one in Arctic Village and one in Kaktovik, and we hope to expand the RIT program to Venetie and Fort Yukon in the future in collaboration with those communities. Locally hired RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and other community groups (see Chapter 2, Section 2.1.4, Objective 4.3 Refuge Information Technician). We have also strengthened and improved Objective 5.7 (Chapter 2, Section 2.1.5) to increase presence on the Refuge through partnering with other Federal and State law enforcement authorities in the area to more efficiently and effectively coordinate conservation and resource protection efforts. This plan recognizes the need for an additional law enforcement officer/pilot to be stationed near the Refuge who would have shared duties with Arctic, Kanuti, and Yukon Flats Refuges. While this officer may not be stationed in Arctic Village, the officer would certainly increase our presence there.

**Comment 136682.001
Unnamed 24**

Refuge Infrastructure and Administration, Administrative Sites

Could a tribal officer be trained to become a pilot and be an enforcer agent with Arctic Refuge? This person could be a year-round agent in Kaktovik. Can hire from a tribal entity to establish a network of enforcement.

Response to Comment 136682.001

Currently, two of the four Refuge law enforcement officers for the northeastern region of the State, which includes Arctic Refuge, are Alaska Natives. Arctic Refuge enforcement officers will continue to cooperate with other agency officers in and near the Refuge such as the North Slope Borough Police, Village Public Safety Officers, and State Wildlife Protection Officers. The Refuge will seek funding for increasing existing law enforcement patrol efforts as well as authorization for hiring one additional law enforcement officer to be stationed near the Refuge who will share enforcement duties with neighboring Yukon Flats and Kanuti Refuges. When funding becomes available, we will actively recruit potential applicants through existing Federal hiring processes, including posting position announcements in Refuge area villages and tribal offices. The new officer position will increase resource protection efforts throughout the Refuge's Brooks Range and coastal plain regions and will, at times, be based out of the Kaktovik Service facilities as needed. Basic aviation skills will be required of this position due to the large geographic and remote area to be covered. However, more advanced aviation training and skills would be provided as needed.

**Comment 136878.001
Unnamed 28**

Refuge Infrastructure and Administration, Administrative Sites

Thousands of Dollars are poured into Non-natives to study Natives. Why aren't we hired? Why isn't anybody here hired to check what's going on a Red Sheep Creek? We should get paid for studies about local wildlife, natives, etc. There should be a vocational program going on to recruit people.

Response to Comment 136878.001

The Refuge currently employs an Iñupiat RIT in Kaktovik and a Gwich'in RIT in Arctic Village, as well as a Gwich'in Community Liaison based in Fairbanks. This plan recommends hiring RITs in collaboration with the villages of Venetie and Fort Yukon as funding becomes available. For the past 10 years, the Refuge has hired Arctic Village youth to work during the summer through the Youth Conservation Corp program and partnered with both Arctic Village and Kaktovik to conduct science and cultural camps or community youth. We also have hired Alaska Native Science and Engineering Program students from the University of Alaska to work in seasonal biological monitoring programs on the Refuge. We continue to support the Arctic Borderlands traditional ecological knowledge studies in Arctic Village and Kaktovik through our RIT program and collaboration with local elders. We will continue to seek opportunities to work collaboratively with villages, elders, and youth and actively recruit potential applicants from villages and universities when job opportunities arise.

**Comment 136730.001
Unnamed 68**

Refuge Infrastructure and Administration, Administrative Sites

Would encourage the hiring of subsistence advisers who could help the Refuge to minimize conflicts with subsistence users

Response to Comment 136730.001

The Refuge currently has RITs employed in Arctic Village and Kaktovik, and we hope to expand the RIT program to Venetie and Fort Yukon in the future in collaboration with those communities. Locally hired Native RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and visitors (see Chapter 2, Section 2.1.4, Objective 4.3: Refuge Information Technician Program). Arctic Village's RIT was very effective in coordinating community involvement and comments at the Federal Eastern Interior Regional Advisory Council and the Federal Subsistence Board meetings regarding the proposal to reclose Red Sheep and Cane Creek to nonlocal hunters. Through strong coordination, involvement, and testimony by community members, Native organizations, and Refuge staff, the proposal was approved by the board to reclose these drainages to nonlocal hunters to minimize conflicts between local and nonlocal users. Arctic Village's RIT serves in many capacities: managing the Arctic Village Visitor Contact Station; providing information to visitors about the Refuge, its resources, and local communities through visitor contacts and informational kiosks; and disseminating brochures and posters, which help minimize conflicts between visitors and local users of the Refuge.

**Comment 032662.001
David McCargo**

Refuge Infrastructure and Administration, Administrative Sites

With drastic budget cuts on the horizon, Refuge planners should presume that they will have significantly less resources. Many of the scenarios will not occur given their associated manpower and expense requirements. While the Service has many more mandated responsibilities since then, the Refuge was managed nicely once upon a time by a Refuge Manager, and Assistant Manager, and a Maintenance Man.

Real wilderness does not need much if any management. It is a paradox that conservation agencies require increasing resources to manage less. The biggest problem for the Refuge will be that even if the status quo is maintained it will have a harder and more costly time of

prohibiting incompatible uses. This argues for not allowing them in the first place, and preserving the wilderness character of the Refuge with minimal management. Having less money all around may be a good thing because it will limit the amount of mischief-making.

Response to Comment 032662.001

The Refuge does prohibit incompatible uses. However, all the many compatible public uses, including non-consumptive uses, require monitoring, enforcement, and management actions to avoid or minimize actual or potential impacts on Refuge values.

Comment 136912.001 Edward Sam

Refuge Infrastructure and Administration, Administrative Sites

-----Preamble/Intro-----

Said that Arctic Village people have worked for 13 years to keep Red Sheep Creek and Cane Creek closed to nonlocal residents. We have now lost that closure and nonlocal people can come in the hunt in those areas. Said he does not trust the government, they change managers and change policies, and subsistence users lose.

-----Comment-----

why the FWS can't hire one person from the community to work with the agency to help protect and manage the Red Sheep and Cane Creek areas. He mentioned the Lacey Act as a means of agency – tribal cooperation.

Response to Comment 136912.001

Response to Preamble/Intro: The Arctic Village Sheep Management Area was established in 1991, expanded in 1995, and remains in place today. Regulations governing Dall's sheep hunting in the Arctic Village Sheep Management Area are set by the Federal Subsistence Board and the State of Alaska Board of Game, with input from the Federal Regional Advisory Councils and other interested publics. A brief history of regulations and the current status of the Area are included in Chapter 4, Section 4.3.7.3 under the heading "Dall's Sheep."

Currently, sheep hunting in the Arctic Village Sheep Management Area, including the 1995 addition of Red Sheep and Cane Creek drainages, is limited to federally qualified subsistence hunters from the communities of Arctic Village, Venetie, Fort Yukon, Chalkyitsik, and Kaktovik during the season from August 10 through April 30. Further, the Refuge does not authorize commercial big-game guides in the area around Arctic Village, including the Arctic Village Sheep Management Area, to minimize conflicts between local and nonlocal users.

Refuge managers may change over time; however, legal mandates and Federal laws remain consistent. ANILCA and its subsistence mandates will be followed by Refuge management.

Response to Comment: The Refuge currently has RITs employed in Arctic Village and Kaktovik, and we hope to expand the RIT program to Venetie and Fort Yukon in the future in collaboration with those communities. Arctic Village's RIT was very effective in coordinating community involvement and comments at the Federal Eastern Interior Regional Advisory Council and the Federal Subsistence Board meetings regarding the proposal to reclose Red Sheep and Cane Creek to nonlocal hunters. Through strong coordination, involvement, and testimony by community members, Native organizations, and Refuge staff, the proposal was approved by the board to reclose these drainages to nonlocal hunters to minimize conflicts between local and nonlocal users. Arctic Village's RIT serves in many capacities: managing the Arctic Village Visitor Contact Station; providing information to visitors about the Refuge, its resources, and local communities through visitor contacts

and informational kiosks; and disseminating brochures and posters, which help minimize conflicts between visitors and local users of the Refuge. Locally hired Native RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and visitors (see Chapter 2, Section 2.1.4, Objective 4.3: Refuge Information Technician Program). The Refuge also employs a full-time Native Community Liaison Specialist who is a Gwich'in Native from Arctic Village, fluent in the language, knowledgeable in the Gwich'in customs and traditions, and skilled in community relations.

The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship we added Objective 4.1 Formal Consultation to Chapter 2, Section 2.1.4, and embedded language requiring either formal or informal consultation, or collaboration, or cooperation with local Native communities in all of the subsistence and cultural objectives.

Comment 136910.002
Unknown Unknown

Refuge Infrastructure and Administration, Administrative Sites

A younger Native man asked why can't Arctic Village people be hired to work with the FWS and to assist with wildlife studies. Local people need jobs and could help with monitoring and research needs on the refuge. Said they need a vocational program to help younger people to enter job market, get work with the FWS.

Response to Comment 136910.002

The Refuge currently employs an Iñupiat RIT in Kaktovik and a Gwich'in RIT in Arctic Village, as well as a Gwich'in Community Liaison based in Fairbanks. This plan recommends hiring RITs in collaboration with the villages of Venetie and Fort Yukon as funding becomes available. For the past 10 years, the Refuge has hired Arctic Village youth to work during the summer through the Youth Conservation Corp program and partnered with both Arctic Village and Kaktovik to conduct Science and Cultural Camps for community youth. We have hired Alaska Native Science and Engineering Program students from the University of Alaska to work in seasonal biological monitoring programs on the Refuge. The Refuge also employs a full-time Native Community Liaison Specialist who is a Gwich'in Native from Arctic Village, fluent in the language, knowledgeable in the Gwich'in customs and traditions, and skilled in community relations. Locally hired Native RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and visitors (see Chapter 2, Section 2.1.4, Objective 4.3: Refuge Information Technician Program). Arctic Village's RIT was effective in coordinating community involvement and comments at the Federal Eastern Interior Regional Advisory Council and the Federal Subsistence Board meetings regarding the proposal to close Red Sheep and Cane Creek to nonlocal hunters. Through strong coordination, involvement, and testimony by community and Refuge staff, the proposal was approved reclosing these drainages to nonlocal hunters. We will continue to seek opportunities to work collaboratively with villages, elders, and youth, and actively recruit potential applicants from villages and universities when job opportunities arise.

3.34.4 Visitor Facilities**Comment 032675.015**

Refuge Infrastructure and Administration, Visitor Facilities

Stan Leaphart, Executive Director**Citizens' Advisory Commission on Federal Areas**

The original CCP stated that the Service has no plans for constructing or designating new public use cabins, but at least acknowledged that cabins may be constructed or designated if necessary for refuge management and or public health and safety. The DCCP (pg. 2- 64) states that public use cabins will not be placed on the refuge, with no mention of the public health and safety issue.

ANILCA 1315(d) states that within wilderness areas the Secretary of the Interior is: "authorized to construct and maintain a limited number of new public use cabins and shelters if such cabins and shelters are necessary for the protection of the public health and safety. All such cabins and shelters shall be constructed of materials which blend and are compatible with the immediate and surrounding wilderness landscape. "

The Revised CCP and Record of Decision should allow either the designation of existing cabins or construction of new cabins for public use in the non-wilderness portions of the refuge. Consistent with ANILCA Section 1315(d), the need for public use cabins or shelters for public health and safety purposes within the designated wilderness portion of the refuge should be allowed under whatever alternative is implemented. There is a significant segment of the public that considers public use cabins within conservation system units, including the Arctic Refuge, as both appropriate and desirable.

Response to Comment 032675.015

There are currently no public use cabins on the Refuge, and we have found them to be unnecessary for public health and safety. Construction of new public use cabins is not consistent with the Refuge's vision, goals or objectives and they are not allowed (Chapter 2, Section 2.4.16.1). Chapter 2, Section 2.4.16.2 states that temporary facilities may be allowed only in instances directly and necessarily related to the taking of fish and wildlife, subject to special use permit.

Comment 136837.001

Refuge Infrastructure and Administration, Visitor Facilities

Unnamed 1

What would the cost be of a permit for temporary facilities? How long would it be good for?

Response to Comment 136837.001

Subsistence users will not need a special use permit or be charged a fee for use of temporary facilities related to the taking of fish or wildlife with the exception of tent platforms left in place for more than a year. Subsistence users will not be charged an administrative processing fee for special use permits. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands in both Wilderness and Minimal Management categories, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

Comment 136680.001
Unnamed 22

Refuge Infrastructure and Administration, Visitor Facilities

There could be a visitor center in Kaktovik, a Native museum similar to the one in Barrow.

Response to Comment 136680.001

Efforts necessary to build, maintain, and staff a visitor center in Kaktovik would require shared support and interest from within the community, and Arctic Refuge appreciates this recommendation. Goal 8 (Chapter 2, Section 2.1.8) prioritizes appreciation for the interconnectedness of the people of the region and their environment, Objective 5.6 (Chapter 2, Section 2.1.5) of the Revised Plan commits Refuge staff to coordinate with neighbors to encourage conservation and stewardship, and Objective 9.3 (Chapter 2, Section 2.1.9) commits Refuge staff to community-based collaborative outreach projects consistent with the Refuge's purposes and values. Staff routinely responds to requests from Kaktovik community leaders for support to help provide visitor services in the community. Funds from permitted commercial service providers, obtained through the Recreation Fee Program within the Federal Lands Recreation Enhancement Act 16 U.S.C. 6803(c) to enhance visitor services have made possible informational kiosks and polar bear safety information in Kaktovik. Refuge staff has partnered with the Native Village of Kaktovik, the Kaktovik Polar Bear Committee, the Kaveolook School, ORIGIN Institute (an organization providing Alaska Native youth with training opportunities in recreational tourism business opportunities), and others to increase visitor awareness in the community. We are supporting local response to increasing tourism by funding two Kaktovik Youth Ambassadors who will work with the Kaktovik Polar Bear Committee to orient visitors with community safety information during the subsistence whaling/polar bear viewing season. We are also open to exploring additional ways to continue supporting local efforts to increase visitor appreciation for the interconnectedness of the people of the region and their environment in Kaktovik.

Comment 136839.001
Unnamed 3

Refuge Infrastructure and Administration, Visitor Facilities

How do we define temporary facilities?

Response to Comment 136839.001

Section 1316(a) of ANILCA describes temporary facilities as temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to the taking of fish and wildlife on public lands, subject to reasonable regulations to ensure compatibility and continuance of existing uses.

3.35 TOPIC: Refuge Management Policies/Guidelines

Group P.1: Refuge Management Policies/Guidelines

I would like to emphasize the threat posed by domestic “pack goats” or other domestic ruminants to Dall Sheep. It is my belief that there is a HIGH probability of disease and/or parasite transfer to wild sheep populations. The risk of massive, catastrophic sheep mortality is too high and the damage would be virtually, irreparable. Please ban domestic “pack” ruminants from ANWR.

Submitted By:

- Brian and Diane Okonek 136988.002
- Tom Paragi 136990.001
- Thor Stacey 136998.001

Response to Group P.1: Refuge Management Policies/Guidelines

Domestic sheep, goats, and camelids (e.g., llamas and alpacas) have been shown to present a significant disease risk for Dall’s sheep. The management guidelines have been changed to disallow the use of these animals in all management categories on Arctic Refuge.

Group P.2: Refuge Management Policies/Guidelines

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

Is there a breakdown about how Arctic Refuge issues permits?

Submitted By:

- Unnamed 30 136689.001
- Unnamed 31 136690.001

Response to Group P.2: Refuge Management Policies/Guidelines

No special use permits have been issued for temporary facilities in the past so there is no breakdown regarding permits for that use. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands in both Wilderness and Minimal Management lands, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

Group P.3: Refuge Management Policies/Guidelines

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

How many can afford having to pay for a permit for temporary facility?

Submitted By:

- Unnamed 29 136687.001
- Unnamed 35 136694.001
- Unnamed 43 136703.001

Response to Group P.3: Refuge Management Policies/Guidelines

Subsistence users will not need a special use permit or be charged a fee for use of temporary facilities related to the taking of fish or wildlife with the exception of tent platforms left in place for more than a year. Subsistence users will not be charged an administrative processing fee for special use permits. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands in both Wilderness and Minimal Management lands, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

Group P.4: Refuge Management Policies/Guidelines

We are further concerned because the Draft CCP (Page 2-44 Federal, State and Local Governments) proposes that FWS should consider clearly incompatible Alaska actions on a case-by-case basis: “separate refuge compatibility determinations addressing specific proposals will be required for State management activities that propose predator management, fish and wildlife control...or any other unpermitted activity that could alter ecosystems” of refuges in Alaska. The Service does not need to initiate a compatibility determination or NEPA process to evaluate a State-sponsored proposal to conduct predator control in Arctic Refuge. Rather, the FWS should incorporate language into the CCP and the draft Compatibility Determinations clearly stating that any State regulation or plan involving the use of predator control that conflicts with federal law or policy and the purposes of the Arctic Refuge will be preempted in the Refuge.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.013
- Northern Alaska Environmental Center, Pamela Miller 136801.064
- Sierra Club, Dan Ritzman 137014.010
- Various Environmental Organizations, Nicole Whittington-Evans 032627.038

Response to Group P.4: Refuge Management Policies/Guidelines

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service

signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation.

Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Group P.5: Refuge Management Policies/Guidelines

-----Preamble/Intro-----

The Service Should Offer Stricter Criteria for a Management Emergency

-----Comment-----

The Draft CCP outlines that emergency situations may make it necessary to deviate from policies and guidelines discussed in the plan. Defenders has strong concerns over what sort of emergencies would require action. According to the plan, “emergency situations could also arise, whereby threatened or endangered species, natural diversity, water quality and/or quantity or subsistence resources are seriously jeopardized, or the introduction of an invasive species potentially necessitate actions not normally permissible.”[24]

In our view, a decline in the quantity of resources does not warrant an emergency action that could disrupt the natural diversity of fish and wildlife populations on the Refuge. A particular concern is that State managers consider any reduction in big game harvest to be an “emergency.” Sections in the CCP containing language that allows action in the face of such emergencies leave the door open for the State to claim that subsistence resources are threatened if a decline in ungulates occurs and, therefore, pursue predator control. Considering the vulnerability of subsistence resources to climate change, availability of subsistence resources such as caribou may be affected over time; control of predation to prevent potential declines due to climate factors is inappropriate on the Refuge. Further, if

the Refuge's Coastal Plain were to be opened to oil and gas development, subsistence resources such as caribou could be significantly impacted, and it would be inappropriate to undertake predator control to mitigate losses to caribou populations resulting from development of oil and gas on the Refuge.

Submitted By:

- Defenders of Wildlife, Julie Kates 136796.003, 136796.004

Response to Group P.5: Refuge Management Policies/Guidelines

Chapter 2, Section 2.4.2 (Human Safety and Emergencies) was revised to clarify that for emergencies not related to human health and safety, the manager must consider the immediate and long-term effects of potential response actions on all Refuge purposes, goals, objectives, and special values. Should either the State or the Refuge believe a wildlife population is in or approaching an emergency situation, they will coordinate and, where practical, use state regulatory processes to address the situation. For wildlife populations, this would normally first involve eliminating sport harvest and, if necessary, limit or eliminate subsistence harvest. On Refuge lands, the Service has the ultimate responsibility and authority for ensuring any actions, including predator control, are not at variance with Refuge purposes, goals, objectives, or special values and are fully warranted and implemented only to the extent necessary to meet an actual emergency. As per ANILCA Section 303(2)(B), actions taken to meet the Refuge's subsistence purpose must be consistent with the Refuge purpose "to conserve fish and wildlife populations and habitats in their natural diversity."

Group P.6: Refuge Management Policies/Guidelines

Sec. 2.4.8. Coastal Zone Consistency p. 2-42. The CCP needs to address the fact that the Alaska Coastal Management Program ended in 2011 in this section, and it is suggested that this section instead be entitled Coastal Zone Management to address how the federal government plans to manage the coastal zone and whether there are other applicable tools of the federal Coastal Zone Management Act. The final EIS should also describe the impacts loss of this program, including its coordination and cooperation functions, and the program's enforceable standards may have on the Arctic Refuge fish, wildlife, subsistence, recreation, and wilderness values.

We are concerned because there is no longer the ACMP mechanism for community standards and review of activities resulting from the state's Beaufort Sea Area-wide Leasing Program in the 3-mile zone immediately offshore the refuge and on State lands along refuge's western boundary. There will be less scrutiny and lack of comprehensive mechanism for public review and comment due to the absence of this program regarding impacts from oil and gas activities on refuge fish and wildlife resources that rely on those nearshore waters, and noise, spills, and other impacts that can degrade and harm refuge habitats, wildlife, subsistence resources and uses, wild lands recreation, and wilderness values.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.067
- Sierra Club, Dan Ritzman 137014.019

Response to Group P.6: Refuge Management Policies/Guidelines

The Revised Plan acknowledges the discontinuation of the Alaska Coastal Management Program in 2011, and we opted to retain the Chapter 2, Section 2.4.8 title. It is beyond the scope of the Plan to address the impacts of the loss of this program.

Group P.7: Refuge Management Policies/Guidelines

The southern sections of the Arctic Refuge should be managed in a way that supports the Gwich'in people's traditional and cultural access to the area while maintaining Wilderness characteristics.

Submitted By:

- Alaska Wilderness League - Form Letter 000026.001
- Alaska Wilderness League - Petition 255413.001
- Alaska Wilderness League - Type B Postcard 255412.001
- Change.org - Greenpeace 000028.001
- Greenpeace - Alert 000027.001
- Greenpeace - Email 000023.001
- Pacific Environment - Bulk Letter 255367.001
- Peter Fontaine 032637.003

Response to Group P.7: Refuge Management Policies/Guidelines

We believe that the Plan acknowledges the relationship to the land that exists for the Gwich'in and Iñupiat peoples. The Service recognizes that these peoples and their ancestors have maintained a vital connection to the land for thousands of years and have been the land's stewards and caretakers. ANILCA recognizes this important connection between Alaska Native peoples and the land for continued cultural and subsistence purposes. Arctic Refuge's vision and goals also share the Alaska Native perspective and values towards the land and nature (see Chapter 1, Section 1.6).

Chapter 4, Section 4.4, discusses archeological and historical resources of what is now Arctic National Wildlife Refuge including prehistory; history; modern Gwich'in and Iñupiat periods; descriptions of social life and economics including local villages; and contemporary subsistence uses of both Gwich'in and Iñupiat communities. We are fully committed to better understanding and recognition of Alaska Native village needs, issues, concerns, cultures, and subsistence ways of life (see Chapter 2, Objectives 4.1 and 8.1).

Arctic Refuge will strive to meet its requirements for government-to-government consultation with tribes and Alaska Native corporations. The goal of Refuge staff is to ensure that local residents have a meaningful role and involvement in all aspects of Refuge planning and management, including the Refuge's desire to maintain the landscape's wilderness characteristics.

Group P.8: Refuge Management Policies/Guidelines

We recommend that the description of Land Exchanges and Acquisitions (sec. 2.4.3, DEIS at 2-37) include descriptions of major land exchanges due to their great controversy. See Alaska Wilderness League et al. scoping comments dated June 7, 2010 for additional information on past exchanges that we recommend be included in the CCP to enable greater public understanding of the status of the ASRC lands within the refuge. The General Accounting Office concluded the Chandler Lake Exchange was not in the public's best interest. ASRC has already obtained over \$39 million from its speculative oil lease options held by Chevron and BP – more than seven times the value of the Chandler Lake lands ASRC traded (\$5.1 million).²⁰ GAO said, "Interior used its broad authority to avoid procedural requirements otherwise applicable to land exchanges, such as full public review, preparation of environmental impact statements, and disclosure of the fair market value of the land and interest exchanged."^[21] Congress held major oversight hearings concerning the Chandler

Lake Exchange and another failed proposal, the “Megatrade,” and then, in 1988, Congress halted further land exchanges, without Congressional approval, involving the coastal plain of the Arctic National Wildlife Refuge with an ANILCA amendment (Section 201 of PL 100-395; ANILCA Section 1302(h)(2)).

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.022
- Northern Alaska Environmental Center, Pamela Miller 136801.061
- Sierra Club, Dan Ritzman 137014.018

Response to Group P.8: Refuge Management Policies/Guidelines

In response to your comment, we added text to Chapter 2, Section 2.4.3 explaining Congress’ amendment to the general exchange authority of ANILCA Section 1302, and that the amendment addressed congressional concerns that exchanges could preempt the authority of Congress to make the decision whether to lease and develop oil and gas resources of the coastal plain. We also added text to Section 4.1.2.1 clarifying that the Government Accounting Office concluded the Chandler Lake Land Exchange and other proposed exchanges were not in the public’s interest.

Group P.9: Refuge Management Policies/Guidelines

Pages 2-63 and 2-64 (Recreation and Other Public Uses): We support the policy to encourage self-reliance, and preservation of opportunities for adventure, discovery, and the experience of solitude and isolation. The Final CCP should strengthen this part of the Management Guidelines by referencing the Special Values of the Arctic Refuge as a justification for this important approach to recreation and public uses in the Refuge.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.083
- Various Environmental Organizations, Nicole Whittington-Evans 032627.036
- Wilderness Watch, Fran Mauer 032628.005

Response to Group P.9: Refuge Management Policies/Guidelines

Based on this and other similar comments, the management policies and guidelines in this Plan have been modified to emphasize the primary importance of the special values of Arctic Refuge. Additionally, revised objectives for Goals 2, 5 and 9 (see Chapter 2, Sections 2.1.2, 2.1.5, and 2.1.9), relating to managing wilderness characteristics, recreation, and outreach across the Refuge, now more clearly articulate the importance of the special values of the Refuge.

Group P.10: Refuge Management Policies/Guidelines

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Page 16, line item 2 in the table, “Habitat Management – Chemical and Manual Treatment.” Similar to line item 1 above. Although the boxes in this table are no doubt expanded upon and

explained in the CCP, I think that the table is somewhat misleading because it lacks clear and strong language in instances where an Activity or Use is allowed under exception circumstances (e.g., “may be allowed”). I think that “not allowed, with exceptions” is better than “may be allowed” and even better is “not allowed, except in emergencies and only as a last resort.” This should apply to all three categories (Wilderness, Wild Rivers, and Minimal Management).

Submitted By:

- John Strassenburgh 136816.021, 136816.024

Response to Group P.10: Refuge Management Policies/Guidelines

The exceptions referred to in Chapter 2, Table 2-1 are referenced in a footnote and can be found in the descriptions of the management categories of Wilderness, Wild River Management, and Minimal Management (Chapter 2, Sections 2.3.3 to 2.3.5). Activities generally at variance with the intent of the Wild River and Minimal Management categories and any proposal to allow them would be subject to a rigorous assessment of their necessity and effect on the Refuge’s purposes, goals, objectives, and special values. The terms used in Table 2-1 are standard across Alaska refuges and are defined in Chapter 2, Section 2.5.2.

Group P.11: Refuge Management Policies/Guidelines

Revised management guidelines proposing an emergency “exemption” for the active manipulation of native fish or wildlife populations presents a significant potential for negative impact to Arctic Refuge management mandates, goals, and policies without basic management tools of a harvest management plan or species specific management plans being in place. Section 2.4.2 of the draft CCP defines management emergencies to include a situation where:

“quantity or subsistence resources are seriously jeopardized ... and potentially necessitate actions not normally permissible”

This broad definition of a “management emergency” is found in no other refuge CCP that the Science Now Project is aware of, including the 2011 revision to the Selawik Refuge CCP.

This “new” language is clearly intended to elevate the management of subsistence harvest opportunity beyond the level identified in ANILCA and congressional management mandates which prioritize consumptive take among all hunters for federally qualified subsistence harvest opportunity within a naturally regulated ecosystem.

The primary purpose appears to be to elevate subsistence harvest opportunity to a level of priority where “active” manipulation of the ecosystem may be authorized for the sole purpose of artificially “providing” a harvestable surplus of game for subsistence hunting activities, and within our nations benchmark refuge for maintaining a “naturally” regulated ecosystem, despite the fact that the poor management of sport hunting by the state of Alaska is the primary reason for the emergency. The citizens of this country deserve better management of consumptive take to avoid such a drastic impact to the fundamental reason the refuge was established.

When the state of Alaska sets bag limits, seasons, and dates for consumptive take of wildlife on the Arctic Refuge and they do not consider the management mandates of the Arctic refuge. The proposed language found in Section 2.4.2 are a significant policy amendment with far reaching potential to negatively impact the ecological values identified in Section 1.5.2 “Special Values “of the draft CCP which state:



“The distinguishing ecological aspect of the Refuge—and a major reason for its establishment—is that this single protected area encompasses a wide range of arctic and subarctic ecosystems, their unaltered landforms, and native flora and fauna. The Refuge is a place of free-functioning ecological and evolutionary processes, exhibiting a high degree of biological integrity, natural diversity, and environmental health.” (emphasis added)

And Section 1.6.2 “Refuge Goals” identifies the number one goal the draft Arctic Refuge CCP “should work toward meeting” as:

“Ecological processes shape the Refuge, and its management remains essentially free of the intent to alter the natural order, including natural population densities and dynamics, and levels of variation of native fish, wildlife, and plants.” (emphasis added)

Prioritizing for the long term availability of subsistence food sources is a very important priority but cannot be realized if the state of Alaska is non compliant with USFWS mandates, goals, or policies and the USFWS simply sits on the sidelines allowing it to occur.

Nor should the state be rewarded for poor management of sport hunting with a “management emergency” determination by the USFWS with subsequent active management of predators which denies the citizens of the entire nation a refuge they specifically set aside to protect natural processes for perpetuity.

Of particular concern is the potential for unsustainable sport hunting harvest opportunity to be authorized by the state of Alaska and implemented on Arctic Refuge managed lands which may occur prior to, and significantly contribute to, a severe population decline of important subsistence resources.

Congress identified the potential negative impacts of a sport hunting harvest policy adopted by the state of Alaska that is not based on recognized science principles by stating:

“The Congress finds and declares that ... continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska ... and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management” (emphasis added) 2

Trends in Intensive Management of Alaska’s Grizzly Bears, 1980–2010 published in the Journal of Wildlife Management in 2011 stated

“most of the recommendations of the NRC committee [National Research Committee] have not been followed by the State of Alaska in its predator control activities since our report (NRC 1997). Basic research on predators, design of experiments, pre-and post-manipulation monitoring, and socioeconomic research all fall short of the standards recommended by the NRC committee. Indeed, recent predator control efforts have not been designed to test whether predators are actually controlling prey populations. Rather, control efforts have been initiated under the assumption (or conviction) that predators are the cause and that the solution to the “problem” is intensive predator control.” 3

Submitted By:

- Science Now Project, Wade Willis 136822.005, 136822.003

Response to Group P.11: Refuge Management Policies/Guidelines

The National Wildlife Refuge System Improvement Act of 1997 states that the priority public uses of the Refuge System are hunting, fishing, wildlife observation, wildlife photography, environmental education, and natural resource interpretation. Hunting is allowed and promoted on many national wildlife refuges across the U.S., including all refuges in Alaska. A compatibility determination done on guided hunting found it to be compatible with Arctic Refuge purposes. The State of Alaska establishes fishing, hunting, and trapping regulations, and the Service is committed to using the State regulatory process where practical to meet Refuge purposes, goals, and objectives. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of a population. The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. In cooperation with the State and Federal boards, the Refuge will continue to proactively prevent wildlife related emergencies through conducting surveys, monitoring, research, law enforcement, and working through other regulatory processes. We believe that, absent extraordinary circumstances, this approach will continue to provide the subsistence opportunities provided for in ANILCA.

The management approach for Arctic Refuge is to focus on maintaining the natural diversity of native species and maintaining functioning ecosystems without human interference. However, emergency situations could arise, whereby threatened or endangered species, natural diversity, water quality and/or quantity or subsistence resources are jeopardized. The introduction of an invasive species is another example of a potential management emergency. According to Chapter 2, Section 2.4.2 of the Plan, in such management emergencies, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary while considering the immediate and long-term effects of potential response actions on all Refuge purposes, goals, objectives, and special values. Urgent situations requiring actions longer than 30 days will require a compatibility determination, NEPA compliance, and an ANILCA Section 810 evaluation of potential impacts to subsistence resources and subsistence users.

We made several adjustments to Section 2.4.2 since the draft Plan. In particular, we clarified that for emergencies not related to human health and safety, the manager must consider the immediate and long-term effects of potential response actions on all Refuge purposes, goals, objectives, and special values. While the definition of management emergencies in the Revised Plan differs from those in plans for other Alaska refuges, we believe it is appreciably the same. The actions set forth in Section 2.4.2 would be used only in the case of an emergency and not for the long-term management of resources on the Refuge. It would not result in elevating the management of a particular use over other uses except in an unforeseen emergency situation.

Group P.12: Refuge Management Policies/Guidelines

FWS appropriately states that no exploration activities are allowed on the “1002” Coastal Plain area of the Arctic Refuge, DEIS at 2-66-67, that no Arctic Refuge oil or gas leasing is permitted by law, DEIS at 2-67, and that no oil and gas support facilities are allowed on the Coastal Plain of the Arctic Refuge. Id. For additional clarity, the prohibition of support facilities on the Coastal Plain could be added to Table 2-1 (likely at pages 2-89, 90).

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.024
- Northern Alaska Environmental Center, Pamela Miller 136801.087
- Sierra Club, Dan Ritzman 137014.020

Response to Group P.12: Refuge Management Policies/Guidelines

Chapter 2, Section 2.4.18.2 describes the conditions under which exploration activities could be allowed outside of the coastal plain of Arctic National Wildlife Refuge. Should exploration be proposed, a compatibility determination would be prepared at that time to determine what activities, if any, would be found compatible with Refuge purposes. Both Section 2.4.18.2 and Table 2-1 have not been modified. Table 2-1 must be read in concert with the text in Chapter 2, Section 2.4.

Group P.13: Refuge Management Policies/Guidelines

Oil and gas leasing, exploration, development and production, including seismic and any support infrastructure or activities, have no place in the Arctic Refuge and should continue to be prohibited by law as well as in refuge management policies.

Submitted By:

- Alaska Wilderness League - Form Letter 000026.002
- Change.org - Greenpeace 000028.002
- Greenpeace - Alert 000027.002
- Greenpeace - Email 000023.002

Response to Group P.13: Refuge Management Policies/Guidelines

Oil and gas leasing, development, and production are prohibited by law (ANILCA Section 1003) throughout Arctic Refuge. Chapter 2, Section 2.4.18.2 articulates the existing legal framework for oil and gas exploration within the Refuge; specifically, that no mineral exploration is authorized within the coastal plain (1002 Area) and the rules for mineral exploration to be considered in the rest of the Refuge.

Group P.14: Refuge Management Policies/Guidelines

We take issue with the inclusion of the Intensive and Moderate Management categories in the DEIS, when on page 2-75, Table 2 – 1. Activities, public uses, commercial activities or uses, and facilities by management category, indicates that the Moderate and Intensive Management categories, which are shaded in gray, do not apply to the refuge. We see no reason for their inclusion in the DEIS, and we strongly urge the USFWS to remove them from the FEIS and Record of Decision (ROD) as they do not apply to the Arctic Refuge.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.056, 136801.098, 101
- Various Environmental Organizations, Nicole Whittington-Evans 032627.044

Response to Group P.14: Refuge Management Policies/Guidelines

Management direction is described for the Intensive and Moderate Management categories to provide a basis of comparison and to be available if this Plan is amended in the future in ways that would require Refuge lands to be designated either Intensive or Moderate Management.

Group P.15: Refuge Management Policies/Guidelines

I'm disappointed in the plan's failure to assess, protect, and where necessary, restore, the Natural Soundscape

Submitted By:

- Alaska Quiet Rights Coalition, Cliff Eames 136792.001
- Cliff Eames 136964.001
- Ruth Wood 136823.003

Response to Group P.15: Refuge Management Policies/Guidelines

The Service recognizes the importance and challenges of maintaining the Refuge's natural soundscape. Although soundscape is among the wilderness characteristics and natural conditions many sections of the draft plan implicitly include, we agree that it is worthy of more explicit recognition. Chapter 2, Section 2.1.2, Objective 2.6 (Monitoring Wilderness Characteristics), now includes mention of "natural quiet" in the list of wilderness characteristics to be monitored and we have also added "natural quiet" to the list of wilderness characteristics in Chapter 1, Section 1.5.1.

Protection of natural soundscape and quiet will be considered in the Wilderness Stewardship and Visitor Use Management plans, which are scheduled to begin following the approval of the CCP. At that time, goals and objectives will be formulated for visitor use management and Wilderness stewardship. These plans will evaluate impacts to natural soundscape and quiet and determine monitoring to evaluate if we are protecting these important resources.

Group P.16: Refuge Management Policies/Guidelines

All compatibility determinations need to reference and utilize the draft 2011 CCP and DEIS Proposed Action and not the 1988 CCP (no action alternative).

Submitted By:

- Greg Warren 032626.057, 032626.023

Response to Group P.16: Refuge Management Policies/Guidelines

Compatibility determinations included in the Revised Plan follow the guidance in the Service's Compatibility Policy (603 FWS 2), revised in 2000. The "Proposed Action," as described in the draft Plan, is to "develop a Revised Plan for Arctic Refuge to provide management direction for the next 15 years". Included in the draft and common to all alternatives are a set of Refuge Management Policies and Guidelines (Sections 2.2 to 2.4) and the Refuge's Goals and Objectives (Section 2.1). The draft Revised Plan did not include a "Preferred Alternative." Compatibility is evaluated or re-evaluated against the description of the uses that are proposed (if there is a change from existing use) or currently occurring and the management framework within which they are allowed, including goals, objectives, and management policies. The compatibility determinations included in the Revised Plan, although based on the Refuge's approved compatibility determinations (dated 1994) and the 1988 Plan, have been updated using the information in the current draft Revised Plan. The "Supporting Documents" section of each compatibility determination was changed to include the draft Revised Plan as a reference in addition to the 1988 Plan.

Group P.17: Refuge Management Policies/Guidelines

The Draft CCP (Page 2-44) states: "The Service does not require refuge compatibility determinations for State wildlife management activities on a national wildlife refuge pursuant to a cooperative agreement between the State and the Service where the refuge manager has made a written determination that such activities support fulfilling the refuge purposes or the Refuge System mission." We are concerned that by this statement the Service is waiving its responsibility to conduct a thorough compatibility determination which would require public information and input. We further advise that in the case of designated Wilderness, the State: Federal Memorandum of Understanding (1982) does not specifically reference the Wilderness Act and its purposes. The Final CCP should clarify that Wilderness Act purposes and prohibitions are also required to be met before there is any sanctioning of State wildlife management activities. Page G-5 states: "All management and research activities conducted by ADFG under specific cooperative agreement with the Service to fulfill one or more purposes of the Refuge or the Refuge System mission are not subject to a compatibility determination." The Final CCP should provide a complete description of State management and research activities within the Refuge and its designated Wilderness. This information should be presented along with research and management programs of the Service as well as activities of other entities such as University researchers and other. The full range of management and research activities needs to be presented so that the public is properly informed and can determine if these actions may be subject to compatibility determinations and other proper authorizations under the law.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.014
- Sierra Club, Dan Ritzman 137014.011
- Wilderness Watch, Fran Mauer 032628.030

Response to Group P.17: Refuge Management Policies/Guidelines

Pursuant to the Master Memorandum of Understanding between the Service and ADFG (March 13, 1982), the ADFG agreed to "recognize the Service as the agency with the responsibility to manage migratory birds, endangered species, and other species mandated by Federal law, and on Service lands in Alaska to conserve fish and wildlife and their habitats and

regulate human use.” Correspondingly, the Service agreed to “recognize the right of the ADFG as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska,” including establishing regulations for the take of fish and wildlife within the State. According to the Services’ Appropriate Uses Policy (603 FW 1.10 B,) when compatible, the take of fish and wildlife under State regulations is a Refuge use, and we have found this use to be appropriate on Arctic Refuge (see Appendix G). The promulgation of regulations is not a Refuge use and therefore is not subject to compatibility. The “take of fish and wildlife” under state regulations on Arctic Refuge, including all equipment, facilities, and services needed to support hunting, was evaluated in two compatibility determinations, “Commercial Big-game Hunting Services” and “General Hunting” and found to “not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission.” Therefore, these uses are compatible.

The Service’s Compatibility policy (603 FW 2) requires that any proposed use be compatible with the purposes of the national wildlife refuge, and we evaluate all Refuge uses against the purpose(s) for which the area was designated. Wilderness is a purpose for the Mollie Beattie Wilderness Area. All current compatibility determinations for Arctic Refuge with activities in designated Wilderness reference the Wilderness purpose of the Refuge and evaluate the use against that and other purposes (See Compatibility Determinations in Appendix G). The Service’s work (inventory, monitoring, and research) is a Refuge management activity (610 FW 2.10 A.) and not a Refuge use (610 FW 2.9.a) and is not subject to compatibility. We do conduct MRAs for Refuge activities occurring in designated Wilderness to determine if they are necessary to manage the area as Wilderness. Research is conducted both cooperatively with the Refuge and occasionally, independent of the Refuge. When conducted independently, research activities, including those conducted by ADFG, are conducted under a special use permit and are required to be compatible. Cooperative studies are subject to an MRA in designated Wilderness. Presentation of the full range of management and research activities conducted on the refuge by the Service, ADFG, and others is beyond the scope of the Revised Plan. Specific studies (inventory, monitoring, and research) are dynamic, responding to emerging management needs and available funds, and are reviewed in step-down plans, which are revised on a shorter time frame than the Plan and therefore are a more appropriate place for that level of detail.

Group P.18: Refuge Management Policies/Guidelines

We find that further review is needed for the Commercial Shore-fast Sea Ice Access activity (pp. G-57 to G-63) and that a far narrower description of the activity allowed is needed for it to be considered an appropriate use. There is insufficient information and analysis in the DEIS about this existing activity upon which to base this draft Compatibility Determination, including types of vehicles deployed, frequency, exact geographic scope, number and timing of trips, past history of activities including any spills, and other factors.

The DEIS fails to include any description or environmental analysis of this Commercial Use activity except in this draft Compatibility Determination. It does not include any description of this type of transportation activity in the Affected Environment section on transportation (Sec. 4.4.2), or Kaktovik (p. 4-136), nor was any analysis provided in the Environmental Consequences section.

While this access may be necessary to support delivery of goods to the local community, in addition to aircraft and barge deliveries, the draft Compatibility Determination as written

does not confine it to those activities. The draft Compatibility Determination needs to narrow its provisions to ensure that is not used for activities that are prohibited in the Refuge, including any industrial activities such as support for offshore oil and gas exploration or development.

This activity would be occurring on sea ice in designated Critical Habitat for polar bears at a time when bears are denning, and therefore environmental impact analysis of this activity in the DEIS is necessary because it could result in pollution and disturbance of this habitat within the refuge. Although the draft Compatibility Determination states that Endangered Species Act Section 7 and Marine Mammal Protection Act consultations will be required, they are not contained within this DEIS, and therefore, the draft Compatibility Determination should not be approved without incorporation of such analysis within the EIS.

There are a number of other unanswered questions pertaining to this issue including: Does this commercial access include travel on sea ice within designated Wilderness in the eastern coast of the Refuge adjacent to Canada? How is climate change affecting the reliability of sea ice travel? How often do these haulers end up travelling on land? How often has this been due to emergency conditions when there is open water? How often are these vehicles hauling fuel?

Finally, we recommend that if this activity is found to be appropriate, that any permits should clearly prohibit travel on land, including barrier islands, and require live GPS data of the routes from the vehicles so that their routes during the trip may be accurately tracked to minimize impacts and to ensure compliance on a real-time basis.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.020
- Northern Alaska Environmental Center, Pamela Miller 136801.066
- Sierra Club, Dan Ritzman 137014.016

Response to Group P.18: Refuge Management Policies/Guidelines

Compatibility determinations are conducted only on proposed and existing uses on national wildlife refuges; we do not conduct these on uses that are not allowed (such as oil and gas development on Arctic Refuge). The compatibility determination for Commercial Shore-fast Sea Ice Access applies only to the travel for delivery of goods and equipment to the Village of Kaktovik and not to other activities. The compatibility determination outlines types and numbers of vehicles, route of travel and time of year. Shore-fast sea ice travel is conducted under a Refuge special use permit, and the activity is monitored by the Refuge. The Permit is conditioned to protect Refuge resources, and these special conditions of the permit are outlined in the “Stipulations Necessary to Ensure Compatibility” (see Appendix G). They prohibit crossing barrier islands or overland travel and the discharge of petroleum products or toxic materials. Any fuel storage must be outlined in a pre-approved plan of operations, and those greater than 55 gallons must be in double-walled containers. Permittees are instructed to follow the Polar Bear Interaction Guidelines, and an intra-service Endangered Species Act Section 7 consultation is conducted annually for all permitted activities on the Refuge that occur in polar bear critical habitat. This consultation is on file in the Refuge office.

We will consider your suggestion to utilize live GPS track logs for monitoring the vehicle routes in future permits. This technology is certainly available. Thank you for your suggestion.

3.35.1 Appropriate Refuge Use**Comment 032617.004**

Refuge Mgmt Policies/Guidelines, Appropriate Refuge Use

Don Young, Congressman**Congress of the United States, House of Representatives**

Non-wilderness areas of ANWR were set aside for multiple uses and should remain managed in such capacity. It has become clear the FWS is picking and choosing what laws it follows and this is an injustice to the American people and the State of Alaska.

Response to Comment 032617.004

Arctic Refuge is managed to fulfill the purposes set forth in ANILCA and where applicable in Public Land Order 2214. Additional guidance comes from our management policies and guidelines (Chapter 2, Section 2.4), which are derived from existing laws governing the Refuge System and national and regional regulations, policies, and guidance developed to implement these laws. There are currently three land management categories on Arctic Refuge: Wilderness Management, Minimal Management, and Wild River Management. Lands in designated Wilderness are managed according to the direction in Wilderness Management (Chapter 2, Section 2.3.4); the remainder of the Refuge, with the exception of designated wild rivers, is managed under Minimal Management guidance. See Chapter 3, Table 3-3 for the key differences between Minimal Management and Wilderness Management.

Comment 136801.063

Refuge Mgmt Policies/Guidelines, Appropriate Refuge Use

Pamela Miller, Arctic Program Director**Northern Alaska Environmental Center**

Sec. 2.4.5 Appropriate Refuge Uses

p. 2-40. We have concerns about some of the existing and proposed activities that the CCP lists as Appropriate Uses and for which compatibility determinations were drafted for public review in Appx G.

Response to Comment 136801.063

Chapter 2, Section 2.4.5, lists the existing and proposed uses that were found appropriate and for which compatibility determinations were drafted and distributed for public review. At least one of four conditions must be met to find a proposed use appropriate: the use is a wildlife-dependent recreational use; the use contributes to fulfilling a refuge's purposes, the mission of the National Wildlife Refuge System, or the goals and objectives described in a refuge management plan; the use involves the take of fish and wildlife under State regulations; or the refuge manager has otherwise found the use appropriate. A compatible use is a proposed or existing use of a refuge that, based on sound professional judgment, will not materially interfere with or detract from fulfilling the Refuge System mission or the purposes of a refuge. The compatibility determinations developed for each use on Arctic Refuge includes temporal, geographic, or other stipulations specific to the use (see Appendix G).

3.35.2 Coastal Zone Consistency

Comment 136820.023 Refuge Mgmt Policies/Guidelines, Coastal Zone Consistency
Cindy Shogan, Executive Director
Alaska Wilderness League

The CCP needs to address the fact that the Alaska Coastal Management Program ended in 2011 in the discussion on Coastal Zone Consistency (Sec. 2.4.8, DEIS at 2-42). This is of particular concern because there is no longer the ACMP mechanism for community standards and review of activities resulting from the state’s Beaufort Sea Areawide Leasing Program in the 3-mile zone immediately offshore the refuge. There will be less scrutiny and lack of a comprehensive mechanism for public review and comment regarding impacts from oil and gas activities on refuge fish and wildlife resources that rely on those nearshore waters, and noise, spills, and other impacts that can degrade and harm refuge habitats, wildlife, subsistence resources and uses, wild lands recreation, and wilderness values due to the absence of this program.

Response to Comment 136820.023

The Plan was revised to indicate the discontinuation of the Alaska Coastal Management Program.

Comment 136805.075 Refuge Mgmt Policies/Guidelines, Coastal Zone Consistency
Sean Parnell, Governor
State of Alaska

Page 2-42, § 2.4.8, Coastal Zone Consistency. The Alaska Coastal Management Program no longer exists. This section should be deleted and we further recommend a word search to remove any other references to the Program.

Response to Comment 136805.075

The revised Plan no longer refers to an active Alaska Coastal Management Program.

3.35.3 Commercial Uses (non-recreation)

Comment 136801.094 Refuge Mgmt Policies/Guidelines, Commercial Uses (non-recreation)
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-69. This section should be corrected because these activities are incompatible with the refuge purposes; instead of saying that these are “generally... not allowed,” should instead state that grazing, agriculture, and hydroelectric power development will be prohibited. Because Moderate and Intensive Management categories are not present or appropriate on the Arctic Refuge there should be no exceptions; the CCP should be corrected by deletion of the second and third sentences in this section.

Response to Comment 136801.094

Direction is presented for the Intensive and Moderate Management categories to provide a basis of comparison and to be available should the plan be amended in the future to include either of these management categories.

Comment 136801.092 Refuge Mgmt Policies/Guidelines, Commercial Uses (non-recreation)
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

-----Preamble/Intro-----

Sec. 2.4.18.3 Commercial Fishing and Related Facilities

-----Comment-----

p. 2-67. This section should the North Pacific Fisheries Management Council's 2009 establishment of a moratoria on commercial fishing from the Bering Strait north encompassing the Chukchi Sea and the Beaufort Sea to the Maritime Boundary with Canada as a precautionary measure in light of climate change.

Response to Comment 136801.092

A fishery management plan for the fish resources of the Arctic Management Area was approved by the Secretary of Commerce in 2009. This plan prohibits commercial fishing in the Arctic waters of the U.S. in the Chukchi and Beaufort Seas until more information is available to support sustainable fisheries management. The plan covers the waters between 3 and 200 miles off shore. Refuge waters are not included in this fishery management plan.

Comment 136801.093 Refuge Mgmt Policies/Guidelines, Commercial Uses (non-recreation)
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

-----Preamble/Intro-----

Sec. 2.4.18.3 Commercial Fishing and Related Facilities

-----Comment-----

The discussion of support facilities for aquaculture and mariculture should be deleted because Intensive Management is not a compatible category for the Arctic Refuge, as discussed above. Furthermore, these activities are not present anywhere on the Beaufort Sea coast.

Response to Comment 136801.093

Management direction is described for the Intensive and Moderate Management categories to provide a basis of comparison and to be available if this comprehensive plan is amended in the future in ways that would require Refuge lands to be designated either Intensive or Moderate Management.

Comment 136805.094 Refuge Mgmt Policies/Guidelines, Commercial Uses (non-recreation)
Sean Parnell, Governor
State of Alaska

Page 2-66, § 2.4.18.2 Mineral Exploration and Development, first paragraph, second sentence. This sentence is incorrect. Section 1002(i) of ANILCA withdraws the coastal plain from operation of the mineral leasing laws. In accordance with the requirements of ANILCA § 1002(d); however, the regulations at 50 CFR part 37 establish guidelines governing the carrying out of exploratory activities. 50 CFR § 37.11(d) prohibits drilling of exploratory wells in the 1002 area, but other exploratory activities in the 1002 area are not prohibited by the regulation. The preamble to the rule clarifies this, stating that “[t]he p[rohibition] in 37.11(d) against the drilling of exploratory wells is not intended to prevent drilling operations necessary for placing explosive

charges, where authorized pursuant to an approved exploration plan and special use permit, for seismic exploration.” 48 FR 16838, 16841 (Apr. 19, 1983).

Response to Comment 136805.094

The comment is correct in that the regulations in 50 CFR 37 allowed seismic exploration using explosives in the coastal plain (1002 Area) of Arctic Refuge. The second sentence is correct. There is currently no mineral exploration allowed within the area. According to a statement prepared by the COI solicitor in 2001, once the five-year study called for in Section 1002 of ANILCA was completed and submitted to Congress, the authority for exploration in the coastal plain expired. The opinion also stated that the mineral assessment authority of ANILCA Section 1010 does not provide separate authority for any exploration of the coastal plain because its general mineral assessment provisions are superseded by the much more specific and restrictive exploration program authorized in Section 1002.

Comment 136805.095 Refuge Mgmt Policies/Guidelines, Commercial Uses (non-recreation)
Sean Parnell, Governor
State of Alaska

Page 2-67, § 2.4.18.2 Mineral Exploration and Development, third paragraph. This discussion fails to acknowledge the requirement in ANILCA 304(g)(2)(D) that Refuge CCPs consider present and potential requirements for access to the Refuge as provided for in Title XI of ANILCA, which includes oil and gas production infrastructure.

Response to Comment 136805.095

No oil and gas facilities related to production of oil and gas from the Refuge are allowed (ANILCA 1003). Transportation and utility systems related to oil and gas production off Refuge could, however, be allowed under Title XI of ANILCA. Title XI gives the Federal government the authority to approve or disapprove applications for transportation and utility systems, including oil pipelines and other liquid transportation systems, through public lands in Alaska and outlines a process for application and consideration. According to the management policies and guidelines for Arctic Refuge, we do not permit oil and gas support facilities in designated Wilderness or areas under Minimal Management (See Chapter 2, Sections 2.4.18.2 and 2.4.14.7 of the Plan). Therefore, if a transportation and/or utility system were approved on the Refuge, we would need to amend the Revised Plan to change the management category if it was Minimal Management. If the area was in designated Wilderness, the authorization for a transportation and/or utility systems would need to come from the President and Congress.

3.35.4 Commercial Uses (recreation)

Comment 136805.092 Refuge Mgmt Policies/Guidelines, Commercial Uses (recreation)
Sean Parnell, Governor
State of Alaska

Page 2-66, § 2.4.18.1 Commercial Recreation Services. As the draft CCP acknowledges, most visitors arrive to the Refuge by air or water taxi. The State fully supports this responsible use and requests that if the Service proposes to restrict commercial operators in the future, the CCP clarify that the Service will commit to an open public process so that the public will have

an opportunity to provide input on proposed management decisions that could affect their ability to access the refuge.

Response to Comment 136805.092

The Service will begin the Visitor Use Management and the Wilderness Stewardship step-down plans as soon as the Revised Plan is approved. These plans will address visitor use issues identified during the planning process for the Revised Plan and will require extensive public involvement with all interested publics. We welcome and expect that the State will be thoroughly involved and an important contributor in the development of these plans. The Service will follow the guidance found in ANILCA and other Federal Laws, primarily the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997, and the NEPA of 1969, as amended.

Comment 136805.093

Refuge Mgmt Policies/Guidelines, Commercial Uses (recreation)

**Sean Parnell, Governor
State of Alaska**

-----Preamble/Intro-----

Page 2-66, § 2.4.18.1 Commercial Recreation Services

-----Comment-----

The Alaska Department of Fish and Game is responsible for the sustainability of fish and wildlife on all lands in Alaska and utilizes emergency orders to protect that sustainability when necessary. In addition to allocating fish and wildlife among all user groups, the Alaska Boards of Fisheries and Game provide a subsistence preference on all lands and can address both direct and indirect effects on fish and wildlife. The Federal Subsistence Board assures a priority opportunity for subsistence use among consumptive uses of fish and wildlife by rural residents on federal lands. At times, the state and federal Boards work together to address issues of mutual concern. Any unilateral attempts by the Service to minimize user conflicts, based solely on allocation concerns, would circumvent these existing regulatory processes. We therefore request the Service recognize these existing authorities and processes during the development of Plan.

Response to Comment 136805.093

The Service recognizes that the State of Alaska establishes fishing, hunting, and trapping regulations, and we are committed to using the State regulatory process where practical to meet Refuge purposes, goals, and objectives. The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses. In cooperation with the State and Federal boards, the Refuge will continue to proactively manage fish and wildlife through surveys, monitoring, research, law enforcement, and working through other regulatory processes. The Service will recognize these existing authorities and processes during the development of the Revised Plan and subsequent step-down plans.

3.35.5 Compatibility Determinations (includes Appendix G)

Comment 136789.002 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Bob Childers, Executive Director
Gwich'in Steering Committee

One good example is the Draft Compatibility Determination for Subsistence Harvest of House Logs (p. G99-G105,) which also applies to firewood in some cases, apparently. These guidelines are overly specific and not practical or helpful for someone who knows the country. Different stands of trees vary from place to place, and every site is different up here. The rules you propose are too prescriptive for the environment, and the proposed system of permits and reports are entirely unnecessary and inappropriate for the culture you seek to impose them on. In some cases refuge rules are more damaging to the environment than traditional practices. A Gwich'in looking for several logs for firewood would go upriver by snowmachine until he found trees on an undercut bank that would wash away in Spring anyway, and take those. FWS regulations would have him go up the river somewhere, then up the bank and make a trail back 50 feet to cut perfectly good trees with a long life ahead of them. It is more dangerous, more damaging to the environment and harder on the machine. That is not the way we do things.

We advise you can simply trust the people who are cutting wood to know what they are doing. We have watched the trees here for many generations. We see our forefathers' stone-axe cut stumps throughout the forest, but there is no problem. We might not do it exactly like the person who wrote these proposed regulations, but we will do as good or better job that pays attention to the particular place we are. We won't take any more trees, or fewer trees, than we would anyway. We will do it respectfully for the trees and the land, and there is no need to know exactly where they came from.

This move to greater co-operation in subsistence management is needed to avoid unnecessary mis-understandings and conflicts. It will not change anything we do on-the-ground, and it will save you some money.

Response to Comment 136789.002

One of Arctic Refuge's legislative mandates is to provide for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity (ANILCA Section 303(2)(B)(iii)). Regulations implementing ANILCA Title VIII subsistence provisions for Arctic Refuge are found in 50 CFR Part 36 with specific regulations for the use of timber and plant materials in Section 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for their household needs, and no permit is required for that harvest (ANILCA Section 36.15(3)(b)). Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge (ANILCA Section 36.15(2)). If more than 20 live trees are needed, as is typically the case for cabin or house log construction, the subsistence user must apply for a special use permit for the additional amount of trees needed (ANILCA Section 36.15(2)). No fees are charged for subsistence use permits. There are no limits on the cutting of live standing timber less than three inches in diameter at breast height, and no permits are required (ANILCA Section 36.15(3)). These regulations have been in place several decades, and we believe they are reasonable in providing for the subsistence use of timber resources.

However, the Refuge will conduct a thorough review of these regulations to ensure they provide for a continued subsistence opportunity as well as for the conservation of habitats in their natural diversity consistent with sound management principles. In keeping true to the ANILCA

policy found in Section 802, the Refuge will cause the least impact possible on rural residents that depend upon subsistence resources consistent with management of fish, wildlife, and habitats in accordance with recognized scientific principals and the purposes for which the unit was established. Any proposed changes to these regulations will be done in full consultation with tribal groups, ANCSA Native corporations, Native organizations, and local residents.

Comment 136801.014 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

It is not clear how this plan is addressing the fundamental issues surrounding the “Master Memorandum of Understanding” signed March 13, 1982, including its compatibility with refuge purposes. The Service needs to provide full information about the state’s activities for management and research in the CCP in order to provide a comprehensive assessment of all the activities that are done within the refuge, including within its designated wilderness. We are concerned about the lack of specificity and lack of analysis for a whole range of activities not being subject to a compatibility determination, as mentioned here:

“All management and research activities conducted by ADFG under a specific cooperative agreement with the Service to fulfill one or more purposes of the Refuge or the Refuge System mission are not subject to a compatibility determination.”

It appears that an inappropriate grandfathering in of the state’s management and research activities within the refuge without a full and proper compatibility analysis is being done based on reliance of the 1982 MOU between the Service and ADF&G (see Appendix G, p. G-6):

“A compatibility determination is not required for State activities on lands in the Refuge where a pre-established agreement or memorandum of understanding is in place. Refuge staff will monitor State activities in the Refuge. Findings from these monitoring efforts will be used to determine what additional management actions, if any, would be needed to ensure State activities remain compatible with Refuge purposes and in compliance with established agreements.”

Response to Comment 136801.014

Pursuant to the Master Memorandum of Understanding between the Service and ADFG (March 13, 1982), the ADFG agreed to “recognize the Service as the agency with the responsibility to manage migratory birds, endangered species, and other species mandated by Federal law, and on Service lands in Alaska to conserve fish and wildlife and their habitats and regulate human use.” Correspondingly, the Service agreed to “recognize the right of the ADFG as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska,” including establishing regulations for the take of fish and wildlife within the State. According to the Services’ Appropriate Uses Policy (603 FW 1.10 B), when compatible, the take of fish and wildlife under State regulations is a Refuge use, and we have found this use to be appropriate on Arctic Refuge (see Appendix G). The promulgation of regulations is not a refuge use and therefore is not subject to compatibility. The “take of fish and wildlife” under state regulations on Arctic Refuge, including all equipment, facilities, and services needed to support hunting, was evaluated in two compatibility determinations, “Commercial Big-game Hunting Services” and “General Hunting” and found to “not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission.” Therefore, these uses are compatible. We have also completed a

compatibility determination entitled “State of Alaska Wildlife Management Activities” where we discuss which routine management activities conducted by the ADFG and the wildlife enforcement officers, in which the Refuge does not cooperate, are compatible (Appendix G). These include fish and wildlife surveys conducted by boat, foot, or other means not restricted by regulation or policy; aircraft landings in support of fish and wildlife surveys; vegetation and habitat classification and surveys; and law enforcement activities. The compatibility determination discusses which activities will require a separate compatibility determination, including predator management, fish and wildlife control (with the exception of animals taken in defense of life or property), reintroduction of species, native fish introductions, non-native species introductions, non-native species management, pest management, disease prevention and control, fishery restoration, fishery enhancement, construction of facilities, or any other unpermitted activity that could alter ecosystems in the Refuge.

The Service’s compatibility policy (603 FW 2) requires that any proposed use be compatible with the purposes of the national wildlife refuge, and we evaluate all Refuge uses against the purpose(s) for which the area was designated. Wilderness is a purpose for the eight million acres of the Refuge located in the Mollie Beattie Wilderness Area. All current compatibility determinations for Arctic Refuge with activities in designated Wilderness reference the Wilderness purpose of the Refuge and evaluate the use against that and other purposes (see compatibility determinations in Appendix G). The Service’s work (research and monitoring) is a Refuge management activity (610 FW 2.10 A.) and not a Refuge use (610 FW 2.9.a) and is not subject to compatibility. We do conduct MRAs for Refuge activities occurring in designated Wilderness to determine if they are necessary to manage the area as Wilderness. Research is conducted both cooperatively with the Refuge and occasionally, independent of the Refuge. When conducted independently, Research activities, including those conducted by ADFG, are conducted under special use permit and are required to be compatible. Cooperative studies are subject to an MRA in designated Wilderness.

Comment 136801.122 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Because these draft compatibility determinations could apply to myriad activities conducted across the refuge over the next 15 years, for which numbers, locations, timing, and other factors are not fully provided, it is extremely important that a hard look be given to the appropriateness of each one and their compatibility when the cumulative nature of the activities for each type as well as when their combined impacts across all types are considered. Some of these draft compatibility determinations, such as the Commercial Shore-Fast Sea Ice Access, need substantial changes including the description of the activity so that it does not apply to oil and gas activities that are prohibited in the refuge, and further environmental analysis in order to be found compatible with the purposes of the refuge. Please consider our detailed comments above, especially on Sec. 2.4.5 Appropriate Refuge Uses.

Response to Comment 136801.122

Compatibility determinations are conducted only on proposed and existing uses on national wildlife refuges; we do not conduct them on uses that are not allowed (such as oil and gas development on Arctic Refuge). The compatibility determination for Commercial Shore-fast Sea Ice Access applies only to the travel for delivery of goods and equipment to the Village of Kaktovik and not to other activities. Shore-fast sea ice travel is conducted under a Refuge

special use permit, and the activity is monitored by the Refuge. The permit is conditioned to protect Refuge resources, and these special conditions of the permit are outlined in the “Stipulations Necessary to Ensure Compatibility” (see Appendix G). They prohibit crossing barrier islands or overland travel and the discharge of petroleum products or toxic materials. Any fuel storage must be outlined in a pre-approved plan of operations, and those greater than 55 gallons must be in double-walled containers. Permittees are instructed to follow the Polar Bear Interaction Guidelines and an intra-service Environmental Species Act Section 7 consultation is conducted annually for all permitted activities on the Refuge that occur in polar bear critical habitat. This consultation is on file in the Refuge office.

Comment 032628.031 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Fran Mauer, Alaska Chapter
Wilderness Watch

Information provided in several determinations confirms use levels or conditions which suggest that adequate measures to maintain compatibility with Refuge purposes and Wilderness Act are not being met. For example: Page G-10 acknowledges that damage to vegetated surfaces from aircraft landings has been reported (see our comments above for Pages 4-215, 4-216 and others), and states that “we can limit where commercial operators can land.” However the “Stipulations Necessary to Ensure Compatibility” that are provided only include such a restriction for the Kongakut River. Extensive public comments provided to the Service over many years have identified damaged vegetation in several areas of the Refuge other than the Kongakut. Yet there have been no other such restrictions established. Text on this page goes on to recognize that “These are emerging” issues that need to be monitored.” These issues are not just “emerging,” they have actually existed for several years. More monitoring alone will not stop the expansion of damage. Pages G-20,G-39 also include the “emerging issues” and “need to be monitored” statements indicating that action to prevent damage or problems is not being taken.

On Page G-9 it is recognized that: “There is currently no limit on the number of trips or clients permittees can take to the Refuge, nor is there a limit to the number of commercial air operators permitted to operate on the Refuge.” The determination for Commercial Recreational Guide Services does not even mention that there is currently no limit on the number of recreation guides that are permitted to operate on the Refuge. Issues such as crowding, and human waste are acknowledged, on Page G-40 but are only relegated to “monitoring and assessment.” We believe that several compatibility determinations fail to adequately analyze how this situation is consistent with preserving wilderness character according to Section 4b of the Wilderness Act. We question the legitimacy of these compatibility determinations.

Response to Comment 032628.031

While we have found that the current public use programs do not materially interfere with or detract from the Refuge’s purposes or the System mission, we acknowledge that the Refuge’s public use management program has not fully protected Refuge values. The Visitor Use Management and Wilderness Stewardship step-down plans will address these issues. However, it should be realized that the Refuge has many mandates, including the requirement to provide for reasonable aircraft access to facilitate public use. In some areas, management must balance this access provision with uncompromised protection of natural conditions. Currently, the Kongakut River, which is in designated Wilderness, has durable landing areas

for both access and egress. Some other areas do not. For them, finding an appropriate balance will require making difficult choices during the step-down planning processes. Whether, or what, limits there should be on the number of permitted commercial air operators and recreational guides will also be addressed in these plans. However, limiting the number of these operators does not necessarily limit the number of visitors or change their behaviors, which is the primary factors affecting impacts. It is likely that one or more uses will need to be re-evaluated as part of the Visitor Use Management and Wilderness Stewardship plans, which are scheduled to begin upon approval of the Revised Plan (Chapter 2, Sections 2.1.2 and 2.1.5, Objectives 2.4 and 5.4) or with the wild and scenic river plans to be completed later (Chapter 2, Section 2.1.3, Objective 3.5).

Comment 136813.006 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Allen Smith

Not all uses are compatible with Arctic Refuge purposes and the draft blanket Compatibility Determinations detailed in Appendix G do not take that into account nor do they take into account the needs for the re-evaluation of existing uses that are now quite possibly beyond the limits of compatibility. While detailed in many ways, particularly for stipulations, Appendix G is not site specific and project specific enough to show where or to what extent an activity or use would take place on the Refuge.

For example, the draft Compatibility Determinations in Appendix G for commercial services for air transportation, big-game hunting guides, recreational fishing guides, and recreational guides all suggest use levels that are not controlled or limited by USFWS. For instance, Under the Compatibility Determination for Commercial Air Transportation Services, Appendix G states, “There is currently no limit to the number of trips or clients permittees can take to the Refuge, nor is there a limit to the number of commercial air operators permitted to operate on the Refuge.” For hunting and fishing guide services, the State of Alaska is managing the take under its goals for “maximum sustained yield,” not the goals of USFWS. For recreational guides there is no limit other than the permit. Similarly, the draft Compatibility Determination for scientific research on the Refuge is also flawed by a lack of specificity in describing its scope of uses as: “This compatibility determination addresses the wide variety of research activities that have historically occurred or may occur on the land now comprising Arctic Refuge.” Is this scientific research compatibility determination process how USFWS allowed NASA to drop rockets into the Arctic Refuge from Poker Flats?

All of these uses should come under limits and use exclusions to be established by the step-down “use management plans” identified in Chapter 6 Implementation and Monitoring. However, there are two serious problems with USFWS’s current approach to this: (1) all of those step-down plans identified in Chapter 6 are currently a long way off in their completion and (2) Compatibility Determinations are only reviewed and updated every ten years. This decade-long time lag leaves the Refuge vulnerable to these permitted uses causing serious impacts to its wilderness character and to the wildlife protected by its first purpose before those uses are re-evaluated and limited. This is an inadequate, if not legally challenged approach and should be changed to be more specific, timely, and allow separate public comment on specific Compatibility Determinations.

Response to Comment 136813.006

Consideration of use levels and the potential impacts of recreational activities on Arctic Refuge will be integral to the Visitor Use Management and Wilderness Stewardship step-

down plans, which will begin immediately upon approval of the Revised Plan. These plans will have considerable public involvement and are expected to take 3-5 years to complete. Compatibility determinations included in the Revised Plan follow the guidance in the Service's Compatibility Policy (603 FWS 2), revised in 2000. Compatibility determinations are often done as part of comprehensive conservation plans or step-down management plans and must be re-evaluated every 15 years if they are wildlife-dependent recreational uses, or every 10 years for other uses (603 FW 2.12.A (15)). They may be very specific (e.g., when a proposed use is infrequent to one-time), or they may be more general when they are done for ongoing uses (programmatic). If the use changes substantially or new information becomes available that could result in impacts that would render the use not compatible, we may re-evaluate the use at any time. It is likely that one or more uses will need to be re-evaluated as part of the Wilderness Stewardship and Visitor Use Management plans that are scheduled to begin upon approval of the Revised Plan (Chapter 2, Sections 2.1.2 and 2.1.5, Objectives 2.4 and 5.4) or with the Wild and Scenic River Plans, to be completed later (Chapter 2, Section 2.1.3, Objective 3.5). The need for and types of scientific research on the Refuge will be identified and prioritized in the upcoming Research Plan, which will be completed with the Refuge's I&M Plan, also planned to begin upon completion of the Revised Plan (see Chapter 2, Objectives 1.2 and 1.3). The Compatibility Determination for "Scientific Research" may be revised as part of the planning process.

Rocket launches from Poker Flat predate establishment of Arctic National Wildlife Refuge by ANILCA. NASA is preparing a separate EIS on its Poker Flat Sounding Rockets Program that will be available for public review by the fall of 2012. We cannot and do not regulate the air space above the Refuge. We manage use of Refuge lands by Poker Flat through the Arctic Refuge special use permit program. Special conditions in the Poker Flat current special use permit state that planned rocket landings are not allowed in designated Wilderness, and rockets or debris are prohibited during periods of peak public use (May 1–Sept 30) and in some areas and times for wildlife protection (e.g., caribou calving). Special conditions also require Poker Flat to locate and remove all rocket parts landing on all Arctic Refuge lands, including and especially unplanned rocket landings in designated Wilderness. We are working closely with NASA to address potential effects of the Sounding Rockets Program on the Refuge. The program was found compatible with the purposes of Arctic Refuge. A copy of the current compatibility determination is on the Internet at http://alaska.fws.gov/nwr/planning/pdf/arctic_recovery.pdf or is available from the Refuge office in Fairbanks. We are a formal cooperator on the NASA EIS, and NASA is a formal cooperator on the Arctic Refuge Revised Plan and final EIS. See Chapter 4, Section 4.6 for discussion on the Sounding Rockets Program at Poker Flat and Chapter 5 for a discussion on the effects this Revised Plan could have on its future operations.

Comment 032626.055 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Greg Warren

V2, G-1 Alaska Department of Fish and Game Regulations: The CCP must include an adequate compatibility determination that addresses the application of the State's management programs as applied through State regulations (or predator control) on the Refuge area. Policy 603 FW 1.10-B states, "when compatible, the take of fish and wildlife under State regulations is a refuge use;" this clearly indicates that a compatibility determination is required. The determination should address these questions: Are the ADFG

goals and objectives for fish and wildlife management consistent with principles of sound fish and wildlife and administration, available science and resources, and the Arctic Refuge purposes? Is there the potential that allowed bag limits are materially interfering with or detracting from the fulfillment of the purposes of the Refuge? Does the Refuge have adequate regulatory mechanisms in place to insure that the Refuge's fish and wildlife management objectives are not circumvented by ADFG harvest regulations?

Response to Comment 032626.055

Pursuant to the Master Memorandum of Understanding between the Service and ADFG (March 13, 1982), the ADFG agreed to “recognize the Service as the agency with the responsibility to manage migratory birds, endangered species, and other species mandated by Federal law, and on Service lands in Alaska to conserve fish and wildlife and their habitats and regulate human use.” Correspondingly, the Service agreed to “recognize the right of the ADFG as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska,” including establishing regulations for the take of fish and wildlife within the State. According to the Services’ Appropriate Uses Policy (603 FW 1.10 B), when compatible, the take of fish and wildlife under State regulations is a refuge use, and we have found this use to be appropriate on Arctic Refuge (see Appendix G). The promulgation of regulations is not a refuge use and therefore is not subject to compatibility. The “take of fish and wildlife” under state regulations on Arctic Refuge, including all equipment, facilities, and services needed to support hunting, was evaluated in two compatibility determinations, “Commercial Big-game Hunting Services” and “General Hunting” and found to “not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission.” Therefore, these uses are compatible.

Comment 032626.056 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Greg Warren

V2, G-1 General, Appendix G: The compatibility determinations need to be regrouped to reflect Refuge use. I recommend combining all recreational use, including hunting and fishing and wildlife observation, into one compatibility determination titled, “Visitor Use.” I also recommend combining fishing, hunting, and trapping into another compatibility determination titled, “Fish and Wildlife Harvest Programs.” The rationale is that 97 percent of the recreational use 1977 was wildlife dependent—see M.S Thesis referenced previously. I am not aware of any new data that would indicate a change in activities. The visitor use assessment would focus on recreational use, vegetation, and water issues. The fish and wildlife harvest assessment would focus on the biological effects of the wildlife management activities that are implemented through State regulations as related to the Refuge purposes.

Response to Comment 032626.056

Under our policy, we may consider uses individually as a program or as a group of related uses, and we have grouped activities where this seemed appropriate and evaluated other uses individually or as programs, particularly commercial activities. Each of these commercial activities was considered separately in a compatibility determination, as the uses are not dependent upon each other. Revising all of the compatibility determinations in the current Plan allows us, and the public, to consider all uses concurrently, including those related uses that are likely to have a similar effect.

Comment 032626.061 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Greg Warren

V2, G-5 State of Alaska Management Activities, Description of Use: To be clear, state that this compatibility determination does not address ADFG fish and wildlife regulations and the associated fish and wildlife harvests on the Refuge. Describe that the State wildlife management activities on the Refuge pursuant to a cooperative agreement between the State and the Fish and Wildlife Service does not include fishing and hunting “population management” programs being implemented through ADFG fishing and hunting regulations (603 FW 2.10-A).

Response to Comment 032626.061

Pursuant to the Master Memorandum of Understanding between the Service and ADFG (March 13, 1982), the ADFG agreed to “recognize the Service as the agency with the responsibility to manage migratory birds, endangered species, and other species mandated by Federal law, and on Service lands in Alaska to conserve fish and wildlife and their habitats and regulate human use.” Correspondingly, the Service agreed to “recognize the right of the ADFG as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska,” including establishing regulations for the take of fish and wildlife within the State. According to the Services’ Appropriate Uses Policy (603 FW 1.10 B), when compatible, the take of fish and wildlife under State regulations is a refuge use, and we have found this use to be appropriate on Arctic Refuge (see Appendix G). The promulgation of regulations is not a refuge use and therefore is not subject to compatibility. The “take of fish and wildlife” under state regulations on Arctic Refuge, including all equipment, facilities, and services needed to support hunting, was evaluated in two compatibility determinations, “Commercial Big-game Hunting Services” and “General Hunting” and found to “not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission.” Therefore, these uses are appropriate and compatible.

Comment 032626.062 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Greg Warren

V2, G-80 thru 85 General Hunting: The section “Anticipated Impacts of Uses” does not adequately address impacts to wildlife populations. The narrative states, “the Refuge is directly involved in review and implementation of regulatory process and administrative oversight of general hunting. Because of combined regulatory and law enforcement efforts of the State and Refuge personnel, direct impact from general hunting under existing management should have minimal impacts to fish and wildlife resources, other Refuge resources, or other Refuge users.” The description of “minimal impacts” is not supported by the analysis in the draft documents of the hunting effects on fish and wildlife populations. To the contrary, the draft CCP and DEIS identify existing programs that would have a high potential of impacts to some populations (e.g., wolf). The Mammal-Related Management Issue section (4-119, 4.3.7.4) reads as if the Arctic Refuge was established for the purposes of increasing the abundance of certain game populations for human consumption. The lack of Refuge biologists is also a major concern.

The justification now states, “To ensure sustainability of harvest of local residents, the State Board of Game and the Federal Subsistence Board regularly adopt regulations in response to wildlife population levels and management needs. These regulations provide adequate protection for the Refuge’s wildlife resources and continued hunting opportunities, in balance

with other Refuge purposes....” Instead, the description of use should state that the Alaska’s fish and wildlife management programs as implemented through hunting regulations are incompatible with Refuge wildlife objectives. The impacts of the State’s direction could substantially affect fish and wildlife populations. The justification should be modified to reflect the CCP DEIS proposed action effects analysis, current ADFG regulations, and Refuge management practices, including the issuance of commercial permits.

I believe that the information that I perused in my review of the draft CCP and DEIS indicates that hunting of some species, as prescribed through ADFG regulations, might materially interfere with and detract from the purposes for which the Refuge was created, including Wilderness Act purposes and fulfillment of the mission of the Refuge System.

The following is not a determination choice, but I believe that the determination should indicate “not enough information” to determine compatibility.

Response to Comment 032626.062

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses. In cooperation with the State and Federal boards, the Refuge will continue to proactively manage fish and wildlife through surveys, monitoring, research, law enforcement, and working through other regulatory processes. The Service will recognize these existing authorities and processes during the development of the Revised Plan and subsequent step-down plans.

Comment 032626.058 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Greg Warren

-----Preamble/Intro-----

I recommend that the following stipulations be added to the Refuge determinations, as appropriate:

-----Comment-----

* Food and gear caches are not allowed in Wilderness,

Response to Comment 032626.058

Refuge regulations currently allow for the temporary storage of food and gear. We believe this is reasonable because caches are often necessary for visitors who make long or expeditionary type trips across the Refuge, including those who backpack for a distance, then float down a river. Food storage is a concern, however, and during the visitor use management planning process, we will consider a requirement that all cached food be stored in bear-resistant containers.

Comment 032626.059 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Greg Warren

-----Preamble/Intro-----

I recommend that the following stipulations be added to the Refuge determinations, as appropriate:

-----Comment-----

* Aircraft must have 12 inch identifications numbers in contrasting colors which are readily visible while flying and on the ground

Response to Comment 032626.059

All of our permitted commercial air operators are required to have 12-inch tail numbers. The Refuge has no authority to require the type of identification numbers on private aircraft. FAA regulations can be found in CFR 45.29 (size of marks). If a fixed-wing plane was marked after November 1, 1981, then 12-inch identification numbers are required. Before that date, two-inch identification numbers were allowed. There are also requirements for the width, spacing, thickness, etc., of identification numbers.

Comment 032626.060 Refuge Mgmt Policies/Guidelines, Compatibility Determinations (App G)
Greg Warren

-----Preamble/Intro-----

I recommend that the following stipulations be added to the Refuge determinations, as appropriate:

-----Comment-----

Determinations should specify that they would be re-evaluated as part of Wilderness, Wild and Scenic Rivers, Wildlife Population, and Visitor Use Management Plans.

Response to Comment 032626.060

Compatibility determinations included in the Arctic Refuge Plan follow the guidance in the Service’s Compatibility Policy (603 FWS 2), revised in 2000. Compatibility determinations are often done as part of comprehensive conservation plans or step-down management plans and must be re-evaluated every 15 years if they are wildlife-dependent recreational uses, or every 10 years for other uses (603 FW 2.12.A (15)). If the use changes substantially or new information becomes available that could result in impacts that would render the use not compatible, we may re-evaluate the use at any time. It is likely that one or more uses will need to be re-evaluated as part of the Wilderness Stewardship and Visitor Use Management plans which are scheduled to begin upon approval of the Revised Plan (Chapter 2, Sections 2.1.2 and 2.1.5, Objectives 2.4 and 5.4) or with the wild and scenic river plans, to be completed later (Chapter 2, Section 2.1.3, Objective 3.5).

3.35.6 Cooperation and Coordination with Others

Comment 137013.012 Refuge Mgmt Policies/Guidelines, Coop and Coord with Others
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

2-45 Service Jurisdiction over Waters in Arctic Refuge. “Where water bodies are non-navigable in the Refuge boundaries, the Service has management authority over most activities on water where adjacent uplands are federally owned.” What activities does the Service not have management authority over?

“Where State of Alaska lands exist beneath navigable water bodies or where the State, a Native corporation, or a Native allottee owns the adjacent uplands with the Refuge boundaries where the withdrawal process started after statehood, the Service’s management authority is more limited.”

What does the Service’s limited authority consist of?

What uses and activities allowed under state laws can take place on non-wilderness Refuge rivers determined to be navigable?

What state-authorized uses and activities on the waters and submerged lands of the Wind and Ivishak Wild Rivers can the Service regulate if the two rivers are subject to a state challenge over navigability and the rivers are determined to be navigable?

Response to Comment 137013.012

The limit of Service authority over State or privately owned submerged lands is the same as the limit of Service authority over State or privately owned uplands. Legislation such as ANILCA, the Endangered Species Act, and the Migratory Bird Treaty Act directs (refers to

legislation) the Service to protect and manage certain fish and wildlife species and habitats, including oversight of some actions which could occur on State or private lands. For example, State or private landowners would be required to comply with Section 4 of the Endangered Species Act, and the Service would continue to manage subsistence fishing on waters within Refuge boundaries. The determination of which uses and activities are authorized on submerged lands within Refuge boundaries depends primarily on the ownership of those submerged lands. Where the submerged lands beneath rivers, lakes, or marine waters remain in Federal ownership, the Service has authority to manage uses and activities occurring on rivers. Where the submerged lands are owned by the State or private parties, the Service has more limited authority as mentioned above.

For Arctic Refuge, all submerged lands beneath navigable waters located within the original Arctic National Wildlife Range as described in PLO 2214 were retained in Federal ownership at statehood. Although the boundary of PLO 2214 happens to coincide with the Wilderness boundary, Wilderness designation has no direct bearing on Service authority over these waters.

Those portions of Arctic Refuge located outside of the original Arctic National Wildlife Range (PLO 2214) were established by ANILCA in 1980, well after Alaska statehood. Since title to any unreserved submerged lands beneath navigable waters passed to Alaska at statehood, the submerged lands beneath any waters determined navigable are owned by the State of Alaska. As owner of the submerged lands, the State has discretion on how it chooses to manage uses and activities allowed on these rivers, subject to the requirements of Federal navigational servitude and the public trust doctrine. The State of Alaska owns the submerged lands beneath any portion of the Wind or Ivishak Rivers, which are determined navigable for purposes of title. Aside from the legislative authorities noted in the second paragraph, the Service does not directly regulate State-authorized uses and activities on State-owned rivers and submerged lands.

Comment 136801.065

Refuge Mgmt Policies/Guidelines, Coop and Coord with Others

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

We are concerned about the draft compatibility determination contained in Appendix G pertaining to State of Alaska Management Activities (DEIS p. G-5) and General Hunting (DEIS p. G-80) due to the complexity of overlapping management regimes and the state's different legal mandates from those of this unit of National Wildlife Refuge System.

We support the Service's statement that these management activities not be included in this blanket compatibility determination because they are contrary to the ANILCA's purpose for the Refuge: "to conserve fish and wildlife populations and habitats in their natural diversity"⁴¹: "This compatibility determination does not address predator management, fish and wildlife control (with the exception of animals taken in defense of life or property), reintroduction of species, native fish introductions, non-native species introductions, non-native species management, pest management, disease prevention and control, fishery restoration, fishery enhancement, construction of facilities, or any other unpermitted activity that could alter ecosystems in the Refuge. Separate compatibility determinations addressing specific proposals will be required for those activities."

However, the Service need not and should not initiate a compatibility determination or NEPA process to evaluate incompatible State-sponsored management, including implementation of its intensive management goals in Arctic Refuge.

The Service needs to provide full information about the state's activities for management, monitoring, research, hunting regulations, law enforcement, etc. in the CCP in order to provide a comprehensive assessment of all the activities that are done within the refuge, including within its designated wilderness. We are concerned about the lack of specificity and lack of analysis for a whole range of activities not being subject to a compatibility determination, as mentioned here:

“All management and research activities conducted by ADFG under a specific cooperative agreement with the Service to fulfill one or more purposes of the Refuge or the Refuge System mission are not subject to a compatibility determination.”

It appears that an inappropriate grandfathering of the State of Alaska's management and research activities within the refuge is being done based on reliance of the 1982 MOU between the Service and ADF&G (DEIS at G-6):

“A compatibility determination is not required for State activities on lands in the Refuge where a pre-established agreement or memorandum of understanding is in place. Refuge staff will monitor State activities in the Refuge. Findings from these monitoring efforts will be used to determine what additional management actions, if any, would be needed to ensure State activities remain compatible with Refuge purposes and in compliance with established agreements.”

Therefore, we recommend that all State of Alaska management and research activities be addressed specifically in the DEIS, including their geographic extent, frequency, and how they intersect with the Service's own management and research programs. Furthermore, they should be considered along with other permitted inventory, monitoring, and research programs by other agencies or Universities so that a comprehensive assessment of these activities as they support wildlife management decisions can be made.

Response to Comment 136801.065

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24; 50 CFR Part 32 and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated the previously mentioned laws, regulations, and policy, and in the Plan (see Chapter 2, Sections 2.4.9.1, 2.4.11, and 2.4.12), the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG signed the Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

This Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform

to the plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the standards and requirements of this plan, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2, and the Refuge would follow the process outlined in evaluating a proposal, including a national environmental policy act analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. We believe this is clearly articulated in the Plan.

The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses. In cooperation with the State and Federal boards, the Refuge will continue to proactively manage fish and wildlife through surveys, monitoring, research, law enforcement, and working through other regulatory processes. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge's mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge's purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 136801.069 Refuge Mgmt Policies/Guidelines, Coop and Coord with Others
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.9.6 Other Constituencies

Conservation and environmental organizations should be listed as constituencies, and particularly regional Alaskan organizations such as ours. We are concerned that we were not considered stakeholders when the Refuge circulated the Wild and Scenic Rivers Review draft Eligibility Report in November, 2010, nor were we acknowledged in the CCP's Wild and Scenic River Review list of stakeholders in the CCP.

Response to Comment 136801.069

A stakeholder was defined as "a person, group, or organization that has a direct or indirect stake in the results of the Arctic Refuge Wild and Scenic River review process because the stakeholder could affect or be affected by the actions, objectives, or management provisions associated with the findings of eligibility (including Outstandingly Remarkable Values and tentative classification), suitability and/or designation of wild rivers within Arctic Refuge." Conservation and environmental organizations do not meet the legal definition of a stakeholder. Additionally, the stakeholder review of the wild and scenic river review draft eligibility report was only the first phase of review; the entire draft eligibility and draft suitability reports were available for public comment during the draft Revised Plan review. All of the comments provided by conservation and environmental organizations were reviewed and analyzed during the public comment process. Each comment received a response and an accompanying change in the document if warranted.

Comment 136805.076
Sean Parnell, Governor
State of Alaska

Refuge Mgmt Policies/Guidelines, Coop and Coord with Others

Page 2-46, § 2.4.9.6, Other Constituencies. We request an explanation of how the Service “will also consider the interests of its large non-local and non-visiting constituency when making decisions.”

Response to Comment 136805.076

We agree that Arctic National Wildlife Refuge must give equal consideration to all publics, including those who do not live in the region or the State and those who may never visit the Refuge. As suggested by the Refuge’s National Interest Study (Bengston and Fan 2009), the national constituency is primarily concerned with the overall protection of the Refuge and its resources. Depending on the magnitude of any particular management decision, the political issues involved, and the expressed interests of publics both near and far, the Service would use the NEPA process to conduct public meetings and solicit public input outside of the region and the state.

Refuge staff relies on the internet and other digital communication for almost all its contact with the public. We provide information to interested parties throughout the nation and the world via project updates available on the Refuge’s website. Refuge staff is working to keep pathways of communication open to diverse audiences across the country by adopting new technologies and media as these become readily available.

Comment 032628.028
Fran Mauer, Alaska Chapter
Wilderness Watch

Refuge Mgmt Policies/Guidelines, Coop and Coord with Others

We are further concerned because the Draft CCP (Page 2-44 Federal, State and Local Governments) proposes that FWS should consider clearly incompatible Alaska actions on a case-by-case basis: “separate refuge compatibility determinations addressing specific proposals will be required for State management activities that propose predator management, fish and wildlife control...or any other unpermitted activity that could alter ecosystems” of refuges in Alaska. The Service does not need to initiate a compatibility determination or NEPA process to evaluate a State-sponsored proposal to conduct predator control in Arctic Refuge. Rather, the FWS should incorporate language into the CCP and the draft Compatibility Determinations clearly stating that any State regulation or plan involving the use of predator control that conflicts with federal law or policy and the purposes of the Arctic Refuge will be preempted in the Refuge.

Response to Comment 032628.028

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service

lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 136908.005
Jonathon John

Refuge Mgmt Policies/Guidelines, Coop and Coord with Others

Said they need an interagency agreement for communication between agencies such as BLM, BIA, and other agencies to inform them about the sale and purchase of Native Allotments in the area.

Response to Comment 136908.005

We agree there needs to be better coordination and communication between Federal agencies involved in land conveyances, transfers, and sales, and we will work to implement appropriate interagency agreements. We will also work to improve our internal communications between the Refuge and the Service’s Realty Branch regarding land status of Native allotments in the area. As described in Chapter 2, Section 2.4.4, Service policies require development of a step-down plan referred to as a Land Protection Plan, which helps identify and prioritize which private lands within the Refuge boundaries the Service would like to see conserved for fish and wildlife habitat. This plan will discuss a full range of alternative methods and means for land and resource conservation, including fee simple purchase, conservation easements, and cooperative management agreements to achieve Refuge purposes, goals, and objectives. The Service only acquires land from those landowners who are willing to sell. For a Native allottee, the advantage of selling to the Service rather than through a BIA competitive sale is that ANILCA subsistence rights are preserved with a sale to the United States, rather than to a private, State, or corporate group.

**Comment 032626.018
Greg Warren****Refuge Mgmt Policies/Guidelines, Coop and Coord with Others**

V1, 2-44, 2.4.9.1 Cooperation and Coordination with Others (Paragraph 2): Due to different goals, the Service and ADFG may be unable agree on fish and wildlife harvest levels in the Refuge. It is my sense that actions taken in by ADFG to establish liberal seasons and bag limits may be in direct conflict with the Refuge's Federal mandates. Thus, compatibility determinations of ADFG species harvest regulations are critical to protecting Refuge values.

A commenter on the scoping notice expressed related concerns, which is used as an example in the summary of public comments on page 18 and coded as 645.20. I also expressed similar concerns: "Any existing Memorandum of Understanding with the State of Alaska is not an authority that can constrain CCP considerations and decisions. Related, Q6 should be restated to clarify the State of Alaska provide regulations for fish and wildlife, while the USFWS assures that such regulations are consistent with the CCP and other Federal considerations. For example, to meet Arctic Refuge goals, I believe that fish and wildlife populations should be managed so that hunting does not materially change the natural age structures of wildlife populations in each of the principle hunting areas (e.g., Dall sheep, upper Hulahula River)."

The incomplete Master Memorandum of Understanding (MMOU) quote in this part does not adequately characterize the direction in the agreement. It is important to supplement this section by adding the following language: "Compatibility determinations are the appropriate approach for a first screen to address whether season length and bag limit regulations are compatible with the Arctic Refuge purposes."

The Master Memorandum of Understanding (MMOU) quote in this part needs to be supplemented by adding the following verbiage from the MMOU: "To recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans."

Response to Comment 032626.018

The Service does not require refuge compatibility determinations for State wildlife management activities on a national wildlife refuge pursuant to a cooperative agreement between the State and the Service where the refuge manager has made a written determination that such activities support fulfilling the refuge purposes or the Refuge System mission. When the activity proposed by the State is not part of a cooperative agreement or the State is not acting as the Service's agent, a special use permit may be required, and a refuge compatibility determination will need to be completed before the activity may be allowed.

We have completed a compatibility determination for these routine State wildlife management activities: fish and wildlife surveys conducted by boat, foot, or other means not restricted by regulation or policy; aircraft landings in support of fish and wildlife surveys; vegetation and habitat classification and surveys; and law enforcement activities (Appendix G). Separate refuge compatibility determinations addressing specific proposals will be required for State management activities that propose predator management, fish and wildlife control (with the exception of emergency removal of animals posing an immediate threat to human health and safety), reintroduction of species, non-native species management, pest management, disease prevention and control, fishery restoration, fishery enhancement, native fish introductions, non-native species introductions, construction of facilities, helicopter and off-road vehicle access, or any other un-permitted activity that could alter ecosystems on refuges. The promulgation of regulations for the harvest of fish and wildlife is not a refuge use and

therefore is not subject to compatibility. The “take of fish and wildlife” under State regulations, including all equipment, facilities, and services needed to support hunting, is evaluated in two compatibility determinations, “Commercial Big-game Hunting Services” and “General Hunting,” and these uses have been found compatible.



3.35.7 Ecosystem and Landscape Management

Comment 136801.070 Refuge Mgmt Policies/Guidelines, Ecosystem and Landscape Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.10 Ecosystem and Landscape Management

This section should also address the other components of the ecosystem management approach, including an ecological context to the area's wildlife and wilderness that includes natural and evolutionary processes, various behavioral characteristics, and interactions between species and their environment as was set in the executive order establishing the Refuge and reinforced by ANILCA's goal to conserve wildlife in "their natural diversity."

Response to Comment 136801.070

Please see Chapter 2, Sections 2.4.11 and 2.4.12 for discussion of wildlife habitat and population management, respectively, including acknowledgement of Refuge purposes.

Comment 136801.071 Refuge Mgmt Policies/Guidelines, Ecosystem and Landscape Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Furthermore, the whole Arctic Refuge clearly must also have a clear management goal of maintaining intact habitat and ecosystem diversity at the landscape scale to achieve the purposes of its establishment. Ecosystem management must address the connections throughout the refuge from north to south and east to west of the migratory routes and use by fish and wildlife, recreational and subsistence users that depend on intact ecosystems, and the watersheds and river basins that may be separated by the Continental Divide or national boundaries that perform vital functions in total. For example, while the Arctic Landscape Conservation Cooperative (LCC) addresses the broader North Slope context, it is not sufficient to address all climate change impacts and partnerships appropriate for the whole Arctic Refuge, since the lands south of the Continental Divide fall within the Northwestern Interior Forest LCC.

The Porcupine Caribou Herd is clearly already an indicator species, and the mandates of the U.S. Fish and Wildlife to implement its obligations under the International Porcupine Caribou Agreement and through its Technical Board to protect the herd's sensitive habitats should be included here.

Consultation with those with local and traditional knowledge should also be an important part of the peer-review process.

Response to Comment 136801.071

Refuge staff provide input at multiple levels to both the Arctic and Northwest Interior Forest Landscape Conservation Cooperatives. We strive to manage the Refuge in a holistic manner, recognizing the interconnectedness of the distinct ecological regions comprising it. Such an approach is consistent with Refuge purposes, special values, and goals and objectives.

The Refuge works collaboratively with its partners to monitor the Porcupine caribou herd and protect sensitive habitats through the Porcupine Caribou Technical Committee, which is composed primarily of agency personnel from Canada and the U.S. The committee is responsible for coordinating monitoring and research on the Porcupine caribou herd in both countries. These monitoring and research efforts are overseen in part by the Porcupine Caribou

Management Board (a Canadian Board made up of Canadian government personnel and First Nations members) and other agency partners. Also, the International Porcupine Caribou Board (established by the 1987 agreement) has recently been reestablished to provide management input and direction from both countries. The Service Alaska regional director is currently co-chair of this international board, which also includes representatives from the villages of Kaktovik and Arctic Village in Alaska, as well as First Nation representatives from Canada. Please see Appendix A, Section A.1.1.3, International Porcupine Caribou Herd Agreement.

Consultation with subsistence users occurs through both the International Porcupine Caribou Board and the Canadian Porcupine Caribou Management Board. Additional traditional knowledge on status and trends of the Porcupine caribou herd is gathered through the Arctic Borderlands Ecological Knowledge Co-op, which has received both staff support and funding from the Refuge.

Comment 136805.077 Refuge Mgmt Policies/Guidelines, Ecosystem and Landscape Mgmt
Sean Parnell, Governor
State of Alaska

Page 2-47, § 2.4.10.1 Climate Change, third paragraph. We recommend the Service build flexibility into its non-intervention policy to allow for adaptive approaches to unforeseen management issues. We offer the following revision for your consideration.

The Refuge will investigate and consider a full range of responses to potential climate change impacts. For the foreseeable future the Refuge will generally follow a policy of non-intervention, whereby natural systems are allowed to adapt and evolve, accepting that some species may be replaced by others more suited to the changing climate. See Chapter 2, Section 1.

Response to Comment 136805.077

We have revised the objective under Chapter 2, Section 2.1.6, Goal 6 to reflect our intention to favor a non-intervention approach, including avoidance of actions to specifically resist climate change effects on Refuge wildlife and ecosystems for the foreseeable future. Chapter 2, Section 2.4.10.1 is consistent with this. We recognize that such avoidance is not absolute, and this is recognized in Chapter 2, Section 2.4.2, Human Safety and Management Emergencies, which potentially applies to all policies and guidelines included in the Plan.

Comment 136810.002 Refuge Mgmt Policies/Guidelines, Ecosystem and Landscape Mgmt
Paul Krausman, President
The Wildlife Society

-----Preamble/Intro-----

TWS proposes the following recommendations and additions to the CCP:

-----Comment-----

Monitoring, mitigation, and adaptive management to combat the threats of climate change should be included.

The primary threat to ANWR is climate change, which brings with it the increased danger of disease and invasive species. Climate change affects wildlife, biodiversity, ecosystem services, and use of resources by recreational and subsistence users. Section 2.4.10.1 should provide a

cross reference to earlier sections that deal with climate change (Objectives 1.5, 6.1, and 6.4) to more clearly articulate how this pressing management need will be met.

Response to Comment 136810.002

The suggested cross-references have been added.

3.35.8 Environmental Contaminants ID and Clean-up

Comment 136801.095 Refuge Mgmt Policies/Guidelines, Environmental Contaminants
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.19 Environmental Contaminants Identification and Cleanup p. 2-69. This section should describe existing, known contaminated sites including those on the Alaska Department of Environmental Conservation database and Formerly Used Defense Sites, for lands within the refuge boundary as well as on adjacent lands and waters. Information about spills and all contaminated sites, including those where cleanups were done should be provided.

Response to Comment 136801.095

The requested summary of known contaminated sites is already covered under the Service's National Wildlife Refuge Contaminants Assessment Process. Arctic National Wildlife Refuge is currently scheduled to undergo this process after completion of the process on the Alaska Maritime National Wildlife Refuge, which is likely to take several more years. In the meantime, interested parties can access the information through existing, routinely updated databases hosted by the Alaska Department of Environmental Conservation (ADEC) Contaminated Sites Program (<http://dec.alaska.gov/spar/csp/index.htm>). These include Formerly Used Defense Sites (http://dec.alaska.gov/spar/csp/dod_sites.htm) and other contaminated sites, including leaking underground storage tanks and spills, in a searchable database (<http://dec.alaska.gov/applications/spar/CSPSearch/default.asp>) or map (<http://www.arcgis.com/home/item.html?id=315240bfbaf84aa0b8272ad1cef3cad3>). These databases contain all available information about each identified site.

Comment 136737.001 Refuge Mgmt Policies/Guidelines, Environmental Contaminants
Unnamed 74

Reports of soil testing and drum removal around Jago- need to get report and pass it on to interested people at CCP info meeting.

Response to Comment 136737.001

This information is available through the Alaska Department of Environmental Conservation's Contaminated Sites Database at:
http://dec.alaska.gov/Applications/SPAR/CCReports/Site_Report.aspx?Hazard_ID=3825.

**Comment 136738.001
Unnamed 75**

Refuge Mgmt Policies/Guidelines, Environmental Contaminants

Did not transport drums on Jago in bags - could possibly contain hazardous material.

Response to Comment 136738.001

Drums that are removed in clean-up actions are tested for toxic contents or residues before being removed. If toxic residues were present, drums would be removed in protective “overpaks” or bags. If empty, drums would not require this additional packaging for safe removal.

**Comment 136739.001
Unnamed 76**

Refuge Mgmt Policies/Guidelines, Environmental Contaminants

Concerned about drums in lagoon-detrimental effects. RAC meeting maybe has notes.

Response to Comment 136739.001

There are a variety of clean-up activities occurring in lagoons in and adjacent to the Refuge. The process followed depends upon the landowner and the originator of the waste. The Service works with other potentially responsible parties, such as the Department of Defense, to clean up sites within the Refuge, as well as those that are not under Refuge ownership but that may affect Refuge resources, including subsistence resources.

**Comment 136740.001
Unnamed 77**

Refuge Mgmt Policies/Guidelines, Environmental Contaminants

Abandoned ship in Demarcation Bay is rusting out. Needs to be removed.

Response to Comment 136740.001

We agree that ideally this large World War II ship should be removed. However, several years ago, the Refuge discussed ship removal with the Department of Defense, and they stated that dismantling and removing the parts would be prohibitively expensive and unsafe. The fuel, representing the major contaminant issue, was removed.

**Comment 136912.003
Edward Sam**

Refuge Mgmt Policies/Guidelines, Environmental Contaminants

Said the Timber Lake area about 3 ½ miles up drainage has an old camp with blue tarps and a cache with 55 gal drums of old survival gear that has been broken into by bears. The area's a mess and he wants the FWS to clean it up. He is concerned about contamination in the area.

Response to Comment 136912.003

This site was added to a database of trash and abandoned equipment on the Refuge and will be addressed as time and resources allow.

3.35.9 Fish and Wildlife Habitat Management**Comment 136805.078**

Refuge Mgmt Policies/Guidelines, Fish and Wildlife Habitat Mgmt

Sean Parnell, Governor**State of Alaska**

Page 2-50, § 2.4.11.1 Habitat Management. We strongly urge the Service to replace this section with the regional management guidance mutually developed by the US Fish and Wildlife Service, Alaska Region and the State of Alaska and utilized in previous refuge planning documents. The new language is contrary to statutory Refuge purposes as established in ANILCA and significantly restricts the State of Alaska's ability to manage fish and wildlife resources. Every refuge in Alaska has a purpose "to conserve fish and wildlife populations and habitats in their natural diversity" and every refuge has employed virtually the same language regarding habitat management. The term natural diversity should not suddenly undergo a refuge-specific reinterpretation. The proposed changes also severely and unnecessarily limit management options. It is irresponsible to deny consideration of management tools that may help attain natural diversity, especially when such habitat treatment methods typically require a compatibility determination, NEPA analysis, and (in designated wilderness) a minimum requirements analysis.

Specifically, two particularly important provisions in the mutually agreeable Regional Management Guidelines language must be reinstated for the Arctic CCP. First, the statement, "habitats on refuge lands are manipulated to maintain or improve conditions for selected fish and wildlife populations" is consistent with both the Refuge purposes in ANILCA Section 303(b)(iii), which states the Refuge shall be managed to provide the opportunity for continued subsistence uses by local residents, and the BIDEHP; therefore, there is no justification for its removal. Second, removing the exception for controlling invasive species, except in management emergencies, appears to be inconsistent with direction found at Section 2.4.12.8 - Management of Non-native, Invasive, and Pest Species.

Moreover, the Refuge Improvement Act states the Service must "provide for the conservation of fish, wildlife, and plants, and their habitats within the System" and "ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans." The BIDEHP states that habitat management, "ranging from preservation to active manipulation of habitats and populations, is necessary to maintain biological integrity, diversity, and environmental health [The Service] favor[s] management that restores or mimics natural ecosystem processes in order to meet refuge purpose(s)." In other words, active management may not only be necessary with regard to fish and wildlife, and their habitats, but is appropriate in situations other than management emergencies. The guidance provided in the draft Plan is therefore inconsistent with prevailing national law and policy.

Response to Comment 136805.078

We don't agree that the habitat management guidelines for Arctic Refuge (Chapter 2, Section 2.4.11.1) "severely and unnecessarily limit management options." These guidelines are consistent with Refuge purposes, goals and objectives, and special values. The guidelines are not contrary to statutory Refuge purposes, but rather support those purposes. Further, the habitat management guidelines are not in conflict with ANILCA Section 303(2)(B)(iii) because, as stated in Section 2.4.2 (Human Safety and Management Emergencies), in the event that subsistence resources were seriously jeopardized, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary, including habitat management

actions. More generally and as stated in Section 2.4.11.1, we recognize that situations might arise that require habitat manipulation, e.g., protection of threatened or endangered species and other management emergencies, and the guidelines are sufficiently flexible to accommodate that as written.

The habitat management guidelines do adequately provide for conservation of fish, wildlife, and plants, and their habitats, on Arctic Refuge. The Biological Integrity, Diversity and Environmental Health Policy (601 FW 3) acknowledges that “levels of biological integrity, diversity, and environmental health vary among refuges” and that “we will, first and foremost, maintain existing levels of biological integrity, diversity, and environmental health at the refuge scale.” This policy applies broadly across the National Wildlife Refuge System, which includes over 500 units that vary widely in their naturalness, wildness, and ability to sustain healthy fish and wildlife populations without active intervention. Arctic Refuge anchors the natural end of this spectrum, and, absent identified management emergencies, the Refuge’s natural diversity is maintained without active interventions. The Refuge’s management guidelines, including those in Chapter 2, Section 2.4.11.1, do not conflict with congressional direction found in the Improvement Act, nor do they conflict with the Biological Integrity, Diversity and Environmental Health Policy.

Comment 032627.018 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Habitat Mgmt
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Management Guideline 2.4.11 (Fish and Wildlife Habitat Management) We fully support this guideline and urge that it be retained in the Final CCP.

Response to Comment 032627.018

This guideline was retained in the Revised Plan.

Comment 136816.017 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Habitat Mgmt
John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Key change number 1 (page 15)

I suggest inserting the words “population numbers” after the word “diversity” and striking “highest degree of” and adding the clause “provided that chemical treatment may be used only as a last resort after exhausting all other options.” Number 1 would then read: “Fish and Wildlife Habitat Management: Fish and wildlife habitat would not be actively managed, or altered. Rather, management would seek to sustain the natural diversity, population numbers, and biological integrity. Activities such as crushing, chemical, or mechanical treatments or the constructions of structures should not be allowed unless necessary to address invasive species or management emergencies, provided that chemical treatment may be used only as a last resort after exhausting all other options.” What I am trying to

accomplish with this suggestion is strengthen the protective language to better ensure resolute,unwavering protection of all of the Refuge’s wilderness values.

Response to Comment 136816.017

The text cited by the commenter is from the “Summary of Draft CCP, Planning Update 3” and is not necessarily the text used in the draft or Revised Plan. Please refer to Chapter 2, Section 2.4.11 of the Plan for text related to guidelines for fish and wildlife habitat management. Protection of wilderness values is a high priority for the Refuge and was addressed throughout the Plan.

3.35.10 Fish and Wildlife Population Management

Comment 032619.005 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Cliff Judkins, Chairman
Alaska Board of Game

-----Preamble/Intro-----

The following specific points further define the concerns and issues expressed by the Board:

-----Comment-----

Management Guidelines 1 and 2 regarding habitat management and fish and wildlife control raise serious concern because the Service’s intent to enable natural cycles of all native species and virtually eliminate active management “... with little or no human intervention or manipulation” poses an inherent conflict with ANILCA’s requirements to provide continued subsistence opportunities within the refuge. Lack of a clear definition of the term “management emergency” leaves open the question of what conditions would trigger any form of manipulation or control. It is highly probable that these guidelines will inappropriately restrict management tools, jeopardize the health and viability of wildlife populations, and limit refuge managers’ ability to reasonably provide for the subsistence uses it is required to protect.

Response to Comment 032619.005

We do not agree that Management Guidelines 1 and 2 would inappropriately restrict management tools, jeopardize the health and viability of wildlife populations, or limit Refuge managers’ ability to reasonably provide for continued subsistence opportunities as established by ANILCA. The State of Alaska establishes fishing, hunting and trapping regulations, and the Service is committed to using the State regulatory process where practical to meet Refuge purposes, goals, and objectives. However, as clearly articulated in the Plan (Chapter 2, Sections 2.4.9.1, 2.4.11 and 2.4.12), the Service is the final authority over management of fish and wildlife on Refuge lands and waters. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of a population. The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. In cooperation with the State and Federal boards, the Refuge will continue to proactively prevent wildlife-related emergencies through conducting surveys, monitoring, research, law enforcement, and working through other regulatory processes. Chapter 2, Section 2.4.2 discusses that emergency situations could arise, whereby threatened or endangered species, natural diversity, water quality and/or quantity, or subsistence resources are seriously jeopardized, or the introduction of an invasive species

potentially necessitate actions not normally permissible. In such emergencies, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary while considering the immediate and long-term effects of potential response actions on Refuge purposes, goals, objectives, and special values. We believe that this approach will continue to provide the subsistence opportunities provided for in ANILCA.

Comment 136980.004 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Gail Mayo, President
Arctic Audubon

In a similar vein in a clear prohibition should also be applied to use of herbicides or other chemical controls; they also should NOT BE ALLOWED for any reason.

Response to Comment 136980.004

Use of chemical control measure on refuge lands in Alaska is highly regulated, requiring NEPA compliance, regional office review, and approval of a pesticide-use proposal (Administrative Manual 30 AM 12 and Refuge Manual 7 RM 14). Chemical control would only be allowed in extreme cases where pests were causing harm to fish, wildlife, human health, fish and wildlife habitat, or established management goals, and only after all requirements were met as stated. The requirements associated with the designation “May be Allowed” (see Chapter 2, Section 2.5.2) are adequate to restrict use of chemical control agents to extreme situations where less invasive measures would not be sufficiently efficacious.

Comment 136801.075 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.12.2 Scientific Peer Review

p. 2-53. This section should also address the process by which the Service will seek local and traditional knowledge, including traditional ecological and cultural knowledge, as part of the process of scientific investigations on the refuge and its resources. This expertise is significant and essential for policy and management actions, and the research and monitoring upon which they are based.

Response to Comment 136801.075

We recognize the value of traditional ecological and cultural knowledge and are committed to incorporating this knowledge into Refuge ecological and cultural programs. Chapter 2, Section 2.4.12.2 reviews scientific peer review requirements established by Service regional policy, and presents publication options for technical reports. For review of the Refuge’s commitment to gathering traditional knowledge and consulting with tribes, see goals and objectives, especially Goals 4, 6 and 8 (see Chapter 2, Sections 2.1.4, 2.1.6 and 2.1.8). Strategies published under specific objectives address the process by which the Service will gather knowledge and disseminate information.

Comment 136805.013
Sean Parnell, Governor
State of Alaska**Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt**

The State of Alaska is responsible for the sustainability of all fish and wildlife within its borders, regardless of land ownership or designation, and has the authority, jurisdiction, and responsibility to manage, control, and regulate fish and wildlife populations – including for subsistence purposes – unless specifically preempted by federal law. As outlined in the page specific comments that follow, the State strongly objects to the proposed management guidelines that inappropriately eliminate legitimate fish and wildlife management tools from being considered except when “natural diversity... or subsistence resources are seriously jeopardized.” This guidance is contrary to federal law and policy and results in significant negative affects to the Department of Fish and Game’s ability to manage fish and wildlife populations, which is an infringement on state sovereignty.

Response to Comment 136805.013

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 136805.079
Sean Parnell, Governor
State of Alaska**Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt**

Page 2-52, § 2.4.12 Fish and Wildlife Population Management. This section has been significantly revised and appears to further a Refuge goal – “with little or no human intervention and manipulation” – to avoid active fish and wildlife management until faced with an emergency that affects natural diversity or subsistence resources. The Service must

replace this revision with standard regional management guidance that applies regardless of this Refuge goal as regional guidance must reflect law and policy. As written, this direction inhibits the State of Alaska's ability to manage fish and wildlife resources.

The National Wildlife Refuge System Biological Integrity, Diversity, and Environmental Health Policy serves as direction to Service personnel. Specifically, "It provides for the consideration and protection of the broad spectrum of fish, wildlife, and habitat resources found on refuges and associated ecosystems" and "provides guidelines for maintaining existing levels of biological integrity, diversity, and environmental health."

Under the BIDEHP, biological diversity is defined as the "variety of life and its processes, including the variety of living organisms, the genetic differences among them, and communities and ecosystems in which they occur." The Service considers "biological integrity, diversity, and environmental health [as] critical components of wildlife conservation."

To maintain and restore biological integrity, diversity, and environmental health the policy states the Service will maintain current levels at the individual refuge and will "restore lost or severely degraded elements of integrity, diversity, environmental health at the refuge scale and other appropriate landscape scales where it is feasible and supports achievement of refuge purpose(s) and System mission."

The BIDEHP also recognizes that absolute biological integrity is not possible; however, they "strive to prevent the further loss of natural biological features and process; i.e., biological integrity." Wildlife and habitat management, "ranging from preservation to active manipulation of habitats and populations, is necessary to maintain biological integrity, diversity, and environmental health [The Service] favor[s] management that restores or mimics natural ecosystem processes in order to meet refuge purpose(s)." In other words, active management may be necessary with regard to fish and wildlife, and their habitats, and is entirely appropriate in situations other than management emergencies.

In addition, we question the implication that active management techniques have ecological outcomes outside the range of natural disturbances. State management activities are typically short-term actions intended to influence natural dynamics, not fundamentally alter or permanently change that dynamic. The Refuge is concerned with what humans perceive to be a naturally functioning ecosystem -- essentially a value judgment of whether an intervention has occurred (bad) or not (good). This erroneous perspective lacks a scientific demonstration that management, by definition, produces an outcome or ecosystem condition that is functionally or permanently different than natural conditions.

To address these concerns, at a minimum, the following language from the most current regional guidance must be reinstated:

[The Refuge] will work with the State of Alaska to conserve fish and wildlife populations, recognizing that populations may experience fluctuations in abundance because of environmental factors and may require management actions for conservation purposes.

And finally, "little or no human intervention" must be removed.

Response to Comment 136805.079

Chapter 2, Section 2.4.12 provides guidelines for fish and wildlife population management on Arctic Refuge, and is not intended to reflect standard regional guidance for management national wildlife refuges in Alaska. This was clarified in Chapter 2, Section 2.2 of the Revised Plan.

The Biological Integrity, Diversity and Environmental Health Policy (601 FW 3) acknowledges that “levels of biological integrity, diversity, and environmental health vary among refuges” and that “we will, first and foremost, maintain existing levels of biological integrity, diversity, and environmental health at the refuge scale.” The policy also provides for restoration of biological integrity, diversity and environmental health where appropriate.” This policy applies broadly across the National Wildlife Refuge System, which includes over 500 units that vary widely in their naturalness, wildness, and ability to sustain healthy fish and wildlife populations without active intervention. The policy is not a mandate to practice active fish and wildlife population management on all units of the National Wildlife Refuge System. Arctic Refuge anchors the natural end of this spectrum, and, absent identified management emergencies, the Refuge’s natural diversity is maintained without active interventions.

We agree that active fish and wildlife population management techniques that influence natural dynamics may be necessary in some situations (e.g., when threatened or endangered species, natural diversity, water quality and/or quantity or subsistence resources are seriously jeopardized). In such cases, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary, although urgent situations that require actions taking longer than 30 days require a compatibility determination, NEPA compliance, and an ANILCA 810 evaluation of potential impacts to subsistence (see Chapter 2, Section 2.4.2). Fish and wildlife population management actions conducted under the auspices of a management emergency would be carried out in such a manner as to avoid fundamentally altering or permanently changing natural ecosystem dynamics.

Comment 136805.080 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Sean Parnell, Governor
State of Alaska

Page 2-55, § 2.4.12.7 Fish and Wildlife Control. The State strongly objects to the portions of this section that stray from standard regional management guidance, which resulted from an intensive joint effort by the Service and the State, and request it be reinstated. As written, this section severely restricts the Alaska Department of Fish and Game’s ability to fulfill its constitutional mandates.

The language in the draft Plan is inconsistent with Service law and policy, and inconsistent with guidance for all other refuges in Alaska. Additionally, considering climate change may cause non-native species to naturally move onto refuge lands, we find it inconsistent to specifically allow management actions to control naturally occurring non-native species but not allow wildlife managers to control native species, when necessary.

Response to Comment 136805.080

The Service recognizes that the State of Alaska has primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges, and we intend to work closely with ADFG as it manages fish and wildlife populations to meet its constitutional mandates. The Service and ADFG signed a Master Memorandum of Understanding (Appendix B) that states: ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands”; the Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska”; and both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is

authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Service believes that Chapter 2, Section 2.4.12.7, is consistent with the Refuge Administration and Improvement Acts, ANILCA, and the regulations found at 43 CFR 24, 50 CFR 32, and 50 CFR 36.32. Within the bounds of law and regulation, we modified a number of the policies and guidelines in the Revised Plan to enable managers at Arctic Refuge to meet this Refuge’s specific purposes, goals, and objectives; perpetuate its special values; and continue its role and function in the larger National Wildlife Refuge System. This modified direction is unique to Arctic Refuge and is not intended to establish precedents or standard management policies and guidelines for other national wildlife refuges in Alaska or future comprehensive conservation plans developed by the Service.

Before authorizing a fish or wildlife control program on the Refuge, the need to do so would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation.

The last sentence of Chapter 2, Section 2.4.12.7 does not refer to any unknowable outcomes of accelerating climate change. Moreover, the Strategy developed for Objective 1.1 in Chapter 2, Section 2.1.1, of the Revised Plan clearly states: “We acknowledge that climate change and other external factors that the Refuge cannot control may change resource conditions and the course of ecological and evolutionary processes. Thus, maintenance of some current conditions may be unattainable. In such cases, the Refuge will avoid interventions intended to maintain current conditions in favor of allowing species and communities to adapt and evolve.”

Comment 136805.081 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Sean Parnell, Governor
State of Alaska

Page 2-57, § 2.4.12.10 Fishery Restoration and Enhancement. The State strongly objects to the revision of this section and request the current regional management guidelines be reinstated. As currently written, this section undermines the State’s ability to implement any restoration or enhancement actions unless the Refuge Manager declares a management emergency. This defies Congressional direction found within the Refuge Improvement Act to “conserve” fish and wildlife, which includes both “restore” and “enhance” within its definition.

Response to Comment 136805.081

As explained in Chapter 2, Section 2.4.12.10 of the Revised Plan, fishery restoration projects “may be allowed” in all management categories, subject to a NEPA analysis, an appropriate use finding, a compatibility determination, and compliance with any other applicable laws and regulations. Fishery restoration facilities “may be authorized” in all management categories, subject to issuance of a special use permit and, in the case of designated Wilderness, a MRA. In the case of a management emergency requiring fishery restoration, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary; only those urgent situations requiring actions taking longer than 30 days require a compatibility determination, NEPA compliance, and an ANILCA Section 810 evaluation.

In the Revised Plan, fishery enhancement and fishery enhancement facilities are “not allowed” in areas under Wilderness, Wild River, and Minimal Management.

The National Wildlife Refuge System Improvement Act of 1997 (Improvement Act) defines ‘conserving’ as “to sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants...” The phrase “where appropriate” should be noted. The National Wildlife Refuge System includes over 500 units that vary widely in their naturalness, wildness, and ability to sustain healthy fish and wildlife populations without active intervention. Arctic Refuge anchors the natural end of this spectrum, and, absent identified management emergencies, the Refuge’s natural diversity is maintained without active interventions. The Refuge’s management guidelines, including those in Chapter 2, Section 2.4.12.10, do not conflict with congressional direction found in the Improvement Act.

Comment 136810.003 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Paul Krausman, President
The Wildlife Society

-----Preamble/Intro-----

TWS proposes the following recommendations and additions to the CCP:

-----Comment-----

The management plan for wildlife disease (section 2. 4.12.9) should be strengthened. Several diseases have displayed northern movements, attributed to climate change. Of specific interest is the lung parasite of caribou, *Parelaphostrongylus odocoilei* which now includes Alaska in its range and *Parelaphostrongylus tenuis*, a nematode that affects moose. In addition to increases in the ranges of wildlife diseases, affected species may become more susceptible due to heat stress. TWS recommends the addition of a step down plan for wildlife disease and incorporating monitoring and mitigation components and action strategies should an outbreak occur.

Response to Comment 136810.003

Monitoring wildlife health and disease will be addressed in the I&M step-down plan. Actions taken in the event of a disease outbreak will be addressed on a case-by-case basis, and any actions taken will be consistent with Refuge goals and management guidelines as presented in the Plan. Please also see Chapter 2, Section 2.4.12.9, Disease Prevention and Control.

Comment 136810.004 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Paul Krausman, President
The Wildlife Society

-----Preamble/Intro-----

TWS proposes the following recommendations and additions to the CCP:

-----Comment-----

Include a detailed step down plan for the management of invasive species (section 2.4.12.8). Invasive species are of particular danger to ANWR due to its open spaces, disturbed soil, and high connectivity of water systems favored by invasive species. ANWR is at an increased risk of invasive species activity because the species spread with the changing climate. TWS recommends that the step down plan incorporates monitoring, mitigation, and adaptive management strategies that can be used if an invasive species is found.

Response to Comment 136810.004

Inventory and monitoring aimed at detecting occurrence, abundance, and distribution of invasive species will be addressed in the I&M step-down plan. Actions taken in the event that invasive species are found will be addressed on a case-by-case basis, and any actions taken will be consistent with Refuge goals and management guidelines as presented in the Plan. Please also see Chapter 2, Section 2.4.12.8, Management of Non-Native, Invasive, and Pest Species.

Comment 032628.004 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Fran Mauer, Alaska Chapter
Wilderness Watch

Management Guideline 2.4.12.7: Recognizes that the ecological inter-connections of all life within the Refuge and management would strive to allow natural dynamics to continue without human interference. We support this approach, however, note that in the Final CCP this guideline should clearly state that predator control and Intensive Management activities totally conflict with the purposes of the Refuge and the preservation of wilderness character, and should be prohibited.

Response to Comment 032628.004

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge's purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge's mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge's purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 136908.006 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Jonathon John

Regarding efforts to control the wolf population and manage wildlife, he asked if Arctic Village could get any help with equipment (traps) or money (for purchase of gas) so local people could go out and harvest wolves themselves.

Response to Comment 136908.006

Predator control programs would be authorized only if the situation meets the management emergency criteria presented in Chapter 2, Section 2.4.2 (Human Safety and Management Emergencies). In that case, the Refuge would follow the process outlined in evaluating a

proposal, including a NEPA analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Local residents would have opportunities for meaningful involvement in the process of determining if predator control programs could be allowed, and if so, how the program would be implemented. Current State and Federal regulations provide for local and other trappers to take an unlimited number of wolves during open seasons.

Comment 136808.002 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Jack Reakoff

-----Preamble/Intro-----

Please consider these two issues of my concern,

-----Comment-----

Comment issue # 2

The Section on Recreational hunting needs to be clear regarding ANILCA mandated management for healthy populations of fish and wildlife by the Arctic National Wildlife Refuge Manager and staff. Provision for over site, and monitoring of State general hunting management plans, and harvest of fish and wildlife species needs to be stated in the CCP. USFWS-ANWR needs scientifically valid fish and wildlife management plans in place to track State regulated harvest that may be outside of recognized scientific principles.

Current issue:

Congressional intent for ANILCA management of fish and wildlife in accordance with recognized scientific principles and the purposes for each conservation unit's establishment, and other Federal lands, is not being accomplished.

ANILCA, Title VIII requires the Federal land managers to adhere fish and wildlife management consistent with sound management principles, and the conservation of healthy populations of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established. The Federal managers shall scientifically delineate and maintain healthy populations. If the State of Alaska management Boards actions jeopardize a fish or wildlife population health, Federal managers shall preempt State regulations to assure population health in accordance with ANILCA to protect subsistence uses.

In many instances, fish and wildlife resources are harvested at maximum, or exceeding maximum under State regulations, mainly by non-subsistence users, in a manner inconsistent with ANILCA mandated recognized scientific principles of fish and wildlife management. There is an ever-growing demand by non-subsistence users for limited resources.

Ungulate resources in many areas of Alaska are harvested under State of Alaska regulations beyond recognized biological parameters. Over use of the males in the harvest causes reproductive failure (late born calves, lower survivorship to adult hood, and population declines). These practices deplete the healthy breeding structure and cull larger phenotypic animals. Herds are threatened and usually decline. There are many ungulate populations in Alaska that are in this condition, especially moose, caribou, and Dall sheep. Subsistence and other users are then restricted from harvesting customary resources, so that populations can be rebuilt to healthy levels.

Congress Stated this scenario in ANILCA TITLE VIII-SEC 801 (3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management” (emphasis added).

Congress mandated that the Federal managers adhere to sound management according to recognized scientific principles; SEC 802. It is hereby declared to be the policy of Congress that—(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so; (emphasis added).

Federal agencies are held to the specific standard of fish and wildlife management as mandated in ANILCA. Therefore, Federal fish and wildlife management must maintain healthy populations, a variety of genetics, representation of healthy age structure, and healthy sex ratios. State management typically maximizes harvest of most of the older males, skewing the ratio to very few young males and smaller phenotypes. This is neither healthy nor natural. In many instances, in recent State of Alaska management history, the male to female ratios were depleted far below recognized scientific principles and herd viability was seriously compromised.

The State of Alaska and Federal agencies have very different wildlife management objectives. The State manages for “maximum yield” (Alaska’s Constitution requires the State to manage replenishable resources for “sustained yield,” but instead the State manages for “maximum yield”) and does not recognize local rural subsistence uses. Federal agencies are supposed to manage for “healthy populations and continued subsistence uses,” though currently the Federal management objectives, if any, are not always achieved.

The Alaska Board of Game does not always choose to adhere to recognized scientific principles. ANILCA requires the Federal managers to be proactive in assuring healthy populations of fish and wildlife. Currently, Federal managers are not “managing,” until there is a problem. Reacting to over harvested populations caused by State management regulations is not achieving ANILCA mandates or the intent of Congress. Federal wildlife management does not begin once populations are put into crisis by overharvest caused by State regulations, but before.

If the State Board of Game chooses to manage wildlife with out regard to recognized healthy principles (sustained yield), it is incumbent upon the Federal Management System to preempt State regulations that threaten populations and their subsistence uses. Managing species using healthy population compositions and minimum population threshold objectives does not threaten the State’s mandate for sustained yield; it complements it. Federal and State management systems both have to take a healthy stance managing Alaska’s fish and wildlife and agree upon the statutory mandates that are required.

The USFWS Arctic National Wildlife Refuge, as well as all other Federal Agencies, needs to take a proactive stance in management on the Federal public lands. If the State regulatory

process chooses to violate scientific harvest of fish and wildlife populations, Federal managers, and the Federal Subsistence Board is required by ANILCA to use preemptive closures.

It is incumbent upon the USFWS-Arctic National Wildlife Refuge to recognize the ANILCA mandates for fish and wildlife management in this CCP, and initiate management planning for healthy populations, and survey of populations for health monitoring.

Response to Comment 136808.002

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The State of Alaska establishes general fishing, hunting and trapping regulations, and the Service is committed to using the State regulatory process where practical to meet Refuge purposes, goals, and objectives. However, as clearly articulated in the Plan (Chapter 2, Sections 2.4.9.1, 2.4.11 and 2.4.12), the Service is the final authority over management of fish and wildlife on Refuge lands and waters. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of a population. The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. In cooperation with the State and Federal boards, the Refuge will continue to proactively prevent wildlife-related emergencies through conducting surveys, monitoring, research, law enforcement, and working through other regulatory processes. Chapter 2, Section 2.4.2 discusses that emergency situations could arise, whereby threatened or endangered species, natural diversity, water quality and/or quantity or subsistence resources are seriously jeopardized, or the introduction of an invasive species potentially necessitate actions not normally permissible. In such emergencies, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary while considering the immediate and long-term effects of potential response actions on Refuge purposes, goals, objectives, and special values. We believe that this approach will continue to provide the subsistence opportunities provided for in ANILCA.

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring

that all wildlife management activities are consistent with the Refuge's purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 136816.018 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Key change number 2 (page 15)

This is an important guideline, and I am glad to see it, but it appears inconsistent with the management guidance presented in "Summary of Selected Management Provisions" Table. See Activity or Use: "Access on Foot, by Dog Team, or with other Domestic Animals" at the top of page 17. This Activity or Use would be "Allowed" in Wilderness, Wild Rivers, and Minimal Management areas. Domestic animals can transmit disease to wild animals, for example pack goats to Dall sheep. I suggest you Google "disease transmission domestic livestock to wildlife." There are many hits. I don't think that domestic livestock should be categorically "Allowed." At the very least, domestic livestock should be subject to a case-by-case basis permit system, with careful evaluation and test of the livestock before being permitted to enter the Refuge. FWS should take a close look at this to determine the problem areas, and to perhaps have some species of livestock banned outright and some subject to a permit system with careful evaluation and test of each individual domestic livestock animal entering the Refuge.

Response to Comment 136816.018

Domestic sheep, goats, and camelids (e.g., llamas and alpacas) have been shown to present a substantial disease risk for Dall's sheep. The management guidelines have been changed to disallow the use of these animals in all management categories on Arctic Refuge. Other livestock are allowed in all management categories, but a requirement was added for use of pelletized weed-free feed. The pelletizing process substantially decreases the risk of viable weed seeds being introduced to the environment compared to unprocessed "weed-free" feeds.

Comment 136816.023 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Page 16, line item 4 in the table, "Fish and Wildlife Control." My concern here is similar to above, but more urgent. The vague language in the table (i.e., "may be allowed") is misleading

because it fails to emphasize the fact that, according to the full CCP draft, Fish and Wildlife Control would be used only in emergencies (see 2.4.12.7 of the CCP, page 2-55). Section 2.4.12.7 references section 2.4.2 for a definition of Human Safety and Management Emergencies. The language of this line item 2, Fish and Wildlife Control (page 16 of the Summary) should, for all three categories, be “NOT ALLOWED, except in emergencies.”

Response to Comment 136816.023

“May be allowed” is defined in Chapter 2, Section 2.5.2 as follows: “Activity, use or facility may be allowed subject to site-specific NEPA analysis, an appropriate use finding (when required), a specific Refuge compatibility determination (when required), and compliance with all applicable laws and regulations of the Service, other Federal agencies, and the State.” This is sufficiently specific to ensure that proposed fish and wildlife control measures would be appropriately evaluated, and the language in Chapter 2, Table 2-1 is accurate.

**Comment 032626.003
Greg Warren**

Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt

Wildlife Population Management: I believe that the relinquishment by the Refuge of management responsibilities for fished and hunted species to the State of Alaska is likely materially interfering with and detracting from the fulfillment of the purposes for which the Refuge was established. The CCP should prescribe that when State population management actions materially conflict with Refuge purposes that the Refuge will preempt Department of Fish and Game and Board of Game regulations. To implement this direction, the CCP needs to establish that compatibility determinations are to be completed to address the potential population effects on various species of Alaska fishing and hunting regulations (603 FW 1.10-B).

Response to Comment 032626.003

Hunting on Arctic Refuge under current State and Federal regulations was found compatible with Refuge purposes and the mission of the National Wildlife Refuge System (see appendix G). As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on refuge lands and waters. The ADFG and the Service signed the Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

According to the Services’ Appropriate Uses Policy (603 FW 1.10 B) when compatible, the take of fish and wildlife under State regulations is a refuge use, and we have found this use to be appropriate on Arctic Refuge (see Appendix G). The promulgation of regulations is not a refuge use and therefore is not subject to compatibility. The “take of fish and wildlife” under State regulations on Arctic Refuge, including all equipment, facilities, and services needed to support

hunting, was evaluated in two compatibility determinations, “Commercial Big-game Hunting Services” and “General Hunting” and found to “not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission.” Therefore, these uses are compatible at this time. This Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing uses change, we would re-evaluate the use. If any proposed State fish and wildlife management activities do not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge.

Comment 032626.020
Greg Warren

Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt

V1, 2-52-2.4.12 Fish and Wildlife Population Management: The first sentence states, “The State of Alaska and Service each have directives affecting fish, wildlife, and land management, and will work cooperatively to fulfill these responsibilities.” This statement is misleading. The State and Service have conflicting laws governing the management of fish and wildlife. There is no indication from past Refuge practices that the Service will preempt the State if necessary to achieve Refuge purposes. I recommend deleting the first sentence or describe how ADFG has a different mandate for managing wildlife than those prescribed for the Refuge.

Response to Comment 032626.020

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, a MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and

that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge's purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 032626.024 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Greg Warren

V1, 3-1, 3.1 Issues: The potential effects of ADFG hunting regulations on wildlife populations is a significant issue that needs to be addressed in the CCP and NEPA document. This issue was identified during scoping and is within the scope of the analysis due to direct, indirect, and cumulative impacts of the implementation of the harvest regulations on the Refuge. The current harvest seasons and bag limits on wolves is confirmation that State actions may be materially interfering with or detracting from the fulfillment of the purposes of the Refuge. The revised CCP needs to address adequate processes and resources needed to assess and manage fish and wildlife populations in the Refuge, while collaborating to extent practicable with ADFG.

Response to Comment 032626.024

Ecological I&M and Research step-down plans will be prepared following approval of the Plan. An objective of these plans will be to evaluate the status and trends of select fish and wildlife populations on the Refuge. Please see Chapter 2, Section 2.1.1, Objective 1.2, 1.3, and 1.4, and and Chapter 6, Section 6.3. The issue of hunting effects on wildlife populations will be considered.

Comment 032626.025 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Greg Warren

V1, 3-6, 3.1.2 Issues Considered but Eliminated from Detailed Study: I am concerned that the ADFG regulations effects on Refuge purposes will not be addressed in the final CCP and EIS, since the issue was avoided in the draft CCP and DEIS. If the EIS does not address the hunting effects resulting from the ADFG regulations as a significant issue, the EIS must describe in this part why wildlife population effects resulting from ADFG regulations will not have a significant effect on the Refuge purposes.

Response to Comment 032626.025

“Hunting effects on population structures and genetics” was an issue identified during scoping, but further consideration was deferred to the process of the I&M step-down plan which includes a Research plan. Step-down planning will commence following approval of the Plan.

Hunting on Arctic Refuge under current State and Federal regulations was found compatible with Refuge purposes and the mission of the National Wildlife Refuge System (see appendix G). As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed the Master Memorandum of Understanding (see Appendix B), spelling out the general

policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.” This Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge.

Comment 032626.021 Refuge Mgmt Policies/Guidelines, Fish and Wildlife Population Mgmt
Greg Warren

-----Preamble/Intro-----

VI, 2-52-2.4.12

-----Comment-----

I believe that the CCP needs to establish programmatic population goals and objectives, and commit to developing Population Management Plans for many of hunted, fished, and trapped species (701 FW 1, General). These step-down management plans need to be discussed in this section.

Response to Comment 032626.021

An Ecological I&M step-down plan which includes a Research plan will be prepared following approval of the Revised Plan. An objective of the I&M Plan will be to evaluate the status and trends of select fish and wildlife populations on the Refuge. At this time, there is no intention to develop species-specific population management plans for discrete areas of the Refuge, but this recommendation will be considered in the step-down planning process.

3.35.11 General

Comment 032619.006 Refuge Mgmt Policies/Guidelines, General
Cliff Judkins, Chairman
Alaska Board of Game

-----Preamble/Intro-----

The following specific points further define the concerns and issues expressed by the Board:

-----Comment-----

The management provisions summary addresses means of access in the refuge and appears to limit those activities to local rural residents only. The language should clarify its application to all who use the refuge.

Response to Comment 032619.006

There are several sections in the Management Policies and Guidelines that deal with access. Chapter 2, Section 2.4.13.1 addresses access for subsistence purposes—this is limited to rural residents. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Chapter 2, Section 2.4.14.1 addresses

access for traditional activities and for travel to and from villages and home sites. This section is limited to traditional activities but not limited to rural residents. ANILCA Section 1110(a) specifies the use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations.

Comment 136980.005
Gail Mayo, President
Arctic Audubon

Refuge Mgmt Policies/Guidelines, General

Our final concern with the draft plan is that it does not provide for priorities within the alternatives. Our choice, Alternative E sets in motion a great deal of study and work that will need to be done. Budgetary and other possible constraints may not allow all of these actions to proceed at once. If Alternative E is supported, and we hope it is, there will need to be priorities set. Recommendation to Congress for wilderness designation of the Coastal Plain should be top priority, closely followed by the wilderness recommendations to Congress for the Brooks Range and the Porcupine Plateau.

Response to Comment 136980.005

Comprehensive conservation plans set the management direction for national wildlife refuges, including establishing goals and objective and providing guidance for future budget requests to fully meet those objectives. We recognize the Revised Plan represents an ambitious set of goals, objectives, and strategies for the next 15 years, especially in light of current budget declines. We are committed to a quality program of comprehensive, integrated management of Refuge resources and the public use of Arctic Refuge to protect the Refuge's resources, special values, and visitor experiences. The staff considered the entire workload proposed in the draft Revised Plan and prioritized both the step-down plans and our objectives into: 1) immediate needs (Years 1-3 and ongoing); short-term needs (Years 4-8) and Long-term (Years 9+) (see Chapter 2, Section 2.1). These changes are also reflected in Chapter 6 (Implementation and Monitoring). Additional funds and positions needed to fully carry out these responsibilities are outlined in the description of each management alternative (Chapter 3, Sections 3.1 and 3.2), should funds become available. These will be completed if any of the alternatives other than Alternative A is selected. Should an alternative be selected that includes recommendations for additional Wilderness, it would be up to Congress to decide what areas, if any, would be so designated.

Comment 032675.002
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

Refuge Mgmt Policies/Guidelines, General

The Commission supports retention of the current management strategy in the revised CCP, primarily because the 8.0 million acres of designated wilderness within the Arctic Refuge represents a reasonable balance for managing and protecting the lands and resources within the refuge.

Maintaining the remainder of the refuge in a non-wilderness status has allowed the Service the flexibility to respond to changing circumstances or management needs and has worked well over the last 23 years. We find no reason, nor does the DCCP offer a satisfactory

justification, to change current management direction. Existing statutory and regulatory authorities, including ANILCA specific regulations related to access, subsistence, public use, recreational activities, taking of fish and wildlife, use and construction of cabins, and commercial visitor services, provide sufficient protections for refuge values and purposes without reducing management options by imposing an additional layer of restrictions on the Service, cooperating agencies such as the Alaska Department of Fish and Game or the public

Response to Comment 032675.002

The commission's position opposing additional Wilderness areas within Arctic Refuge is noted. Additional management guidance in the form of management guidelines, goals, and objectives is needed because much has changed since the current Plan was completed in 1988. For example, the National Wildlife Refuge Improvement Act, which amended the Refuge Administration Act, became law in 1997. The Improvement Act includes new requirements for Refuge management, and new national policies provide direction for Wilderness management, public use, wildlife conservation, and ecosystem management. Also, a new Federal Subsistence Management Program was initiated in 1990, public use of the Refuge has changed, the Dalton Highway is now open to the public, and climate change has emerged as a factor potentially affecting all aspects of the Refuge environment.

Comment 032675.004

Refuge Mgmt Policies/Guidelines, General

Stan Leaphart, Executive Director

Citizens' Advisory Commission on Federal Areas

The Commission also wishes to remind the Service that its Wilderness Stewardship Policy, which was newly revised in November 2008, confirmed that wilderness reviews for the Alaskan refuges were completed and no further reviews were required:

“5.17 Does tile Service conduct wilderness reviews of refuge lands in Alaska?

We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA. Additional wilderness reviews as described in the refuge planning policy (602 FW 1 and 3) are not required for refuges in Alaska. During preparation of cCPs for refuges in Alaska, we follow the provisions of section 304(g) of ANILCA, which requires us to identify and describe the special values of the refuge, including wilderness values. Subsequently, the CCP must designate areas within the refuge according to their respective resources and values and specify the programs for maintaining those values. However, ANILCA does not require that we incorporate formal recommendations for wilderness designation in CCPs and CCP revisions.”

This Stewardship policy was developed and revised over an 8 year period beginning in early 2001. According to the Notice of Availability (73 FR 67876, 11/17/2008) for the new policy, the revision process involved a lengthy public review period, revisions based on public comments, internal review and discussion with Service managers and staff. In addition the Service developed Intergovernmental Personnel Agreements with representatives from five states, including the State of Alaska, to facilitate an effective means of involving state fish and wildlife agencies in the development of Service policies and guidance. The 2008 policy included a chapter specific to wilderness in Alaska, including the above referenced section 5.17.

This important section of the policy, developed with extensive input and the open public process outlined in the Notice of Availability, was abruptly dismissed without notice by the January 2010 Hamilton memorandum. Not only was there no consultation with the State of

Alaska before this memorandum was signed, it was not even provided to the Governor's Office, the State's ANILCA Coordinator or this Commission for several months afterwards.

The Hamilton memo directs the Alaska Regional Director when revising the CCPs for Alaskan refuges to "conduct a complete wilderness review of refuge lands and waters that includes the inventory, sturdy and recommendation phases, in accordance with 610 FW 4 (Wilderness Review and Evaluation)." The Hamilton memorandum lacks any authority to supersede ANILCA nor should it override the properly and publicly developed Service Stewardship Policy. The Hamilton memorandum should have been ignored.

Response to Comment 032675.004

Service policy 610 FW 5.17 does indeed say that wilderness reviews are not required for refuges in Alaska. However, this does not mean that a refuge in Alaska cannot conduct a wilderness review; it means refuges have the flexibility to conduct a wilderness review if the manager decides that a wilderness review is the appropriate way to help achieve the purposes of the refuge and mission of the Refuge System. Former Service Director Sam Hamilton, however, made the decision in his memorandum of January 28, 2010, that, "Although the Wilderness Stewardship Policy does not require that Alaska Refuges conduct wilderness reviews, conducting such reviews will ensure that we fully evaluate lands and waters that may merit inclusion in the National Wilderness Preservation System and will comply with the Wilderness Act, ANILCA, and National Wildlife Refuge System Administration Act, and the Fish and Wildlife Service Refuge Planning and Wilderness Stewardship policies." This direction in no way dismisses, overrides, or conflicts with FW 610 5.17 of the Wilderness Stewardship Policy.

The direction in the January 28, 2010, memorandum neither conflicts with nor supersedes ANILCA. During the planning process for the Revised Plan, we followed the provisions of Section 304(g) of ANILCA, which requires us to identify and describe the special values of the Refuge, including wilderness values. Section 304(g) states further that each plan shall designate areas within the refuge according to its respective resources and values and specify the programs for conserving fish and wildlife and the programs relating to maintaining the values referred to in paragraph (2)(B). The Service believes the best tool we have to identify, describe, and maintain Arctic Refuge's wilderness values in accordance with ANILCA 304(g) is to use the guidance in 610 FW 4.

Comment 136789.003
Bob Childers, Executive Director
Gwich'in Steering Committee

Refuge Mgmt Policies/Guidelines, General

The Plan does not recognize the significance of Refuge management decisions on the economies of our communities. When the Yukon Flats Refuge office left Ft Yukon many years ago it really hurt the local community. Now the Arctic and Yukon Flats National Wildlife Refuges are two of only a very few refuges that are not managed locally.

-- We recommend that this plan include a move of the Arctic Refuge offices from Fairbanks to Ft Yukon within 5-7 years; and

-- We recommend that this plan identify all future studies, conservation and other Refuge activities that could be evaluated for contracting to tribal entities for local management and execution.

Response to Comment 136789.003

The Service supports the development of strong partnerships to accomplish the Refuge's goals and objectives and would be interested in further discussions regarding potential Annual Funding Agreements with tribes. The process for requesting, negotiating, and developing an Annual Funding Agreement are found in 25 CFR 1000.170 and implemented through Service Policy 512 FW 5. As described in regulations and policy, a formal letter of interest for an Annual Funding Agreement needs to be sent to the Service's Director to begin the process. The Refuge has an objective (in Chapter 2, Section 2.1.4, Objective 4.3) to expand the RIT Program to Venetie and Fort Yukon and hopes to have a RIT in Fort Yukon within five years, subject to funding. RITs perform many important functions in communities. They may exchange information with local residents, answer questions from visitors, assist with monitoring and research, provide logistics for studies, advise staff on community concerns, and provide translation when necessary. Our headquarters is co-located with the Yukon Flats and Kanuti national wildlife refuges in Fairbanks, and we have no plans to move our headquarters out of Fairbanks; however, we will look for opportunities to increase the presence of Fairbanks-based staff in Fort Yukon.

Comment 136801.060

Refuge Mgmt Policies/Guidelines, General

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-37. The Wilderness Act should also be listed in this section due to its important management policies and guidelines within the refuge.

Response to Comment 136801.060

Chapter 2, Section 2.4 contains the Refuge Management Policies and Guidelines, and we agree the Wilderness Act is important law guiding management of Arctic Refuge. We included the Wilderness Act in the Introduction to this section.

Comment 032637.001

Refuge Mgmt Policies/Guidelines, General

Peter Fontaine

-----Preamble/Intro-----

Additionally, the plan must include:

-----Comment-----

recognition that the flora and fauna found in the Refuge are valuable species, and must be left unmolested in their natural state. (I personally would oppose hunting in the Refuge, but that seems to have been a compromise made at the time of its establishment);

Response to Comment 032637.001

One of the purposes of Arctic Refuge is to “conserve fish and wildlife populations and habitats in their natural diversity,” and plants and animals are protected on the Refuge. The State of Alaska and the Service each have directives for wildlife management, and we work cooperatively to fulfill these responsibilities. Hunting is one of the priority public uses on national wildlife refuges and is allowed when it is compatible with Refuge purposes. General hunting and commercially-guided big-game hunting are compatible and allowed on Arctic Refuge (see Appendix G). Hunting is managed through regulations set by the State of Alaska and the Federal Subsistence Board. These regulations set seasons, bag limits, methods and

means of harvest, and licensing of commercial guiding operators. When necessary to protect wildlife, areas of the Refuge may be closed to hunting, or the Refuge may set special regulations. This may be done through a variety of methods, including a revision to the hunting regulations (adopted by either the Board of Game or the Federal Subsistence Board) or by provisions outlined in 50 CFR 36.42 (public participation and closure procedures).

Comment 032657.003
Terry Reichardt

Refuge Mgmt Policies/Guidelines, General

-----Preamble/Intro-----

But I believe that limiting wilderness protection to only the coastal plain would not do justice to this national treasure.

I would like to see you make a couple of adjustments to the management option E.

1. Subsistence access should allow at least limited use of ATVs which is presently an important means of access for residents
2. Your proposed harvesting limits of firewood and of house logs is not realistic. You need to find a way to manage so that people can harvest the firewood they need without over harvesting any areas. Limiting the harvest of house logs to 20 trees of diameter 3-6 inches is also not realistic.

-----Comment-----

I suggest you work with residents of area to modify your management in a way that is beneficial to all.

Response to Comment 032657.003

ANILCA Section 811(b) specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of off-road or all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with Refuge purposes and the mission of the National Wildlife Refuge System. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge.

Comment 032626.016
Greg Warren

Refuge Mgmt Policies/Guidelines, General

V1, 2-37, 2.4 Management Policies and Guidelines: In general, the programmatic direction in the CCP for proposed and exiting Wilderness and Wild and Scenic Rivers should reflect the level of detail that is found in the Interim Management Prescriptions for potential Wild and Scenic Rivers (SUIT-D1). The step-down management plans would then tier to the CCP direction and FEIS. Guidance for the designated Wild and Scenic Rivers is absent in this section and needs to be included in the final CCP.

Response to Comment 032626.016

Step-down plans, by definition, tier to the management direction provided in the Revised Plan and final EIS. We believe there is sufficient direction for step-down plans to meet Refuge

purposes, vision, goals, and objectives without unduly constraining or limiting the step-down plans in advance of their completion.

The review processes for wild and scenic rivers and Wilderness, while similar, are different with different requirements. There are no interim management prescriptions for WSAs; they continue to be managed according to the current underlying management category (i.e., Minimal Management). Only if Congress were to designate additional Wilderness would management of the newly designated areas shift to Wilderness Management. As part of the wild and scenic river review process, the Refuge must identify interim management to adequately protect a candidate river's free flow, water quality, outstandingly remarkable values, and preliminary or recommended classification. These interim prescriptions are derived from the agency's existing authorities, subject to existing private rights. The Refuge's interim management prescriptions in Appendix I, Section 4.4, disclose how the Service would assure a river maintains its suitable status while Congress reviews and considers it for designation to the National Wild and Scenic Rivers System. The level of detail provided in the suitability study for interim management of suitable and recommended rivers is required as part of the wild and scenic river review process. There is no similar requirement for areas considered in a wilderness review.

The Refuge's three existing wild rivers are managed under the Wild River Management category as described in Chapter 2, Section 2.3.5, and Sections 2.4 and 2.5 of the Revised Plan.

3.35.12 Human Safety and Management Emergencies

Comment 136801.050 Refuge Mgmt Policies/Guidelines, Human Safety & Mgmt Emergencies
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Further, as the response to the BP Deepwater Horizon Gulf of Mexico disaster demonstrated because the shorelines or fish and wildlife resources of dozens of National Wildlife Refuges were oiled, proactive Refuge-related efforts by the Service are also prudent in these areas to preserve the pristine qualities of the Refuge:

- * Designations of environmentally-sensitive areas for the entire Refuge coastline.
- * Involvement in spill contingency planning.
- * Protecting clean air through Clean Air Act permits for nearby oil drilling.
- * Protecting the Refuge's anadromous fish migrations and their nearshore habitats from changes caused by ports, docks, or dredging offshore.
- * FWS obtaining its own means of doing oil spill trajectory modeling.

Response to Comment 136801.050

The Refuge is working with other divisions of the Service, Department of Interior personnel, and others to enhance oil-spill preparedness through the updating of the North Slope Subarea Contingency Plan, a supplement to the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases. The Contingency Plan provides guidelines for establishing operations in the event of a major response effort to an oil spill or hazardous material release. The Contingency Plan also includes identification of sensitive areas, based in part on surveys conducted in nearshore and coastal regions of the Refuge.

Refuge managers participate in Arctic oil spill drills sponsored by the Alaska Department of Environmental Conservation-Division of Spill Prevention and Response and others.

Clean Air Act permitting is not the responsibility of the Refuge. Rather, permitting is the responsibility of the U.S. Environmental Protection Agency, State of Alaska, or local permitting authorities. See Chapter 4, Section 4.2.4 of the Revised Plan for more information about air quality in Arctic Refuge.

The Refuge works closely with the Service's Fairbanks Fish and Wildlife Field Office to protect anadromous fish and their habitats and to evaluate impacts of proposed projects that could affect fish movements.

Oil spill trajectory modeling is conducted by specialists from outside the Refuge . In the event of a spill, Refuge biologists and managers would work closely with modelers and others to identify and protect resources of concern.

Comment 136822.001 Refuge Mgmt Policies/Guidelines, Human Safety and Mgmt Emergencies
Wade Willis
Science Now Project

I find the proposed language in the Management Emergency section (Section 2.4.2 of the draft CCP) especially concerning regarding the authorization of active management of native wildlife populations to artificially "create" subsistence harvest opportunity. This is a huge

amendment to the long standing interpretation of ANILCA mandates to prioritize consumptive take for subsistence within the sideboards of a naturally regulated ecosystem.

The potential future impacts are significant, especially considering the fact that the state drives the harvest opportunity prior to a potential population decline, and the USFWS has yet to conduct a NEPA compliance review of the historical, current, or future harvest rates of the commercial hunting industry, or consumptive take as a whole. It simply sits on the sidelines until an “emergency” is created. Nor, has the USFW allowed the public the opportunity to define the implementation policy for commercial guided sport hunting activities.

This is a very slippery slope the USFWS is going down in ANWR, the benchmark refuge for natural ecosystems. Don't think for a second that 50 years down the road rural populations might not be too large to support unlimited harvest opportunity.

I hope you review SNP's comments and consider the long term implications of adopting such a policy in lieu of the development of basic management tools such as species specific management plans and a regional policy regarding the implementation of commercial guiding activities as developed through a formal public planning process.

Response to Comment 136822.001

The National Wildlife Refuge System Improvement Act of 1997 states the priority public uses of the Refuge System are hunting, fishing, wildlife observation, wildlife photography, environmental education, and natural resource interpretation. Hunting is allowed and promoted on many national wildlife refuges across the U.S., including all refuges in Alaska. A compatibility determination done on guided hunting in Arctic Refuge found it to be compatible with Refuge purposes (see Appendix G). The State of Alaska establishes fishing, hunting and trapping regulations, and the Service is committed to using the State regulatory process where practical to meet Refuge purposes, goals, and objectives. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of a population. The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. In cooperation with the State and Federal boards, the Refuge will continue to proactively prevent wildlife related emergencies through conducting surveys, monitoring, research, law enforcement, and working through other regulatory processes. We believe that, absent extraordinary circumstances, this approach will continue to provide the subsistence opportunities provided for in ANILCA.

Chapter 2, Section 2.4.2 acknowledges that emergency situations could arise, whereby threatened or endangered species, natural diversity, water quality and/or quantity, or critical subsistence resources could be seriously jeopardized, or the introduction of an invasive species could potentially necessitate actions not normally permissible. In such emergencies, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary while considering the immediate and long-term effects of potential response actions on all Refuge purposes, goals, objectives, and special values. Urgent situations requiring actions longer than 30 days would require a compatibility determination, NEPA compliance, and ANILCA Section 810 evaluation of potential impacts to subsistence resources and subsistence users.

Comment 136805.014 Refuge Mgmt Policies/Guidelines, Human Safety and Mgmt Emergencies
Sean Parnell, Governor
State of Alaska

The effects analysis does not take into consideration the negative impacts of the proposed guidelines to the State's ability to manage fish and wildlife. For example, although habitat manipulation may only be authorized by the Refuge Manager in cases of management emergencies and wildlife management will occur "without human interference" (page 5-4), the Service claims the effects of the proposed guidelines to vegetation and wildlife would be "...minor, long-term, Refuge-wide, and positive..." (pages 5-4, 5-5) This analysis fails to take into account that the Service is essentially relegating all management actions into a reactionary activity, and by definition requiring a "management emergency" before actions can be approved and implemented. We are concerned this will significantly impact fish, wildlife, or their habitats and the American people, especially local area residents seeking meaningful subsistence opportunities, which may raise environmental/social justice issues.

Response to Comment 136805.014

We do not believe the management direction in the Revised Plan will have negative impacts on the State's ability to manage fish and wildlife under the terms of the Master Memorandum of Understanding between the Service and the ADFG. The ADFG agrees to "manage fish and resident wildlife populations in their natural species diversity on Service lands." The Service agrees to "recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska." We believe the Plan provides the best mechanisms for managing fish and resident wildlife populations in their natural diversity. Given the size of Arctic Refuge and the overall health of fish and wildlife populations, we believe it is highly unlikely that a management emergency requiring intervention will occur during the life of this Plan. The Refuge has in place a long-term program of research, inventory, and monitoring, including collaborative work with the ADFG and others, that will detect changes. We do not believe our policies will have adverse impacts on fish, wildlife, and subsistence opportunities. This is articulated in Chapter 5 of the Plan and in the ANILCA Section 810 subsistence evaluation (Chapter 5, Section 5.10).

Comment 136805.074 Refuge Mgmt Policies/Guidelines, Human Safety and Mgmt Emergencies
Sean Parnell, Governor
State of Alaska

Page 2-37, § 2.4.2 Human Safety and Management Emergencies. We question why the Service considers situations where "natural diversity...or subsistence resources are seriously jeopardized" as the only possible management emergency and does not include additional fish and wildlife management issues in this category. The State of Alaska is responsible for the sustainability and management of all fish and wildlife within its borders, regardless of land ownership or designation, unless specifically preempted by federal law. We strongly request the Service commit to a broader definition of wildlife management emergencies and work to develop that understanding in cooperation with the State, which is consistent with direction provided in 43 CFR Part 24, the Refuge Administration Act, as amended, and the 1982 Master Memorandum of Agreement between the Alaska Department of Fish and Game and the Service.

Response to Comment 136805.074

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24; 50 CFR 32 and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed the Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.”

This Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. As we state in Chapter 2, Section 2.4.2, the Service recognizes there are other potential management emergencies related to fish and wildlife, including threatened and endangered species, water quality and/or quantity, and invasive species. We believe the provision for management emergencies is sufficiently broad to allow immediate and appropriate response to all actual emergencies that may arise. We further believe our approach is consistent with law, regulation, and the Master Memorandum of Understanding.

Comment 136712.001 Refuge Mgmt Policies/Guidelines, Human Safety and Mgmt Emergencies
Unnamed 51

USFWS is promoting Arctic Refuge which attracts wealthy people who have the money to travel and visit it. Mishaps happen on the Refuge, however, and the NSB was brought into the Refuge to help with Search and Rescues. NSB extracted two bodies several years ago and helped with a search and rescue. NSB estimates that it costs about \$26,000 per person to conduct a search and rescue. Is there a way for the Refuge to take on part of that cost?

Response to Comment 136712.001

The Alaska State Troopers have primary responsibility for search and rescue in the State, unless over water, where it is the responsibility of the U.S. Coast Guard. The Service has an agreement with the Alaska State Troopers for law enforcement and search and rescue. The U.S. Army, U.S. Air Force, Alaska State Troopers, North Slope Borough, and Arctic Refuge’s pilots and enforcement officers have all participated in various search and rescue missions on Arctic Refuge. Each governmental organization is responsible for its own costs, and none of them seek reimbursement from the others. Therefore, the Refuge will not be responsible for part of the North Slope Borough’s search and rescue costs.

Comment 136713.001 Refuge Mgmt Policies/Guidelines, Human Safety and Mgmt Emergencies
Unnamed 52

Could insurance be required for visitors to help with costs of search and rescue? If so, would this affect the cost of permits?

Response to Comment 136713.001

Generally the Refuge attracts visitors who are well prepared, and apart from infrequent aircraft incidents, they rarely require search and rescue services. Therefore, the Refuge has not considered requiring this type of insurance.

Comment 136816.026 Refuge Mgmt Policies/Guidelines, Human Safety and Mgmt Emergencies
John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Change number 1, as do changes 2, 3, and 6, uses the term “management emergencies.” This term is not defined in the Summary CCP, and I think it would be helpful to either define the term or make reference to Chapter 2, page 2-37, section 2.4.2 of the full CCP.

Response to Comment 136816.026

The summary was created to familiarize the reader with key points in the draft Revised Plan and was not intended to be comprehensive. We think it would be unwieldy to define planning terms or add detailed cross-references in the summary. In response to your comment, the summary that goes with the Revised Plan includes a disclaimer alerting people that the summary is meant to give a quick overview of the Plan but that the full Plan should be used for an in-depth review of specific topics. Management emergencies are explained and defined in Chapter 2, Section 2.4.2.



3.35.13 Land Exchanges

Comment 136789.007
Bob Childers, Executive Director
Gwich'in Steering Committee

Refuge Mgmt Policies/Guidelines, Land Exchanges

We strongly object to the purchase of Allotments. We recommend the FWS work with a Gwich'in Land Trust or tribal entity to funnel available funds to allow allotments to remain in tribal ownership.

Response to Comment 136789.007

The Service receives limited funding for purchasing Native allotments from willing sellers throughout the 16 national wildlife refuges in Alaska. We currently have no legal mechanism for transferring these funds to a land trust or tribal group.

As described in Chapter 2, Section 2.4.4, Service policies require development of a step-down plan referred to as a Land Protection Plan (LPP), which helps identify and prioritize which private lands within the Refuge boundaries the Service would like to see conserved for fish and wildlife habitat. This plan will discuss a full range of alternative methods and means for land and resource conservation, as well as the potential option of acquisition through purchase. The Service only acquires land from those landowners who are willing to sell, and only when other methods and means are not appropriate, available or effective. As described in Chapter 2, Section 2.4.3, the Service does have the option to consider purchasing conservation easements or entering into cooperative management agreements to achieve Refuge purposes, national interest, or other objectives. In evaluating the most appropriate method and means to achieve the conservation goals, the Refuge will give full consideration to the impacts on local residents of the acquisition. The draft Revised Plan recommended that the LPP be completed within 5-8 years due to the number and schedule of other step-down plans being proposed. However, in consideration of comments received and the sensitivities of land acquisitions and exchanges, we are moving the timeframe for completing the LPP to be within 1-5 years.

Comment 136801.062
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Refuge Mgmt Policies/Guidelines, Land Exchanges

Sec. 2.4.4 Land Protection Plans

p. 2-38. We recommend that specific consideration of acquisition of conservation easements be mentioned as an alternative.

Response to Comment 136801.062

We added text to Chapter 2, Section 2.4.4. to acknowledge that acquiring conservation easements is one option of achieving conservation goals.

3.35.14 Minerals Management

Comment 136820.028
Cindy Shogan, Executive Director
Alaska Wilderness League

Refuge Mgmt Policies/Guidelines, Minerals Mgmt

The extraction of sand and gravel for commercial purposes is precluded in the Arctic Refuge. See e.g., Arctic Refuge CCP (1988) at Table 10, p. 183 (prohibition on removal of sand and gravel for commercial purposes). This should be made clear in the final CCP, and the language in the current Draft CCP suggesting otherwise is unnecessary and thus should be removed or qualified, as it is irrelevant to the Arctic Refuge where Intensive and Moderate Management Categories do not exist. Compare DEIS at 2-67 (3rd full paragraph) with Table 2-1 (clearly showing that Moderate and Intensive Management Categories do not apply to the Arctic Refuge).

Response to Comment 136820.028

The Plan clearly states that extraction of sand and gravel for commercial purposes is not allowed in the Wilderness, Wild River, and Minimal Management categories. Although no Arctic Refuge lands are currently included in the Intensive or Moderate Management categories, the Revised Plan continues to state that sand and gravel extraction may be authorized in those categories. Management guidelines are presented for the Intensive and Moderate Management categories to provide a basis of comparison and to be available should the Plan be amended in the future to include either of these management categories. If such a Plan amendment occurred or was considered, the Management Guidelines would serve as a reference of what would be allowed, not allowed, etc., in the newly added or proposed designation.

Comment 136801.090
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Refuge Mgmt Policies/Guidelines, Minerals Mgmt

p. 2-67. The extraction of sand and gravel for commercial purposes is precluded in the Arctic Refuge. See e.g., Arctic Refuge CCP (1988) at Table 10, p. 183 (prohibition on removal of sand and gravel for commercial purposes). This should be made clear in the final CCP, and the language in the current Draft CCP suggesting otherwise is unnecessary and thus should be removed or qualified, as it is irrelevant to the Arctic Refuge where Intensive and Moderate Management Categories do not exist. Compare DEIS at 2-67 (3rd full paragraph) with Table 2-1 (clearly showing that Moderate and Intensive Management Categories do not apply to the Arctic Refuge).

Response to Comment 136801.090

Although no Arctic Refuge lands are currently included in the Intensive or Moderate Management categories, the Revised Plan continues to state that sand and gravel extraction may be authorized in those categories. Management guidelines are presented for the Intensive and Moderate Management categories to provide a basis of comparison and to be available should the Plan be amended in the future to include either of these management categories. If such a Plan amendment occurred or was considered, the Management Guidelines would serve as a reference of what would be allowed, not allowed, etc., in the newly added designation.

Comment 136801.091

Refuge Mgmt Policies/Guidelines, Minerals Mgmt

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-67. The section Other Mineral Leasing needs to clearly state that the Arctic Refuge is withdrawn from the mineral leasing laws and that hardrock leasing and mining is prohibited (DEIS at 2-67).

Response to Comment 136801.091

We believe that Chapter 2, Section 2.4.18.2, Other Mineral Leasing, is sufficiently clear in stating that Arctic Refuge was withdrawn from mineral leasing by ANILCA, and such leasing would require an act of Congress under Section 1502 of ANILCA. There are no existing leases on the Refuge.

Comment 136801.097

Refuge Mgmt Policies/Guidelines, Minerals Mgmt

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

Sec. 2.4.22 Alaska Mineral Resource Assessment Program

p. 2-72. Sentence 2. This sentence fails to fully reflect ANILCA's requirements described by Section 1010(b)(2) that the Service must ensure that activities must be compatible with the purposes for which the unit was established.

Response to Comment 136801.097

The sentence in question states that "mineral assessment techniques that do not have lasting impacts...may be allowed throughout the Refuge." "May be allowed" is defined in Chapter 2, Section 2.5.2 as being subject to several requirements, including a Refuge compatibility determination. Therefore, the text in the Plan is accurate.

Comment 137014.024

Refuge Mgmt Policies/Guidelines, Minerals Mgmt

**Dan Ritzman, Alaska Program Director
Sierra Club**

The extraction of sand and gravel for commercial purposes is precluded in the Arctic Refuge. See e.g., Arctic Refuge CCP (1988) at Table 10, p. 183 (prohibition on removal of sand and gravel for commercial purposes). This should be made clear in the final CCP, and the language in the current Draft CCP suggesting otherwise is unnecessary and thus should be removed or qualified, as it is irrelevant to the Arctic Refuge where Intensive and Moderate Management Categories do not exist. Compare DEIS at 2-67 (3rd full paragraph) with Table 2-1 (clearly showing that Moderate and Intensive Management Categories do not apply to the Arctic Refuge).

Response to Comment 137014.024

The Plan clearly states that extraction of sand and gravel for commercial purposes is not allowed in the Wilderness, Wild River, and Minimal Management categories. Although no Arctic Refuge lands are currently included in the Intensive or Moderate Management categories, the Revised Plan continues to state that sand and gravel extraction may be authorized in those categories. Management guidelines are presented for the Intensive and Moderate Management categories to provide a basis of comparison and to be available should the Plan be amended in the future to include either of these management categories. If such a Plan amendment occurred or was

considered, the Management Guidelines would serve as a reference of what would be allowed, not allowed, etc., in the newly added or proposed designation.

3.35.15 Public Access and Transportation Management

Comment 136792.002 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Cliff Eames, Board Member
Alaska Quiet Rights Coalition

Airplane (not helicopter) drop offs for access to wilderness recreation (as opposed to airplane use for flightseeing or other recreation), and of course access to inholdings, are traditional and appropriate, although such use needs to be carefully regulated. Other non-subsistence motorized use, including of course recreational snowmachining, is inconsistent with Wilderness and with refuge purposes and values and should not be allowed.

Response to Comment 136792.002

ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the refuge to allow use of off-road or all-terrain vehicles on refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with the refuge purposes and the mission of the National Wildlife Refuge System. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge.

Comment 136801.076 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.14.2 Off-road Vehicles.

p. 2-59. The reference to Intensive and Moderate Management should be deleted in this section.

Response to Comment 136801.076

No revisions were necessary. The use of off-road or all-terrain vehicles may be allowed only on designated routes or areas within areas of Intensive and Moderate Management, or by special use permit. This wording used in Chapter 2, Section 2.4.14.2, accurately describes the language in Table 2-1 for the Intensive and Moderate Management Categories regarding the use of off road vehicles. Arctic Refuge currently has no areas in Intensive or Moderate Management. We have no plans or proposals to designate any off-road vehicle trails or routes on the Refuge. If proposed, they would be subject to specific compatibility determinations, the NEPA process, and ANILCA 810 evaluations.

Comment 136801.077 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.14.3 Helicopters.

p. 2-59. This section, and the management guidelines including Table 2-1, prohibiting helicopter landing for recreation is excellent, and not only correctly interprets the aircraft access provisions in ANILCA with respect to recreation but will help avoid future conflicts that could arise as cruise ships and other vessels ply the Beaufort Sea more frequently due to sea ice loss from climate change. However, specific criteria regarding agency use of helicopters, including limits, should be specified.

Response to Comment 136801.077

The Service recognizes the valid concern related to helicopter use. Limitations on helicopter landings by the agency and others are described in Chapter 2, Section 2.4.14.3 (Helicopters). This section was revised to clarify that in designated Wilderness, helicopter landings will be permitted only in cases of emergency, and when determined to be necessary through the MRA process.

Comment 136801.078 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.14.4 Access to Inholdings

p. 2-60. The ANILCA Citizen's Guide notes further Congressional intent for protection of Refuge lands during this process: "Although Congress intended to ensure access to inholdings, it also intended that such access would not damage conservation lands and the resources for which those lands were protection. As the Senate report accompanying an early version of ANILCA states, 'In this regard, the Committee expects the Secretary to regulate such access in order to protect the natural and other values for which the units were established,' (S. Rep. 96-413, p. 249).42

Response to Comment 136801.078

No revisions are necessary. These provisions are already included in agency regulations found in 43 CFR 36.10 Access to Inholdings, 50 CFR 35.13 Access to State and Private Lands, and 43 CFR 36.12 Temporary Access.

Comment 136801.079 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.14.7. Transportation and Utility Systems

p. 2-61. Para 2. Sentence 1. A TUS, as defined in ANILCA... only refers to related structures and facilities "minimally necessary" and so the term "reasonably and" should be deleted.

Response to Comment 136801.079

No revisions are necessary, as both words are appropriate. The definition in ANILCA Section 1102 4(A) for the term TUS (transportation or utility systems) does not include the words "minimally necessary." The Service is mandated and has the authority to determine the most reasonable and least impacting route should a TUS be granted on or across Refuge lands,

refer to Section 1104 (g)(2). The description of types of TUS systems in Section 1102 4(B) states the any system, including related structures and facilities, both temporary or permanent, along the {approved} route of the system be the “minimally necessary” for the construction, operation, and maintenance of the system.

Comment 136801.080 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-61. Para 3, Sentence 1. Correct the first sentence so that it accurately reflects the requirements of ANILCA and instead reads, “The Service will make a decision whether to approve or disapprove a right-of-way...”

Response to Comment 136801.080

We agree with this statement and will revise the first sentence to read: “The Service will make a decision whether to approve or disapprove a right-of-way for that portion of a TUS that would cross Refuge lands, except for those on designated Wilderness.”

Comment 136801.081 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-61. Para 4. This section fails to acknowledge that ANILCA Title XI constrains rights-of-ways across conservation system units, requiring that transportation and utility systems be compatible with the purposes for which the units were established.43 p. 2-61.

Response to Comment 136801.081

We agree that if a new right-of-way for a TUS across refuge lands is granted, it must be found to be compatible, as well as meeting criteria in Section 1104(g)(2) of ANILCA. The first sentence in paragraph four will be revised to state: “A new right-of-way for a TUS across Refuge lands will be granted if the system is found to be compatible and meets the criteria outlined in Section 1004(g)(2) of ANILCA and the regulations at 43 CFR 36.7(a)(2),...”

Comment 136801.082 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Para 4, Sentence 1. This sentence and entire section gives an incomplete portrayal of requirements for approval or disapproval of a transportation or utility system as contained in ANILCA Title XI, and fails to adequately reflect the need for consideration of whether it would be compatible with the purposes of the Refuge and alternatives routes and modes of access. At a minimum it should include all of the other criteria contained in ANILCA Sec. 1104(g)(2) and Sec. 1105.

It is important to note that in addition to analysis required by the National Environmental Policy Act, the agencies must make detailed findings, supported by substantial evidence, in its consideration whether to approve or disapprove any of its authorizations according to ANILCA Sec. 1104(g)(2), among them, “the need for, and economic feasibility of the transportation or utility system; alternative routes and modes of access (emphasis added),

including a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit....; short-and long-term social, economic, and environmental impacts of national, State, or local significance, including impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles....; any impacts that would affect the purposes for which the Federal unit or area concerned was established....”

Response to Comment 136801.082

We agree that if a new right-of-way for a TUS across Refuge lands is granted, it must be found to be compatible, as well as meeting criteria in Section 1104(g)(2) of ANILCA. The first sentence in paragraph four (Chapter 2, Section 2.4.14.7) will be revised to state: “A new right-of-way for a TUS across Refuge lands will be granted if the system is found to be compatible and meets the criteria outlined in Section 1004(g)(2) of ANILCA and the regulations at 43 CFR 36.7(a)(2),...”

Comment 136801.084 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.16 Public Use Facilities

p. 2-64 This section and the management guidelines for Administration Sites and Visitor Facilities should be modified to prohibit construction of any new buildings for administration, recreational, or commercial use facilities in the Refuge because they are incompatible with the wilderness purpose of the refuge as well as its recreational purpose to support unique type of recreational experience.

Response to Comment 136801.084

Chapter 2, Section 2.4.16 deals only with public use facilities. (Facilities necessary for the administration of the Refuge are covered in Section 2.4.21.1). We have no plans to construct any new administrative or visitor facilities on the Refuge. Any proposed facilities in designated Wilderness are subject to a MRA. We have revised the guidelines (2.4.16) to clarify that visitor facilities (buildings) may be developed off-site, if needed. We also describe when facilities may be necessary. Other types or visitor support facilities (e.g., campgrounds, boat launch sites, etc.) should not be placed on the Refuge. Certain types of facilities, including hardened campsites, sanitation facilities, and temporary signs, may be developed if necessary to prevent resource damage.

Per section 2.4.21.1, new administrative facilities are not expressly prohibited but must meet the following standards: administrative field camps or other administrative facilities in Minimal, Wild River, and Wilderness Management categories will only be allowed when required to meet management objectives, when no reasonable alternative sites exist, and when the facilities are essential to protect the health and safety of employees and new facilities would be the minimum required to meet long-term needs.

Comment 136801.085 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.16.2 Temporary Facilities for the Taking of Fish and Wildlife p. 2-65. How does this apply to commercial hunting and fishing guides?

Response to Comment 136801.085

As directed by ANILCA Section 1316(a) the use and establishment of temporary campsites, tent platforms, shelters, and other temporary facilities and equipment directly and necessarily related to the taking of fish and wildlife is permitted subject to reasonable regulations.

Implementing regulations for controlling and managing the use of such facilities by commercial service providers are found in 50 CFR 35.6(e) through special use permits issued by the Refuge manager.

Comment 136801.086 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-65. This section does not make clear if this is intended to also apply to subsistence activities. It should not. The apparent new requirement for subsistence users to be required to obtain a special use permit and potentially have to pay a fee for temporary facilities that are in place from one year to the next, including tent frames, caches, smokehouses, and other temporary facilities in designated Wilderness is unnecessary, burdensome, and should be dropped from the final CCP. The CCP fails to provide justification for this new requirement, to provide any social, cultural or environmental analysis of the proposal, and poorly communicated this confusing change in the written document as well as in public meetings in the communities.

Response to Comment 136801.086

We appreciate your comment, which was expressed by many others at public village meetings. The Refuge determined administrative processing fees for special use permits will not be required for subsistence users. As called for under Section 1316(a) of ANILCA, the use of tent platforms, shelters, and other temporary facilities related to the taking of fish and wildlife may be authorized in the Refuge provided they are not detrimental to the unit's purposes subject to reasonable regulations to ensure compatibility. Implementing regulations for commercial service providers use of temporary facilities requiring a special use permit are found in 50 CFR 35.6 (e). The proposed draft Plan requirement that in designated Wilderness all users, including subsistence users, must apply for and receive a special use permit for temporary facilities that are left in place for more than a year was removed. The use of temporary facilities will be treated the same for lands in Wilderness and Minimal Management categories, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year may be authorized, and all other temporary facilities are allowed.

Comment 136805.085 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Sean Parnell, Governor
State of Alaska

Page 2-59, § 2.4.14.1 Snowmobiles, Motorboats, Airplanes, and Non-Motorized Surface Transportation, second sentence. We request the Refuge incorporate important guidance from Section 1110(a) of ANILCA, which states that uses “shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.”

Response to Comment 136805.085

Your comment is noted, and the third sentence in this paragraph (Chapter 2, Section 2.4.14.1) was changed to reflect ANILCA Section 1110(a) requirements to give notice and hold a hearing in the vicinity of the area affected as follows: “Specific areas may be closed to such activities or uses in accordance with these regulations and that notice is given and a hearing is held in the vicinity of the area affected.”

Comment 136805.086 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Sean Parnell, Governor
State of Alaska

Page 2-59, § 2.4.14.2 Off-Road Vehicles. The word “restricts,” as used in the current regional management guidance, is more accurate than “prohibits” in this context. While 43 CFR 36.11(g) does “prohibit” use subject to certain exceptions, the Service does not list all the exceptions in this paragraph. We request the Service utilize language found in the current regional management guidance or list all of the exceptions found in 43 CFR Part 36.11(g).

Response to Comment 136805.086

The actual language used in 43 CFR 36.11(g)(1) uses the term *prohibit*, which clearly expresses the regulations requirement. There are no Intensive or Moderate Management category designations for Arctic Refuge in which off-road or all-terrain vehicle use may be authorized, no determination that all-terrain vehicle use would be compatible with the purposes and values for which Arctic Refuge was established, no determination that all-terrain vehicle transportation was traditionally used by local rural residents for subsistence access, and there are no existing all-terrain vehicle designated routes or trails located in Arctic Refuge. However, ANILCA Section 1110(b) ensures that any person or group that has a valid inholding has adequate and feasible access for economic or other purposes across the Refuge. The Service will review and process the application in accordance with regulations at 43 CFR 36.10(a)(1) to determine a reasonable method and route of pedestrian or vehicle transportation, including possible all-terrain vehicle use, which is economically practicable for achieving the use or development desired but not necessarily the least costly alternative for achieving the use.

Comment 136805.087 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Sean Parnell, Governor
State of Alaska

Page 2-59, § 2.4.14.3 Helicopters. Consistent with our general comment on regional management guidance, we request the Plan either justify or remove the prohibition on helicopter use for routine law enforcement activities in designated wilderness.

Response to Comment 136805.087

The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Strong justifications are needed for helicopter landings anywhere on a refuge in Alaska, including designated Wilderness areas. Access for routine law enforcement patrols for resource protection by Federal agencies in Alaska is typically done by use of fixed-wing aircraft, motorboats, snowmachines, non-powered watercraft, or foot patrols. Service regional policy 610 FW 1.19 directs refuges to evaluate their administrative and management activities in designated Wilderness to identify and use the minimum requirement necessary to accomplish the work. Furthermore, we believe the language in this paragraph is clear enough that the Refuge will work with State and Federal law enforcement officials to clarify the difference between use of helicopters for routine patrols and exigent circumstances where there is probable cause of a violation having been committed and timely action is needed, or that an emergency exists that cannot be met by routine traditional access means. Objective 5.7 (Chapter 2, Section 2.1.5) sets forth increased communications, coordination and cooperation in law enforcement preplanning and field operations with all our State and Federal law enforcement partners.

Comment 136805.088 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Sean Parnell, Governor
State of Alaska

Pages 2-60 & 2-61, § 2.4.14.7 Transportation and Utility Systems. While we recognize that as part of the regional management guidance, this section basically summarizes the procedural requirements of Title XI of ANILCA. However, Section 304(g)(2) of ANILCA requires that the draft Plan identify and describe “present and potential requirements for access with respect to the refuge, as provided for in title XI.” The revised CCP must address the infrastructure that would be associated with potential oil and gas exploration and development near or in the Refuge.

Response to Comment 136805.088

Title XI of ANILCA, Transportation and Utility Systems (TUS) In and Across and Access Into Conservation System Units, gives the Federal government the authority to approve or disapprove applications for transportation and utility systems, including oil pipelines and other liquid transportation systems, through public lands in Alaska and outlines a process for application and consideration. It does not include other forms of oil and gas production infrastructure. According to the management guidelines for Arctic Refuge, except for facilities that are authorized under Title XI of ANILCA, we do not permit oil and gas support facilities in designated Wilderness or areas under Minimal Management (See Chapter 2, Section 2.4.18.2 of the Plan). As stated in section 2.4.14.7 of the Plan, “When considering an application for a TUS, the authorization process will incorporate a corresponding amendment to the

refuge's comprehensive conservation plan to update the desired management category, or categories, of the affected area if the TUS were to be approved.”

Comment 136685.001 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Unnamed 27

Why are planes able to land anywhere and yet a permit is needed for using an ATV to hunt

Response to Comment 136685.001

ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with the Refuge purposes and the mission of the National Wildlife Refuge System. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge.

Comment 136960.001 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Caryl Clement

I do not like the idea of access with horses, mules, llamas. I think it would be very difficult to regulate a weed free feed requirement. In the work I do, we specify weed free seed for erosion control re-seeding efforts on federal and state highway lands. We receive the proper certifications, approve the seed mix but then see a lot of weed seed germinating. We have found it very difficult to control, even with both Federal and State agencies providing oversight.

Response to Comment 136960.001

In the revised Plan, llamas are not allowed on the Refuge because of disease concerns. Horses and mules are allowed, but a requirement was added for pelletized weed-free feed. The pelletizing process substantially decreases the risk of viable weed seeds being introduced to the environment compared to unprocessed “weed-free” feeds.

Comment 136960.002 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Caryl Clement

The incising erosion that occurs with use horse trails is a problem. The GCNP trails are good examples. The maintenance of the water bars seems to be an on-going issue everywhere horses/mules are allowed. I am not familiar with the soils/rainfall issues of ANWR, perhaps this is a non- issue.

Response to Comment 136960.002

Currently there is little pack stock use on the Refuge, and there is no known problem with creation of horse trails and subsequent erosion. Conditions at popular access points (e.g., Atigun Gorge) are monitored periodically, which would allow the Refuge to detect emergence of such problems. Potential visitor use impacts will be addressed as part of the Visitor Use Management step-down plan.

Comment 136807.002 Refuge Mgmt Policies/Guidelines, Public Access and Transportation Mgmt
Duane Howe

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

6 Do not allow further overuse of certain areas of the refuge. The overuse that has occurred in the past must be corrected with a public use management plan.

Response to Comment 136807.002

We recognize that impacts from public use are occurring on the Refuge. We have made the VUMP and Wilderness Stewardship Plans our first priority, and these will begin immediately upon approval of this Plan (Objectives 5.4 and 2.4 respectively) Through public involvement, we hope to develop additional strategies for managing public use to protect the Refuge's special values and allow quality visitor experiences. Arctic Refuge currently has no areas in Intensive or Moderate Management. Levels of use will be one of the many aspects of visitor use considered in the planning process.

3.35.16 Public Use Facilities

Comment 136805.091 Refuge Mgmt Policies/Guidelines, Public Use Facilities
Sean Parnell, Governor
State of Alaska

Page 2-64, § 2.4.16 Public Use Facilities. ANILCA provides for new and existing public use cabins on the Refuge and guidance found in a CCP cannot supersede Congressional intent. Moreover, the current regional management guidelines, which mirror that intent, maintain that "public use cabins are intended to provide the public with unique opportunities to enjoy and use the refuge. They also help ensure public health and safety in bad weather and emergencies.". Furthermore, this section unnecessarily ties the hands of managers. The Service must revert to the current regional guidance.

Response to Comment 136805.091

Chapter 2, Section 2.4.16.1 (Cabins) states that subsistence and commercial cabins may be authorized under a special use permit; however, private recreational cabins will not be authorized. The management of existing cabins and review of proposals for construction of new cabins for traditional uses will be in accordance with the Service's cabin regulations (50 CFR 36.33) and regional cabin policy. These regulations and the regional cabin policy are consistent with implementation of ANILCA Section 1315 (a)(c)(d). There are currently no public use cabins on Arctic Refuge, and the Service has no plans for constructing or designating new public use cabins.

Comment 136695.001 Refuge Mgmt Policies/Guidelines, Public Use Facilities
Unnamed 36

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

Why can't people who have been subsisting for years be grandfathered in?

Response to Comment 136695.001

The will be no change for subsistence users utilizing temporary facilities from what was done in the past. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. Subsistence users will not be charged a fee for a special use permit. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands under both Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

**Comment 136696.001
Unnamed 37**

Refuge Mgmt Policies/Guidelines, Public Use Facilities

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

Would a permit for cabins include fee?

Response to Comment 136696.001

A special use permit is required for a subsistence-use cabin; however, there would be no administrative processing fee for the permit. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands under both Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

**Comment 136700.001
Unnamed 40**

Refuge Mgmt Policies/Guidelines, Public Use Facilities

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

The permit is targeting subsistence users because how many outside visitors use temporary facilities compared to subsistence users – not many.

Response to Comment 136700.001

Subsistence users are not being targeted for their use of temporary facilities. No special use permits have been issued to either visitors or subsistence users for temporary facilities related to taking fish and wildlife in the past. Subsistence users will not be charged a fee for special use permits. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. An earlier plan proposal

to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands under both Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

Comment 136701.001
Unnamed 41

Refuge Mgmt Policies/Guidelines, Public Use Facilities

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

Wind blocks or lean-tos for tents are often left year-round. Would they be considered a permanent structure?

Response to Comment 136701.001

Wind blocks or lean-tos for tents would be considered a temporary facility, and you would not need a special use permit or be charged a fee for subsistence use. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Lean-tos for tents, caches, camps, shelters, and other temporary facilities will be allowed on lands under both Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. The Refuge may issue special use permits for the commercial use of tent platforms and accompanying frames and walls placed on Refuge lands for more than 12 months. The use of tent platforms for non-commercial uses is subject to the promulgation of regulations.

Comment 136702.001
Unnamed 42

Refuge Mgmt Policies/Guidelines, Public Use Facilities

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

Don't want to pay for lean-tos that are moved to different areas.

Response to Comment 136702.001

Wind blocks or lean-tos for tents would be considered a temporary facility, and you would not need a special use permit or be charged a fee for subsistence use. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Lean-tos for tents, caches, camps, shelters, and other temporary facilities will be allowed on lands under both Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. The Refuge may issue special use permits for the commercial use of tent platforms and accompanying frames and walls placed on Refuge lands

for more than 12 months. The use of tent platforms for non-commercial uses is subject to the promulgation of regulations.

Comment 136705.001
Unnamed 45

Refuge Mgmt Policies/Guidelines, Public Use Facilities

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

Maybe the Refuge can do a registration process rather than a permitting process for tent platforms and camps. NSB asks people to register where their camps are. There are no permits required and there is no fee for registration.

Response to Comment 136705.001

This is an interesting recommendation, and we will give it serious consideration. Subsistence users will not be charged a fee for special use permits. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands under both Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

Comment 136966.002
Jeff Fair

Refuge Mgmt Policies/Guidelines, Public Use Facilities

The mere idea of \$100 fees for Native subsistence camps in the Refuge fails any test of logic. Those fees will amount to nothing in the Refuge budget, but they will appear as fines to Athabaskan and Inupiaq people for simply following their traditional lifestyle. A fee for a subsistence activity is an oxymoron. And what, exactly, is this intended to build up to? Certainly it carries no financial sway at this level.

Response to Comment 136966.002

Subsistence users will not be charged a fee for special use permits. Subsistence users will not need a special use permit for use of temporary facilities with the exception of tent platforms left in place for more than a year. An earlier plan proposal to require subsistence users to obtain permits for temporary facilities related to the taking of fish and wildlife was removed in the Revised Plan. Caches, camps, shelters, lean-tos, and other temporary facilities will be allowed on lands under both Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year by subsistence users may be authorized under a five-year renewable permit in which no administrative processing fees will be required.

3.35.17 Recreation and Other Public Use**Comment 136805.089**

Refuge Mgmt Policies/Guidelines, Rec and Other Public Use

Sean Parnell, Governor**State of Alaska**

Page 2-63, § 2.4.15 Recreation and Other Public Use, second paragraph. Consistent with our general comment, recreation should be managed to perpetuate experiences that are consistent with the PLO 2214 purpose of “preserv[ing] unique recreational values” only in the area of the original Range. The final Plan must indicate that recreation in the rest of the Refuge will be managed to the standard identified in sections 101 and 204(g)(3)(B) of ANILCA, which apply to the entire refuge and would allow more latitude to provide for a broader range of visitor experiences across the 18 million acre Refuge. Furthermore, while the Service gives a great deal of weight to the views of the non-visiting public throughout this draft Plan, we expect that reference to “public preferences” in this section applies to the visiting public. We suggest the following revisions.

Recreation will be managed to perpetuate experiences that are consistent with [the Range’s original purpose to “preserve unique recreational values”] ANILCA Section 101 recreation provisions, [and with public] preferences of the visiting public, and, within the boundaries of the original Arctic Range, the purpose to “preserve unique recreational values,” to the extent they do not conflict with ANILCA. An Arctic Refuge visitor study and other sources indicate that opportunities to experience wilderness, adventure, freedom, independence, self-reliance, solitude, and discovery are highly important to visitors. The Service will strive to maximize these opportunities in designated wilderness and other management categories, where appropriate. Environmental qualities highly valued by visitors the visiting public will be maintained, including natural conditions and processes.

Response to Comment 136805.089

Chapter 2, Section 2.4.15 was revised to replace reference to the original Range’s PLO 2214 purposes with the Refuge’s special values (Chapter 1, Section 1.5). These values, including recreation and hunting values, are common to the entire Refuge and are consistent with sections 101(b) and 304(g)(B) of ANILCA. While the public use perspectives of all commenters have been considered in this and previous planning efforts, development of management provisions related to visitor experiences will continue to be most heavily dependent upon the preferences of actual visitors as determined through the Refuge’s visitor study and other means.

Comment 136805.090

Refuge Mgmt Policies/Guidelines, Rec and Other Public Use

Sean Parnell, Governor**State of Alaska**

Page 2-64, § 2.4.15 Recreation and Other Public Use, second paragraph, first sentence. This sentence states that “if voluntary methods [of achieving the Leave no Trace standard] fail, other actions may be taken . . .” The Plan does not indicate how failure of voluntary methods will be assessed or determined, or what metrics will be employed.

Response to Comment 136805.090

The VUMP will address visitor use issues identified by the public and the Service during the planning processes from both the Revised Plan and the VUMP. The visitor plan will establish a mechanism to assess whether visitors’ voluntary efforts achieve desired resource conditions. This mechanism will employ best professional practices in recreation management by asking

questions such as: what conditions do managers and visitors want for the landscape and their experiences on it; which of these conditions can management actions affect; and how will we measure the conditions and determine whether our management is effective?

Comment 000017.016
Wilderness Watch – Full

Refuge Mgmt Policies/Guidelines, Rec and Other Public Use

The management guidelines related to Recreation and Public Use are generally excellent, but would be improved if they referenced the relevant Special Values of the refuge. As previously noted, visitor use issues should be addressed now, not deferred.

Response to Comment 000017.016

Based on this and other similar comments, the management policies and guidelines in this Plan have been modified to emphasize the primary importance of the special values of Arctic Refuge. Additionally, revised objectives for Goals 2, 5 and 9, relating to managing wilderness characteristics, recreation, and outreach across the Refuge, now more clearly articulate the importance of the special values of the Refuge. Refuge managers have decided that additional options for visitor use management would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan.

Comment 032676.002
Mike Matz

Refuge Mgmt Policies/Guidelines, Rec and Other Public Use

Issue 3--How will the Refuge manage Kongakut River visitor use to protect resources and visitor experience?

Conceivably, it may be necessary to resort to a permit system similar to the other great rivers of the West, such as the Salmon, Yampa, Green, Salt, and the Colorado through the Grand Canyon.

Such is the progression, sadly; but it also highlights the immense popularity of these types of wilderness experiences and recreational opportunities, and therefore underscores the need to provide those opportunities in a manner that best enhances the visitor's wilderness experience.

Response to Comment 032676.002

As described in Chapter 3, Section 3.1.1.3 (Kongakut River Visitor Management), there are a number of impact issues that will need to be addressed in the Visitor Use Management and Wilderness Stewardship step-down plans. Although the Refuge has avoided a permit system for private recreational use, these planning processes will consider using a permit system as a means of addressing crowding and related issues on the Kongakut River, and perhaps elsewhere.

3.35.18 Subsistence Management

Comment 136817.020

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

Access for Subsistence Purposes

ASRC and NSB strongly support the inclusion of Section 2.4.13.1, Access for Subsistence Purposes, in the final revised Plan, but believe that, at drafted, it provides an insufficient discussion of the Section's requirements. Draft Plan at 2-59. For many Alaskans, particularly Alaska Natives residing in remote, rural villages, subsistence hunting, fishing, and gathering remains the primary source of food. Subsistence also remains a critical element of a culture that has survived in the harsh Arctic Alaskan environment for thousands of years. Section 811 of ANILCA is vital to such subsistence use.

ANILCA section 811, 16 U.S.C. § 3121, requires USFWS to ensure that subsistence users "have reasonable access to subsistence resources on the public lands" and to permit snowmobile, motorboat, and other traditionally used means of transportation on the public lands for subsistence use, subject to reasonable regulation. See also 50 C.F.R. § 36.12. Section 1110, 16 U.S.C. § 3170, further requires USFWS to permit in the Refuge the use of snowmachines, motorboats, airplanes, and non-motorized surface transportation methods for traditional activities and for travel to and from villages and homesites, subject to reasonable regulation to protect the natural and other values of the Refuge. In this regard, section 304(g)(1) also requires the USFWS, before revising the CCP plan, to identify and describe the cultural values of the Refuge, as well as "present and potential requirements for access with respect to the refuge" pursuant to Title XI of ANILCA. The USFWS must ensure that the final revised Plan fully adheres to these requirements and fully preserves the rights of subsistence users under these provisions.

In order to help ensure that present and future Refuge managers recognize the full extent of what Section 811 requires, USFWS should revise Section 2.4.13.1 in the final revised Plan by adding a discussion of Section 811(a)'s mandate that "The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands," 16 U.S.C. § 3121(a) (emphasis added).

Response to Comment 136817.020

ANILCA Section 811 implementing regulations at 50 CFR 36.12 allows local rural residents the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed when engaged in subsistence uses. Such use will be in compliance with State and Federal law in such a manner as to prevent damage to the Refuge and to prevent the herding, harassment, hazing, or driving of wildlife for hunting or other purposes.

See Chapter 2, Section 2.4.14.1, for discussions regarding ANILCA Section 1110(a), which specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. These regulations can be found at 43 CFR 36.11.

Comment 136817.021

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

ASRC and NSB strongly support the inclusion of Section 2.4.13.2, Section 810 Evaluations. Draft Plan at 2-59. However, the discussion of Section 810 in the Draft Plan is incomplete and understates the important limitations that this provision imposes upon the USFWS's ability to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of Refuge lands.[4]

When it enacted ANILCA in 1980, Congress included several important provisions to protect subsistence activities in Alaska. Among these, Congress enacted section 810, 16 U.S.C. § 3120, to ensure that the Federal government's management of Federal lands in Alaska does not interfere with the subsistence way of life. Accordingly, section 810 requires Federal agencies to evaluate the impact of their management decisions on subsistence activities, resources, and habitat. And, if this impact may be significant, the agency must ensure that the restriction of subsistence uses is necessary and that the proposed activity involves the minimal amount of public lands necessary, and take steps to minimize the adverse impacts of the proposed activity upon subsistence uses and resources.

A more complete discussion of this provision should be included in the final revised Plan—both in Section 2.4.13.2 and in Section 4.4.4.1 (Draft Plan at 4-166)—to help ensure that present and future Refuge managers recognize the full extent of the requirements and limitations that Section 810 imposes on the USFWS's decision making processes.

Response to Comment 136817.021

We appreciate your comment and included the following factors to be considered in conducting a Section 810 evaluation to determine if a significant restriction of subsistence uses and needs may result from proposed Federal actions to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of Refuge lands.

- A reduction in subsistence uses due to factors such as direct impacts on the resource, adverse impacts on habitat, or increased competition for the resources.
- A reduction in the subsistence uses due to changes in availability of resources caused by an alteration in their distribution, migration, or location.
- A reduction in subsistence uses due to limitations on the access to harvestable resources such as physical or legal barriers.

Comment 000077.001

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

David Raskin**Friends of Alaska National Wildlife Refuges**

Management of refuge lands must allow the continuation of traditional activities of Alaska 44 Natives and other local residents, including timber harvest for local use and travel within the refuge.

Response to Comment 000077.001

Title VIII of ANILCA further provides that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes subject to reasonable regulations. Regulations specific to subsistence use

of timber and plant materials are found in 50 CFR 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for the user's household needs, and no permit is required for that harvest. Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge. If more than 20 live trees are needed, as would typically be required for a cabin or a house, the subsistence user must apply for a special use permit for the additional amount of trees needed.

ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units. ANILCA Section 811(b) allows local rural residents the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed when engaged in subsistence uses subject to reasonable regulations. Such use will be in compliance with State and Federal law in such a manner as to prevent damage to the Refuge, and to prevent the herding, harassment, hazing, or driving of wildlife for hunting or other purposes. ANILCA Section 811 implementing regulations can be found at 50 CFR 36.12.



Comment 136805.082
Sean Parnell, Governor
State of Alaska

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

Page 2-57, § 2.4.13 Subsistence Management, first paragraph. Title VIII of ANILCA does not guarantee the use of resources for subsistence purposes, rather it provides a priority opportunity to utilize those resources for subsistence purposes. Therefore we request the following insertion to better clarify the intent of Title VIII.

...rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes.

Please also refer to our comments regarding section 2.4.12.

Response to Comment 136805.082

We agree and changed the first paragraph of Chapter 2, Section 2.4.13, second sentence to: “Title VIII of ANILCA further provides that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes.”

Comment 136805.083
Sean Parnell, Governor
State of Alaska

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

Page 2-58, second full paragraph, last sentence. We recognize that if determined necessary, the Federal Subsistence Board can restrict harvest on federal lands to the non-federally eligible; however, this should not be characterized as an “elimination” of a consumptive activity. We request the words “or eliminated” be deleted from this sentence to clarify that other hunts, such as State-authorized hunts, are merely restricted.

Response to Comment 136805.083

We deleted the word “eliminated.”

Comment 136805.084
Sean Parnell, Governor
State of Alaska

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

Page 2-59, § 2.4.13.1 Access for Subsistence Purposes. Title VIII of ANILCA refers to specific modes of access as well as “...other means of surface transportation traditionally employed” for subsistence purposes. It does not identify those specific modes of access, i.e., snowmachines and motorboats, as “traditional.” We request this and other inaccuracies be corrected and recommend the following revision, which closely mirrors Section 811 implementing regulations at 50 CFR 36.12:

ANILCA Section 811 implementing regulations at 50 CFR 36.12 allows local rural residents the use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed when engaged in subsistence uses. Such use will be in compliance with State and Federal law in such a manner as to prevent damage to the refuge, and to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

Response to Comment 136805.084

We agree with this recommended change, as it does more closely mirror the language used within the implementing regulations in 50 CFR 36.12: We will change the text as requested: “ANILCA Section 811 implementing regulations at 50 CFR 36.12 allows local rural residents the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed when engaged in subsistence uses. Such use will be in compliance with State and Federal law in such a manner as to prevent damage to the Refuge, and to prevent the herding, harassment, hazing, or driving of wildlife for hunting or other purposes.”

Comment 136895.001
Unnamed 4

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

Need 4-wheeler to have access to get logs.

Response to Comment 136895.001

ANILCA Section 811(b) specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge.

Comment 136786.001
Patti Barber

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

Because I do not live in this refuge I would not be allowed to harvest a tree but a subsistence user is allowed to harvest 20 trees per year for house logs or firewood, is that per household or individual members of the household? To me that’s a lot of trees, they would also have to cut these trees with a hand saw since in the plan under Habitat Management, there is no mechanical treatment allowed...with exceptions. Do these exceptions mean they could use a chainsaw?

Response to Comment 136786.001

Title VIII of ANILCA provides that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes subject to reasonable regulations. Regulations for subsistence use of timber and plant materials are found in 50 CFR 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for their household needs, and no permit is required for that harvest. Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge. If more than 20 live trees are needed, the subsistence user must apply for a special use permit for the additional amount. Chain saws are allowed for harvest of timber resources on Refuge lands.

Comment 032662.007
David McCargo

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

Use of the Refuge for the gathering of house logs is not a compatible Refuge use. First, who is going to supervise it? Second, once permitted it would be an ongoing and an open-ended activity. Third, it would require increased motorized activity in the Refuge.

Response to Comment 032662.007

Title VIII of ANILCA provides that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes subject to reasonable regulations. Subsistence uses of timber for firewood and house logs are compatible uses of Arctic Refuge. Regulations for subsistence use of timber and plant materials are found in 50 CFR 36.15. Refuge staff is responsible for management and enforcement of Refuge regulations.

Comment 136808.001
Jack Reakoff

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

-----Preamble/Intro-----

Please consider these two issues of my concern,

-----Comment-----

Comment issue #1

Under the summary of selected management provisions ...

Subsistence: All categories of Wilderness, Wild Rivers and Minimal Management are far too restrictive of subsistence harvest collection of house logs and fire wood. ANILCA is clear regarding the importance of subsistence uses wild renewable resources:

SEC 802. It is hereby declared to be the policy of Congress that— (1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

SEC. 803. As used in this Act, the term “subsistence uses” means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, ...(emphasis added)

Reduced and limited levels for Subsistence use of wood resource in the CCP, would have great adverse impact on users. The Plans use levels would severely impact the subsistence users engaged in a subsistence way of life and to continue to do so. Provisions for reasonable management of wood resources are required by Title VIII of ANILCA and need to be incorporated into this document, for subsistence uses. And at levels that would allow users to continue their subsistence way of life.

Suggested language for Wilderness, Wild Rivers, and Minimal Management should state: Allowed; and may require use permits for trees over 6 inches.

Response to Comment 136808.001

The opportunity for continued subsistence uses by local rural residents is one of the stated purposes for both ANILCA and Arctic Refuge. One of the Refuge’s legislative mandates is to provide for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, including, but not limited to, the Porcupine caribou herd... and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats (Section 303(2)(B)(i)(ii)(iii)). Regulations implementing ANILCA Title VIII subsistence provisions on Arctic Refuge are found in 50 CFR Part 36.

More specifically, regulations for subsistence use of timber and plant materials on the Refuge are found in 50 CFR 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for their household needs, and no permit is required for that harvest (Section 36.15(3)(b)). Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge (Section 36.15(2)). If more than 20 live trees are needed, as is typically the case for cabin or house log construction, the subsistence user must apply for a special use permit for the additional amount of trees needed (Section 36.15(2)). There are no limits on the cutting of live standing timber less than three inches in diameter at breast height, and no special use permits are required (Section 36.15(3)). These regulations have been in place several decades, and we believe they are reasonable in providing for the subsistence use of timber resources; however, we will conduct a thorough review of these regulations to ensure they provide a continued opportunity for subsistence as well as conservation of habitats in their natural diversity consistent with sound management principles.

These subsistence use regulations for collections of house logs and firewood and collection of plant materials are applicable across all management categories including Wilderness, Wild Rivers, and Minimal Management. There is no reason for the recommended change.

Comment 032657.002
Terry Reichardt

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

-----Preamble/Intro-----

I would like to see you make a couple of adjustments to the management option E.

-----Comment-----

2. Your proposed harvesting limits of firewood and of house logs is not realistic. You need to find a way to manage so that people can harvest the firewood they need without over harvesting any areas. Limiting the harvest of house logs to 20 trees of diameter 3-6 inches is also not realistic.

Response to Comment 032657.002

Title VIII of ANILCA provides that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes subject to reasonable regulations. Regulations for subsistence use of timber and plant materials are found in 50 CFR 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for their household needs, and no permit is required for that harvest. Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge. If more than 20 live trees

are needed, as would typically be required for a cabin or a house, the subsistence user must apply for a special use permit for the additional amount of trees needed.

Comment 032624.002

Refuge Mgmt Policies/Guidelines, Subsistence Mgmt

John Trent

I have a general comment about how subsistence uses are addressed in this Management Plan. I would like to see more emphasis and effort made to incorporate the Alaska Native residents of Kaktovik and Arctic Village into the stewardship and management of the Refuge. I understand this to be a complex issue and that you have made some progress. Nevertheless it is difficult to find any information in the current draft planning documents about the history, current roles and future responsibilities of the Alaska Native people who live on and adjacent to the Refuge. It is my belief that Refuge goals as they are currently articulated will be more rapidly and permanently achieved to the degree that local residents including Natives are brought more to the center of your management system. I would be glad to discuss specifics with you in more detail.

Response to Comment 032624.002

We agree with your recommendation. Many changes have been made to the subsistence Goal 4 and its objective (Chapter 2, Section 2.1.4) in response to numerous public comments from a variety of constituents. A few of the changes we made to incorporate greater involvement and collaboration with local Alaska Native residents, Native organizations, and tribal groups in the stewardship and management decisions of the Refuge are as follows:

- The subsistence goal has been broadened from a subsistence-focused goal to one that recognizes the need to consult on a wide range of environmental, biological, cultural, and subsistence issues and concerns local residents and tribes may have regarding proposed Federal actions.
- A new objective 4.1 for Formal Consultation with federally-recognized tribal governments has been written, acknowledging we will consult in a government-to-government fashion at least twice each year on all proposed actions and Refuge uses that may have tribal implications.
- We maintain our commitment to the RIT program in Arctic Village and Kaktovik, and in collaboration with local villages and tribes, we will actively seek to hire RITs locally in both Venetie and Fort Yukon. We are proposing these positions will be funded and shared with Yukon Flats National Wildlife Refuge.
- The objectives for Village Harvest Monitoring Programs and Manage Subsistence Data recognize the importance of establishing partnerships and working collaboratively with local villages and Native organizations to gather and share subsistence use information needed to ensure long-term conservation of subsistence resources and to address State and Federal fish and wildlife regulatory proposals.
- The voice from subsistence users and tribes was very clear, and the proposal for subsistence users to obtain a special use permit for temporary facilities related to the taking of fish and wildlife on the Refuge lands, including designated Wilderness, was removed.

3.35.19 Table 2-1 - Activity/Use by Management Category

Comment 137013.013

Refuge Mgmt Policies/Guidelines, Table 2-1

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

2-79 Fishery Enhancement in management categories. In wilderness areas, the Service asserts that it can, subject to a minimum requirements analysis, authorize “activities applied to a fish stock to supplement numbers of harvestable fish to a level beyond what could be naturally produced based upon a determination or reasonable estimate of historic levels.” These activities are not defined, but presumably involve such measures as introducing hatchery fish into wilderness water bodies and lake fertilization in an effort to boost fish production to unnaturally high levels.

We refer the Service to the Tustumena Lake decision in which federal courts held that stocking that Kenai Wilderness lake with hatchery fish is prohibited by ANILCA and the Wilderness Act. By extension, the decision in the Tustumena Lake case applies to all designated wilderness in the Alaska refuges. On what legal grounds is the Service’s fishery enhancement claim for the Refuge based?

Response to Comment 137013.013

In the Revised Plan, fishery enhancement is not allowed in Wilderness, Wild River, and Minimal Management categories. Please refer to Chapter 2, Section 2.4.12.10 and Table 2-1.

Comment 136801.057

Refuge Mgmt Policies/Guidelines, Table 2-1

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

The Administration Sites and Visitor Facilities management guidelines and text should be modified to prohibit construction of any new buildings in the refuge.

Response to Comment 136801.057

We have no plans to construct any new administrative or visitor facilities on the Refuge. We do, however, retain the option to do so in the future if the following conditions exist: any development would only be constructed if it meets management objectives, if no reasonable alternative sites exist, and when the facilities are essential to protect the health and safety of employees or the public. New facilities would only be the minimum required to meet long-term needs. Any proposed facilities in designated Wilderness are subject to a MRA. See Chapter 2, Section 2.4.21.1.

Comment 136801.102

Refuge Mgmt Policies/Guidelines, Table 2-1

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

We are particularly concerned about these areas where the new CCP provides less protective management direction than the existing situation (1988 CCP) and we recommend improvement so that the new CCP does not worsen management or create new loopholes: Research and Management Facilities: Fish Weirs – these should continue to not be allowed in Wild Rivers; many of the Habitat Management categories may have been weakened but due to the “exceptions” language it is hard to tell; Motorized Transportation: Snowmobiles – it appears

that the requirement for adequate snow cover, subject to reasonable regulation, has been weakened (its confusing). While the section on helicopters clearly has improved with a clearly stated prohibition on recreational access, there needs to be a clear prohibition as well for access in support of commercial operations.

Response to Comment 136801.102

Direct comparison of the management guidelines is difficult because the organization of the management guideline tables and levels of detail provided by various categories of actions differ substantially between the 1988 Plan and Revised Plan. For example, the 1988 Plan uses the term “May be permitted,” and the current Plan uses “May be Authorized.” Chapter 3, Table 3-2 provides a side-by-side comparison of the two sets of management guidelines. A detailed comparison of specific wording from the 1988 Plan as modified with the new policies and guidelines in Chapter 2, Table 2-1 is filed in the administrative record for this Plan.

The Refuge evaluates the need for management structures, such as weirs, using applicable policies, laws, and the Comprehensive Conservation Plan as guidance. Research and Management Facilities, including weirs, “may be allowed” in the Wild River Management category; however, to be approved, structures would have to be compatible with Refuge purposes. Proposed structures would also be subject to provisions of the Wild and Scenic Rivers Act. Additionally, any portion of a wild river that is within designated Wilderness would be subject to provisions of the Wilderness Act, and proposed structures would be subject to a MRA.

For snowmachines, Table 3-2 is incorrect in implying that there are differences in the 1988 Plan and the direction proposed in the current Plan. In both cases, the use of snowmachines is allowed subject to adequate snow cover and reasonable regulations. We removed this reference from Table 3-2 as it is misleading. For a more detailed description of the proposed management guidelines, see Chapter 2, Section 2.4.14. It is true, however, that the current regulations for snowmachine use in Alaska Refuges (50 CFR 36.2) no longer contain the overall width limitation of 46 inches. However, the weight restriction for under 1,000 pounds remains, as well as the adequate snow cover requirements for use of snowmachines found in 43 CFR 36.11(C)(2). The Refuge will monitor and evaluate the use of snowmachines to ensure their uses shall be in compliance with applicable State and Federal law, and in a manner as to prevent adverse impacts to the Refuge. As provided for in regulations, the Refuge manager may temporarily or permanently close an area to surface transportation upon a finding that such use would be detrimental to the purposes and values of the area.

The Service recognizes the valid concern related to helicopter use. Limitations on helicopter landings by the agency and others are described in Chapter 2, Section 2.4.14.3 (Helicopters). This section was revised to clarify that helicopter landings will not be permitted in designated Wilderness except in cases of emergency, unless determined to be necessary through the MRA process. It has also been revised to clarify that the Service will not conduct helicopter operations over designated Wilderness, except for in-transit flights, in emergencies, or as provided for by a MRA determination. The need for further helicopter use and landings outside of designated Wilderness will be considered on a case-by-case basis. The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Strong justifications are needed for helicopter landings anywhere on refuges in Alaska.

Comment 136801.103
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Refuge Mgmt Policies/Guidelines, Table 2-1

Congress, through section 602 of ANILCA, designated as Wild Rivers portions of the Ivishak, upper Sheenjek, and Wind rivers within the boundaries of the Arctic Refuge. To further its responsibilities under the Refuge Administration Act and the Wild and Scenic River Act, the FWS should more fully describe its management approach to these Wild Rivers. In the CCP, management of the Refuge's Wild Rivers is included in the Management Categories Table, DEIS at 2-73-2-92, and discussed briefly, DEIS at 2-35. While we note that FWS indicates that it will formulate a Comprehensive River Management Plan for the Refuge's designated Wild Rivers as a future step-down plan, DEIS at 6-3, we strongly encourage FWS to more fully discuss the current management regimes for these rivers in the final CCP, as well as describe any detailed measure available to FWS to ensure their continued integrity as Wild Rivers into the future. In this manner, the FWS can assure the preservation of the outstanding values associated with the Refuge's three Wild Rivers.

Response to Comment 136801.103

The level of detail necessary to fully describe the conditions, issues, and management direction for the Ivishak, Wind, and Sheenjek wild rivers is beyond the scope of the Revised Plan and will be best accomplished through river-specific CRMPs. Outstandingly remarkable values (ORVs) are defined as those characteristics that make the river worthy of special protection. These can include scenery, recreation, fish and wildlife, geology, history, culture, and other similar values. ORVs are typically identified in a wild and scenic river study prior to designation, but the Ivishak, Sheenjek, and Wind wild rivers were designated by Congress through ANILCA, and Congress did not identify these specific values. In these cases, managers typically develop ORVs from study reports and other documentation of management activities and intentions, as well as incorporate current data and expertise. The ORVs for the Refuge's three wild rivers will be determined through the CRMP planning process. Objective 3.5 (Chapter 2, Section 2.1.3) commits the Refuge to completing CRMPs for each of the three designated wild rivers on Arctic Refuge (see also Chapter 6, Section 6.3, and Appendix D, Section D.4.2).

Comment 136801.099
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Refuge Mgmt Policies/Guidelines, Table 2-1

-----Preamble/Intro-----

Sec. 2.5 Management Categories Table and the State USFWS template p. 2-73 to 2-92. We are encouraged that for the most part activities are managed consistently in both the Wilderness and Minimal Management categories. We also provided addition comment on this topic for pp. 2-36, Sec. 2.3 Management Categories.

We have three concerns, however, with the overall approach of this template.

-----Comment-----

This CCP should not weaken or make less restrictive the CCP guidelines or policies compared to the existing conditions (see Table 3-2), especially without full analysis of the nature of the need for change and analysis of environmental impact of the activities.

Response to Comment 136801.099

Direct comparison of the management guidelines is difficult because the organization of the management guideline tables and levels of detail provided by various categories of actions differ substantially between the 1988 Plan and Revised Plan. For example, the 1988 Plan uses the term “May be permitted,” and the Revised Plan uses “May be Authorized.” Section 2.5.2 provides definitions for the terms in the Revised Plan’s Management Categories Table (Table 2.1) you are referencing. In this section, it is noted that “May be allowed” means that the proposed activity, use, or facility may be allowed subject to a site-specific NEPA analysis (if required), a specific Refuge compatibility determination (if required), and compliance with all applicable laws and regulations of the Service and other relevant agencies. “May be Authorized” means that a use may only be allowed with a required special use permit and, therefore, the use must first be found compatible to be allowed and is subject to NEPA. Table 3-2 provides a side-by-side comparison of the two sets of management guidelines. A detailed comparison of specific wording from the 1988 Plan as modified with the new policies and guidelines in Chapter 2, Table 2-1 is filed in the administrative record for this Plan.

Comment 136801.100

Refuge Mgmt Policies/Guidelines, Table 2-1

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

-----Preamble/Intro-----

Sec. 2.5 Management Categories Table and the State USFWS template p. 2-73 to 2-92. We are encouraged that for the most part activities are managed consistently in both the Wilderness and Minimal Management categories. We also provided addition comment on this topic for pp. 2-36, Sec. 2.3 Management Categories.

We have three concerns, however, with the overall approach of this template.

-----Comment-----

There needs to be far better analysis of whether it is appropriate for any “exceptions” listed that may be granted; in many cases the text fails to identify the criteria by which such decisions would be made, whether there is public review and comment prior to the decisions and what process exists to provide transparency in management; there needs to be full NEPA review and Refuge compatibility determinations made if “exceptions” are considered.

Response to Comment 136801.100

The exceptions referred to in Chapter 2, Table 2-1 are referenced in a footnote and can be found in the descriptions of the management categories of Wilderness, Wild River, and Minimal Management (Sections 2.3.3 to 2.3.5). Any proposed uses of national wildlife refuges must be found compatible before they are allowed and actions (uses) are subject to NEPA, which includes appropriate public review and comment.

Comment 136810.005
Paul Krausman, President
The Wildlife Society

Refuge Mgmt Policies/Guidelines, Table 2-1

-----Preamble/Intro-----

TWS proposes the following recommendations and additions to the CCP:

-----Comment-----

Table 2.1, page 2-82, Public Access by Domestic Animals.

We concur on the requirement for weed-free feed for pack animals and recommend you expressly prohibit domestic goats as pack stock because of high potential for disease transfer to Dall sheep, particularly from the Dalton Highway corridor. The Alaska Chapter of The Wildlife Society has evaluated the risk of disease transfer by domestic goats and will soon produce a position statement on this issue.

Response to Comment 136810.005

The Revised Plan states that domestic sheep, goats, and camelids will not be allowed in any management category. However, the Plan also acknowledges that this restriction is subject to promulgation of regulations for non-commercial Refuge users.

Comment 136978.001
Wendy Loya

Refuge Mgmt Policies/Guidelines, Table 2-1

As I have expressed in the last year, I was appalled to find two NASA rocket shells in the Wind River valley. I do not believe that the sounding rocket program is compatible with Wilderness, Wild and Scenic River or Minimal Management on the Refuge. This program help the Refuge achieve it's goals or purposes. I would like to see this type of activity considered and evaluated in Table 2-1.

Response to Comment 136978.001

Rocket launches from Poker Flat predate establishment of Arctic National Wildlife Refuge by ANILCA. NASA is preparing a separate EIS on its Poker Flat Sounding Rockets Program which will be available for public review in the fall of 2012. We encourage you to provide feedback on that EIS as well.

The Service does not have authority to regulate air space above the Refuge. We manage use of Refuge lands by Poker Flat through the Arctic Refuge special use permit program. Special conditions in Poker Flat current SUP state that planned rocket falls are not allowed in designated Wilderness. Special conditions also require Poker Flat to locate and remove all rocket parts landing on all Arctic Refuge lands, including, and especially, unplanned rocket falls in the designated Wilderness area. We are working closely with NASA to address potential effects of the Sounding Rockets Program on Refuge environments. The program was found compatible with the purposes of Arctic Refuge. A copy of the current compatibility determination is available at http://alaska.fws.gov/nwr/planning/pdf/arctic_recovery.pdf or the Refuge office in Fairbanks. The Service is a formal cooperators on the NASA EIS, and NASA is a formal cooperators on the Refuge's Comprehensive Conservation Plan and EIS. See Chapter 4, Section 4.6 for a discussion of the rocket sounding program and Chapter 5 for a discussion of effects and impacts.

Comment 136816.020
John Strassenburgh

Refuge Mgmt Policies/Guidelines, Table 2-1

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Page 16, line item 1 in the table, “Habitat Management – Mechanical Treatment:” There should be some guidance with respect to the qualification “with exceptions.” I would suggest language like “with exceptions, and only as a last resort” or (“only after other options have been thoroughly and meaningfully evaluated”). This should apply to all three categories: Wilderness, Wild Rivers, and Minimal Management. In addition, when exceptions to “not allowed” are contemplated, Minimum Requirements Analysis(MRA) should be required in the Wild River and Minimal Management categories as well as the Wilderness category.

Response to Comment 136816.020

The exceptions referred to in Chapter 2, Table 2-1 are referenced in a footnote and can be found in the descriptions of the management categories of Wilderness, Wild River Management, and Minimal Management (Sections 2.3.3 to 2.3.5). A MRA is a process used to determine if a proposed activity is permissible and appropriate in designated Wilderness. It is based on provisions of the Wilderness Act, some of which do not apply to other land management categories. Unlike Wilderness, Wild Rivers and Minimal Management areas do not have an established process like the MRA to determine whether exceptions to the prohibition of mechanical treatment activities could be considered. However, these activities are generally at variance with the intent of the Wild River and Minimal Management categories and any proposal to allow them would be subject to a rigorous assessment of their necessity and effect on the Refuge’s purposes, goals, objectives, and special values.

Comment 136816.025
John Strassenburgh

Refuge Mgmt Policies/Guidelines, Table 2-1

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Page 17 (of the Summary), second line item “Motorized/Traditional Access: Use of snowmobiles, motorboats, airplanes, and non-motorized surface transportation methods including non-motorized boats for traditional activities and for travel to and from villages and home sites.” The lack of commas after “methods” and after “non-motorized boats” means that “traditional activities” modifies only non-motorized boats. I believe that the intent of the sentence is for traditional activities to apply to “snowmobiles, motorboats, airplanes, and non-motorized surface transportation methods” as well. This is confirmed by reference to section 2.4.14.1 of the CCP, page 2-59, which I believe is correct. Therefore, the sentence (page 17 of the Summary) should be: “Use of snowmobiles, motorboats, airplanes, and non-motorized

surface transportation methods, including non-motorized boats, for traditional activities and for travel to and from villages and home sites.” This is the same as line item 2 on page 17 of the Summary of Draft CCP except for the insertion of the two commas. In addition, “traditional access” should be defined so that recreational snowmachine use can be prohibited.

Response to Comment 136816.025

The information on traditional access is correct as published in the draft Revised Plan, Chapter 2, Sections 2.4.14.1 and 2.4.13.1 and consistent with ANILCA Section 1110. We are planning to conduct a historical access study to understand access patterns and inform Refuge management decisions on access (see Chapter 2, Objective 4.6).

3.36 TOPIC: Refuge Operations

Group Q.1: Refuge Operations

Page 5-31 (Refuge Operations): The text asserts that designation of Wilderness might limit the use of remote sensing to monitor visitor use due to restrictions on installations. The Final CCP should be modified to acknowledge that if visitor use is appropriately limited and regulated to fulfill the legal requirement to preserve wilderness character in designated Wilderness, intensive monitoring and other such management methods employed to facilitate excessive levels of visitor use would not be necessary. Page 5-32 (Cumulative Effects) also contains similar claims that designation of Wilderness might result in greater refuge operations due to increased visitor use, however, this would not be the case if appropriate regulations and limits were placed on visitor use for the purpose of preserving wilderness character.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.030
- Wilderness Watch, Fran Mauer 032628.021

Response to Group Q.1: Refuge Operations

We do not agree with the comment. Any use of an area causes some change. Also, resources in Arctic Refuge are subject to change from natural factors. Intensive monitoring is necessary to detect changes and to help determine what changes might require management action—be it limiting public use, changing public use behavior, or intervening with natural processes to address a threat to a wildlife species. Monitoring will also determine if management is effective. For example, impacts at campsites are much less the result of the number of campers and more the behavior of campers. In addition, the Revised Plan includes Objective 2.6 for monitoring wilderness characteristics in both Minimal Management and designated Wilderness, and new Objective 2.7 for cleaning up and restoring impacted sites across the Refuge, including in designated Wilderness. Regarding the potential limit to visitor use, Refuge managers have decided that options for visitor use management would be best addressed holistically through a public planning process separate from the Revised Plan. Managers have elevated the priority for completing the VUMP, and it will begin immediately upon approval of the Revised Plan, concurrent with a WSP.

3.37 TOPIC: Refuge Planning Context, Processes and Issues

Comment 136805.011
Sean Parnell, Governor
State of Alaska

Refuge Planning Context, Processes and Issues

Members of the public and Service employees working with the Regional Management Policies for the first time may not be familiar with their basis or intent. These policies are designed to identify common management actions and policies on a region-wide level – in this case, refuges located within the State of Alaska. This guidance is based on federal law and policy, and should only be modified based on statutory guidance. The draft Plan currently omits the following necessary direction, which has been included in other Alaska Refuge CCPs.

The management direction presented here represents the common base for management of the Alaska refuges and identifies those sideboards within which management of individual refuges must remain. Some deviations from these regional management policies and guidelines are likely to appear in each comprehensive conservation plan, given differing establishing orders or refuge purposes. Any specific departures from these policies and guidelines will be clearly described, along with supporting rationales, in each refuge’s revised comprehensive plan. (See the Final Selawik CCP, 2011; emphasis added.)

This important direction has been replaced by a single sentence, which states “[b]ecause the Service intends to manage Arctic Refuge at the far end of the unaltered spectrum, the Refuge Plan calls for a more hands-off approach to management and allows less manipulation of the environment than other refuge plans.” (page 2-31) Not only does this approach provide no explanation or justification for departing from regional policy and guidance, it preempts Congressional direction.

The Refuge is managed under the same laws and policies that apply to all refuges in Alaska and its ANILCA purposes are essentially identical to those of nearly every other refuge in Alaska. We recognize the Refuge contains congressionally designated wilderness and additional wilderness values may exist beyond the designated wilderness boundary, but unlike other conservation system units in Alaska, ANILCA did not include “wilderness” as a purpose for the Arctic Refuge. And, to the extent the Range purposes apply, as purported in the draft CCP, they would only apply within the original Range boundaries. Moreover, the Arctic Refuge is not unique in that all Alaska refuges focus on ecosystem management and are required to follow direction found in approved Service policies, including the Biological Integrity, Diversity, and Environmental Health policy (BIDEHP).

The Service appears to be purposely taking legitimate management tools off the table. We understand the Refuge Manager may not choose to conduct or authorize certain management actions over the life of the Plan, and ample decision points support such deliberation and discretion, such as compatibility determinations, NEPA analyses, and (in designated wilderness) minimum requirements analyses. However, the CCP itself, particularly in the regional management guidelines, should not arbitrarily eliminate consideration of legally-authorized management options, especially given the unpredictable nature of climate change. The “standard” regional management guidance provides ample flexibility and managerial discretion to tailor management to direction in the CCP. Should the Service desire to hold to a higher standard before considering certain management tools, this intent is more appropriately expressed through the goals and objectives section of the Plan.

According to the US Fish and Wildlife Service handbook Writing Refuge Management Goals and Objectives, a goal “describes the desired future conditions of a refuge in succinct statements.” Additionally, objectives are statements of what the refuge wants to achieve, how much they want to achieve, and who will achieve them. Throughout the draft Plan, there are numerous statements regarding the Refuge serving a unique, “distinctive function” with regard to wilderness values and natural diversity within the refuge system. This is a statement of desired future conditions – by definition a goal – and should remain as such.

The regional management guidance must continue to properly recognize Congressional intent through federal laws such as the Refuge Administration Act, as amended, and ANILCA, not individual refuge goals. We strongly urge the Service to reinstate the appropriate regional management guidance, and only allow modifications that are clearly explained, rationalized, and founded in federal law.

Response to Comment 136805.011

As you state in your comment, the Management Policies and Guidelines included in Chapter 2, Section 2.4, are based on Federal law and policy. These laws and policies lay the foundation for the management direction planned for Arctic Refuge. In response to your comment, we have revised the introductory text for the Management Policies and Guidelines (Section 2.4.1) to clarify that the guidelines included in the Revised Plan are for Arctic Refuge alone. We acknowledge that Arctic Refuge’s guidelines diverge in several places from management direction in other Alaska Refuge comprehensive conservation plans. Please note, however, that while there is much in common among this section of each Alaska comprehensive conservation plan, in all cases there are also policies and guidelines that are specific to only one refuge. Although not included in the Revised Plan, we have also written a document that provides rationales for each of the differences within the Arctic Refuge guidelines from those in the most recently completed Alaska Plan.

We disagree with the comment that the Arctic Refuge Plan “preempts congressional direction.” Rather, in all our plans, we are following the congressional direction found in Section 304 of ANILCA, including the requirement to designate areas according to their respective resources and values and to specify the programs for conserving fish and wildlife and the programs conserving the special values identified for the refuge. While refuge purposes are similar, the refuges are not, and each Plan lays out how the individual refuge will be managed.

We decided not to adopt your suggestion of including management direction in the Plan’s goals and objectives. We agree with you that goals provide broad statements of desired future conditions and objectives are statements of what the Refuge wants to achieve—how, when, and by whom. We believe that collectively, the goals in Chapter 2, Section 2.1, fully describe desired future conditions for Arctic Refuge, and the objectives lay out specific steps to achieve these goals. We do not think, however, that the goals and objectives are the appropriate place to create a management framework to guide Arctic Refuge management for the next 15 years. This is more appropriately placed in the Management Policies and Guidelines.

Comment 136805.027
Sean Parnell, Governor
State of Alaska

Refuge Planning Context, Processes and Issues

Page 1-5, Planning Context. The Arctic Refuge is not unique in that all refuges in Alaska focus on ecosystem management and are required to follow direction found in the Biological Integrity, Diversity, and Environmental Health policy. Furthermore, while it is important to recognize and understand the Refuge's history, it must be managed consistent with federal law and policy - not based on the interpretation of the "vision shared by those who fought for its creation."

Therefore, we request this second paragraph be replaced with language consistent with other Alaska Refuge CCPs. The following example is based on language used in the most recent CCP finalized in the Alaska Region.

The Arctic refuge is part of a national system of refuges. The Service places an emphasis on managing individual refuges in a manner that reflects both the priorities of the Refuge System and the purposes for which the refuges were established. This revised Plan adheres to the individual purposes of the Arctic refuge while contributing to national-level goals and objectives.

Response to Comment 136805.027

We have changed the language in the second paragraph of Chapter 1, Section 1.2 Planning Context. The language reflects that Arctic Refuge is managed to serve the broad mission of the National Wildlife Refuge System and to acknowledge Arctic Refuge's distinctive function within this system.

3.38 TOPIC: Refuge Purposes

3.38.1 General

Comment 137013.006

Refuge Purposes, General

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

1-12. Sec. 1.4.1, Initial establishment of the Arctic [National Wildlife] Range and the Purposes set forth; 1-18 Sec 1.4.2 , The Alaska National Interest Lands Conservation Act.

These sections on the initial establishment of the Range and the subsequent establishment of the Refuge omit some important facts. As a result the reader may receive the impression that the Range, established by executive order, offered the same level of protection as the Refuge established 20 years later by Congress.

There are important differences. Public Land Order 2214, which established the Range, did not close the Range to oil and gas leasing. Oil seeps and other indications of the possible presence of economically recoverable oil and gas on the coastal plain lay behind the decision not to close the Range to leasing. Two Interior Department agencies shared jurisdiction, with the Bureau of Land Management responsible for potential oil and gas leasing, and the Fish and Wildlife Service responsible for managing the land.

Although PLO 2214 closed the Range to the location of new mining claims under the Mining Law of 1872, former Secretary Fred Seaton planned to revoke that closure not long after the Range's establishment in 1960 (Kaye 2006). His plan was not adopted by the incoming Kennedy Administration.

Nor did the Range have Wilderness System protection during the 16 years after enactment of the Wilderness Act. In 1980, Congress designated all but 1.5 million acres of the Range as wilderness, and provided what amounts to de facto wilderness for the remaining 1.5 million acres of the coastal plain.

Not until 1969 was the new Range staffed. One of the first actions taken by Refuge Manager Ave Thayer was to ban the State's predator control program in the Range.

In short, the withdrawal for the Range, while an essential and necessary step because it reserved the public land from potential state land selection and other appropriation, was not sufficient. The Range was inadequately protected until Congress took action two decades later.

In 1980 Congress in ANILCA established Arctic National Wildlife Refuge, absorbing the Range in the process. As pointed out in Sec. 1.4.2, the Act added 9.2 million acres to the Range, designated 8 million acres of wilderness, and designated three wild rivers. In addition—and this is what is omitted in Sec. 1.4.2,—ANILCA closed the new Refuge to all forms of appropriation under the public land laws, including the mineral leasing and mining laws.

Most important of all, Congress's action replaced the original 1960 public land order with statutory status for the entire Refuge. No longer was the unit vulnerable to potential changes in boundaries and uses at the discretion of the Executive Branch; any such changes would hereafter require Congressional authorization.

Response to Comment 137013.006

In response to your comment, we added a new paraphaph to Chapter 1, Section 1.4.2., clarifying the protections offered by ANILCA.

Comment 136801.018

Refuge Purposes, General

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 1-17. This section on the Wilderness Purpose should also include the indigenous cultural values of “wilderness ... land that is still the way the creator made it,” as Gwich’in leader Sarah James has described. She elaborated this value in her scoping testimony at the Anchorage hearing in 2010,

“As Gwich’in people, as a Gwich’in nation, we are surrounded by wilderness all around us. We’ve been living in the wilderness all our life. We took care of the land. We – this is what wilderness to us. For thousand of years we use this land, wild land that is still how it is – still is the way the creator made it. We took care of it and live it the way it is with no trace. We respect the land, the animals and keep – keep the land clean, air clean, clean water for the future generation. Wilderness is to leave the land it is. We can still hunt, fish, berry picking, trap like we always did. That doesn’t change the land to designate the wilderness.... We – they spoke loud and clear repeatedly to protect the Arctic National Wildlife Refuge, the coastal plain of Arctic National wildife of the Arctic National Wildlife as a wilderness protection and for the permanent protection forever.” (testimony 19-166)

Response to Comment 136801.018

We agree that wilderness can be an important cultural value, as so eloquently expressed by the Gwich’in leader. However, Iñupiat leaders have also told us that they consider the wilderness concept to be alien or oppositional to their cultural tradition. Neither of these cultural perspectives was among the purposes for establishing the Arctic Range that Chapter 1, Section 1.4.1.2 (Wilderness Purpose) describes. Therefore, we have not attempted to interpret the varying cultural values of the Refuge’s indigenous peoples in terms of the wilderness concept. However, in Section 1.5.7 (Special Values of Arctic Refuge—Native Culture and Subsistence), the Plan recognizes the value of Iñupiat and Gwich’in traditions and how they provide opportunities for us all to understand and respect the diversity of human history, culture, and lifeways. ANILCA recognizes this important connection between Native people and the land for continued cultural and subsistence purposes. Arctic Refuge’s vision and goals in Section 1.6 also share the Native perspective and values towards the land and nature. “This untamed arctic landscape continues to sustain the ecological diversity and special values that inspired the Refuge’s establishment. Natural processes continue and traditional cultures thrive with the seasons and changing times; physical, and mental challenges test our bodies, minds and spirits; and we honor the land, the wildlife and the native people with respect and restraint. Through responsible stewardship this vast wilderness is passed on, undiminished, to future generations.”

Comment 136795.006

Refuge Purposes, General

**David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection**

Refuge Purposes

REP is concerned about a statement in the CCP implying that the purposes for which the original Arctic National Wildlife Range was established only apply to those lands in the original Arctic Range: “Under Section 305 of ANILCA, the Range’s original wildlife, wilderness, and recreation purposes still apply to those lands in the former Range” (DEIS at 1-18). Under FWS’s own longstanding policy and guidance regarding determining the purpose

of each refuge in the National Wildlife Refuge System, see FWS Refuge Management Part 601 National Wildlife Refuge System, 601 FW 1 at 1.16 (July 26, 2006), the purposes of the original Arctic Range—namely “to preserve unique wildlife, wilderness, and recreational values” apply to all Arctic Refuge lands.

Response to Comment 136795.006

The Service has conflicting policy on how to apply the purposes of old refuges to those that are expanded. You are correct that 601 FW 1.16 states that lands the Service acquires as an addition to a refuge under authority different from the original refuge takes on the purposes of the original refuge. However, the Service also has policy 603 FW 2.8 that states, “Purposes for pre-ANILCA refuges (in effect on the day before the enactment of ANILCA) remain in force and effect, except to the extent that [pre-ANILCA refuge purposes] may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, in which case the provisions of those Acts control.”

ANILCA established new purposes for all refuges in Alaska, including Arctic Refuge. ANILCA Section 303(2) incorporated the Arctic Range within and made it part of the new Arctic Refuge. Congress did not expand the purposes of the original Executive order to the lands added by ANILCA, but rather set forth new purposes for the entirety of the Refuge. Since ANILCA is a statute, it takes precedence over policy, including 601 FW 1.16, which is inconsistent with ANILCA. Thus, the original purposes of the Range only apply to those lands in the Refuge that were part of the Range, and then only to the extent they are not inconsistent with ANILCA and ANCSA. The Range purposes do not apply to the lands added in 1980 by ANILCA.

Comment 136805.032

Refuge Purposes, General

**Sean Parnell, Governor
State of Alaska**

Page 1-18, § 1.4.2 The Alaska National Interest Lands Conservation Act, second paragraph. Consistent with our general comment, it is inaccurate to state that ANILCA “added” purposes to the Refuge. Section 303 of ANILCA clearly states that the Act “established or redesignated” areas as units of the National Wildlife Refuge System. We request this section also recognize the purposes in PLO 2214 have been modified by ANILCA and it is not appropriate to simply state “The Refuge’s ANILCA purposes are consistent with and complementary to the original purposes...” These and other similar statements are repeated throughout the Plan and need to be amended wherever they occur, including page 2-52, 2.4.12 Fish and Wildlife Population Management. Additionally, this section is missing ANILCA Section 1002, a key provision of ANILCA that applies to the Arctic Refuge.

Response to Comment 136805.032

In response to your comment, we have edited the text in the second paragraph of Section 1.4.2, and elsewhere in the Plan, to reflect that ANILCA incorporated the Arctic Range within, and made it part of, the new Arctic Refuge. ANILCA set forth new purposes for the entirety of the Refuge and the purposes of the Range attach only to the lands of the former Range, to the extent they are not inconsistent with ANILCA or ANCSA. The Service believes, however, that the purposes of the Range are not inconsistent with ANILCA or ANCSA.

Comment 136805.033
Sean Parnell, Governor
State of Alaska

Refuge Purposes, General

Page 1-19, § 1.4.2.1 Arctic Refuge's Purposes, last sentence in last paragraph. The State objects to the use of the phrase "unquantified, but absolute, Federal reserved water right," because it is unclear and inaccurate. The State acknowledges that the federal government has reserved water rights in the Refuge, but these rights exist only to the extent they are necessary to fulfill the Refuge purposes, as set forth in ANILCA. We request that this sentence be modified to reflect the limitations on the federal reserved water rights in the Refuge.

Response to Comment 136805.033

We revised the last sentence in Section 1.4.2.1 to clarify that the reserved water rights exist to the extent they are necessary to fulfill Refuge purposes.

Comment 136805.104
Sean Parnell, Governor
State of Alaska

Refuge Purposes, General

Page 3-53, § 3.4.2 Response to Refuge Purposes. Per our general comments, the applicability of the original Arctic Range purposes is limited to the area of the original Range and designated wilderness. Whether or not Alternatives A-F support these purposes, as indicated in this section, depends on whether they are consistent with ANILCA pursuant to Section 305. This needs to be clarified.

Response to Comment 136805.104

You are correct that the original Arctic Range purposes are limited to the area of the original Range to the extent they are not inconsistent with ANILCA. In response to your comment, we have rewritten Section 3.4.2, paying special attention to the discussion of purposes across the alternatives.

Comment 032626.008
Greg Warren

Refuge Purposes, General

V1, 1-18, 1.4.2.1 Arctic Refuge's Purposes: The affected environment and environmental consequences chapters should clearly discuss the legislative purposes of the Refuge. Relating issues, alternatives, affected environment, and environmental consequences to the Arctic Refuge purposes is critical for making informed decisions on the direction to adopt in the CCP.

Response to Comment 032626.008

The legislative purposes of Arctic Refuge are discussed in detail in Chapter 1, Section 1.4.2.1. To remove redundancy, we opted to cross-reference Section 1.4.2.1 in the affected environment chapter rather than repeat the details of the Refuge's purposes therein. All the alternatives presented in the Plan were designed to meet Refuge purposes, as well as achieve the mission of the Service and fulfill the purpose and need for the planning document. Therefore, there is no need to single out the legislative purposes of the Refuge in the environmental consequences chapter. The effects of the alternatives on a variety of impact topics are addressed throughout the environmental consequences chapter, and it is the intent of this chapter to inform the decision. Some of the impact topics happen to relate to the legislative purposes of the Refuge. We discuss impacts on wildlife populations, natural

diversity, and habitats. We also address impacts to water quality and aquatic habitats and subsistence. In response to your comment, we have added a brief statement to Section 5.2.4.2, Common Effects to the Human Environment, that none of the alternatives are expected to affect the Refuge's international treaty obligations.

3.39 TOPIC: Refuge Values

Group R.1: Refuge Values

Special Values — The Special Values of the Arctic Refuge section describes the most important characteristics of the Refuge. These should be supported to serve as a guide for all management decisions.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.005
- Friends of Alaska Wildlife Refuges 000002.003
- Northern Alaska Environmental Center, Pamela Miller 136801.020
- Sierra Club, Dan Ritzman 137014.002
- Various Environmental Organizations, Nicole Whittington-Evans 032627.019
- John Lyle 009556.001
- Jerry McDonnell 137007.003
- Susan Morgan 136985.001
- Sharon Baur 032610.003
- AKNWR Friends 032611.003

Response to Group R.1: Refuge Values

We believe that the listed special values, derived from many sources (Section 1.5), reflect the range of values that the Refuge holds for the American public. The Refuge Goals and Objectives were developed to protect and perpetuate these values and collectively, the Refuge's goals, objectives, and special values will guide all management decisions.

Group R.2: Refuge Values

The Special Values of the Arctic Refuge section should guide all future management decisions.

Submitted By:

- Wilderness Watch - Full 000017.011
- Frank Keim 009544.002
- Frank & Jennifer Keim 032622.002

Response to Comment AM.2

We believe that the listed special values, derived from many sources (Section 1.5), reflect the range of values that the Refuge holds for the American public. The Refuge Goals and Objectives were developed to protect and perpetuate these values, and collectively, the Refuge's goals, objectives, and special values will guide all management decisions.

3.39.1 Special Values of Refuge**Comment 136817.016**

Refuge Values, Special Values of Refuge

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

Section 304(g)(2)(B) of ANILCA requires that, before developing a CCP for a refuge, the Secretary must identify and describe “the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge.” The draft revised plan’s discussion of special values is problematic in several respects and must be revised before they are incorporated into a final CCP.

A Symbolic Value

The revised draft plan identifies “symbolic value” as one of “the most prominent Refuge values” that emerged from the USFWS’s examination of the special values of the refuge. Specifically, the revised draft plan states:

Since the first efforts to establish a “Last Great Wilderness,” most people who value this landscape have been less interested in how it can be used than in what its continued preservation represents. Millions who will never set foot in the Refuge find satisfaction, inspiration, and even hope in just knowing it exists. The Refuge represents the hope of a past generation that one of the finest remnants of our natural inheritance will be passed on, undiminished, to future generations. For many people, the question of the Refuge’s future has now come to symbolize daunting questions the nation faces regarding energy policy, sustainability, and our effect upon the larger biosphere we jointly inhabit.

Draft Plan at 1-22. ASRC and NSB submit that the inclusion of such “symbolic value” as a special value of the Refuge is problematic.

ASRC and NSB believe that the needs and concerns of local residents must be given greater consideration than the sentiments of those who will never set foot in the Refuge. The goals of the revised CCP must be consistent with the purposes of the Refuge. Because “symbolic value” is not an explicit purpose of the Refuge, we believe that it should not be included in the final revised plan.

Response to Comment 136817.016

The Refuge has and will continue to place greater management emphasis on hearing and meeting the needs and concerns of local residents. Goals 4 and 8 contain many provisions committing the Refuge managers to coordinate and cooperate with the tribes and local residents in regards to environmental, subsistence, and cultural concerns. Objective 4.1 (Formal Consultation) commits Refuge managers to consult with the Native tribes in government-to-government fashion at least twice a year and on all proposed actions and Refuge uses that may affect the tribes. However, as it is described, the symbolic value of Arctic Refuge is important to millions of Americans who will not visit but find satisfaction in just knowing it exists. This value was apparent in several public involvement processes and was documented in a 2008 study (the study was conducted in 2008 but the report done in 2009) titled *The National Public’s Values and Interests Related to the Arctic National Wildlife Refuge: A content Analysis* (Bengston and Fan 2009), which is on file at the Arctic Refuge office. In general, this national interest in the Refuge was quite sympathetic to the interests of Native people and subsistence uses.

Comment 136800.005
Debbie Miller, Author
Caribou Enterprises – Full

Refuge Values, Special Values of Refuge

1.5.1, Wilderness Characteristics: I suggest that you note that the Arctic Refuge stands alone as the only wildlife refuge in America whose fundamental purposes for establishment includes its wilderness value, in addition to wildlife and recreational values. This original wilderness purpose makes the Arctic Refuge unique among the more than 500 refuges in the National Wildlife Refuge System.

Response to Comment 136800.005

The wilderness purpose of the original Arctic Range and the significance of the Refuge's wilderness value is described in Chapter 1, Section 1.4.1.2 (Wilderness Purpose) and elsewhere in the document.

Comment 136805.034
Sean Parnell, Governor
State of Alaska

Refuge Values, Special Values of Refuge

Page 1-20, § 1.5 Special Values of the Arctic Refuge. While we do not object to the identification of refuge values pursuant to ANILCA Section 304(g), the Refuge must avoid statements that also imply management goals. For example, discussing opportunities for “adventure, solitude, and escape” implies a restrictive management ideal which is more appropriately addressed in the alternatives or a step-down plan. Additionally, it is difficult to summarize in a short paragraph why Refuge visitors value certain resources. For example, river users may value a river for its ease of transport to hunting and fishing areas without particularly valuing solitude and escape. We request that these values be identified in terms that describe the values alone without referring to ways to achieve those values, or mixing values.

Response to Comment 136805.034

The identified special values were derived from a number of sources (identified in Section 1.5) that we believe well reflect the values the Refuge holds for the interested American public. These values were also supported by comments on the draft Plan. They are consistent with the Refuge's purposes. As described in Section 1.6.2, Refuge goals are in part derived from a refuge's special values. For special values such as recreation, specific determination of how components such as adventure, and solitude will be perpetuated and managed will be considered in the appropriate step-down plans. Some mixing of values is inevitable as they are interrelated, on the ground or in public perception.

Comment 136805.036
Sean Parnell, Governor
State of Alaska

Refuge Values, Special Values of Refuge

Page 1-20, § 1.5 Special Values of the Arctic Refuge. Special values also include the Refuge's vast natural subsurface oil and gas resource values as identified in the 1002(h) Report and subsequent assessments for the 1002 Area, which need to be addressed in this section.

Response to Comment 136805.036

Potential oil and gas resources underlying the 1002 Area are not listed as among the Refuge's special values because they have no basis in the Refuge's purposes or the Refuge System

mission; the Service has no authority over their disposition; their disposition is not related to the purpose and need for a Revised Plan; and Section 1003 of ANILCA prohibits oil and gas leasing, development, and production anywhere on the Refuge until Congress takes action to change this provision.

Comment 136805.037
Sean Parnell, Governor
State of Alaska

Refuge Values, Special Values of Refuge

Page 1-20, § 1.5.2 Ecological Values. The emphasis placed on “unaltered landforms” and “free-functioning ecological and evolutionary processes” erroneously implies there is, or was, no human presence on the refuge. These statements fail to take into account that Alaska Natives have played an active part and influenced this environment for nearly 10,000 years and, along with others, continue to influence the landscape today. For example, the Alaska Department of Fish and Game manages wildlife populations across the Refuge. We request this and other similar discussions better reflect the actual on-the-ground situation.

This comment also applies to Page 1-21, 1.5.6 Scientific Values where the language is similar.

Response to Comment 136805.037

As described in the Plan’s detailed sections on the Refuge’s Cultural and Historical Context, Cultural Resources, and Subsistence Uses, the Service is well aware and respectful of the long and continued Native presence in the Refuge. While Native and, more recently, some non-Native subsistence activities have had some environmental effects, we are not aware of any cases where they have altered landforms or the functioning of ecological or evolutionary processes. Using the Revised Plan to express a desire for unaltered landscapes and free-functioning ecological and evolutionary processes does not conflict with the historical, present-day, and continued use of Native peoples or other Refuge users.

Comment 136805.038
Sean Parnell, Governor
State of Alaska

Refuge Values, Special Values of Refuge

Page 1-22, § 1.5.9 Recreational Values. We request the phrase “free from the distractions of modern civilization” be deleted. This is an inaccurate representation of recreational uses on the Refuge, as most users access the refuge by airplane or motorboat.

Response to Comment 136805.038

Recreational visitors are not necessarily free of such distractions during the entire span of their visit, usually entailing 8-9 days. However, perhaps to a degree unexcelled anywhere else in the nation, they are able to experience this feeling for long periods. As documented in the Arctic National Wildlife Refuge 2008 Visitor Study: Characteristics, Experiences, and Preferences of Refuge Visitors, freedom from such distractions is highly important to a majority of visitors.

Comment 136805.039
Sean Parnell, Governor
State of Alaska

Refuge Values, Special Values of Refuge

Page 1-22, § 1.5.10 Hunting Values. The State appreciates the inclusion of this value; however, it is written in a manner that suggests the entire Refuge is designated wilderness. We also request the last sentence be deleted. In Alaska, a remote hunting experience is not reminiscent of a bygone era, but rather the reality in most areas away from the road system.

Response to Comment 136805.039

We have included a statement clarifying wilderness terminology in the front pages of three of the Revised Plan's four volumes. When we are referring to designated Wilderness, we capitalize the word "Wilderness." The last sentence of Section 1.5.10 was modified to read: "It perpetuates opportunities for a kind of adventurous hunting experience that is becoming increasingly rare."

Comment 136805.040
Sean Parnell, Governor
State of Alaska

Refuge Values, Special Values of Refuge

Page 1-22, § 1.5.11 A Symbolic Value. The statement "most people who value this landscape have been less interested in how it can be used than in what its continued preservation represents" implies that those who are interested in using the refuge do not value the landscape, or have an interest in its continued preservation. That "most people" believe this is a judgment with no basis in fact. We request this unsupported, subjective statement be removed. We further request that any symbolic importance of the refuge be described in rational, objective terms.

Response to Comment 136805.040

The Plan's Human Environment Section (4.4), clearly indicates that the Refuge's visitors and subsistence users do value the landscape and have an interest in its preservation. However, this Refuge also has a huge national constituency, as evidenced by the more than 94,000 public scoping comments and the more than 600,000 public comments on the draft Revised Plan received during this planning process. Most comments speak to values other than use values, and only a small minority of commenters indicate they have or may visit the Refuge. Further documentation of this national interest is provided in the 2008 study: *The National Public Values and Interests Related to the Arctic National Wildlife Refuge: A Content Analysis* (Bengston and Fan 2009), which is on file at the Arctic Refuge office.

Comment 136805.035
Sean Parnell, Governor
State of Alaska

Refuge Values, Special Values of Refuge

-----Preamble/Intro-----

Page 1-20, § 1.5 Special Values of the Arctic Refuge

-----Comment-----

Consistent with our general comments, this section improperly incorporates and implies direction associated with designated wilderness in all land management categories across the Refuge.

Response to Comment 136805.035

We acknowledge the text, as written, could cause confusion as to whether we are referring to designated Wilderness or Minimal Management category lands with wilderness characteristics. We have addressed this by adopting the convention of capitalizing the word Wilderness when it refers to an area that was designated as part of the NWPS. The term wilderness, uncapitalized, is used as an adjective describing the qualities referenced in ANILCA Section 101(b) (wilderness resource values) and Section 304(g) (wilderness value) that may be found in designated or non-designated lands. By applying this convention, we believe we have clarified the intent of Section 1.5. Additionally, Section 4.1.3.5 (Wilderness Qualities), in Chapter 4, was also rewritten to help distinguish between the different meanings of “wilderness” in this Plan.



3.40 TOPIC: Refuge Vision and Goals

Group S.1: Refuge Vision and Goals

Sec. 2.1.6 Goal 6: Evaluation of the Effects of Climate Change We support this goal but it should be expanded to include the non-intervention policy described in the climate change Management Guidelines so that the plan is consistent in its approach.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.009
- Northern Alaska Environmental Center, Pamela Miller 136801.045
- Sierra Club, Dan Ritzman 137014.006
- Wilderness Watch - Full 000017.014
- Barbara Roman 136995.002

Response to Group S.1: Refuge Vision and Goals

An objective was added under Goal 6 that addresses implementation of a “non-intervention approach.”

Group S.2: Refuge Vision and Goals

V1, 1-23, 1.6.2 Refuge Goal 1: The wording of this goal as stated is confusing. Instead, the goal could state, “Natural ecological processes will determine the fish, wildlife, and plant population densities and dynamics in the Refuge.”

Submitted By:

- Greg Warren 032626.009, 032626.010

Response to Group S.2: Refuge Vision and Goals

Goal 1 was revised slightly but retains a focus on how managers will carry out their responsibilities (hence the retained reference to “intent”).

Group S.3: Refuge Vision and Goals

We support Goal 1 (Ecosystem Management) with one small but important change. We recommend that the word “essentially” be deleted. See DEIS at 2-1. The goal should be to maintain the Refuge free from the intent to alter the natural processes, with the understating that goals may be difficult to attain.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.006
- Northern Alaska Environmental Center, Pamela Miller 136801.022
- Sierra Club, Dan Ritzman 137014.003
- Wilderness Watch, Fran Mauer 032628.002
- Wilderness Watch - Full 000017.013
- Allen Smith 136813.001

Response to Group S.3: Refuge Vision and Goals

The word “essentially” was deleted. However, we continue to acknowledge that the goal of allowing natural processes to shape Refuge ecosystems free of the human intent to alter the natural order may not be attainable in all cases, and Goal 1 continues to state this. Please refer to Chapter 2, Section 2.4.2, Human Safety and Management Emergencies, for examples of situations where human intervention would be considered.

Group S.4: Refuge Vision and Goals

The goal should also address the refuge's role in implementation of the International Porcupine Caribou Agreement's including that the rural residents in Alaska who have harvested Porcupine Caribou for customary and traditional uses "should participate in the conservation of the Porcupine Caribou Herd and its habitat."

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.008
- Northern Alaska Environmental Center, Pamela Miller 136801.038
- Sierra Club, Dan Ritzman 137014.005

Response to Group S.4: Refuge Vision and Goals

In 2011, the governments of the United States and Canada agreed it was time to reconstitute the eight-member International Porcupine Caribou Board to further cooperation on conservation of this unique international resource. The purpose of this Board is to guide research, monitoring, conservation, and protection of the Porcupine caribou herd and its habitat. The Secretary of the Interior recently appointed four members to the International Porcupine Caribou Board, including a member from the Iñupiat Native community of Kaktovik, a member from the Gwich'in Native community of Venetie, the ADFG, and the Service. The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues affecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship, we added "Objective 4.1 Formal Consultation" (see Chapter 2, Section 2.1.4), as well as imbedded language requiring either formal or informal consultation, collaboration, or cooperation with local Native communities in all of the subsistence, cultural, and other objectives that may have tribal implications. In addition to formal consultation with federally-recognized tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies. Objective 4.2 recognizes the importance and need to compile existing and historical use data to ensure traditional subsistence use and knowledge is thoroughly and accurately considered in Federal and State fishing and hunting regulation proposals or management actions. One of the purposes for which the Refuge was established is to provide for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, including but not limited to the Porcupine caribou herd... and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats (ANILCA Section 303(2)(B)(i)(ii)(iii)). Objective 8.1 (Chapter 2, Section 2.1.8) regarding Collaboration, Partnerships, and Traditional Knowledge, was broadened, acknowledging the Refuge will continue to consult with local tribes and work with Native elders and others who possess traditional knowledge of the areas ecosystems and wildlife to gain an understanding of past conditions and current observations. These efforts will help bring together traditional knowledge and Western science to promote wise use and conservation of wildlife and habitats. Also, see Goal 7 and Objectives 7.1, 7.2, and 7.3, which discuss Wildlife Management Proposals, Collaborative Research, and International Treaties and Agreements. These objectives further acknowledge the Refuge will continue to collaborate and partner with tribes and work with Alaska Natives on a wide range of topics including the Porcupine caribou herd management and traditional subsistence use.

Group S.5: Refuge Vision and Goals

The two important goals I see that are important for us that -- locally that touches us are Goal 4, the refuge provides -- which the refuge provide continued subsistence opportunities to federally-qualified rural residents consistent with ANILCA and these activities are -- should occur or should be occurring even before this plan is approved but the activities include working with Kaktovik and using advisory groups to address our subsistence issues. Also compile existing and historical subsistence use data. Please continue those, continue the refuge and the RIT or the Refuge Information Technical prog -- Technician program with local employees and provide permanent employees year-around and a year-around office here in Kaktovik because we're the only village that is located in -- within ANWR.

Submitted By:

- Native Village of Kaktovik/Kaktovik City Council, Fenton Rexford 136750.002
- Northern Alaska Environmental Center, Pamela Miller 136801.037, 136801.039

Response to Group S.5: Refuge Vision and Goals

The Refuge is fully committed to implementing and achieving our subsistence and cultural mandates under ANILCA and other laws such as the National Historic Preservation Act, Archaeological Resources Protection Act, and the Native American Graves Protection Act. The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues affecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship, we have added "Objective 4.1 Formal Consultation" (see Chapter 2, Section 2.1.4), as well as imbedded language requiring either formal or informal consultation, collaboration, or cooperation with local Native communities in all of the subsistence and cultural objectives. Objective 4.5 recognizes the importance and need to compile existing and historical use data to ensure traditional subsistence use and knowledge is thoroughly and accurately considered in Federal and State fishing and hunting regulation proposals and management actions. ANILCA and the Arctic Refuge recognize that the continued opportunity for subsistence uses on public lands is essential to Native physical, economic, traditional, and cultural existence, and to non-Native physical, economic, traditional, and social existence. One of the purposes for which the Refuge was established is to provide for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats (Section 303(2)(B)(iii)). Objective 8.1 (Chapter 2, Section 2.1.8) on Traditional Knowledge was broadened to acknowledge that the Refuge will Collaboration, Partnerships, and continue to consult with local tribal governments and work with Native organizations, Native elders, and others who possess knowledge of the area's cultural and traditional uses, landscapes and habitats, and resources to gain an understanding of past conditions and current observations. These efforts will help bring together traditional knowledge and Western science to promote wise use and conservation of fish and wildlife and their habitats.

It is equally important that the Refuge regularly communicate with local villages and subsistence users to exchange information. Through Objective 4.3 (Chapter 2, Section 2.1.4), the Refuge is committed to continuing the current RIT Program in Kaktovik and Arctic Village, and hope to expand the RIT program to Venetie and Fort Yukon in collaboration with those communities and neighboring Yukon Flats National Wildlife Refuge when funding becomes available. We are always looking for ways to improve the exchange of information

between the Refuge and our local communities through the RIT program and would welcome any suggestions. Locally hired RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and other community groups. Kaktovik and Arctic Village are very important gateway communities to Arctic Refuge, and the story of the Native people of the Refuge is important to tell, along with that of the unique experience of visiting and exploring Arctic Refuge. We will look for opportunities in the future to work cooperatively and to hire permanent employees in Kaktovik and other local communities.

Group S.6: Refuge Vision and Goals

Objective 2.3 - Wilderness Stewardship Plan: We believe that due to the long standing issues regarding unregulated visitor use and impairment of wilderness character in several areas of the Refuge, the Final CCP must commit the Service to initiate an appropriate wilderness stewardship and/or visitor use planning process as soon as the CCP is finalized. Furthermore, we are concerned that language such as “prolonged scoping and preplanning phases...” signals more delay on the part of the Service in addressing this urgent need. These concerns would normally seem unreasonable, however, due to the nearly 30 years of neglect of this issue on the part of the Service, there is reason for our concern.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.013
- Wilderness Watch, Fran Mauer 032628.010

Response to Group S.6: Refuge Vision and Goals

We agree that a Visitor Use plan, in particular, is long overdue. The Plan was revised to commit the Service to begin development of visitor use and Wilderness stewardship step-down plans as soon as the Plan is approved. The intent of prolonged scoping and preplanning is to allow time to fully engage Refuge users in the step-down planning process and to ensure full understanding of the suite of visitor use and Wilderness stewardship concerns the plans will need to address.

Group S.7: Refuge Vision and Goals

-----Preamble/Intro-----

Page 2-13, Objective 4.3 Subsistence Access.

-----Comment-----

Section 811(b) of ANILCA provides that “use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed” and Section 1110(a) of ANILCA, provides for “use of snowmachines... motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities.” It is therefore equally important to understand what modes of access and activities have generally occurred across the Refuge. We request the Service avoid using the term “traditional access study” and re-characterize this as a study of pre-ANILCA activities and associated modes of access and recommend the Service refer to a similar objective in the Selawik CCP for guidance.

Submitted By:

- Alaska Chapter Sierra Club, Jack Hession 137013.009
- State of Alaska, Sean Parnell 136805.062

Response to Group S.7: Refuge Vision and Goals

Objective 4.3 is now Objective 4.6. We renamed the objective “Historical Access,” and the objective, rationale, and strategy now focus on the Refuge completing a study of historical, pre-ANILCA access to lands that are now in Arctic Refuge. The rewritten objective is very similar to the one included in the 2011 Selawik plan.

Group S.8: Refuge Vision and Goals

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Goals and Objectives (pages 8 and 9 of Summary of Draft CCP)

As I have noted above, I believe the number one management priority is to protect the wilderness, and that all other goals and management guidance, although important and necessary, are subordinate to that. I suggest that this point be made in the CCP, possibly in an introduction to the Goal statements.

Submitted By:

- Lolly Andrews 136919.003
- John Strassenburgh 136816.007

Response to Group S.8: Refuge Vision and Goals

We agree that protecting the designated Wilderness, and the wilderness characteristics and values of the non-designated areas of the Refuge, is extremely important. We believe that Goal 2 and its objectives, the Special Values section (1.5), and other sections of the Plan adequately reflect this importance. However, protection of other Refuge special values, mostly related to wilderness characteristics, are also important, and we have not identified any one as the most important.

Group S.9: Refuge Vision and Goals

Objective 2.5: Administrative Facilities: The “Rationale” should also point out that these facilities are located within the Neruokpuk Lakes Public Use Natural Area (PUNA) as well as in the designated Wilderness. The buildings at Peters Lake are out of conformance with the Wilderness and PUNA purposes. Their removal should be a required action in the Final CCP. Facilities located at Big Ram Lake, built before refuge designation, are also inconsistent with Refuge purposes. The Final CCP should require their removal as well.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.033
- Various Environmental Organizations, Nicole Whittington-Evans 032627.015
- Wilderness Watch, Fran Mauer 032628.012

Response to Group S.9: Refuge Vision and Goals

The issue of the administrative facilities at Lake Peters is addressed in Objective 2.5. An environmental analysis will be conducted before a decision is made whether or not to remove any structures. If a decision is made to remove structures, when and how the work would be

accomplished would be subject to an MRA to ensure the actions used to remove buildings meet the minimum requirement provisions of the Wilderness Act. The fact that these facilities are also within a PUNA was included in the Rationale for Objective 2.5. The facilities at Big Ram Lake, described in Chapter 4, Section 4.5.1.4, are not in designated Wilderness, and while their presence might be perceived as being incongruent with the natural character of the surroundings, it does not necessarily conflict with Refuge purposes applicable to Minimal Management category lands. The need for their administrative use may be re-evaluated in the future.

Group S.10: Refuge Vision and Goals

Goal #9 touches on some very contentious issues in my mind. I read it to mean that the Refuge will, more or less, actively market itself to the general public. In my mind, this runs absolutely counter to the intent of refuge and completely oversteps the agency's mandated responsibilities. I strongly object to goal #9 and its stated objectives and urge that it be struck from the CCP! This objection is rooted in my belief that traveling and discovering wilderness should involve effort and by easing this process and "packaging" wilderness the intent is defeated and the resource (social and physical) is degraded and threatened with total destruction.

Submitted By:

- Sherry Furlong 136949.002
- Thor Stacey 136998.010

Response to Group S.10: Refuge Vision and Goals

We appreciate and agree with the concern that we not "advertise" the Refuge as a destination, nor take actions to increase visitor numbers. We take great care in our Web and social media outreach not to identify or encourage visitation to specific locations on the Refuge. In direct response to this comment, and to strengthen this understanding for future managers, we added the following to [4.4.6 Interpretation and Environmental Education]: "Refuge staff does not direct visitors to specific locations or destinations."

Group S.11: Refuge Vision and Goals

Objective 2.4: Comprehensive Wilderness Management: We generally support this objective, however, we recommend that in the Final Plan it be modified to include restoration of wilderness characteristics where they have been degraded or impaired within designated Wilderness. The means for restoration should be determined through a minimum requirements analysis. The Draft CCP only addresses restoration on minimal management lands.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.012, 032627.014, 016
- Wilderness Watch, Fran Mauer 032628.011, 032628.013

Response to Group S.11: Refuge Vision and Goals

A new objective, Restoration of Impacted Sites, (2.7), was added to Chapter 2, Section 2.1.2. It addresses the issue of cleaning up and restoring impacted sites within areas under both Wilderness and Minimal Management. Additionally, the Plan commits the Refuge to begin the Visitor Use Management and Wilderness Stewardship plans as soon as the Revised Plan is approved. A central focus of these step-down plans will be to prevent future impacts. The

Refuge is required to complete an MRA for any management activity in designated Wilderness.

Group S.12: Refuge Vision and Goals

Overall, Goal 2 is excellent. However, it needs to clearly address objectives so that the part of the goal aiming to “retain its exceptional wilderness values without loss of natural condition and wild character” is met for the entire Arctic Refuge, including non-designated wilderness lands.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.007
- Northern Alaska Environmental Center, Pamela Miller 136801.021
- Sierra Club, Dan Ritzman 137014.004

Response to Group S.12: Refuge Vision and Goals

We believe the current wording of Goal 2, with Objective 2.6 modified so as to apply to the entire Refuge, addresses these concerns.

3.40.1 General

Comment 136794.007

Refuge Vision and Goals, General

**Bill Iverson, President
Alaska Outdoor Council**

-----Preamble/Intro-----

The Alaska Outdoor Council (AOC) recommends that the Service withdraw their draft ANWR CCP/EIS and submit a draft that would be consistent with NEPA regulations regarding the study, development, and submission of appropriate alternatives to recommend a course of action which could resolve conflicts concerning alternative uses of available resources within ANWR.

-----Comment-----

4. AOC recommends that the Refuge Goals be modified to provide and enhance opportunities to participate in wildlife-dependent recreation. The current wording of the many step-down plans; Wilderness Stewardship Plan (Objective 2.3), Comprehensive Wilderness Management Plan (Objective 2.4), Visitor Use Management Plan (Objective 5.3), and the Comprehensive Rivers Management Plan (Objective 3.1) will result in further restrictions for those who participate in outdoor recreational activities if based on the sideboards created by the proposed Refuge goals.

Response to Comment 136794.007

Arctic Refuge is part of the National Wildlife Refuge System. As such, we will manage the Refuge to provide for wildlife-dependent recreational uses, specifically: hunting, fishing, wildlife observation, wildlife photography, environmental education, and interpretation. This requirement cannot, and will not, be diminished by any of the proposed step-down plans. We disagree that the step-down plans will further restrict opportunities for outdoor recreation, even if the step-down plans were to result in restrictions to the numbers of recreationists in select portions of the Refuge. Rather, we believe that by taking an overall Refuge management approach that is focused on letting natural processes prevail and keeping the Refuge wild, we will enhance wildlife-dependent recreational uses and guarantee they will persist into the future.

Comment 136800.004
Debbie Miller, Author
Caribou Enterprises – Full

Refuge Vision and Goals, General

-----Preamble/Intro-----

I recommend that you revise a few of the goals to better reflect the purposes for which the Arctic Refuge was established:

-----Comment-----

Consider adding one additional goal:

Goal 10: The Refuge wilderness character is restored when it is apparent that present or past use has degraded Refuge lands or waters. (this relates to Objective 2.4 Comprehensive Wilderness Management).

Response to Comment 136800.004

Objective 2.7, Restoration of Wilderness Characteristics (see Chapter 2, Section 2.1.2), is a new objective that was added to address the issue of restoring and preventing impacts in both designated Wilderness and Minimal Management areas. Additionally, the Plan commits the Refuge to begin the visitor use and Wilderness stewardship plans as soon as this Revised Plan is approved.

Comment 136750.001
Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council

Refuge Vision and Goals, General

The other comments I would like to include in here are the objectives and goals and objectives that -- one I see really missing is the commercial hunting and guiding on the refuge. This should be a very important goal and objective within the Arctic National Wildlife Refuge because many of the animals that we hunt are big game animals that are pursued are in caribou, dahl sheep, grizzly bear, muskox and moose and other animals such as brown bear and sometimes, occasionally, we -- it's been sighted are mountain goats. So that would be a very important goal and objective to further review that is missing in your current plan to work on for the refuge staff to development management goals for the refuge.

Response to Comment 136750.001

The Refuge monitors the status and trends of many wildlife species, including several that are considered big game. Please refer to Chapter 4, Section 4.3.7 (Mammals) for current information. The need for further information on the status and trends of Refuge wildlife and effects of hunting on these species will be considered during preparation of the I&M and Research step-down plans.

Comment 032625.001
Nicole Whittington-Evans, Alaska Regional Director
The Wilderness Society

Refuge Vision and Goals, General

TWS supports agency staff incorporating the following actions considered in the DEIS into the alternatives and addressing them through the Refuge's management goals and objectives. These actions include: enhance education about such topics as hunting regulations, traditional ways, caribou biology, etc.; publish detailed land status maps that

could be used for navigation while on the Refuge; hire village employees to work at Refuge visitor centers to improve communication and user education; improve messaging and information presented at kiosks; increase enforcement and patrols; restrict commercial uses in areas with high subsistence use; streamline permitting processes; and conduct research on hunting effects on wildlife. The issue was not considered in further detail, however, because the majority of these actions can be implemented without a Revised Plan. They can also be addressed through the Refuge's management goals and objectives, especially those pertaining to subsistence, recreation, and education (see Objectives 4.1, 4.2, 4.3, 5.5, 5.6, 8.4., 9.3, and 9.5). TWS supports these efforts and thinks they are extremely important for future relations and cooperative efforts with local communities.

Response to Comment 032625.001

Refuge staff considered and incorporated many of the ideas you put forward in your comment. Goal 9 and its objectives focus on information sharing with local and distant publics, including those who use the Refuge. A variety of information about Refuge resources, access, and regulations are already available on the Refuge website and at kiosks in gateway communities; the Revised Plan identifies additional information to be included in outreach materials and commits us to periodic updates and/or expansion of outreach materials. In Objective 5.6, the Refuge states we will publish detailed land status and easement maps. Goal 4 and its objectives focus on collaboration and consultation with local communities and tribes on a broad variety of Refuge activities and actions of interest to tribes and local communities. In Objective 4.3, we commit to the local hire of RITs and the active pursuit of additional such positions. Objective 5.4 commits the Refuge to conducting a VUMP, which will, among other things, address concerns about subsistence and commercial use conflicts. The Refuge is also committed to completing an I&M Plan (Objective 1.2) which will incorporate research needs. As is stated in Appendix D, Section D.3.2, the effects of hunting on wildlife will be considered as part of the I&M planning process. The full suite of goals and objectives in Chapter 2 of the Revised Plan is replete with partnerships and collaboration opportunities on a variety of Refuge management concerns. The Refuge recognizes that effective management of Arctic Refuge must include multiple partners and stakeholders.

Comment 136988.001

Refuge Vision and Goals, General

Brian and Diane Okonek

I recommend adding a goal that recognizes the importance of maintaining the natural soundscape of the refuge. All flight activity including transportation charter flights, scenic flights and refuge management flights by both fixed wing aircraft and helicopters can degrade wilderness quality. It will take careful monitoring and insightful management to ensure that human made sounds do not erode the wilderness character of ANWR. The protection of soundscape has a broad effect of protecting the integrity of the wilderness from many harmful activities.

Response to Comment 136988.001

The Service recognizes the importance and challenges of maintaining the Refuge's natural soundscape. Soundscape is among the wilderness characteristics and natural conditions many sections of the Plan implicitly include, and we agree that it is worthy of explicit recognition. We included mention of "natural quiet" among the wilderness characteristics listed in the Special Values section (Chapter 1, Section 1.5.1), and Objective 2.6 (Monitoring Wilderness Characteristics) already mentions "natural quiet" as an essential component of the Refuge's

wilderness characteristics and special values to monitor. Also, we summarized information from a “Noise Technical Report” from the Point Thomson Development Project Draft EIS (U.S. Army Corps of Engineers 2011) and other known information on the Refuge’s soundscape in a new section in Chapter 4 (Section 4.2.10). In Chapter 5, we added an analysis of the potential effects of each of the Plan’s alternatives on natural quiet and soundscape.

Comment 136856.001
Carrie Stevens

Refuge Vision and Goals, General

What I wanted to talk a little bit about today I’m a little more concerned about are the goals, objectives, management policies and guidelines outlined in Chapter 2, pages one through 30 and, I apologize, I have not read this entire document. I can’t even imagine getting through all that so I just want to comment on this section today and one thing that has been mentioned is the importance of the area to the people and, as was already stated, not any particular part of the refuge but the entire refuge and, through the goals, objectives, management policies and guidelines, I just want to make sure that we understand that these are the goals and objectives that would be implemented regardless of which alternative is selected and that’s what I wanted to discuss here

I appreciate that the tribal governments and the consortium, the Council of Athabaskan Tribal Governments, was specifically listed in strategies under subsistence and I don’t even believe that they were -- or they are mentioned briefly in cultural resources as partners to do this work. Everyone here today, obviously, we all live here and the residents of Arctic Village and Venetie live here. The Arctic National Wildlife Refuge is the largest national wildlife refuge in the nation and it is only one of three managed remotely and the people that are here, as already has been stated today, are mentioned in this document but a little bit, perhaps, of an after thought and side note. I appreciate that they are mentioned in the subsistence portion and in the cultural resources portion as far as partners to do the work but I feel that there should be a review of the goals, objectives, management policies and guidelines section. I’m specifically speaking of 2.1, refuge goals and objectives. I’m not being very succinct here but what I’m getting at is the alternatives are important but the day-to-day management of the refuge should include the complete cooperation and participation of local residents that live here. And here they’re kind of concerned as a partner in the subsistence section almost as a subject of study and I would like to suggest that the people that live here are experts on ecological issues far beyond anything I will ever comprehend in my lifetime, biological issues, again, far beyond anything I’ll ever be able to comprehend in my lifetime or any very well-trained biologist and I think that we’ve used the term traditional knowledge and traditional ecological knowledge as a buzzword to cover our butts in plans but that these things need to be considered in all of these management objectives. More specifically, I think that local participation and cooperation should be incorporated into fire management, water quality and quantity and water rights, visitor use management plan, visitor management, visitor study, visitor use management, climate change, cooperative research, cultural resources inventory and surveys, inform the public, inform refuge users and education. I think that the experts are the folks that live and use the refuge every day and their input and work could be beneficial in all of these areas to the refuge.

Response to Comment 136856.001

The Refuge’s Vision Statement, Goals, Objectives, and discussions in the draft Revised Plan in Chapter 4, Section 4.4 Human Environment acknowledge that Arctic Refuge encompasses

substantial portions of the traditional homeland of Iñupiat and Gwich'in peoples and calls for continued opportunities for traditional subsistence uses and relationships with the land. The Plan recognizes the interconnectedness of the region's Alaska Native people and their environment. The Refuge is fully committed to implementing and achieving our subsistence and cultural mandates under ANILCA and other laws.

Regardless of which alternative is selected, the Refuge will recognize and maintain the unique legal and political relationship we have with Alaska Native tribal governments to provide meaningful involvement in the decision making process regarding issues effecting resources, subsistence and traditional uses, or other activities that may have tribal implications. We added Objective 4.1 Formal Consultation and imbedded language requiring formal consultation in all the goals and objectives or step-down plans that may have implications to tribes. In addition to formal consultation with tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations such as the Council of Athabascan Tribal Governments, Tanana Chiefs Corporation, Gwich'in Steering Committee, North Slope Borough, ASRC, KIC, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies.

Objective 8.1 on Collaboration, Partnerships, and Traditional Knowledge was broadened to acknowledge that the Refuge will continue to consult with local tribal governments and collaborate with Native organizations, Native elders, and others who possess knowledge of the area's cultural and traditional uses, landscapes, habitats, and resources to gain an understanding of past conditions and current observations. These efforts will help bring together traditional knowledge and Western science to promote wise use and conservation of fish and wildlife and their habitats.

The Refuge currently employs a Gwich'in RIT in Arctic Village as well as a full-time Gwich'in Community Liaison Specialist from Arctic Village who is fluent in the language, knowledgeable in the Gwich'in customs and traditions, and skilled in community relations. The Revised Plan recommends hiring RITs in collaboration with the villages of Venetie and Fort Yukon as funding becomes available. Locally hired RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and visitors. See Objective 4.3: Refuge Information Technician Program. We will continue to seek opportunities to work collaboratively with villages, elders and youth, and actively recruit potential applicants from villages and universities when job opportunities arise.

Comment 136856.002
Carrie Stevens

Refuge Vision and Goals, General

I do appreciate that you have a RIT program. I appreciate Mildred and Joanne and I believe you have a RIT in Kaktovik. The Yukon Flats Refuge now has zero and we have several villages in the refuge. So I would like to see that program expanded even within the Arctic Refuge and I would like to see this revisited on the strategies to implement all the goals and objectives that you've outlined for the next 15 years to ensure that local expertise of these topics is incorporated into management and not an afterthought of the daily management activities of the refuge regardless of whatever alternative is selected.

Response to Comment 136856.002

The Refuge is fully committed to implementing and achieving our subsistence and cultural mandates under ANILCA and other cultural resources conservation, preservation, and

protection laws. Regardless of whatever alternative is selected, the Refuge will maintain its unique legal and political relationship with Alaska Native tribal governments to provide meaningful involvement in the decision making process regarding issues effecting resources. The Refuge currently employs a Gwich'in RIT in Arctic Village as well as a full-time Gwich'in Community Liaison Specialist from Arctic Village who is fluent in the language, knowledgeable in the Gwich'in customs and traditions, and skilled in community relations. The Revised Plan recommends hiring RITs in collaboration with the villages of Venetie and Fort Yukon as funding becomes available (see Chapter 2, Section 2.1.4, Objective 4.3: Refuge Information Technician Program). Locally hired RITs enhance communications and are excellent liaisons between Refuge staff and local residents, schools, tribal and village councils, and visitors. We will continue to seek opportunities to work collaboratively with villages, elders, and youth, and actively recruit potential applicants from villages and universities when job opportunities arise.

Regardless of which alternative is selected, the Refuge will recognize and maintain the unique legal and political relationship we have with Alaska Native tribal governments to provide meaningful involvement in the decision making process regarding issues effecting resources, subsistence and traditional uses, or other activities that may have tribal implications. We added Objective 4.1 Formal Consultation and imbedded language requiring formal consultation on all the goals and objectives or step-down plans that may have implications to tribes. In addition to formal consultation with tribal governments, the Refuge will whenever practicable and reasonable collaborate and partner with Native organizations such as the Council of Athabascan Tribal Governments, Tanana Chiefs Corporation, Gwich'in Steering Committee, North Slope Borough, ASRC, KIC, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies.

Comment 032626.001
Greg Warren

Refuge Vision and Goals, General

I support the CCP's proposed goals and objectives, especially goals 1, 2, and 5, specifying protection of ecological processes and Wilderness character. I recommend adding an objective of preparing Population Management Plans for key species.

Response to Comment 032626.001

Refuge staff and partners monitor mammal populations on the Refuge, including many species listed in the Refuge's ANILCA establishing purposes. The results of monitoring efforts for several species are discussed in Section 4.3.7. Further details of wildlife monitoring on the Refuge will be presented, and evaluation of monitoring programs will occur, in the I&M step-down planning process. At this time, there is no intention to prepare species-specific population management plans, although future wildlife management efforts will be guided in part by results of I&M efforts.

3.40.2 Goal 1 (including objectives)

Comment 137013.007

Refuge Vision and Goals, Goal 1 and Objectives

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

2-4. Objective 1.9, Water Rights —Establish legal protection for water quality and quantity to ensure Refuge purposes.

One of the primary purposes of the Refuge as set forth in ANILCA is to ensure “water quality and necessary water quantity.” As the Objective states, “Water of sufficient quality and quantity is a necessary component of fish and wildlife habitat and population management.”

Yet we learn that the Service’s 152 applications to the State for instream flow reservations have not been adjudicated by the Alaska Department of Natural Resources. The State and the oil and gas industry want to tap whatever water is needed for oil and gas development should the 1002 area be leased at some future date. Reserving sufficient water quality and quantity for refuge purposes would likely significantly reduce the amount of water available for use in oil and gas extraction.

As it is clear that the State has no intention of cooperating with the Service, we urge the Service to override the State’s obstructionism, reserve water of sufficient quality and quantity, and make the decision to do so part of the final RCCP.

Response to Comment 137013.007

Under provisions of ANILCA, each refuge has a Federal right to water quantities necessary to conserve fish and wildlife populations and habitat in their natural diversity. These Federal water rights are unquantified until adjudicated by the State. It is Service policy to work within State statutes to obtain State-based instream flow reservations for fish and wildlife purposes and to explore other options when necessary. For the foreseeable future, the Refuge and the Service’s Alaska Region Water Resources Branch will actively work with the State to adjudicate the Refuge’s instream flow reservations and to explore other options, including Federal reserved water rights when necessary. By including this as an objective within the Refuge Management Plan, we hope to advance the issue with our State partners.

Comment 137013.008

Refuge Vision and Goals, Goal 1 and Objectives

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

2-6 Objective 1.12, Land Protection Plan. The objective here is to complete a land protection plan within eight years of approval of the RCCP. Inasmuch as there has been no plan in the 31 years since the Refuge was established, up to eight more years for plan preparation is excessive. We recommend that the land protection plan be completed with three years of Plan approval.

Response to Comment 137013.008

As described in Chapter 2, Section 2.4.4, Service policies require development of a step-down plan referred to as a Land Protection Plan (LPP), which helps identify and prioritize which private lands within the Refuge boundaries the Service would like to see conserved for fish and wildlife habitat. This plan will discuss a full range of alternative methods and means for land and resource conservation, including fee simple purchase, conservation easements, and cooperative management agreements to achieve Refuge purposes, goals, and objectives. The Service only acquires land from those landowners who are willing to sellers. In consideration

of comments received and the sensitivities of land acquisitions and exchanges, we are moving the timeframe for completing the LPP to be within 1–3 years (see Objective 1.7).

Comment 136800.006

Refuge Vision and Goals, Goal 1 and Objectives

Debbie Miller, Author

Caribou Enterprises – Full

Objective 1.11: Status of Rare Species: This objective states that efforts to identify and determine the status of rare species “will be initiated within five years.” It would seem that any threatened, endangered, or declining population of a certain species, should be given a higher level priority for study efforts, certainly sooner than “within five years.”

Shouldn’t endangered species and at-risk populations be part of management’s current and ongoing priorities?

Response to Comment 136800.006

Monitoring endangered species and at-risk populations are priorities for Refuge managers. Currently, Refuge staff work with partners (e.g., Service-Marine Mammals Management, Service-Migratory Bird Management, USGS, universities, and science-based NGOs to monitor endangered, threatened, and at-risk species (see Chapter 4, Section 4.3.6 and 4.3.7, for example). This objective commits the Refuge to enhancing efforts in this regard. Monitoring rare species can be particularly challenging and costly, so enhanced efforts to monitor these species will follow careful planning (i.e., through the I&M and Research step-down planning process) prior to implementation.

Comment 136800.007

Refuge Vision and Goals, Goal 1 and Objectives

Debbie Miller, Author

Caribou Enterprises – Full

Objective 1.7: Wildlife-Management Proposals: This objective recognizes the need to coordinate with the Alaska Department of Fish and Game, as the Board of Game is responsible for conservation and management of Alaska’s wildlife resources. This objective could be strengthened by noting that predator control and intensive management practices of the State of Alaska could potentially be in conflict with the Refuge’s purpose of maintaining wildlife populations in their natural diversity. If predator control programs are proposed within the boundaries of the Arctic Refuge, Refuge purposes should prevail, and such programs should not be allowed.

Response to Comment 136800.007

Any proposed intensive wildlife management programs will be evaluated for consistency with Refuge purposes and special values, as well as other applicable laws and policies. Please see Chapter 2, Management Policies and Guidelines.

Comment 136800.002
Debbie Miller, Author
Caribou Enterprises – Full

Refuge Vision and Goals, Goal 1 and Objectives

-----Preamble/Intro-----

I recommend that you revise a few of the goals to better reflect the purposes for which the Arctic Refuge was established:

-----Comment-----

Goal 1: Modify: Ecological processes shape the Refuge, and its management respects this natural order without altering the diversity of fish and wildlife populations and their habitats.

Response to Comment 136800.002

Goal 1 was revised slightly, but we continue to acknowledge that the goal of allowing natural processes to shape Refuge ecosystems free of anthropogenic intent to alter the natural order may not be attainable in all cases. Please refer to Chapter 2, 2.4.2, Human Safety and Management Emergencies, for examples of situations where anthropogenic intervention would be considered.

Comment 136789.001
Bob Childers, Executive Director
Gwich'in Steering Committee

Refuge Vision and Goals, Goal 1 and Objectives

In Alaska the lives of the Gwich'in are closely tied to the management of the Arctic and Yukon Flats National Wildlife Refuges, and the CCP is central to that management.

Unfortunately this plan is not designed with the future of the Gwich'in in mind. It is hostile to Gwich'in ways of management and respect for people. We fought hard to protect these lands as refuges in 1979 and 1980, and we defended them in court more than once. This was the best way to control industrial development and protect the land. But we still live here and will depend on Refuge resources far into the future. We know how to protect this country and how to use it.

We strongly recommend that you revise your plan to rely on traditional management of subsistence uses of refuge lands to the maximum extent possible.

Response to Comment 136789.001

The Refuge staff is keenly aware of the importance of cultural and subsistence issues, and we believe the Revised Plan adequately reflects this awareness. We will work with both the Gwich'in and Iñupiat people to incorporate traditional knowledge and traditional management practices in the management and use of the Refuge resources. Native culture and subsistence is acknowledged and/or addressed in the Plan's vision statement, several of the goals and objectives, and in the Refuge's Management Policies and Guidelines. A section about the cultural and subsistence resources of Arctic Refuge is included in Chapter 4, along with a discussion of communities within and near the Refuge. In Chapter 5, we describe the potential impacts each alternative would have on subsistence opportunities and cultural resources for the proposed alternatives, including a discussion of where subsistence and cultural issues intersect with environmental justice concerns. The Revised Plan includes a commitment to complete an ICRMP for Arctic Refuge, in cooperation and coordination with local communities and Native organizations, and in consultation with tribes. We are committed to partnering with local residents and Native organizations on a variety of Refuge activities and planning

efforts, including collecting traditional ecological knowledge of the area's ecosystems and wildlife. We will consult formally and informally with tribes on a variety of Refuge actions.

Comment 136801.023

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

pp. 2-2 to 2-7. For Objectives 1.2 to 1.13, the Service needs to address potential partnerships with tribes and communities in or bordering the refuge, consultations with tribal governments, and how it will seek and use Traditional Ecological Knowledge by having elders and others engaged, including for scientific review panels. There also should be coordination by Arctic Refuge scientists and managers on an annual basis with the local, affected communities for scoping of research projects, solicitation of inventory, monitoring, and research topics, involvement in projects, and reporting of findings. Could projects save scarce funding, transportation fuels, and provide more local employment through these endeavors?

Response to Comment 136801.023

We recognize the value of traditional ecological knowledge for ecological I&M; please refer especially to objectives listed under Goal 4 (Chapter 2, Section 2.1.4) and Goal 8 (Chapter 2, Section 2.1.8) where our commitments to tribal consultation, collection of traditional ecological knowledge, and village-based harvest monitoring programs are noted. The Refuge has also supported and participated in the Arctic Borderlands Ecological Knowledge Co-op, a nonprofit group formed to monitor and assess ecosystem changes in the range of the Porcupine caribou herd and adjacent coastal and marine areas based on Western science and traditional knowledge. As noted in the Plan, the Refuge is further committed to hiring RITs in Arctic Village and Kaktovik and to partnering with the Yukon Flats National Wildlife Refuge to hire RITs in Fort Yukon and Venetie; these Refuge employees are based in the villages they serve and assist with collection and dissemination of data.

Comment 136801.024

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-2. Objective 1.2 The plan needs to address how it will coordinate with and support the efforts of the International Porcupine Caribou Management Board on monitoring and management of this herd. We suggest that a new objective is appropriate due to the international significance of the refuge's sensitive habitats.

Response to Comment 136801.024

Objective 7.2 and Appendix A.1.1.3 include mention of the 1987 Agreement Between the government of the United States and the government of Canada on the conservation of the Porcupine caribou herd, and no additional objective was added. The main objectives of the agreement, as noted in Appendix A, Section A.1.1.3, are to conserve the herd and its habitat, and to ensure opportunities for customary and traditional uses. As further noted in Section, A.1.1.3, The Refuge is represented on the Porcupine Caribou Technical Committee, which is field-level committee made up primarily of agency personal from U.S. and Canada that is responsible for coordinating and implementing Porcupine caribou herd monitoring and research efforts. These efforts are overseen in part by the Porcupine Caribou Management Board (a Canadian Board) and other agency partners. Also, the International Porcupine

Caribou Board (established by the 1987 Agreement) has recently been reestablished to provide high-level management input and direction from both countries.

Comment 136801.025

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-3. Objective 1.3 – Applied Research. The plan fails to describe how applied research differs from Inventory and Monitoring studies, and how they will be integrated together. How will these research projects be coordinated with other arms of the Service including Migratory Birds, Conservation Planning, Marine Mammal Management, and Fisheries?

Response to Comment 136801.025

Specific details of integration and coordination will be developed in the I&M and Research step-down planning process and are not taken up in the Revised Plan.

Comment 136801.026

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-3. Objective 1.5. Climate Change and other stressors. How will this objective's projects coordinate with the Service's Arctic Landscape Conservation Cooperative, especially in its formative stage (this entity is only addressed in Objective 1.11 in the 5-8 year time frame)?

Response to Comment 136801.026

As noted in Objective 6.1, Effects of Climate Change, Refuge staff will cooperate with partners, including the members of the Arctic and Northwest Interior Forest Landscape Conservation Cooperatives, to evaluate potential effects of climate change on Refuge resources and incorporate study of those effects into the revised Ecological I&M Program. Currently, the Refuge has a seat on the Arctic Landscape Conservation Cooperatives Steering Committee, and Refuge staff also participates as technical working group and advisory group members to both Landscape Conservation Cooperatives.

Comment 136801.029

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-6 Objective 1.12 Land Protection Plans. These plans should include the options of conservation easements and other cooperative management planning.

Response to Comment 136801.029

As described in Chapter 2, Section 2.4.4, Service policies require development of a step-down plan referred to as a Land Protection Plan (LPP), which helps identify and prioritize which private lands within the Refuge boundaries the Service would like to see conserved for fish and wildlife habitat. This plan will discuss a full range of alternative methods and means for land and resource conservation, including fee simple purchase, conservation easements, and cooperative management agreements to achieve Refuge purposes, goals, and objectives. The Service only acquires land from those landowners who are willing to sellers. In consideration

of comments received and the sensitivities of land acquisitions and exchanges, we are moving the timeframe for completing the LPP to be within 1–3 years (see Objective 1.7).

Comment 136801.030

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-6. Objective 1.13. Long-term Ecological Monitoring. It is unclear how this goal will be integrated throughout the entire process of inventory and monitoring and research. How will the refuge use past data collected, including tundra bird habitat plot data from the 1980's, lagoon bird surveys, migratory bird surveys, and other monitoring in its development of the long-term ecological monitoring.

Response to Comment 136801.030

These data were used extensively in the design and analysis of subsequent monitoring efforts on the Refuge, and will continue to be used in design and implementation of long-term ecological monitoring of Refuge resources. Details of study design and implementation will be refined and presented through the I&M and Research step-down planning process and the Ecological Review (please see Objectives 1.2, 1.3, and 1.4).

Comment 136801.035

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-5. Objective 1.9. Water Rights. The Service should expeditiously conduct water quantity surveys for the Canning River, including the Staines, to complete surveys for all of the Coastal Plain rivers, so that it can file the additional instream flow reservations for fish and wildlife purposes with the Alaska Department of Natural Resources.

Response to Comment 136801.035

Goal 3 notes that there is an ongoing river gaging program to support water-rights applications and that the Refuge will continue to work with partners and seek financial support to sustain this program. Current gaging efforts are being conducted on three coastal plain Rivers: the Canning, Tamayariak, and Hulahula.

Comment 136801.027

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

-----Preamble/Intro-----

p. 2-4. Objective 1.8, Water Quality and Quantity.

-----Comment-----

Additional water quantity surveys should be done for the Canning River, and all other Coastal Plain rivers not yet done in order to have adequate baseline data. There are development pressures adjacent to the refuge Coastal Plain's west and northern boundaries, and it is important to be able to assess any changes from adjacent development.

A shorter time frame is needed for conducting follow-up surveys for water quality data where it had been previously done. Furthermore, this objective should address the need for new or additional water quality baseline surveys, in rivers where they were not previously done, and for especially of near shore waters including lagoons, bays, and river deltas, given the fact that offshore oil drilling is proposed for sites only a few dozen miles offshore the refuge boundary in federal OCS waters, and may be closer in future years given the locations of State of Alaska and OCS leases, as well as future proposed lease sales. Furthermore, on land drilling could take place on the State of Alaska lands west of the Canning River and along the Staines River boundary and a spill from drilling, transportation, or other activities could contaminate these rivers. If there is an oil spill, does the Service have adequate water quality information to assess damages, as well as long-term impacts for these coastal waters, including designated wilderness waters in Demarcation Bay and elsewhere in the easternmost part of the refuge?

Response to Comment 136801.027

A new objective to conduct a Water Resource Inventory and Assessment of the Refuge's water resource data was added to Goal 3. The inventory and assessment was initiated for Arctic Refuge in 2012 and will involve a systematic inventory of existing water quantity and quality data, legal protections, and special management designations for Refuge waterbodies. This inventory will be used to guide management decisions, assess the adequacy of current data collection efforts, and prioritize future needs by identifying data gaps and potential threats to the Refuge's water resources. Development of a long-term water quality monitoring plan with an adequate revisit design will be guided by the Water Resource Inventory and Assessment and addressed in the Refuge's I&M Plan (see Goal 1). Note the objective for



monitoring water quantity was moved to Goal 3. The revised goal also includes monitoring water quality and quantity in lagoons and rivers, working with others to ensure adequate spill response capabilities and investigating relationships between terrestrial, coastal and marine environments. The goal also notes that there is an ongoing river gaging program to support water-rights applications and that the Refuge will continue to work with partners and seek financial support to sustain this program. Current gaging efforts are on three coastal plain rivers, the Canning, Tamayariak, and Hulahula.

Comment 136801.028

Refuge Vision and Goals, Goal 1 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

-----Preamble/Intro-----

p. 2-4. Objective 1.8, Water Quality and Quantity.

-----Comment-----

Is there adequate baseline water quality and quantity data for the refuge's drainages and lakes in the Yukon River drainage system?

Response to Comment 136801.028

A new objective to conduct a Water Resource Inventory and Assessment of the Refuge's water resource data was included in Goal 3. The National Wildlife Refuge System has initiated a national effort to inventory and assess water resources on national wildlife refuges. The inventory and assessment was initiated for Arctic Refuge in 2012 and will involve a systematic inventory of existing water quantity and quality data, legal protections, and special management designations for Refuge waterbodies. This inventory will be used to guide management decisions, assess the adequacy of current data collection efforts, and prioritize future needs by identifying data gaps and potential threats to the Refuge's water resources.

Comment 136805.047

Refuge Vision and Goals, Goal 1 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-3, Objective 1.3 Applied Research. We recognize that the State and the Service may, at times, have differing research priorities; however, coordinating research efforts benefits both agencies. Therefore, we request the Refuge coordinate with the Alaska Department of Fish and Game when developing an applied research plan.

Response to Comment 136805.047

The State of Alaska will be invited to participate throughout development of the Refuge's I&M and Research plans, including ADFG representation on the Ecological Review Panel (see Objective 1.4).

Comment 136805.045
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 1 and Objectives

-----Preamble/Intro-----

Page 2-1, § 2.1.1, Objective 1.1 Refuge Management.

-----Comment-----

The State of Alaska is responsible for sustainability and management of all fish and wildlife, including for subsistence purposes, regardless of land ownership or designation, unless specifically preempted by federal law. The Alaska Department of Fish and Game, as the delegated agency responsible for fish and wildlife management, favors the most effective approach whenever possible, which might not necessarily be the least intensive management approach. We request the Refuge commit to follow appropriate guidance in the BIDEHP, which states wildlife and habitat management, “ranging from preservation to active manipulation of habitats and populations, is necessary to maintain biological integrity, diversity, and environmental health.”

Response to Comment 136805.045

The Biological Integrity, Diversity and Environmental Health Policy is a national policy that applies to national wildlife refuges throughout the United States, which vary widely in ecological condition. We do not interpret the policy as a mandate to practice active manipulation of habitats and wildlife populations on Arctic Refuge. Refuge habitats and populations will be managed in a manner that respects the purposes in ANILCA and special values in accordance with applicable laws such as the Wilderness Act.

Comment 136805.046
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 1 and Objectives

-----Preamble/Intro-----

Page 2-1, § 2.1.1, Objective 1.1 Refuge Management.

-----Comment-----

Throughout the draft Plan the Service references the Refuge’s “free-functioning ecological and evolutionary processes” or “free function of natural communities;” however, in this section the Service refers to “historical structure and function... exist[ing] prior to substantial human-related changes to the landscape.” While we recognize this direction comes from the BIDEHP, we recommend further explanation for members of the public that may not be familiar with refuge guidance and policies. Furthermore, while humans have certainly influenced this landscape, it will likely be difficult to determine a historical structure or function much different than what exists today.

Response to Comment 136805.046

We agree that Arctic Refuge anchors the intact and natural end of the spectrum of ecological and environmental conditions in the National Wildlife Refuge System. The terms used in the Biological Integrity, Diversity and Environmental Health Policy, including biological integrity, biological diversity, and environmental health, are defined in the glossary of the Revised Plan for the public’s reference. For those readers desiring more information, the Biological Integrity, Diversity and Environmental Health Policy is further discussed in Appendix A, and the Refuge Manual chapter is referenced for those wishing still more information.

Comment 136805.048
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 1 and Objectives

-----Preamble/Intro-----

Page 2-3, Objective 1.3 Applied Research.

-----Comment-----

While we understand that “threats” to natural diversity may be identified through future research projects, other issues related to natural diversity, such as benefits, may be identified as well. We recommend the following clarification for your consideration.

...as well as to evaluate [potential threats] issues related to natural diversity on the Refuge...

Response to Comment 136805.048

Research goals are presented as examples in the rationale for Objective 1.3. Included here are factors affecting species occurrence and population sizes and movements, in addition to threats to natural diversity. The nature of the “factors” is intentionally not identified, as they may be beneficial or detrimental to Refuge species. No bias for studying only detrimental effects is intended or stated.

Comment 136810.001
Paul Krausman, President
The Wildlife Society

Refuge Vision and Goals, Goal 1 and Objectives

An extremely important function of the Arctic NWR is as an undisturbed area where natural processes can be studied. This is appropriately recognized in Section 2.1.7. We believe it is particularly important that the Refuge work collaboratively with scientists in other agencies such as the Alaska Department of Fish and Game, University of Alaska, U.S. Geological Survey, etc. during revision of the I&M Plan and development of the Research Plan. We suggest that in Section 2.1.1., Objectives 1.2 and 1.3 provide for interagency consultation early in the development and revision of those plans to ensure views of non-refuge scientists are included in draft documents. As currently written, outside review of the documents seems mainly to occur after the draft plans have been developed.

Response to Comment 136810.001

The strategy for Objective 1.2 (Inventory and Monitoring Plan) notes that input from scientific partners will be solicited throughout the revision process, although the Ecological Review is intended to be a formal peer review opportunity and includes a workshop setting. The I&M plan currently in place, which was completed in 2000 and will serve as a starting point for the revised I&M Plan, also received peer review during its preparation. Much of the biological research that now occurs or is planned on Arctic Refuge involves collaboration between the Service and non-Refuge scientists, and is funded through competitive request for proposals. Therefore, consultation between Refuge and non-Refuge biologists on planning for, and implementation of, research is ongoing. The Ecological Review will be a formal opportunity for peer review but will not be the only opportunity.

Comment 032627.002 Refuge Vision and Goals, Goal 1 and Objectives
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Objective 1.1 - We suggest that under objective 1.1., the second paragraph under Rationale be identified as the Strategy for implementation of this objective (page 2-2).

Response to Comment 032627.002

We revised this objective accordingly.

Comment 032627.004 Refuge Vision and Goals, Goal 1 and Objectives
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Objective 1.2 - We support the development of an I&M Plan. According to the draft CCP, this could take 5 years from the Final CCP approval to begin to be implemented. This seems like a long time, so we encourage the staff to consider how scientific review might be incorporated into the drafting stages rather than waiting for a full draft to review.

Response to Comment 032627.004

Scientific review of the draft I&M Plan will take place at an earlier stage, i.e., during a Refuge Ecological Review within three years of Revised Plan adoption. The I&M Plan will then be revised as necessary prior to completion in the fourth year following Revised Plan approval. Please see objectives under Goal 1.

Comment 032627.005 Refuge Vision and Goals, Goal 1 and Objectives
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

We suggest moving/editing the following text from Objective 1.13 (Strategy) to Objective 1.2 (Strategy): This plan will be developed in partnership with others, including the Refuge System I&M Program, Landscape Conservation Cooperatives, National Park Service Vital Signs Monitoring Program, USGS Alaska Climate Science Center, BLM Arctic Field Office/NPR-A and ADFG.

Response to Comment 032627.005

The text in Objective 1.13 (Strategy) refers to long-term ecological monitoring activities, which will be implemented following completion of the I&M Plan in partnership with others, including those listed. Objective 1.2 refers to preparation of the I&M Plan, during which Refuge staff will seek input from numerous referees. A partial list of the organizations that could be represented in that review process is provided in the strategy for that objective.

Comment 032627.006 Refuge Vision and Goals, Goal 1 and Objectives
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Objective 1.3 - It seems like the I&M plan might be a component of the Research Plan, encompassing the broader research objectives of the Refuge.

Response to Comment 032627.006

We recognize research as distinct from, but complementary to, I&M. The preparation of an I&M Plan for a unit of the National Wildlife Refuge System is required by Chapter 701 FW 2, Inventory and Monitoring of Populations in the Service Manual. We believe that hypothesis-driven research is a necessary component of the Refuge's biological program, in which for example we investigate the factors responsible for trends in Refuge resources that are detected through monitoring. I&M is a long-term commitment, and research may operate on shorter time scales and is highly responsive to changing resource-management priorities.

Comment 032627.007

Refuge Vision and Goals, Goal 1 and Objectives

Nicole Whittington-Evans, Alaska Regional Director, TWS**Various Environmental Organizations**

Objective 1.4 - We strongly support scientific peer review of the I&M and Research plans. We feel it is especially important that the Refuge seek input from other entities engaged in research in Alaska's Arctic in order coordinate research efforts. This would serve to increase the scale of research, facilitate better data sharing, as well as potentially reduce costs. This would be particularly important for I&M protocols. Priority entities include BLM, NPS, the Arctic LCC, the North Slope Borough, ADFG, industry, academia, science-based NGO's and other independent scientists. The North Slope Science Initiative (NSSI) Science Technical Advisory Panel (STAP) may be useful in the helping with the scientific peer-review process.

Response to Comment 032627.007

We agree that scientific peer review will be critical for developing the I&M and Research plans. The input of scientists will be sought as we develop and implement those plans. We listed several collaborators in our objectives, although the list is not meant to be all inclusive but rather to provide examples.

Comment 032627.008

Refuge Vision and Goals, Goal 1 and Objectives

Nicole Whittington-Evans, Alaska Regional Director, TWS

Objective 1.5 - We believe that Climate Change and expanding industrial development adjacent to the Refuge will likely have significant impacts on ecological processes on the Refuge. We therefore recommend that important stressors, such as these, affecting Refuge species and/or ecosystems be identified as part of the I&M and Research planning efforts, and that detection of and identifying causes of change in Refuge ecological processes be fully integrated into these plans. This integration is clearer in objective 6.1 than presented here, and we suggest revision.

Response to Comment 032627.008

Objective 1.5 in the draft was moved under Goal 6 to provide a more comprehensive set of climate-related objectives under a single climate change goal. Your suggestions were incorporated into this objective.

Comment 032627.010 Refuge Vision and Goals, Goal 1 and Objectives
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Suggested Revision of Objective 1.5 - Climate Change and Other Stressors—concurrent with development of the I&M and Research Plans, the Refuge will identify the most important stressors affecting Refuge species and/or ecosystems. Research, inventorying and monitoring activities will be designed to identify changes associated with these stressors and guide management activities.

Response to Comment 032627.010

The objective, now included under Goal 6, was modified and includes the important points you suggested.

Comment 032627.011 Refuge Vision and Goals, Goal 1 and Objectives
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Suggested Strategy for Objective 1.5: Strategy: Understanding the potential impacts of climate change and other stressors on Refuge ecological processes should be guided by a scientific understanding of ecosystem structure and function now and into the future. This can be done by integrating conceptual models of contemporary ecosystems (see Objective 1.2) with models or projections of climate change and other stressors, such as land use change (see figure below). Integrating these models will allow us to develop hypothesis of how the Refuge's ecosystem might change and these hypotheses can be tested through research (including gathering local knowledge), inventorying and monitoring. As understanding of the ecosystem is improved over time, management actions will be evaluated based on how they help the ecosystem adapt to climate change and other stressors.

Response to Comment 032627.011

The strategy for this objective, now included under Goal 6, was modified and includes many of the important points you suggested. Additional objectives have been modified to reflect an enhanced commitment to incorporating traditional ecological knowledge into climate change studies. Additional details such as the integration of conceptual models and the use of models to project climate and land-use changes will be considered during the step-down planning process.

Comment 032627.003 Refuge Vision and Goals, Goal 1 and Objectives
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-----Preamble/Intro-----

Objective 1.1

-----Comment-----

We also suggest that this strategy identify more explicitly that in some instances, Refuge ecosystems will be allowed to adapt/evolve to a state which is different than historical conditions.

Response to Comment 032627.003

This idea and associated strategy are now addressed in objectives under Goal 6.

Comment 032627.009

Refuge Vision and Goals, Goal 1 and Objectives

Nicole Whittington-Evans, Alaska Regional Director, TWS

Various Environmental Organizations

-----Preamble/Intro-----

Objective 1.5

-----Comment-----

As written, this objective lacks a strategy. We suggest including a strategy that meets the goal while allowing time for specific strategies to address these stressors to come out of the I&M and Research plans.

Response to Comment 032627.009

This objective was moved to Goal 6, and a strategy was added.

Comment 032628.006

Refuge Vision and Goals, Goal 1 and Objectives

Fran Mauer, Alaska Chapter

Wilderness Watch

Objective 1.1: We support Objective 1.1 but the strategy should identify more explicitly that in some instances, Refuge ecosystems will be allowed to adapt/evolve to a state which is different than historical conditions. The strategy should clearly state that active manipulation of habitats and populations will be avoided and that Refuge ecosystems will be allowed to adapt or evolve to a new natural stasis.

Response to Comment 032628.006

The strategy was modified slightly to clarify the intent, consistent with this comment.

Comment 032628.007

Refuge Vision and Goals, Goal 1 and Objectives

Fran Mauer, Alaska Chapter

Wilderness Watch

We recognize the need for ecological monitoring but recommend that Objectives 1-2, 1.3 and 1-4 be integrated so that these improvements can be accomplished more effectively.

Response to Comment 032628.007

Objectives 1.2, 1.3, and 1.4 describe an integrated process that will result in a scientifically sound, peer reviewed program of inventory, monitoring, and research on the Refuge. The objectives are not combined because preparation of an I&M Plan, a Research Plan, and an Ecological Review are distinct and vital components of this integrated process.

Comment 032628.008

Refuge Vision and Goals, Goal 1 and Objectives

**Fran Mauer, Alaska Chapter
Wilderness Watch**

Initiatives relating to climate change (Objective 1-5) should be integrated with over-all ecological monitoring.

Response to Comment 032628.008

Objective 1.5 in the draft was moved to Goal 6 and is now Objective 6.2. The strategy for this objective incorporates this commenter's suggestion (i.e., identification of climate change and non-climate stressors and evaluation of their effects on Refuge species and ecosystems) will be addressed through I&M and Research planning and implementation

Comment 032628.009

Refuge Vision and Goals, Goal 1 and Objectives

**Fran Mauer, Alaska Chapter
Wilderness Watch**

The Final CCP should clearly specify that all investigations will be the least intrusive possible, consistent with preserving wilderness character and non-intervention principles that are established in the Management Guidelines (2.4.11, 2.4.12, and 2.4.12.7).

Response to Comment 032628.009

The sections of the management guidelines cited in this comment refer to fish and wildlife habitat management, population management, and control, respectively, and do not directly address the conduct of scientific investigations. However, the Refuge expects all investigations to be consistent with Refuge purposes and special values. Special use permits are required for investigations in which the Service is not a partner, and these permits include stipulations that the Refuge manager imposes to protect Refuge resources and values. Management activities, including investigations, proposed within designated Wilderness require an MRA (see Chapter 2, Sections 2.3.4 and 2.4.20).

Comment 136978.002

Refuge Vision and Goals, Goal 1 and Objectives

Wendy Loya

One area of the plan that visitor use may need to be considered is in Objective 1.5, evaluation of climate change and other anthropogenic stressors.

Response to Comment 136978.002

Objective 1.5 in the draft was moved to Goal 6 to consolidate all climate change objectives under a single goal. Visitor use will be considered as a potential stressor in step-down planning (VUMP, I&M Plan, and Research Plan).

Comment 136998.006
Thor Stacey

Refuge Vision and Goals, Goal 1 and Objectives

I would also like to see some co-operation and comparison with Dr. Lohuis's (ADF&G) stress/caloretic burn rate studies on Dall Sheep in south central Alaska.

Response to Comment 136998.006

Specific details of proposed inventory, monitoring, and research studies on the Refuge will be developed during the I&M and Research step-down planning process.

Comment 136816.008
John Strassenburgh

Refuge Vision and Goals, Goal 1 and Objectives

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Goal 1:

Strike the words "remains essentially free of the intent to" and replace with "does not" and insert the word "diversity" after the word "densities", so the goal would read "Ecological process shape the Refuge, and its management does not alter the natural order, including natural population densities, diversity, and dynamics, and levels of variation of native fish, wildlife, and plants." My suggested language removes the squishy, exculpatory language as it is now drafted in the CCP. I added "diversity" even though there was language in the last clause that referred to "levels of variation...." I can't quite pin down precisely what that last clause means.

Response to Comment 136816.008

Goal 1 was revised and is more similar to the wording recommended by the commenter. However, we continue to acknowledge that the goal of allowing natural processes to shape Refuge ecosystems free of anthropogenic intent to alter the natural order may not be attainable in all cases, and Goal 1 continues to state this. Please refer to Chapter 2, Section 2.4.2, Human Safety and Management Emergencies, for examples of situations where anthropogenic intervention would be considered.

Comment 136816.009
John Strassenburgh

Refuge Vision and Goals, Goal 1 and Objectives

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Goal 1 Objectives:

I haven’t seen in the CCP (I did an electronic search on “soundscape”) any consideration for monitoring and maintaining a natural soundscape. A natural soundscape is a key component of the visitor experience and it is also crucial for wildlife and its natural processes. Noise can disturb and stress wildlife, impede their communication, etc. I would like to see an objective added to Goal 1 that provides for the monitoring and maintenance of the natural soundscape. This possibly could be added instead to the Objectives under Goal 2, with supporting language in body of the CCP.

Response to Comment 136816.009

The Service recognizes the importance and challenges of maintaining the Refuge’s natural soundscape. Although soundscape is among the wilderness characteristics and natural conditions many sections of the draft plan implicitly include, we agree that it is worthy of more explicit recognition. Objective 2.6 (Monitoring Wilderness Characteristics) now includes mention of “natural quiet” in the list of wilderness characteristics to be monitored, and we have also added “natural quiet” to the list of wilderness characteristics in Section 1.5.1.

Protection of natural soundscape and quiet will be considered in the Wilderness Stewardship and Visitor Use Management plans, which are scheduled to begin following approval of the Revised Plan. At that time, goals and objectives will be formulated for visitor use management and Wilderness stewardship. These plans will evaluate impacts to natural soundscape and quiet and determine monitoring to evaluate if we are protecting these important resources.

Comment 032626.011
Greg Warren

Refuge Vision and Goals, Goal 1 and Objectives

V1, 2-1, 2.1.1 Refuge Goals and Objectives, 1.1: The word “actions” would help relate the direction to projects that will be implemented. I recommend adding, “actions and” to objective 1.1. This should read, “All management actions and programs....”

Response to Comment 032626.011

For clarity and brevity, we refer to management programs, which are understood to include discrete management actions.

Comment 032626.012
Greg Warren

Refuge Vision and Goals, Goal 1 and Objectives

V1, 2-4, 1.7 Goal 1, Page 2-4, Objective 1.7: The objective statement should be supplemented to describe that compatibility determinations would be completed for the primary hunted species in the Refuge. This would help assure that the ADFG management programs, as implemented on the Refuge through hunting regulations, are consistent with the Refuge goals and objectives.

Response to Comment 032626.012

According to the Services' Appropriate Uses Policy (603 FW 1.10 B), when compatible, the take of fish and wildlife under State regulations is a Refuge use, and we found this use to be appropriate on Arctic Refuge (see Appendix G). The promulgation of regulations is not a Refuge use and therefore is not subject to compatibility. The "take of fish and wildlife" under state regulations on Arctic Refuge, including all equipment, facilities, and services needed to support hunting, was evaluated in two compatibility determinations, "Commercial Big-game Hunting Services" and "General Hunting" and found to "not materially interfere with or detract from the fulfillment of the Refuge purposes and the System mission." Therefore, these uses are compatible.

3.40.3 Goal 2 (including objectives)

Comment 136801.031
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Refuge Vision and Goals, Goal 2 and Objectives

p. 2-7 to 2-11. This goal needs to clearly address objectives so that the first part of this goal is met for the entire refuge including non-designated wilderness lands: "The Refuge retains its exceptional wilderness values without loss of natural condition and wild character." (See discussion in Chapter 1 that the Arctic National Wildlife Range's purposes apply to the entire Arctic Refuge). All of the objectives in this section focus on management of existing designated Wilderness lands. Adding a new objective is particularly important for management of the Coastal Plain lands as they are an integral part of the original refuge established to "preserve its unique... wilderness values" and failure to address the goal here is a particularly serious oversight. While Objective 2.4 provides provisions for comprehensive wilderness management, the emphasis there seems to stress how activities on lands not yet designated wilderness may affect the designated Wilderness, and insufficiently manages for the wilderness values on all refuge lands.

Response to Comment 136801.031

Goal 2 and its objectives have been re-worded in the Revised Plan. Goal 2 applies to both designated Wilderness and areas under Minimal Management. We added a note just below the goal that explains Objectives 2.1 through 2.5 apply to areas of the Refuge in designated Wilderness only; Objectives 2.6 (Monitoring Wilderness Characteristics) and 2.7 (Restoration of Impaired Sites) apply to lands in both designated Wilderness and those under Minimal Management. Objective 2.4 in the draft Plan is now Objective 2.1 (Integrated Wilderness Management). It was revised to clarify that designated Wilderness will be managed comprehensively as a component of all programs that affect the designated area's physical, biological, and experiential values.

Comment 136801.032 Refuge Vision and Goals, Goal 2 and Objectives
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-7 Objective 2.2 Wilderness Training. There should also be a component of this, or a separate objective, to provide public education about all the public uses that are allowed in Arctic Refuge designated wilderness, including hunting, fishing, trapping, and traditional and customary subsistence activities. This program should involve consultation with local communities and have a focus of Alaskan education.

Response to Comment 136801.032

The Refuge's current educational efforts, which address these subjects, are described in Chapter 4, Section 4.4.6 (Interpretation and Environmental Education). Related objectives are found under Goal 9 in Chapter 2. The Refuge plans to expand educational efforts related to public use and Leave No Trace practices as specified in Objective 9.2, dependent on funding.

Comment 136801.034 Refuge Vision and Goals, Goal 2 and Objectives
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

A new objective should be added to address monitoring of the character of the existing designated Wilderness coastal waters, including water quality and other resources, from harm caused by offshore spills from offshore drilling, tankers, and ships.

Response to Comment 136801.034

Goal 3 and its objectives were modified to include coastal waters both within and outside the designated Wilderness.

Comment 136805.042 Refuge Vision and Goals, Goal 2 and Objectives
Sean Parnell, Governor
State of Alaska

Page 1-23, § 1.6.2, Goal 2. We recommend rephrasing this goal to make it more obtainable and realistic. We offer the following revision for your consideration.

The Refuge retains its exceptional wilderness values [without loss of] by maintaining natural condition and wild character[istics], and manages...

Response to Comment 136805.042

We believe that current wording best reflects the intent of this goal.

Comment 136805.049 Refuge Vision and Goals, Goal 2 and Objectives
Sean Parnell, Governor
State of Alaska

Page 2-7, Objective 2.1 Appropriate Wilderness Management. This objective inappropriately extends the minimum requirements "concept" to all administrative activities. The minimum requirement provision identified in Section 4(c) of the Wilderness Act only addresses administrative activities that pertain to the prohibition of certain uses:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

The assertion that the minimum requirements concept also applies to activities not specifically prohibited by Section 4(c) of the Wilderness Act or otherwise allowed by enabling legislation is not founded in the Wilderness Act. We therefore request the following revision to clarify the intent of the Wilderness Act.

Section 4(c) of the Wilderness Act prohibits certain activities in designated wilderness...

Response to Comment 136805.049

The first sentence in the Rationale under Goal 2, Objective 2.1 was incorrect and the objective was revised accordingly. The Wilderness Act only requires an MRA for activities prohibited by Section 4 (c) of the act. However, Service policy in Alaska specifies that this analysis will be conducted for all administrative activities in designated Wilderness.

Comment 136805.050
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 2 and Objectives

We question why an existing minimum requirements analysis would need to be reviewed after-the-fact and request this objective clarify that doing so only applies to Service administrative activities. Should the Service continue with this objective, we request the Service work with the State throughout the review of existing Minimum Requirements Analyses (MRAs) to promptly address any concerns the Service may have regarding existing Alaska Department of Fish and Game activities on the Refuge, keeping in mind that Section 1314 of ANILCA states that nothing in ANILCA is to affect the State's ability to manage fish and wildlife, with the exception of Title VIII.

Response to Comment 136805.050

Existing MRAs should be reviewed periodically to ensure their continued adequacy. They apply to administrative activities the Service conducts and to those it authorizes. Should any MRAs affect State activities, the Service will promptly notify and work closely with the appropriate agency(s) to address any concerns.

Comment 136805.051
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 2 and Objectives

Page 2-7, Objective 2.2 Wilderness Training. While an awareness of the physical, biological, symbolic, and experiential components of designated wilderness may be important, management of designated wilderness requires only an understanding of appropriate laws and policies. We request the following revision to this rationale.

Wilderness is a unique resource with unique legal requirements. [and physical, biological, symbolic, and experiential components that require a level of awareness and special knowledge that may not be provided in most] Most employees' previous career experience or training may not have provided this background.

Response to Comment 136805.051

The Wilderness Training objective (now Objective 2.3) was revised, and we believe it appropriately describes the kind of background knowledge that will best enable employees to understand the intent of the Wilderness Act, its provisions, and the policies that were developed to implement it.

Comment 136805.052

Refuge Vision and Goals, Goal 2 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-8, § 2.1.2 Objective 2.4 Comprehensive Wilderness Management. The first sentence indicates that management of designated wilderness will be “[integrated] into other Refuge programs and planning processes,” and that “management activities that maintain or restore wilderness characteristics on minimal managed lands across the Refuge” will be prioritized. Without a wilderness designation, we are unaware of any mandate to maintain or enhance wilderness characteristics on minimally managed lands. Moreover, incorporating wilderness management into all programs across the Refuge violates federal law, as the entire refuge is not designated wilderness. We request that this sentence be modified to clarify that wilderness management activities will be limited to designated wilderness and to activities that directly affect designated wilderness.

Furthermore, the Wilderness Act does not require the “least intrusive” management approach, rather the approach that is the minimum necessary to accomplish the administrative activity, which may, or may not be the least intrusive, especially in Alaska where ANILCA allows motorized access in designated wilderness. Therefore, we request the following revision to the strategy at the top of page 2-9, which more closely mirrors terminology and intent reflected in law.

The Refuge will continue to use the MRA process to determine whether an otherwise prohibited use is necessary in designated wilderness. If determined necessary, the MRA process also determines the minimum tool needed to complete the project [least intrusive methodology and field activity for managing the Refuge’s designated wilderness, including rigorously adhering to MRA protocols.]

Response to Comment 136805.052

The referenced objective was revised as Integrated Wilderness Management (Objective 2.1) and now clarifies that it applies specifically to designated Wilderness. The provisions of the Wilderness Act only apply to designated areas; however, guidelines for managing the Refuge’s Minimal Management areas (Section 2.3.3) specify maintaining conditions and qualities that are commonly associated with the wilderness concept (wilderness characteristics, Appendix M, Glossary). The strategy that was associated with this objective has also been revised, although we note that in designated Wilderness, the least intrusive methodology is the “minimum requirement” employed to accomplish authorized administrative projects.

Comment 136805.053
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 2 and Objectives

Page 2-9, Objective 2.5 Administrative Facility at Peters Lake. While we do not object to either the rationale or strategy, the Refuge should not pre-determine what structures will be removed from the facility at Peters Lake. These types of decisions are best made after a project-specific scoping period. We recommend the following revision.

Within two years of Plan approval, the Refuge will complete [required] an analysis to consider long term structure requirements [remove at least one of the buildings at Peters Lake. Should this project determine that and the identified building(s) will be removed, this will be completed within [four] two years of the appropriate NEPA analysis.[Plan approval.]

Response to Comment 136805.053

In the Rationale for Objective 2.5, the Service states the Lake Peters facility “is too large for current and projected needs.” However, no final decision was made whether to remove any buildings at Lake Peters. In response to your comment, Objective 2.5 and its Strategy were rephrased so as not to be pre-decisional as to whether buildings will be removed. The decision will be made after the appropriate level of environmental analysis is completed; the analysis will inform the decision.

Comment 136805.054
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 2 and Objectives

Page 2-9, Objective 2.6 Wilderness Character Monitoring. We request further explanation regarding this objective and rationale. While we do not object to monitoring wilderness character within designated wilderness, the objective needs to clarify it will not be monitoring wilderness character outside of designated wilderness. We question why this monitoring process would be established in four different plans, especially when the planning area may not be within designated wilderness, as this objective is appropriate only within the context of a Wilderness Stewardship Plan. Further, it is unclear why the rationale refers to “essential wilderness qualities.” We also question the inclusion of “symbolic meanings and the humility, restraint, and respect shown by managers” as these are not referenced in the Wilderness Act or necessary components of wilderness character. Therefore, we request the following revisions.

The major tangible qualities of wilderness character, including untrammeled, undeveloped and natural conditions, and outstanding opportunities for solitude or a primitive and unconfined type of recreation, will be monitored through protocols developed through [four step-down plans] the Wilderness Stewardship Plan. Rationale: Relevant, reliable, and cost-effective indicators of change in [essential] wilderness character [qualities] is needed to determine if those qualities are stable, improving, or degrading over time. [Four step-down planning efforts will be initiated soon after approval of the Plan, and each will include lands and waters in designated wilderness. Collectively, and in an integrated manner, t] The monitoring components of the Wilderness Stewardship Plan (Objective 2.3)[, Visitor Use Management Plan (Objective 5.3), Comprehensive River Management Plans (Objectives 3.1), and the Ecological Inventory and Monitoring Plan (Objective 1.2)] will enable trends in related wilderness qualities to be observed, quantified, and addressed. [Some components of wilderness character, such as symbolic meanings and the humility, restraint, and respect

shown by managers, may not be amenable to measurement and will be described qualitatively where possible.]

Response to Comment 136805.054

Changes were made throughout relevant sections of the Plan to limit reference to “Wilderness character” to those areas that are designated as Wilderness. (See response to State comment 136805.012). Objective 2.6 was revised to specify monitoring of wilderness characteristics that are essential components of the Refuge’s special values (Section 1.5) found in both Minimal Management and designated Wilderness. Monitoring of Wilderness character (see glossary, Appendix M, Glossary) may be conducted in designated Wilderness as determined through the Wilderness Stewardship step-down planning process.

Comment 136952.001

Refuge Vision and Goals, Goal 2 and Objectives

**Jeffrey Marion, Field Stn. Leader/Adj. Professor
Virginia Tech Field Virginia Tech Field Station**

In the section 2.1.2 Goal 2 relating to wilderness management (Obj. 2.4) the plan emphasizes priorities relating to the clean-up of historic trash and sites. While this is a necessary activity I don’t see proactive actions, such as the development and communication of Arctic-appropriate Leave No Trace educational practices, to the groups and organizations that left all that trash in the first place. I suggest an approach that cleans up from past mistakes and actively focuses on educating all current user groups (including internal and external research staff) to avoid and minimize future resource impacts. A good place to begin would be by having refuge staff trained at the LNT Master Educator level and development of the best-available educational practices for backpackers, river corridor visitors, researchers, and other groups. Outfitter/guide services should also be required as a condition of their permit to obtain adequate LNT training for their staff and to actively teach and adopt the best available LNT practices.

Response to Comment 136952.001

The Refuge plans to expand educational efforts related to public use and minimum impact techniques, methods, and/or guidelines, such as Leave No Trace practices, as specified in Objective 9.2. Use of these practices is the standard for all the Refuge’s field operations. It is also required of all permit holders, including recreational and hunting guides.

Comment 136952.002

Refuge Vision and Goals, Goal 2 and Objectives

**Jeffrey Marion, Field Stn. Leader/Adj. Professor
Virginia Tech Field Virginia Tech Field Station**

Detail related to the appropriateness of permanent campsites and trails is missing from this section on wilderness – will the refuge be adopting a containment or a dispersal strategy for managing the impacts of visitation? Will there be trails and campsites or will you manage for pristine conditions? This is a fundamental question that should be addressed in the Wilderness management section of this plan.

Response to Comment 136952.002

These are important questions, and their resolution, requiring public involvement, will be primary components of the visitor use and Wilderness stewardship step-down plans, scheduled to begin as soon as this Plan is approved.

Comment 136784.002
Adrienne Hall

Refuge Vision and Goals, Goal 2 and Objectives

Under Wilderness Goal #2. Add “and preserve the undeveloped quality of wilderness character” to the goal statement. Similarly, under Goal #2, clarify that the statement “The Refuge retains its exceptional wilderness values without loss of natural conditions and wild character” means that the Refuge will not tolerate any loss, not total loss.

Response to Comment 136784.002

We believe the current wording of Goal 2, and its objectives as modified, address these concerns.

Comment 136998.007
Thor Stacey

Refuge Vision and Goals, Goal 2 and Objectives

Goal #2 is loaded with an almost spiritual undertone. “Wilderness Values” imply indoctrination, not discovery. I would urge less classes and “training” for refuge staff and more solo trips, devoid of excessive safety paraphernalia. The valuation of wilderness can not be taught and wilderness values taught in class will surely differ from local teaching in Arctic Village or Kaktovik, thus reinforcing the roots of inequity. I support providing avenues for discover, including paying for solo trips for refuge staff, as opposed to “wilderness values class.”

Response to Comment 136998.007

Wilderness training is largely focused on understanding the laws and policies governing management of the Refuge’s wilderness characteristics, as they apply to either designated Wilderness or Minimal Management areas, or both. Service policy does not allow for providing employee’s the type of recreational trips described. However, staff involved with public use take personal trips into designated Wilderness and other wildland areas and have experience with the values you reference.

Comment 032626.013
Greg Warren

Refuge Vision and Goals, Goal 2 and Objectives

V1, 2-9, 2.4 Goal 2, Strategy: Other Wilderness management strategies should be identified to control impacts where necessary. Address the possibility of limiting the number and location of aircraft landings and related impacts.

Response to Comment 032626.013

New and revised management strategies to control public use related impacts will be developed through the visitor use and Wilderness stewardship planning processes (Objective 5.4 and 2.4). Objective 5.9 addresses aircraft landing impacts.

3.40.4 Goal 3 (including objectives)

Comment 136801.036

Refuge Vision and Goals, Goal 3 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-10. Objective 3.1. Please explain how the important baseline studies of the three Wild Rivers will be meshed with the Inventory and Monitoring studies called for by Objective 1.8, Climate Change studies in Objective 1.5, and long-term monitoring of Objective 1.13. How will local people be involved in logistical and providing Traditional Ecological Knowledge for the field studies?

Response to Comment 136801.036

The level of detail necessary to fully describe the process and plan for synthesizing the various baseline studies and step-down management plans is outside the scope of the Revised Plan. However, the Refuge recognizes the importance of using an ecosystem approach and coordinating related I&M studies. Wild and scenic river evaluations will follow guidance from the IWSRCC and will be specific to each river corridor and its associated outstanding resource values. When feasible, CRMPs for designated wild rivers (see Goal 3) will be coordinated with the Refuge's I&M Plan described in Goal 1, the wilderness characteristics monitoring program described in Goal 2, and the VUMP described in Goal 5 (revised Goal 3). Water quality and quantity monitoring described in Objective 1.8 was moved to Goal 3. The Refuge is committed to working with local communities and collecting traditional ecological knowledge to promote conservation (see Goal 8).

Comment 136805.058

Refuge Vision and Goals, Goal 3 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-11, Objective 3.2 Assessments and Plans for Newly Designated Rivers. While maintaining our objection to the wild and scenic river review, we question why the baseline assessments for these rivers found in Appendix I would need to be repeated. If the analysis found in Appendix I does not provide sufficient information regarding the river's free-flowing condition, water quality, or river values, we question how such an assessment was adequate to find rivers suitable for recommendation in the first place.

Response to Comment 136805.058

Section 10(a) of the Wild and Scenic Rivers Act mandates a nondegradation and enhancement policy for all designated rivers. "Each component will be managed to protect and enhance the values for which the river was designated while providing for public recreation and resource uses that do not adversely impact or degrade those values." The eligibility and suitability evaluations in Appendix I were developed based on existing available information. They do not provide the level of detail necessary to establish the baseline water quality, water quantity, and flow conditions necessary to develop CRMP goals, objectives, and strategies that protect the riparian area, water dependent outstandingly remarkable values (ORVs), and riverine processes.

Comment 136805.059
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 3 and Objectives

Page 2-12, Objective 3.3 Wild River Information Sharing. Wild and Scenic Rivers are conservation system units (CSUs), and unless any specific management actions are addressed in the associated CRMP, designation as a Wild River will likely not affect users on the ground as ANILCA provisions already apply to the refuge. Therefore, if information is distributed prior to completion of the CRMP, we request it include the explicit direction in ANILCA that would continue to apply after the CRMP is published. We further recommend that internal staff training be done prior to publication of a general brochure and any associated CRMPs. Additionally, we recommend a specific educational component, such as a river-specific brochure or webpage, be distributed following completion of the CRMP so that users are provided information that reflects actual planning decisions vetted through a public process.

Response to Comment 136805.059

Goal 3 was revised to delete Objective 3.3. Information about the Refuge's wild rivers will be incorporated, as appropriate, in outreach strategies described for Goal 9. Objectives 9.1, 9.2, 9.3, and 9.4 include strategies for communicating with distant publics, informing refuge users and staff, coordinating with residents of gateway communities, and monitoring national interest in and values towards Arctic Refuge.

Comment 136805.055
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 3 and Objectives

-----Preamble/Intro-----

Page 2-10 and 2-11, Objectives 3.1 and 3.2.

-----Comment-----

Both of these objectives state “[t]he assessment and plan for each wild river will incorporate all elements required by the Wild and Scenic Rivers Act, including descriptors of desired conditions and, where applicable, user capacities.” The State has significant concerns about applying user capacities to public uses as it generally conflicts with ANILCA’s “open-until-closed” access provisions – especially considering ANILCA amended the Wild and Scenic Rivers Act. At a minimum, any user capacity developed must be consistent with the criteria and closure process established in the appropriate ANILCA 811(b) and/or 1110(a) implementing regulations depending upon whether user capacities would affect subsistence users.

Response to Comment 136805.055

Sections 3(d)(1) and 3(d)(2) of the Wild and Scenic Rivers Act require a CRMP to address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the act. User capacity addresses the amount and type of visitor and other public use compatible with the goals and desired conditions for protecting river-related values and outstandingly remarkable values (ORVs). CRMP management direction and monitoring strategies that address user capacity for subsistence users would comply with the criteria and closure process established in the appropriate ANILCA 811(b) and/or 1110(a) implementing regulations.

Comment 136805.056
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 3 and Objectives

-----Preamble/Intro-----

Page 2-10 and 2-11, Objectives 3.1 and 3.2.

-----Comment-----

River use on the Refuge is an order of magnitude lower than on rivers in the contiguous states which flow through designated wilderness. For example, the Middle Fork Salmon River in Idaho is a “premier” wilderness float trip and is managed as a primitive recreational experience allowing 387 private parties and 306 commercial parties – with party sizes up to 30 people – during a lottery permit season. By comparison, the most popular river on the Refuge, the Kongakut, has only 240 visitors per year, and some of those visitors are hikers who never float the river. The idea that any river on the Refuge has reached its user capacity is flawed, and instituting user capacity restrictions appears to be management for management’s sake. The expense to reach rivers on the Refuge is self-limiting. Instituting user capacity restrictions on rivers only accessible by air is inherently more complicated than on road-accessible rivers as perceived crowding at access points typically occurs because of weather delays, which are outside the control of permit systems. The cost to administer user capacity restrictions would be better spent on clean-up and maintenance of popular camping areas, or educational efforts.

Response to Comment 136805.056

The Revised Plan does not propose instituting user capacity restrictions for designated wild rivers. The CRMPs for designated rivers would provide a framework for documentation of current conditions, and identify measureable indicators, thresholds, and intervals for long-term monitoring of river-related values and outstandingly remarkable values (ORVs). Thresholds may be explicit and quantitative, or they may be qualitative.

Comment 136805.057
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 3 and Objectives

-----Preamble/Intro-----

Page 2-10 and 2-11, Objectives 3.1 and 3.2. Both of these objectives state “[t]he assessment and plan for each wild river will incorporate all elements required by the Wild and Scenic Rivers Act, including descriptors of desired conditions and, where applicable, user capacities.”

-----Comment-----

We request that “where applicable” be replaced with “where appropriate” in the above quote.

Response to Comment 136805.057

Objective 3.1 (now Objective 3.5) was revised to reflect the requested revision. The former Objective 3.2 was deleted and blended with Objective 3.5.

Comment 136952.003

Refuge Vision and Goals, Goal 3 and Objectives

**Jeffrey Marion, Field Stn. Leader/Adj. Professor
Virginia Tech Field Virginia Tech Field Station**

In the section 2.1.3 Goal 3 pertaining to the refuge's Wild and Scenic Rivers the plan is also silent on defining management objectives related to the appropriateness of permanent campsites and trails and to management efforts designed to avoid/minimize future visitation impacts. This plan should establish clear and specific statements of the desired wilderness resource and social (experiential) conditions that managers seek to sustain for the refuge to guide development of the tiered management plans identified in this section. This should be followed by a description of the management strategies or actions designed to achieve and sustain those conditions, such as LNT educational efforts or visitor regulations. It fails to do so for both Wilderness and Wild and Scenic Rivers management.

Response to Comment 136952.003

Refuge managers decided that options for visitor use management, including establishing clear and specific statements of the desired wilderness resource and social (experiential) conditions that managers seek to sustain throughout the Refuge, would be best addressed holistically through a public planning process separate from the Revised Plan. Managers elevated the priority for completing the VUMP, and it will begin immediately upon approval of the Revised Plan, concurrent with a WSP.

The VUMP planning effort will provide the foundation for future visitor use management throughout the Refuge. Staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions. Actions will be considered (e.g., restoring evidence of previous visitor use and/or designing planned campsites and trails to minimize the overall quantity of visitation impacts) where they are appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which each area was established and is designated.

In addition, Goal 3 was revised to encompass a more broad range of management responsibilities related to water resources of Arctic Refuge. Consistent with the Refuge's wild and scenic river management obligations, Objective 3.5 commits Refuge managers to initiate CRMPs for the Refuge's designated wild rivers within five years of approval of the Revised Plan, and for any newly designated rivers within three years of their designation. Interim management prescriptions for suitable rivers will be followed until the CRMPs are completed (interim prescriptions are described in Appendix I of the Revised Plan). CRMPs will evaluate potential management actions for their effectiveness in preserving outstandingly remarkable values (ORVs) and other river values each designated river is found to have, consistent with the VUMP, and where applicable, the WSP. Outstandingly remarkable values (ORVs) are defined as those characteristics that make the river worthy of special protection. These can include scenery, recreation, fish and wildlife, geology, history, culture, and other similar values. The level of detail necessary to fully describe the conditions, issues, and management direction for the Ivishak, Wind, and Sheenjok wild rivers is beyond the scope of the Revised Plan and will be best accomplished through the CRMPs for each river. ORVs are typically identified in a wild and scenic river study prior to designation, but the Ivishak, Sheenjok, and Wind wild rivers were designated by Congress in ANILCA without specific values being identified by Congress. In these cases, managers typically develop ORVs from study reports and other documentation of management activities and intentions, as well as incorporating current data and expertise. The

ORVs for Arctic Refuge's three wild rivers will be determined through the CRMP planning process (see also Chapter 6, Section 6.3, and Appendix D, Section D.4.2).

Comment 136998.008

Refuge Vision and Goals, Goal 3 and Objectives

Thor Stacey

I would ask that Wild Rivers within the refuge not be advertised.

Response to Comment 136998.008

Goal 3 was revised and Objective 3.3, Wild River Information Sharing, was deleted. However, information about the Refuge's wild rivers will be incorporated, as appropriate, in outreach strategies described under Goal 9. Objectives 9.1, 9.2, 9.3, and 9.4 include strategies for communicating with distant publics, informing refuge users and staff, coordination with residents of gateway communities, and monitoring national interest in and values towards Arctic Refuge.

We appreciate and agree with the concern that we not "advertise" the Refuge as a destination nor take actions to increase visitor numbers. We take great care in our Web and social media outreach not to identify or encourage visitation to specific locations on the Refuge. In direct response to this and similar comments, and to strengthen this understanding for future managers, we added text to Chapter 4, Section 4.4.6 Interpretation and Environmental Education that states: "Refuge staff does not direct visitors to specific locations or destinations."

Comment 136816.010

Refuge Vision and Goals, Goal 3 and Objectives

John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

I suggest that Goal 3 be broadened to include all rivers, and not be limited to just designated Wild Rivers. There are many, many wild and free and pristine rivers throughout the Refuge. Whether a river is within a Wilderness area, is a designated a Wild River, or not, all are integral to the wilderness, habitat, and biological value of the Refuge, and they all should be managed accordingly.

Response to Comment 136816.010

Goal 3 was modified to include protection of the ecological functions and natural flow regimes of the Refuge's aquatic ecosystems, including headwater streams, rivers, springs, wetlands, lakes, and lagoons.

Comment 136816.011
John Strassenburgh

Refuge Vision and Goals, Goal 3 and Objectives

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

There should be goals and objectives to ensure that not just rivers, but also lakes and streams, are managed to be maintained undisturbed in their natural,pristine condition. In other words, the ecological functions, character,and values of all water bodies within the Refuge should be protected.

Response to Comment 136816.011

Goal 3 was modified to include protection of the ecological functions and natural flow regimes of the Refuge's aquatic ecosystems, including headwater streams, rivers, springs, wetlands, lakes, and lagoons.

Comment 032626.014
Greg Warren

Refuge Vision and Goals, Goal 3 and Objectives

V1, 2-10, 3.1 Goal 3, Strategy: Scoping for CRMPs was initiated in 1993, so the CRMPs need to proceed quickly due to failure to act considerations (5 USC 706(1)).

Response to Comment 032626.014

In 1993, the Service scoped for a Refuge-wide River Management Plan. A draft River Management Plan was released for public review, but it was never completed. The 1993 draft River Management Plan is not the same as the river-specific CRMPs we are currently proposing. Refuge staff is well aware of the need to complete plans in a timely fashion. The schedule for proposed step-down plans required by this Plan is listed in Chapter 6. All Refuge management and step-down planning is subject to the availability of funds.

3.40.5 Goal 4 (including objectives)**Comment 136817.017**

Refuge Vision and Goals, Goal 4 and Objectives

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

ASRC and NSB strongly support the inclusion of Goal 4, relating to subsistence use, and its related objectives, in the final revised Plan. ASRC and NSB believe, however, that the USFWS should clarify the timeframes for Objectives 4.3, 4.4, and 4.5. The Draft Plan identifies these objectives as “Short-term Priorities (5-8 years).” Draft Plan at 2-13. However, as described in the Draft Plan, activities to accomplish each of these objectives appropriately would commence sooner than five years after Plan approval. ASRC and NSB believe that it is important for the activities identified under these three objectives to be undertaken sooner rather than later, and that the statement of a five to eight year timeframe is misleading and inappropriately distant. ASRC and NSB requests that USFWS clarify those Objectives 4.3, 4.4, and 4.5 are nearer-term priorities than five to eight years after Plan approval.

Response to Comment 136817.017

The Refuge has revised the Subsistence Goal 4 objectives and times lines to commence sooner rather than later. The category for “Current and Ongoing Priorities, Years 1-3” now includes a new Objective 4.1 for Formal Consultation, 4.2 Subsistence Opportunities, 4.3 Refuge Information Technician Program, 4.4 Village Harvest Monitoring Programs, and 4.5 Manage Subsistence Use Data. Objective 4.6 for a Subsistence Access Study will remain in the “Short-Term Priorities” 4-8 year category; however, in preparation for the traditional access study, the Refuge hopes to begin interviewing elders and other long-term residents of the region in 2013. Time is of the essence for interviewing and recording elders who have a close and long connection to the land. Similar changes were made to the Cultural Goal 8, Objective 8.1 for Collaboration, Partnerships, and Traditional Knowledge.

Comment 136817.018

Refuge Vision and Goals, Goal 4 and Objectives

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

In the Strategy sections of both Objectives 4.4 and 4.5, the Draft Plan sets forth examples of governmental and other entities with which USFWS will develop partnerships and coordinate in order to implement and achieve those objectives. Although ASRC understands that these lists are not intended to be exclusive, ASRC respectfully urges that ASRC and the Village of Kaktovik be specifically identified in each of these objectives in the final revised Plan.

Response to Comment 136817.018

You are correct in understanding that the list of governmental and other entities the Refuge will partner and coordinate with in the Strategies sections are examples of partners and are not intended to be exclusive. The Refuge recognizes the critical roles the North Slope Borough and the ASRC have in continuing and maintaining Iñupiat culture and values, protecting subsistence and cultural resources, and ensuring the continuation of the traditional subsistence use. We added “Native corporations” to the list of potential partners in the strategy of Objective 4.5. This is intended to be inclusive of ASRC, Doyon, Ltd., and village corporations. We did not add regional Native corporations to the list of potential partners under Objective 4.4 because this objective focuses on local community involvement and working with village residents on village harvest monitoring programs. Tribal governments

are included in the strategy of both objectives, and this is inclusive of the Native Village of Kaktovik and tribes on the south side of the Refuge.

Comment 136796.011

Refuge Vision and Goals, Goal 4 and Objectives

**Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife**

We support the Service's plan to compile data pertaining to subsistence use, as outlined in Objective 4.4 of the Draft CCP.⁴⁵ We urge the Service to apply the compiled information as well as to fill information gaps in order to ensure that the rights of federally qualified subsistence users will be preserved, while also assuring the protection and long-term viability and natural diversity of wildlife and their associated habitats within the Refuge.

Response to Comment 136796.011

The Refuge is fully committed to implementing and achieving our subsistence and cultural mandates under ANILCA and other laws such as the National Historic Preservation Act, Archaeological Resources Protection Act and the Native American Graves Protection Act. The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. In recognition of this special relationship we added Objective 4.1 Formal Consultation to Chapter 2, Section 2.1.4, and embedded language requiring either formal or informal consultation, collaboration, or cooperation with local Native communities in all of the subsistence and cultural objectives. Objective 4.5 recognizes the importance and need to compile existing and historical use data to ensure traditional subsistence use and knowledge is thoroughly and accurately considered in Federal and State fishing and hunting regulation proposals and management actions. ANILCA and Arctic Refuge recognize that the continued opportunity for subsistence uses on public lands is essential to Native physical, economic, traditional, and cultural existence, and to non-Native physical, economic, traditional and social existence. One of the purposes for which the Refuge was established is to provide for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats (Section 303(2)(B)(iii)). Cultural Objective 8.1 on Collaboration, Partnerships, and Traditional Knowledge was broadened to acknowledge that the Refuge will continue to consult with local tribal governments and work with Native organizations, Native elders, and others who possess knowledge of the area's cultural and traditional uses, landscapes and habitats, and resources to gain an understanding of past conditions and current observations. These efforts will help bring together traditional knowledge and Western science to promote wise use and conservation of fish and wildlife and their habitats.

Comment 136801.040

Refuge Vision and Goals, Goal 4 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

This section should also address how the refuge coordinates with polar bear management, including conflict avoidance, education of visitors, and the polar bear patrols. How does the

refuge coordinate with the Service's Marine Mammal Management program? How are local people involved?

Response to Comment 136801.040

The Refuge coordinates with community leaders, other Federal, State, municipal, and tribal governments, and the Service Marine Mammals Management office to insure the most effective collaboration for public safety, recreational polar bear viewing management, and local polar bear conservation efforts. Since 2002, individuals from the Refuge and Marine Mammals Management have been assisting Kaktovik's residents with polar bear management issues. In 2007, with support from the Refuge and Marine Mammals Management, the Native Village of Kaktovik was awarded a Tribal Wildlife Grant to develop a community-based polar bear management plan and has worked in concert with the Service to expand local capacity to identify and address potential safety concerns, public education needs, and polar bear conservation- and viewing-related management actions. Currently, the Kaktovik Polar Bear Committee, originally formed by consent from the Native Village of Kaktovik Tribal Council through the grant, is the working group that collaborates with the Service to determine polar bear-related management actions affecting the community.

Comment 136805.060

Refuge Vision and Goals, Goal 4 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-13, Objective 4.1, first paragraph. We question this objective's rationale and strategy. A simple rationale, such as "the refuge is mandated by ANILCA to provide subsistence opportunities," may be better served here.

While ANILCA does specify that the opportunity for continued subsistence uses must be consistent with Sections 303(2)(b)(i) and 303(2)(b)(ii), this opportunity need not be consistent with the purposes carried forward from the original Arctic Range on areas where they may apply. We request the objective explicitly state that subsistence opportunities must be consistent with the appropriate ANILCA purposes.

The rationale implies that subsistence uses have an absolute priority preference, which is incorrect. We request that the sentence "ANILCA also requires a priority preference for subsistence uses" be modified to better reflect direction found in Section 802(2) of ANILCA, which states "nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population..."

Also, ANILCA Section 810 does not direct the Service to "ensure that these uses and activities do not 'significantly restrict' subsistence opportunities on Refuge lands," but rather sets up a process by which the public would be notified of actions, which the Service has determined would significantly restrict subsistence uses, and further directs the land management agency to evaluate whether such a significant restriction is necessary, to minimize public lands being affected, and take reasonable steps to minimize adverse impacts. Moreover, the 810 Analysis is required for specific actions when they are proposed and is not conducted as a yearly general review.

To incorporate the above comments, we offer the following suggestions for your consideration.

The Refuge is mandated by ANILCA to provide the opportunity for continued subsistence uses by local residents when consistent with other Refuge purposes found in ANILCA. ANILCA also provides that “nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses of all such resources on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population” [.. requires a priority preference for subsistence uses]. To meet these mandates, the Refuge will annually evaluate the effects of proposed research and other uses of the Refuge, as directed by ANILCA Section 810 [to ensure that these uses and activities do not “significantly restrict” subsistence opportunities on Refuge lands.]

Response to Comment 136805.060

The Revised Plan subsistence Objective 4.1 was revised to address the State’s recommendations and is now included in the Subsistence Goal 4 as Objective 4.2 Subsistence Opportunities.

Comment 136805.061

Refuge Vision and Goals, Goal 4 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-13, Objective 4.3 Subsistence Access. We support the intent to conduct a “traditional access” study and especially appreciate the intent to begin interviewing elders and other long term residents that can share first-hand knowledge. We encourage the Refuge to embark on these elder interviews as soon as practicable, even if the rest of the study does not get underway quite as quickly, as these living residents are a diminishing source of valuable historic information.

Response to Comment 136805.061

We appreciate the State’s suggestion and support for this proposed study. We look forward to planning and conducting this study in cooperation with local tribes, Native communities, elders, and the State. We also agree that time is of the essence for interviewing Native elders living in the area and will seek permission from our partners to conduct interviews with elders in a timely and culturally appropriate manner. In response to this and other comments, we revised the Subsistence Access objective.

Comment 032662.008

Refuge Vision and Goals, Goal 4 and Objectives

David McCargo

The Refuge should be encouraged to gather oral histories from the Native “Elders” as suggested. Such histories would be important to document insofar as possible what really constituted traditional use by local peoples and perhaps more importantly capture insights into what is a quickly vanishing way of life. This might also be a good way to interest and involve younger Natives in the Refuge.

Response to Comment 032662.008

The Refuge received a number of similar comments recommending that we do more collaboration with Native communities, Native organizations, and elders to gather and document traditional knowledge of the Refuge’s ecosystems and traditional use. We expanded and strengthened the “Cultural Objective 8.1: Collaboration, Partnerships, and Traditional Knowledge” to address this recommendation. Local elders with knowledge of the area before

the Refuge was established possess valuable information regarding past ecological conditions and traditional use of areas of the Refuge. Time is of the essence for interviewing and recording elders who have had such a close and long connection to the land. Historical knowledge of species occurrence, abundance, and distribution, and of weather and ecosystem changes, will help focus and direct future studies. Cooperative efforts will help bring together traditional knowledge and Western science to promote conservation of fish and wildlife and their habitat for future generations. The Refuge will continue to collaborate with Arctic Borderlands Ecological Knowledge Co-op and partner with local tribal governments, Native organizations, the University of Alaska, and the communities of Arctic Village, Fort Yukon, Kaktovik, and Venetie to collect and document traditional knowledge related to cultural and natural resources, subsistence use and cultural traditions.

Comment 136998.009

Refuge Vision and Goals, Goal 4 and Objectives

Thor Stacey

I also support effective monitoring of these harvests and would encourage an addition of and objective as follows: conduct a study of subsistence harvest utilization, methods and adapting means of harvest to include wound loss, failures to salvage/want and waste and mechanized pursuit of game.

Response to Comment 136998.009

The Refuge will consider these factors when developing the protocols and survey instrument used in the community harvest monitoring program.

Comment 136816.012

Refuge Vision and Goals, Goal 4 and Objectives

John Strassenburgh

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Goal 4 Objectives

The first bullet makes reference to advisory groups. I suggest that any advisory group be diverse, and include some members who are not subsistence users and not necessarily hunters. When establishing management policy, I think it is important to have the benefit of diverse perspectives.

Response to Comment 136816.012

The Federal Subsistence Board utilizes 10 Federal Subsistence Advisory Councils to provide an opportunity for rural Alaskans to contribute in a meaningful way to the management of subsistence resources. Appointed by the Secretaries of Interior and Agriculture, members to the advisory councils must reside in the area they wish to represent and have knowledge of subsistence uses and needs; have knowledge of commercial, recreational, and other uses in the region; and have leadership skills and experience with local and/or regional organizations. Living in the region and having knowledge of subsistence and other types of use does not mean that the member is necessarily an active subsistence user or a hunter. Many members of these councils have very diverse backgrounds and experiences. Federal Subsistence Regional Advisory Councils, State of Alaska representatives, a variety of special interest groups, and the general public play an active role in the regulatory process.

3.40.6 Goal 5 (including objectives)

Comment 032619.003
Cliff Judkins, Chairman
Alaska Board of Game

Refuge Vision and Goals, Goal 5 and Objectives

-----Preamble/Intro-----

The following specific points further define the concerns and issues expressed by the Board:

-----Comment-----

Goal 5 which speaks to recreational activities should more explicitly identify traditional activities that are part of the recreational values the original Refuge was created to protect. In so doing, we strongly urge an approach that recognizes the human component of the ecosystem and makes people feel welcome in the refuge, especially for pursuit of those traditional activities such as hunting and trapping, which are of particular concern to the Board of Game.

Response to Comment 032619.003

The National Wildlife Refuge System Improvement Act recognizes six priority wildlife-dependent public uses on national wildlife refuges: hunting, fishing, wildlife observation, wildlife photography, interpretation, and education. We acknowledge that hunting and trapping are important recreational activities in Alaska and when compatible, are allowed on refuges. In recognition of the importance of compatible recreation on refuges, we added a new objective to Goal 5. Objective 5.1, Access for a Range of Visitor Opportunities reads: Refuge managers will continue to provide access for a range of compatible recreational activities, including hunting, fishing, wildlife observation, photography, camping, backpacking, river floating, and mountaineering. The list does not include all activities; rather it summarizes the primary visitor use activities on Arctic Refuge. Trapping on Arctic Refuge is primarily a subsistence activity and therefore was not listed in the objective. Both recreational and subsistence trapping are allowed.

Comment 136794.005
Bill Iverson, President
Alaska Outdoor Council

Refuge Vision and Goals, Goal 5 and Objectives

Goal 5: The Refuge provides a place for wildlife-dependent and wilderness-associated recreational activities that emphasize adventure, independence, self-reliance, exploration, and solitude while protecting the biological and physical environments. Is it the intent of the Refuge staff to keep the recreational use of ANWR down to around 1,000 -1,250 visitors a year? The channeling of management direction by adoption of the Refuge Goals, proposed in Chapter 1.62, would lead to a reduction in wildlife-dependent and wilderness-associated recreational activities within the Refuge.

Response to Comment 136794.005

The number of visitors to Arctic Refuge is not limited by Refuge policies, goals, or objectives. While we do limit group size on commercially-supported trips (10 for river floaters and 7 for hikers and land-based recreation) to prevent impacts to sensitive habitats and preserve the wilderness experience for which most people come to Arctic Refuge, we only recommend these to private groups. Overall visitation is limited by the remoteness of the Refuge, the relatively high cost of transportation, and the relatively short summer recreation season. Further discussion of group size and other public use issues and strategies will be discussed in a public

planning process separate from the Revised Plan. Managers have elevated the priority for completing the VUMP and the concurrent WSP and they will begin immediately upon approval of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with Refuge purposes and the values for which the area was established.

Comment 136800.008

Refuge Vision and Goals, Goal 5 and Objectives

Debbie Miller, Author**Caribou Enterprises – Full**

Objective 5.2: I highly support this objective which avoids the placement of public use interpretive signs, structures, and installations. Keeping it wild and perpetuating opportunities for adventure, exploration and discovery --- without signs, kiosks, trails, and structures--- is certainly the intent of the founders and advocates for the original Arctic Range. This objective is also in keeping with Goal #2.

Response to Comment 136800.008

Comment noted.

Comment 136800.009

Refuge Vision and Goals, Goal 5 and Objectives

Debbie Miller, Author**Caribou Enterprises – Full**

Objective 5.8: Visitor Use Management.

Some river corridors, such as the Kongakut, receive an abundance of visitors between commercial and private float trips. I wholly support visitor use controls to minimize impacts. All of us have to remember that our number one priority is to maintain and protect the wilderness character of the Arctic Refuge. If too many parties are on the river at the same time, and damage is occurring, be it habitat degradation, trash or sanitation issues, management needs to limit the number of both commercial and private parties through permits.

Management should establish group size limits for both commercial and private, and monitor the number of parties on those rivers that are intensively visited. I personally think that 8 people should be the limit for any party, be it commercial or private, for any wilderness trip.

With our technology age, it should be relatively easy and cost effective to implement a registration or permit system so that management would have a better idea of visitor use and possible impacts each year. If several parties register for trips on the same river, at the same time, it's up to management to control overuse. Managers can't maintain or protect the wilderness character of a river corridor unless they know who is visiting the area, number in party, and timing of the visit. Groups with over four people, commercial or private, should register their planned trip with dates.

Management might not want to control all visitor use, but again, it's the extraordinary wilderness character of the refuge that must be protected. This fundamental value should guide and govern management philosophy.

Response to Comment 136800.009

We agree that the types of public use issues you mention need to be addressed. Refuge managers decided that additional options for visitor use management would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with Refuge purposes and the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on visitors, including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities, to better manage visitor use at the Refuge.

Comment 136800.003

Refuge Vision and Goals, Goal 5 and Objectives

Debbie Miller, Author

Caribou Enterprises – Full

-----Preamble/Intro-----

I recommend that you revise a few of the goals to better reflect the purposes for which the Arctic Refuge was established:

-----Comment-----

Goal 5: Modify: The Refuge provides the opportunity for recreational activities such as hiking, floating, hunting, fishing, wildlife viewing, and camping, in a manner that protects the special values of the Refuge. (this better relates to visitor use planning objectives)

Response to Comment 136800.003

We appreciate your suggestion. We did not modify Goal 5 to include the list of activities you suggested, however we did add “while protecting the Refuge’s natural conditions and special values” to Goal 5 and an additional objective to the goal. In recognition of the importance of these recreational activities on the Refuge, Objective 5.1 (new) reads: : “Access for a Range of Visitor opportunities— Refuge managers will continue to provide access for a range of compatible recreational activities, including hunting, fishing, wildlife observation, photography, camping, backpacking, river floating, and mountaineering.”

Comment 136801.041

Refuge Vision and Goals, Goal 5 and Objectives

Pamela Miller, Arctic Program Director

Northern Alaska Environmental Center

Objective 5.2. There should not be signs, structures, and installations in the refuge as this would detract from the wilderness-associated recreational experiences in the refuge, and they should not be allowed under any management category in the Arctic Refuge.

Response to Comment 136801.041

We agree that these should not generally be on the Refuge and, according to the Management Guideline for Public Use Facilities (Chapter 2, Section 2.14.16), “Roads, boat launch sites, campgrounds, interpretive sites, kiosks and permanent signs should not be placed on the Refuge.” However, we modified the guideline to allow trails, temporary signs (e.g., during site

restoration), and hardened campsites/sanitation facilities (at heavily used access sites) may be developed if necessary to prevent resource damage.

Comment 136801.042

Refuge Vision and Goals, Goal 5 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

Objective 5.3 Visitor Use Management Plan. Please do not use the Acronym (VUMP)! How about “Visitor” Plan instead for short. The plan should contain the time-line by which this plan will be accomplished.

Response to Comment 136801.042

We agree it is a terrible acronym, but because of the frequency of “Visitor Use Management Plan,” we decide to keep using the acronym.

Comment 136801.043

Refuge Vision and Goals, Goal 5 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

This plan should also engage and consult at each step of the planning process with those knowledgeable and experienced with visiting the refuge, including commercial guides, independent travelers, hunters and fishermen, air taxi operators, local experts in the adjacent communities who travel the coasts and rivers, and conservation and environmental organizations whose members are common refuge visitors.

Response to Comment 136801.043

Refuge managers decided that additional options for visitor use management would be best addressed holistically through a VUMP, and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. We received a lot of comments on public use issues and, specifically, comments that these plans are needed and overdue. We anticipate, because of the level of interest, there will be extensive public involvement in these plans, including the groups you mentioned and others. We will keep interested parties informed about the plans thorough our website and by using other methods. We look forward to the collaboration and cooperation in addressing public use issues that is sure to come out of these plans.

As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors, to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with Refuge purposes and the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on visitors, including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities, to better manage visitor use at the Refuge.

Comment 136801.044

Refuge Vision and Goals, Goal 5 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

Objective 5.5 Visitor Management Coordination with Neighbors.

This objective should also include strategies for better engagement with communities that are “gateway” locations, especially Arctic Village and Kaktovik. Do they want to host a full refuge Visitor Center off refuge, on lands in their communities (more than the kiosks at the airport)? Are they interested in developing a visitor center as a means of improving sustainable economies? What are their ideas? While the facilities are listed in

While community visitor centers in gateway communities are mentioned in Objective 5.8, they are not well developed there. What is the role of the interagency Coldfoot Visitor Center? What role in Arctic Refuge education and engagement does the Alaska Public Lands Information Center, housed at the Morris Thompson Cultural and Visitor Center in Fairbanks and visited by over 100,000 people in 2010, play?

Response to Comment 136801.044

Strategies for engaging residents and visitors in gateway communities is addressed in Objective 9.3, which deals specifically with conducting outreach activities in gateway communities, and with RITs and other Refuge staff and volunteers work with residents of gateway communities on educational activities and other collaborative outreach projects that benefit participants and promote conservation of wildlife and natural landscapes. We agree that gateway community residents, especially in Arctic Village and Kaktovik, are important partners in contacting and educating Refuge visitors. We depend on the interagency visitor centers in Fairbanks and Coldfoot for assistance in getting information to potential visitors to Arctic Refuge. We also have a RIT in Arctic Village who works out of the small visitor center there and meets incoming planes during the peak visitation time.

Comment 136805.043

Refuge Vision and Goals, Goal 5 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 1-24, § 1.6.2, Goal 5. A significant portion of the Refuge is not designated wilderness, and it is therefore inappropriate to manage the entire Refuge as designated wilderness. This concern permeates throughout the draft Plan in multiple objectives and through the proposed management guidance. We request modification of Goal 5 and that the Service correct this language elsewhere in the draft Plan where it is similar. We request Goal 5 be modified to better follow Congressional direction found in the Refuge Administration Act, as amended, and offer the following clarification for your consideration.

The Refuge provides a place for continued, compatible priority wildlife-dependent [and wilderness-associated] recreational opportunities [activities] that emphasize adventure[, independence, self-reliance,] and exploration[, and solitude] while protecting the biological and physical environments.

Response to Comment 136805.043

Areas of the Refuge not designated as Wilderness are managed as Minimal Management areas, the guidelines for which (Chapter 2, Section 2.3.3) specify maintaining conditions and qualities that are commonly associated with the wilderness concept. Public comments on this goal, as well as visitor responses to the Refuge's 2008 visitor study, indicate that the public agrees that these experiences should be protected across the Refuge.

Comment 136805.063

Refuge Vision and Goals, Goal 5 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-15, Objective 5.1 Visitor Independence, Self-reliance, and Freedom. A significant portion of the Refuge is not designated wilderness; therefore, it is inappropriate to manage the entire Refuge as designated wilderness. We request this objective clarify it applies only to designated wilderness.

Response to Comment 136805.063

Areas of the Refuge not designated as Wilderness are managed as Minimal Management areas, the guidelines for which (Chapter 2, Section 2.3.3) specify maintaining conditions and qualities that are commonly associated with the wilderness concept. Public comments on this goal, as well as visitor responses to the Refuge's 2008 visitor study, indicate that the public agrees that these experiences should be protected across the Refuge. We clarified terms "Wilderness" and "wilderness" and this objective 5.1 (now Objective 5.2 in the Revised Plan) refers to "wilderness" in the general sense—not designated Wilderness. We are managing the entire Refuge for these wilderness characteristics; therefore, the objective is correct as written.

Comment 136805.064

Refuge Vision and Goals, Goal 5 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-15, Objective 5.2 Experience of Adventure, Challenge, Exploration, and Discovery. We question if these types of "improvements" would in fact "diminish the area's quality as an adventuring ground," and submit they could also serve as important tools to manage public use. As such, it is inappropriate to eliminate management options prior to development of the Visitor Use Management Plan. We recommend this objective instead commit to consider these management tools in the context of the Visitor Use Management Plan.

Response to Comment 136805.064

Arctic Refuge currently has no established trails, bridges, directional signs, or other recreational improvements, and our visitor survey indicated that people value this type of experience, which can be had in few other places. The Revised Plan acknowledges that managers may develop trails, temporary signs (e.g., during site restoration), and hardened campsites/sanitation facilities (at heavily used access sites) if necessary to prevent resource damage (See Chapter 2, Section 2.4.16). Refuge managers decided that additional options for visitor use management would be best addressed through a VUMP, separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan. The visitor use plan will assess the potential need for formal trails, sanitation facilities, or signs as mechanisms to minimize overall impacts and to better manage visitor use at the Refuge.



Comment 136805.065
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 5 and Objectives

Page 2-16, Objective 5.3, Visitor Use Management Plan. The second paragraph on page 2-16 inappropriately expands the Wilderness Stewardship planning processes to the Visitor Use Management planning process on a Refuge-wide basis. As noted in Objective 2.3, the scope of the Wilderness Stewardship planning process is limited to the management of designated wilderness. Because wilderness cannot be designated through the planning process, it is inappropriate to expand the Wilderness Stewardship planning process refuge-wide, to include non-wilderness areas of the refuge.

Response to Comment 136805.065

Wilderness Planning (Objective 2.4 in the Revised Plan) correctly identifies that the WSP will only address designated Wilderness. “Immediately upon Plan approval, Refuge managers will initiate a multi-year planning process to develop a WSP for the designated Wilderness.” The WSP will deal with many aspects of Wilderness management beyond visitor use management; however, visitor use will be an important component of both the Wilderness Stewardship and Visitor Use Management plans; therefore, we plan to conduct these two planning process concurrently. The VUMP will address visitor use issues throughout the Refuge and while the issues will be very similar, the strategies and actions to address them may be different for designated Wilderness and Minimal Management lands.

Comment 136805.066
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 5 and Objectives

Page 2-18, Objective 5.8 Visitor Use Management. This objective and the identified strategy inappropriately expand management requirements for designated wilderness to all parts of the Refuge. The State acknowledges that management to protect wilderness characteristics in the parts of the Refuge that are not designated wilderness may be appropriate, but this objective and implementing strategy inappropriately rely on the definition of wilderness from the Wilderness Act (i.e., “unconfined recreation,” “untrammelled,” “primeval character”) for management standards for the parts of the Refuge that are not designated wilderness.

Response to Comment 136805.066

This objective (now Objective 5.4) was revised to avoid possible confusion regarding application of Wilderness Act requirements to the Refuge’s Minimal Management lands. The terms of concern have been removed. However, as noted, many wilderness characteristics are found on the Minimal Management lands; they are highly valued by the public on them and will be appropriately protected.

Comment 136805.068
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 5 and Objectives

Page 2-19, Objective 5.9 Aircraft Landing Impacts. This objective must fully recognize direction found in Section 1110(a) of ANILCA, which specifically provides for aircraft landings in the Refuge. While these landings are subject to reasonable regulation, these landings “shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.”

Response to Comment 136805.068

The strategy of Objective 5.9 is to protect sensitive habitats from the impacts of aircraft landings; as such, it does not limit aircraft landings. Any proposed limits to aircraft landings would be a topic of the VUMP, which is scheduled to begin immediately following the approval of the Revised Plan and will include full public involvement. Section 1110 of ANILCA does allow the Secretary the option to develop “reasonable regulations” to protect “the natural and other values of the conservation system unit.” Should such an action ever be proposed, we would follow the regulatory process (notice and hearing).

Comment 136805.067
Sean Parnell, Governor
State of Alaska

Refuge Vision and Goals, Goal 5 and Objectives

-----Preamble/Intro-----

Page 2-18, Objective 5.8 Visitor Use Management.

-----Comment-----

We have significant concerns about specific language in this objective including: references to pristine landscapes; the entire Refuge as a nationally important benchmark for wilderness character; considering vague national constituencies over refuge visitors and local residents living within refuge boundaries; and perpetuation of the Refuge’s “primeval character.” This

objective is also unnecessary as these types of management actions will be addressed, as well as any associated implementation strategies, through completion of the Visitor Use Management Plan outlined in Objective 5.3.

We object to what appears to be an effort to apply management direction that is inconsistent with federal law and request the objective either be significantly revised or removed from the Plan.

Response to Comment 136805.067

We agree that much of what was in Objective 5.8 (of the draft Plan) was redundant with the information in the Visitor Use Management Plan (Objective 5.3 in the draft Plan) and therefore have dropped Objective 5.8 (of the draft Plan). The Visitor Use Management Plan is now covered in Objective 5.4 in the Revised Plan.

Comment 136805.069

Refuge Vision and Goals, Goal 5 and Objectives

**Sean Parnell, Governor
State of Alaska**

-----Preamble/Intro-----

Page 2-19, Objective 5.9 Aircraft Landing Impacts.

-----Comment-----

This objective is unnecessary as this management decision will be addressed, as well as any associated implementation strategies, through completion of the Visitor Use Management Plan outlined in Objective 5.3. We request it be removed from the Plan.

Response to Comment 136805.069

We anticipate that although we will begin the VUMP immediately upon approval of the Revised Plan, it will take three to five years to complete due to the level of public interest. During that time, we plan to begin to address existing impacts through restoration of some impaired sites, while working on ways to avoid future impacts and mitigate existing ones in the planning process.

Comment 136952.004

Refuge Vision and Goals, Goal 5 and Objectives

**Jeffrey Marion, Field Stn. Leader/Adj. Professor
Virginia Tech Field Virginia Tech Field Station**

In section 2.1.5 Goal 5 on recreation management the plan emphasizes “employing the least intrusive means of managing public use...” I suggest that this type of “hands-off” management approach has led to past visitor impact management problems and will only hasten the occurrence of future visitor impacts. This approach infers that it’s important for visitors to not encounter Leave No Trace educational messaging that could encourage the learning and application of low impact practices. If as stated in the plan, the staff seek to promote “visitor independence, self-reliance, and freedom” they should redirect the plan to prohibit aircraft landings within the Wilderness and Wild & Scenic River corridors rather than discourage effective visitor education efforts. Pack-rafting, as opposed to flown-in commercial rafters and hunters, epitomizes the qualities of visitation this Plan purports to encourage yet I was unable to find mention of this common and increasing type of use in Chapter 2 of the plan. Why does the plan make no effort to deter the growing, high-impact commercial river rafting and guiding services (including hunting/fishing) – which are in clear

contradiction to their stated visitation objectives emphasizing “visitor independence, self-reliance, and freedom?” Further, I could find no mention of if aircraft will continue to be permitted to land on Wilderness and Wild & Scenic corridor lands (presumably they will). This practice is in considerably greater conflict with the stated Refuge goals than are the development of active low impact educational programs! I hesitate to use the word hypocrisy but it seems to fit here.

Our trail monitoring work has documented the development of many visitor-created trails, particularly in the Atigun Gorge area. The widespread internet-enabled sharing of GPS tracks and campsite locations by refuge visitors will likely ensure the creation of additional trails and campsites in the future (if unaware of this do some Google searches). Failure to educate visitors in appropriate dispersed “tundra-walking” and low impact “pristine site” camping practices ensures that the per capita impact of ANWR’s visitors will be much greater than is necessary and that informal (visitor-created) trails and campsites will continue to proliferate over time.

Once trails and campsites appear they attract even greater use and experience in other protected areas reveals that they are generally permanent (talk to managers at Denali and Gates). It is exceedingly difficult to reactively deter their use and restore them to pristine conditions. Experience reveals that a strong proactive management style is the best possible visitor impact management practice. In wilderness and pristine backcountry settings a strong educational approach to deterring these problems is the best available practice, yet this plan reads like such an orientation is to be prevented in order to “maximize the visitor’s freedom and independence.” Again, I suggest removing all outfitters and guides if that is an overriding management objective. I’ve seen no research suggesting that wilderness visitors detest being informed with low impact practices appropriate to the area they are visiting – in fact, results from numerous visitor studies reveal that visitors strongly prefer educational management responses to all other management options presented to them. I suggest a substantial revision of this section.

If management believes that a strong educational program is inappropriate then I strongly recommend moving from a dispersal to a containment strategy for avoiding/minimizing visitor impacts. For example, this would involve creating a sustainably designed formal trail, waterfall vista site, and campsites in the Atigun Gorge. Visitors would be naturally attracted to and would largely stay on these designated trails and sites and minimize associated off-trail impacts. I want to emphasize that a failed dispersal strategy (guaranteed unless ANWR implements a strong low impact educational program), would result in far greater cumulative visitor impact. In other protected areas our research has found that numerous duplicative parallel informal trails will quickly form and that their aggregate impact exceeds that of a single formal trail (and the same w/campsites). This plan should make these choices and establish the management direction to guide all tiered subsequent plans. The current draft fails to accomplish this important function.

Response to Comment 136952.004

Managers at the Refuge decided that options for visitor use management would be best addressed through a public planning process separate from the Revised Plan. Managers have elevated the priority for completing the VUMP to begin immediately upon approval of the Revised Plan. The VUMP will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and will assess visitor impacts and management needs. The management strategies prescribed in the Revised Plan will be used in the interim to manage visitor use during the development of the VUMP. During the visitor use

planning effort, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management prescriptions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. Based on this effort, managers may use education, site management, regulation, enforcement, and/or rationing/allocation to manage visitor use at Arctic Refuge. Please also see Chapter 2, Section 2.1.2, Objective 2.4 and and Section 2.1.5, Objective 5.4.

Comment 136952.005

Refuge Vision and Goals, Goal 5 and Objectives

**Jeffrey Marion, Field Stn. Leader/Adj. Professor
Virginia Tech Field Virginia Tech Field Station**

Section 2.1.5, Goal 5, Objective 5.8 – this section does specify “an environment essentially free from visitor impacts.” However, this section reiterates that “the least intensive and visible management activities” will be the focus. This seems to set refuge staff up for failure by removing active and effective visitor education from their toolbox. What specific actions will the refuge employ to achieve their management objectives relative to visitor use? Requiring all overnight visitors to obtain a permit and using that opportunity to actively impart low impact practices seems the only logical approach for a successful visitor impact management program. This is the most common and effective approach for most protected natural areas – I fail to understand why ANWR resists such an approach. For common day-use hiking areas the provision of trailhead information also seems important.

Response to Comment 136952.005

Much of what was in Objective 5.8 (of the draft Plan) was redundant with the information in the VUMP objective (Objective 5.3 in the draft Plan); therefore, we dropped Objective 5.8 (of the draft Plan). The VUMP is now covered in Objective 5.4 in the Revised Plan. Managers at the Refuge have decided that options for visitor use management would be best addressed through a public planning process separate from the Revised Plan. Managers have elevated the priority for completing the VUMP to begin immediately upon approval of the Revised Plan. The VUMP will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and will assess visitor impacts and management needs. The management strategies prescribed in the Revised Plan will be used in the interim to manage visitor use during the development of the VUMP. During the visitor use planning effort, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management prescriptions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. Based on this effort, managers may use education, site management, regulation, enforcement, and/or rationing/allocation to manage visitor use at Arctic Refuge. Please also see Chapter 2, Section 2.1.2, Objective 2.4 and Section 2.1.5, Objective 5.4.

Comment 136816.013
John Strassenburgh

Refuge Vision and Goals, Goal 5 and Objectives

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Goal 5 Objectives

The second bullet is to develop a Visitor Use Management Plan. This objective should be deleted and replaced with the following: “Develop a Wilderness Stewardship Plan, a component of which would be a Visitor Use Management Plan;”

Response to Comment 136816.013

Wilderness Planning (Objective 2.4 in the Revised Plan) correctly identifies that the WSP will only address designated Wilderness, and the Plan will deal with many aspects of Wilderness management beyond visitor use management. Visitor use will be an important component of both the Wilderness Stewardship and Visitor Use Management plans; therefore, we plan to conduct these two planning process concurrently. The VUMP will address visitor use issues throughout the Refuge and while the issues will be very similar, the strategies and actions to address them may be different for designated Wilderness and Minimal Management lands.

Comment 136816.014
John Strassenburgh

Refuge Vision and Goals, Goal 5 and Objectives

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

This Goal 5 is integral to not only the essence of the visitor experience, but also touches on most aspects of the Refuge management. There are a lot more objectives that should be included under Goal 5. This is an organizational challenge, because many management objectives could be listed under, for example, Goal 1, Goal 2, Goal 5, or all three. For example, the suggestion I have (see above) of adding an objective to monitor and maintain a natural landscape could be under any or all these goals.

Further, to manage visitor use, and preserve the wilderness recreational activity qualities specified in the Goal 5 statement, there has to be compliance checking and monitoring of impacts, as well as a means to identify, assess, prioritize, and determine how best to remediate the impacts. Again, there is a lot of overlap among goals 1, 2, and 5, but my impression is that the objectives for Goal 5 are incomplete.

Response to Comment 136816.014

There is some overlap in strategies in objectives from Goals 2 and 5. Objective 2.6 addresses monitoring wilderness characteristics” “Characteristics of the Refuge that are commonly associated with Wilderness or other wildlands, such as Minimal Management areas, and that

are essential components of the Refuge’s Special Values (Section 1.5), will be monitored through protocols developed through three step-down plans. “ Objective 5.4 “Visitor Use Management Plan” addresses monitoring visitor use and associated impacts. During that process, we will identify the desired conditions and experiences will meet refuge purposes and protect and sustain the Refuge’s special values and determine tools and schedules for monitoring them.

Comment 032626.015
Greg Warren

Refuge Vision and Goals, Goal 5 and Objectives

V1, 2-19, 5.9 Goal 5, Strategy: The inventory of commonly used landing areas is critical and should be a priority for applying Refuge resources. Other strategies that should be listed include limiting aircraft to discrete landing zones, and if necessary, seasonally limiting the number of aircraft that can land in each zone through permitting practices. (To be clear, the Refuge must not have any FAA certified runways.)

Response to Comment 032626.015

We do not have any FAA certified runways on Arctic Refuge nor do we have any plans for such. In recognition of the impacts already occurring to sensitive areas, we added Objective 5.9 (Aircraft Landing Impacts). Refuge managers will implement strategies to address impacts to sensitive vegetation caused by aircraft landings on Refuge lands. Refuge staff will work closely with commercial air service providers and other interested parties to 1) ensure that safety remains a primary concern; 2) document the condition and trends in established and emerging landing areas; 3) examine availability of durable landing areas, recognizing their often ephemeral nature; 4) identify and engage key partners and the general public in discussion about landing area conditions , and 5) formulate and implement management strategies that protect the land, vegetation, and wilderness characteristics. Aircraft issues will also be addressed in the VUMP and concurrent WSP, which will begin immediately upon implementation of the Revised Plan.

3.40.7 Goal 6 (including objectives)

Comment 136820.010
Cindy Shogan, Executive Director
Alaska Wilderness League

Refuge Vision and Goals, Goal 6 and Objectives

Objective 6.1 should also specifically address effects of climate change on polar bears and other marine mammals that depend on refuge habitats. DEIS at 2-20.

Response to Comment 136820.010

Specific details of evaluating effects of climate change on Refuge wildlife, including species-specific monitoring programs, will be developed in the step-down planning process (i.e., I&M and Research plans).

Comment 136796.008

Refuge Vision and Goals, Goal 6 and Objectives

Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

The Service's own research and monitoring agenda will rely heavily on Objective 1.2 to revise the Refuge's Inventory and Monitoring (I&M) Plan, Objective 1.3 to develop a Research Plan, and Objective 1.4 to conduct an Ecological Review.[39] Defenders supports these objectives and suggests that they be cross-referenced with relevant objectives under Goal 6, adding language to explicitly state that the Ecological Review must identify species and habitats that are vulnerable to climate change.

Response to Comment 136796.008

Requested cross-references are provided in Objectives 6.1 and 6.2, with the understanding that the Ecological Review is part of the preparation and implementation of the I&M and Research plans.

Comment 136801.047

Refuge Vision and Goals, Goal 6 and Objectives

Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-20. Objective 6.1 This section should also specifically address effects of climate change on polar bears and other marine mammals that depend on refuge habitats.

Response to Comment 136801.047

Specific details of evaluating effects of climate change on Refuge wildlife, including species-specific monitoring programs, will be developed in the step-down planning process (I&M and Research plans).

Comment 136801.048

Refuge Vision and Goals, Goal 6 and Objectives

Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-21 Objective 6.4 Collaboration on Climate Change. We urge the Refuge to develop another objective focused on partnerships and work with local villages and tribes to involve them in not only collecting traditional ecological knowledge, but plans for integrating the people and their

knowledge in an ongoing basis (TEK is not a static “thing” it is a process) for each of the other objectives in this section.

Response to Comment 136801.048

Please note that the gathering and sharing of traditional ecological knowledge is included in the goal statement for Goal 6 and applies to each objective under that goal. Further, we direct your attention Objective 8.1, which also addresses the Refuge’s commitments to gathering and sharing traditional ecological knowledge. We understand the dynamic nature of ecological knowledge, whether it be traditional or Western.

Comment 137014.007

Refuge Vision and Goals, Goal 6 and Objectives

**Dan Ritzman, Alaska Program Director
Sierra Club**

Objective 6.1 should also specifically address effects of climate change on polar bears and other marine mammals that depend on refuge habitats. DEIS at 2-20.

Response to Comment 137014.007

Specific details of evaluating effects of climate change on Refuge wildlife, including species-specific monitoring programs, will be developed in the step-down planning process (I&M and Research plans).

Comment 136805.070

Refuge Vision and Goals, Goal 6 and Objectives

**Sean Parnell, Governor
State of Alaska**

Page 2-21, Objective 6.3 Biological Components Vulnerable to Climate Change. We request the objective clearly identify what is meant by “vulnerable species, ecological communities,” and “trust responsibilities.”

Response to Comment 136805.070

Reference to “trust responsibilities” was removed from this objective in the revised Plan. The revised Plan specifically references “climate-vulnerable species and ecological communities.” No attempt is made to define what species or communities are most vulnerable to climate change; rather, such determination may be made through the step-down planning process or based on subsequent studies.

Comment 032628.003

Refuge Vision and Goals, Goal 6 and Objectives

**Fran Mauer, Alaska Chapter
Wilderness Watch**

Goal 6: The Final Plan should modify this goal to specify that natural systems will be allowed to adapt and evolve (non intervention), consistent with Management Guideline 2.4.10.1

Response to Comment 032628.003

A non-intervention objective consistent with Management Guideline 2.4.10.1 was added (see Objective 6.4).

Comment 136813.002
Allen Smith

Refuge Vision and Goals, Goal 6 and Objectives

Goal 6: Should be reworded to “The effects of climate change on Refuge resources are evaluated through ‘non -invasive’ scientific research and monitoring.”

Response to Comment 136813.002

Techniques used in scientific studies on the Refuge receive peer review through the I&M and Research step-down planning process. Research involving handling of warm-blooded vertebrates is subject to review by an Animal Care and Use Committee to ensure compliance with the Animal Welfare Act. Research proposed in designated Wilderness is subject to an MRA (see Chapter 2, Section 2.4.20). The Refuge manager is responsible for ensuring that all work proposed on the Refuge is consistent with Refuge purposes and special values. Proposed research, therefore, has adequate review, and additional language is not needed in this goal.

3.40.8 Goal 7 (including objectives)

Comment 136820.011

Refuge Vision and Goals, Goal 7 and Objectives

**Cindy Shogan, Executive Director
Alaska Wilderness League**

The objectives identified to achieve Goal 7 need to better provide the coordination mechanism between projects described here as well as listed as inventory and monitoring and research under other objectives, including those done by the Refuge staff itself, other arms of the Service, other federal agencies, cooperators, collaborators, tribes, local communities, and others.

Response to Comment 136820.011

Coordination of research, inventory, and monitoring between the Refuge and partners will follow applicable laws, policies, and guidelines (see Chapter 2 and Appendices A and B), and specific mechanisms for achieving coordination on a case-by-case (project-by-project) basis will be identified in the step-down planning process.

Comment 136789.006

Refuge Vision and Goals, Goal 7 and Objectives

**Bob Childers, Executive Director
Gwich'in Steering Committee**

We insist that the drainages of the East Fork Chandalar, Christian and Sheenjok Rivers are not suitable for Wilderness.

The Draft emphasizes current activities as the benchmark, but we must be concerned about the future sustainability of our communities. Wilderness suitability may affect logging and housebuilding, our hopes of repopulating Christian Village, the construction of trapping cabins and the viability of trapping, or the viability of small enterprises in our area or on our allotments, or the evaluation of a small hydro site below Arctic that may one day be economic, displacing diesel. Some day we might say ok - we will not need this area or that, but it is too soon to know now. You should come back in one or two generations and ask again.

Response to Comment 136789.006

By Refuge System policy, wilderness reviews are elements of comprehensive conservation plans, and we are directed to conduct those reviews as part of the planning process. For the Brooks Range WSA suitability evaluation, which included the East Fork of the Chandalar River, an area of 181,077 acres would be excluded from wilderness recommendation if that area were to be selected as the preferred alternative. Lands in the exclusion area would continue to be managed as Minimal Management, as they are now. The exclusion area was identified through face-to-face conversations with residents of Arctic Village, as well as with representatives of the Arctic Village Council and the Native Village of Venetie Tribal Government. Some of the residents provided us with hand-drawn maps outlining important subsistence and logging areas, private allotments, and travel corridors. The information gathered during our visit to the villages was compiled to create the exclusion area.

In 1980, ANILCA established an eight-million-acre designated Wilderness area which included a substantial portion of the Sheenjok River drainage as well as designating all of the Sheenjok River within the Refuge as a Wild and Scenic River. The lower portion of the Sheenjok River drainage is within the Porcupine Plateau WSA, which was found to be suitable for a recommendation as Wilderness.

The draft Plan did not select a preferred alternative or make a wilderness recommendation. Any recommendation(s) included in the Revised Plan will be forwarded by the Director of the U.S. Fish and Wildlife Service to the Secretary of the Interior, who may forward the recommendation to the President, who may transmit it to Congress. Only Congress can designate areas as Wilderness.

Comment 136801.049

Refuge Vision and Goals, Goal 7 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

In general, the objectives need to better provide the coordination mechanism between projects described here as well as listed as inventory and monitoring and research under other objectives, including those done by the refuge staff itself, other arms of the Service, other federal agencies, cooperators, collaborators, tribes, local communities, and others.

We suggest that an additional objective is needed to create a more robust and transparent coordination plan for the Arctic Refuge with its other Service offices and branches, to address overlapping outreach, inventory, monitoring, and research functions that support Management goals. These sister offices include: Refuges, Conservation Planning—in its implementation of the Fish & Wildlife Coordination Act and other laws to uphold FWS trust resource values, Endangered Species Act consultations and other responsibilities, Marine Mammals Management for polar bears regarding critical habitat, incidental take/incidental harassment authorizations, etc, along with Fisheries and Realty, as well as the adjacent Yukon Flats Refuge. Doing so would optimize opportunities to advocate in multiple arenas with other stakeholders including to address threats from beyond the refuge boundary including offshore oil exploration and development that would affect the integrity of the Refuge and its purposes.

Response to Comment 136801.049

Scientific and management collaboration, both within the Service and with outside partners, is addressed in multiple objectives, e.g., 1.2, 1.3, 1.4, 1.9, 3.1, 6.1, 6.3, 7.3. Prioritization and coordination of outreach, inventory, monitoring, and research efforts will occur through the step-down planning process (i.e., VUMP, WSP, and I&M and Research plans).

Comment 136801.051

Refuge Vision and Goals, Goal 7 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

We strongly urge that any data collected in the refuge be provided to the refuge as a public record as a condition of the special use permitting or partnership agreements for cooperators, collaborators, etc.

Response to Comment 136801.051

Annual reports are required as a condition of special use permits for research activities as a means of tracking compliance with the conditions of the permits. These reports are not required to contain data or results. The Refuge is neither equipped nor staffed to handle, store, archive, or share large amounts of research data. Others may provide archiving of, and access to, research data, including the Landscape Conservation Cooperatives, the North Slope Science Initiative, Long-term Ecological Research Sites, and the Geographic Information Network of Alaska.

Comment 136801.052

Refuge Vision and Goals, Goal 7 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-23 Objective 7.3 International Treaties and Agreements. Because upholding obligations of international treaties is one of the specific purposes of the refuge, this section should have objectives spelled out for each major treaty and agreement describing how the refuge and Service's other offices work to further its work implementing these treaties, particularly habitat protection obligations. Work related to the Agreement on the Conservation of Polar Bears should be included in this section.

Response to Comment 136801.052

As written, Objective 7.2 is sufficient in regards to acknowledging the Refuge's obligations to treaties and agreements, and additional, treaty-specific objectives have not been added to the Plan. Specific actions under each treaty or agreement will be addressed on a case-by-case basis, and will be considered in the step-down planning process as appropriate.

Comment 136801.053

Refuge Vision and Goals, Goal 7 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

p. 2-23. Baseline Water Quality Study. We urge that this project be started sooner due to the presence of many planned exploration and development projects outside the refuge that could affect the water quality of refuge lakes, ponds, wetlands, rivers and coastal lagoon waters due to air borne pollutants and spills.

Response to Comment 136801.053

The Refuge recognizes the importance of collecting water quality samples as soon as possible and plans to do so within five years. Prior to sample collection, the Refuge will work with the Water Resource Branch to complete a Water Resource Inventory and Assessment (see Goal 3). This assessment will help the Refuge identify and prioritize water quality data collection efforts. Note the objective for conducting water quality studies was moved to Goal 3.

Comment 137014.008

Refuge Vision and Goals, Goal 7 and Objectives

**Dan Ritzman, Alaska Program Director
Sierra Club**

In general, the objectives identified to achieve Goal 7 need to better provide the coordination mechanism between projects described here as well as listed as inventory and monitoring and research under other objectives, including those done by the Refuge staff itself, other arms of the Service, other federal agencies, cooperators, collaborators, tribes, local communities, and others.

Response to Comment 137014.008

Coordination of research, inventory, and monitoring between the Refuge and partners will follow applicable laws, policies and guidelines (see Chapter 2 and Appendices A and B), and specific mechanisms for achieving coordination on a case-by-case (project-by-project) basis will be identified in the step-down planning process.

Comment 136813.003
Allen Smith

Refuge Vision and Goals, Goal 7 and Objectives

Goal 7: Should also be reworded to “conduct non-invasive research and monitoring.”

Response to Comment 136813.003

The intent of Goal 7 does not include identification of acceptable research and monitoring techniques. Decisions on appropriate methods will be made by the Refuge manager, based on applicable laws, policies and guidelines, and scientific peer review. This includes the Wilderness Act for administrative activities proposed in designated Wilderness areas, and the guidelines published in this Plan for all management categories.

Comment 136987.001
Susan Newell

Refuge Vision and Goals, Goal 7 and Objectives

Collaboration with other scientific agencies and studies is will provide a tremendous amount of knowledge - just don't let the observers/researchers alter the environment in the process - non-intervention guidelines are needed.

Response to Comment 136987.001

The conduct of scientific research on Arctic Refuge must be consistent with applicable laws, policies and guidelines, as noted in the Plan. In some cases, the Refuge manager will issue scientific special use permits that include stipulations that researchers are required to follow. Administrative actions, including scientific research, in designated Wilderness must be consistent with the Wilderness Act (see Chapter 2, Section 2.3.4). Specific proposals to conduct monitoring and research will be peer reviewed in the step-down planning process.

3.40.9 Goal 8 (including objectives)

Comment 032619.004

Refuge Vision and Goals, Goal 8 and Objectives

**Cliff Judkins, Chairman
Alaska Board of Game**

-----Preamble/Intro-----

The following specific points further define the concerns and issues expressed by the Board:

-----Comment-----

The plan suggests that abandoned hunting camps and cabins will be cleaned up. Does “clean up” constitute removal? While such structures and improvements should not pose harm to wildlife and people nor destroy the environment, they should be considered part of the heritage and character of the land and should remain an integral part of the Refuge’s living landscape. Such places can offer shelter and related amenities to people enjoying their activities on the Refuge. Structures and campsites in need of maintenance could receive modest repairs to provide useable temporary shelters for people and acquaint them with the pre-refuge history of each site. Goal 8 which addresses conservation of cultural resources to allow users of the Refuge to appreciate the interconnectedness of the people of the region and their environment should incorporate this recommendation.

Response to Comment 032619.004

By “clean up” we mean removing trash and contaminants from within and around the sites of old hunting camps and cabins. We have no plans to destroy structures, although the Refuge could pursue this option if the structures provide a safety hazard to the public. Alternatively, the Refuge could opt, as you suggest, to conduct modest repairs to address safety concerns. If Refuge staff believes an action needs to be taken regarding structures, whether to remove them or repair them, we will follow the historic preservation process and environmental analysis procedures as appropriate.

Comment 136750.003

Refuge Vision and Goals, Goal 8 and Objectives

**Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council**

Continue to conduct traditional access studies, develop harvest monitoring programs in partnership with -- with Kaktovik and, in particular, Goal 8, which says the refuge cultural resources, historic and prehistoric, are conserved to allow visitors and community members to appreciate the interconnectedness of the people, our people, Inupiat people of the region and our environment and these activities and commitments that should be taking place is to achieve the various goals to develop a cultural resource management plan. Partner with the Village of Kaktovik and others to define projects. In particular, with North Slope Borough Historical -- the IHLC, the Independent Historic Language Commission, to define the project for the protection of cultural and historical resources.

Response to Comment 136750.003

The Refuge is fully committed to implementing and achieving our subsistence and cultural mandates under ANILCA and other cultural resources preservation and protection laws. The Refuge will maintain its unique legal and political relationship with Alaska Native tribal governments to provide meaningful involvement in the decision making process regarding issues affecting resources, subsistence and traditional uses, or other activities that may have tribal implications. We added a new objective on formal tribal consultation (see Chapter 2,

Section 2.1.4, Objective 4.1) and imbedded language requiring formal consultation for all the goals and objectives or step-down plans that may have implications to tribes.

In addition to formal consultation with tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations such as the North Slope Borough, ASRC, KIC, North Slope Independent Historic Language Commission, and others to define and accomplish agreed upon subsistence and cultural projects and studies. Objective 8.1 (Chapter 2, Section 2.1.8) on Collaboration, Partnerships, and Traditional Knowledge was broadened to acknowledge that we will work with local tribal governments and Native organizations, Native elders, and others who possess knowledge of the area's cultural and traditional uses, landscapes, habitats, and resources to gain an understanding of past conditions and current observations. Objective 8.3 includes a commitment to complete an ICRMP for Arctic Refuge, in cooperation and coordination with local communities and Native organizations, and in consultation with tribes.

Comment 136750.004

Refuge Vision and Goals, Goal 8 and Objectives

**Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council**

Strongly consider working on traditional economic, ecological knowledge and also, very important, have the U.S. Fish and Wildlife Service or the Arctic National Wildlife Refuge sign a memorandum of agreement for government to government relationship with the Village of Kaktovik and other local regional groups that are -- that would take care of us.

Response to Comment 136750.004

The Refuge is fully committed to maintaining its unique legal and political relationship with Alaska Native tribal governments to provide meaningful involvement in the decision making process regarding issues affecting resources, subsistence and traditional uses, or other activities that may have tribal implications. We added a new objective on formal tribal consultation (see Chapter 2, Section 2.1.4, Objective 4.1) and imbedded language requiring formal consultation for all the goals and objectives or step-down plans that may have implications to tribes. Tribal consultation could include a formal government-to-government relationship through a Memorandum of Agreement.

In addition to formal consultation with tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations such as the North Slope Borough, ASRC, KIC, North Slope Independent Historic Language Commission, and others. In Chapter 2, Section 2.4.9.6, we state that we will, when appropriate, ask local residents and others "to participate in Refuge activities so their expertise and knowledge can be incorporated into Refuge management." Objective 8.1 (Chapter 2, Section 2.1.8) on Collaboration, Partnerships, and Traditional Knowledge was broadened to acknowledge that we will work with local tribal governments and Native organizations, Native elders, and others who possess knowledge of the area's cultural and traditional uses, landscapes, habitats, and resources. Objective 4.5 (Chapter 2, Section 2.1.4) commits to compiling sources of scientific data, traditional knowledge, and ethnographic information through formal partnerships with tribal governments and Native organizations, and Objective 6.3 (Chapter 2, Section 2.1.6) makes a commitment to work with local villages and tribes to collect traditional ecological knowledge of how the regions' fish, wildlife, habitats, and ecosystems are responding to climate change.

Comment 136750.005

Refuge Vision and Goals, Goal 8 and Objectives

**Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council**

Provide cultural resource training to the refuge staff or the -- locate -- to be located here in Kaktovik.

Response to Comment 136750.005

The Refuge's Objective 8.2 for Cultural Resource Management, Monitoring, and Law Enforcement was broadened to provide cultural resource training and to work with other cultural resource professionals to conserve and protect cultural resources. The Refuge has long-term responsibilities for cultural resources on Refuge lands and is directed by several laws and policies to manage and protect these resources (see Chapter 2, Section 2.4.10.5). Training for appropriate staff on the types and values of cultural resources will provide the Refuge with several tools to manage cultural resources, monitor at-risk sites, and incorporate cultural resource values in resource protection efforts and messages. Cultural resource conservation and protection will be more effective if Refuge staff and enforcement personnel are aware of important resources and can focus their efforts on those areas where resources are at greatest risk.

Arctic Refuge has an administrative facility in Kaktovik, and staff and cooperators work out of this facility, primarily in the summer months. The Refuge has a RIT in Kaktovik to increase communication between Refuge staff and people in Kaktovik. We have had permanent employees stationed in Kaktovik and may do so again in the future. Our headquarters was, and will continue to be, co-located with the Yukon Flats and Kanuti National Wildlife Refuges in Fairbanks; however, we will continue to look for opportunities to partner with the KIC and the Native Village of Kaktovik and increase our staff presence in Kaktovik as funding permits.

Comment 136750.006

Refuge Vision and Goals, Goal 8 and Objectives

**Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council**

Continue to monitor the sites that are vulnerable to vandalism or trespassing in the private lands within ANWR such as the allotments in and around the Arctic National Wildlife Refuge and also create a cultural inventory of written and oral testimonies about the Arctic Refuge. Most importantly, compile a place name directory and atlas of all the cultural and historical sites.

Response to Comment 136750.006

Conveyed Native allotments are private lands, and Refuge enforcement staff have limited jurisdiction on these private inholdings. The State of Alaska law enforcement personnel are responsible for enforcing issues of trespass, vandalism, and theft on private lands within the State. On Refuge lands, we have responsibilities for the conservation and protection of cultural resources, as is directed by various laws and regulations (see Chapter 2, Section 2.4.10.5). The Refuge's Objective 8.2 for Cultural Resource Management, Monitoring, and Law Enforcement was broadened to provide cultural resource training and to work with other cultural resource professionals to conserve and protect cultural resources.

The Refuge's Objective 4.5 for Manage of Subsistence Use Data was broadened to compile, store, manage, and share historical and contemporary subsistence and cultural use

information. The Refuge will consult and work with Native partners to compile existing subsistence and cultural use data, both contemporary and historical, and develop a comprehensive and functional repository of this information. Original data will be kept in a manner and location to be determined by the affected tribal governments. The Refuge's Objective 8.4 Improve Management through Increased Knowledge of Cultural Resources addresses gathering oral histories and place name information, and compiling a comprehensive Cultural Resource Atlas and Archive. Place names contain an enormous amount of information on traditional uses, culturally important places, historic camps and settlements, and other cultural information. This information is an untapped archive that could potentially benefit both the Refuge and surrounding communities. Accessing place name information will recognize the critical role of local people in the natural and cultural heritage of Arctic Refuge.

Comment 136801.054

Refuge Vision and Goals, Goal 8 and Objectives

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

Sec. 2.1.8 Goal 8 Cultural Resources

This is an important goal for the refuge given its subsistence purpose, and we urge consultation and incorporation of traditional knowledge, tribes, and local communities in all objectives.

Response to Comment 136801.054

The United States has a unique legal and political relationship with Alaska Native tribal governments to provide regular and meaningful involvement in the decision making process regarding issues affecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications. We added Objective 4.1 Formal Consultation and imbedded language requiring formal consultation for all the goals and objectives or step-down plans that may have implications to tribes. In addition to formal consultation with tribal governments, the Refuge will, whenever practicable and reasonable, collaborate and partner with Native organizations such as the Council of Athabascan Tribal Governments, Tanana Chiefs Corporation, Gwich'in Steering Committee, North Slope Borough, ASRC, KIC, subsistence advisory groups, and universities to accomplish agreed upon subsistence and cultural projects and studies.

Cultural Objective 8.1 for Collaboration, Partnerships, and Traditional Knowledge was broadened to acknowledge that we will work with local tribal governments and Native organizations, Native elders, and others who possess knowledge of the area's cultural and traditional uses, landscapes, habitats, and resources to gain an understanding of past conditions and current observations.

Cultural Objective 8.2 for Cultural Resource Management, Monitoring, and Law Enforcement was broadened to provide cultural resource training to Refuge staff and to work with other cultural resource professionals to conserve and protect cultural resources. The Refuge has long-term responsibilities for cultural resources on Refuge lands and is directed by several laws to manage and protect these resources (see Chapter 2, Section 2.4.10.5).

Cultural Objective 8.3 includes a commitment of complete an ICRMP for Arctic Refuge, in cooperation and coordination with local communities and Native organizations, and in consultation with tribes.

Cultural Objective 8.4 to Improve Management through Increased Knowledge of Cultural Resources addresses gathering oral histories and place name information and compiling a comprehensive Cultural Resource Atlas and Archive. Place names contain an enormous amount of information on traditional uses, culturally important places, historic camps and settlements, and other cultural information. This information is an untapped archive that could potentially benefit both the Refuge and surrounding communities. Accessing place name information will recognize the critical role of local people in the natural and cultural heritage of the Refuge.

We are committed to partnering with local residents and Native organizations on a variety of Refuge activities and planning efforts and will consult formally and informally with tribes in the decision making process on issues effecting cultural and subsistence resources, subsistence and traditional uses, or other activities that may have tribal implications.

Comment 136902.001
Robert Childers

Refuge Vision and Goals, Goal 8 and Objectives

Wanted clarification on what several of the cultural-subsistence objectives entailed and why the FWS is doing them: Specifically the Traditional Access Study and the other cultural studies (Arch, Ethnographic, Cultural Plan), what is the purpose for doing them and effects of these studies. He is concerned about the sensitivity of Native people regarding the FWS doing these studies.

Response to Comment 136902.001

The Refuge has long-term responsibilities for cultural resources on Refuge lands and is directed by several laws and policies to manage and protect these resources (see Chapter 2, Section 2.4.10.5). The Refuge is mandated by ANILCA Section 303(2)(B) to provide opportunities for continued subsistence uses by local residents when consistent with other Refuge purposes found in ANILCA.

We are keenly aware of the importance of cultural and subsistence issues, and we believe the Revised Plan adequately reflects this awareness. We will work with both the Gwich'in and Iñupiat people to incorporate traditional knowledge and traditional management practices in the management and use of Refuge resources. Native culture and subsistence is acknowledged and/or addressed in the Plan's vision statement, many of the goals and objectives, and in the Refuge's Management Policies and Guidelines. As indicated in many subsections of the Human Environment section (Chapter 4, Section 4.4), in goals 4 and 8 and their associated objectives (Chapter 2, Sections 2.1.4 and 2.1.8), and elsewhere in the Plan, the Service fully recognizes the presence, rights, uses, and cultures of residents that live within and adjacent to the Refuge.

The Revised Plan includes a commitment to complete an ICRMP for Arctic Refuge, in cooperation and coordination with local communities and Native organizations, and in consultation with tribes. We are committed to partnering with local residents and Native organizations on a variety of Refuge activities and planning efforts, including collecting traditional ecological knowledge of the area's ecosystems and wildlife and in conducting a historical subsistence access study (Objective 4.6 Subsistence Access). ANILCA provides that "use for subsistence purposes of snowmachines, motor boats, and other means of surface transportation traditionally employed" (Section 811(b)) and "use of snowmachines... motorboats, airplanes, and non-motorized surface transportation methods for traditional

activities” (Section 1110(a)) shall be permitted subject to reasonable regulation. A study of historical access to the lands and waters that now comprise Arctic Refuge will help determine where and what activities have occurred on the Refuge. An understanding of historical access will assist the Refuge in monitoring and managing current and future access.

Comment 136949.001
Sherry Furlong

Refuge Vision and Goals, Goal 8 and Objectives

Goal 8: I like this goal. The word “co-operat” is not necessary (self evident). “Define project”, is a complete goal.

Response to Comment 136949.001

Comments noted. In response to various public and internal comments, Goal 8 and many of its associated objectives were re-worded and reorganized to provide clarity as to what we plan to accomplish regarding cultural resource management.

Comment 136816.015
John Strassenburgh

Refuge Vision and Goals, Goal 8 and Objectives

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Goal 8 Objectives

The 6th bullet says “monitor at-risk sites.” I suggest adding the words “identify and” so that the bullet reads: “identify and monitor at-risk sites.

Response to Comment 136816.015

We unintentionally omitted “identify and” in the 20-page summary of the draft Revised Plan. The objective in the full Plan states, “...The Service will identify sites or areas at risk for vandalism and monitor them with periodic law enforcement patrols.”

3.40.10 Goal 9 (including objectives)

Comment 136817.019

Refuge Vision and Goals, Goal 9 and Objectives

Rex Rock & Edward Itta, President&CEO/Major ASRC/North Slope Borough

Goal 9 states that “The Refuge provides information to diverse audiences, near and far, to enhance their understanding, appreciation, and stewardship of the Refuge and its resources, and reflecting the nation’s interest in this place.” Draft Plan at 1-24, 2-27. If, however, the Refuge is to fulfill this goal, the information provided must be accurate and complete, and free from any apparent or perceived bias. The Refuge was established for a number of purposes. ASRC and NSB maintain that any goal relating to informational and educational opportunities should aim to enhance understanding and appreciation of all of the Refuge’s purposes, and not only selective purposes that serve to advance a particular view or agenda.

ASRC and NSB oppose the inclusion of Objective 9.8, dealing with “National Interest,” in the final revised Plan. Objective 9.8 of the Draft Plan states:

The people who live nearby and/or visit Refuge lands will always be important constituents of the Refuge and Service. The Refuge also needs to be mindful of the millions of people across the nation that have an interest in this place. There is a large constituency that will never set foot on the Refuge but value the Refuge as a symbolic landscape and heritage for future generations. Their interests need to be among the factors considered as the Refuge develops its management plans, conducts field work, and informs the public about the Refuge environment.

Draft Plan at 2-30. As discussed above with respect to the special values of the Refuge, the interests of local residents directly affected by management decisions must be given a higher priority than the symbolic interest of people who will never set foot in the Refuge. The Refuge was established and must be managed for a number of purposes. However, protection of symbolic interests of individuals who have no direct connection to the Refuge is not among these enumerated purposes. Accordingly, we believe Objective 9.8 should be struck from the final revised Plan.[3]

Response to Comment 136817.019

As indicated in many subsections of the Human Environment Section (4.4) and elsewhere in the Plan, the Service fully recognizes the presence, rights, uses, and cultures of residents that live within and adjacent to the Refuge. Arctic Refuge, as part of the National Wildlife Refuge System of federally managed lands, must take into consideration interests of the Refuge’s local, as well as nonlocal, and non-visiting constituency. The National Interest Study drew upon media articles representing expressions of opinions, attitudes, beliefs, and underlying values related to the Refuge that occurred in all newspaper and magazines in the LexisNexis database. This database included over 23,000 articles from publications across the United States, including Alaska, from 1995 through 2007. Research has shown that such media discussions reflect public attitudes and beliefs about a subject as long as a sufficiently large number and diversity of publications and stakeholder views are represented. We believe that is the case and that study results fairly represent the national interest in Arctic Refuge. Objective 9.8 was renumbered to 9.4 and we plan to continue the National Interest Study at 10 year intervals.

Comment 136796.010

Refuge Vision and Goals, Goal 9 and Objectives

Julie Kates, Refuge Associate, Federal Lands Program Defenders of Wildlife

The Arctic Refuge, home to some of America’s most iconic wildlife, is located on the front lines of climate change and serves as an early sentinel for the rest of the world. Refuge staff, therefore, have the unique opportunity to serve as a witness and a voice for the resources being impacted. The stories of the impacts of climate change occurring here should be central to the information the Refuge provides to the public through the internet, media, and other outreach resources.

Goal 9 in the Draft CCP states that the Arctic Refuge will inform “diverse audiences, near and far, to enhance their understanding, appreciation, and stewardship of the Refuge and its resources, and reflecting the nation’s interest in this place.”⁴⁰ Defenders supports this goal, but we urge the Service to expand its scope to more broadly include climate change. While climate change is mentioned with respect to educational materials and programs in Objective 9.6, it should be recognized as an important issue that deserves integration across the full

range of information sharing objectives, such as Objective 9.1 to inform the public and Objective 9.2 to inform Refuge users.[41]

Response to Comment 136796.010

We agree that Arctic Refuge has a unique opportunity to provide an important outreach message about how climate change is impacting the Refuge and its resources. In fact, Refuge staff already provides climate change information whenever possible as we craft Web content, brochures, information sheets, and social media (facebook), etc. In recognition of this significance, and in response to this comment, we incorporated climate change wording into Objective 9.1.

Comment 136968.001

Refuge Vision and Goals, Goal 9 and Objectives

Don Ford, Alaska Director

National Outdoor Leadership School

Under goal 9, we believe that the Refuge should work closely with the organizations permitted to take visitors into the Refuge. This relationship can function as a partnership in which the permitted organization can provide a hands-on education to visitors that a short orientation or written materials cannot. We believe that the visitor that wants to experience the Refuge on a NOLS course with experienced instructors/teachers should be valued equally with the individual that wants to visit the Refuge. It was our experience that NOLS can do a better job of resource protection than some untrained private visitors can.

Response to Comment 136968.001

We value commercial service providers as partners in our endeavor to offer visitors excellent recreational opportunities, and we work with permitted operators in our shared educational efforts to inform their clients or students about the Refuge's special values, minimizing visitor impacts, and resource issues of concern. Newly written Objective 5.5 states "Refuge staff will continue to work with commercial service providers to give information to their clients about Refuge regulations, resource concerns, and special values. The VUMP will further address ways to expand partnerships with commercial service providers identified during public involvement for both the Revised Plan and the step-down planning process."

Comment 136805.071

Refuge Vision and Goals, Goal 9 and Objectives

Sean Parnell, Governor

State of Alaska

Page 2-30, Objective 9.8 National Interest. We do not object to the Service conducting this type of study in ten-year intervals; however, the Service must remain mindful of the local residents that live within and adjacent to the Refuge. While citizens from across the nation may care about what happens within the exterior boundary of the Refuge, they do not depend on these lands for sustenance or the continuation of their culture. The Service needs to be mindful that people have lived harmoniously in this "symbolic landscape" for over ten thousand years, and their presence predates both the Arctic National Wildlife Refuge and the Arctic Range.

Moreover, an analysis of news articles would likely provide a snapshot of the opinions on the extreme ends of the spectrum. As with most issues, the majority opinion is likely somewhere in the middle. Additionally, while this study appears to be focused on individuals outside of Alaska, it is imperative that Alaskans' views are represented in this study.

Response to Comment 136805.071

As indicated in many subsections of the Human Environment Section (4.4), in goals 6 and 8 and their associated objectives, and elsewhere in the Plan, the Service fully recognizes the presence, rights, uses, and cultures of residents that live within and adjacent to the Refuge. Their history and prehistory is described in detail in Section 4.4.1.1 (Archeological and Historical Resources of the Arctic National Wildlife Refuge) and is also described in sections of the Human Environment describing nearby communities and subsistence uses. The National Interest Study (Bengtson and Fan 2009) drew upon media articles representing expressions of opinions, attitudes, beliefs, and underlying values related to the Refuge that occurred in all newspaper and magazines in the LexisNexis database. This database included over 23,000 articles from publications across the United States, including Alaska, from 1995 through 2007. Research has shown that such media discussions reflect public attitudes and beliefs about a subject as long as a sufficiently large number and diversity of publications and stakeholder views are represented. We believe that is the case and that study results fairly represent the national interest in Arctic Refuge. The title of the law establishing the Refuge, the Alaska National Interest Lands Conservation Act, indicates that the interests of the Refuge's nonlocal and non-visiting constituency should also be considered.

Comment 136952.006

Refuge Vision and Goals, Goal 9 and Objectives

**Jeffrey Marion, Field Stn. Leader/Adj. Professor
Virginia Tech Field Virginia Tech Field Station**

Section 2.1.9, Goal 9 on informing the public – this section introduces LNT educational practices, including safe bear viewing protocols. However, as noted previously, it again ties refuge manager's hands by stating that "kiosks and signage will not occur on the Refuge, and on-site contacts will be minimized in recognition of the importance that the qualities of freedom and independence have to Refuge visitors." I dispute that LNT educational efforts compromise visitor freedom and independence, as inferred by these statements. I'd like to see the peer-reviewed publications that support this erroneous position. I've not encountered anything resembling these statements in my work with dozens of other protected natural areas, including numerous wilderness areas and Denali NP. This planning language compromises resource protection efforts at the expense of presumably preserving higher quality visitor experiences - and I strongly question any inference that educational programs reduce recreation quality.

Response to Comment 136952.006

Goal 9 and its objectives were rewritten and no longer contain this restriction. In the second paragraph in [2.4.16 Public Use Facilities], the word "will" was changed to "should" and now reads: "Roads, boat launch sites, campgrounds, interpretive sites, public use cabins, kiosks, and permanent signs should not be placed on the Refuge. Undeveloped landing areas, gravel bars, lakes, and rivers, and areas of ice and snow will continue to be the primary areas for aircraft access. Trails, hardened campsites, and temporary signs (e.g., during site restoration) may be developed if necessary to prevent resource damage."

Comment 136823.001
Ruth Wood

Refuge Vision and Goals, Goal 9 and Objectives

I would like to see additional educational materials, and a method to make reviewing them mandatory.

Response to Comment 136823.001

Refuge staff recognizes the careful balance that needs to be taken between 1) providing educational materials and opportunities that encourage visitor actions that protect wilderness values on the Refuge, versus 2) allowing the public unimpeded access to the Refuge, while 3) not undertaking actions that draw increased visitor numbers to this fragile landscape. As visitor impacts on the ground increase over time, we may need to do more of 1), at the expense of 2), while remaining true to 3). To accomplish this, we will be creating, as soon as possible, additional educational materials on the Web and in pamphlet form to inspire responsible visitor actions.

Refuge managers decided that additional options for visitor use management would be best addressed through a VUMP, separate from this Revised Plan. This visitor use management planning process will begin immediately upon implementation of the Revised Plan and occur concurrent with the WSP, which will consider similar issues. The visitor use plan will address visitor use issues identified during the planning processes from both the Revised Plan and the VUMP, and will assess visitor impacts and information needs. Based on this effort, managers may develop new educational requirements to better manage visitor use at the Refuge, and determine ways this information can be effectively disseminated to Refuge visitors.



3.40.11 Vision**Comment 136817.014**

Refuge Vision and Goals, Vision

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

-----Preamble/Intro-----

ASRC and NSB continue to believe that the draft vision statement should be revised in several important respects.

-----Comment-----

First, the statement should be revised to more explicitly and clearly recognize the substantial value of the Refuge and its resources to the Refuge's indigenous peoples. We do appreciate that this draft vision statement does contain a reference to "traditional ways." And we also appreciate that USFWS revised the earlier version of the draft statement to include language regarding honoring the "native people." However, we believe that more is still necessary to ensure that the vision statement reflects that one of the primary purposes of the Refuge is "to provide the opportunity for continued subsistence uses by local residents." In this regard, in accordance with the relevant provisions of Titles III and VIII of ANILCA, we continue to propose that the following sentence be added to the vision statement: "The refuge and its wild resources continue to provide the opportunity for subsistence use by Iñupiat Natives living within the Refuge and other rural Alaskans, sustaining their physical, economic, traditional, and cultural existence."

Response to Comment 136817.014

The value of the Refuge to indigenous people is referenced in the vision statement and spelled out more specifically in the goals and objectives section of the Revised Plan and final EIS. The Plan recognizes the interconnectedness of the Alaska Native people of the region and their environment. It calls for continued consultation with Native groups and the collection of traditional ecological knowledge of the area.

Comment 136817.015

Refuge Vision and Goals, Vision

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

-----Preamble/Intro-----

ASRC and NSB continue to believe that the draft vision statement should be revised in several important respects.

-----Comment-----

Second, the last sentence of the statement should be revised so that it does not contain the word "wilderness." As the USFWS is aware, the word wilderness has both a common usage and a statutory usage (under the Wilderness Act of 1964). Obviously, not all areas of the Refuge have been designated (or even proposed or recommended as) wilderness. Although we presume that the USFWS intended to use the term in its common usage, this sentence inappropriately suggests a vision where the entire Refuge is treated and managed as wilderness. Given the very highly charged nature of the issue of wilderness designation concerning certain areas of the Refuge, especially the 1002 area, we believe that use of the term "wilderness" in the vision statement, regardless of the USFWS's intention, is highly problematic. The use of the term wilderness in the vision statement can, and undoubtedly will by some, be interpreted to mean that the entire Refuge should be managed as wilderness, regardless of the fact that certain

areas of the Refuge are not required to be and should not be managed as such. Use of the term will unnecessarily add to the controversy regarding wilderness designation for certain areas of the Refuge, and only further complicate the USFWS's ability to manage the area in accordance with governing authorities. Accordingly, it should be replaced with a term that will be less controversial and that more accurately represents the status of the Refuge as a whole.

Response to Comment 136817.015

Throughout the Revised Plan and final EIS, the term Wilderness with a capital “W” is used to refer to land designated by Congress as Wilderness. The general term wilderness with a lower case “w” is used throughout the document to refer to wild lands that are minimally managed. The word wilderness, in its common usage, most accurately describes these lands, which are undeveloped, uninhabited, and largely inaccessible by road. The use of the word wilderness (lower case “w”) in the Refuge Vision Statement does not imply that the entire refuge is designated Wilderness.

Comment 136800.001

Refuge Vision and Goals, Vision

Debbie Miller, Author

Caribou Enterprises – Full

I'd like to suggest that you consider revising the vision statement to read: “This untamed arctic landscape continues to sustain the ecological diversity and special values that inspired the Refuge’s establishment. Natural processes continue, traditional cultures thrive with the seasons, and we honor the land and its diversity of wildlife through responsible stewardship. By exercising restraint, this unique wilderness is passed on, undiminished, to future generations.”

Response to Comment 136800.001

While the vision statement as proposed is more succinct, we feel the vision statement in the draft and now in the Revised Plan and final EIS, as written by Arctic Refuge staff, articulates more fully the staff’s vision of the unique role of Arctic National Wildlife Refuge and is more reflective of what guides the staff in its work.

Comment 136805.041

Refuge Vision and Goals, Vision

Sean Parnell, Governor

State of Alaska

Page 1-23, § 1.6.1 Refuge Vision Statement. In the last sentence, it is not appropriate to imply the entire Refuge is a vast “wilderness” when only a portion of the Refuge is designated wilderness.

Response to Comment 136805.041

Throughout the Revised Plan and final EIS, the term Wilderness (with a capital “W”) is used to refer to land designated by Congress as Wilderness. The general term wilderness (with a lower case “w”) is used throughout the document to refer to wild lands that are minimally managed. The word wilderness, in its common usage, most accurately describes these lands, which are undeveloped, uninhabited, and largely inaccessible by road. The use of the word wilderness (lower case “w”) in the Refuge Vision Statement does not imply that the entire refuge is designated Wilderness.

3.41 TOPIC: Service Mission and Policy

Comment 136817.005

Service Mission and Policy

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

The Draft Plan also relies on a one-page January 2010 Director’s Memorandum, which apparently relies upon this same flawed reading of 610 FW 4. That Memorandum states: “As you revise the Comprehensive Conservation Plans for Alaska National Wildlife Refuges, you should conduct a complete wilderness review of refuge lands and waters that includes the inventory, study, and recommendation phases, in accordance with 610 FW 4.” As noted above, however, 610 FW 4 clearly states that “[w]ilderness reviews are not required for refuges in Alaska” and refers to 610 FW 5.17 “for additional guidance for Alaska.” As such, there is no legitimate basis for USFWS to have undertaken a wilderness review for the Refuge as part of this planning process. Accordingly, any action by USFWS to recommend areas for wilderness designation on the basis of this review would be inappropriate and contrary to ANILCA and USFWS policy.

Response to Comment 136817.005

We disagree that the Service has no legal authority to conduct a wilderness review. Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” By being part of the Revised Plan, the wilderness review does not violate ANILCA and is consistent with Service policy 610 FW 4 and 610 FW 5.17.

3.42 TOPIC: Significant Issues

3.42.1 Kongakut River Management

Comment 136801.005

Significant Issues, Kongakut River Mgmt

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

We appreciate the attention in the plan to the highly visited Kongakut River and the importance of maintaining and restoring the pristine qualities of this designated Wilderness area. It is popular for many reasons but especially as a prime location for witnessing caribou on the move to and from this calving and nursery grounds as well as their large aggregations migrating later in the season (a reason that should be mentioned in the CCP, p. 3-4).

Response to Comment 136801.005

In response to this comment, Section 3.1.1.3 of the Revised Plan was revised.

3.43 TOPIC: Socioeconomics

3.43.1 Communities

Comment 136885.001
Unnamed 34

Socioeconomics, Communities

Our individual lifestyle in our individual village needs to be understood and recognized.

Response to Comment 136885.001

We fully agree with this comment and are committed in working to understand and recognize village needs, issues, concerns and the Native way of life. Objective 8.1 (Collaboration, Partnerships, and Traditional Knowledge), directs that the Refuge will continue to consult, partner and work with local tribes, Native villages and organizations, and elders who possess knowledge of the area's cultural and traditional uses, landscapes, habitats, and resources to gain an understanding of past conditions and current observations. We also added a new Objective 4.1 (Formal Consultation), which ensures that Refuge managers will consult with Alaska Native tribes in government-to-government fashion at least annually on all proposed actions and Refuge uses that may affect tribes or have tribal implications.

Comment 032665.001
Unknown Unknown

Socioeconomics, Communities

Gwichin people need to be a larger part of this document. I don't even see a listing under the table of contents that refers to the local people other than the tribal consultation. There needs to be an entire section on the people that live in the region and the immediate adjacent areas. The people that live here need to have more say and input than non-residents, non-local users and non-local hunters.

Response to Comment 032665.001

Chapter 4.4 (Human Environment) discusses known archeological and historical resources of what is now Arctic National Wildlife Refuge, including prehistory periods, historical periods, modern Gwich'in and Inupiat periods, descriptions of socioeconomic environments (including local villages), and contemporary subsistence uses of both Gwich'in and Inupiat communities. We fully agree with this comment and are committed in working to understand and recognize village needs, issues, concerns and the Native cultural way of life. Objective 8.1 (Collaboration, Partnerships, and Traditional Knowledge), directs that the Refuge will continue to consult, partner, and work with local tribes, Native villages and organizations, and elders who possess knowledge of the area's cultural and traditional uses, landscapes, habitats, and resources to gain an understanding of past conditions and current observations.

We added a new Objective 4.1 (Formal Consultation), which ensures that Refuge managers will consult with Alaska Native tribes in government-to-government fashion at least annually on all proposed actions and Refuge uses that may affect tribes or have tribal implications. Three step-down planning efforts will be initiated soon after approval of the Revised Plan: The Ecological I&M Plan (Objective 1.2), Visitor Use Management Plan (Objective 5.4), and a WSP (Objective 2.4) will collectively, and in an integrated manner, address essential components of the Refuge's special values and public use opportunities in the Refuge. We will fully meet our consultation requirements with tribal groups, Native organizations, and local communities in development of these plans, ensuring local residents have a meaningful role

and involvement in addressing their concerns and issues, including conflicts with non-residents and nonlocal users.

3.43.2 Demographics

Comment 136902.002 Robert Childers

Socioeconomics, Demographics

He asked if there are any ethnographic clues as to why Native elders talk about large numbers of people living in the Arctic Village region at the turn of the century, indicating populations substantially above what is reported in published cultural documents. Questioned high Native population at the turn of the century.

Response to Comment 136902.002

This is a fascinating observation, and we hope it was documented through oral recording and written historical records. As stated, it does not appear to be reported in published ethnographic reports. However, the presence of numerous caribou fences testifies to a large population, and technological and social intensification to maximize use of the caribou resources. Unfortunately, the archaeology of Athabascans has lagged behind that of Iñupiat culture to the north, but we believe that Gwich'in use was every bit as intensive as Iñupiat. The archaeological evidence suggests Athabaskan ancestors have occupied interior Alaska for at least 10,000 years. There is a great deal of traditional knowledge and local history that should be gathered as soon as possible by interviewing and recording elders who have a close and long connection to the land while they are still living. We hope to be a partner with local communities and elders to help record and document this history. See Objective 8.1, Collaboration, Partnerships, and Traditional Knowledge.

Comment 159106.001 Joanne Vinton

Socioeconomics, Demographics

Increases in population of the indigenous people could cause conflicts with protecting special values. If impacts of population growth have not been addressed, perhaps they need to be.

Response to Comment 159106.001

We do not expect the populations of our neighboring villages, or their subsequent subsistence use, to increase substantially and result in impacts to the Refuge's special values. The populations of four villages with traditional subsistence use of Refuge lands have been either stable or in decline over the past 25 years, while two other village populations have grown over this same period. Population of the North Slope region (which includes Kaktovik) is expected to grow 30 percent in the next 25 years. In contrast, the population for the southern region (five villages) is forecast to decline by 13 percent. Three step-down planning efforts will be initiated soon after approval of the Revised Plan: The Ecological I&M Plan (Objective 1.2), Visitor Use Management Plan (Objective 5.4), and a WSP (Objective 2.4). These plans will collectively address essential components of the Refuge's special values and public use opportunities in areas under both Minimal and Wilderness Management.

3.43.3 General**Comment 000065.001**

Socioeconomics, General

Craig Mishler

My concern here is that there is a major deficiency in the CCP in that it does not make any direct connection between the conservation of wildlife habitat and the conservation of Gwich'in language and culture. The Refuge staff lives and works in Fairbanks, but the Gwich'in live right next to the Refuge and make their living from it. They are major stakeholders in the decisions that you make and that's why there's so many Gwich'in here to testify today.

Response to Comment 000065.001

We believe the Plan strongly makes that connection, recognizing that the Iñupiat and Gwich'in people and their ancestors have maintained a vital connection to the land for thousands of years and have been the land's stewards and caretakers. ANILCA recognizes this important connection between Native people and the land for continued cultural and subsistence purposes. Arctic Refuge's vision and goals also share the Native perspective and values towards the land and nature. "This untamed arctic landscape continues to sustain the ecological diversity and special values that inspired the Refuge's establishment. Natural processes continue and traditional cultures thrive with the seasons and changing times; physical and mental challenges test our bodies, minds and spirits; and we honor the land, the wildlife and the native people with respect and restraint. Through responsible stewardship, this vast wilderness is passed on, undiminished, to future generations."

The plan in Chapter 4.4 (Human Environment), discusses known archeological and historical resources of what is now Arctic National Wildlife Refuge, including prehistory periods, historical periods, modern Gwich'in and Iñupiat periods, descriptions of socioeconomic environments (including local villages), and contemporary subsistence uses of both Gwich'in and Iñupiat communities. We are fully committed in working to understand and recognize village needs, issues, concerns and the Native cultural way of life. Objective 8.1 (Collaboration, Partnerships, and Traditional Knowledge), directs that the Refuge will continue to consult, partner, and work with local tribes, Native villages and organizations, and elders who possess knowledge of the area's cultural and traditional uses, landscapes, habitats, and resources to gain an understanding of past conditions and current observations.

We have also written a new Objective 4.1 (Formal Consultation), which ensures that Refuge managers will consult with Alaska Native tribes in government-to-government fashion at least annually on all proposed actions and Refuge uses that may affect tribes or have tribal implications. Three step-down planning efforts will be initiated immediately upon approval of the Revised Plan: The Ecological I&M Plan (Objective 1.2), Visitor Use Management Plan (Objective 5.4), and a WSP (Objective 2.4) will collectively, and in an integrated manner, address essential components of the Refuge's special values and public use opportunities in the Refuge. We will meet our consultation requirements with tribal groups, Native organizations, and local communities in development of these plans, ensuring local residents have a meaningful role and involvement in addressing their concerns and issues, including conflicts with non-residents and nonlocal users. The Refuge will do these things—not because we have to but because we want too.

3.44 TOPIC: Step-Down Plans

Group T.1: Step-Down Plans

-----Preamble/Intro-----

We appreciate the inclusion of Kongakut River Visitor Management in the CCP.

-----Comment-----

Over the past decades, visitor use has degraded wilderness qualities here and at several areas of the Refuge. Since this is an issue which was raised for decades, “step down” plans were called for by the 1988 plan, and concern about conditions continues, it is important for this plan to firmly commit to the Visitor Use and Wilderness Stewardship Plans which are comprehensive throughout the Refuge (not just the Kongakut), and that the CCP provide a timeline for the plan which is far sooner than the 8-10 years it is projected to take place.

Submitted By:

- Arctic Audubon, Gail Mayo 136980.001
- Northern Alaska Environmental Center, Pamela Miller 136801.003
- Republicans for Environmental Protection, David E. Jenkins 136795.002
- Various Environmental Organizations, Nicole Whittington-Evans 032627.022
- Don Ross 136996.001

Response to Group T.1: Step-Down Plans

Refuge managers decided that options for visitor use management and Wilderness stewardship would be best addressed holistically through public planning processes separate from the Revised Plan. Managers elevated the priority for completing the VUMP and the concurrent WSP to begin immediately upon approval of the Revised Plan. Due to the high level of public interest in these issues, we anticipate extensive public involvement in the planning process, which will occur concurrently, and as a result, they may take from three to five years to complete. As part of these planning efforts, Refuge staff will address levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management prescriptions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences consistent with the values for which the area was established. Based on these efforts, managers may use education, site management, regulation, enforcement, and/or rationing or allocation to manage visitor use at Arctic Refuge.

To address immediate concerns about conditions on the Kongakut River, the alternatives were rewritten. Now all the alternatives commit to completing a step-down plan for visitor use of the Refuge; the 1988 Plan committed to completing a Public Use Management Plan, and this was added to Alternative A (Current management). The management guidelines prescribed in the Revised Plan will be used in the interim to manage visitor use during the development of the VUMP. Alternatives B through F were modified to include that, “beginning in 2012, and yearly thereafter until step-down planning is complete, Refuge staff would expand monitoring of visitor use impacts and experience opportunities to document the range of degradations that have occurred.” Additionally, Chapter 2 includes new Objective 2.7, Restoration of Impacted Sites, which was added to address the issue of cleaning up and restoring impacted sites across the Refuge, in both designated Wilderness and Minimal Management areas. Please also see Chapter 2, Section 2.1.2, Objective 2.4 and Section 2.1.5, Objective 5.4.

Group T.2: Step-Down Plans

An appropriate wilderness stewardship plan which comprehensively and specifically addresses visitor use issues throughout the Refuge must have top priority. It should be prepared and implemented with adequate monitoring of its effectiveness, as soon as possible.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.021, 032627.017

Response to Group T.2: Step-Down Plans

We agree that the development and implementation of Wilderness Stewardship and Visitor Use plans should begin as soon as possible. They are now priority step-down plans to be started immediately after approval of this Plan. Due to the high level of public interest in these step-down plans, we anticipate extensive public involvement in the planning process, which will occur concurrently, and as a result, they may take from three to five years to complete.

Group T.3: Step-Down Plans

Page 5-64 (Kongakut River): Text in this section claims that if a Refuge wide step down plan is implemented that it might have the effect of reducing attention to Kongakut specific issues. This can be prevented if the Service properly addresses its responsibility to preserve wilderness character. Section 4(b) of the Wilderness Act requires such preservation throughout the wilderness area, no exception is made for areas attracting more visitors. (See our comments above which call for both a comprehensive and specific Wilderness Stewardship Plan).

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.031
- Wilderness Watch, Fran Mauer 032628.022

Response to Comment AR.3

We agree that the Service needs to better protect the Wilderness character of the Kongakut River corridor, which is within designated Wilderness. Kongakut impairment and crowding issues will be addressed in the Wilderness Stewardship and Visitor Use Management plans, which are now priority step-down plans, to be started as soon as this Plan is approved.

3.44.1 Cultural Resources Plan

Comment 032647.001

Step-Down Plans, Cultural Resources Plan

Judith Bittner, State Historic Preservation Officer
State of Alaska Office of History and Archaeology

-----Preamble/Intro-----

Regarding the Goals, Objectives, Management Policies, and Guidelines addressed in Chapter 2, the Alaska State Historic Preservation Office (SHPO) supports the U.S. Fish & Wildlife Service's stated objectives with respect to cultural resources. These include the following:

- Objective 8.1: Development of an Integrated Cultural Resource Management Plan (ICRMP) within one year of approval of this CCP/EIS and revision of the ICRMP every 10 years.

-----Comment-----

Of the above objectives discussed in the CCP/dEIS, we believe that development of an ICRMP for the Refuge is critical. Many of these other objectives can be incorporated into the

ICRMP and associated cultural resource management protocols can be codified within this essential document.

Response to Comment 032647.001

We agree there is a need to develop and implement an ICRMP. Much of the administrative preplanning work, such as the identifying of inventories, archival research, and compiling of existing reports and data, will begin within two years of approval of the Revised Plan. Another widely supported need by all interest groups was the urgency to interview and record elders who have an extensive knowledge of the area and a close connection to the land. However, numerous comments from the Native group's and organizations, tribal governments, and elders stated that the ICRMP must be done in close collaboration and cooperation with Native people of this region. Executive order 13175 directs all Federal agencies to establish regular and meaningful consultations with tribal officials. Consultation will occur whenever a Federal action with tribal implications is proposed, including a decision making process for that action. Development of the ICRMP will require formal consultation with tribes and the establishment of agreements and partnerships to accomplish agreed upon actions and projects. We will proceed deliberately with the ICRMP, fully meeting our consultation and collaboration requirements, and expect to have an approved plan completed within six years.

3.44.2 General

Comment 136822.004

Step-Down Plans, General

Wade Willis

Science Now Project

-----Preamble/Intro-----

Issue: Lack of NEPA compliance regarding the consumptive take of wildlife in the Arctic Refuge, including the major federal action of issuing prospectuses for commercial guided sport hunting activities. The categorical exclusion finding is not appropriate as historical NEPA review in 1988 is inadequate (e.g. did not consider historical, current or future harvest rates) and is not timely being 23 years old.

The public has never been given the opportunity to define the implementation policy for commercial guided sport hunting activities in the Arctic Refuge. Currently, the USFWS allows the legal sale, on the open market, of transferred special use permits that authorize guided sport hunting activities, with a guarantee that the special use permit will be granted to the buyer.

The proposed future step down planning process for developing a sport hunting management plan is not adequate to address unsustainable sport hunting opportunity that is already resulting in significant impacts to wildlife resources as confirmed by existing administrative decision closing guide use areas with the refuge. The 1988 CCP promised a future step down planning process, and the USFWS never complied during the following 23 years. Now, the USFWS wants the public to buy into the same empty promise.

-----Comment-----

Currently, through administrative decision, the USFWS is continuing to marginalize public opportunity to be involved in defining the relationship the USFWS has with the for profit commercial guided sport hunting industry by relegating the review of current sustainable harvest rates to an undefined future step down process, with no language in the draft stating

that the future step down planning process for consumptive take of wildlife will include NEPA compliance review.

Response to Comment 136822.004

In 1992, after soliciting public comments on a draft policy, the Service established a regional policy and formal process in which big-game guides were competitively selected to operate on Refuge lands. An environmental assessment was complete with the original guide allocation and a compatibility determination done which found guided hunting to be compatible with Refuge purposes. This system was later codified in 50 CFR 36.41. The draft regulations were published in the Federal Register on November 1, 1996, for a 60-day public review period. Public meetings were held in Anchorage and Fairbanks, Alaska, during the period of public review of the draft regulations. The competitive application process used to select big-game hunting guides on Arctic Refuge is what defines the available number of guided hunting opportunities. A future step-down plan will not inform or modify this number. We do not agree with several of the comments regarding the Service's big-game commercial guide policy and program, and we encourage readers to review the policy in the CFR for details of the program. New permits will be in place on Arctic Refuge beginning with the 2014 season.

Comment 032628.036

Step-Down Plans, General

**Fran Mauer, Alaska Chapter
Wilderness Watch**

Wilderness Values and Science Related Technologies

The Draft CCP acknowledges that this issue was identified during public scoping as a concern, however it decided to eliminate it from detailed study (Page D-6). This is a rapidly emerging problem across the National Wilderness Preservation System and is not being adequately resolved through the existing Minimal Requirement Decision process. Therefore we recommend that the Final Plan include explicit requirements that the issue of science related technologies relative to Wilderness values be addressed in both the Inventory and Monitoring/Research Plan and the Wilderness Stewardship Plan.

Response to Comment 032628.036

We recognize that the issue of science-related technologies relative to wilderness values is challenging and dynamic. The Refuge will continue to work within relevant laws and policies to address decisions regarding appropriate use of technologies within designated Wilderness areas. Please refer to Chapter 2, Section 2.4.20 for a description of the MRA process. We will not include additional explicit requirements for science-related technologies in designated Wilderness within the Plan. The conduct of studies proposed in the I&M and Research plans will be guided by applicable laws and policies, as documented in the Plan, and additional requirements will not be developed in that step-down planning process. However, this issue will be addressed in the Wilderness Stewardship step-down planning process, including additional opportunities for public involvement.

Comment 221407.001

Step-Down Plans, General

Nancy Beavers

Almost all actions needed to protect ANWR wilderness qualities and experiences have been deferred to some future planning process. Some significant factors should be addressed

immediately, including, among others, restoration of wilderness character along river corridors; restriction of aircraft landing sites, setting up zones where aircraft landings are not permitted; management of wildlife including predator control and maintenance of wildlife populations.

Response to Comment 221407.001

We received a lot of comments such as yours and agree that the VUMP and the WSP are critical planning needs and should be completed as soon as possible. We moved them to our top priority; they will be started immediately and addresses visitor use holistically, upon approval of this Revised Plan. Due to the high level of public interest in these issues, we anticipate extensive public involvement in the planning process, which will occur concurrently; as a result, they may take from three to five years to complete.

Comment 136813.005
Allen Smith

Step-Down Plans, General

Chapter 6: Implementation and Monitoring is disturbing on two levels. First, the priorities assigned to three critical Step-Down Plans are not representative of their importance to maintaining the wilderness character of the Arctic Refuge. The Comprehensive River Management Plan (Priority 3), the Wilderness Stewardship Plan (Priority 2), and the Visitor Use Management Plan (Priority 2) are all necessary component parts of caring for the wilderness character and wildlife values of the Refuge and should be at Priority 1 levels. Second, these priority levels reflect that USFWS is continuing to put off dealing with the critical issues of managing the impacts of visitor use and river use just as it did over twenty years ago by shelving the then critically needed River Management Plan.

Over the past two decades, it has been my observation on the ground that the Arctic Refuge has seen an erosion of wilderness character from the failure of USFWS to prioritize and address these management issues in a timely manner. Through this inattention, these issues are continuing to significantly affect wilderness character on the Refuge and will increasingly affect wilderness character if not addressed with more immediacy (Chapter 6 at Table 6-1 Timelines for Step-Down Plans, Page 6-6). Because it would set the standards for protective management of wilderness character, the Wilderness Stewardship Plan should lead the way for Visitor Use and River Management Plans and all should be started right away.

Response to Comment 136813.005

We received a lot of comments such as yours and agree that the VUMP and the WSP are critical planning needs and should be completed as soon as possible. We moved them to our top priority, and they will be started immediately upon approval of this Revised Plan. Due to the high level of public interest in these issues, we anticipate extensive public involvement in the planning process, which will occur concurrently; as a result, they may take from three to five years to complete. Information gained in that planning process will be helpful in drafting the VUMP and the WSP. River Management plans will be started upon completion of the VUMP and the WSP. Staffing levels do not allow all three of these planning efforts to occur at the same time.

Comment 136816.006
John Strassenburgh

Step-Down Plans, General

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled “Arctic_DraftCCP_SummryRpt_052511.pdf”), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

Page 6 of Summary of Draft CCP lists various management issues and identifies the mechanism(s) for addressing each one. Many of these issues are recommended to be deferred to step-down plans. My concern is that step-down plans, for whatever reason but most likely due to lack of funding, may never happen. The CCP at page 6-6 contemplates several step-down plans. The Wilderness Stewardship Plan (and its Visitor Use Management component... see first bullet under Kongakut Visitor Use comment above) isn't scheduled for completion 2019 – 1021). So, in the best of circumstances, it would take nearly a decade before a completed plan can be implemented. That's too long, and the further out it is, the more uncertainty there is as to whether it will be completed.

The development of step-down plans is very important and should, relative to the other facets of the broad scope of FWS's management of the Refuge, be a high priority. Within the step-down plan category, as shown in Table 6.1, I generally agree with the assigned priorities, except that a Wilderness Stewardship Plan and its Visitor Use Management component should be the number one priority, and it should be started before 2014. The I&M and Research Plans should be priority number 2.

Response to Comment 136816.006

We received a lot of comments such as yours and agree that the VUMP and the WSP are critical planning needs and should be completed as soon as possible. We moved them to our top priority, and they will be started immediately upon approval of the Revised Plan. Due to the high level of public interest in these issues, we anticipate extensive public involvement in the planning process, which will occur concurrently; as a result, they may take from three to five years to complete. The I&M Plan will also begin upon approval of the Revised Plan, and we expect that it will be completed within four years.

Comment 032626.051
Greg Warren

Step-Down Plans, General

It is unclear why implementation plans would take a decade or more to complete. There is no obvious reason why a Visitor Use Management Plan couldn't be completed in a three-year period being initiated in 2012. What would be interim direction during this wait period? Will there be a moratorium on allowing an increase in visitor use while the plan is being prepared? If not, the CCP needs to describe why it would be OK to allow impacts to continue or increase during the planning horizon of the step-down plans.

Response to Comment 032626.051

We received a lot of comments such as yours and agree that the VUMP and the WSP are critical planning needs and should be completed as soon as possible. We moved them to our top priority, and they will be started immediately upon approval of this Revised Plan. Due to the high level of public interest in these issues, we anticipate extensive public involvement in

the planning process, which will occur concurrently; as a result, they may take from three to five years to complete. Through the visitor use and Wilderness stewardship planning process, staff will consider levels of use, timing and distribution of use, and type and frequency of monitoring, along with a broad range of additional subjects. Based on these efforts, managers will evaluate a range of management actions appropriate to maintain desired resource conditions and visitor experiences, consistent with the values for which the area was established.

To address immediate concerns about conditions on the Kongakut River, the alternatives have been rewritten. The management guidelines prescribed in the Revised Plan will be used in the interim to manage visitor use during the development of the VUMP. Kongakut River management under Alternatives B and C places an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first. Alternatives B to F were also modified to include that, “beginning in 2012, and yearly thereafter until step-down planning is complete, Refuge staff would expand monitoring of visitor use impacts and experience opportunities to document the range of degradations that have occurred.” Additionally, Chapter 2 includes new Objective 2.7, Restoration of Impacted Sites, which was added to address the issue of cleaning up and restoring impacted sites across the Refuge, in both designated Wilderness and Minimal Management areas.

Comment 032626.042
Greg Warren

Step-Down Plans, General

-----Preamble/Intro-----

V1, 5-3, 5.1.3 Impact Topics:

-----Comment-----

Step-down Population Management Plans need to be developed over the next few years that are specific to key species and discrete areas, possibly developing direction for each of the exclusive guide areas (701 FW 1, General). Also see comments on Future Step-Down Plans (V1, 6-3, 6.3) that follow.

Response to Comment 032626.042

Ecological I&M and Research step-down plans will be prepared following adoption of the Plan. At this time, there is no intention to develop species-specific population management plans for discrete areas of the Refuge, but this recommendation will be considered in the step-down planning process.

3.44.3 Inventory and Monitoring Plan

Comment 136796.009

Step-Down Plans, Inventory and Monitoring Plan

Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

We urge the Service to be as detailed as possible in developing and carrying out studies investigating the effects of climate change, and strongly encourage conducting formal vulnerability assessments on key Refuge species and communities, or incorporating those conducted by others. This information will be critical in crafting effective I&M and Research Plans, and should feed into the Refuge’s Ecological Review. Based on the findings of

Defenders' report "No Refuge from Warming," we offer several suggestions for research in the Refuge:

- Investigate the population dynamics of the muskox lung nematode and its impacts on muskox growth, reproduction, and survival.
- Study the potential for red fox range expansion on the North Slope: model and observe changes in vegetation structure, track red fox locations and behavior, and ascertain competitive interactions with arctic foxes.
- Study vegetation community change on the tundra, including dynamics of small wetland areas, and determine the impacts on small mammal populations (particularly voles and lemmings) and population cycling.
- Continue to study the impacts of climate change on polar bears.
- Study winter conditions and their impact on caribou and muskox foraging success.

Response to Comment 136796.009

Thank you for your suggestions. These topics will be considered during our I&M and Research step-down planning process.

Comment 137006.001

Step-Down Plans, Inventory and Monitoring Plan

**Steve Zack, Arctic Landscape Coordinator
Wildlife Conservation Society**

As noted by the Arctic Refuge CCP draft summary, "climate change is expected to continue to affect Refuge resources and the associated human environment for the foreseeable future." Since there are few current actions the USFWS believes they can do to manage climate change in the Refuge (see pg. 7 in Arctic Refuge CCP draft summary), limiting development in the Arctic Coastal Plain through a Wilderness designation (Alternative C) would preserve any potential Refugia for wildlife within its boundaries. Such designation could also help mitigate for climate change in number of ways (see Dudley et al.2010, Natural Solutions), such as providing access to natural resources and habitat for wildlife populations shifting ranges to higher latitudes, like the Coastal Plain. WCS recommends that this premise is clearly articulated in a climate change adaptation plan as part of the Inventory and Monitoring (I & M) planning effort.

Response to Comment 137006.001

The content of the I&M and Research plans will be developed in a collaborative step-down planning process (Objectives 1.2, 1.3, 1.4), which will include consideration of climate change and other stressors (Objective 6.2). We currently have no intent to prepare a separate refuge-wide climate change adaptation plan.

Comment 137006.002

Step-Down Plans, Inventory and Monitoring Plan

**Steve Zack, Arctic Landscape Coordinator
Wildlife Conservation Society**

WCS is encouraged to see the CCP/EIS will place some emphasis on addressing climate change influence on the wildlife and landscape of the Refuge through scientific research / monitoring and traditional knowledge (Goal 6) and that this information will feed into some

type of climate change adaptation strategy (Goal 6 – objective 6.2, 6.3). However, it is unclear what the details and timeline of such a strategy are and how or if they will be articulated in any way. WCS recommends that the climate change effort and strategy for the Refuge be fully articulated in a “Climate change Adaptation Plan”. Initially, more emphasis should be placed on developing such a plan as opposed to the “long-term research and monitoring.” The plan should be created in order to guide new directions in applied research for the next 5-15 years.

Response to Comment 137006.002

At this time, the Refuge does not plan to develop a Refuge-wide climate change adaptation plan. Evaluation of climate change and its effects on Refuge resources will be included in the Refuge’s I&M and Research plans. For the foreseeable future, Refuge managers intend to avoid actions aimed at resisting the effects of climate change on wildlife and ecosystems in favor of allowing natural systems to adapt and evolve in response to changing climatic conditions (Objective 6.4). Mitigation of non-climate stressors will be considered as a means of facilitating adaptation of fish and wildlife to climate change (Objective 6.2).

Comment 137006.003

Step-Down Plans, Inventory & Monitoring Plan

**Steve Zack, Arctic Landscape Coordinator
Wildlife Conservation Society**

Although the USFWS management guideline on climate change is to follow “a process of non-intervention” – likely because current management options are limited – WCS would stress that in the future, intervention of some type may be needed in order to help protect species imperiled by a changing climate. This should be noted in the forthcoming I & M plan. We understand that the I & M plan will be developed over the course of 3-7 years in a step-down process. As a science-based NGO involved in Arctic Alaskan wildlife research and conservation since the early moves to establish the refuge, WCS could play an important role in helping to guide the development of this plan. WCS requests consideration to be an active participant in the development and review of the plan.

Response to Comment 137006.003

Non-Refuge scientists with expertise in high latitude ecosystems will be invited to participate in the I&M and Research step-down planning process.

Comment 032626.050

Step-Down Plans, Inventory and Monitoring Plan

Greg Warren

V1, 6-3, 6.3 Future Step-Down Plans: This section does not contain direction to develop Population Management Plans for Dall’s sheep, moose, grizzly bear, caribou, black bear, and wolf (701 FW 1, General). Direction to develop such plans needs to be added to this section of the final CCP. I believe that these plans should be a priority 1 and integrated with the Ecological Inventory and Monitoring Plan. The 701 FW 1 Policy does not provide specific guidance for developing Population Management Plans; however, there is ample guidance for using a Limits of Acceptable Change (LAC) type process for addressing the contrasting Federal (P.L. 96-487 and P.L. 88-577) and State (AS 16.05.255) mandates for managing fish and wildlife in the Refuge (Forest Service General Technical Report INT-GTR-371). LAC’s primary usefulness is in situations like this where management goals are in conflict, where it is possible to compromise all goals somewhat, and where planners are willing to establish a hierarchy among goals. In addition, it would be necessary to write standards for the most

important (constraining) goals—standards that are measurable, attainable, and useful for judging the acceptability of future conditions. Using Dall’s sheep as an example, the goal would be to establish direction that would satisfy both the State’s goal to, “manage for maximum sustainable harvest of Dall’s sheep rams with full-curl or larger horns” and the Refuge’s goals, especially 1, 2, 4, and 5. The LAC approach is better than the current situation of the relinquishment of the Service’s ANILCA and Wilderness population management (protection) responsibilities to a State that has conflicting interests.

Response to Comment 032626.050

Thank you for your suggestions. At this time, there is no intention to develop species-specific population management plans for Refuge wildlife. However, your suggestions will be considered in the I&M and Research step-down planning process.

3.44.4 Visitor Use Management Plan

Comment 136971.002

Step-Down Plans, Visitor Use Management Plan

Carol Kasza, Owners

Arctic Treks

-----Preamble/Intro-----

While we know the following concerns aren’t being addressed in the CCP, we do want to mention them now for consideration in the next steps.

-----Comment-----

While we strongly urge that SUP holders be actively engaged in creating the VUM step-down plan, we do want to offer our perspective that a strictly “voluntary” plan to limit or redistribute use (as described in Alternative D) is not realistic—and that it will take some kind of “official” action to make that happen. We would like to be included in figuring out the best plan for limiting or redistributing use, but then FWS would have to be willing to be the “implementer” of that plan. Also, the use that is addressed would have to include hunting activities as well, particularly in August, where there are increasing numbers of hunters doing float trips, as well as the hunting basecamps at put-in and take-out points.

Response to Comment 136971.002

Broad public participation, including input from commercial service providers, sister agencies, State and municipal governments, and formal and informal consultations with tribal groups, Native organizations, and local communities, and other interested parties will be necessary for effective visitor use and Wilderness stewardship planning. Refuge managers have decided that additional options for visitor use management would be best addressed holistically through a VUMP and concurrent WSP, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with Refuge purposes and the values for which the area was established. Based on these concurrent plans, managers may develop new limitations on commercially-guided and independent visitors, including regulating, redistributing, rationing, or allocating visitor use to protect visitor experience opportunities to better manage visitor use at the Refuge. We encourage you to take part in these planning efforts. Watch our website for information. To address immediate concerns about conditions

on the Kongakut River, the alternatives have been rewritten to include, in Alternatives B and C, an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first.

Comment 136796.013

Step-Down Plans, Visitor Use Management Plan

**Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife**

Defenders supports the development of a Wilderness Stewardship Plan (WSP) and Visitor Use Management Plan (VUMP) for the Arctic Refuge, as prescribed in Objective 2.3 and Objective 5.3, respectively.[47] As stated in our scoping comments, we encourage the Service to carefully consider current and future use of the Refuge and outline appropriate user restrictions, including group size limits and daily visitor limits, when necessary to protect wildlife resources, habitat, and visitor experience. The Service should also identify and consider the species that are particularly sensitive to recreational disturbance, activities most disturbing to wildlife, seasonal disturbance most likely to negatively impact wildlife, and areas of the Refuge most important for sensitive species. The Service should consider seasonal closures or restrictions for areas where sensitive species are found and during vulnerable periods such as breeding and parturition. Because the Draft CCP defers many of the details regarding access and visitor use to step-down plans, the Service should seek broad public input on the WSP and VUMP before finalizing them.

Response to Comment 136796.013

Objectives 1.1 and 1.2 commit Refuge managers to protect and maintain the landscape's biological integrity through holistic decision-making and commit biologists to inventory and monitor ecological relationships among plants, fish, wildlife, and their habitats. Objectives 2.1 and 2.4 commit Refuge staff to develop, within designated Wilderness, programs that preserve the natural condition of Arctic Refuge as an ecological system, including physical resources and biophysical processes, such as for sensitive species and during vulnerable periods. Objectives 2.6, 5.2, 5.3, and 5.4 commit Refuge staff to preserving wilderness characteristics, consistent with the Refuge's special values, throughout Arctic Refuge. Objective 6.2 specifically commits Refuge staff to consider other stressors that may cause cumulative effects in addition to climate change, such as human influences on the landscape, when making management decisions. Strategies for minimizing potential visitor use impacts will be addressed through concurrent Wilderness Stewardship and Visitor Use Management plans. These planning processes will begin immediately upon implementation of this Revised Plan. Based on these concurrent plans, managers may develop new limitations on visitors to better manage visitor use at the Refuge.

Comment 136801.004

Step-Down Plans, Visitor Use Management Plan

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

-----Preamble/Intro-----

We appreciate the inclusion of Kongakut River Visitor Management in the CCP.

-----Comment-----

How will this plan interface with local communities and people who interface with many

visitors due to their gateway locations for trips into the Refuge as well as incorporating their concerns about changes to the land and animals?

Response to Comment 136801.004

Revised Plan Goal 8 prioritizes appreciation for the interconnectedness of the people of the region and their environment, Objective 5.6 of the Revised Plan commits Refuge staff to coordinate with neighbors to encourage conservation and stewardship, and Objective 9.3 commits Refuge staff to community-based collaborative outreach projects consistent with the Refuge’s purposes and values. Staff routinely responds to requests from residents in gateway communities for assistance to help provide visitor services in the community. Funds from permitted commercial service providers, obtained through the Recreation Fee Program within the Federal Lands Recreation Enhancement Act 16 U.S.C. 6803(c) and intended to enhance visitor services, have made possible informational kiosks and polar bear safety information in Kaktovik, and have enhanced the Arctic Village Visitor Contact Station. Refuge managers also provide operational support to the Arctic Interagency Visitor Center in Coldfoot. We seek to support local response to increasing tourism in Kaktovik by funding two Kaktovik Youth Ambassadors who will work with the Kaktovik Polar Bear Committee to orient visitors with community safety information during the subsistence whaling and polar bear viewing season. We are also open to exploring additional ways to continue supporting local efforts to increase visitor appreciation for the interconnectedness of the people of the region and their environment.

Strategies for minimizing potential visitor use impacts and reducing conflicts between local and nonlocal users, along with other visitor use issues, will be addressed through concurrent Wilderness Stewardship and Visitor Use Management plans, separate from this Revised Plan. These planning processes will begin immediately upon implementation of the Revised Plan. Broad public input, including traditional knowledge and cultural practices, will be important elements in evaluating a range of management prescriptions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. We look forward to maintaining formal and informal consultations with tribal groups, Native organizations, and local communities in any planning effort that may have tribal or cultural implications.

Comment 136927.001

Step-Down Plans, Visitor Use Management Plan

Lynda Ehrich

As you are aware, during the scoping process the public identified many actions that are needed to protect wilderness qualities and experiences, but almost all were deferred to some future planning process. The Refuge’s 1988 CCP also committed the agency to address visitor use issues in future plans, but none were ever begun. Significant visitor use impacts that should be addressed now in this plan include:

Restoring wilderness character: Since 1980, when Wilderness was designated in the Refuge, public use has grown and concentrated along certain river corridors resulting in degraded wilderness conditions. The plan must include measures that restore the wilderness character to that which existed at the time of designation.

Response to Comment 136927.001

Because the term “wilderness character” is prominent in the Wilderness Act, we have now limited its use to discussions specific to designated Wilderness. Where the term had been

previously used to generally describe the character or nature of undeveloped lands that are also natural, untrammeled, and provide opportunities for solitude or primitive and unconfined recreation, it was replaced with “wilderness characteristics,” “wilderness qualities,” or “wilderness values.” Objectives 2.1, 2.4 of the Revised Plan specifically commit Refuge staff to develop, within designated Wilderness, programs that preserve the Wilderness character of Arctic Refuge. Objectives 2.6, 2.7, 5.2, 5.3, and 5.4 commit Refuge staff to preserving wilderness characteristics (including experiential opportunities), consistent with the Refuge’s special values, throughout Arctic Refuge. Strategies for monitoring and regulating visitor impacts to preserve and restore Wilderness character and wilderness characteristics will be addressed through concurrent Wilderness Stewardship and Visitor Use Management plans. Managers elevated the priority for completing these plans to begin immediately upon approval of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established.

Comment 136793.003
Tim Hogan

Step-Down Plans, Visitor Use Management Plan

As one who has visited the Arctic Refuge as an independent traveler with a single partner, I strongly support the maintenance of policy that does not dilute such an opportunity. Practices of minimal infrastructure, no trails, and restraint in naming natural features should be continued. Where necessary, group size should be regulated, over-flights for sight-seeing should be prohibited, developed landing sites should be limited, and commercial guiding should not be privileged over private visitors. Visitor management should be practiced in a way that minimizes commercial development and that requires a high level of self-sufficiency on the part of visitors; development should only take place where visitor use needs to be mitigated to protect ecological integrity.

Response to Comment 136793.003

Sections 2.4.15-18 of the Revised Plan identify general management guidelines for recreation which maximize visitor independence, and minimize development of facilities. Naming of features is identified as an issue considered but eliminated from detailed study and described in Section D.6.4 of the Revised Plan. Refuge managers agree that namelessness of features contributes to an area’s aura of mystery and unknown, enhancing the visitor’s experience. Refuge authority to regulate flights is limited to those in which landings occur. The Refuge has no authority to regulate flightseeing because airspace is regulated by the FAA. Although the FAA regulates the airspace above the Refuge, we are concerned with aircraft disturbance to both visitors and wildlife. We revised Section D.5.15 (Fixed-wing Aircraft) to commit the Refuge to addressing such aircraft issues during the development of concurrent Visitor Use Management and Wilderness Stewardship plans. Managers elevated the priority for these Plans to begin immediately upon approval of the Revised Plan. As part of these planning efforts, Refuge staff will consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management actions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences that preserve wilderness characteristics and are consistent with the values for which the area was established.

Comment 032624.001
John Trent

Step-Down Plans, Visitor Use Management Plan

I encourage you to operationally define what “wilderness” means to both various refuge visitors and residents and then develop administrative structure to maintain those values. Recreational studies that define recreational carrying capacity could be helpful in this regard.

Response to Comment 032624.001

Appendix M (Glossary) of the Revised Plan was modified and includes revised definitions related to wilderness, visitor uses, visitor use management, and local residents. Collectively, the Refuge’s Goals, Objectives, Management Policies, and Guidelines provide the administrative structure for maintaining wilderness values. Goals and objectives in Chapter 2 of the Revised Plan commit Refuge staff to protecting and maintaining the special values of the Refuge, that are described in Section 1.5 of the Revised Plan. Objectives 2.1, 2.2, and 2.4 commit Refuge staff to develop, within designated Wilderness, programs that preserve the Wilderness character of Arctic Refuge. Objectives 2.6, 5.2, 5.3, and 5.4 commit Refuge staff to preserving wilderness characteristics, consistent with the Refuge’s special values, throughout Arctic Refuge.

Refuge staff recognizes we have not determined when visitor use capacities are approached. Efforts to undertake a VUMP and a WSP have been moved up to first priority and will begin immediately upon implementation of this Revised Plan. Through the visitor use and Wilderness stewardship planning process, staff will consider levels of use, timing and distribution of use, and type and frequency of monitoring, along with a broad range of additional subjects. Based on these efforts, managers will evaluate a range of management actions appropriate to maintain desired resource conditions and visitor experiences, consistent with the values for which the area was established. As a result of this process, managers may develop new limitations on visitors to better manage visitor use at the Refuge.

To address immediate concerns about conditions on the Kongakut River, the alternatives have been rewritten. Kongakut River management options under Alternatives B and C place an interim cap on use by commercial recreational guide businesses starting in 2013 and expiring at the end of 2016 or when the VUMP is implemented, whichever occurs first. Alternative B was also modified to include that, “beginning in 2012, and yearly thereafter until step-down planning is complete, Refuge staff would expand monitoring of visitor use impacts and experience opportunities to document the range of degradations that have occurred.”

3.44.5 Wilderness Stewardship Plan

Comment 032628.014
Fran Mauer, Alaska Chapter
Wilderness Watch

Step-Down Plans, Wilderness Stewardship Plan

For nearly thirty years it has been widely known that unregulated visitor use has resulted in degraded wilderness qualities in several areas of the Refuge. Concern over such conditions has been expressed by Refuge staff, in public comments, letters of complaint, news articles and in our discussions with Refuge staff over many years. The problem was recognized in the 1988 CCP which committed to address the issue in subsequent “step down” plans, however, no such plans were ever completed. Instead there has been only a few relatively minor administrative measures taken by the Service, primarily for the Kongakut River area.

This issue was once again brought forward by the public during scoping for the current CCP revision process. While many problem issues are recognized in the Draft CCP (D.5 Visitor Use Issues), nearly all are relegated to “considered but eliminated from detailed study.” We are very concerned because the draft CCP primarily addresses only the Kongakut River in the Alternatives and does so with relatively minor measures which do not adequately address the issue. The Final CCP must include the strongest possible commitment that the Service will act to restore wilderness character throughout the Refuge (not just the Kongakut River) to at least the level and quality that existed when Congress designated Wilderness in 1980, and that it will act to prevent degradation in the future. An appropriate wilderness stewardship plan which comprehensively and specifically addresses visitor use issues throughout the Refuge must have top priority. It should be prepared and implemented with adequate monitoring of its effectiveness, as soon as possible.

We are concerned, however, about the Service’s commitment to addressing these issues appropriately, and in a timely manner. The priority and schedule provided on pages 6-3 to 6-6, indicates that wilderness stewardship and visitor use management plans are assigned to second priority status, and would not be completed until 8 or 10 years from now. It is simply unacceptable that America’s premier wilderness has lacked a basic management plan for three decades. Given the long standing problems and degradation of wilderness character associated with neglect and unregulated public use in the Refuge during the past 30 years, and the fact that impairment continues to increase, it is irresponsible to delay addressing these issues for nearly another decade. These plans must be set as priority 1 and the schedule for completion needs to be compressed to no more than 2 years in the Final Plan. The Service has not fulfilled the legal requirement to preserve wilderness character in designated Wilderness (Section 4(b) of the Wilderness Act). It must not delay for another decade its responsibility to do so.

Response to Comment 032628.014

These concerns are valid. They will be addressed in the coordinated Wilderness Stewardship and Visitor Use Management step-down plans which have been elevated in priority and are now scheduled to begin immediately after approval of this Plan. Objective 2.7 (Restoration of Impacted Sites) was added to address the issue of restoring wilderness characteristics where they have been impaired or degraded.

Comment 136816.001
John Strassenburgh

Step-Down Plans, Wilderness Stewardship Plan

A Wilderness Stewardship Plan should be developed and used not only on the Kongakut, but as a template for the management of other rivers and areas of the Refuge. And because the number one management priority should be protection of the wilderness, all other management should be subordinate to this overriding priority. Management of visitor use is a major part of wilderness stewardship, and I think that there should be one step-down plan entitled Wilderness Stewardship Plan, with a major (but not only) component of that plan being management of visitor use. In my mind, protection trumps access, and if it is necessary to limit or restrict the number of visitors, the type of activities, or the mode of access in order to protect the wilderness, then such limitations or restrictions should be put into effect.

Response to Comment 136816.001

We agree with the need for plans that better address visitor use management issues. Development of coordinated Wilderness Stewardship and Visitor Use Management step-down plans have been elevated in priority and are now scheduled to begin immediately after

approval of this Plan. While a WSP can only apply to designated Wilderness, the VUMP will address the issue of protecting wilderness characteristics from recreational impacts throughout the Refuge.

3.45 TOPIC: Studies/Research

Comment 136797.004
Andrew M. Keller

Studies/Research

Scientific research is an essential part of the mission of the USFWS and should be carried out under the minimum impact guidelines in a wilderness area. This must be clearly stated in the plan.

Response to Comment 136797.004

Scientific research conducted by the Service is considered an administrative activity. As such, there is a requirement to conduct an MRA for proposed Service research within designated Wilderness. This is addressed in Chapter 2, Sections 2.3.4 and 2.4.20, and in Appendix H, Section H.3.

Comment 136804.002
Matt Nolan

Studies/Research

I think it is important to grant scientific study increased status and protection within these Wilderness areas and that Refuge staff should advocate that such protection be specifically written into legislation that Congress might pass. For example, it should be specifically allowed that some density of weather stations, stream gaging stations, snow courses, glacier mass balance sites, and other small scientific installations that contribute to our knowledge of ecosystem, landscape, and climate change in these regions be permitted to exist in these new designated Wilderness regions as part of the legislation, as well as efficient access to them, so that a coherent plan can be designed and managed from the outset. These could be thought of as ‘scientific inholdings’, with a selection and conveyance process similar to native inholdings.

Response to Comment 136804.002

Scientific study is a high-status activity within Arctic Refuge, and we believe our current review and approval process adequately facilitates appropriate research projects and techniques while protecting the Refuge’s special values and the Wilderness character of designated Wilderness. Should Congress consider Wilderness designation for additional area(s) of the Refuge, the political process provides opportunities for interested parties to advocate for inclusion of special provisions in the legislation that serve their interests.

Comment 118023.001
Roderick Barcklay

Studies/Research

Also know about and have seen State financed preliminary survey crews flying out to collect data for nearly 400 miles of new heavy duty access roads in other wild country both north and south of the Brooks Range. The proposed northern route to Umiak and beyond is for Oil and Gas and the southern route through Bettles accesses copper and other minerals to the west of the Gates of the Arctic N.P. One must look at the big picture. If all of these invasive actions

take place the arctic will be impacted by mankind more than at any time. There will be no way to turn back the clock. Let us not spoil one of the last remaining wild places on Earth.

Response to Comment 118023.001

Refuge staff works with numerous collaborators on monitoring, research, and conservation issues related to cumulative anthropogenic effects on fish, wildlife, plants and their habitats in the arctic. This was noted in the Plan.



3.46 TOPIC: Subsistence

Group U.1: Subsistence

-----Preamble/Intro-----

I would like to see you make a couple of adjustments to the management option E.

-----Comment-----

1. Subsistence access should allow at least limited use of ATVs which is presently an important means of access for residents

Submitted By:

- Jonathon John 136908.002
- Terry Reichardt 032657.001

Response to Group U.1: Subsistence

ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of off-road vehicle's on refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, off-road vehicle use must be found compatible with Refuge purposes and the mission of the National Wildlife Refuge System and subject to reasonable regulations to ensure protection of resources and habitats. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge. However, Objective 4.6 (in Chapter 2) proposes a historical access study which will involve cooperation with local tribal groups, Native communities, elders, and the State of Alaska, to gather and review historical access information and use patterns to help guide management decisions on access.

3.46.1 Access

Comment 136792.004

Subsistence, Access

Cliff Eames, Board Member

Alaska Quiet Rights Coalition

-----Preamble/Intro-----

We were very disappointed to see that there is almost nothing in the draft Plan and EIS regarding the Natural Soundscape, natural quiet, and natural sounds. In this regard, the Fish and Wildlife Service seems to lag far behind its sister federal land managing agencies. Formal, written National Park Service policy requires that the agency address the Natural Soundscape in its plans and environmental analyses. Even the National Forest Service and the Bureau of Land Management, multiple use agencies with a far less protective mission than the FWS, have, in most recent cases that we're aware of, addressed natural quiet and natural sounds in their planning and environmental documents. We may not always agree with their decisions, but at least they generally acknowledge that the Natural Soundscape is a fundamental ecological resource. We are very surprised, and as we said, disappointed, to see

that the Fish and Wildlife Service does not seem to be fulfilling its stewardship responsibilities by at least taking that important first step.

-----Comment-----

Subsistence. The promises made in ANILCA to subsistence users should be honored. This includes the use of motorized vehicles for subsistence when such use is not allowed for other purposes. But ANILCA clearly allows the subsistence use of motorized vehicles to be reasonably regulated, and whether there is a need for such regulation should be carefully, but fairly, evaluated during the life of the Plan.

Response to Comment 136792.004

ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with Refuge purposes and the mission of the National Wildlife Refuge System and subject to reasonable regulations to ensure protection of resources and habitats. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge. However, Objective 4.6 (Chapter 2, Section 2.1.4) proposes a historical access study which will involve cooperation with local tribal groups, Native communities, elders, and the State of Alaska, to gather and review historical access information and use patterns to help guide management decisions on access.

Comment 000056.001

Subsistence, Access

**Jonathan John, First Chief
Arctic Village Council**

And they say we want to designate it as wilderness up there. I favor that, but I can't -- I have a history in my area, in Arctic Village, that's where we get our logs. We have summer trails that have been used for thousand and thousand and thousand, thousand, thousand, thousand years. They're there. The trail is still there. That proves that we use all the sheep, all the caribou, all the moose, all wildlife. We use them in our area. The trails are there. You cannot deny it. I need access to get logs. You can't have no wilderness on those stuff. I have evidenced and trail-marked I've been using 60's. They used tractors, tractor trails. So we need to get access to our logs in the refuge.

If I have to build a house or take a D-9 to go down 30, 40 miles away and have a house log, that's not economy. My economy is up there in the refuge where I can get logs and wrap it down where it's only going to cost a percentage of it. That's one of the things I want to get at, is to have access on that and for my protection.

Response to Comment 000056.001

Title VIII of ANILCA further provides that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in refuges for traditional purposes subject to reasonable regulations. Regulations specific to subsistence use

of timber and plant materials are found in 50 CFR 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for their household needs, and no permit is required for that harvest. Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge. If more than 20 live trees are needed, as would typically be required for a cabin or a house, the subsistence user must apply for a special use permit for the additional amount of trees needed.

ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with Refuge purposes and the mission of the National Wildlife Refuge System and subject to reasonable regulations to ensure protection of resources and habitats. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge. However, Objective 4.6 (Chapter 2, Section 2.1.4) proposes a historical access study which will involve cooperation with local tribal groups, Native communities, elders and the State of Alaska, to gather and review historical access information and use patterns to help guide management decisions on access.

Comment 032625.002

Subsistence, Access

**Nicole Whittington-Evans, Alaska Regional Director
The Wilderness Society**

TWS attended the Kaktovik Arctic Refuge Draft Revised CCP DEIS hearing and learned about the possible permit fee associated with temporary use facilities related to subsistence hunters and users. Upon hearing the response to this proposal by local residents, we urge the USFWS to abandon any fees associated with obtaining a permit associated with subsistence use temporary structures, and feel that this issue could damage relations between the agency and local residents. We strongly recommend the USFWS drop the fee portion of this requirement and look to other ways to track temporary use facilities that may remain in place beyond one season.

Response to Comment 032625.002

We appreciate your comment, which was also expressed by many others at public village meetings in Arctic Village, Venetie, and Fort Yukon. As called for under Section 1316(a) of ANILCA, the use of tent platforms, shelters, and other temporary facilities related to the taking of fish and wildlife may be authorized in the Refuge, provided they are not detrimental to the unit's purposes and subject to reasonable regulations to ensure compatibility. The proposed requirement that Refuge users apply for and receive a special use permit for temporary facilities related to the taking of fish and wildlife will be removed, and no permit will be required. Tent platforms, shelters, and other temporary facilities will be treated the same on lands under Wilderness and Minimal Management, as they have been since the 1988 Plan was implemented. Tent platforms left in place for more than one year may be authorized and all other temporary facilities are allowed.

3.46.2 Impact of Other Users

Comment 136726.001
Unnamed 64

Subsistence, Impact of Other Users

Manipulation of wildlife in Arctic Refuge is already going on by biologists through their estimations of harvest levels. Manipulation competing and hurting local subsistence opportunities.

Response to Comment 136726.001

Both state of Alaska hunting regulations and Federal subsistence hunting regulations require hunters to report hunting and harvest information. Subsistence hunters must report their harvests on harvest ticket or permit report forms or other reporting systems established by the State Board of Game or the Federal Subsistence Board. These permits, harvest tickets, and tags are important tools wildlife managers use to monitor and protect wildlife populations. Community harvest and reporting systems are in place in some communities. These systems are based on customary and traditional practices, including those associated with cultural and religious beliefs.

3.46.3 Subsistence Economies

Comment 136815.003
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabaskan Tribal Governments

Subsistence Economies

The Council submits that the information presented in 4.4 Human Environment is incomplete and limited in scope. Within Section 4.4.3.7 Subsistence Harvest, Barter, and Trade Economies it is stated that “resources of caribou, moose, and salmon are bartered and exchanged between the villages of Venetie, Fort Yukon, and Arctic Village.” The discussion continues to include a further explanation of this barter and trade. This is an incomplete, inadequate, and limited description of the barter and trade amongst Gwich’in and Koyukon people who rely upon the resources of the Refuge. Additional Refuge resources that are important traditional and customary resources of the Gwich’in and Koyukon people and included in barter and trade include, but should not be limited to: furs such as wolverine, lynx, marten, and beaver; berries such as blueberries and salmon berries; plants and herbs such as Labrador tea; whitefish such as grayling; waterfowl; and small game such as ground squirrel. Additionally the list of villages which participate in this barter and trade should include but not limited to: Chalkyitsik, Beaver, Circle, Birch Creek, Stevens Village, and Old Crow, Canada. The traditional and customary barter and trade of resources upon which Gwich’in and Koyukon people rely is far greater and more complex than the simplified statements within the Draft Revised CCP.

Response to Comment 136815.003

We appreciate this comment from the council describing a much broader context of resources and regional practices of the Gwich’in and Koyukon people. The examples of local villages and species used for barter and exchange in the paragraph for the “South of the Brooks Range...” was never meant to be limited to just those communities listed and just those species described. Rather, they were used as examples of different species geographic availability and abundance and subsequent barter and exchange of villages most approximate to Arctic Refuge. With the additional information the council has provided on a much larger scale and scope for Gwich’in and Koyukon people, we expanded the section on Subsistence Harvest, Barter, and Trade Economies.

3.46.4 Subsistence Management**Comment 136734.001**
Unnamed 71

Subsistence Management

Need a good network between agencies regarding subsistence activities.

Response to Comment 136734.001

The Refuge will continue to communicate and cooperate with all Federal and State agencies to provide that rural Alaska residents who are engaged in a subsistence way of life be allowed the opportunity to continue using resources in Arctic Refuge for traditional purposes.

Comment 221204.001
Daniel Lum

Subsistence Management

This CCP in any alternative should also prioritize the continuity of cultural practices of all the thousands of Inupiat residents to the North, and Gwich'in to the South. I am comfortable stating that many if not most of the older adults and Elders who may not understand English, or the finer complexities in the CCP, would want their subsistence lifestyles protected through as many avenues as possible. Protecting all the subsistence resources as well as continued subsistence access necessary for carrying on the traditional ways of our lives is very important to fulfilling the subsistence purpose of the refuge.

Response to Comment 221204.001

The Refuge staff is keenly aware of the importance of cultural and subsistence issues and the Revised Plan reflect this awareness. Native culture and subsistence is acknowledged and/or addressed in the Plan's vision statement, several of the goals and objectives, and in the Refuge's Management Policies and Guidelines. A section about the archaeological resources, prehistory, and history of Arctic Refuge is included in Chapter 4, along with a discussion of communities within and near the Refuge and of subsistence uses of the Refuge. In Chapter 5, we describe the potential impacts each alternative would have on subsistence opportunities and cultural resources, and we include a Section 810 analysis. Chapter 5 also includes a discussion of where subsistence and cultural issues intersect with environmental justice concerns. The Revised Plan includes a commitment to complete an ICRMP for Arctic Refuge (Objective 8.3), in cooperation and coordination with local communities and Native organizations, and in consultation with tribes. Additionally, we propose to complete a traditional access study (Objective 4.6), compile existing subsistence use data, and support village harvest monitoring programs (Objective 4.4). We are committed to partnering with local residents and Native organizations on a variety of Refuge activities and planning efforts, including collecting traditional ecological knowledge of the area's ecosystems and wildlife. We will consult formally and informally with tribes on a variety of Refuge actions.

Comment 032662.004
David McCargo

Subsistence Management

One has to call into question some of the baseline definitions, at least those that are not anchored in statute, surrounding what constitutes existing traditional activities on the Refuge including hunting, trapping, and other activities associated with subsistence. The biggest Kahuna is subsistence-related use of motorized equipment. While ANILCA authorizes traditional uses, it does not authorize unlimited use. That would be absurd.

Furthermore and contrary to popular belief, Alaska including the Refuge is wildlife poor. Even pre-contact Native populations in the Arctic were unable to live off the land in big numbers. Alaska's rural population is growing beyond Third World rates. When coupled with technology most notably mechanized access, so-called subsistence users have long ago exceed the carrying capacity of surrounding areas.

Subsistence use in much of Alaska is a myth. Conservation system managers including the Service are too scared to acknowledge this the consequence of which is the myth keeps being perpetuated, including by environmentalists, and that the conservation units keep being degraded.

Response to Comment 032662.004

ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge and they have not been authorized as a means of access for subsistence hunting on Refuge lands.

Comment 222173.001

Subsistence Management

Jack Reakoff

Under the summery of selected management provisions ...

Subsistence: All categories of Wilderness, Wild Rivers and Minimal Management are far too restrictive of subsistence harvest collection of house logs and fire wood. ANILCA is clear regarding the importance of subsistence uses wild renewable resources:

SEC 802. It is hereby declared to be the policy of Congress that—(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands ; consistent with management of fish and wildlife in accordance with scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so;

SEC. 803. As used in this Act, the term “subsistence uses” means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel,(emphasis added)

Reduced and limited levels for Subsistence use of wood resource in the CCP, would have great adverse impact on users. The Plans use levels would severely impact the subsistence users engaged in a subsistence way of life and to continue to do so. Provisions for reasonable management of wood resources are required by Title VIII of ANILCA and need to be incorporated into this document, for subsistence uses. And at levels that would allow users to continue their subsistence way of life.

Suggested language for Wilderness, Wild Rivers, and Minimal Management should state: Allowed; and may require use permits for trees over 6 inches.

Response to Comment 222173.001

The opportunity for continued subsistence uses by local rural residents is one of the stated purposes for both ANILCA and Arctic Refuge. One of the Refuge's legislative mandates is to provide for continued subsistence uses by local residents in a manner consistent with (i) the conservation of fish and wildlife populations and habitats in their natural diversity, including, but not limited to, the Porcupine caribou herd... and (ii) the fulfillment of international treaty obligations with respect to fish and wildlife and their habitats (Section 303(2)(B)(i)(ii)(iii)). Regulations implementing ANILCA Title VIII subsistence provisions on Arctic Refuge are found in 50 CFR Part 36.

More specifically, regulations for subsistence use of timber and plant materials on the Refuge are found in 50 CFR 36.15. There is no limit on the amount of standing dead or down timber a subsistence user may collect for their household needs, and no permit is required for that harvest (Section 36.15(3)(b)). Up to 20 live standing trees of a diameter of 3-6 inches may also be harvested annually without a special use permit from the Refuge (Section 36.15(2)). If more than 20 live trees are needed, as is typically the case for cabin or house log construction, the subsistence user must apply for a special use permit for the additional amount of trees needed (Section 36.15(2)). There are no limits on the cutting of live standing timber less than three inches in diameter at breast height, and no special use permits are required (Section 36.15(3)). These regulations have been in place several decades, and we believe they are reasonable in providing for the subsistence use of timber resources; however, we will conduct a thorough review of these regulations to ensure they a continued opportunity for subsistence as well as conservation of habitats in their natural diversity consistent with sound management principles.

These subsistence use regulations for collections of house logs and firewood and collection of plant materials are applicable across all management categories including Management of Wilderness, Wild Rivers, and Minimal Management. There is no reason for the recommended change.

3.46.5 Village Harvests

Comment 136676.001 Unnamed 19

Subsistence, Village Harvests

Whenever the Refuge is spoken of, Kaktovik is portrayed as a whaling community and Arctic Village is portrayed as a caribou community when caribou is very important to Kaktovik. Residents of Kaktovik also hunt Dall Sheep. Yet these other subsistence foods are never portrayed in Refuge slide shows or publications.

Response to Comment 136676.001

The Refuge will make every effort to provide to best available information regarding subsistence and cultural resources uses for each of Arctic Refuge's neighboring communities in our publications and outreach materials. A search of our photographic files regarding subsistence and cultural uses of our neighboring communities is quite limited. We will actively work with our neighboring communities to improve our selection and diversity of subsistence related photographs in a cultural appropriate way. The Revised Plan's discussions, tables, and graphs in Chapter 4, Section 4.4.4.2 for Kaktovik depict a very wide and diverse range of resources used for subsistence throughout the seasonal cycles.

3.46.6 Village Use Areas

Comment 136815.005

Subsistence, Village Use Areas

**Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabaskan Tribal Governments**

The specific discussions and usage maps in Section 4.4.4.2 Contemporary Village Subsistence Use referencing Arctic Village, Chalkyitsik, Fort Yukon, and Venetie are incomplete, inadequate, and limited. Further consultation is necessary with the Yukon Flats Tribal Governments and the Council to ensure a more adequate representation of traditional and customary use of resources located within the Refuge is established here.

Response to Comment 136815.005

The maps showing “lifetime” use areas for Arctic Village, Chalkyitsik, and Venetie were developed from interviews conducted in 1980 and 1981 by Richard Caulfield and published in the 1983 ADFG Division of Subsistence report on Subsistence Use in Upper Yukon Porcupine Communities, Technical Report No. 16 (Caulfield 1983). The Caulfield report clearly stated in both text and on each map that the “map represents a summary of reported community-based land use during the lifetimes of household residents. Because the data are compiled from a sample of households for a limited period of time, and because subsistence land use is dynamic, this map may only depict minimal limits of actual land use by community residents over time.” These 1983 Caulfield maps and data were used in the final EIS for the Proposed Yukon Flats National Wildlife Refuge Land Exchange, as well as the Arctic Refuge draft Revised Plan since no other published and current mapping information was available. Both plans clearly document the source of the data, the time frame it represents, the number of household sampled, and that the data may not represent the full range and extent of the villages contemporary use areas for harvesting resources. Section 4.4.4.2 further acknowledges under each village’s “Subsistence Use Areas” text that harvest use areas depicted on the maps may have changed over time due to factors such as fluctuating populations of fish and wildlife resources, changing migration patterns and availability of resources, shifting climate and changes in habitat, and the impact of high fuel prices affecting travel distances and access patterns (Section 4.4.4.2).

The Fort Yukon maps and data used in the final EIS for the Proposed Yukon Flats National Wildlife Refuge Land Exchange, as well as the Arctic Refuge draft Revised Plan, utilized published information and mapping from Caulfield 1983, and Sumida and Anderson 1990, depicting uses which extended into what is now Arctic Refuge. Again, both plans clearly document the source of the data, the time frame it represents, the number of household sampled, and that the data may not represent the full range and extent of the villages contemporary use areas for harvesting resources. Section 4.4.4.2 further acknowledges that harvest use areas on the maps may have changed over time due to factors such as fluctuating populations of fish and wildlife resources, changing migration patterns and availability of resources, shifting climate and changes in habitat, and the impact of high fuel prices affecting travel distances and access patterns. The Refuge welcomes any new or more recent documents or reports and mapping of subsistence use areas for these communities and will incorporate them into the Revised Plan as appropriate.

Comment 136815.004

Subsistence, Village Use Areas

**Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabaskan Tribal Governments**

-----Preamble/Intro-----

Additionally the list of villages which participate in this barter and trade should include but not limited to: Chalkyitsik, Beaver, Circle, Birch Creek, Stevens Village, and Old Crow, Canada.

-----Comment-----

The Council submits that the statements in Section 4.4.4 Subsistence Uses is also incomplete, inadequate, and limited for the reasons as cited above. All villages as listed above should be referenced as relying on the Refuge to meet their subsistence needs.

Response to Comment 136815.004

In response to your comment, we added the villages of Beaver, Circle, Birch Creek, Stevens, and Old Crow to the list of communities that have geographic or cultural ties to Arctic Refuge and its subsistence resources (see Chapter 4, Section 4.4.4).

Comment 136846.001

Subsistence, Village Use Areas

**Edward Alexander, Second Chief
Gwichyaa Zhee Gwich'in Tribal Government**

There's a map of usage for Fort Yukon residents and it's wrong. There's a map of usage for Arctic Village and for Venetie. Those are also wrong.

You know, they interviewed 26 people in Fort Yukon in 1980 and that's how they derived their map of usage and we don't just use the river corridors and the entire Arctic National Wildlife Refuge is within our territory and it needs to be recognized in this document somewhere that the -- all of that land is used and it's always been used by our people here. There is hints in the way that it's written that the Gwich'in people have only been here for 1,600 years or something like that when it talks about our history. Well, we've been here for a lot longer than that. If you take just the record that was found at Clowcut up near Old Crow as the singular point for our usage of this area, it's false and I think that what is said in here reflects how little is known at the Yukon

Response to Comment 136846.001

The maps depicted in the Subsistence Use in Upper Yukon Porcupine Communities, Technical Report No. 16 (Caulfield 1983), the final EIS for the Proposed Yukon Flats National Wildlife Refuge Land Exchange, as well as the Arctic Refuge draft Revised Plan are only intended to represent contemporary use history. The report and plans clearly document limited source of the data, the time frame it represents, the number of household sampled, and that the data may not represent the full range and extent of the villages contemporary use areas for harvesting resources. Section 4.4.4.2 further acknowledges under each village's Subsistence Use Areas text that harvest use areas depicted on the maps may have changed over time due to factors such as fluctuating populations of fish and wildlife resources, changing migration patterns and availability of resources, shifting climate and changes in habitat, and the impact of high fuel prices affecting travel distances and access patterns. No other published and mapped data was available regarding contemporary subsistence use. The Refuge welcomes any new or more recent documents or reports and mapping of use subsistence use areas for these communities and will incorporate them into the Revised Plan as appropriate.

The draft Revised Plan in Section 4.4.1.2 describes earliest prehistory archeological record for areas south of the Brooks Range that remained ice-free during the last glaciations from Old Crow Flats in the Yukon Territory may date as old as 27,000 years. Archeological sites in the middle prehistory period in the Old John Lake area may date as old as 8,000 years. The gap in archeological records in the late prehistory period does not indicate that Athabascan ancestors were not on the landscape during that period, but rather is a result of limited field work.

Traditional knowledge, oral histories, and written records describe a much fuller, broader, and extensive scale and scope to modern Gwich'in traditional homelands and use. In Section 4.4.4.2 Contemporary Village Subsistence Use, Reverend Albert Tritt from Arctic Village, a Neets'ait Gwich'in born in 1880, wrote that his people led a nomadic life, traveling to the Arctic Coast, Rampart, Old Crow, the Coleen River and Fort Yukon in the 1880s and 1890s. It seems apparent from the physical archeological and historical record that the Gwich'in people and their ancestors have had a long, rich, and extensive use of the northeastern region of Alaska and the western Canada. We do not question the fact that what is now Arctic Refuge encompasses a small portion of the Gwich'in people's homeland.

3.47 TOPIC: Transportation and Access

Group V.1: Transportation and Access

Local people need to watch the Old John Lake area to reduce the hunter and trespass on private Native Allotment problem. We need to work with the Refuge on this problem.

Submitted By:

- Mildred Allen 136901.001
- Jonathon John 136908.003

Response to Group V.1: Transportation and Access

The Service appreciated the public access concerns to this area regarding Refuge and private lands. While nearly all of the shoreline is in private ownership, there are some areas along Old John Lake that are Refuge lands, and our law enforcement officers have investigated complaints in the past and will continue to do so in the future. For private lands, the State of Alaska law enforcement personnel are responsible for enforcing issues of trespass, theft, and littering. Currently, Refuge law enforcement officers work closely with the State Troopers to coordinate law enforcement efforts, but Refuge officers do not have enforcement authority for non-hunting violations on private lands. As stated in the Objective 5.7, the Refuge has committed to strengthening and unifying its law enforcement efforts on Refuge lands and waters. The Refuge will promote conservation stewardship by increasing its presence on the Refuge and through partnering with other Federal and State law enforcement authorities in the area whenever possible. Increasing the amount of enforcement patrols will help address potential issues and provide better information and outreach efforts regarding private lands to Refuge visitors.

As directed by ANILCA Section 1110(a), the public is assured access to Federal public lands subject to reasonable regulations. Commercial air service providers operating under a special use permit from the Refuge are required to know where private properties are within the Refuge and receive permission from the private landowners before accessing or utilizing those lands. There are no Refuge authorized hunting guides in this area to reduce conflicts between local and nonlocal residents.

The Refuge has decided that addressing visitor use issues identified during the planning process for this Revised Plan would be best addressed through a separate public planning process. The Refuge will immediately begin the VUMP following approval of the Revised Plan. The VUMP will consider levels of visitor use, timing and distribution of visitor use, activities and behaviors of visitor use, and user conflicts between local users and Refuge visitors. Managers may use education, site management, regulation, enforcement, and/or rationing or allocation to manage visitor use at Arctic Refuge, consistent with the VUMP. This planning process will be conducted in full consultation with tribal groups, Native organizations, and local communities to fully understand their issues and concerns.

Group V.2: Transportation and Access

Pages 2-59 and 2-60 (Helicopters): We support the prohibition of helicopter landings for recreational purposes in the Refuge and urge that it be retained in the Final CCP. More restrictions need to be specified in the Final CCP (Management Guidelines) for the use of helicopters by agencies and cooperators.

Submitted By:

- Northern Alaska Environmental Center, Pamela Miller 136801.058
- Various Environmental Organizations, Nicole Whittington-Evans 032627.034
- Wilderness Watch, Fran Mauer 032628.025

Response to Group V.2: Transportation and Access

The Service recognizes the valid concern related to helicopter use. Limitations on helicopter landings by the agency and others are described in Section 2.4.14.3 (Helicopters). This section was revised to clarify that in designated Wilderness, helicopter landings will be permitted in cases of emergency and when determined to be necessary through the MRA process. It has also been revised to clarify that the Service will not conduct helicopter operations over designated Wilderness, except for in-transit flights or emergencies, except as provided for by an MRA determination. The need for further area or time-specific helicopter use and landing limitations will be considered on a case-by-case basis. Service regional policy 610 FW 1.19 directs refuges to evaluate their administrative and management activities in designated Wilderness and to identify if the work is necessary to be accomplished in designated Wilderness, and if so, to determine and use the minimum requirement necessary to accomplish the work.

Group V.3: Transportation and Access

We need to hire people from the village to man a post to observe during hunting season on Old John Lake.

Submitted By:

- Unnamed 22 136872.001
- Unnamed 6 136897.001
- Edward Sam 136912.004

Response to Group V.3: Transportation and Access

The Service supports this recommendation, although it was not directed towards Refuge lands or management.

Group V.4: Transportation and Access

Could pickups and SUVs outfitted with Mattracks be considered an ATV and brought into wilderness?

Submitted By:

- Unnamed 10 136667.001
- Unnamed 28 136686.001

Response to Group V.4: Transportation and Access

Mattrack on off-road vehicles would not be allowed on Refuge lands, including designated Wilderness areas. ANILCA Section 1110(a) specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units,

including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of off-road vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the off-road vehicle use must be found compatible with Refuge purposes and the mission of the National Wildlife Refuge System. Off-road vehicles and all-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge. Mattracks on an off-road vehicle would not qualify as a snowmachine. Refuge regulations in 50 CFR 36.2 specify that a snowmachine must weigh no more than 1,000 pounds, be driven by a track or tracks in contact with the snow, and be steered by a ski or skis in contact with the snow. Additionally, regulation 43 CFR 36.11(g)(1), which applies to Refuge lands, states the use of off-road vehicles in locations other than established roads and parking areas (neither of which exist on Arctic Refuge) is prohibited.

3.47.1 Baseline Conditions

Comment 136805.127

Transportation and Access, Baseline Conditions

**Sean Parnell, Governor
State of Alaska**

Page 4-226, Dalton Highway Visitors and Resource Impacts. This section needs to reflect that access to the refuge via the Dalton Highway is already restricted because no motorized vehicles, including 4-wheelers, are allowed 5 miles either side of the Dalton Highway.

Response to Comment 136805.127

We agree that Section 4.4.5.9 (Dalton Highway Visitors and Resource Impacts) is the appropriate place to discuss the Dalton Highway Corridor Management Area. We will modify the first paragraph starting at the second sentence to read: “The Dalton Highway, which was open to the public in 1994, allows relatively easy and inexpensive access to western portions of the Refuge, particularly the Atigun Gorge area, which is recognized for exceptional scenery, wildlife values, and wilderness qualities. The Dalton Highway Corridor Management Area extends five miles on either side of the Dalton Highway from the Yukon River to the Arctic Ocean. The ADFG currently uses the area five miles on either side of the highway to regulate hunting, limiting it to certified bow hunters only. Hunting regulations in this area are intended to prevent overharvest of wildlife by limiting the number of hunters who use the area. Licensed highway vehicles are allowed only on designated public roadways. To protect fragile tundra and wetland vegetation, recreational use of off-road and all-terrain vehicles or snowmachines is prohibited by State law within the five-mile corridor. However, people may access the area at any time by boat, airplane, foot, ski, or dog team, depending on the season. Federal Subsistence Management Regulations do authorize the use of snowmachines for subsistence hunting and trapping by residents living within the Dalton Highway Corridor Management Area. However, any user can start outside the five-mile corridor on a snowmachine and then cross the highway corridor to access other hunting areas or villages.”

Comment 136804.009
Matt Nolan

Transportation and Access, Baseline Conditions

Fixed-wing access points. I advocate for Refuge management to select several popular fixed-wing access points to be maintained throughout the Wilderness and non-Wilderness regions. Though I don't want to see road signs and interpretative displays, I do want to have access to the Refuge via air travel and it is simply impossible to prevent some decay of fixed-wing landing zones on vegetated surfaces and, at least on the North side, there are simply a limited number of suitable locations. Where gravel bars are available, yes clearly they should be used. But where they are not, then I think it is in everyone's best interest to harden or improve the locations that are going to be used anyway, rather than allow them to be chewed up to the point where they are no longer safe or usable. At some locations, like mid-Jago and 5 mile on the Hulahula, the river is eating into the landing zone. I do not advocate for bulkworks or riprap here. But, clearing shrub growth, filling ruts with rocks, marking runways with natural objects, and similar low-tech activities should be allowed without fear of prosecution, similar to what was done at Grassers, such that there are at least a few useable strips on each major watershed. Regarding gravel bars, the issue, at least on the North side, is that most 'bars' are covered with cobbles until you get close to the coast, such that even these locations would require regular work to keep clear. An alternative of limiting fixed-wing access to float planes I believe would be misguided, as there is likely the same amount of environmental damage, it's just harder to see visually (hydrocarbons in the lakes, disturbance of subaqueous shore stability, etc).

Response to Comment 136804.009

Both the Refuge and public comments identified a number of aircraft issues that need to be addressed to protect Refuge resources and visitors' experiences. Objective 5.9 (Aircraft Landing Impacts) commits the Refuge to implement aircraft management strategies to address impacts to sensitive vegetative surfaces caused by aircraft landing on Refuge lands. As part of the Visitor Use Management and Wilderness Stewardship planning processes, the Refuge will work closely with the commercial air service providers and other interests to: 1) ensure that safety remains a primary concern; 2) document the condition and trends in established and emerging landing areas; 3) examine availability of durable landing areas, recognizing their often ephemeral nature; 4) identify and engage key partners and the general public in discussion about landing area conditions, and 5) formulate and implement management strategies that protect the land, vegetation, and wilderness characteristics. It will also be determined whether, consistent with the requirement for providing for reasonable access, there should be some zones within the Refuge where aircraft landings are not permitted.

3.47.2 Effects of Alternatives

Comment 009515.001
John Coghill, Senator, District F
Alaska State Legislature

Transportation and Access, Effects of Alternatives

In my notes that I'll be writing to you, I appeal to Section 1313 which talks about the hunting and fishing and the trapping in ANILCA. And in Sections 1101 through 1108, there are transportation issues that I think -- that allow both Native and non-Native people to access and traverse the land for hunting, fishing, and trapping. So I'm concerned that that would become impacted. Probably the biggest thing, though, for America, for Alaska, for those who work here in Alaska is the wilderness designation of the 1002 area. I would urge that you go to

Congress for that, and the wild and scenic rivers issue is also another one because that impacts the access for traditional activities. So those two issues. The wilderness designation should not be given for the 1002 area. I think we've done exploration well, and the wild and scenic rivers I think is our access issue.

Response to Comment 009515.001

ANILCA Section 1313 specifically addresses administration of National Park Service lands designed as National Preserves and would not be applicable to Arctic National Wildlife Refuge. However, access for both Native and non-Native people to traverse Arctic Refuge for transportation to and from villages and homesites or for general hunting, fishing, and trapping activities are found in ANILCA Section 1110(a)(b). This section specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness, subject to reasonable regulations. Subsistence access provisions for rural residents engaged in subsistence related activities on Federal conservation units in Alaska are found in ANILCA Section 811(b), which further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Implementing regulations for ANILCA Section 1110(a)(b) are found in 43 CFR 36.11 and 36.10, and for ANILCA Section 811(b) are found in 50 CFR 36.12. These regulations are applicable on all Refuge lands, including designated Wilderness areas. The Service is committed to ensuring reasonable access while protecting the Refuges purposes, values, and natural resources.

By Refuge System policy, wilderness and wild and scenic river reviews are elements of Refuge comprehensive conservation plans, and we are directed to conduct these reviews during the planning process. Any wilderness recommendation included in the Revised Plan will be forwarded by the Director of the U.S. Fish and Wildlife Service to the Secretary of the Interior. The Secretary may forward the recommendation to the President, who may transmit it to Congress. Only Congress can designate an area as Wilderness or as a wild and scenic river.

3.47.3 Mode of Transportation

Comment 136811.003

Transportation and Access, Mode of Transportation

Mark Richards, Co-Chair

Alaska Backcountry Hunters & Anglers

We did want to add additional thoughts, however, about an issue that greatly concerns us, and that is the possibility of significant motorized land access via snow machine through the western part of the Refuge should the state of Alaska ever allow such access through the Dalton Highway corridor.

Currently off-road and all-terrain vehicles (ATVs) are prohibited within the Refuge, and snow machines are allowed. We don't oppose the use of snow machines within the Refuge per se, but continued efforts to open the Dalton corridor to motorized access pose serious concerns about such access should it come in great numbers from the Dalton Hwy into the western portion of the Refuge.

We only ask that Refuge managers look at ways of mitigating or limiting widespread snow machine access into the western boundary ahead of such an occurrence, as part of continued

step-down planning efforts and in accordance with “responsible regulations to protect the natural and other values of the Arctic Refuge” that are a part of 43 CFR 36.11.

Response to Comment 136811.003

The Service recognizes the concerns related to increasing public use that would occur to the western part of the Refuge should the Dalton Highway corridor be opened to motorized access. The potential for widespread snow machine access into the western region of the Refuge, and the incursions of unauthorized all-terrain vehicle use, will be addressed in the step-down planning process to begin after approval of the Revised Plan. Three step-down planning efforts will be initiated soon after approval of the Plan: Ecological I&M Plan (Objective 1.2), Visitor Use Management Plan (Objective 5.4), and a WSP (Objective 2.4). Collectively, and in an integrated manner, these plans will address public and visitor use throughout the Refuge, including existing or needed regulations to protect the purposes, values, and resources of the Refuge.

Comment 136792.003

Transportation and Access, Mode of Transportation

Cliff Eames, Board Member

Alaska Quiet Rights Coalition

-----Preamble/Intro-----

We were very disappointed to see that there is almost nothing in the draft Plan and EIS regarding the Natural Soundscape, natural quiet, and natural sounds. In this regard, the Fish and Wildlife Service seems to lag far behind its sister federal land managing agencies. Formal, written National Park Service policy requires that the agency address the Natural Soundscape in its plans and environmental analyses. Even the National Forest Service and the Bureau of Land Management, multiple use agencies with a far less protective mission than the FWS, have, in most recent cases that we’re aware of, addressed natural quiet and natural sounds in their planning and environmental documents. We may not always agree with their decisions, but at least they generally acknowledge that the Natural Soundscape is a fundamental ecological resource. We are very surprised, and as we said, disappointed, to see that the Fish and Wildlife Service does not seem to be fulfilling its stewardship responsibilities by at least taking that important first step.

-----Comment-----

Balanced Land Management Statewide. Motorized recreational use should be prohibited throughout the Refuge, not just in designated Wilderness or lands managed as Wilderness. The Arctic Refuge should be a counterweight, an alternative, to the vast majority of state-owned lands and BLM lands, and to the many other areas on the federal lands, where such recreational use is allowed, and in all too many cases, is virtually unregulated. The gross imbalance referred to earlier can and should be at least partially righted by managing for non-motorized recreational use on the refuge.

Response to Comment 136792.003

The issue of whether any area of the Refuge should be established as a mechanized-free zone—and if so, what exceptions may apply—was deferred to the Wilderness Stewardship and Visitor Use Management step-down plans. These step-down planning efforts will be initiated immediately after approval of the Revised Plan: Visitor Use Management Plan (Objective 5.4), and a WSP (Objective 2.4) will collectively, and in an integrated manner, address essential components of the Refuge’s special values and public use opportunities in both Minimal Management and Wilderness Management areas.

Comment 032627.043 Transportation and Access, Mode of Transportation
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-----Preamble/Intro-----

Overall we commend the USFWS for producing the most effective and consistent version of the USFWS Alaska Template of any revised refuge thus far. For the most part activities are managed consistently in both the Wilderness and Minimal Management categories, which is encouraging. Regarding access concerns, we strongly support that recreational Off-Road-Vehicles (ORV's) and commercial helicopter air-taxi's are not allowed in Wilderness, Wild River or Minimal management categories.

-----Comment-----

We do have concerns, however, regarding the relaxation of restrictions for some activities, such as motorized access, as in the case with snowmobiles, from the original CCP to the current draft (see Table 3-2, pgs. 3-48 and 3-49). We do not support the USFWS relaxing restrictions of this sort from the 1988 plan in the revised CCP.

Response to Comment 032627.043

Table 3-2 is incorrect in implying that there are substantial differences in the 1988 Plan and the direction proposed in the current Plan. In both cases, the use of snowmachines is allowed subject to adequate snow cover and reasonable regulations. We will remove this reference from Table 3-2 as it is misleading. For a more detailed description of the proposed management guidelines, see Chapter 2, Section 2.4.14. It is true, however, that the current regulations for snowmachine use in Alaska Refuges (50 CFR 36.2) no longer contain the overall width limitation of 46 inches. However, the weight restriction for under 1,000 pounds remains, as well as the adequate snow cover requirements for use of snowmachines found in 43 CFR 36.11(C)(2). The Refuge will monitor and evaluate the use of snowmachines to ensure uses shall be in compliance with applicable State and Federal law, and in a manner as to prevent adverse impacts to the Refuge or other values of the area. As provided for in regulations, the Refuge manager may temporarily or permanently close an area to surface transportation upon a finding that such use would be detrimental to the purposes and values of the area.

Comment 136684.001 Transportation and Access, Mode of Transportation
Unnamed 26

Why are planes able to land anywhere and yet a permit is needed for using an ATV to hunt?

Response to Comment 136684.001

Use of airplanes for access to the Refuge are authorized by ANILCA Section 1110(a), which specifies that use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies that for subsistence use, the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with Refuge purposes and the mission of the National Wildlife Refuge System.

All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge. Additionally, regulation 43 CFR 36.11 (g)(1), which applies to Refuge lands, states the use of off-road vehicles in locations other than established roads and parking areas (neither of which exist on Arctic Refuge) is prohibited.

Comment 136953.001
George Alderson

Transportation and Access, Mode of Transportation

Subsistence use of ORVs: We recognize that subsistence use of ORVs is allowed under terms of ANILCA. The CCP should provide for monitoring the impacts of such use and if ORVs are creating unreasonable impacts against fish and wildlife habitat, limits should be adopted on numbers of trips or seasons of use. The National Park Service had a problem in the Nabesna District of Wrangell-St. Elias National Park and Preserve, where ORVs created terrible impacts on the lands and waters. The NPS recently adopted a new plan for that area barring recreational ORVs from the national park and providing for monitoring of subsistence ORV use and imposing future limitations on that use if the impacts become too great. The CCP should authorize such limitations if they prove necessary in the future.

Response to Comment 136953.001

Off-road and all-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge. ANILCA Section 811(b) specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with the refuge purposes and the mission of the National Wildlife Refuge System and subject to reasonable regulations to ensure protection of resources and habitats.

Comment 136786.002
Patti Barber

Transportation and Access, Mode of Transportation

Where in this plan is there a provision for the returning military or elderly that aren't ambulatory and require a motorized wheelchair or ATV to access the wilderness? Public land whether it is designated wilderness or open for general use should be fair for all not just the healthy walkers. In 19 MILLION acres there is currently 8 million acres designated wilderness. There is not enough people that visit ANWR annually that would require the additional acres you are proposing locking up to wilderness which would hinder my recreational experience. This plan only caters to the elite crowd that is able to walk and climb and desire to stop the general population from accessing public lands.

Response to Comment 136786.002

Wheelchairs, including those that are battery powered, are entirely appropriate in designated Wilderness, as long as they are used by an individual whose disability requires its use. The Americans with Disabilities Act defines the term wheelchair as "a device designed solely for use by a mobility impaired person for locomotion, that is suitable for use in an indoor pedestrian area." All-terrain vehicles do not meet these criteria. However, The Americans with Disabilities Act definition is flexible enough to allow for the inclusion of new mobility device designs that meet the wheelchair definition.

Comment 136964.002
Cliff Eames

Transportation and Access, Mode of Transportation

Its apparent belief that the term “traditional activities” (Sec. 1110(a) of ANILCA) includes recreational activities like recreational snowmachining. Why, if I want to enjoy wildness free of the significant conflicts created by recreational motorized vehicles, do I have to leave the designated Wilderness of “wild” Alaska and recreate in Wilderness in the lower 48? I feel confident that this was not what the Congress intended. Legitimate subsistence use of motorized vehicles permitted by ANILCA should continue, subject to monitoring and the Act’s provisions for regulation where necessary--but non-essential (by definition) recreational motorized vehicle use should not be allowed anywhere in the Refuge.

Response to Comment 136964.002

As directed by ANILCA Section 1110(a), the use of airplanes, snowmachines, motorboats, and non-motorized surface transportation methods for traditional activities, and for transportation to and from villages and home sites, is permitted on conservation units, including lands designated as Wilderness subject to reasonable regulations. ANILCA Section 811(b) further specifies the use of snowmachines, motorboats, and other means of surface transportation traditionally employed for subsistence purposes by local residents is permitted, subject to reasonable regulations. Section 811 of ANILCA does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. Even then, the all-terrain vehicle use must be found compatible with the refuge purposes and the mission of the National Wildlife Refuge System and subject to reasonable regulations to ensure protection of resources and habitats. All-terrain vehicles have not been determined to be a traditional means of subsistence access for Arctic Refuge.

Comment 136807.008
Duane Howe

Transportation and Access, Mode of Transportation

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

19 Airplane and helicopter landing sites should be located early in order to prevent them from being moved more closely later in the process and reducing the wilderness character of the refuge. Landing sites should not be allowed inside the refuge. Where such sites were grandfathered in wilderness in other areas the only users to benefit from their use were those flying the airplanes.

Response to Comment 136807.008

Both the Refuge and public comments have identified a number of aircraft issues that need to be addressed to protect Refuge resources and visitors’ experiences. Objective 5.9 (Aircraft landing Impacts) commits the Refuge to implement aircraft management strategies to address impacts to sensitive vegetative surfaces caused by aircraft landing on Refuge lands. As part of the Visitor Use Management and Wilderness Stewardship planning processes, the Refuge will work closely with the commercial air service providers and other interests to 1) ensure that safety remains a primary concern; 2) document the condition and trends in established and emerging landing areas; 3) examine availability of durable landing areas, recognizing their often ephemeral nature; 4) identify and engage key partners and the general public in

discussion about landing area conditions , and 5) formulate and implement management strategies that protect the land, vegetation, and wilderness characteristics. It will also determine whether, consistent with the requirement for providing for reasonable access, there should be some zones within the Refuge where aircraft landings are not permitted.

Comment 136804.005**Transportation and Access, Mode of Transportation****Matt Nolan**

I would also ask that helicopters be considered as legalized alternatives to fixed wing aircraft (that is, not replacing fixed-wing, just granting similar access) in these new wilderness areas. I'm no huge fan of helicopters, and I currently work hard to meet the current Refuge philosophy on their use, but practically speaking they have a lower environmental impact and it would greatly reduce wear and tear on the limited number of fixed-wing strips (extending their life) if commercial helicopter use were permitted. So it's not so much that I want to use them, I mainly want to ensure continued fixed-wing access by minimizing pressure on existing strips and associated camping areas. At the moment, there is no protection against helicopter flightseeing, so this is moot as it would remain the same. It would be fine with me to limit passenger offloading to some specific sites (like coordinates with a radius) or to, for example, some unvegetated valley bottoms etc. and prohibit from some others. Other than the specific legal prohibitions or sanctions (eg. ANILCA, the Wilderness Act), the philosophical debate about whether helicopters are more 'wildernessy' than fixed wings is subjective in my opinion, and I think once most people realize that helicopter access is the same price as fixed wing (consider that a new R-44 is cheaper than a used Beaver, and R-44 rates are lower or on par with fixed wing rates going into the Refuge) I think public opinion would shift on this. I certainly don't want to see Princess Tours arrange dozens of landings per day, and I think this could easily be avoided by the commercial group size limitation or, for example, authorizing that helicopter landings are only allowed for passengers intending overnight stays, etc. In any case, should nearly the entire Refuge become Wilderness, I think there would be ways to manage helicopter access to an acceptable level without eliminating it completely, to keep it on par with current fixed-wing traffic but with much less environmental damage, but most importantly that these issues (and similar ones) should be addressed and written into the legislation to address and protect the unique and special needs of arctic Alaska and Alaskans.

Response to Comment 136804.005

The legal authority to permit helicopter landings within Federal conservation units in Alaska rests with the managing Federal agency. Strong justifications are needed for helicopter landings anywhere on a Refuge in Alaska, including designated Wilderness areas. Service regional policy 610 FW 1.19 directs refuges to evaluate their administrative and management activities in designated Wilderness to identify and use the minimum requirement necessary to accomplish the work. Hunters comprise around 28 percent of commercially supported visitors on Arctic Refuge, and helicopters are prohibited for any uses associated with hunting. Additionally, the Alaska Administrative Code (5 AAC 92.080) states that taking or transporting game with use of a helicopter, in any manner, is prohibited.

Comment 136942.004
Mike Speaks

Transportation and Access, Mode of Transportation

NO HELICOPTERS FOR RECREATION should ever be allowed, and flightseeing in general should go somewhere else.

Response to Comment 136942.004

Helicopter use for recreation is not allowed on the Refuge. The airspace of Arctic Refuge is regulated by the FAA. Currently, commercial flightseeing trips are not subject to regulation. If commercial flightseeing trips were to land on the Refuge, they would require a special use permit.

Comment 136816.019
John Strassenburgh

Transportation and Access, Mode of Transportation

-----Preamble/Intro-----

Please note that unless otherwise indicated, page number references in my comments below refer to the 20 page Summary of Draft CCP from the CD sent to me by FWS (file entitled "Arctic_DraftCCP_SummryRpt_052511.pdf"), also available at <http://arctic.fws.gov/pdf/ccp3b.pdf>

-----Comment-----

All-terrain and off road vehicles do tremendous damage to the land, wetlands, and, to water (e.g., through erosion). I am glad to see the ban includes air boats and air cushion vehicles. Not only should this ban continue, but provision should be made for monitoring such use and enforcing the ban. What good is a ban if there is no mechanism in place to ensure compliance? I also think that the language should be broad (to include new future off-road travel machines that cannot be envisioned today), such as "use of any land or water vehicle or conveyance, including but not limited to ATVs, ORVs, air boats, and air cushion vehicles, that adversely impacts the natural resources of the Refuge is prohibited."

Response to Comment 136816.019

ANILCA Section 1110(a), implementing regulations in 43 CFR 36.11(g)(1), states that off-road or all-terrain vehicle use is prohibited except on routes or designated areas by the appropriate Federal agency. Arctic Refuge management guidelines specify that all-terrain vehicles may be authorized only on designated routes or areas and only in Intensive and Moderate Management or by special use permit. There are currently no Intensive or Moderate Management category designations for Arctic Refuge in which all-terrain vehicles use may be authorized, no determination that all-terrain vehicle use would be compatible with the purposes and values for which Arctic Refuge was established, and no determination that all-terrain vehicle transportation was traditionally used by local rural residents for subsistence access. ANILCA Section 811 does not require the Refuge to allow use of all-terrain vehicles on Refuge lands for subsistence purposes unless they were traditionally used for such purposes prior to establishment of the Refuge. If such a traditional use determination is made, the use would be subject to specific compatibility determinations, the NEPA process, and ANILCA 810 evaluations and subject to reasonable regulations to protect Refuge purposes, objectives, and resources.

ANILCA Section 1110(b) ensures that any person or group that has a valid inholding has adequate and feasible access for economic or other purposes, across the Refuge. The Service will review and process the application in accordance with regulations at 43 CFR 36.10(a)(1)

and 50 CFR 35.13 to determine a reasonable method and route of pedestrian or vehicle transportation, including possible all-terrain vehicle use, which is economically practicable for achieving the use or development desired but not necessarily the least costly alternative for achieving the use. Reasonable and adequate access will be a combination of modes and routes of travel that will best preserve the wilderness characteristics of the landscape and protect the Refuge purposes, objectives and, resources.

3.48 TOPIC: Visual Resources

3.48.1 General

Comment 136801.073

Visual Resources, General

**Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center**

Sec. 2.4.10.4. Visual Resource Management.

p. 2-49. This section should be re-worded as the term “minimize the visual impacts of Refuge development “ is overbroad and implies inappropriate commercial activities may take place and which that are incompatible with Refuge purposes. We have recommended elsewhere in these comments that there should be no new construction for Administration sites and visitor facilities. What other sites are to be addressed here? The refuge should also seek to avoid, as well as minimize, deterioration of visual resources from activities occurring off Refuge lands and also for lands within Refuge boundaries subject to ANCSA 22(g).

Response to Comment 136801.073

The language in Section 2.4.10.4 was slightly edited to make it clear that the Service does not intend to develop the Refuge. The last sentence of that section states: “The Service will cooperate with Federal, State, local, tribal, and private agencies and organizations to minimize deterioration of visual resources from activities occurring off Refuge lands and on public and private lands within Refuge boundaries.” The Service will not allow inappropriate commercial activities of any kind on Refuge lands. The Service will use a public planning process to develop a VUMP (Chapter 2, Section 2.1.5, Objective 5.4). If this process indicates a need for visitor facilities, the Refuge staff and planning team may consider that option within the context of public input. Proper environmental analyses would be conducted prior to any developments. The construction of new administrative sites is not currently under consideration for Arctic Refuge. The Refuge manager would work closely with the public, local communities, private landowners, and other partners during any future plans to develop facilities on Refuge lands.

Comment 032626.019
Greg Warren

Visual Resources, General

V1, 2-49, 2.4.10.4 Visual Resource Management: I recommend that the Refuge use either the BLM or Forest Service visual resource management approach to provide scenery management direction and disclose effects. Otherwise, scenery assessments and direction could be seen as subjective and the methodology may not be repeatable.

Response to Comment 032626.019

All the management alternatives identified in this Plan provide a very high level of protection for visual resources on Refuge lands. Given the Refuge's limited funds and higher priority resource protection needs, we will not be implementing a visual resource evaluation and management system in the foreseeable future. However, should potential scenery impairing developments or activities be proposed for Refuge lands, appropriate action will be taken to prevent or minimize visual effects. Should such actions be proposed for adjacent lands, the Refuge will work with the landowners or managers to maximize protection of visual resources. In any case, the Refuge would select a visual resource evaluation and management system that meets accepted standards of objectivity, validity, and reliability.



3.49 TOPIC: Water Resources

3.49.1 *Water Quality and Quantity*

Comment 137004.001

Water Resources, Water Quality and Quantity

David Wiswar

I feel a greater understanding on the dynamics of the physical environment of the Beaufort Sea nearshore coastal areas within the boundaries and adjacent to the Refuge needs to be included in future studies. Studies should include the contribution of the freshwater rivers and streams to the establishing and maintaining the brackish waters in the nearshore lagoons and coastal areas.

Response to Comment 137004.001

The Refuge recognizes the importance of understanding and monitoring the dynamics of the physical environment of the Beaufort Sea nearshore coastal areas within the boundaries of, and adjacent to, Arctic Refuge. We revised Goal 3 to include protection of the ecological functions and natural flow regimes of the Refuge's aquatic ecosystems, including headwater streams, rivers, springs, wetlands, lakes, and lagoons. Refuge staff will conduct I&M activities that support management of the Refuge's Marine Protected Areas (MPAs) and maintain collaborative efforts to improve understanding of lagoon ecosystems, monitor coastal erosion, quantify input of freshwater and associated constituents to coastal ecosystems, and evaluate potential impacts of climate change on lagoon ecosystems (see Goal 3). The Refuge's I&M Plan described in Goal 1 will address monitoring of the nearshore environment within Refuge boundaries in more detail. When possible, we will work with partners to improve our understanding of the physical marine environment adjacent to the Refuge.

3.49.2 *Water Resources and Use*

Comment 000234.002

Water Resources and Use

Dan Shorb

Also, this area should be utilized by protecting its massive fresh water supply. We can apply the philosophy of the EPA's Community-Based program to this one for a national scale. (see here: http://water.epa.gov/type/oceb/nep/commbased_app.cfm)

Response to Comment 000234.002

Thank you for the hyperlink to the EPA Estuaries and Coastal Watersheds website link. ANILCA mandates that the Refuge maintain sufficient water quality and quantity to ensure maintenance of fish and wildlife populations in their natural diversity. Goal 3 was revised to address the protection of all Refuge waterbodies. This revised goal includes an objective for monitoring water quantity and quality and a strategy for working with the Arctic Landscape Conservation Cooperative, a multi-agency partnership, to monitor the Refuge's MPAs using an interdisciplinary watershed approach. The Refuge and its partners are committed to working with local communities when conducting research and monitoring efforts (see Goal 8).

3.50 TOPIC: Wild and Scenic Rivers

Group W.1: Wild and Scenic Rivers

V2, SUIT Recommendation: I recommend that the rivers listed in Table 1 of this Appendix be determined Eligible rivers in the CCP. Other select tributaries of the Jago, Okpilak, Hulahula, and Sadlerochit Rivers should be included in the Eligible river boundaries to establish river systems that connect significant glaciated areas in Franklin and Romanzof Mountains to the Beaufort Sea. Figure 1 of this Appendix displays some of the headwater tributaries that are possible extensions to the rivers identified in Table 1. The final CCP should describe the remaining rivers and creeks as not being fully evaluated for Eligibility as part of the CCP revision process. Eligible rivers should be identified in the CCP and Suitability determinations should be addressed outside of this planning process. I am making this recommendation due to the concerns expressed in this review. I would prefer that the final CCP not be delayed due to the Wild and Scenic Rivers Suitability determination process.

Submitted By:

- Greg Warren 032626.027, 032626.044, 085

Response to Group W.1: Wild and Scenic Rivers

See our responses to comments 32621.001, 32626.004, 32626.026, and 32626.068.

Group W.2: Wild and Scenic Rivers

Wilderness and Wild Rivers — Wilderness land designation would provide overall, enduring protection for the Refuge and its resources. Within wilderness, Wild River designation would be redundant and would compete for funds and resources needed to protect all of the wilderness values. It would introduce additional unneeded regulatory, monitoring, and enforcement requirements. Adopting formal Wilderness designation for all eligible lands in the Refuge should be the priority.

Submitted By:

- Alaska Chapter Sierra Club, Jack Hession 137013.002
- Friends of Alaska Wildlife Refuges 000002.004
- Jerry McDonnell 137007.004
- Sharon Baur 032610.004
- AKNWR Friends 032611.004

Response to Group W.2: Wild and Scenic Rivers

Wilderness and wild river designation each recognize distinct values for protection. Wilderness designation focuses on those lands that are undeveloped, untrammeled, and natural, and offer outstanding opportunities for solitude and primitive recreation. Wilderness is managed to retain its primeval character and influence. Wild river designation protects and enhances a river's free-flowing condition, water quality and quantity, and attributed outstandingly remarkable river-related values. Management, monitoring, enforcement, and funding needs to meet statutory mandates and protect the specific values for which an area is designated would be identified in the applicable step-down plan: a WSP or CRMP. Given that the management vision for Arctic Refuge is to maintain the ecological function and wilderness characteristics of the Refuge's lands and waters, in many cases, there may be no practical difference in management of a wild river and designated Wilderness, but in cases of conflict, the more restrictive provisions apply. The Wild and Scenic Rivers Act and the Wilderness Act

provide complimentary but unique protections, and overlapping designations in the Refuge would provide the strongest protections for both the rivers and wilderness landscapes.

Group W.3: Wild and Scenic Rivers

East Fork of Chandalar River:

The East Fork of the Chandalar does have several of the characteristics that qualify it for Wild and Scenic status: free flowing, fish & wildlife, recreation, and historic native American use. The scenery is not spectacular but the country is beautiful and wild. The area near Arctic Village does receive power riverboat use. I suggest you assess this river for a recommendation as Wild and Scenic.

Submitted By:

- Jon Klingel 032613.003
- Craig Mishler 000065.002

Response to Group W.3: Wild and Scenic Rivers

The interdisciplinary team responsible for the wild and scenic river review evaluated the suitability of the East Fork of the Chandalar for wild river designation and concluded that the river is non-suitable. The evaluation is documented in Appendix I, Wild and Scenic River Review, of the Revised Plan and final EIS.

Group W.4: Wild and Scenic Rivers

Wild and Scenic Rivers: I recommend that the 28 rivers and creeks that are listed in Table 1 of the following Appendix be determined Eligible rivers in the CCP. These rivers are free-flowing and possess at least one outstanding remarkable value. Suitability determinations should be addressed outside of this planning process. If the Refuge proceeds with Suitability, I would appreciate your consideration of a proposed Wild Rivers complex, as depicted in Figure 1 of the Appendix, identifying those rivers as Suitable for designation.

Submitted By:

- Greg Warren 032626.004, 032626.083

Response to Group W.4: Wild and Scenic Rivers

The interdisciplinary team responsible for the wild and scenic river review evaluated the eligibility of all 20 rivers listed in Appendix I, Table 1-2. A river must be free-flowing and have at least one outstandingly remarkable value (ORV) to be eligible for further consideration. The team developed definitions and assessment criteria for each of the river-related values referenced in the Wild and Scenic Rivers Act: scenic, recreational, geologic, fish and wildlife, historic, and cultural. All of the 20 rivers evaluated are free-flowing, but only 10 rivers were determined to have at least one ORV. The Refuge decided to proceed with suitability evaluations and determinations for the 10 eligible rivers because existing data and knowledge of visitor use patterns, resource threats, and potential user conflicts indicated the potential need for management decisions and guidelines over the 15-year life of the Revised Plan.

Each of the watercourses identified by the commenter—the Jago, Okpilak, Hulahula, and Sadlerrochit Rivers, and the Neruopuk Lakes—were included and assessed separately in the Refuge’s eligibility evaluation. Only the Hulahula River was determined to be suitable and is recommended for wild river designation in Alternatives B and E. The segment of the Hulahula River managed by the Refuge is recommended for wild river designation in Alternative D.

Group W.5: Wild and Scenic Rivers

V2, ELIG-12, 3.1 Eligibility Study: I recommend that the rivers listed in Table 1 of this Appendix be determined Eligible rivers in the CCP. Select tributaries of the Jago, Okpilak, Hulahula, and Sadlerochit Rivers should be included in the Eligible river boundaries to establish river systems that connect significant glaciated areas in the Franklin and Romanzof Mountains to the Beaufort Sea. Sadlerochit River should also include the Sadlerochit Spring Creek tributary to the Sadlerochit River.

Submitted By:

- Greg Warren 032626.068, 032626.071, 074

Response to Group W.5: Wild and Scenic Rivers

Section 3(b) of the Wild and Scenic Rivers Act requires the administering agency to establish a detailed boundary for each designated component of the National Wild and Scenic Rivers System. In a few instances, Congress has specified the boundaries for a river in the designating legislation, but this responsibility is generally left to the managing agency to be completed following designation. Delineating a wild and scenic river boundary that encompasses identified river-related values is essential to form the foundation for providing necessary protection within the acreage limitation specified in the designating legislation. If Congress designates any of the rivers recommended in the Revised Plan, consideration for including select tributaries and connections to glaciated areas of the Franklin and Romanzof Mountains within the designated river corridors(s) could be accomplished in the boundary establishment and CRMP process. See also our response to comment 32626.004.

Group W.6: Wild and Scenic Rivers

Congress, through section 602 of ANILCA, designated as Wild Rivers portions of the Ivishak, upper Sheenjek, and Wind rivers within the boundaries of the Arctic Refuge. To further its responsibilities under the Refuge Administration Act and the Wild and Scenic River Act, the FWS should more fully describe its management approach to these Wild Rivers. In the CCP, management of the Refuge's Wild Rivers is included in the Management Categories Table, DEIS at 2-73-2-92, and discussed briefly, DEIS at 2-35. While we note that FWS indicates that it will formulate a Comprehensive River Management Plan for the Refuge's designated Wild Rivers as a future step-down plan, DEIS at 6-3, we strongly encourage FWS to more fully discuss the current management regimes for these rivers in the final CCP, as well as describe any detailed measure available to FWS to ensure their continued integrity as Wild Rivers into the future. In this manner, the FWS can assure the preservation of the outstanding values associated with the Refuge's three Wild Rivers.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.018
- Sierra Club, Dan Ritzman 137014.014
- Various Environmental Organizations, Nicole Whittington-Evans 032627.041

Response to Group W.6: Wild and Scenic Rivers

The level of detail necessary to fully describe the conditions, issues, and management direction for the Ivishak, Wind, and Sheenjek wild rivers is beyond the scope of the Revised Plan and will be best accomplished through CRMP step-down planning processes for each river. Outstandingly remarkable values (ORVs) are defined as those characteristics that make the

river worthy of special protection. These can include scenery, recreation, fish and wildlife, geology, history, culture, and other similar values. ORVs are typically identified in a wild and scenic river study prior to designation, but the Ivishak, Sheenjek, and Wind wild rivers were designated by Congress in ANILCA without specific values being identified by Congress. In these cases, managers typically develop ORVs from study reports and other documentation of management activities and intentions, as well as incorporating current data and expertise. The ORVs for Arctic Refuge's three wild rivers will be determined through the CRMP planning process. Objective 3.5 commits to completing CRMPs for each of the three designated wild rivers on Arctic Refuge (see also Chapter 6, Section 6.3, and Appendix D, Section D.4.2).

Group W.7: Wild and Scenic Rivers

We suggest that the Jago River also be considered for NWSR designation, given its high wildlife ranking (1 of 3 rivers identified to have outstandingly remarkable value for wildlife), importance to musk ox (Reynolds 1992), and sensitivity to potential oil and gas development.

Submitted By:

- Dept. of Biology, Valdosta State University, Brad Bergstrom 032668.001
- Unnamed 48 136708.001

Response to Group W.7: Wild and Scenic Rivers

The interdisciplinary team responsible for the wild and scenic rivers review evaluated the suitability of the Jago River for wild river designation and concluded that the river is non-suitable. The suitability evaluation is documented in Appendix I.

Group W.8: Wild and Scenic Rivers

In fact, all of the rivers in the Arctic National Wildlife Refuge are emblematic of our nation's most intact and wildest rivers and the epitome of the standard for protection as Wild Rivers in the National Wild and Scenic River System. All of them are free-flowing, have pure, high quality water, and contain one or more outstanding remarkable values (ORVs) for their scenic, recreational, geologic, historic, cultural, fish, wildlife, wilderness and intact ecological systems at the landscape scale. Ecosystem protection and the wholeness of our nation's wildest refuge could be enhanced by such designations, and they could also complement the penultimate Wilderness of the Arctic Refuge. Therefore, all of the Refuge's rivers should be included in the inventory and maintained so that they retain their ORVs.

At the same time, by excluding rivers that clearly meet the standards, the eligibility list, and then suitability list is too limited. The fault originates with the methodology the USFWS used to determine the eligibility of the rivers in the plan, as that methodology does not meet the basic requirements of the Wild and Scenic Rivers Act. The question is whether a river is free-flowing and whether or not it possesses an outstandingly remarkable value of regional or national significance. Instead of assessing the rivers independently of one another as required by the Act, the rivers assessed in the draft Plan were measured against one another, thus resulting in fewer eligible rivers than actually exist. Consequently the FWS's method only selects those rivers that contain the highest percentage of outstanding remarkable values (ORVs), preventing many otherwise qualified rivers from becoming eligible. If a proper assessment was conducted additional rivers would have been found eligible, such as the Katakaturuk and Turner Rivers, and others (see comments submitted on the draft Eligibility Report by Northern Alaska Environmental Center et al., November 15, 2010). The final Plan

should include a revised methodology that meets the Act and includes the necessary interim protections afforded rivers found eligible.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.001
- American Rivers, Daid Moryc 136785.001
- American Rivers, David Moryc 032629.001
- Northern Alaska Environmental Center, Pamela Miller 136801.001

Response to Group W.8: Wild and Scenic Rivers

Language in the Revised Plan and Appendix I, Wild and Scenic River Review, was revised to clarify that the review does not include a comprehensive evaluation of all 160 named rivers in Arctic Refuge and does not represent the last opportunity for consideration for designation.

Appendix I explains the methodology used to evaluate eligibility and assess whether a river-related value is considered “outstandingly remarkable.” The interdisciplinary team responsible for the wild and scenic rivers review evaluated the eligibility of the 20 rivers listed in Table 1-2, Appendix I. For a river to be eligible for designation to the NWSRS, the river, with its adjacent land area, must have one or more “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.” Since the Wild and Scenic Rivers Act does not further define outstandingly remarkable values, the determination that a river area contains outstanding values is a professional judgment on the part of the interdisciplinary review team. In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. This comparative analysis requires that like rivers be measured against like rivers. The interdisciplinary review team is responsible for delineating an appropriately scaled area of consideration, or region of comparison (ROC), for each outstandingly remarkable value (ORV). Within each ROC, like rivers are assessed against each other to allow the comparison of similar types of river resources. The team developed definitions and assessment criteria to guide scoring for each of the river values. The team decided that a river value required a score of at least 70 percent of the total possible points to be deemed “outstandingly remarkable.” All of the 20 rivers evaluated are free-flowing, but only 10 were determined to have at least one ORV.

Group W.9: Wild and Scenic Rivers

We also object to the FWS’s treatment of the Canning River. While they have different names, the Canning is the downstream portion of the Marsh Fork of the Canning River, and they both should be found suitable. FWS has noted elsewhere that the Canning “is the longest and has the greatest water volume of the refuge’s north flowing rivers. Both the Canning and its major tributary, the Marsh Fork, have headwaters access and float through scenic, glaciated valleys.”¹¹ It is one of the most floated and hiked rivers (USFWS 1993, USFWS April 2010). It is important to fish, birds, and caribou from both the Porcupine and Central Arctic herds, for land denning of polar bears, and has a rich cultural heritage as well as historical significance from early explorers such as Leffingwell and others. In the WSR study, the Canning River should be described to include all of its distributaries and tributaries, particularly within its delta, including the Staines River. The Tamayariak River and its major tributaries joins the Canning River delta in a complex of wetlands, lakes, and complex mudflats that all provide outstanding migratory bird habitat, in addition to the fisheries habitats well documented by FWS studies.

Comments on the draft Eligibility Report submitted by Northern Alaska Environmental Center et al., November 15, 2010 provided additional support for inclusion of the Canning River, which FWS found eligible but not suitable. The Canning River should be found suitable as it has the highest score for overall Wildlife ORVs and highest Wildlife Diversity of all 20 rivers found eligible, and the highest Cultural Value ORV as any eligible river in the Arctic Ocean drainage, and as high a diversity of Recreational Uses as any eligible river. This remarkable river has many high ORVs including wildlife and fish; recreation, and culture, according to the Wild and Scenic River Review in Appendix I.

While the WSR Review notes that there is value to designation of the Canning River to protect against development outside the Refuge's boundaries, the FWS has erroneously concluded that activities could take place on the adjacent State of Alaska lands above the common high water mark of the west bank, that this should preclude suitability even though the entire length of the Canning is in Federal ownership and is managed by the Refuge. In fact, the Review states, "Federal ownership of most of the river, its beds, and banks makes it feasible to consider the Canning River for designation and that all its tributaries should be considered for review." (WSR Review at SUIT-31). We disagree with the preliminary determination that the Canning is not suitable, and find that a poor rationale for this decision is provided: "It would be difficult for the Service to manage the Canning River as part of the NWSRS because of its boundary with State land that has high potential for oil and gas development." (WSR Review at SUIT-31). Only one comment had opposed designation of the river during the eligibility phase review (WSR Review at SUIT-30).

The discussion of oil and gas activities on the State lands outside the Refuge, mistakenly implies that incompatible supporting activities, including water withdrawals, and gravel mining could be allowed and might take place within the Canning River channel (WSR Review at SUIT-29). For clarity, the WSR Review should contain language that oil and gas leasing, exploration, development, and production are prohibited by law within the Arctic Refuge and furthermore that these oil and gas activities could not be permitted in the refuge because they are incompatible with its purposes. In fact, the threats on the adjacent land provide greater rationale for the worthwhile nature of the Canning gaining protections as a Wild River including its interim protections. It is vulnerable and the FWS needs to use all tools at its disposal to prevent degradation of the Canning River's outstandingly remarkable values. Therefore the benefits to protecting its values are appropriate for achieving the goals of the Wild and Scenic Rivers Act as well as fulfilling Refuge purposes, far offsetting any difficulties that the ownership of adjacent lands might pose.

Submitted By:

- Alaska Wilderness League, Cindy Shogan 136820.002, 136820.003
- Northern Alaska Environmental Center, Pamela Miller 136801.002
- David VanDenBerg 137001.001
- Greg Warren 032626.080

Response to Group W.9: Wild and Scenic Rivers

State lands on the west bank of the Canning River are within the North Slope and North Slope Foothills area-wide oil and gas lease sales areas. In the future, these lands could be impacted by surface-disturbing activities related to oil and gas exploration, development, production, and transportation. In addition, the North Slope Borough has an active Municipal Entitlement selection application (ADL 414850) on file with the State for two parcels totaling 4,963 acres in T.005N, R.23E and T.006N, R.23E. A municipal entitlement grant is intended to

serve as a land base for public facilities and industrial and economic development within the borough or municipality.

Section 10(a) of the Wild and Scenic Rivers Act mandates administration of designated rivers to protect and enhance the values that led to designation. The Service would not be able to ensure protection and management of all of the Canning River's outstandingly remarkable values (ORVs) if the west boundary of the designated wild river were located along the ordinary high water mark. Establishing a wild and scenic river boundary that encompasses the identified ORVs is essential to form the foundation for providing necessary protection within the acreage limitation specified in the designating legislation. The boundary delineates the area within which the manager will focus work with landowners and local communities to develop effective protection and management strategies but does not give the Federal administering agency the authority to regulate non-Federal lands. Although surface-disturbing activities would be prohibited within the river bed, incompatible land uses immediately adjacent to the river could have high potential for affecting water quality and the fish and wildlife ORVs. The boundary also defines the area in which interest in lands may be acquired for wild and scenic river purposes. Pursuant to Section 6(a)(1) of the Wild and Scenic Rivers Act, lands within a designated river corridor owned by a state may be acquired only by donation or exchange.

Permanent protection and enhancement of the Canning River's ORVs would require the active involvement and commitment of the State of Alaska and, if the municipal entitlement is approved, the North Slope Borough to develop and implement resource protection strategies commensurate with the mandate of the Wild and Scenic Rivers Act. The State of Alaska is opposed to any recommendations for additional wild and scenic river designations in Arctic Refuge.

The wild and scenic river review for the Canning River included the mainstem and its distributaries. Appendix I, Section 4.6 includes factors common to all rivers in the suitability study; Section 4.6.7.2 identifies the general prohibition of oil and gas activities within the Refuge, per ANILCA Section 1003.

Group W.10: Wild and Scenic Rivers

V2, SUII-11 Suitability Factors, Criteria 9: Stakeholder comments need to be purged from the analysis, CCP and EIS, since the collection method is inconsistent with the Paperwork Reduction Act (5 CFR 1320).

Submitted By:

- Greg Warren 032626.079, 032626.084

Response to Group W.10: Wild and Scenic Rivers

The information collected from stakeholders as part of the suitability study of the wild and scenic river review was collected as part of a NEPA public involvement process. Information provided by stakeholders was not a survey and did not violate the Paperwork Reduction Act. Regulation 5 CFR 1320.3 allows certain exceptions for information collected in association with public involvement provided no one is required to supply specific information pertaining to the commenter other than that required for self-identification.

3.50.1 Atigun River

Comment 000073.001

Wild and Scenic Rivers, Atigun River

**Beth Peluso, Communications Manager
Audubon Alaska and National Audubon Society**

The plan should additionally recommend the Atigun River for inclusion in the National Wild and Scenic River system in order to maintain its free-flowing character and outstanding values. Due to its size, remote location, wilderness character and diversity of ecologically significant landscapes and wildlife, the Arctic Refuge is an irreplaceable national treasure that serves as a globally significant benchmark, ecological integrity in the arctic.

Response to Comment 000073.001

The Atigun River is recommended for wild river designation in Alternatives C, D, and E. Any river recommended for wild and scenic river designation in the Revised Plan will be managed to protect its free flow, identified outstandingly remarkable values (ORVs), and recommended wild classification pending congressional action or until we amend or revise the Plan to modify or remove the recommendation for designation.

3.50.2 Eligibility (includes Appendix I)

Comment 032629.003

Wild and Scenic Rivers, Eligibility (Appendix I)

**David Moryc, Senior Director, River Protection Program
American Rivers**

American Rivers also support wilderness protection for the Coastal Plain, Brooks Range and Porcupine Plateau in order to protect these lands as an intact ecosystem. In addition to the wilderness designation recommendations, further recommendations for inclusion of the Atigun, Hulahula, Kongakut and Marsh Fork Canning Rivers into the NWSRS would benefit the protection of these rivers, their watersheds and the integrity of their basins including the adjacent coastal ecosystems.

Response to Comment 032629.003

The Atigun, Hulahula, Kongakut, and Marsh Fork Canning Rivers are recommended for wild river designation in Alternative E. Any river recommended for wild and scenic river designation in the Revised Plan will be managed to protect its free flow, identified outstandingly remarkable values (ORVs), and recommended wild classification pending congressional action or until we amend or revise the Plan to modify or remove the recommendation for designation.

Comment 136817.013

Wild and Scenic Rivers, Eligibility (Appendix I)

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

ASRC and NSB also wish to express their concern with the USFWS's eligibility evaluation process. In order to determine eligibility, the USFWS identified the relevant ORVs and developed a set of criteria to measure the extent, if any, to which each ORV is present on each particular river or river segment. However, rather than relying upon the data collected through its evaluation process, when the data did not conform to the team's view, USFWS simply disregarded the data and instead adopted the team's view.

For example, the data gathered for the Atigun River, the Hulahula River, and the Marsh Fork Canning River relating to recreation, based upon the established criteria, did not support an eligibility finding for those rivers based on the recreational ORV. Nonetheless, the USFWS determined those rivers to have the Recreational ORV in any event, based on the team's "best professional judgment." Draft Plan, App. I at ELIG-B7-B8. Similarly, based on the defined criteria, the Hulahula River was not identified as having a cultural ORV. Nonetheless, the USFWS determined that "In the regional archaeologist's professional judgment, the Hulahula has cultural importance in our regions of comparison, and it does have the Cultural ORV (D. Corbett, Regional Archaeologist, pers. comm., Jan. 11, 2011)." Draft Plan, App. I at ELIG-B21.

The agency's disregard of the defined criteria results in identifying these rivers as having ORVs that they would not otherwise have. This impacts the USFWS's eligibility and suitability decisions, as well as the management of these rivers in the event they are recommended and/or designated for inclusion in the NWSRS. In the case of the Hulahula River, in particular, the result is especially significant. Based on the defined criteria alone, the Hulahula River was not identified as having any ORV. Accordingly, if USFWS had adhered to the defined criteria, the River would not have been determined eligible for addition to the NWSRS.

Response to Comment 136817.013

In response to public and internal comments and concerns, we revised the definition of the Recreational outstandingly remarkable value (ORV) in the Revised Plan to more accurately identify the component criteria that represent the priorities of the majority of visitors and contribute to the significance of the Refuge's river-related recreation values (see response to comment 32626.070). Based on the revised definition, outstandingly remarkable recreational values were identified for the Atigun, Marsh Fork Canning, Hulahula, and Kongakut Rivers. The revised ORV definitions and evaluations are included in Appendix I.

Comment 032621.001

Wild and Scenic Rivers, Eligibility (Appendix I)

**Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions**

In earlier comments to USFWS regarding rivers, I recommended consideration of all 160 Arctic Refuge rivers. I have personally found the 160 rivers to be free-flowing, have pure, high quality water, and contain one or more Outstanding Remarkable Values for their scenic, recreational, geologic, historic, cultural, fish, wildlife, wilderness and intact ecological systems at the landscape scale, and therefore should be inventoried and considered as eligible rivers. I am, therefore, disappointed to see that only ten segments are considered eligible. I certainly hope that this is not the only chance to evaluate wild rivers, for there are many other rivers that are both eligible and suitable. Let this be a consideration of what USFWS considers to be high priority rivers, and in future CCP planning, I request that other rivers be considered, since the Arctic Refuge was set aside to protect Wilderness. WSR status for many of the Refuge Rivers would assure protection of refuge watersheds as well as the coastal barrier islands and associated waters.

Response to Comment 032621.001

The wild and scenic river review for the Revised Plan does not include a comprehensive evaluation of all 160 named rivers in Arctic Refuge and does not represent the last opportunity for consideration for designation. A comprehensive conservation plan is a 15-year plan that outlines broad management guidelines for a refuge focused on significant issues that require a management decision. Issues can be management opportunities, resource threats, use

conflicts, or public concerns. Because the lack of existing scientific information precluded a systematic and comprehensive inventory for all of the Refuge's waterways, the interdisciplinary team decided to focus the eligibility assessment on a subset comprised of 20 named rivers (see Appendix I, Table 1-2). The best available information pertinent to the decisions to be made was used in the wild and scenic river review. The 20 rivers were selected for evaluation based on existing data and knowledge of visitor use patterns and management concerns. Visitor use has the greatest potential to affect river-related values on these 20 rivers over the 15-year life of the Revised Plan. Refuge rivers that were not included in the wild and scenic river review for the Revised Plan will be evaluated in future planning efforts as required by Service planning policy and Section 5(d)(1) of the Wild and Scenic Rivers Act. Similarly, additional assessment and study of rivers included in this wild and scenic river review could be incorporated into future planning efforts when new inventory data becomes available or suitability factors, such as public support for designation, become favorable.

Comment 136806.002

Wild and Scenic Rivers, Eligibility (Appendix I)

Carl Portman, Deputy Director**Resource Development Council for Alaska Inc.**

With regard to wild and scenic river designations, RDC remains opposed to additional designations in ANWR, which already includes three designated rivers. As with the wilderness proposals, we consider additional designations excessive and unnecessary as current management practices already provide sufficient protection of river corridors.

Response to Comment 136806.002

Your opposition to additional wild and scenic river and Wilderness designations is noted.

Wilderness and wild river designation each recognize distinct values for protection. Wilderness designation focuses on those lands that are undeveloped, untrammled, and natural, and offer outstanding opportunities for solitude and primitive recreation. Wilderness is managed to retain its primeval character and influence. Wild river designation protects and enhances a river's free-flowing condition, water quality and quantity, and attributed outstandingly remarkable river-related values. Management, monitoring, enforcement, and funding needs to meet statutory mandates and protect the specific values for which an area is designated would be identified in the applicable step-down plan: a WSP or CRMP. Given that the management vision for Arctic Refuge is to maintain the ecological function and wilderness characteristics of the Refuge's lands and waters, in many cases, there may be no practical difference in management of a wild river and designated Wilderness, but in cases of conflict, the more restrictive provisions apply. The Wild and Scenic Rivers Act and the Wilderness Act provide complimentary but unique protections, and overlapping designations in the Refuge would provide the strongest protections for both the rivers and wilderness landscapes.

Comment 136805.157

Wild and Scenic Rivers, Eligibility (Appendix I)

Sean Parnell, Governor**State of Alaska**

Page ELIG-B5 The interview questions asked of the guides and air-taxi operators are leading, and based on the assumption that clients' priorities are "solitude, remoteness, and adventure" when there are other equally valid priorities. Likewise, "expedition-style and/or epic-length

trips” are not the priority of the vast majority of visitors, particularly given the expense of air charters for mid-trip drop-offs of additional food and supplies.

Response to Comment 136805.157

Comment noted, but it no longer applies. In response to public and internal comments on the draft Plan, we revised the definition and analysis of the Recreational outstandingly remarkable value. The revised definition does not include the “experience dimensions” component, and the information gathered from guides and commercial air operators was not considered in the new analysis. See also our response to comment 136805.156.

Comment 032626.026

Wild and Scenic Rivers, Eligibility (Appendix I)

Greg Warren

V1, 3-3, 3.1.1.2 Wild and Scenic Rivers: Important rivers were screened as not being Eligible for Wild and Scenic Rivers designation. However, many of these rivers are free-flowing and possess at least one outstanding remarkable value (ORV). I recommend that the rivers listed in Table 1 of this Appendix be determined Eligible rivers in the CCP. The final CCP should describe the remaining rivers and creeks as not being fully evaluated for Eligibility as part of the CCP revision process.

Response to Comment 032626.026

Language in the Revised Plan and Appendix I, Wild and Scenic River Review, was revised to clarify that the review for the Revised Plan does not include a comprehensive evaluation of all 160 named rivers in Arctic Refuge and does not represent the last opportunity for consideration for designation. Refuge rivers that were not included in the wild and scenic river review for the Revised Plan will be evaluated in future planning efforts as required by Service planning policy and Section 5(d)(1) of the Wild and Scenic Rivers Act. Similarly, additional assessment and study of rivers included in this wild and scenic river review could be incorporated into future planning efforts when new inventory data becomes available, or suitability factors, such as public support for designation, become favorable. See also our responses to comment 32621.001 and 32626.004.

Comment 032626.065

Wild and Scenic Rivers, Eligibility (Appendix I)

Greg Warren

V2, ELIG-3, 1.4 Refuge Wild and Scenic Evaluation Team: The Eligibility review should include a team with journeyman level planning skills with each having one or more of the following skill sets: dispersed recreation, scenery, wildlife, physical resources, and cultural/historic. In addition, due to the assessment approach, the team should have survey design and statistical support. These skill sets would help assure that the professional judgments applied to the assessment meet methodology and scientific accuracy requirements (40 CFR 1502.24). I recommend identifying team member specialties in the final rivers study report.

Response to Comment 032626.065

The education and experience for each of the members of the wild and scenic review team are identified in Appendices I and L of the Revised Plan.

Comment 032626.066
Greg Warren

Wild and Scenic Rivers, Eligibility (Appendix I)

V2, ELIG-4, 1.5 Inventory Determinations and Results: The Eligibility screening process is overly subjective, especially with the initial two filters reducing the number of rivers from 160, to 32, then 20. The filter to go from 32 to 20 indicates that one of the major Eligibility factors was commercially supported visitor use, which is an inappropriate filter for meeting study requirements. Eligibility is simply recognition that the river is free-flowing and possesses one or more ORVs. Due to the extraordinary significance of the Arctic Refuge, I would expect that the Refuge would have many Eligible rivers. The Refuge has more flexibility to remove Eligible rivers in the Suitability determination process. I am continuing this review of the draft CCP and DEIS with the assumption that the Refuge will continue to use the 20 identified rivers in the current planning process, while not assessing other rivers unless nominated as part of the draft CCP and DEIS commenting process.

Response to Comment 032626.066

Data on commercially supported visitor use was not used as an eligibility factor but rather as a screen to narrow the scope of the eligibility review. The Refuge has no formal system to comprehensively track visitor use and recreation trends and no formal methods to document visitors who access the Refuge on their own without the commercial services of a guide or commercial air operator. An unknown number of visitors enter the Refuge each year by private planes and boats or by hiking. However, the Refuge does require permits for all commercial uses. Guides and air operators (including air-taxis and air transporters) are required to submit client use reports as a condition of their permits. The commercial use database is used to estimate how many people use commercial services to access the Refuge each year and provides insights about categories of recreational activities, and about visitor access, distribution, and group size. The best available information pertinent to the decisions to be made was used in wild and scenic river review. Data on commercially-supported visitor use was used in combination with staff professional knowledge of non-commercially-supported visitor use to narrow the scope of the eligibility review to those rivers with the highest river-related visitor use and potentially significant management issues. See also our responses to comments 32621.001, 32626.004 and 32626.026.

Comment 032626.067
Greg Warren

Wild and Scenic Rivers, Eligibility (Appendix I)

V2, ELIG-12, 3 Eligibility Study: The ORV assessment describes that, “The purpose of the Eligibility evaluation is to compare and contrast each river to other waters in the ROC for each ORV.” This described ROC assessment was not performed by the study team. The team only performed an ordinal evaluation of the 20 rivers presented. I believe that all 20 rivers would likely have one ORV if compared with the other 140 rivers in the Refuge, and the thousands of rivers in comparison regions B, C, and D.

The study states the following, “according to Department of Interior guidance (47 FR 39453-39461 1982), ‘The determination of whether a river area contains ‘outstandingly remarkable’ values is a professional judgment on the part of the study team.’ The study team decided to “grade” the rivers being reviewed by percent-of-total-score for each ORV. A river which received a score of at least 70 percent of the total possible points was assigned that ORV.” These Forest Service and National Park Service guidelines may not apply to the USFWS, but regardless, the approach must still meet NEPA assessment requirements (40 CFR 1502.24).

The analysis design and process is fundamental to the results presented and methods need to meet professional analysis standards. This section needs to describe those methods and the limitations of the approach as the team discovered in the Recreation ORV analysis. Given the nature and significance of the Arctic Refuge, I recommend keeping the final process simple by focusing on the plain language from the Act for identifying Eligible rivers.

I will continue my review with the assumption that the Refuge will continue to use the 20 identified rivers in the Eligibility process.

Response to Comment 032626.067

Appendix I explains the methodology used to evaluate eligibility and assess whether a river-related value is considered “outstandingly remarkable.” For a river to be eligible for designation to the NWSRS, the river, with its adjacent land area, must have one or more “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.” Since the Wild and Scenic Rivers Act does not further define outstandingly remarkable values, the determination that a river area contains outstanding values is a professional judgment on the part of the interdisciplinary review team. In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. This comparative analysis requires that like rivers be measured against like rivers. The interdisciplinary review team is responsible for delineating an appropriately scaled area of consideration, or region of comparison (ROC), for each outstandingly remarkable value (ORV). Within each ROC, like rivers are assessed against each other to allow the comparison of similar types of river resources. The team developed definitions and assessment criteria to guide scoring for each of the river values. The team decided that a river value required a score of at least 70 percent of the total possible points to be deemed “outstandingly remarkable.”

Comment 032626.069

Wild and Scenic Rivers, Eligibility (Appendix I)

Greg Warren

V2, ELIG-B1 Scenic ORV: Describe how the middleground and background views were assessed.

Response to Comment 032626.069

The diversity of view component criteria for the Scenic outstandingly remarkable value (ORV) did not include an assessment of scenic quality based on foreground, middleground, or background views. The diversity of view component was qualitatively assessed based on narrative descriptions of scenery in the river corridor from published literature, agency reports, and interviews with seasoned Arctic Refuge staff. The definition of the Scenic ORV was revised to delete references to “both foreground and background” views.

Comment 032626.070

Wild and Scenic Rivers, Eligibility (Appendix I)

Greg Warren

V2, ELIG-B4 Recreation ORV: Almost all of the visitors to the area in 1977 observed wildlife or hunted as an activity, with 29 percent of the non-hunters indicating that viewing wildlife was there most important activity. In the ORV evaluation, I see that wildlife viewing is within the Experience Dimension, but it appears that the rating was based on river use levels, air-

taxi operator interviews, and access. I believe that the most important ORV factor for recreation in the Refuge (i.e., viewing wildlife) was not captured in this assessment.

Response to Comment 032626.070

We revised the definition for Recreational outstandingly remarkable value (ORV) in the Revised Plan to more accurately identify the component criteria that represent the priorities of the majority of visitors and contribute to the significance of the Refuge’s river-related recreation values. The revised Recreational ORV definition includes six components: the reliability of flow within the open water season; the character of the run in terms of interest and whitewater challenge; ease and reliability of put-in and take-out access; levels of both commercially-supported and independent use; and associated superlative opportunities for river-related activities specific to Arctic Refuge rivers. The experience dimension component was deleted. The associated superlative opportunities component captures the exemplary river-related wildlife viewing opportunities associated with Arctic Refuge rivers: Porcupine caribou herd viewing, float hunting, and unique birding opportunities.

Comment 032626.072

Wild and Scenic Rivers, Eligibility (Appendix I)

Greg Warren

V2, ELIG-B13 Wildlife ORV: This evaluation needs to include the Porcupine Caribou Herd Calving Area, which is significant at all analysis scales. This recognizable ORV would lead to the rivers that pass through the calving area being Eligible. Caribou Pass along the Kongakut is also significant. The Kongakut, Jago, Okpilak, Hulahula, and Sadlerochit Rivers must be shown as having a Wildlife ORV.

Response to Comment 032626.072

An outstandingly remarkable value (ORV) must be a river-related resource. A river-related value is located in the river or on its immediate shore lands (within one-half mile on either side of the river); contributes substantially to the functioning of the river ecosystem; and/or owes its location or existence to the presence of the river. The entire Arctic Refuge coastal plain is key calving and post-calving habitat for the Porcupine caribou herd, and over the past few decades, the calving area has encompassed the arctic foothills and coastal plain from the Canning River east into Canada. As illustrated by Map 4-9 (Chapter 4) in the Revised Plan, the distribution of calving caribou varies across this 8.9-million acre area from year to year. The wild and scenic river review team did not consider the Porcupine caribou herd calving areas to be a directly river-related value.

Comment 032626.076

Wild and Scenic Rivers, Eligibility (Appendix I)

Greg Warren

V2, ELIG General Comment: For braided rivers, the corridor boundaries are measured from the ordinary high water mark of the outermost stream channel.

Response to Comment 032626.076

Appendix I, Wild and Scenic River Review, was revised to include additional information on boundary establishment. The added text clarifies, “In the case of braided rivers, boundaries will be measured from the outermost braid unless otherwise specified by Congress.” Also, see our response to comment 32626.068.

Comment 032626.073
Greg Warren

Wild and Scenic Rivers, Eligibility (Appendix I)

-----Preamble/Intro-----

V2, ELIG Eligibility Factors for including Franklin and Romanzof Mountains Headwaters and Sadlerochit Spring Creek:

-----Comment-----

* Jago, Okpilak, Hulahula, and Sadlerochit Rivers upper tributaries would provide each river a connection with the glaciated headwaters of the Franklin and Romanzof Mountains for waters flowing to the Beaufort Sea. Upper Sadlerochit River tributaries should include Kekiktuk River and Carnivore Creek connecting with Lake Peter and Lake Schrader. I believe that the Jago, Okpilak, Hulahula, and Sadlerochit Rivers with tributaries would warrant designation as Eligible rivers due to superlative features encountered from the Franklin and Romanzof Mountains to the Beaufort Sea.

Response to Comment 032626.073

This comment does not identify specific Sadlerochit River tributaries with superlative features with which we can document a conclusion of eligibility for the Sadlerochit River. Also, see our responses to comments 32626.064 and 32626.068.

Comment 032626.075
Greg Warren

Wild and Scenic Rivers, Eligibility (Appendix I)

-----Preamble/Intro-----

V2, ELIG Eligibility Factors for including Franklin and Romanzof Mountains Headwaters and Sadlerochit Spring Creek:

-----Comment-----

* Other rivers added were based on the public identifying at least one ORV in the Suitability step (SUIT-C2) without a response from the Service.

Response to Comment 032626.075

See our responses to comments 32621.068, 32626.071, and 32626.074.

3.50.3 General

Comment 137013.003

Wild and Scenic Rivers, General

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

The eligibility and suitability analyses include descriptions of Refuge rivers, and their outstandingly remarkable values. This valuable information deserves to be made separately available to the public as part of the Refuge's public information program, e.g. on the Refuge's website.

Response to Comment 137013.003

The wild and scenic river review is available to the public on the Refuge's website. In addition, information about the Refuge's existing wild rivers, and any rivers designated in the future, will be incorporated, as appropriate, in implementation of the outreach strategies described under Goal 9. Objectives 9.1, 9.2, 9.3, and 9.4 address strategies for communicating with distant publics, informing refuge users and staff, coordination with residents of gateway communities, and monitoring national interest in and values towards Arctic Refuge.

Comment 136805.108

Wild and Scenic Rivers, General

**Sean Parnell, Governor
State of Alaska**

Page 3-55, § 3.4.5.2 Wild and Scenic Rivers, first paragraph, second sentence. Consistent with our general comment, it is inappropriate to manage rivers to "maintain each river's outstandingly remarkable values (ORVs)" when the river has merely been studied for eligibility as a wild and scenic river. The values described are "river values" not ORVs, which apply only to designated rivers.

Response to Comment 136805.108

Section 3.4.5.2 was revised to reflect the requested revision.

Comment 136805.156

Wild and Scenic Rivers, General

**Sean Parnell, Governor
State of Alaska**

Page I-1, Wild and Scenic River Review. While we continue to object to this review, we offer the following observations. By placing highest value on the rivers which are least used, have the most difficult whitewater, and are most suited to expeditions, the evaluation directly contradicts the statement that "...people visit the rivers in this Refuge because of the holistic recreational opportunities they provide."

We disagree with using solitude as the sole measure for rating the recreational experience of the rivers. Most visitors do not choose their destination river based solely on solitude and the different qualities they may be seeking are what make some rivers more popular than others. Typically, rafters choose a river based on suitable water levels, ease/speed of floating, good access points for put-in and take-out, scenery, fishing, wildlife viewing, access to hiking, access to hunting and available wildlife, suitable camp sites, suitable river length, and cost of air charter. People choose the rivers that they think will give them the best experience based on

their individual criteria, hence it is illogical to place the most experiential value on the least-visited rivers.

We also disagree with awarding the most points to rivers with the highest whitewater rating. Most non-guided floaters are not seeking Class V rapids on a remote trip where the consequences are high. Also, the watercraft most suitable for Class V rapids, hard shell kayaks, are one of the least cost-effective to transport in small planes, which means fewer floaters using remote Class V rivers. Most floaters seek remote rivers with enough velocity to allow floating without constant rowing, but thrilling rapids are not necessarily a requirement. In particular, families with small children and elders tend to avoid remote rivers with serious whitewater and portages.

Response to Comment 136805.156

We agree that the definition for the Recreational outstandingly remarkable value (ORV) in the draft Plan did not accurately identify the component criteria that represent the priorities of the majority of visitors and contribute to the significance of the Refuge's river-related recreation values. The revised Recreational ORV definition includes six components: the reliability of flow within the open water season; the character of the run in terms of interest and whitewater challenge; ease and reliability of put-in and take-out access; levels of both commercially-supported and independent use; and associated superlative opportunities for river-related activities specific to Arctic Refuge rivers.

Comment 032627.040

Wild and Scenic Rivers, General

**Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations**

The Service is fulfilling a legal mandate to complete a review of candidate Wild and Scenic rivers within this planning process (Wild and Scenic Rivers Act of 1968 (P.L. 90-542)). The agency is required to complete an inventory of the rivers of the refuge, identify their special values and character and determine their eligibility for Wild and Scenic river designation, including those rivers not currently in designated Wilderness. In finalizing this planning process, we urge the Service to include recommendations for Wild and Scenic river designations for candidate rivers outside of designated or recommended Wilderness Areas only, so that they might be additive protection outside of a Wilderness Area.

Response to Comment 032627.040

Wilderness and wild river designation each recognize distinct values for protection. Wilderness designation focuses on those lands that are undeveloped, untrammeled, and natural, and offer outstanding opportunities for solitude and primitive recreation. Designated Wilderness is managed to retain its primeval character and influence. Wild river designation protects and enhances a river's free-flowing condition, water quality and quantity, and attributed outstandingly remarkable river-related values. Management, monitoring, enforcement, and funding needs to meet statutory mandates and protect the specific values for which an area is designated would be identified in the applicable step-down plan: a WSP or CRMP. Given that the management vision for Arctic Refuge is to maintain the ecological function and wilderness characteristics of the Refuge's lands and waters, in many cases, there may be no practical difference in management of a wild river and designated Wilderness, but in cases of conflict, the more restrictive provisions apply. The Wild and Scenic Rivers Act and the Wilderness Act provide complimentary but unique protections, and overlapping

designations in the Refuge would provide the strongest protections for both the rivers and wilderness landscapes.

In addition, one of the considerations (suitability factors) in the evaluation of an eligible river's suitability for wild and scenic river designation addresses the availability and efficacy of other existing or potential mechanisms (Minimal Management or Wilderness Management) to protect a river's identified values.

Comment 032627.042

Wild and Scenic Rivers, General

**Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations**

-----Preamble/Intro-----

The Wild and Scenic Rivers Act directed the following:

Sec. 1. (b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. . . . (16 U.S.C. 1271)

Sec. 1. (c) The purpose of this act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which the standards according to which additional components may be added to the system from time to time.

(16 U.S.C. 1272)

Sec. 2. (b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following: 1) Wild river areas – Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

2) Scenic river areas – Those rivers or sections of rivers that are free of impoundments, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

3) Recreational river areas – Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past (16. U.S.C. 1273)

-----Comment-----

It is the duty of the Service to address the Wild and Scenic Rivers Act and rivers within the refuge that are either currently designated and managed as Wild Rivers or may be eligible for such designations in the future.

Response to Comment 032627.042

The Revised Plan includes goals, objectives, management categories, and management policies and guidelines for management of all of the Refuge's aquatic ecosystems and designated wild rivers. The Revised Plan includes a wild and scenic rivers review for 20 of the Refuge's rivers. Language in the Revised Plan and Appendix I, Wild and Scenic River Review, was revised to clarify that the review for the Revised Plan does not include a comprehensive evaluation of all 160 named rivers in Arctic Refuge and does not represent the last opportunity for consideration for designation. Refuge rivers that were not included in the wild and scenic river review for the Revised Plan will be evaluated in future planning efforts as required by Service planning policy and Section 5(d)(1) of the Wild and Scenic Rivers Act. Similarly, additional assessment and study of rivers included in this wild and scenic river review could be incorporated into future planning efforts when new inventory data becomes available or suitability factors, such as public support for designation, become favorable.

**Comment 136706.001
Unnamed 46**

Wild and Scenic Rivers, General

-----Preamble/Intro-----

Comments related to permits for temporary facilities

-----Comment-----

If numbers of people are restricted on Wild and Scenic Rivers, would local people also be restricted from the rivers?

Response to Comment 136706.001

Sections 3(d)(1) and 3(d)(2) of the Wild and Scenic Rivers Act require a CRMP to address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the act. User capacity addresses the amount and type of visitor and other public use compatible with the goals and desired conditions for protecting river-related values and outstandingly remarkable values (ORVs). CRMP management direction and monitoring strategies that address user capacity for local people engaged in subsistence uses would comply with the criteria and closure process established in the appropriate ANILCA 811(b) and/or 1110(a) implementing regulations.

**Comment 136709.001
Unnamed 49**

Wild and Scenic Rivers, General

There was concern that designating rivers as Wild & Scenic would actually attract more people to it – that the designation would be counter productive

Response to Comment 136709.001

Recreational use of Arctic Refuge rivers is increasing in both magnitude and extent, i.e., the types of recreational activities pursued and the technologies being used. River use may increase slightly or not at all as a result of designation. There are no known studies comparing river use levels before and after wild and scenic river designation. Factors other than wild and scenic river designation (i.e., river and water attributes, access to the river, and availability of facilities and commercial services) are considered to be the major influences on river use levels. Limitations on Refuge rivers may be necessary in some cases to protect resource and

social values. Importantly, whether and/or how to restrict visitor use is a key issue in the step-down management planning process, which includes public involvement.

3.50.4 Hulahula River

Comment 136817.011
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

Wild and Scenic Rivers, Hulahula River

ASRC and NSB urge the USFWS to reverse its preliminary suitability determination for the Hulahula River and to determine that the Hulahula River is not suitable for addition to the NWSRS as a wild river. According to the USFWS, “The purpose of the suitability phase is to determine whether eligible segments would be appropriate additions to the NWSRS by considering tradeoffs between development and protection. Suitability factors include the physical, social and political environments; the economic consequences; and the manageability of rivers if they were to be designated.” Draft Plan, App. I. at SUIT-2. ASRC and NSB submit that, based on these factors, the Hulahula River is not suitable for inclusion in the NWSRS.

As an initial matter, like the six rivers that have been preliminarily determined to be not suitable for inclusion in the NWSRS, the Hulahula River is located within the boundary of PLO 2214 (the original Arctic Range) and is already afforded a high level of protection under existing authorities. Like those rivers, the Hulahula River’s visitor use could be managed through a Refuge-wide Visitor Use Management Plan, which is one of the step-down plans identified in the revised CCP. And, the River’s cultural values could be protected sufficiently through a Refuge-wide cultural resources management plan. There is no need to “gain additional management tools through potential designation.” Draft Plan, App. I at SUIT-55.

Other considerations also support a determination of non-suitability for the Hulahula River. ASRC and NSB believe that it would be extremely difficult for USFWS to manage the Hulahula River as part of the NWSRS. The Hulahula River passes through the middle of the Coastal Plain/1002 Area and through the western portion of private land owned by KIC. “[KIC] owns both the uplands and submerged lands along the lower 5.5 miles of the Hulahula River. [ASRC] owns the subsurface beneath KIC lands and may remove sand and gravel (oil and gas development on or below KIC lands still requires congressional authorization).” Draft Plan, App. I at SUIT-51. There are six native allotments in the area as well. These borders with private land and the potential for future oil and gas exploration and development will create new management issues and make it very difficult for USFWS to manage use in the Hulahula River corridor as part of the NWSRS.

Moreover, as USFWS recognizes, “The Hulahula River is one of the most important subsistence use rivers on the north side of the Refuge, particularly for fishing and Dall’s sheep hunting by Kaktovik residents.” Draft Plan, App. I at SUIT-51. The River is very important to local people who rely on it for pursuing a more traditional way of life. Despite USFWS’s assertions to the contrary, ASRC and NSB continue to believe that, like wilderness designation, inclusion of this river (or any other river in the Coastal Plain) in the NWSRS would needlessly complicate and restrict access to subsistence resources, impairing the ability of the river and adjacent lands to provide for continued subsistence use and related needs of rural residents. ASRC and NSB believe that application of the suitability factors cited in the Draft Plan, including consideration of the critical importance of the river corridor to subsistence use, clearly leads to the conclusion that the Hulahula River is not suitable for

inclusion in the NWSRS, and that it should be included with the other six rivers for which the USFWS has made a preliminary determination on non-suitability.

Response to Comment 136817.011

The Hulahula River has outstandingly remarkable cultural and recreational values. The contemporary cultural values of the Hulahula associated with subsistence uses are particularly notable. We revised the definition of the Recreational outstandingly remarkable value (ORV) in the Revised Plan to more accurately identify the component criteria that represent the priorities of the majority of visitors and contribute to the significance of the Refuge's river-related recreation values (see response to comment 32626.070). Based on the revised definition, the Hulahula received the second highest composite ranking for the Recreational ORV out of the 20 rivers included in the wild and scenic river review. The Hulahula had the second highest reported level of commercially-supported recreation use and, based on Refuge staff best professional judgment, high levels of independent visitor use. Existing data and knowledge of visitor use patterns and management concerns indicates that visitor use has the greatest potential to affect the Hulahula River recreation and cultural values over the 15-year life of the Revised Plan.

Sections 3(d)(1) and 3(d)(2) of the Wild and Scenic Rivers Act require a CRMP to address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the Wild and Scenic Rivers Act and protect the characteristics that make the river worthy of special protection. User capacity addresses the amount and type of visitor and other public use compatible with the goals and desired conditions for protecting river-related values and ORVs. The step-down planning process for the CRMP includes full public involvement. CRMP management direction and monitoring strategies that address user capacity for local people engaged in subsistence uses would comply with the criteria and closure process established in the appropriate ANILCA 811(b) and/or 1110(a) implementing regulations. The team evaluated the suitability of the Hulahula for wild river designation and concluded that the river is suitable and worthy of designation because the management requirements of wild river designation would provide the most appropriate and effective tools for addressing visitor use issues and protecting the Recreational ORV. Objective 3.5 (Chapter 2, Section 2.1.3) commits to completing CRMPs for any newly designated rivers within three years of their date of designation. The suitability evaluation is documented in Appendix I, Wild and Scenic River Review.

Comment 032621.003

Wild and Scenic Rivers, Hulahula River

**Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions**

-----Preamble/Intro-----

Hulahula River

-----Comment-----

WSR designation would ensure protection of subsistence resources, and would also assure that Native allotments maintain uses that are harmonious with Arctic Refuge purposes.

Response to Comment 032621.003

Subsistence resources associated with the Hulahula River would be protected under any of the Plan alternatives. One of the purposes of ANILCA and for Arctic Refuge is to provide the opportunity for local rural residents engaged in a subsistence way of life to continue to

do so (ANILCA Section 101(c) and Section 303(2)(B)(iii)). In recognition of the importance of subsistence to Native and non-Native rural residents, ANILCA established a rural priority for the subsistence uses of fish and wildlife over other consumptive users in times of scarcity (ANILCA Section 802). Subsistence hunting, fishing, and trapping in the Refuge are regulated under a dual management system by the Federal government and the State of Alaska. Wild and scenic river designation would not significantly affect management of subsistence resources.

Native allotments and Native corporation lands in the Hulahula River corridor are private lands. Under the Wild and Scenic Rivers Act, designation neither gives nor implies government control of private lands within the river corridor. Management restrictions would apply only to Federal lands. The Federal government has no power to regulate or zone private lands under the Wild and Scenic Rivers Act. People living within a river corridor may use their property as they had before designation. However, if the Hulahula River is recommended for designation in the Revised Plan, the Refuge would work with private landowners to develop voluntary measures to protect the Hulahula's free-flow, attributed outstandingly remarkable values (ORVs), and wild river classification. Section 11(b)(1) of the Wild and Scenic Rivers Act authorizes the Federal agency to provide technical assistance and the use of agency funds to states, their political subdivisions, private organizations, and individuals to "plan, protect, and manage river resources." This authority applies to projects/activities on non-Federal lands within and proximate to a wild and scenic river corridor and provides a mechanism to effect partnerships for projects/activities distant from the designated wild and scenic river yet with the potential to affect designated river values. If the Hulahula River is designated, the Refuge would identify opportunities for cooperative management partnerships with private landowners in the CRMP for the Hulahula River.



3.50.5 Interim Management**Comment 032675.012**

Wild and Scenic Rivers, Interim Management

Stan Leaphart, Executive Director**Citizens' Advisory Commission on Federal Areas**

While we do not concede that the Service has the necessary legal authority to conduct the wild and scenic river reviews in view of the ANILCA restrictions, the draft plan under all alternatives would implement interim management prescriptions for any rivers found to be suitable for designation. However, the Wild and Scenic River Suitability Report (Appendix I) contains only preliminary determinations that the Atigun, Marsh Fork Canning, Hulahula and Kongakut are suitable for designation.

In spite of these “preliminary” determinations, the DCCP (pg. 5-14) clearly states that interim management prescriptions will be implemented under Alternative A, the “no action” alternative:

“The effects here are specific to a ‘no recommendation’ alternative, but even without a recommendation for designation, the 0 RVs for the four suitable rivers still need to be protected.

Interim management prescriptions will be required for all four rivers in Alternative A. “

According to the Wild and Scenic River Study Process Technical Report cited in the suitability report:

“Through land use plans, rivers and streams in the affected planning area are evaluated as to their eligibility and given a preliminary classification if found eligible. A determination is made as to their suitability in the agency’s decision document for the plan.” (Technical Report, pg. 9)

Although the Suitability Review (SUIT -95) states that the suitability determinations will be finalized with the record of decision for the revised CCP, statements in the DCCP and EIS appear to indicate the Service has elected not to wait for the completion and release of the final Revised CCP and EIS or the record of decision before making a final decision on the suitability of the four rivers. Making this type of determination prior to the release of a record of decision is inconsistent with NEP A guidelines and the Department of the Interior NEP A regulations at 43 CFR Part 46.

In addition, we do not believe that these types of management prescriptions, outlined in Table D-I in Appendix I, can be implemented under Alternative A, the so-called “no action” alternative. Similar premature determination problems exist for the other alternatives, each of which lists one or more of the four “suitable” rivers that would be subject to the interim management prescriptions, again clearly implying that final suitability determinations have been made for all alternatives.

The plan (Appendix 1- SUIT-6) correctly points out that identifying a river as a candidate for study under Section 5(d)(1) of the WSRA does not trigger specific protection under the act, but is derived from an agency’s existing authorities. However, the final CCP and EIS should clarify the following statement in the preliminary suitability determinations for the Atigun, Marsh Fork Canning, Hulahula and Kongakut:

“The Wild and Scenic Rivers Act provides useful tools for managing and protecting the values in this river corridor.”

Clarification in the final CCP should include specific examples of the types of management “tools” the WSRA provides that are not otherwise available and how they would “provide a complimentary set of protections to other Refuge and Service policies and programs.” (SUIT-23). It is obvious from the interim management prescriptions found in Table D-I that these tools are simply another mechanism that the Service will use to place limits on public use or restrict access within these river areas.

Evidence of this is provided in the Suitability Review in the preliminary suitability determinations for the rivers found “not suitable.” In discussing why each river was found not suitable, the plan lists various statutes, such as ANILCA and the Endangered Species Act, along with an array of plans, such as the Revised CCP and the various proposed step down plans, that will ensure adequate protection for the outstanding values of each river. It is essential that the main body of the Revised CCP provide the public with an explanation on how these WSRA tools would be integrated into the various standards and procedures required to be followed by ANILCA and the Alaska specific regulations found in 50 CFR Part 36 before the Service can restrict or limit public uses of refuges. No interim management guideline can supersede or override these ANILCA standards and procedures.

Response to Comment 032675.012

Language in certain sections of the draft Plan describing interim management of those rivers included in the wild and scenic river review is inaccurate. The protection afforded a river included in a review pursuant to Section 5(d)(1) of the Wild and Scenic Rivers Act depends on whether the identified river segment was determined eligible or non-eligible, suitable or non-suitable through the planning process. We revised language throughout the Revised Plan and final EIS to clarify the management and protection standards for rivers included in the review.

River segments on Federal lands determined non-eligible or non-suitable will be managed as determined by the applicable underlying Minimal or Wilderness Management category prescribed in the Revised Plan and ROD. Rivers determined suitable and recommended for wild and scenic designation in the Revised Plan would be managed to the extent possible under existing legal authorities (e.g., NEPA, Clean Water Act, Endangered Species Act, and Archaeological Resources Protection Act) and underlying Minimal or Wilderness Management category to protect their free-flowing condition, water quality, wild classification, and any identified outstandingly remarkable values (ORVs) pending congressional action or for the duration of the Revised Plan. Congressionally designated rivers would be managed under the Wild River Management category and specific guidance developed in a CRMP. For wild rivers within designated Wilderness, the more restrictive provisions of the Wild and Scenic Rivers Act and the Wilderness Act would apply.

Comment 032675.013

Wild and Scenic Rivers, Interim Management

Stan Leaphart, Executive Director

Citizens’ Advisory Commission on Federal Areas

We also note one key error in the list of activities and uses which may be authorized or allowed under the interim management guidelines. On page SUIT D-8, under Public Use Cabin, Table D-1 states that public use cabins are not allowed within river corridors in either designated wilderness or minimal management areas. This is not correct. This guideline should be revised to recognize the authority for cabin construction found ANILCA Section 1315(d), which would

not be superseded by any management guidelines whether a river is found suitable or eventually designated.

Response to Comment 032675.013

Under ANILCA, a public use cabin could be constructed in designated Wilderness (if necessary for public health and safety) and in a wild river corridor. Since ANILCA was passed, Arctic Refuge has not found public use cabins necessary for public health and safety within designated Wilderness or necessary for other purposes within any part of the Refuge. As part of this planning process, the Service has decided that we will not construct public use cabins on Arctic Refuge. Our vision and goals for Arctic Refuge preclude these type of structures throughout the Refuge, including in Minimal Management areas.

Comment 136805.009

Wild and Scenic Rivers, Interim Management

**Sean Parnell, Governor
State of Alaska**

Despite the lack of any authority to conduct wild and scenic river reviews, the draft Plan establishes an interim management standard and directs the Refuge to protect river “outstandingly remarkable values” (ORVs) of all rivers found eligible or suitable for inclusion in the Wild and Scenic River System during the Refuge’s wild and scenic river review.

Interim management prescriptions for protecting rivers eligible for suitability are typically developed to protect ORVs until suitability is determined at some future date. (page 5-8, Section 5.2.3, emphasis added)

Refuge rivers found suitable but not recommended would receive interim management protection under all alternatives. In other words, the effect of not recommending rivers for designation would be that suitable rivers would continue to be protected by interim management prescriptions specific to preserving each river’s ORVs and general protection afforded rivers with Refuge status. (page 5-9, Section 5.2.3, Emphasis added)

Pending Congressional action, the Service would use interim management prescriptions to manage each recommended river for the ORVs for which it was found eligible. (page 5-21, Section 5.4, emphasis added)

However, even without a recommendation for designation, the ORVs of rivers found suitable still need to be protected. (page 5-21, Section 5.4, emphasis added)

Like the wild and scenic river reviews themselves, this interim management standard lacks foundation and is inappropriate. The assertion that the Refuge is obligated to indefinitely protect ORVs for all rivers that merely meet the minimum criteria to be studied, with or without Congressional action, is misguided. ORVs are defined by the Wild and Scenic Rivers Act as values for which a river is “designated.” In fact, the only reference to ORVs specifically applies to rivers designated under the Act.

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

It is difficult to understand how the river values identified for evaluation purposes can be “defined” as ORVs, let alone remain attached to a river, when the river is not even recommended for designation. ANILCA Section 1326(b), which prohibits additional studies unless authorized by Congress, clearly intended to prevent such unnecessary layers of restrictive management and all statements that indicate such intent must be removed.

Response to Comment 136805.009

You are correct that language in certain sections of the draft Plan describing interim management of those rivers included in the wild and scenic river review is inaccurate. The protection afforded a river included in a review pursuant to Section 5(d)(1) of the Wild and Scenic Rivers Act depends on whether the identified river segment was determined eligible or non-eligible, suitable or non-suitable, through the planning process. We revised language throughout the Revised Plan to clarify the management and protection standards for rivers included in the review.

River segments on Federal lands determined non-eligible or non-suitable will be managed as determined by the applicable underlying Minimal or Wilderness management category prescribed in the Revised Plan and ROD. Rivers determined suitable and rivers recommended for wild and scenic designation in the Revised Plan would be managed to the extent possible under existing legal authorities (e.g., NEPA, Clean Water Act, Endangered Species Act, Archaeological Resources Protection Act, etc.) and underlying Minimal or Wilderness management category to protect their free-flowing condition, water quality, wild classification, and any identified outstandingly remarkable values (ORVs) pending congressional action or for the duration of the Revised Plan. Congressionally designated rivers would be managed under the Wild River management category and specific guidance developed in a CRMP. For wild rivers within designated Wilderness, the more restrictive provisions would apply.

3.50.6 Kongakut River

Comment 032621.004

Wild and Scenic Rivers, Kongakut River

**Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions**

Kongakut River - Since this river is entirely in designated wilderness, it should be considered for WSR status.

Response to Comment 032621.004

The Kongakut River was evaluated to determine its suitability for wild and scenic river designation and is recommended for wild river designation in Alternatives B, D, and E. The evaluation is documented in Appendix I.

Comment 032627.025

Wild and Scenic Rivers, Kongakut River

**Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations**

In discussion of effects of Alternative A, (Page 5-19) the text inappropriately claims that by allowing the quality of wilderness opportunities to degrade on the Kongakut (which is the current situation) that the “freedom and unconfined recreation... may balance the degradation.” The Draft CCP fails to indicate that the Service is legally bound to preserve wilderness character (Section 4(b) of the Wilderness Act) for such designated areas as the Kongakut.

Response to Comment 032627.025

We agree with this comment and deleted the sentence suggesting that the described degradation may be balanced by freedom from management provisions that are needed to protect the river's Wilderness character. Addressing Kongakut River issues will be an important part of both the Wilderness Stewardship and Visitor Use Management step-down plans which were elevated in priority and are now scheduled to begin as soon as this Plan is approved.

Comment 032627.024

Wild and Scenic Rivers, Kongakut River

Nicole Whittington-Evans, Alaska Regional Director, TWS**Various Environmental Organizations**

-----Preamble/Intro-----

In addition, we have the following specific comments regarding wilderness stewardship and visitor use:

-----Comment-----

Given the wide recognition of long standing wilderness quality degradation on the Kongakut River, and other areas in the Refuge, all alternatives should have included a commitment to address this problem in a subsequent step down plan.

Response to Comment 032627.024

To address immediate concerns about the range of conditions on the Kongakut River, the alternatives have been rewritten to more clearly convey the Refuge's intent to address resource and visitation concerns in the Kongakut River drainage. All the alternatives commit to a completing a step-down plan associated with visitor use of the Refuge.

Comment 032628.015

Wild and Scenic Rivers, Kongakut River

**Fran Mauer, Alaska Chapter
Wilderness Watch**

Pages 4-215, 4-216 and others

In several instances the draft CCP acknowledges that wilderness qualities along the Kongakut River are degraded by high levels of visitor use. The Draft CCP fails, however, to address the fact that the Kongakut is not the only area of the Refuge where values have been degraded. Public comments were submitted during scoping, which included, as an example, photographic documentation of an aircraft landing strip scar on the upper Sheenjek River (in designated Wilderness and within the Wild River corridor) which had occurred since 1980 (see scoping comments submitted by Mr. Greg Warren for more details). There are many other such examples that have been brought to the attention of the Refuge Manager and staff over a number of years. Omissions of this type render the draft CCP inadequate for meeting the basic requirements to "identify and describe significant problems" (Section 304(g)(2)(E) of ANILCA). The Final CCP must describe and address resource problems in a more thorough and comprehensive manner. Given the wide recognition of long standing wilderness quality degradation on the Kongakut River, and other areas in the Refuge, all alternatives should have included a commitment to address this problem.

Response to Comment 032628.015

We disagree with the comment on the urgency of conducting additional planning regarding management of the Kongakut River. We believe the actions proposed will address short-term

management of the Kongakut River while we proceed with the step-down plan called for in the Revised Plan. The same holds true for other rivers within the Refuge. We do not believe the effects the comment identifies require immediate action nor have we identified these relatively minor effects as “significant problems” as required by Section 304 of ANILCA (see Chapter 1, Section 1.10).

**Comment 136711.001
Unnamed 50**

Wild and Scenic Rivers, Kongakut River

If you start limiting access to the Kongakut, the limitations could carry over to the other rivers

Response to Comment 136711.001

Refuge managers agree that taking visitor use management actions without thoroughly evaluating their potential effects could lead to unintended consequences. For this reason, Refuge managers decided that options for visitor use management and Wilderness stewardship would be best addressed through a focussed public planning processes separate from the Revised Plan.

To address immediate concerns about conditions on the Kongakut River, temporary, interim caps on use of the Kongakut River have been proposed under Alternatives B and C. If one of these alternatives is selected as the Preferred Alternative, the cap would not affect access to other Refuge rivers, and it would be in effect for the years 2013-2016, or when the VUMP is implemented, whichever occurs first.

During this focused effort, Refuge managers will holistically consider levels of use, timing and distribution of use, and activities and behaviors of visitors to evaluate a range of management prescriptions appropriate to sustain, and restore where necessary, desired resource conditions and visitor experiences, consistent with the values for which the area was established. Managers may use education, site management, regulation, enforcement, and/or rationing or allocation to manage visitor use at Arctic Refuge, consistent with the VUMP.

3.50.7 Marsh Fork Canning River

Comment 032621.002

Wild and Scenic Rivers, Marsh Fork Canning River

**Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions**

-----Preamble/Intro-----

Marsh Fork Canning:

-----Comment-----

I believe it is especially important to designate the river for the protection of grey-headed chickadee (Siberian Tit) breeding and nesting habitat.

Response to Comment 032621.002

The Wild and Scenic Rivers Act is not the appropriate vehicle for protection of wildlife habitat for the gray-headed chickadee on Arctic Refuge. Although the gray-headed chickadee is uncommon on the Refuge, the species is not listed as endangered or threatened under the Endangered Species Act. The species is also listed as secure by the Alaska Natural Heritage Program and as a species of least concern by the IUCN Red List. Current management

policies and regulations on the Refuge should be sufficient to protect breeding habitat for this species at the level of protection afforded all species on the refuge.

The Marsh Fork Canning is recommended for Wild River designation in Alternatives B, D, and E. In the wild and scenic river review for the Marsh Fork Canning River, the interdisciplinary team determined that the river has an outstandingly remarkable recreational value. A contributing component of the Marsh Fork's Recreation outstandingly remarkable value (ORV) is the opportunity for birding enthusiasts to observe the grey-headed chickadee and Smith's longspur, the premier bird species associated with the Refuge. Wild River designation and management would ensure protection of all of the contributing components of the Marsh Fork Canning's Recreational ORV.

3.50.8 Other Rivers

Comment 137013.001

Wild and Scenic Rivers, Other Rivers

**Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club**

We urge the Service to recommend wild river designation for the following eligible and suitable rivers and eligible river segments:

- a. Eligible/suitable rivers entirely within Minimum Management areas.

Atigun River. Suitable

Marsh Fork of the Canning River. Suitable.

Porcupine River. Eligible.

- b. Eligible/suitable river segments within the 1002 Minimum Management area north of Arctic Wilderness.

Canning River. Eligible.

Jago River. Eligible.

Okpilak River. Eligible.

Hulahula. Suitable.

Response to Comment 137013.001

Comment noted. The Atigun River would be recommended for wild river status under alternatives C, D, and E, and the Marsh Fork Canning and Hulahula rivers would be recommended as a wild rivers under alternatives B, D, and E. The Porcupine, Canning, Jago, and Okpilak rivers were not determined suitable for inclusion in the National Wild and Scenic Rivers System (see Appendix I, Section 5, for the suitability determination for each of these rivers).

Comment 032621.008

Wild and Scenic Rivers, Other Rivers

**Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions**

Porcupine River-

As a trans-boundary river and migration corridor for fish and wildlife, the Porcupine is clearly worthy of WSR protection.

Response to Comment 032621.008

The Porcupine River in the Arctic Refuge supports a moderate run of salmon migrating primarily to Canadian spawning locations. The river may also be a corridor for some waterfowl movement and migration but has not been identified as an exemplar resource for wildlife migrations.

The interdisciplinary team responsible for the wild and scenic rivers review evaluated the suitability of the Porcupine River for wild river designation and concluded that the river is non-suitable. The wild and scenic river review evaluated only that the segment of the river within the boundaries of the Arctic Refuge. The suitability evaluation is documented in Appendix I.

Comment 032621.005

Wild and Scenic Rivers, Other Rivers

**Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions**

-----Preamble/Intro-----

Okpilak River

-----Comment-----

The hot springs should be a National Natural Landmark.

Response to Comment 032621.005

Consideration of the Okpilak River hot springs for designation as a National Natural Landmark is outside the scope of the Revised Plan. The program is administered by the National Park Service. The Revised Plan outlines broad management guidelines for the Refuge focused on significant issues that require a management decision over a 15-year timeframe and is not intended to provide area-specific management guidance. In addition, the hot springs are located within designated Wilderness. Wilderness Management, in combination with Refuge purposes, affords a high degree of protection for the values and features of the hot springs.

Comment 032621.007

Wild and Scenic Rivers, Other Rivers

**Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions**

-----Preamble/Intro-----

Neruokpuk Lakes

-----Comment-----

I recommend WSR river designation.

Response to Comment 032621.007

The interdisciplinary team responsible for the wild and scenic rivers review evaluated the suitability of the Neruokpuk Lakes for wild river designation and concluded that these waters are non-suitable. The evaluation is documented in Appendix I.

Comment 136759.001
Unnamed 2

Wild and Scenic Rivers, Other Rivers

Would want some of the Chandalar as Wild and Scenic River.

Response to Comment 136759.001

Both the Middle Fork of the Chandalar and the East Fork of the Chandalar were included in the wild and scenic rivers review for the Revised Plan. A river must be free-flowing and have at least one outstandingly remarkable value (ORV) to be eligible for further consideration. The team concluded that the Middle Fork of the Chandalar lacked at least one ORV and was not considered eligible for further evaluation. The East Fork of the Chandalar was determined to be eligible but non-suitable. The suitability evaluation for the East Fork of the Chandalar is documented in Appendix I.

Comment 136777.001
Lance Whitwell

Wild and Scenic Rivers, Other Rivers

make [the] whole Chandalar [a] Wild& Scenic River so USFWS will restrict non-resident access and protect our drinking water from above Arctic Village.

Response to Comment 136777.001

The interdisciplinary team responsible for the wild and scenic rivers review evaluated the suitability of the East Fork of the Chandalar for wild river designation and concluded that the river is non-suitable for designation. The evaluation is documented in Appendix I, Wild and Scenic River Review, of the Revised Plan and final EIS.

Comment 032663.001
Kevin Proescholdt

Wild and Scenic Rivers, Other Rivers

Wild and Scenic Rivers. I support the recommendation in the Draft Revised CCP that the four rivers be recommended for designation in the Wild and Scenic Rivers System (WSRS). More rivers in the Refuge deserve this status beyond these four, however, including the Porcupine River. I have canoed the entire length of the Porcupine River through the Refuge. It appears that the main reason for not recommending wild and scenic river status for the Porcupine is the opposition of the State of Alaska. If the Fish and Wildlife Service does NOT recommend all three WSAs as Wilderness, the agency must go back and open up the rivers evaluation again to provide some protection for these outstanding rivers.

Response to Comment 032663.001

The interdisciplinary team responsible for the wild and scenic rivers review evaluated the suitability of the Porcupine River for wild river designation and concluded that the river is non-suitable. The wild and scenic river review evaluated only that the segment of the river within the boundaries of Arctic Refuge. The suitability evaluation is documented in Appendix I.

The Atigun, Hulahula, Kongakut, and Marsh Fork Canning rivers are recommended for wild river designation in Alternative E. Any river recommended for wild and scenic river designation in the Revised Plan will be managed to protect its free flow, identified outstandingly remarkable values (ORVs), and recommended wild classification pending congressional action or until we amend or revise the Plan to modify or remove the recommendation for designation.

3.50.9 Review Process (includes Appendix I)

Comment 032675.011

Wild and Scenic Rivers, Review Process (Appendix I)

Stan Leaphart, Executive Director

Citizens' Advisory Commission on Federal Areas

The Commission has already commented that the Wild and Scenic River Review is a violation of ANILCA 1326(b) and therefore invalid. We are aware that federal agencies have avoided this prohibition on further studies by including them as part of various plan revisions such as the current effort for the ANWR CCP. Nevertheless, we again must point out that such actions violate both the letter and the intent of this section of ANILCA.

The plan cites Section 5(d)(1) of the Wild and Scenic Rivers Act (WSRA) as the authority for conducting the eligibility and suitability reviews of the 10 rivers in the Arctic Refuge. That section of the WSRA directs federal agencies to consider potential wild, scenic and recreational rivers during planning activities. In view of the language in Section 1326(b) the review requirements found in Section 5(a) of the WSRA do not apply in Alaska, despite agency claims to the contrary.

Congressionally authorized studies are found in Section 5(a) of the WSRA. In addition to designating 26 rivers or river segments as components of the wild and Scenic River System, ANILCA amended Sections 5(a) and (b) of the WSRA by designating 12 Alaskan rivers for study and establishing a timeline for completing those studies. Those studies have long been completed and the appropriate reports submitted to Congress. No further studies were authorized.

Response to Comment 032675.011

The Section 5(d)(1) mandate of the Wild and Scenic Rivers Act is not inconsistent with the planning provisions for Alaska's refuges laid out in Title III of ANILCA. ANILCA requires the Service to prepare, and from time to time revise, a comprehensive conservation plan for each refuge. Section 304(g) requires that the fish and wildlife resources, special values, and any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value within specific areas of the refuge be identified and described, and that these values be addressed in developing and revising a comprehensive conservation plan. Service policy provides further guidance to consider existing and potential wild and scenic rivers in planning for the Refuge System and individual refuges. Refuge System Mission and Goals policy 601 FW 1.9 explains Goal C of the Refuge System: "The Improvement Act directs that, in administering the Refuge System, we plan and direct the growth of the Refuge System to contribute to the conservation of the ecosystems of the United States... We care for our special designation lands such as ... wild and scenic rivers,... and, where appropriate, identify opportunities and develop recommendations to expand these designations on existing and new refuges in collaboration with the States, other Federal land management agencies, tribes, conservation organizations, and the public." Refuge Planning Policy (602 FW 3) requires that a comprehensive conservation plan identify existing special management areas and potential for special management area designations (e.g., wilderness, research natural areas, and wild and scenic rivers). For rivers that meet the eligibility and suitability criteria identified in the Wild and Scenic Rivers Act, recommendation for congressional designation represents one of a range of reasonable management alternatives (including Minimal Management, Wild River Management, and Wilderness Management (see Chapter 2, Sections 2.3.3, 2.3.4, and 2.3.5)). The wild and scenic river review is an

administrative action and a means by which the Refuge can assess the efficacy of its management in meeting Refuge purposes and other legal requirements.

Comment 136707.001
Unnamed 47

Wild and Scenic Rivers, Review Process (Appendix I)

The way rivers are used – customary use - makes people who use the river a resource of the river and needs to be considered when evaluating river values

Response to Comment 136707.001

For a river to be eligible for designation to the NWSRS, the river, with its adjacent land area, must have one or more “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.” Wild and scenic river designation is intended to protect river-related values. As explained in Appendix I, river-related values should be located in the river or on its immediate shore lands (within one-half mile on either side of the river); contribute substantially to the functioning of the river ecosystem; and/or owe their location or existence to the presence of the river. The people who use the river would not be considered a river-related value. However, existing and potential uses of the river are a consideration in the suitability evaluation.

3.50.10 Suitability (includes Appendix I)

Comment 136817.012

Wild and Scenic Rivers, Suitability (Appendix I)

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

The Coastal Plain / 1002 Area, as discussed above, has unique status under Federal law. As USFWS has at least facially acknowledged throughout this planning process, Congress has reserved for itself in sections 1002(i) and 1003 of ANILCA, 16 U.S.C. §§ 3142(i), 3143, the decision as to whether or not the 1002 Area should be made available for oil and gas development. Given this fact, the USFWS should not take any action through this CCP revision process that would have the intent or effect of prejudging Congress’s decision relating to this reserved authority.

As with the wilderness issue, it is difficult to envision how the USFWS can undertake wild and scenic river (“WSR”) review independent of the issues that the agency has recognized are reserved by law for congressional decision and beyond the scope of this CCP revision process. Like the issue of wilderness review, the issue of WSR review is inextricably linked with the question whether the 1002 Area should be made available for oil and gas development—a question, as discussed above, specifically reserved for congressional decision. Indeed, in discussing the suitability of the Hulahula, Jago, and Okpilak Rivers, USFWS recognizes that “Recreational use and oil and gas exploration and development have the highest potential to be enhanced, foreclosed, or curtailed if the area were included in the NWSRS.” Draft Plan, App. I at SUIT-52; see also Draft Plan, App. I at SUIT-59, SUIT-75. “There are continuous attempts to open the 1002 Area to oil and gas exploration and Development.” Draft Plan, App. I at SUIT-59, SUIT-75. “Oil and gas exploration and development in the Hulahula River corridor could be impacted as a result of designation.” Draft Plan, App. I at SUIT-53.

The USFWS itself, then, explicitly acknowledges that its decision whether or not to recommend certain rivers for inclusion in the NWSRS could impact decisions with respect to

whether certain areas are opened to potential oil and gas exploration and development. Given the agency's recognition that Congress has reserved for itself the decision as to whether or not the Coastal Plain should be made available for oil and gas development, and its prior conclusion that inclusion could impact oil and gas development determinations, further consideration of alternatives that would recommend WSR designation for rivers in the Coastal Plain is inappropriate and undermines congressional authority to make the ultimate decision on oil and gas development.

Response to Comment 136817.012

Section 5(d)(1) of the Wild and Scenic Rivers Act requires that Federal agencies give consideration to potential national wild, scenic, and recreational river areas in all planning for the use and development of water and related land resources. Refuge Planning Policy (602 FW 3) requires that a comprehensive conservation plan identify existing special management areas and potential for special management area designations (e.g., wilderness, research natural areas, and wild and scenic rivers). For rivers that meet the eligibility and suitability criteria identified in the Wild and Scenic Rivers Act, recommendation for congressional designation represents just one of a variety of reasonable management alternatives (including Minimal Management, Wild River Management, and Wilderness Management). Only Congress can decide whether to make the 1002 Coastal Plain area available for oil and gas development. Similarly, only Congress can designate a wild river.

The wild and scenic river review is an administrative action and a means by which the Refuge can assess the efficacy of its management in meeting Refuge purposes and other legal requirements. While the Revised Plan includes a wild and scenic river review, the review is being completed as a statutory requirement of ANILCA section 304(g)(1). The review is consistent with Section 304(g)(2)(B) which requires the Plan revision include the "special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value."

Comment 032668.002

Wild and Scenic Rivers, Suitability (Appendix I)

Brad Bergstrom**Dept. of Biology, Valdosta State University**

We also call into question the ability of total raptor nest counts and number of habitat types to accurately identify potentially wild rivers south of the continental divide that are also important for mammalian species. Although the size and lack of resources available for surveying the entire ANWR clearly impact the ability to accurately assess such conditions, additional surveys targeting other components of biodiversity (e.g. furbearer abundance) should be included in delineating outstandingly remarkable values.

Response to Comment 032668.002

Appendix I explains the methodology used to evaluate eligibility and assess whether a river-related value is considered "outstandingly remarkable." The best available information pertinent to the decisions to be made was used in the development of the definitions and assessment criteria for the Wildlife outstandingly remarkable value (ORV). Time and resources have precluded extensive new surveys to gather information specific to river corridors, therefore the reviews relied extensively on expert knowledge and best professional judgment. Where actual survey data existed it was considered in the evaluation. No data are available that describe species abundance in the Refuge in each river corridor.

Comment 136789.009

Wild and Scenic Rivers, Suitability (Appendix I)

**Bob Childers, Executive Director
Gwich'in Steering Committee**

Correction: Native Village of Venetie Tribal Gov't holds title to the subsurface of E. Fk. Chandalar River to the middle of main channel. Please correct discussion at p. SUIT-43

Response to Comment 136789.009

From approximately Arctic Village south, the boundary of Arctic Refuge follows the thread of the river for the lower 172 miles of the East Fork of the Chandalar, regardless of the ownership of the submerged lands. For purposes of title, ownership of the submerged lands (the river bed) beneath the waters of this section of the East Fork depends on a determination of navigability. The navigability status of the East Fork Chandalar River has not been determined. If determined navigable, the State would own the submerged lands to the ordinary high water mark on either side of the river with Arctic Refuge ownership of uplands on the west bank and the Native Village of Venetie Tribal Government ownership of uplands on the east bank. If determined non-navigable, the Federal government holds title to the underlying submerged lands adjacent to Arctic Refuge from the thread of the East Fork Chandalar River west, and the Native Village of Venetie Tribal Government holds title to the underlying submerged lands from the thread of river east.

Comment 136789.010

Wild and Scenic Rivers, Suitability (Appendix I)

**Bob Childers, Executive Director
Gwich'in Steering Committee**

Discussion of caribou fence at SUIT-38 - please indicate "Kutchin" is archaic word for "Gwich'in". Reader should be informed those are our fences.

Response to Comment 136789.010

The requested changes were made in Appendix I.

Comment 136805.158

Wild and Scenic Rivers, Suitability (Appendix I)

**Sean Parnell, Governor
State of Alaska**

Page SUIT-11, Criteria 9, Support by State Governments. The State of Alaska does not support additional study or designation of new Wild and Scenic Rivers. Doing so violates ANILCA Section 1326(b). It is both irrelevant and misleading to reference the Alaska Statewide Comprehensive Outdoor Recreation Plan with regard to existing State recreation rivers and strongly request the section be modified as follows.

Although the Alaska Statewide Comprehensive Outdoor Recreation Plan of 2009–2014 (Alaska Department of Natural Resources 2009a) states that designated wild and scenic rivers provide opportunities for outdoor recreation unsurpassed anywhere, and the State of Alaska has designated State recreation rivers, the State of Alaska does not support new designations.

Response to Comment 136805.158

As noted in our response to other comments, we disagree that we are violating ANILCA Section 1326(b). The text in the wild and scenic river review (Appendix I, section 4.6.5.1) was revised to

delete the reference to the Alaska Statewide Comprehensive Outdoor Recreation Plan and clarify that the State of Alaska does not support new designations of wild and scenic rivers.

Comment 032626.077

Wild and Scenic Rivers, Suitability (Appendix I)

Greg Warren

V2, SUI-6, 1.4.2 Suitability Phase: I request to be considered as a stakeholder through the completion of the CCP and in the development of all future Arctic Refuge step-down management plans and compatibility determinations.

Response to Comment 032626.077

For the purposes of the wild and scenic river review, a stakeholder was defined as someone with a legal or property interest in the Refuge. Specifically, “A person, group, or organization that has a direct or indirect stake in the results of the Arctic Refuge Wild and Scenic River review process because the stakeholder could affect or be affected by the actions, objectives, or management provisions associated with the findings of eligibility (including Outstandingly Remarkable Values and tentative classification), suitability, and/or designation of wild rivers within Arctic Refuge.”

We appreciate your interest in Arctic Refuge and its management. We added your name to our mailing list for public involvement in the comprehensive conservation planning process and will add it to mailing lists for future step-down plans as well.

Comment 032626.078

Wild and Scenic Rivers, Suitability (Appendix I)

Greg Warren

V2, SUI-9 Suitability Factors, Criteria 2: I reviewed Federal and State “navigable water” definitions and found major differences. It is my understanding that adjudicating the extent and precise boundaries of navigable waterways will take many years to resolve with certainty. The land status uncertainty would be one reason to maintain those rivers with state claims as Eligible rivers until adjudication is complete.

Response to Comment 032626.078

Arctic Refuge contains navigable and non-navigable waters. Submerged lands within the boundaries of the original Arctic Range, including river beds, were retained in Federal ownership on the date Alaska was granted statehood. However, the status of many water bodies outside the former Arctic Range has not yet been determined. Any disagreements between the State and the Federal government over what waters are navigable or non-navigable are generally resolved through the Federal courts. Wild and scenic river status has nothing to do with the determination of navigability and ownership of submerged lands.

Comment 032626.081

Wild and Scenic Rivers, Suitability (Appendix I)

Greg Warren

V2, SUI-61, 2.6.3 Jago River Preliminary Suitability Determination: The narrative reads as being supportive of recommending Suitability. It is not until the discussion regarding the preliminary determination that any reasons are given for not designation. Having the river located in Wilderness is not an appropriate reason not to designate. The identification and protection of ORV could enhance Wilderness programs with no downside for the most

protective provisions would apply. The bulk of the wildlife ORVs identified are outside of Wilderness and would lose Wild River protection if not designated. Dual designation provide for protected measures from both Acts, so I believe that the statement, “Wild and Scenic Rivers Act does not provide the most appropriate management tool” is inconsistent with legislative direction (16 U.S.C. 1281(b)). The Wildlife ORV is superlative. Therefore, I recommend a determination of Suitable.

Response to Comment 032626.081

The interdisciplinary wild and scenic river review team evaluated the scenic, recreational, geologic, fish and wildlife, historic, and cultural values within the Jago River corridor. Only the wildlife values were determined to be outstandingly remarkable. The river-related wildlife values of the Jago River were compared to other waterbodies under review in the North Slope of the Brooks Range region of comparison (ROC). The criteria components evaluated for the Wildlife outstandingly remarkable value (ORV) are habitat quality and diversity of species. Habitat quality within the river corridor is measured based on total miles of potential polar bear habitat, number of raptor nesting sites, and number of habitat sites. Diversity of species is measured by total number of species and the number of rare, sensitive, threatened, or endangered species. The Jago River’s scores for number of habitat types and diversity of species were similar to other the scores of other coastal plain rivers in the review. The primary contributing component to the Jago River’s Wildlife ORV is the number of miles of potential polar bear habitat. The polar bear is listed as a Threatened species under the Endangered Species Act and critical habitat was designated. The team evaluated the suitability of the Jago for wild river designation and concluded that the river is non-suitable because the combined provisions of Wilderness Management, Minimal Management, the Endangered Species Act, and Marine Mammals Protection Act are adequate to protect the identified wildlife values. The suitability evaluation is documented in Appendix I, Wild and Scenic River Review.

Comment 032626.082

Wild and Scenic Rivers, Suitability (Appendix I)

Greg Warren

V2, SUIT-72, 2.8.3 Okpilak River Preliminary Suitability Determination: The narrative reads as supportive of recommending Suitability. It is not until the discussion regarding the preliminary determination that any reasons are given for not designating. Having the river located in Wilderness is not an appropriate reason not to designate. The identification and protection of ORV could enhance Wilderness programs with no downside (16 U.S.C. 1281(b)). The bulk of the wildlife ORVs identified are outside of Wilderness and would lose Wild River protection if not designated. The Wildlife ORV is superlative, but not accurately rated in the Eligibility section. The scenic, geologic, and primitive recreation values are unmatched. Therefore, I recommend a determination of Suitable.

Response to Comment 032626.082

The interdisciplinary river review team evaluated the scenic, recreational, geologic, fish and wildlife, historic, and cultural values within the Okpilak River corridor. Only the scenic and geologic values were determined to be outstandingly remarkable. The Geologic outstandingly remarkable value (ORV) for the Okpilak scored 73.3 percent based on the feature abundance and educational/scientific criteria components for the Geologic ORV. The Scenic ORV scored 70.7 percent based on superlative special features in the upper reaches of the river corridor, and the diversity of views including expansive vistas of the coastal plain. The team evaluated the suitability of the Okpilak for wild river designation and concluded that the river is non-suitable.

The vast majority of the geologic and scenic features within the river corridor would be adequately protected under existing Wilderness Management. Wild river designation would not ensure protection of the expansive views of the coastal plain outside the river corridor. The suitability evaluation is documented in Appendix I, Wild and Scenic River Review.

Comment 032626.086

Wild and Scenic Rivers, Suitability (Appendix I)

Greg Warren

V2, SUIT-D1, D.1 Interim Management Prescriptions: If Suitable rivers are not identified in the final CCP, this section will need to address providing interim direction for rivers determined Eligible. Segments determined Eligible would be subject to protection until the Suitability stage is completed. Protection of the free-flowing characteristics and ORVs of agency-identified study rivers occurs through other authorities. For example, a federal or federally permitted action subject to the National Environmental Policy Act process would have to consider the effects on the free-flowing and ORVs of any affected Eligible stream segments.

A management prescription should be added that states, “To extent authorized by under law, the free-flowing characteristics of Eligible river segments cannot be modified to allow any or all of the following: stream impoundments, diversions, channelization, and river bank stabilization.”

Response to Comment 032626.086

Language throughout the Revised Plan was revised to clarify the management and protection standards for rivers included in the wild and scenic river review. The protection afforded a river included in a review pursuant to Section 5(d)(1) of the Wild and Scenic Rivers Act depends on whether the identified river segment was determined eligible or non-eligible, suitable or non-suitable through the planning process.

River segments on Federal lands determined non-eligible or non-suitable will be managed as determined by the applicable underlying Minimal or Wilderness Management category prescribed in the Revised Plan and ROD (see Chapter 2, Sections 2.3.3 and 2.3.4 for descriptions of these management categories). Rivers determined suitable and rivers recommended for wild and scenic designation in the Revised Plan would be managed to the extent possible under existing legal authorities (e.g., NEPA, Clean Water Act, Endangered Species Act, and Archaeological Resources Protection Act) and underlying Minimal or Wilderness Management category to protect their free-flowing condition, water quality, wild classification, and any identified outstandingly remarkable values (ORVs) pending congressional action or for the duration of the Revised Plan. Congressionally designated rivers would be managed under the Wild River Management category (see Chapter 2, Section 2.3.5) and specific guidance developed in a CRMP. For wild rivers within designated Wilderness, the more restrictive provisions of the Wild and Scenic Rivers Act or the Wilderness Act would apply.

3.50.11 Wind River**Comment 136986.002**

Wild and Scenic Rivers, Wind River

Peggy Nelson

I am sorry to see that the Wind River is not mentioned. My canoe trip down that river was a highlight of my decades long engagement with wilderness and wild places. However, as it is part of a WSA, with wilderness consideration pending, perhaps the Wind will be preserved to the highest degree.

Response to Comment 136986.002

In 1980, Section 602 of ANILCA designated those segments of the Wind River in Arctic Refuge as a component of the National Wild and Scenic Rivers System. The Wind River is managed according to the Refuge's Wild River Management Category (see Chapter 2, Section 2.3.5).

3.51 TOPIC: Wilderness

Group X.1: Wilderness

Page 5-29 (near the bottom) The claim is made that in designated wilderness: “More invasive research methods would be limited or minimized.” The Final CCP should clearly affirm that invasive research methods are incompatible with Wilderness and will not be authorized.

Submitted By:

- Various Environmental Organizations, Nicole Whittington-Evans 032627.026
- Wilderness Watch, Fran Mauer 032628.017

Response to Group X.1: Wilderness

Invasive research methods are generally incompatible with designated Wilderness and will not be authorized unless they are found to be necessary to meet the purpose of the Wilderness Act. All research within designated Wilderness must meet this MRA standard.

Group X.2: Wilderness

Restoring wilderness character: Since 1980, when Wilderness was designated in the Refuge, public use has grown and concentrated along certain river corridors resulting in degraded wilderness conditions. The plan must include measures that restore the wilderness character to that which existed at the time of designation.

Submitted By:

- Wilderness Watch - Full 000017.001
- Wilderness Watch - Partial 000016.001

Response to Group X.2: Wilderness

A new objective, Restoration of Impacted Sites (Objective 2.7), was added to address the issue of cleaning up and restoring impacted sites within both designated Wilderness and Minimal Management areas. Additionally, the plan commits the Refuge to begin the visitor use and Wilderness stewardship plans as soon as this Revised Plan is implemented. A central focus of these plans will be to prevent future impacts.

3.51.1 Acceptable Uses / Activities (e.g., Leave-No-Trace)

Comment 136858.001
Unnamed 10

Wilderness, Acceptable Uses/Activities (e.g., LNT)

Re wilderness: Concerned that plans could change in the future (as in future restrictions for lands in wilderness designation).

Response to Comment 136858.001

Probable effects of each alternative, including wilderness recommendations, are described in the Environmental Consequences Section (5.). We do not anticipate any significant change in these effects during the 15- to 20-year life of this Plan. Any significant changes would require an amendment to the Plan, including public involvement. It should be noted that Wilderness designation primarily restricts agency actions while nearly all limitations on public use are based on refuge or state regulations and apply Refuge-wide.

3.51.2 Characteristics / Qualities**Comment 136817.009**

Wilderness, Characteristics/Qualities

**Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough**

ASRC and NSB continue to maintain that the area identified in the Draft Plan as the Coastal Plain WSA does not meet the Wilderness Act's minimum requirements for designation as wilderness, and is therefore not suitable for consideration for congressional designation as such. Section 2(c) of the Wilderness Act defines "wilderness" as follows:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

16 U.S.C. § 1131(c) (emphasis added).

Despite the Draft Plan's conclusion to the contrary, Draft Plan at 4-13, this definition does not describe the Coastal Plain. As the Draft Plan itself recognizes, "[t]he Iñupiat and Athabascan people of the region have used the lands and resources of the Refuge for many centuries." Draft Plan at 4-128. This long history of use and occupancy makes the area identified in the Draft Plan as the Coastal Plain WSA unsuitable for recommendation for wilderness designation.

Rather than relying upon the definition of wilderness as specifically set forth by Congress in the Wilderness Act, the USFWS wrongly redefines these wilderness criteria to have an overwhelming focus on that which is "modern." The Draft Plan describes wilderness as: (1) being "free from roads, structures, and other evidence of modern human occupation or improvements;" (2) "essentially unrestricted and free from modern human control or manipulation;" and (3) "substantially free from the effects of modern civilization." Draft Plan at 4-13 (emphasis added). Yet, the term "modern," of course, appears nowhere in the statutory definition of wilderness. Compared to the way of life enjoyed by most people in the lower-48 states, the way of life enjoyed by residents of Alaska's North Slope would not reflect what most people would consider modern. Nonetheless, it is our way of life. The fact that we live without certain modern conveniences and that we work and live in modest structures does not, as USFWS seems to believe, make the lands on which we live undeveloped, untrammelled, or natural.

The Village of Kaktovik, the only village within the 19.6 million acres of the ANWR's boundaries, is situated within the 1.5 million acres of the Coastal Plain. As noted above (and on page 4-6 of the Draft Plan), ASRC and KIC, the Native Corporation for the Village of Kaktovik, own more than 92,000 subsurface and surface acres, respectively, in the Coastal Plain. Kaktovik is the ancestral village center of the native Qaaktu?vigmiut (Kaktovikmiut) of the Arctic Coast of Alaska. These lands that these Iñupiat people have called home for

thousands of years extend from the continental divide in the Brooks Range to approximately 100 kilometers offshore in the Arctic Ocean, from the Sagavanirktok River on the west, well into present-day Canada on the east. For centuries, the Qaaktu?vigmiut have made their home along the coast, surviving off the resources of the waters and lands between the Arctic Ocean and the mountains to the south. Iñupiat are the only indigenous people of this land. For thousands of years, their culture was defined by their connection with this place and all of the bounty it provides. This close relationship with the land has sustained the Qaaktu?vigmiut people in this challenging Arctic environment for ages.

The area also has a military history that has had an effect on the lands. In 1947, the U.S. Air Force constructed a runway and hangar on the historic Kaktovik Village site. Soon thereafter, the runway was extended and the area served as the site for installation of a Distant Early Warning Line (DEW Line) radar station, named BAR Main. Two other intermediate DEW Line sites were built fifty miles east and west of the Kaktovik site. The eastern site was named BAR-A and is located near Demarcation Bay. The western site was named POW-D and is located near Brownlow Point. The three stations were among the earliest constructed in the DEW Line program. Their construction involved airstrips, fuel tank farms, landfills, housing and working quarters, primitive sewage disposal systems, radar antennas and the like. DEW Line construction logistics involved the use of tractor-conveyed skid-mounted trains (known as “Cat Trains”) which moved from site to site. The Cat Trains were used even in the summer months, before it was learned that it was easier and less damaging to travel over frozen ground and snow cover. The scars left by the Cat Trains along the North Slope coastline remain visible to this day; the Coastal Plain of ANWR is definitely NOT untrammeled. See Draft Plan at 4-136. Although the radar towers have since been removed, impacts on the lands remain.

The Coastal Plain is not appropriate for consideration for wilderness designation. “Man” has called the Coastal Plain home for thousands of years, and can hardly be considered a “visitor” there. And, the area is clearly not one without human habitation. Any suggestion to the contrary—to say that our homelands, where we have lived and that have sustained us for thousands of years, are absent of people, as if we do not exist—is, at best, mistaken and, at worst, insulting.

Response to Comment 136817.009

With the exception of the lands and waters in the vicinity of Kaktovik determined to be non-qualified and non-suitable, the entire Coastal Plain WSA meets the requirements for Wilderness designation, as they are described in the Wilderness Act and defined in the Service’s Wilderness Stewardship Policy. The criteria used to determine suitability were taken from these two sources and are described in Section H.2 (Inventory Phase). Descriptions of the four primary qualities of designated Wilderness, taken from the Wilderness Act, appropriately reference absence of modern artifacts of civilization as they can be disqualifying. Evidence of prehistoric use and occupancy referred to in the comment are not disqualifying and are usually considered to contribute historic and cultural value to the area’s Wilderness character. The Wilderness Act’s definition of Wilderness as “an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain” has caused some confusion. First, untrammeled does not mean an area has not had some human-caused impacts. Rather, as defined in the glossary (Appendix M), untrammeled is a landscape condition characterized by its freedom from the human intent to alter, control, or manipulate its components and ecological and evolutionary processes, and thus not subject to management interventions or manipulations. An untrammeled condition can persist in environments that have been altered or continue to be influenced by external factors (such as

climate change) as long as ecosystems are allowed to adapt and evolve as they will. Ecosystems of the Coastal Plain WSA found suitable for Wilderness designation essentially retain this condition. As the comment notes, there were some impacts such as those resulting from the use of cat trains decades ago. Wilderness as an area “where man himself is a visitor who does not remain” refers to permanent residences, for which there are none within the suitable area. Subsistence camps and activities of local residents are compatible with designated Wilderness.

Comment 136805.012
Sean Parnell, Governor
State of Alaska

Wilderness, Characteristics/Qualities

The draft Plan contains many broad all-encompassing statements that imply the Service will manage the entire refuge for opportunities typically identified with designated wilderness. In addition, certain portions of the draft Plan are written as if the Service expects the entire refuge will be recommended and designated as wilderness. The State has brought this issue to the Service’s attention multiple times and is concerned that the confusing and inflammatory language remains in the draft Plan. This pre-decisional intent violates NEPA.

For example, the following draft permit stipulation found in most all compatibility determinations (Appendix G) states:

The preeminent value of the Arctic Refuge lies in its wilderness character. The permit holder shall ensure that all employees and clients seek to minimize the effect of their activities on the wilderness character of the land, wildlife, and the unique experience available here.

And Goal Five on Page 1-24 states:

The Refuge provides a place for wildlife-dependent and wilderness-associated recreational activities that emphasize adventure, independence, self-reliance, exploration, and solitude while protecting the biological and physical environments. [Emphasis added]

First and foremost, the purposes of the Wilderness Act only apply to areas designated by Congress – they do not apply to an area that has been reviewed or recommended for wilderness designation. Furthermore, once designated, the purposes of the Wilderness Act are “within and supplemental to the purposes for which... units... of the wildlife refuge systems are established and administered.” (16 U.S.C. Section 1133(a)) Considering wilderness is not an explicit ANILCA purpose of the Refuge, we question how “wilderness character” – a specific term-of-art from the Wilderness Act – can be the “preeminent” value of the entire Refuge or how wilderness-associated recreation can rise to the same level as wildlife-dependent recreation, a statutory priority public use.

This philosophical rhetoric is unprecedented in any federal planning document we have seen to date. Including such language only serves to confuse the reader regarding legitimate Congressional direction and further polarizes the public on important issues, such as responsible resource development, allowed priority public uses of public land, and wilderness designation. The Service must ensure the final Plan appropriately delineates between congressionally designated wilderness and other areas that may contain wilderness values. Failing to do so violates the express admonishment in the Wilderness Act that “no Federal lands shall be designated as ‘wilderness areas’ except as provided for in this Act or by a subsequent Act” (16 U.S.C. § 1131(a)), and abrogates Congressional will as directed through the Refuge

Administration Act, as amended, ANILCA, and NEPA. Other examples are noted in the page-specific comments below; however, this should not be considered an exhaustive list.

Response to Comment 136805.012

Several changes have been made in the Revised Plan to clarify when the word wilderness specifically refers to congressionally designated Wilderness areas and when it generally refers to undesignated lands that possess qualities associated with the common meaning of wilderness, as defined in Webster’s dictionary: “an area essentially undisturbed by human activity together with its naturally occurring developed community of life.”

This Plan now uses the convention of capitalizing the word Wilderness when it refers to an area that was designated as part of the NWPS. The term is not capitalized when referring to those lands that possess qualities that are commonly associated with the concept of wilderness, but are not designated. The term wilderness, uncapitalized, is also used as an adjective describing the qualities referenced in ANILCA Section 101(b) (wilderness resource values) and Section 304(g) (wilderness value) that may be found in designated or non-designated lands. Plan Section 4.1.3.5 (Wilderness Qualities) has also been rewritten to help clarify this distinction.

Because the term “wilderness character” is prominent in the Wilderness Act, we now limit its use to discussions specific to designated Wilderness. Where the term had been previously used to generally describe the character or nature of non-developed lands that are also undeveloped, natural, untrammeled, and provide opportunities for solitude or primitive and unconfined recreation, it was replaced with “wilderness characteristics,” “wilderness qualities,” or “wilderness values.”

While this Plan recommends that additional lands be designated as Wilderness, based on suitability determinations, it was not written with the expectation that any lands will be so designated. We fully recognize that only Congress can designate Wilderness. Values, characteristics, and qualities of non-designated lands that are commonly associated with the wilderness concept will be managed under the auspices and in the context of this Plan and other authorities, and not the Wilderness Act.

Comment 136805.113

Wilderness, Characteristics/Qualities

**Sean Parnell, Governor
State of Alaska**

Page 4-14, § 4.1.3.5 Wilderness Values, Opportunities for Solitude or Primitive and Unconfined Recreation. It is unclear how the Refuge concluded “Wilderness solitude is a state of mind.” This is a prime example of subjective and effusive terminology, which is inappropriate in a planning document.

Response to Comment 136805.113

The definition of solitude in Chapter 4, Section 4.1.3.5 of the draft Plan was taken from the Service’s Wilderness Stewardship Policy, which drew upon the research literature on this subject. Solitude is a perceptual and experiential state, thus some degree of subjectivity is inevitable. As documented in the Arctic National Wildlife Refuge 2008 Visitor Study (Christensen and Christensen 2008), solitude is important to a majority of Refuge visitors. In response to your comment, this section was rewritten in the Revised Plan to remove reference to “a state of mind.”

Comment 136803.004

Wilderness, Characteristics/Qualities

**Lisa Murkowski, Senator, Alaska
US Senate**

Even absent these considerations of proper roles of the branches of government, the idea of Wilderness or WSR designation within the 1002 Area makes no sense given the area's characteristics. Section 2(c) of the Wilderness Act of 1954 stipulates that wilderness is "an area where the earth and community of life are untrammelled by man, where man himself is a visitor who does not remain."

Neither attribute applies to the 1002 Area. In terms of whether humans visit or remain, the CCP itself concedes that 9,978 acres plus an additional 29,160 acres are not suitable for Wilderness designation due to their continuing and foreseeable occupation by humans and motorized vehicles.⁴ Indeed, the 1002 Area is the permanent home of hundreds of permanent residents – not "visitors" but, in reality, Native Alaskans whose families have lived and subsisted on this land for many thousands of years. Furthermore, Chapter 2 of the CCP identifies a highly commercialized set of purposes for the Refuge generally, including commercial air transport services, commercial hunting, commercial audio and video recording, and scientific research (all presumably using modern instruments and technology from communication devices to computers and global positioning systems.) None of these activities qualify as "primitive recreation," even if the opportunity exists for it.

The common occurrence of motorized vehicles, boats, and aircraft within the 1002 Area, for either commercial, recreational, or subsistence purposes is entirely at odds with recommendation for Wilderness Designation. It should also be noted that the harvest of logs for house-building and non-subsistence fur trapping are, by definition, inconsistent with an area "untrammelled by man." Finally, it cannot be ignored that, according to FWS, "As a result of the 1984-85 seismic exploration, known as 2-D (two-dimensional) seismic, 1250 miles of trails - made by drill, vibrator and recording vehicles - crossed the coastal plain tundra. Additional trails were created by D-7 Caterpillar tractors that pulled ski-mounted trailer-trains between work camps."⁵ These seismic trails covered the entire 1002 Area, crossing every river multiple times and reaching into the nearshore tidal areas. This activity occurred in addition, of course, to the exploratory oil and gas drilling which Chevron conducted at the noted KIC-1 well – and the array of impacts and equipment that accompanies such activity. The land within the 1002 area is not, in any sense, "untrammelled by man." It is subject to thousands of years of permanent occupation by man and an increasing, not decreasing, exposure to modern technology.

Response to Comment 136803.004

With the exception of the lands and waters in the vicinity of Kaktovik determined to be non-qualified and non-suitable, the entire Coastal Plain WSA meets the requirements for Wilderness designation, as they are described in the Wilderness Act and defined in the Service's Wilderness Stewardship Policy. The criteria used to determine suitability were taken from these two sources and are described in Section H.2 (Inventory Phase). Descriptions of the four primary qualities of designated Wilderness, taken from the Wilderness Act, appropriately reference absence of modern artifacts of civilization, as they can be disqualifying. Evidence of prehistoric use and occupancy referred to in the comment are not disqualifying and are usually considered to contribute historic and cultural value to the area's Wilderness character. The Wilderness Act's definition of Wilderness as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain" has caused some

confusion. First, untrammeled does not mean an area has not had some human-caused impacts. Rather, as defined in the glossary (Appendix M), untrammeled is a landscape condition characterized by its freedom from the human intent to alter, control, or manipulate its components and ecological and evolutionary processes, and thus not subject to management interventions or manipulations. An untrammeled condition can persist in environments that have been altered or continue to be influenced by external factors (such as climate change) as long as ecosystems are allowed to adapt and evolve as they will.

Ecosystems of the Coastal Plain WSA found suitable for Wilderness designation essentially retain this condition. As the comment notes, there were some impacts such as those resulting from the 1984-1985 seismic exploration, but these are recovering and not disqualifying. The referenced KIC-1 well is on KIC land and thus not within the WSA.

Wilderness as an area “where man himself is a visitor who does not remain” refers to permanent residences, for which there are none within the suitable area. Subsistence camps and activities of local residents are compatible with designated Wilderness. ANILCA provides for the use of commercial air services in designated Wilderness areas in Alaska; commercial guiding and the instruments and technologies mentioned are also permissible in designated Wilderness.

Comment 032628.016
Fran Mauer, Alaska Chapter
Wilderness Watch

Wilderness, Characteristics/Qualities

Page 5-19 In discussion of effects of Alternative A, the text inappropriately claims that by allowing the quality of wilderness opportunities to degrade on the Kongakut (which is the current situation) that the “freedom and unconfined recreation... may balance the degradation.” The Draft CCP fails to indicate that the Service is legally bound to preserve wilderness character (Section 4(b) of the Wilderness Act) for such designated areas as the Kongakut. The Service does not have the freedom to “balance degradation” by allowing excessive levels of public use in Wilderness.

Response to Comment 032628.016

We agree with this comment and deleted the sentence suggesting that the described degradation may be balanced by freedom from management provisions that are needed to protect the river’s Wilderness character. Addressing Kongakut River issues will be an important part of both the Wilderness Stewardship and Visitor Use Management step-down plans, which have been elevated in priority and are now scheduled to begin as soon as this Plan is approved.

3.51.3 Effects of Alternatives

Comment 136805.021
Sean Parnell, Governor
State of Alaska

Wilderness, Effects of Alternatives

The draft Plan's analysis of the impacts of any wilderness designation is superficial, at best. Wilderness designations affect the fish and wildlife management tools and techniques available to the State in carrying out its trust responsibility with respect to these resources, yet the Plan fails to adequately analyze these impacts. Additionally, the economic impacts of a wilderness designation are addressed in a similarly fleeting, superficial manner. See, e.g., 5-93 "Wilderness designation could have a negative, long-term, local effect on economic development by restricting potential for oil and gas exploration and development in the 1002 area." The effect would not be limited to "local" interests. Preventing oil and gas development in the 1002 Area would have long-term consequences both statewide and nationally.

The analysis of potential oil and gas development activities is essential to any comprehensive planning effort for the Refuge, and should be included in an alternative in the CCP/EIS. Alaska is familiar with the duties and responsibilities of resource development that provides for effective protection of fish and wildlife resources, subsistence activities, water quality, and traditional access.

Response to Comment 136805.021

Effects of Wilderness designation on wildlife management are described in the Refuge Operations sections of the wilderness review. As stated, Wilderness designation would not affect the jurisdiction or responsibilities of the State with respect to wildlife, although actions would need to be consistent with maintaining wilderness character. For most activities, an MRA would be required. However, an MRA is normally completed quickly, and most wildlife management related activities would only require periodic updating of an initial programmatic MRA. It is the responsibility of the Refuge staff, although the appropriate State agency(s) would be involved where State interests may be affected. Refuge staff carefully considered the State's wildlife management activities on the Refuge, including fish and wildlife surveys, research, and law enforcement, and concluded that the effect of Wilderness designation on activities needed for appropriate wildlife management would be minimal.

Oil and gas potential of the 1002 Area is briefly but adequately summarized in sections 4.2.7-4.2.7.3. As stated in section 5.5.2 (Impacts to the Human Environment for Alternative C), Wilderness designation of the coastal plain could have major, long-term, regional or greater, and negative effect on economic development by restricting potential for oil and gas exploration, leasing, and development of the 1002 Area. Under Section 1002(h) of ANILCA, Congress required the DOI to submit a report on the oil and gas potential of the Refuge's coastal plain along with a baseline study of the area's fish, wildlife, and habitats. The report was submitted to Congress on June 1, 1987, and with that submittal, the statutory authority to permit exploratory activity on the Refuge's coastal plain expired. Congress made no provisions for any further reports or for any additional exploratory activities. The oil and gas resource estimates from the 1987 report have been periodically reviewed and updated by the BLM in 1991 (Banet 1991) and the USGS in 1998, 2001, and 2005 (USGS 2001, Attanasi 2005) in light of new technologies and scientific understanding of the seismic data obtained from 1983-1986. Section 1003 of ANILCA specifically prohibits oil and gas leasing, development, and production anywhere on Arctic Refuge. Until Congress takes action to change the provision of ANILCA 1003 or takes action on the 1002(h) report, the Service will not permit oil

and gas leasing in the Refuge under any of the alternatives in the Plan. When Congress makes a management decision, that action will be incorporated into the Plan and implemented.

Comment 136805.135

Wilderness, Effects of Alternatives

**Sean Parnell, Governor
State of Alaska**

Page 5-25, Mammal Populations and Diversity, Wilderness. We question the statement that wilderness designation “has a more permanent and stringent commitment to protect mammal populations and habitats.” The Service is mandated to maintain fish and wildlife in their natural diversity. This direction comes from ANILCA, not the Wilderness Act. We request the Service identify and specifically cite the basis for this statement in law or remove it from the analysis in this section and elsewhere in the Plan where similar statements are made.

Response to Comment 136805.135

In designated Wilderness, wildlife and habitats are components of Wilderness character and thus are afforded statutory protection that could only be changed by an act of Congress. Other administrative land categories are subject to change through future revisions, or sooner through a Plan amendment. Designated Wilderness and the other management categories are predicted on substantially different time scales. The Plan defines “long-term” as the life of the document (15-20 years), while the Wilderness Act speaks to “future generations” and “an enduring resource.” Thus, Wilderness represents a more permanent commitment to perpetuating the natural condition of habitats. As described in Section H.3 (Study [Suitability] Phase), designated Wilderness is generally managed to a higher standard than other lands. For example, in designated Wilderness, Service fieldwork adheres more stringently to minimum impact techniques, methods, and/or guidelines such as Leave No Trace principles, and the Refuge more closely scrutinizes commercial operations and their compliance with permit conditions.

Comment 136805.137

Wilderness, Effects of Alternatives

**Sean Parnell, Governor
State of Alaska**

Page 5-42, Public Health and Safety, Wilderness. In addition to emergency response, many factors contribute to overall public safety on a refuge; including using bear resistant food containers, providing the public shelter cabins and installing stream crossing infrastructure. Given the draft Plan’s overall hands-off management approach, these items would not likely occur in designated wilderness. We therefore question this over-simplistic analysis of the effects of a wilderness designation on public safety.

Response to Comment 136805.137

Wilderness designation would not impact public health and safety because aspects of public use management related to health and safety would be the same in both the Wilderness and Minimal Management categories. For example, construction of public shelter cabins and stream crossing infrastructure would not be undertaken in either category, and the Service highly encourages the use of bear-resistant food containers throughout the Refuge.



3.51.4 General

Comment 136805.146
Sean Parnell, Governor
State of Alaska

Wilderness, General

Page H-2. § H.1 Introduction. The wilderness reviews in the Refuge violates section 1326(b) of ANILCA. The Service acknowledges that “[t]he purpose of a wilderness review is to identify and recommend to Congress lands and waters of the National Wildlife Refuge System (NWRS) that merit inclusion in the National Wilderness Preservation System (NWPS).”

Response to Comment 136805.146

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” The review assists the Refuge in evaluating the efficacy of its management because the review process requires us to determine whether lands have wilderness values and whether they are qualified and suitable for inclusion in the NWPS. The review does not require us to recommend areas for Wilderness designation; rather, it requires us to follow a standardized process by which areas could be recommended.

Comment 136805.147
Sean Parnell, Governor
State of Alaska

Wilderness, General

Page H-2, § H.1 Introduction, first sentence. Service policy does not trump the statutory prohibition in ANILCA against further wilderness reviews in Alaska. Furthermore, 610 FW 4, section 4.2 states that “[w]ilderness reviews are not required for refuges in Alaska.”

Response to Comment 136805.147

By being part of the Revised Plan, the wilderness review does not violate ANILCA Section 1326(b). Preparation of the Revised Plan derives from the requirement in ANILCA that comprehensive conservation plans be prepared and periodically updated for each refuge. The Revised Plan is an update of the 1988 Plan, and it is a management plan for the entire Refuge. While it includes a wilderness review, the Revised Plan is not being completed for the purpose of establishing a conservation system unit. Rather, it is being completed as a statutory requirement of ANILCA Section 304(g)(1), and Section 304(g)(2)(B) requires the Plan revision include the “wilderness value of the refuge.” The review assists the Refuge in evaluating the efficacy of its management because the review process requires us to determine whether lands have wilderness values and whether they are qualified and suitable for inclusion in the NWPS. The review does not require us to recommend areas for Wilderness designation; rather, it requires us to follow a standardized process by which areas could be recommended. While the Service’s Wilderness Stewardship Policy (610 FW 4) does not require wilderness reviews for Alaska refuges, it does not prohibit such reviews. The Alaska Region was directed to conduct this wilderness review by a memorandum from the Service Director dated January 28, 2010.

Comment 032650.002
Scott Eickholt

Wilderness, General

I feel we should take the time to determine what should be forever protected and what should be appropriated for development. There may be rivers that have an obvious need to be designated Wild and Scenic, there may be areas that should be designated as Wilderness. Why are we rushing toward either of these if the impact is so low or maybe nonexistent in many cases? If there are only a few hundred people at best visiting a place with eight (8) million acres of land designated, is that enough to justify designating anything. We both can agree that if that were thousands or tens of thousands then sure, designation would be imminent.

Response to Comment 032650.002

The purpose of a comprehensive conservation plan is to look forward, involve the public in deciding upon a desired future condition for this unique refuge and to prescribe the provisions necessary to ensure that the desired condition is perpetuated. True, only about 1,500 visitors currently come to the Refuge each year. However, as many commenters have complained, the arctic environment is especially vulnerable to disturbance, and in several areas, inappropriate types or levels of public use have caused unacceptable impacts. But it should also be noted that a primary function of Wilderness designation is to prevent the managing agency from constructing roads, facilities, and developments or taking other actions that would diminish the area’s natural qualities. Although the Service is not currently considering any such actions, forward thinking, proactive Plan provisions provide the best assurance that the area’s desired qualities and use opportunities will be perpetuated.

3.51.5 Unacceptable Uses / Activities**Comment 136794.004**

Wilderness, Unacceptable Uses/Activities

Bill Iverson, President**Alaska Outdoor Council**

There is no Alternative in the current draft ANWR CCP/EIS for responsible outdoors people who recreate in the Refuge to comment on. There is no option for reducing current regulations found under Wilderness designation or Minimal Management that would allow for sanitation facilities to be constructed at high use landing sites. There are no Alternatives to enhance recreational opportunities in areas other than the Kongakut or Hulahula River drainages.

Response to Comment 136794.004

During an extensive public scoping process, the Service solicited comment on which environmental conditions, public use activities, and experience opportunities should be perpetuated or changed on Arctic Refuge. Over 90,000 public comments were received, and these were used in developing the Plan's range of alternatives. In response to the draft Revised Plan, over 600,000 citizens, some known to be responsible outdoors people, found an alternative to support or on which to comment. As noted, the possible need for primitive sanitation facilities at high use landing sites was not satisfactorily addressed in the draft. In response, Section 2.4.16 (Public Use Facilities) was revised to clarify that primitive sanitary facilities may be developed at heavily used access sites if necessary to prevent resource damage.

We believe the draft Plan's recreational provisions common to the action alternatives B, C, D, E, and F (see Chapter 2, Sections 2.1.5 and 2.4.15) will perpetuate or enhance recreational opportunities throughout the Refuge that are important to the visiting public.

3.51.6 Wilderness Review (includes Appendix H)**Comment 032629.002**

Wilderness Review (Appendix H)

David Moryc, Senior Director, River Protection Program**American Rivers**

American Rivers believes that the strongest protection for rivers and their riparian lands can be achieved through a combination of wild and scenic and wilderness designations[6]. Each of these management tools provides unique but complimentary protections. When applied together the more restrictive provisions will apply[7]. A wild and scenic designation provides the critical protection of a river's attributed ORVs, water quality and water quantity. The Wild and Scenic and Wilderness Acts provide complimentary but unique protections and overlapping designations in ANWR would provide the strongest protections for both the rivers and riverside landscapes.

Response to Comment 032629.002

As you state in your comment, the Wild and Scenic Rivers Act and the Wilderness Act provide complimentary but unique protections. Given that the management vision for Arctic Refuge is to maintain the ecological function and wilderness characteristics of the Refuge's lands and waters, in many cases, there may be no practical difference in management of the Refuge's wild rivers and designated Wilderness. However, in cases of conflict, the more restrictive provisions of the two Acts would apply. Overlapping designations in the Refuge would provide the strongest protections for both the rivers and wilderness landscapes.

Comment 032675.009

Wilderness Review (Appendix H)

**Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas**

There is an additional error in Appendix H Previous Wilderness Reviews (pg. H-32) that appears to be the basis for the misinterpretation of the applicability of ANILCA 1004 to the 1002 Area. The following statement is incorrect:

Consideration of the 1002 Area was deferred to a separate environmental study, as required by Section 1004 of ANILCA, resulting in a document known as the Coastal Plain Resource Assessment (Clough et.al. 1987)

The Coastal Plain Resource Assessment was not conducted under the requirements of Section 1004. It was prepared under the requirements of Section 1002 (h) and provided "the basis for the Secretary of the Interior's recommendations to the Congress concerning future management of the 1002 area." (Resource Assessment, pg. 4).

The Resource Assessment, (pg 201) also contains the following statement in response to public comments received on the draft report:

"Section 1002(h) does not require a wilderness review pursuant to the Wilderness Act. The public land order that established the Arctic National Wildlife Range recognized the wilderness values of the range, including the 1002 area. The congress recognized this again in 1980 when it passed ANILCA, as well as recognizing the possibility that large quantities of oil and gas may exist on the 1002 area. It excluded the coastal plain from the area within the Arctic Refuge that it did designate as wilderness, pending consideration of the 1002 area study and further congressional action. Nonetheless, this report/LEIS evaluates a wilderness alternative to comply with NEPA."

Response to Comment 032675.009

The incorrect reference to ANILCA Section 1004 was corrected. The remainder of the comment is noted. No response is necessary.

Comment 136749.001

Wilderness Review (Appendix H)

**Edward Rexford, Vice President
Kaktovik Tribal Council**

-----Preamble/Intro-----

Kaktovik Village had to endure another forced relocation to this present site. The other history of Kaktovik worth mentioning is the illegal -- in my eyes, the illegal creation of the Arctic Wildlife Range created without our consent was told by a Fairbanks woman's club but I don't know if that's true. The renaming of the Arctic Range to the Arctic National Wildlife Refuge continues this pattern without our consultation. Our traditional hunting grounds, now locked into the refuge system, and some are even designated as wilderness. This action permitted our traditional hunting lands in the mountains to be parceled out to the hunting guides for the purpose of sport hunting and to compete with our subsistence hunts.

-----Comment-----

Now we are facing the same dilemma with the Fish and Wildlife Service considering these areas to be classified as wilderness. These lands in the coastal plain are not wilderness and does not qualify this designation because our ancestors lived on these lands, hunted on these

lands, fished on these lands and fought battles to keep the lands to protect them for our future use and for their descendants.

There are many graves in our traditional lands and more are being found and some are eroding on the coast and have to be re-buried. So the idea of trying to make the 1002 area into a wilderness designation is another slap in our faces because we live here, our ancestors died here and this is not a place without people.

Our corporation lands are surrounded by the 1002 area and that would impede our peoples' God-given right to use our lands as we see fit and for the economic benefit we could achieve for our shareholders.

Response to Comment 136749.001

The area of the Coastal Plain WSA determined to be suitable for Wilderness designation meets all the criteria derived from the Wilderness Act (see H.2, Inventory Phase) and is thus qualified for designation. The suitable area excludes approximately 40,000 acres of lands and waters in the vicinity of Kaktovik. Past and contemporary subsistence occupancy and use of the suitable area have had minimal effect on its natural conditions and thus are not disqualifying. For many people, these uses contributed rich historical and cultural value to the area.

Comment 136805.015

Wilderness Review (Appendix H)

**Sean Parnell, Governor
State of Alaska**

While we maintain that the State's management authority for fish and wildlife is unaffected by any provision of the Wilderness Act or ANILCA, (see Section 1314 of ANILCA, which states that "nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands...") the on-the-ground effects may significantly hamper the State's ability to conduct management actions. The Service recognizes this fact. For example, pages 5-41 and 5-45 state, respectively, [A minimum requirements analysis] would be required on all new activities, and helicopter access would be more closely scrutinized and minimized. More invasive research methods would be limited or minimized. Additionally, wilderness areas are protected... to varying degrees... [from] helicopters and installations.

Administrative activities in wilderness must be found to be the minimum requirements for the administration of the area as wilderness... This is interpreted to include collection of data required for conservation of fish, wildlife, and habitats in the designated area. Wilderness designation would preclude some technologies and installations... that may not have direct applicability to management of the wilderness area itself.

The State maintains its objection to wilderness reviews and any subsequent recommendations, in part because additional wilderness designations would significantly and negatively affect the Department of Fish and Game's ability to fulfill its constitutional mandates regarding fish and wildlife conservation and management.

Response to Comment 136805.015

In examining the potential positive and negative effects of Wilderness designation, the Service carefully considered effects upon the wildlife conservation and management programs conducted by both the Service and the ADFG. While, as noted, Wilderness would limit some actions, techniques, and installations, it would not preclude them if they are necessary to protect

Wilderness character. Fish and wildlife are important components of Wilderness character and, within the provisions of this Plan's guidelines, goals, and objectives, actions and data collection needed to conserve them will be provided for, both in and outside of designated Wilderness.

Comment 136805.148
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

Page H-5 through H-12, § H.2 Inventory Phase. The wilderness characteristic inventories lack details and specificity regarding the attributes of each WSA that meet the Wilderness Act criteria. The inventories consist of generalities and conclusory statements concerning the geographic and biological characteristics of the areas, but lack specific data and examples. For example, the statement on page H-11 states "This WSA is the most biologically productive part of the Refuge." Additionally, nothing in the inventories demonstrates that, given the existence of extensive lands set aside for wilderness and other preservation purposes in Alaska, the WSAs identified are unique.

Response to Comment 136805.148

The wilderness inventories are not detailed because their only purpose is to determine whether the potential WSA meets the minimum criteria for Wilderness as described in the Wilderness Act and defined in the Service's Wilderness Stewardship Policy (610 FW 4, 4.4). These criteria relate to the subject area's size, natural condition, and opportunities for solitude or primitive recreation. Sufficient evidence was provided to show that each WSA meets and exceeds the minimum criteria. The statement regarding the Coastal Plain WSA being the most biologically productive part of the Refuge contains an element of subjectivity and was revised.

Comment 136805.151
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

Page H-16, § H.3.1.1; and Page H-21, § H.3.2.1 Achieving Refuge Purposes. The "Achieving Refuge Purposes" section is seriously flawed as the Western Brooks Range and the Porcupine Plateau areas were not part of the original Range and the original Range purposes do not apply; yet they have been evaluated for consistency with the original Range purposes of wildlife, wilderness, and recreational values.

Response to Comment 136805.151

The comment is correct. The purposes of preserving the unique wildlife, wilderness, and recreation values of the original Arctic Range do not apply to the Brooks Range and Porcupine Plateau WSA. However, they do apply to the Coastal Plain WSA since this area was part of the Arctic Range, and ANILCA specifies that wildlife conservation is a purpose of the entire Arctic Refuge. Sections H.3.1.1 and H.3.2.1 have been revised to delete references to preserving wilderness and recreation values as purposes of the Brooks Range and Porcupine Plateau WSAs.

Comment 136805.152
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

Page H-18, § H.3.1.2; Page H-23, § H.3.2.2; and Page H-28, § H.3.3.2 Achieving the Refuge System Mission. We question the Plan's assumption that wilderness designations would help achieve the Refuge System mission as it is based on the idea that the Arctic Refuge has a special, "distinctive role in the Refuge System," which has been arbitrarily assigned and, as such, is not the express will of Congress.

Response to Comment 136805.152

Considering Arctic Refuge's special values (Section 1.5), including the high degree of its natural conditions, wild character, and ecological wholeness described in many sections of this Plan, we believe the Refuge serves a distinctive role within the National Wildlife Refuge System. Nothing in the Arctic Range's establishing order or in ANILCA suggests that this recognition is at variance with congressional intent.

Comment 136805.153
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

Page H-29, § H.3.3.6 Evaluation of Manageability for the Coastal Plain Wilderness Study Area. In the second paragraph the USFWS states that it owns 94 percent of the Coastal Plain WSA. We recommend instead stating the Service "manages" these lands.

The above comment also applies to the following pages and sections in the draft Plan: Page H-20, beginning of the second paragraph, under the H.3.1.6 heading: "The Service owns over 98 percent of the Brooks Range WSA." Page H-24, beginning of the last paragraph: "The Service owns over 99 percent of the Porcupine Plateau WSA." Page Suit-28, last sentence of the third paragraph: "...the Service owns all lands including submerged lands, within the boundary of PLO 2214." Page Suit-43, fourth paragraph: "Service management and ownership exceptions apply to the 16 native allotments..." Page Suit-51, second to last sentence of the last paragraph: "...the Service owns the lands and submerged lands along the remaining 91.2 river miles." Page Suit-59, last sentence of the fifth paragraph: "...the Service owns the lands and submerged lands along the remaining 74.8 river miles." Page Suit-75, second to last sentence of the third paragraph: "...the Service owns the lands and submerged lands along the remaining 66.2 river miles." Page Suit-83, second sentence of the last paragraph: "Title to the submerged lands beneath Neruokpuk Lake is complex and is apportioned between the Service and three patented allotments."

Response to Comment 136805.153

The language regarding ownership was rewritten to indicate that Refuge lands and waters are owned by the United States and managed by the Service.

Comment 136805.155
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

Page H-32, § H.5 Appendix: Previous Wilderness Reviews. The Coastal Plain Resource Assessment of 1987 was required by Section 1002(h) of ANILCA, and not Section 1004 as it is stated in the third paragraph of this section. Section 1004's wilderness review requirement only applies to those lands described in Section 1001. See general comment.

Response to Comment 136805.155

The comment is correct. Appropriate corrections were made to Appendix H.

Comment 136805.149
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

-----Preamble/Intro-----

Page H-5 through H-12, § H.2 Inventory Phase.

-----Comment-----

The inventory identifies, but fails to evaluate, the impact that future activities on major inholdings by ANCSA regional corporations may have on the wilderness characteristics of the area. For example, see page H-6 where two Doyon Limited inholdings, containing 81,120 acres of conveyed land and 4,103 acres of selected land are identified without further evaluation.

Response to Comment 136805.149

Service policy on conducting wilderness reviews specifies that we do not normally consider human impacts outside the area being inventoried when assessing the area's naturalness. The policy further states that areas are not disqualified from eligibility for Wilderness designation solely on the basis of the "sights and sounds" of civilization located outside the area (610FW 4.9 (E)). In discussions with Doyon Limited regarding these inholdings, the corporation has not indicated any plans for their development. Nevertheless, it is impossible to evaluate possible impacts from potential future activities on private lands.

Comment 136805.150
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

-----Preamble/Intro-----

Page H-5 through H-12, § H.2 Inventory Phase.

-----Comment-----

Section H.2 states "The Wilderness Act specifies that a wilderness may also contain ecological, geological, or other...value. While the qualification of a WSA does not depend on the existence of such supplemental values, their presence is considered in deciding whether or not a qualified WSA should be recommended for wilderness designation." ANILCA Section 304(g)(2)(B) also requires the Refuge to identify and describe special values. This would include the Refuge's natural subsurface oil and gas resource values, which were not evaluated in any phase of this review.

Response to Comment 136805.150

Potential oil and gas resources underlying the 1002 Area are not listed as among the Refuge as Special Values because they have no basis in the Refuge purposes or the Refuge System mission; the Service has no authority over their disposition; their disposition is not related to the purpose and need for a Revised Plan; and Section 1003 of ANILCA prohibits oil and gas leasing, development, and production anywhere on the Refuge until Congress takes action to change this provision.

Comment 136805.154
Sean Parnell, Governor
State of Alaska

Wilderness Review (Appendix H)

-----Preamble/Intro-----

Page H-29, § H.3.3.6 Evaluation of Manageability for the Coastal Plain Wilderness Study Area.

-----Comment-----

The third paragraph states that there are "...no known external threats that would affect the area's manageability as wilderness..." On the contrary, there are currently three Congressional bills pending which would allow oil and gas exploration and development to occur within the 1002 area of the Refuge coastal plain, rendering that area incompatible with a wilderness management regime.

Response to Comment 136805.154

In the context of the paragraph in which it occurs, "external threats" refers to activities or developments that occur or may occur on lands bordering the Refuge. Should Congress allow oil and gas development within the unit that would constitute an internal threat to its wilderness characteristics. Wilderness reviews are based on each WSA's current conditions and land status.

Comment 136803.001
Lisa Murkowski, Senator, Alaska
US Senate

Wilderness Review (Appendix H)

1. There is neither need nor justification for additional designations of Wilderness or WSRs in Alaska. Eight million of the 19 million acres in the Arctic Refuge are already designated Wilderness. In addition, three rivers (Sheenjek, Wind, and Ivishak) are already designated Wild and Scenic Rivers and two areas of the refuge are designated Research Natural Areas. According to the FWS, as many as 1,500 persons might visit ANWR in an average year. They visit both wilderness and non-wilderness portions, including the Brooks Range, Kaktovik, Saderlochit, and other areas of the Coastal Plain. For purposes of ANWR Wilderness areas alone, this equates to over 5,000 acres for each yearly visitor. The designation of another 1.5 million acres of Wilderness, for instance, would simply equate to 6,000 acres to each yearly visitor. This would not result in any measurable difference in visitor experience; indeed absent information of the varied legal designation the experience would be indistinguishable. There is no demonstration or evidence that the existing acreage of designated wilderness in the Arctic is somehow failing to provide sufficient levels of opportunity for solitude, primitive and unconfined type of recreation, or challenge. The opposite is true since, according to FWS, overall commercial visitorship has declined substantially from 2005 through 2009 (the last year of data), from 1128 to 852 – an approximate 25% decrease. 1 For purposes of WSR interests,

the decline is even more significant, with “river floaters” decreasing every single year from 2005 through 2009, from 522 users to 310 – nearly a 40% decrease.² These trends have emerged notwithstanding a growing population and the undeniable prominence of both Wilderness values in general and ANWR itself in media and education – especially subsequent to highly visible debates over ANWR in the US Congress in 2005. No genuine need, justification, or demand exists for additional Wilderness or WSR units in or around ANWR.

Response to Comment 136803.001

Recreation is only one purpose of Wilderness and reason for its support. In this and previous public involvement processes, many citizens have expressed support for Wilderness for reasons unrelated to visitation. Many believe that the range of the Refuge’s special values (Section 1.5) would and should be better or more permanently protected by Wilderness status. Refuge visitors dependent on commercial service providers have decreased in number since 2005, though unrecorded independent visitation is believed to be substantial and increasing. These trends imply that the overall amount of visitation was notably higher than, and increasing in contrast to, the total known amount of visitation. Upon approval of the Revised Plan, Refuge staff will revise its Public use Summary Report to include visitor use data from 2010 to 2012 and evaluate national and State trends in outdoor recreation that may influence Refuge visitation. We believe that sufficient justification for additional designated Wilderness or wild and scenic river units in the Refuge was provided, although we recognize that some will disagree with our conclusions. However, as the voluminous public response to the Plan’s scoping and draft review processes indicate, public demand exists for such additions.

Comment 032628.001

Wilderness Review (Appendix H)

**Fran Mauer, Alaska Chapter
Wilderness Watch**

We urge that the Final CCP include a recommendation that all of the non-designated lands of the Arctic Refuge that were found to be suitable in the Wilderness Review, be designated as Wilderness.

Response to Comment 032628.001

Alternative E of the draft Revised Plan includes a recommendation that all suitable non-designated Refuge lands be designated as Wilderness. This is one of the alternatives the U.S. Fish and Wildlife Service regional director will consider in making a final decision.

Comment 032676.001

Wilderness Review (Appendix H)

Mike Matz

Issue I-Should one or more areas of the Arctic Refuge be recommended for Wilderness designations?

The maximum amount of acreage found to be eligible for wilderness designation should be recommended in the final plan to Congress, consistent with one overriding consideration, and that preeminent consideration is that the Coastal Plain WSA absolutely must be recommended for inclusion in the National Wilderness Preservation System, based on the analysis in the inventory and the scientific finding in the draft plan and its Appendix H that the Coastal Plain WSA “is the most biologically productive part of the Refuge and contains important habitats for a great diversity and abundance of life.” [Appendix H, Section 2.3] With

this finding, the U.S. Fish and Wildlife Service is finally rendering the proper factual case that the highest and best use of the coastal plain is to leave it as it is.

Response to Comment 032676.001

Comment noted.

Comment 032626.063

Wilderness Review (Appendix H)

Greg Warren

V2, H Interim Management Prescriptions: I was expecting to see interim management prescriptions for Suitable WSAs as is found for Suitable rivers. I recommend including WSA prescriptions in the final CCP assuming that the guidance will parallel the existing Wilderness direction.

Response to Comment 032626.063

WSAs in Alaska are managed according to the provisions of the refuge's current Comprehensive Conservation Plan. For Arctic Refuge, this means that the three WSAs will be managed as Minimal Management areas (see Chapter 2, Section 2.3.3, Minimal Management).

Comment 032626.064

Wilderness Review (Appendix H)

Greg Warren

V2, H-8, H.2.2.1 Wilderness Criteria: Suggest that the Refuge remove the tractor-trailers and other nonconforming debris regardless of the alternative selected.

Response to Comment 032626.064

We agree. However, the logistical and funding challenges of removing the heavy equipment from such an extremely remote location remain. The Refuge has closely examined this problem and will continue to explore options for removal, including military assistance with a high-lift helicopter. However, unless that option becomes available, it is not likely that the Refuge will find funding for removal in the foreseeable future.

3.52 TOPIC: Wildlife

Group Y.1: Wildlife

The Draft CCP appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game, but it fails to acknowledge that some State goals for managing wildlife such as predator control and “intensive management” would conflict with the Arctic Refuge’s purposes for maintaining wildlife populations in their natural diversity. The Final CCP must clearly indicate that when in conflict with state goals, wilderness values and Refuge purposes must prevail. In such cases, the FWS must exercise its responsibility to preempt the state fish and game department and its Boards of Game and Fish. Also, the Final CCP must assure that the primary Refuge purpose to conserve natural diversity must not be compromised by decisions to authorize predator control or habitat manipulation to increase game species for hunting. To ensure clarity to and to dissuade any attempts by the State of Alaska to pursue IM programs on Refuge lands, the Final CCP should explicitly preclude artificial manipulation or intensive management of wildlife populations to enhance game populations for human harvest and the use of predator control for this purpose should be prohibited in any form.

Submitted By:

- Arctic Audubon, Gail Mayo 136980.003
- Care2 000025.001
- Defenders of Wildlife, Julie Kates 136796.001, 136796.002
- Defenders of Wildlife - Email 231554.001
- Defenders of Wildlife - Spreadsheet 000013.001
- Friends of Alaska National Wildlife Refuges, David Raskin 000077.002
- Friends of Alaska Wildlife Refuges 000002.001
- Republicans for Environmental Protection, David E. Jenkins 136795.003
- Various Environmental Organizations, Nicole Whittington-Evans 032627.037
- Wilderness Watch, Fran Mauer 032628.027
- Wilderness Watch - Full 000017.004
- Wilderness Watch - Partial 000016.004
- Bob Brister 136921.001
- Nancy Dawley 136961.001
- Susan Feingold 136967.001
- Vivia Finlay 136928.001
- Peter Fontaine 032637.002
- Tim Hogan 136793.001
- Frank Keim 009544.001
- Frank & Jennifer Keim 032622.001
- Andrew Keller 009545.001
- Andrew M. Keller 136797.001
- Don Kiely 136974.003
- Suzanne Kuffler 136976.004
- Reynard Loki 136933.001
- John Lyle 009556.005, 032653.004
- Karen Malley 136935.001
- Tricia Mattiello 136936.001
- Jerry McDonnell 137007.001
- John Moore 136984.003
- Susan Morgan 136985.002, 136985.003

- Allen Smith 136813.004
- Marissa Weber 221418.001
- Christine Baker 259083.001
- Tom Campion 259080.001
- Sharon Baur 032610.001
- AKNWR Friends 032611.001

Response to Group Y.1: Wildlife

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. For example, should the State propose a predator management program on the Refuge that did not conform to the Refuge’s purposes, goals, objectives, or management policies and guidelines, the Service would find it not compatible and would not authorize the program on the Refuge. Before authorizing a predator management program on the Refuge, the need would have to meet the management emergency criterion spelled out in Chapter 2, Section 2.4.2. The Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge’s mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge’s purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Group Y.2: Wildlife

I had reviewed the report and I'm most interested on the result of my comment on predator control, mainly wolf.-upon reviewing I find that the majority of public testimony was strongly object to State of Alaska practice of predator control of wolves and bear.-And I wholeheartedly agree with that position.

In my testimony I stated out a alternative method could be utilized. Which is local community input. Because at some point future Wildlife Refuge Dept will need to look or study the method of how these predator control can be implement in such a way local residents could be utilized to minimized the threat of wolves/bear to caribou herd.

Local trappers and elders Knowledge can be better use in the activity.

As being Arctic village resident I have seen and report of wolves follow with caribou herd both summer and winter feeding area.

Our hunters spots 20-40 wolves during winter hunting and around the village.-this number will increase in future years so I recommend Refuge manager to propose stand alone issue to deal with it, through public hearing or comment.

Submitted By:

- Unnamed 21 136871.001
- Unnamed 38 136889.001
- Unnamed 39 136890.001
- Unnamed 40 136892.001
- James Gideon 032661.003
- Gideon James 136906.001, 136906.003

Response to Group Y.2: Wildlife

Predator control programs would be authorized only if the situation meets the management emergency criterion spelled out in Chapter 2, Section 2.4.2 (Human Safety and Management Emergencies). In that case, the Refuge would follow the process outlined in evaluating a proposal, including a NEPA analysis, a Refuge compatibility determination, an MRA (if proposed in designated Wilderness), and an ANILCA Section 810 subsistence evaluation. Local residents would have opportunities for meaningful involvement in the process of determining if predator control programs could be allowed, and if so, how the program would be implemented. Current State and Federal regulations provide for local and other trappers to take an unlimited number of wolves during open seasons.

Group Y.3: Wildlife

While I appreciate the Refuge biologists' views that all hunting could have an effect on the population structure and genetic diversity of animal populations on the Refuge, concerns remain that trophy hunting is likely to be having a deleterious impact and should be addressed in the current draft Plan/EIS. Research, inventory, and monitoring are essential, but as a precautionary step it is important to mitigate potentially harmful impacts in the meantime. Again, when in conflict with goals of the Alaskan Department of Fish and Game, Refuge purposes should prevail and FWS must use its authority to preempt ADFG.

Submitted By:

- Lolly Andrews 136919.002
- Tim Hogan 136793.002

Response to Group Y.3: Wildlife

Assessments of the effects of hunting on the demographics and genetics of wildlife populations are inconsistent in the scientific literature. Based on literature review, we believe that additional and more definitive studies need to be done. We know little about the specific effects of hunting on Refuge wildlife populations. Arctic Refuge is a vast remote area, making acquisition of such information difficult. Wildlife populations here live in large wilderness environments, suggesting that hunting pressure is relatively light in most regions of the Refuge, although certain populations such as Dall's Sheep and moose in certain drainages do experience greater pressure. Our lack of knowledge indicates that the effects of hunting on wildlife species should be investigated further. Monitoring species status and trends is a priority for the Refuge, and specific work investigating potential causes of population declines and other population-level changes will be appropriately described through the Refuge's I&M and Research step-down plans.

3.52.1 Hunting**Comment 136795.004**

Wildlife, Hunting

**David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection**

REP also believes that big game/trophy hunting for sport (as opposed to subsistence), which typically involves commercial services, is inconsistent with the Refuge purpose and the management goals stated in the CCP. Any hunting allowed in the Refuge should be carefully monitored and undertaken to the highest standard of sportsmanship. Fair-chase principles must be required and the spotting of game from airplanes should be prohibited,

Response to Comment 136795.004

The National Wildlife Refuge System Improvement Act of 1997, the law that governs national wildlife refuges, states that the six "priority general public uses of the Refuge System" are (this is the order as designated in the law) hunting, fishing, wildlife observation, photography, environmental education and interpretation. Following the requirements of this law, hunting is allowed and promoted on many national wildlife refuges across the U.S., including all Refuges in Alaska.

Commercial hunting guides apply for an Arctic Refuge permit through a competitive application process. Each guide's proposed operations plan is evaluated for the level to which it demonstrates fair-chase principles and respect for the natural environment, as examples. Hunting guide operations are closely monitored through regular compliance checks.

There are two types of regulations that apply to hunting in the state of Alaska: 1) the general hunting regulations, which apply to all residents, non-residents and non-resident aliens; and 2) the Federal subsistence hunting regulations, which apply to federally-qualified rural residents who hunt on Federal lands. These two sets of regulations provide a legal framework for managing the harvest of Alaska's wildlife.

The Federal Airborne Hunting Act prohibits using an aircraft to harass wildlife. Scouting for game should be conducted at an altitude that does not result in the harassment of wildlife. Increasing the amount of enforcement patrols will help address potential issues. As stated in the objectives, the Refuge has committed to strengthening and unifying its law enforcement efforts on Refuge lands and waters. The Refuge will promote conservation stewardship by increasing its presence on the Refuge and through partnering with other Federal and State

law enforcement authorities in the area. Specific arrangements for how patrols will occur on the Refuge will depend on the number of available officers and aircraft, and the level of visitation. Currently, Refuge law enforcement officers work closely with the State Troopers to coordinate law enforcement efforts. This helps improve resource protections and reduces the possibility of repeat coverage.

Comment 136822.008
Wade Willis
Science Now Project

Wildlife, Hunting

The USFWS has not published any data regarding the potential concentrated harvest rates of wildlife in high access drainages, denning areas, feeding sites or migration corridors.

Response to Comment 136822.008

The Service chose to publish data at the game management sub-unit level because, in general, hunting regulations and game management decisions are made at this level.

Comment 136729.001
Unnamed 67

Wildlife, Hunting

Could possibly use Red Sheep Creek exclusive hunting area model and apply it to Kaktovik.

Response to Comment 136729.001

The Arctic Village Sheep Management Area, which includes Red Sheep Creek, already applies to Kaktovik. Sheep hunting in the Arctic Village Sheep Management Area is restricted to local rural residents from Arctic Village, Venetie, Fort Yukon, Chalkyitsik, and Kaktovik by Federal Subsistence regulations approved by the Federal Subsistence Board. The Arctic Village Sheep Management Area was established through the Federal proposal process, which is open to any person or group to submit recommended changes. Information on how to submit proposals is found in the Federal Regulation booklet or on the Office of Subsistence Management website. The Arctic Village Sheep Management Area was established in response to social concerns of federally qualified users to continue subsistence use under ANILCA Section 815(3) criteria and to facilitate better harvest reporting for the area by the local residents. It was not in response to any biological concerns about the status and trends in sheep population. A similar course of action could be proposed for other areas around Kaktovik by following the proposal process outlined by the board. Passage of restrictions on general hunting would require extensive public involvement and support for such an action and a clear demonstration that the subsistence opportunity for federally qualified users was being impacted and subsistence needs were not being met.

Comment 136731.001
Unnamed 69

Wildlife, Hunting

The local people already have their own game management system in place (such as knowing not to kill all the caribou in a group?) and non-local people who come to the village need to learn and know about that management system so their hunting doesn't conflict with the hunting practices of the local people

Response to Comment 136731.001

Each year the ADFG trains volunteer instructors to provide quality training and education to thousands of Alaskans, teaching them basic hunter education. Common themes taught are hunter responsibility, ethics, wildlife conservation, and safe handling of firearms and use of archery equipment. These courses are usually done in cities or rural communities with larger populations and seldom reach small rural villages. It would be good to have village instructors involved in this training and to include local traditional practices into the basic hunter education curriculum. For our local villages, we could incorporate educational information in posters and brochures and post them on our public kiosks (bulletin boards) at our commonly accessed airports such as in Arctic Village and Kaktovik. We can also ask our commercial service providers (e.g., commercial air operators and hunting guides) to provide the information to their nonlocal clients. Most hunters strive to be ethical and responsible hunters and would respect local traditions and practices if they were aware of them.

Comment 136900.001
Unnamed 9

Wildlife, Hunting

What if Red Sheep Creek was closed – would it reduce hunters?

Response to Comment 136900.001

Action taken by the Federal Subsistence Board in January 2012 did close Red Sheep Creek and Cane Creek to the taking of sheep except by rural residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik. Red Sheep Creek and Cane Creek are part of the Arctic Village Sheep Management Area, which was established by the Federal Subsistence Board in 1995 and limits sheep hunting to federally qualified subsistence hunters of Arctic Village, Venetie, Fort Yukon, Chalkyitsik, and Kaktovik. This closure will reduce the number of sheep hunters in Red Sheep Creek and Cane Creek. However, it's likely that the overall number of hunters on Arctic Refuge will not decrease; instead, they will choose to hunt elsewhere on the Refuge.

Comment 136921.004
Bob Brister

Wildlife, Hunting

Hunting should be banned from ANWR.

Response to Comment 136921.004

The National Wildlife Refuge System Improvement Act of 1997, the law that governs national wildlife refuges, states that the six "priority general public uses of the Refuge System" are (this is the order as designated in the law) hunting, fishing, wildlife observation, photography, environmental education, and interpretation. Following the requirements of this law, hunting is allowed and promoted on many national wildlife refuges across the U.S., including all Refuges in Alaska.

Comment 136807.006
Duane Howe

Wildlife, Hunting

-----Preamble/Intro-----

Following are my comments of the Arctic National Wildlife Refuge CCP:

-----Comment-----

17 Trophy hunting of Dall Sheep should be limited only to rams designated by biologists.

Response to Comment 136807.006

The State of Alaska manages the general harvest of game populations on Arctic Refuge. Under the State's regulations for Arctic Refuge lands, the legal harvest of Dall's sheep is limited to animals with a full curl horn or larger. These regulations were developed with the input of biologists.

Comment 032626.032
Greg Warren

Wildlife, Hunting

V1, 4-119, 4.3.7.4 Mammal-Related Management Issues: This section reads as if the Arctic Refuge was established for the purposes of increasing the abundance of certain game populations for human consumption. This discussion reinforces my belief that wildlife population management is an issue that needs to be addressed in the revised CCP. Establish in the CCP the direction to develop Population Management Plans for all of the principal hunted species.

Response to Comment 032626.032

Arctic Refuge staff does not intend to increase the abundance of mammal populations for the "benefit of human consumption" but will allow ecological processes to continue (see Chapter 2, Goal 1). Refuge staff currently is responsible for managing Federal subsistence hunts for large ungulates on Arctic Refuge. Accurate information about hunted populations is needed in order to make appropriate recommendations to the Federal Subsistence Board who, in turn, generates hunting regulations. To accomplish this, the staff will be finalizing I&M and Research plans that will outline the direction of cooperative biological work on Arctic Refuge in the future (see Chapter 2, Objectives 1.2 and 1.3).

3.52.2 Hunting Effects**Comment 032644.001**

Wildlife, Hunting Effects

Wade Willis**Science Now Project**

Issue: The Step Down Planning Process Proposed in Section 6.3.6 Does Not Meet Federal NEPA Compliance Mandates Regarding Commercial Guided Sport Hunting Activities in the Refuge.

Trophy hunting is authorized in part within the Arctic Refuge under the Alaska National Interest Lands Conservation Act (ANILCA Section 1314). Yet, ANILCA does not mandate how the USFWS should implement that activity in the Arctic Refuge. This is a policy decision. And effective long term policy has long been recognized to require the public to be engaged in a meaningful and transparent fashion; hence the term Public Policy and the Congressional intent found in NEPA to ensure that Arctic Refuge management decisions are made in a transparent fashion, incorporate the concerns and preferences of the public, and result in best management decision for protecting the long term best interests of the citizens of America.

The Arctic Refuge does not have the legal authority of continuing to authorize a commercial activity that may significantly affect the quality of the human environment with no current or historical NEPA compliance review while simultaneously, by administrative decision, determining that the very activity of commercial trophy hunting presents such a high potential for significant impact to the management mandates of the refuge that the activity must be restricted which resulted in US citizens being denied access to the refuge.[1] The administrative decisions that have already been made restrict transparency and inappropriately avoid Sec. 102 (C) [42 USC § 4332] of NEPA.

Congress specifically adopted the National Environmental Policy Act to avoid this type of closed door, non transparent, decision making process.

Recommendation:

Include a thorough NEPA impact assessment of historic, current, and proposed commercially guided sport hunting harvest “opportunity” in the refuge as a component of the Arctic Refuges CCP revision’s environmental impact statement (EIS).

Fully analyze the potential for significant negative impact occurring from the for profit consumptive take of wildlife, identify alternatives to mitigating identified potential negative impacts to refuge management mandates, and fairly and equitably distribute mitigation efforts among all user groups contributing to the identified problem.

Response to Comment 032644.001

In 1992, after soliciting public comments on a draft policy, the Service established a regional policy and formal process in which big-game guides were competitively selected to operate on Refuge lands. An environmental assessment was complete with the original guide allocation and a compatibility determination done, which found guided hunting to be compatible with Refuge purposes. This system was later codified in 50 CFR 36.41. The draft regulations were published in the Federal Register on November 1, 1996, for a 60-day public review period. Public meetings were held in Anchorage and Fairbanks, Alaska, during the period of public review of the draft regulations. The competitive application process used to select big-game hunting guides on Arctic Refuge is what defines the available number of guided hunting opportunities. A future step-down plan will not inform or modify this number. We do not agree

with several of the comments regarding the Service's big-game commercial guide policy and program and encourage readers to review the policy in the CFR for details of the program. New permits will be in place on Arctic Refuge beginning with the 2014 season.

Comment 032644.008
Wade Willis
Science Now Project

Wildlife, Hunting Effects

Commercial guided sport hunting harvest parameters are biased in comparison to non guided harvest parameters.

Guided sport hunters exploit a higher percentage of male bears and a higher percentage of the largest brown bears and Dall sheep in a given population (ADF&G Published Data). Analysis of this bias in relationship to future management decisions should be considered.

In addition, success rates for guided hunters are much higher than non guided hunters.

Response to Comment 032644.008

It is not surprising that guided hunters could have higher success rates. However, hunting guides are limited to the number of clients they propose in their guiding prospectus, which they submit through the Service's guided hunting program. The Refuge manager selects a maximum of one guide in each of 16 exclusive Guide Use Areas based in part on how their proposed operations, including number of clients, support Refuge purposes. Maximum client numbers do not change during the 10-year period after a guide is selected unless the guide surrenders the permit or loses the area for failing to meet conditions of the permit. Because guided hunting permits are competitively awarded, hunting guides are the most regulated, restricted, and monitored user group on Arctic Refuge. Hunting guides are the only user group that is restricted to a maximum number of clients.

Comment 032644.004
Wade Willis
Science Now Project

Wildlife, Hunting Effects

-----Preamble/Intro-----

Potential for Significant Negative Impact

1. Currently, neither the State of Alaska, via the Board of Game, nor the Arctic Refuge sets a limit on the total number of residents that can obtain a state issued brown bear or Dall sheep harvest ticket for lands managed by the Arctic Refuge.

The only harvest opportunity controlled by the USFWS is nonresident and nonresident alien harvest opportunity and then for only two species of big game, Dall sheep and brown bears.

Currently, the state authorizes and unlimited harvest opportunity (harvest ticket) per regulatory year for residents to harvest (take) both Dan sheep and brown bears. Resident harvest rates for these two species cannot be predicted prior to the season and in season management options are not sufficient to identify unsustainable harvest rates during anyone regulatory year. [6]

2. Targeted Harvest of Wildlife May Significantly Impact Natural Population Composition and Dynamics.

The harvest of brown bears and Dan sheep is a targeted harvest of a specific sex or age cohort of the population. For Dan sheep, mature rams with full curl horns are required for legal harvest. For brown bears, hunter preference is clearly proven to be the largest, or the most unique color phase, of brown bears. In addition, brown bear harvest is further concentrated to large males by state harvest regulations protecting large female bears with cubs.

This targeted harvest presents a significant potential impact to the natural population dynamics of these two species. Arctic Refuge goal number one, found in Section 2.1.1 of the draft CCP states:

“All management programs will recognize the Refuge’s unique role as a benchmark for biological integrity, diversity, and environmental health in the National Wildlife Refuge System, and will protect and maintain this function in all management activities.”

“Refuge managers must weigh all the factors identified by establishing purposes, laws, policy, and science when considering whether proposed activities support or detract from the refuge’s biological integrity, diversity, and environmental health. We favor the least intensive approaches wherever possible.”

“No landscape retains absolute biological integrity, diversity, and environmental health. However, Arctic Refuge is widely recognized as anchoring the intact and natural end of the spectrum of ecological and environmental conditions in the Refuge System.”

-----Comment-----

3. The “Least Intensive Approach” must be identified through a formal NEPA evaluation process, and in the case of commercial sport hunting, must be identified prior to authorizing the activity.

The restriction of public access to the Arctic Refuge should warrant the highest level of review by the USFWS.

This administrative decision by the current Arctic Refuge manager supports our assertion that perceived negative impacts resulting from the for profit consumptive take of wildlife in the refuge have already reached unacceptable proportions in specific areas of the refuge.

The potential cumulative negative impacts resulting from a targeted harvest of wildlife in the refuge are poorly understood at this time and represent a substantial long term risk to the natural integrity of the ecosystem as a whole.

This is especially evident when the targeted harvest is occurring for one of the Arctic Refuge’s apex predators, the brown bear. Artificially manipulating the natural population size or composition of this species may have multi dimensional repercussions at a landscape level.[7]

The situation concerning brown bears is further compounded by the state of Alaska authorizing unsustainable brown bear harvest opportunity on state lands adjacent to the north western border of the Arctic Refuge in an effort to artificially reduce the brown bear population. [8] This state effort could easily harvest brown bears that inhabit the Arctic Refuge during their natural yearly migration cycles.[9]

Response to Comment 032644.004

In 1992, after soliciting public comments on a draft policy, the Service established a regional policy and formal process in which big-game guides were competitively selected to operate on Refuge lands. An environmental assessment was completed with the original guide allocation and a compatibility determination done, which found guided hunting to be

compatible with Refuge purposes. This competitive permit system was later codified in 50 CFR 36.41. The draft regulations were published in the Federal Register on November 1, 1996, for a 60-day public review period. Public meetings were held in Anchorage and Fairbanks, Alaska, during the period of public review of the draft regulations. The competitive application process used to select big-game hunting guides on Arctic Refuge is what defines the available number of guided hunting opportunities. A future step-down plan will not inform or modify this number. We do not agree with several of the comments regarding the Service's big-game commercial guide policy and program and encourage readers to review the policy in the CFR for details of the program.

Please note that while hunting guides compete for exclusive use areas on Arctic Refuge for the guiding of brown bear and Dall's sheep hunts, the Guide Use Areas are also open to use by other visitors, all Alaska resident hunters, and all non-resident hunters pursuing species for which a guide is not required.

Research and monitoring programs conducted both by the ADFG and by the Service address concerns regarding hunted wildlife species and provide a basis for changes to hunting regulations, should such changes be needed. As pointed out in the Plan and in our responses to many other comments, both the ADFG and the Service recognize the Refuge's mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge's purposes, goals, objectives, and policies as described in this Plan.

Comment 032644.006
Wade Willis
Science Now Project

Wildlife, Hunting Effects

-----Preamble/Intro-----

Potential negative impacts to federally qualified rural subsistence harvest opportunity from commercial guided sport hunting activities has not been evaluated in the draft CCP EIS. [see footnote 1]

-----Comment-----

the Arctic Refuge is required to evaluate the effects of non local harvest effort on subsistence harvest opportunity, especially regarding concentrated hunting effort in areas with greater ease of access or associated with traditional harvest areas of local hunters.

The most recent Dall sheep harvest data indicates total harvest in GMU 26C rose from 125 sheep in RY 96 to 171 sheep in RY 05, a 37% increase in one decade.

The most recent Dall sheep harvest data (post 2007) is unpublished by the state and the draft CCP provides no species specific harvest data for the Arctic Refuge which clearly handicaps the public's ability to effectively evaluate and participate in the CCP revision process.

Response to Comment 032644.006

The number of sheep killed in Arctic Refuge is included in Figure 4-6 in Chapter 4, Section 4.3.7.3. ANILCA Section 810 requires the Service to evaluate the effects of the use of public lands on subsistence uses and needs. ANILCA Section 810 evaluations are prepared as part of each big-game hunt guide permit issued by the Service.

Comment 032628.035
Fran Mauer, Alaska Chapter
Wilderness Watch

Wildlife, Hunting Effects

Effects of Hunting on Population Structure and Genetics

The Draft CCP acknowledges that the public expressed concern that trophy hunting for species such as Dall's sheep (which targets old age, mature rams) in the Refuge could have negative effects on populations and genetics with long term negative consequences. This issue was assigned to the category: eliminated from detailed study and it was suggested that it may be considered in the Inventory and Monitoring Plan (step down). There are recently published scientific results about the effects of human harvest on a variety of species (Darimont et al 2009). The Draft CCP goal #1 encourages the perpetuation of ecological processes and Management Guideline 2.4.12 requires management that enables natural behavior, interactions, and cycles. The Service's Biological Integrity, Diversity, and Environmental Health Policy (Service Manual 601 FW 3 mandates the maintenance of the variety of life and its processes on Refuge lands. Furthermore, a primary Refuge purpose is to conserve wildlife in their natural diversity. We recommend that the Final Plan specify that this topic will be addressed in the proposed Inventory and Monitoring/Research plans, and results will be used to guide future management.

Response to Comment 032628.035

Darimont et al. (2009) concluded that "rapid phenotypic shifts, especially in highly exploited commercially harvested populations . . . could generate large and rapid changes in population and ecological dynamics." This review focused primarily on fish (studies of 21 fish species, 4 invertebrate species, 2 ungulate species, and 2 plant species). Wildlife populations living in the vast wilderness of Arctic Refuge are likely under different constraints than the "highly exploited commercially harvested populations" on which these conclusions were based. Other research presents different points of view from what Darimont et al. (2009) reported (e.g., Murphy et al. 1990, Whitten 2001, Singer and Zeigenfuss 2002, Harris et al. 2002). We agree that there is a need for further information about effects of hunting on Refuge wildlife and will consider that issue during the I&M and Research step-down planning process.

Comment 136763.001
Unnamed 4

Wildlife, Hunting Effects

Wright's air loads up on outside hunters. The meat should be kept in the village.

Response to Comment 136763.001

By State and Federal regulations, edible meat from hunted animals must be retrieved from the field by the hunter. Arctic Refuge staff cannot require hunters to give their meat to anyone nor tell commercial air operators and/or guides who they can or cannot transport. Regulations regarding hunting, including hunt areas, seasons, and limits, are not set by the Arctic Refuge manager. They must be passed by the State of Alaska Board of Game or the Federal Subsistence Board. Any person can submit proposals for changes in hunting regulations through these boards. Any person can testify at meetings where hunting regulations are considered to make their opinions known.

Comment 222173.002
Jack Reakoff

The Section on Recreational hunting needs to be clear regarding ANILCA mandated management for healthy populations of fish and wildlife by the Arctic National Wildlife Refuge Manager and staff. Provision for over site, and monitoring of State general hunting management plans, and harvest of fish and wildlife species needs to be stated in the CCP. USFWS-ANWR needs scientifically valid fish and wildlife management plans in place to track State regulated harvest that may be outside of recognized scientific principles.

Current issue:

Congressional intent for ANILCA management of fish and wildlife in accordance with recognized scientific principles and the purposes for each conservation unit's establishment, and other Federal lands, is not being accomplished.

ANILCA, Title VIII requires the Federal land managers to adhere fish and wildlife management consistent with sound management principles, and the conservation of healthy populations of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established. The Federal managers shall scientifically delineate and maintain healthy populations. If the State of Alaska management Boards actions jeopardize a fish or wildlife population health, Federal managers shall preempt State regulations to assure population health in accordance with ANILCA to protect subsistence uses.

In many instances, fish and wildlife resources are harvested at maximum, or exceeding maximum under State regulations, mainly by non-subsistence users, in a manner inconsistent with ANILCA mandated recognized scientific principles of fish and wildlife management. There is an ever-growing demand by non-subsistence users for limited resources.



Photo by Dave Prestipino

Ungulate resources in many areas of Alaska are harvested under State of Alaska regulations beyond recognized biological parameters. Over use of the males in the harvest causes reproductive failure (late born calves, lower survivorship to adult hood, and population declines). These practices deplete the healthy breeding structure and cull larger phenotypic animals. Herds are threatened and usually decline. There are many ungulate populations in Alaska that are in this condition, especially moose, caribou, and Dall sheep. Subsistence and other users are then restricted from harvesting customary resources, so that populations can be rebuilt to healthy levels.

Congress Stated this scenario in ANILCA TITLE VIII-SEC 801 (3) continuation of the opportunity for subsistence uses of resources on public and other lands in Alaska is threatened by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management” (emphasis added).

Congress mandated that the Federal managers adhere to sound management according to recognized scientific principles; SEC 802. It is hereby declared to be the policy of Congress that—(1) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established, designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so; (emphasis added).

Federal agencies are held to the specific standard of fish and wildlife management as mandated in ANILCA. Therefore, Federal fish and wildlife management must maintain healthy populations, a variety of genetics, representation of healthy age structure, and healthy sex ratios. State management typically maximizes harvest of most of the older males, skewing the ratio to very few young males and smaller phenotypes. This is nether healthy or natural. In many instances, in recent State of Alaska management history, the male to female ratios were depleted far below recognized scientific principles and herd viability was seriously compromised.

The State of Alaska and Federal agencies have very different wildlife management objectives. The State manages for “maximum yield” (Alaska’s Constitution requires the State to manage replenishable resources for “sustained yield,” but instead the State manages for “maximum yield”) and does not recognize local rural subsistence uses. Federal agencies are supposed to manage for “healthy populations and continued subsistence uses,” though currently the Federal management objectives, if any, are not always achieved.

The Alaska Board of Game does not always choose to adhere to recognized scientific principles. ANILCA requires the Federal managers to be proactive in assuring healthy populations of fish and wildlife. Currently, Federal managers are not “managing,” until there is a problem. Reacting to over harvested populations caused by State management regulations is not achieving ANILCA mandates or the intent of Congress. Federal wildlife management does not begin once populations are put into crisis by overharvest caused by State regulations, but before.

If the State Board of Game chooses to manage wildlife with out regard to recognized healthy principles (sustained yield), it is incumbent upon the Federal Management System to preempt State regulations that threaten populations and their subsistence uses. Managing species using healthy population compositions and minimum population threshold objectives does not threaten the State’s mandate for sustained yield; it complements it. Federal and State management systems both have to take a healthy stance managing Alaska’s fish and wildlife and agree upon the statutory mandates that are required.

The USFWS Arctic National Wildlife Refuge, as well as all other Federal Agencies, needs to take a proactive stance in management on the Federal public lands. If the State regulatory process chooses to violate scientific harvest of fish and wildlife populations, Federal managers, and the Federal Subsistence Board is required by ANILCA to use preemptive closures.

It is incumbent upon the USFWS-Arctic National Wildlife Refuge to recognized the ANILCA mandates for fish and wildlife management in this CCP, and initiate management planning for healthy populations, and survey of populations for health monitoring.

Response to Comment 222173.002

As called for in Federal legislation (Refuge Administration Act, Refuge Improvement Act, and ANILCA), regulations (43 CFR 24, 50 CFR Part 32, and 50 CFR 36.32), and policy, the State of Alaska has the primary responsibility for management of fish and resident wildlife on all lands in Alaska, including national wildlife refuges. However, as clearly articulated in the previously mentioned laws, regulations, and policy, the Service is the final authority over management of fish and wildlife on Refuge lands and waters. The ADFG and the Service signed a Master Memorandum of Understanding (see Appendix B), spelling out the general policy and guidelines within which the two agencies agree to operate. The ADFG agrees to “manage fish and resident wildlife populations in their natural species diversity on Service lands.” The Service agrees to “recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.” Both agencies agree “to recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Service lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with documented refuge goals, objectives, or management plans.”

The State of Alaska establishes general fishing, hunting and trapping regulations, and the Service is committed to using the State regulatory process where practical to meet Refuge purposes, goals, and objectives. However, as clearly articulated in the Plan (Sections 2.4.9.1, 2.4.11 and 2.4.12), the Service is the final authority over management of fish and wildlife on Refuge lands and waters. ANILCA states in Section 802(2) that subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive uses on the public lands of Alaska when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of a population. The Federal Subsistence Board oversees the Federal Subsistence Management Program on Federal lands and waters in Alaska. In cooperation with the State and Federal boards, the Refuge will continue to proactively prevent wildlife-related emergencies through conducting surveys, monitoring, research, law enforcement, and working through other regulatory processes. Section 2.4.2 discusses that emergency situations could arise, whereby threatened or endangered species, natural diversity, water quality and/or quantity or subsistence resources are seriously jeopardized, or the introduction of an invasive species potentially necessitate actions not normally permissible. In such emergencies, the Refuge manager is authorized to take whatever prudent and reasonable actions are necessary while considering

the immediate and long-term effects of potential response actions on Refuge purposes, goals, objectives, and special values. We believe that this approach will continue to provide the subsistence opportunities provided for in ANILCA.

The Revised Plan clearly spells out the vision, goals, objectives, and policy direction for management of Arctic Refuge. If existing or proposed State fish and wildlife management does not conform to the Plan, the Service would find the use incompatible and would not allow the use on the Refuge. Several sections of the Plan were revised to clarify that both the Service and the State recognize the Refuge's mandate to conserve wildlife populations in their natural diversity and that the Service has the final responsibility and authority for ensuring that all wildlife management activities are consistent with the Refuge's purposes, goals, objectives, and policies as described in this Plan (see Chapter 1 Section 1.3.4, Chapter 2 Section 2.4.9.1, and Appendix B Section B.1.1).

Comment 136998.002
Thor Stacey

Wildlife, Hunting Effects

I would like to see the refuge liaison (fund) ADF&G and/or federal researchers to ascertain the impacts (genetic, herd fecundancy, predation resilience, range utilization etc.) of full curl harvest of Dall Sheep rams and to help quantify the value of adult males (6+ years in caribou, 8 +years in sheep) in Dall Sheep and Barren Ground Caribou populations. It is my belief that current game managers do not place an adequate biological value on maintaining adult males in ungulate populations after the hunting season. This is a cutting edge study and very important information to help the refuge maintain its mandate for natural ecological diversity.

Response to Comment 136998.002

The need for further information about effects of hunting on wildlife species and means to obtain that information will be considered during the development of the step-down I&M and Research plans for Arctic Refuge.

Comment 136934.001
Phyllis Mains

Refuge is not adequately patrolled to prevent poaching and habitat destruction and all Alaskans can hunt at will in the Refuge. This bothers me.

Response to Comment 136934.001

People hunting in Arctic Refuge cannot "hunt at will" but must follow hunting regulations set by the Alaska Board of Game and the Federal Subsistence Board. Any person concerned about hunting regulations can submit proposals to change those regulations to the appropriate board, can comment on existing proposals, and can testify at board meetings to make their opinions known. Arctic Refuge staff is committed to strengthening its law enforcement efforts by increasing its presence on the Refuge and through partnering with other Federal and State law enforcement authorities in the area, including State Troopers (see Goal 5).

3.52.3 State Harvest Records**Comment 032626.034**

Wildlife, State Harvest Records

Greg Warren

V1, 4-216, 4.4.5.7 State Harvest Records for General Hunting and Trapping: The affected environment section should provide a summary of the harvest levels for each Game Management Unit (or Guide Use Area if data is available at that scale). Provide a summary of the estimated known population and trend for the principle hunted species: Dall sheep, moose, grizzly bear, caribou, black bear, and wolf. Lake trout in Neruokpuk Lakes should also be included. These tables could then be reproduced in the environmental consequences chapter to disclose the predicted effects of each alternative on these species. The no action alternative should describe the current population management programs and the effects of those programs.

Response to Comment 032626.034

The affected environment does detail the level of harvest for each big game and furbearer species in each GMU within Arctic Refuge (see Chapter 4, Section 4.5.5.7). Graphs are used to depict the level of harvest over a 20 year period. The environmental consequences chapter addresses impacts to fish and wildlife populations in a broad manner rather than at the species specific or harvest management levels. Therefore, the tables cannot be reproduced to show potential effects.

The State of Alaska manages the general harvest of fish and game populations on Arctic Refuge. Anglers are not required to report their take of fish on any Refuge waters. Therefore, there is no data for the number of lake trout harvested from Neruokpuk Lakes.

Comment 032626.035

Wildlife, Hunting Effects

Greg Warren

V1, 4-221, 4.4.5.7 State Harvest Records for General Hunting and Trapping, Harvest Information: Graphs for grizzly bears, wolves, and wolverine harvests are not included, but that information should be displayed. This is important since these species are listed in the enabling legislation. This data would also be helpful for disclosing impacts in the environmental consequences chapter.

Response to Comment 032626.035

The affected environment does detail the level of harvest for each big game and furbearer species in each GMU within Arctic Refuge (See Chapter 4, Section 4.5.5.7). Graphs are used to depict the level of harvest over a 20-year period. The environmental consequences chapter addresses impacts to fish and wildlife populations in a broad manner rather than at the species specific or harvest management levels. Therefore, the tables cannot be reproduced to show potential effects.

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