

Appendix B

Consultation and Coordination with Others

B. Consultation and Coordination with Others

B.1 Coordination with State Agencies

Consistent with the principles of ecosystem management and the laws and policies described in this section, effective management of Arctic National Wildlife Refuge (Arctic Refuge, Refuge) must be done in close coordination with the State of Alaska. This appendix is not intended to be a comprehensive list of State agencies, but rather describes the primary State agencies that share concern and responsibilities for fish, wildlife, and other natural resources.

B.1.1 Alaska Department of Fish and Game

The Alaska Department of Fish and Game (ADFG) has the primary responsibility for managing resident fish and wildlife populations in Alaska. On refuge lands, the U.S. Fish and Wildlife Service (Service) and ADFG share a mutual concern for all fish and wildlife resources and their habitats, and are both engaged in extensive fish and wildlife conservation, management, and protection programs. In 1982, the Service and ADFG signed a Master Memorandum of Understanding (dated March 13, 1982) that defines the cooperative management roles of each agency. This memorandum sets the framework for cooperation between the two agencies (see section B.1.1.1).

Through the direction of the Boards of Fisheries and Game, the State of Alaska establishes fishing, hunting, and trapping regulations throughout the State. These regulations apply to



Federal public lands unless superseded by Federal subsistence regulations. The State is divided into 26 Game Management Units (GMUs); most of these are further divided into subunits. Management objectives are developed for populations within the GMUs. All Refuge lands lie within GMU 25A, 25B, 26B and 26C.

The State process for developing regulations involves substantial public input to the Alaska Board of Fisheries and Game concerning changes in regulation and allocations. Input may be directly to the boards through testimony and proposals or indirectly through participation in local fish and game advisory committees. The advisory committees assist the boards in assessing local fish and wildlife issues and proposed regulations. ADFG biological staff also provides data and analysis of proposals to the boards. Regulations may be changed by the boards at regular meetings, by emergency regulation, or by emergency order.

Although many biologists within ADFG have law enforcement authority, Refuge law enforcement officers and officers of the Alaska Department of Public Safety, Division of State Fish and Wildlife Protection, carry out most enforcement of fishing and hunting regulations.

The Division of Wildlife Conservation works to conserve and enhance Alaska's wildlife and to provide for a wide range of uses for the greatest benefit of current and future generations of the people through management of wildlife populations and habitat, research, information transfer, regulatory activities, and public service.

The ADFG Division of Commercial Fisheries manages, protects, rehabilitates, enhances, and develops fisheries and aquatic plant resources in the interest of the economy and general well-being of the State, consistent with the sustained-yield principle and subject to allocations established through public regulatory processes. It is responsible for management of the State's commercial, subsistence, and personal-use fisheries.

The Division of Sport Fish is responsible for the State's recreational fishery resource. Responsibilities include the conservation of self-perpetuating populations of fish; management of sport fisheries in salt and fresh water; management of hatchery reproducing populations of sport fish species to provide a diverse mix of sport fishing opportunities; and optimizing the social and economic benefits of Alaska's recreational fisheries.

The Division of Subsistence is the research branch of ADFG responsible for providing comprehensive information on the customary and traditional use of wild resources. Information is provided to meet management goals, aid in regulation development, facilitate collaborative agreements, assess environmental impacts, and describe the unique role of wild resources in Alaska.

B.1.1.1 Master Memorandum of Understanding

MASTER MEMORANDUM OF UNDERSTANDING
BETWEEN
THE ALASKA DEPARTMENT OF FISH AND GAME
Juneau, Alaska
AND
THE U.S. FISH AND WILDLIFE SERVICE
DEPARTMENT OF THE INTERIOR
Anchorage, Alaska

This Master Memorandum of Understanding between the State of Alaska, Department of Fish and Game, hereinafter referred to as the Department, and the U.S. Fish and Wildlife Service, hereinafter referred to as the Service, reflects the general policy guidelines within which the two agencies agree to operate.

WHEREAS, the Department, under the Constitution, laws, and regulations of the State of Alaska), is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State on the sustained-yield principle, subject to preferences among beneficial uses; and

WHEREAS, the Service, by authority of the Constitution, laws of Congress, and regulations of the U.S. Department of Interior, has a mandated management responsibility for certain species or classes of wildlife, and is responsible for the management of Service lands in Alaska, and the conservation of fish and wildlife resources on these lands; and

WHEREAS, the Department and the Service share a mutual concern for fish and wildlife resources and their habitats and both are engaged in extensive fish and wildlife conservation, management, and protection programs and desire to develop and maintain a cooperative relationship, which will be in the best interests of both parties, the concerned fish and wildlife resources, and their habitats, and produce the greatest public benefit; and

WHEREAS, it has been recognized in the Alaska National Interest Lands Conservation Act and subsequent implementing Federal regulations that the resources and use of Service lands in Alaska are substantially different than those of other states; and

WHEREAS, the Department and the Service recognize the increasing need to coordinate resource planning and policy development;

NOW, THEREFORE, the parties hereto do hereby agree as follows:

THE DEPARTMENT OF FISH AND GAME AGREES:

1. 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.
2. To manage fish and resident wildlife populations in their natural species diversity on Service lands.
3. To consult with the Regional Director in a timely manner and comply with applicable Federal laws and regulations before embarking on enhancement or construction activities on Service lands.

THE FISH AND WILDLIFE SERVICE AGREES:

1. To recognize the Department as the agency with the primary responsibility to manage fish and resident wildlife within the State of Alaska.
2. To recognize the right of the Department to enter onto Service lands at any time to conduct routine management activities which do not involve construction, disturbance to the land, or alterations of ecosystems.
3. To cooperate with the Department in planning for enhancement or development activities on Service lands which require permits, environmental assessments, compatibility assessments, or similar regulatory documents by responding to the Department in a timely manner with requirements, timetables, and any other necessary input.
4. To manage the fish and wildlife habitat on Service lands so as to ensure conservation of fish and wildlife populations and their habitats in their natural diversity.
5. To consider carefully the impact of any proposed treaties or international agreements relating to fish and wildlife resources on the State of Alaska which could diminish the jurisdictional authority of the State and to consult freely with the State when these treaties or agreements have a primary impact on the State.
6. To review present U.S. Fish and Wildlife Service policies and any future proposed changes in those policies in consultation with the Department to determine if modified or special policies are needed for Alaska.
7. To adopt refuge management plans whose provisions—including provision for animal damage control—are in substantial agreement with the Department's fish and wildlife management plans, unless such plans are determined formally to be incompatible with the purposes for which the respective refuges were established.
8. To utilize the State's regulatory process to maximum extent allowed by Federal law in developing new or modifying existing Federal regulations or proposing changes in existing State regulations governing or affecting the taking of fish and wildlife on Service lands in Alaska.

THE DEPARTMENT OF FISH AND GAME AND THE FISH AND WILDLIFE SERVICE MUTUALLY AGREE:

1. To coordinate planning for management of fish and wildlife resources on Service lands so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized.
2. To consult with each other when developing policy and legislation which affect the attainment of wildlife resource management goals and objectives or management plans.
3. 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.
4. To develop such supplemental memoranda of understanding between the Commissioner and the Regional Director as may be required to implement the policies contained herein.
5. That this Master Memorandum of Understanding shall become effective when signed by the Commissioner of the Alaska Department of Fish and Game and the Alaska Regional Director of the U.S. Fish and Wildlife Service and shall continue in force until terminated by either party by providing notice in writing 120 days in advance of the intended date of termination.
6. That amendments to this Master Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF ALASKA
Department of Fish and Game

U.S. DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

/signed/ Ronald O. Skoog

/signed/ Keith M. Schreiner

Commissioner

Regional Director, Alaska

March 13, 1982

March 13, 1982

Date

Date

B.1.2 Alaska Department of Natural Resources

The Alaska Department of Natural Resources (ADNR) and its subdivisions coordinate with the Service and other Federal and State agencies in managing public lands (Federal and State) in Alaska. ADNR manages all State-owned land, water, and surface and subsurface resources except for fish and game. The ADNR Division of Mining, Land and Water manages the State's water and land interests, including and within national wildlife refuges. This Comprehensive Conservation Plan (Plan, Revised Plan) was developed in consultation with the ADFG and ADNR.

B.1.3 Alaska Department of Environmental Conservation

Alaska Department of Environmental Conservation (ADEC) is also a key partner regarding Refuge management efforts, in light of its mission of “conserving, improving, and protecting Alaska’s natural resources and the environment.” For example, ADEC has direct statewide responsibility for monitoring and maintaining air and water quality. Some of the interagency coordination agreements and mechanisms involving ADEC also involve ADNR and ADFG; others are specific to ADEC. Issues of interest to the Service and Arctic Refuge that may include authorizations from or cooperation with ADEC include air and water quality monitoring, invasive species management, and hazardous material spills.

B.1.4 Coastal Zone Management

B.1.4.1 Alaska Coastal Management Program

Section 307(c) of the Coastal Zone Management Act of 1972, as amended (Public Law 92-583), states that “each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State coastal management programs.” Federal agency consistency requirements are addressed in 15 CFR 930.

The Alaska Coastal Management Act of 1977, as amended, and the Alaska Coastal Management Program set forth general policies to be used for the review of projects. All coastal areas of Arctic Refuge are in the North Slope Borough region. The Alaska Coastal Management Program regulations recognize the borough as a review participant for project consistency reviews affecting its coastal resources or uses. During the consistency review, the borough must concur with or object to the applicant’s consistency determination or a Federal agency consistency determination.

The Alaska Coastal Management Program identifies 12 primary categories that are to be used in consistency evaluations. The following categories are applicable to this Plan:

- Coastal development
- Recreation
- Subsistence
- Habitats
- Air, land, and water quality

The Refuge contacted the Alaska Coastal Management Program in November 2010 and was informed that a consistency determination is not required for this Plan. Further coordination regarding coastal zone management will occur with the State of Alaska (ADNR, Office of Project Management, ANILCA coordinator) in later stages of the planning process.

B.1.4.2 North Slope Borough Coastal Management Plan

The Final Draft Plan Amendment of the North Slope Borough Coastal Management Plan (2007) revises the 1988 Coastal Management Program for the North Slope Borough. It incorporates new requirements for district coastal management plans required by State legislation passed in 2003 and revisions to the Alaska Coastal Management Program regulations effective in 2004. It further establishes enforceable policies of the North Slope Borough Coastal Management Program. Projects undergoing a consistency review must be consistent with these policies. The policies are grouped into eight categories: subsistence, historic and prehistoric resources, habitat, natural hazards, energy facilities, mining and mineral processing, coastal development, and transportation and utilities.

In November 2010, Arctic Refuge contacted the North Slope Borough Coastal District and was informed that a consistency determination is not required for this Plan. Further coordination regarding coastal zone management will occur with the State of Alaska (ADNR, Office of Project Management, ANILCA coordinator) in later stages of the planning process.



B.1.5 State Historic Preservation

Section 106 of the National Historic Preservation Act requires review of any project funded, licensed, permitted, or assisted by the Federal government for impact on significant historic properties. The agencies must allow the State Historic Preservation Officer and the Advisory Council on Historic Preservation, a Federal agency, to comment on a project. The Alaska Historic Preservation Act contains a provision similar to Section 106, which mandates that any project with State involvement be reviewed in a similar manner.

Through the Section 106 review process, Office of History and Archeology staff work with Federal and State agencies during the early stages of project planning to protect cultural resources. They do this by providing information on the location of sites and on cultural resources surveys previously done in an area. If the potential to discover unknown sites is high, a survey may be recommended. When there are sites in a project area, the Service consults with State Historic Preservation Officer on National Register eligibility, on how the project will affect sites, and on ways to lessen unavoidable damage.

In January 2011, the Service's regional archaeologist spoke with staff in the Office of History and Archeology about the pending draft Plan. This office is particularly interested in the Plan's goals, objectives, and management guidelines and policies (Chapter 2). The Regional Archaeologist will continue to consult with the Office of History and Archeology between the release of the draft and final Plans.

B.2 Consultation with Federal Agencies

B.2.1 Federal Agency Coordination

In late October 2009, the Refuge invited four Federal agencies to participate in the Comprehensive Conservation Planning process. One of these agencies, the BLM, asked to participate as a member of the extended planning team. The agencies contacted were:

- National Park Service (NPS)
- Bureau of Indian Affairs (BIA)
- Bureau of Land Management (BLM)
- U.S. Geological Survey (USGS)

The Refuge has engaged in periodic information exchange and informal coordination with the NPS (especially pertaining to the Gates of the Arctic National Park General Management Plan planning process), the Bureau of Indian Affairs (BIA) (especially relating to Native allottees), and the BLM (for Arctic region planning coordination, cumulative effects, and climate change). The USGS Alaska Science Center provided us with a consultation and coordination point of contact for the Refuge planning effort.

B.2.2 Section 7 Compliance

The Service is required to ensure that any action authorized, funded, or carried out on the Refuge, including the Revised Plan, does not jeopardize the continued existence of species listed under the Endangered Species Act or modify their critical habitat. Under Section 7 of the act, consultation within the Service and with the National Marine Fisheries Service is required.

In January 2011, a programmatic Section 7 consultation was completed in consultation with the Service's Endangered Species and Marine Mammals Management divisions. The programmatic consultation covers field activities on Arctic Refuge, or authorizations for on-the-ground activities, in polar bear critical habitat and those portions of the Refuge where a polar bear encounter is possible. Refuge responsibilities are outlined in "Polar Bear Interaction Guidelines" (Service 2010a) and "Polar Bear Viewing Guidelines" (Service 2010b).

Because the programmatic Section 7 consultation does not apply to the Plan, in January 2011, the Refuge contacted the Service's Endangered Species Division and the National Marine Fisheries Service about the pending draft Plan. Both agencies provided the Refuge with a list of species and critical habitat. Four species listed under the Endangered Species Act occur in or near Arctic Refuge: polar bear, bowhead whale, Steller's eider, and spectacled eider. Section 7 consultation will be completed between the draft and final Plans.

B.2.3 Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions permitted, funded, or undertaken by the agency, that might adversely affect essential fish habitat. The Service consulted with the National Marine

Fisheries Service on essential fish habitat in January 2011. The Service determined that none of the alternatives or objectives presented in the Plan would adversely affect essential fish habitat and there would be no effect to the habitat as a result of the Plan. The National Marine Fisheries Service concurred with this finding on January 18, 2011. No additional consultation on essential fish habitat is required.

B.3 Consultation with Tribal Governments

In early October 2009, Refuge staff initiated consultation with phone calls and formal letters to leaders of nine Federally-recognized tribes with geographic and cultural ties to Arctic Refuge. These tribes are:

- Gwitchyaa 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

Arctic Refuge requested tribal participation in the planning process and invited the tribes 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.

Refuge staff placed follow-up phone calls to each of the tribes in late November and again in mid-December 2009 to determine what level of involvement each tribe wished to have and whether they wanted to engage in formal government-to-government consultation. One tribe, the Native Village of Kaktovik, opted to participate on the extended team, and another tribe, the Naqsragnuit Tribal Council of Anaktuvuk Pass, appointed a representative to the advisory team. Refuge staff mailed follow-up letters to each tribe in early January 2010 informing them that the process to revise the Plan was underway and planning involvement teams had been formed.

The Plan's mailing list includes all nine tribes, who receive copies of any document distributed as part of our public involvement strategy. We continue to engage in written and phone communications directed specifically to the tribes to apprise them of the Plan process and to encourage their engagement at any time they so choose. In early November 2010, Arctic Refuge staff initiated formal consultation on alternatives, including face-to-face meetings in the villages, and consultation was again initiated with the release of the draft Plan and EIS. Tribes shall be notified of pending final decisions prior to the decision going into effect.

B.4 Consultation with Local Governments

B.4.1 Meetings

The Refuge engaged in several outreach efforts with local governments. Public scoping meetings were held in Fort Yukon, Arctic Village, Venetie, Kaktovik, Fairbanks, and Anchorage during spring 2010. Additional meetings are planned in these communities upon the release of the draft Plan. During scoping meetings, and later during the November and December 2010 tribal coordination period, Refuge staff met informally with members of the tribal and village councils in Fort Yukon, Arctic Village, Venetie, and Kaktovik. The Refuge will continue to meet with these tribes throughout the planning process.

At the request of the North Slope Borough and the Arctic Slope Regional Corporation, a public scoping meeting was held in Barrow in June 2010. The Refuge will meet informally with these entities during the public review phase of the draft Plan.

B.4.2 Mailing List

The Refuge's mailing list includes the North Slope Borough, the North Star Borough, the cities of Fairbanks and North Pole, and several local Native corporations and organizations (e.g., Doyon Limited, Arctic Slope Regional Corporation, Tanana Chiefs Conference, Council of Athabascan Tribal Governments, etc). The following village governments are also on the mailing list:

- City of Kaktovik
- City of Fort Yukon
- Venetie Village Council
- Arctic Village Council
- 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.

B.4.3 Wild and Scenic River Review

During the wild and scenic river review, Arctic Refuge identified a number of local governments, corporations, and organizations as stakeholders. The Refuge solicited information addressing the suitability criteria from these entities. For more information, please refer to Appendix I.

B.5 Formal Cooperating Agency Status

In late October 2009, the Refuge invited 11 potential cooperators to participate in the Revised Plan planning process. These were:

- Alaska Department of Fish and Game (ADFG)
- Alaska Department of Natural Resources (ADNR)
- Alaska Department of Transportation and Public Facilities
- National Park Service (NPS)
- Bureau of Indian Affairs (BIA)
- U.S. Geological Survey (USGS)
- Bureau of Land Management (BLM)
- Arctic Slope Regional Cooperation
- Doyon Limited
- Kaktovik Inupiat Corporation (KIC)
- North Slope Borough

None of the agencies opted for formal cooperating agency status. However, ADFG and ADNR chose to assign representatives to participate as members of the core planning team. As such, they have had the opportunity to participate in all core team meetings and represent State views regarding Refuge decisions associated with the Revised Plan. An Alaska Department of Transportation and Public Facilities representative was also appointed to the advisory team. Advisory team members received periodic updates on the status of the planning effort and have been included as document reviewers. The State participation has been mutually beneficial; however, the State does not endorse the Revised Plan. The BLM and Arctic Slope Regional Cooperation also asked to participate as members of the extended planning team. They have been invited to all extended team meetings and have similarly had the opportunity to express their views about key Refuge planning decisions.

B.6 Additional Consultation

The Refuge sent informational Plan materials to over 2,000 individuals, businesses, organizations, etc. For the complete mailing list, see Appendix K. In addition to the publicized public involvement opportunities and consultation with public agencies, the Refuge responded to requests for meetings, discussion, or information from a wide variety of individuals, organizations, agencies, and other entities.