U.S. Fish & Wildlife Service

Arctic National Wildlife Refuge

Revised Comprehensive Conservation Plan

Public Comments

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Prepared by Arctic Refuge and the Alaska Region of the U.S. Fish and Wildlife Service

Arctic National Wildlife Refuge
101 12th Ave, Rm 236
Fairbanks AK 99701

Alaska Regional Office
Division of Conservation Planning and Policy
1011 East Tudor Rd MS 231
Anchorage AK 99503

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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. This report summarizes the public comments we received (Section 2 below) and lists all the comments that were identified as requiring a response from the Service (Section 3 below). The Service's responses to these comments will be published with the Revised Plan and Final EIS. We have also provided copies of select comment letters in the appendices to this report.

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 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 comments[1]." 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 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.

[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 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 the types of reasons that meet the criteria listed above (such as "we disagree with all the action alternatives and believe the Service should select Alternative A")
- Comments that only agree or disagree with Service policy or resource decisions without providing justification or supporting data that meet the criteria listed above (such as "more permits should be authorized")
- 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 non-substantive communications, the Service did not respond to these comments and they are not included in Section 3.

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 A). 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 612,265 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, 1,990 were original statements (30% from Alaska) and 610,275 were form letters. A total of 1,303 comments requiring a response from the Service were identified. Only 339 of the communications we received contained such comments. These comments can be found in Section 3.

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.

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 3-9pm	39	n/a	39
Wilda Marston Theatre	Public Hearing: 9/21/2011 3-9.30pm	75	71	146
Fairbanks				
Pioneer Park Civic Center	Open House: 8/24/2011 3-9pm	51	n/a	51
Carlson Center	Public Hearing: 10/19/2011 3-9.30pm	59	102	161
Arctic Village				
Community Hall	Community Meeting[3]: 10/4/2011 5-9pm	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 5-9pm	23	11	34
Kaktovik				
City Hall	Community Meeting[3]: 10/25/2011 5-9pm	22	n/a	22
City Hall	Public Hearing: 11/3/2011	24	6	30
Venetie				
Community Hall	Community Meeting: 9/1/2011 5-9pm	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.

In Arctic Village, Fort Yukon, Kaktovik, and Venetie, posters were set up 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.

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).

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 EIS

Affiliation Type	Number of Communications Received[1]
Organizations[2]	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

[1] Numbers are approximate as based on affiliations declared by commenter. Note that affiliations were difficult to determine from public hearing transcripts.
[2] Includes 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.) states 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 undestimated 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]
Anchorage	858
Fairbanks	840
Juneau	145
Homer	136
Kaktovik	89
North Pole	87
Fort Yukon	86
Sitka	84
Ketchikan	74
Palmer	73
Arctic Village	66
Eagle River	62
Wasilla	58
Unknown	54
Chugiak	32
Seward	32
Soldotna	31
Kenai	29
Venetie	29
Kodiak	24
Talkeetna	21
Denali National Park	20
Ester	20
Haines	16
Girdwood	15
Valdez	13
Williow	13
Douglas	12
Adak	11
Petersburgh	11
Auke Bay	10
Dillingham	10
Elim	10
Skagway	10

Community	Number of Communications[1]
Delta Junction	9
Elmendorf AFB	9
Anchor Point	8
Barrow	7
Copper Center	7
Fort Wainwright	7
Healy	7
Klawock	7
Sterling	7
Thorne Bay	7
Gustavus	6
Clarks Point	5
Cordova	5
Craig	5
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

Community	Number of Communications[1]
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
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

Community	Number of Communications[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	3,303[1]

[1] Not 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]
AE (military)	10
AL	1,886
AP (military)	1
AR	1,603
AZ	10,052
CA	95,577
CO	15,091
CT	6,417
DC	1,314
DE	1,238
FL	24,889
GA	5,957
GU	37
HI	2,595
IA	2,763
ID	1,655
IL	18,669
IN	5,567
KS	2,437
KY	2,798
LA	1,937
MA	13,981
MD	8,233
ME	3,093
MI	10,838
MN	8,474
MO	5,799
MS	839
MT	1,775
NC	9,886
ND	371

State	Number of Communications[1]
NH	2,949
NE	1,444
NJ	13,753
NM	6,431
NV	2,796
NY	37,282
OH	11,184
OK	1,707
OR	13,545
PA	18,193
PR	596
RI	1,578
SC	2,775
SD	618
TN	4,715
TX	18,635
UT	2,724
VA	9,606
VI	148
VT	2,417
WA	18,010
WI	8,249
WV	1,312
WY	660
Total	449,597[1]

[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 Count[1]
U.S.	532,685
Canada	2,472
United Kingdom	2,043
Germany	1,447
France	1,154
Italy	1,023
Australia	906
Spain	726
Belgium	456
Mexico	455
South Africa	408
Brazil	368
Netherlands	352
Portugal	314
Sweden	287
Greece	253
Poland	213
New Zealand	204
Switzerland	203
Denmark	178
Austria	176
Argentina	170
Finland	149
Croatia	136
Ireland	136
Colombia	123
India	123
Romania	118
Russia	92
Israel	91
Serbia	89
Bulgaria	85
Czech Republic	80
Turkey	78
Malaysia	72
Singapore	68
Norway	60
Philippines	53
Chile	48
Hungary	48
Japan	45
Ukraine	44
Peru	42
China	38
Indonesia	33
Costa Rica	32
Malta	32

Country	Communication Count[1]
Slovenia	30
Estonia	26
Nicaragua	23
Thailand	22
Slovakia	21
Uruguay	21
Venezuela	21
Honduras	20
Hong Kong	19
Pakistan	19
Guatemala	18
United Arab Emirates	18
Bangladesh	17
Cyprus	17
Ecuador	17
Kenya	17
Luxembourg	14
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

Country	Communication Count[1]
Azerbaijan	3
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
Bhutan	1

Country	Communication Count[1]
Brunei	1
Canary Islands	1
Cook Islands	1
Federated States of Micronesia	1
Fiji	1
Georgia	1
Ghana	1
Grenada	1
Jordan	1
Monaco	1
Mozambique	1
Oman	1
Republic of Trinidad and Tobago	1
St. Lucia	1
Syria	1
Tunisia	1
Tuvalu	1
Uganda	1
Total	549,041[1]

[1] Not 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 Wilderness in the Refuge or how they perceived oil and gas development. Overall, support for 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	375
Commercial Guide	27
Use type not identified[2]	481

[1] Includes only those commenters that clearly stated they had used the Refuge and does not reflect actual Refuge use.
[2]Communications 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 & 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 A.

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. Below are examples of comments from communications other than form letters that do not require a Service reponse. These examples address 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. Below 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 childrens. 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 provides substantive comments received on the Draft Revised Plan and Draft EIS. The Service's responses will be published with the Revised Plan and Final EIS. The comments were organized into 52 topic areas. Within each topic heading, several sub-topics are also identified. Table 7 lists where specific comment topics can be found.

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3.1 TOPIC: Air Quality

3.1.1 Baseline Conditions

Comment 136801.072
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.10.2 Air Quality
p. 2-47. Class I air quality classification should be sought at least for the designated Wilderness of the Arctic Refuge. What consultations with the Service's Air Quality Branch have been made in the past 22 years since the last CCP in 1988?

Comment 000234.001
Dan Shorb

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)

3.1.2 Cumulative Effects

Comment 136973.001
Betsy Kelson

Be sure to address the potential for incremental air quality degradation (PSD Class I designation under the Clean Air Act) from the aggregate of industrial activities within 100 km of the Arctic Refuge, so that it does not have an impact like we used to or currently see at the Grand Canyon, Rocky Mountain National Park, Yosemite (all Class I areas) and other national parks and wildlife refuges. The Arctic Refuge is not currently designated as Class I, but it should be.

Comment 136997.001
Greg Scott

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.

3.2 TOPIC: Alternatives - Issues Considered but Eliminated

3.2.1 Ecological Issues

Comment 137013.015
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.

Comment 000017.007
Wilderness Watch - Full

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.

Comment 136985.004
Susan Morgan

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.

3.2.2 Management Issues

Comment 136794.008
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----------

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.

Comment 136805.099
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.

Comment 136805.100
Sean Parnell, Governor
State of Alaska

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.

Comment 000017.008
Wilderness Watch - Full

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.

Comment 136985.006
Susan Morgan

Conflict between wilderness values and science-related technologies: This escalating conflict is not adequately resolved by the current MRA process and should be addressed in the CCP.

Comment 136993.006
Julie RaymondYakoubian

In Appendix D 4.1 conflict between wilderness values and science-related technologies should be further addressed in the final CCP. The current MRA process does not adequately resolve this growing issue

3.2.3 Oil and Gas Development

Comment 136820.026
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136809.001
William C. Reffalt, Vice President and Issues Coordiantor
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.

Comment 136801.089
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.

Comment 136795.005
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.

Comment 137014.022
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 136805.098
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.143
Sean Parnell, Governor
State of Alaska

Page D-1, § D.1 Development Issues. We strongly oppose the exclusion of oil and gas development scenarios in the alternatives evaluated in this Plan. The Council of Environmental Quality, in guidance issued regarding NEPA analysis of alternatives maintains that alternatives that are outside of the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. Oil and gas development and production in the Refuge may be authorized by Congress at any time, and the current national dialogue regarding the need for jobs, energy security, and deficit reduction makes the likelihood of such an action higher than ever before. It is reasonable to anticipate that Congress may act to open the 1002 Area to oil and gas development, and therefore including an effect analysis would support the purpose and need of the Revised Plan, as stated in Chapter 1, to ….provide management direction for the next 15 years..

In addition, the exclusion of considering oil and gas development is inconsistent with the direction given in ANILCA Section 304(g), and is also inconsistent with the other actions considered in this Plan, namely the recommendations for wilderness and wild and scenic river designations, which are also dependent on Congressional action.

Comment 136805.144
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.

Comment 136803.005
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.

3.2.4 Other Issues

Comment 136820.027
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136801.088
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 137014.021
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 137014.023
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 000017.009
Wilderness Watch - Full

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.

3.2.5 Policy Issues

Comment 136820.025
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 032675.007
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 is 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.

Comment 032675.008
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

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 F ederallands 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.

Comment 032675.010
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

The statement on page D-3 that ANILCA Section 1004 requires the Service " .. to maintain the wilderness character of the Coastal Plain and its suitability for inclusion in the National Wilderness Preservation System" is incorrect and should be changed. The 1002 Area and its resources are adequately protected under the minimal management category in the current CCP.

Comment 136805.145
Sean Parnell, Governor
State of Alaska

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.

3.2.6 Visitor Use Issues

Comment 137013.016
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.

Comment 136794.003
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.

Comment 032625.004
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.

Comment 032627.020
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.

Comment 000017.005
Wilderness Watch - Full

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.

Comment 136919.005
Lolly Andrews

Several recreational issues should be resolved by this plan and it is unfortunate that the public's wishes to address them were not acted on. These include the need to limit group size (to about 8), provide preference for private users over commercial, the general need to restrict commercial guides, the restriction of using airplanes for game spotting, preventing airplane landing impacts, and the need to establish a commercial and mechanized zone around the Firth River area. Also, remove all buildings.

Comment 136931.001
Stacy Hortaridis

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.

Comment 136983.001
RA Montgomery

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 for no plans have even begun (that we know of).

Comment 136995.001
Barbara Roman

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.

3.3 TOPIC: Alternatives Analyzed

3.3.1 Alternative A

Comment 136959.001
Sybil Carof

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

3.3.2 Alternative B, Kongakut River Management

Comment 136816.004
John Strasenburgh

-------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.

3.3.3 Alternative C

Comment 136796.012
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

Comment 032613.001
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.

Comment 248856.001
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.

Comment 006022.001
Jon Klingel

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.

3.3.4 Alternative E: Funding and Personnel

Comment 136800.011
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.

3.3.5 Alternative E, Wilderness

Comment 136811.001
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.

Comment 136800.010
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.

3.3.6 Alternatives Development

Comment 136805.107
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.

Comment 136852.001
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?

3.3.7 Evaluation of Alternatives

Comment 136794.002
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.

Comment 136803.002
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.

Comment 136844.001
Unnamed 8

Is there an Alternative the Feds don't want?

Comment 032656.001
Michael Pollen

-------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.

Comment 032626.028
Greg Warren

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, whichever period is sooner."

Comment 032626.030
Greg Warren

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.

Comment 032626.039
Greg Warren

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.

3.3.8 Management Actions Common to All Alternatives

Comment 136817.022
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

Comment 136817.023
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.

Comment 136805.101
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.

Comment 136805.102
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.

Comment 136767.001
Unnamed 6

-------Preamble/Intro-------
Meeting Notes Draft CCP Meeting in Venetie
----------Comment----------
Why did we lose the sheep management area?

Comment 136784.001
Adrienne Hall

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)

3.3.8 No Oil and Gas Alternative

Comment 000097.001
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

We believe the
19 Service violated ANILCA and NEPA and BEPA by failing to
20 consider development on the coastal plain as one of the
21 alternatives in the draft CCP and EIS.
22
23 ANILCA specifically requires the
24 Service to consider oil and gas exploration,
25 development and production activities in this area.

26 Under NEPA, the Service must consider all reasonable
27 alternatives for land management in the Refuge and oil
28 and gas development is a reasonable alternative,
29 particularly since Congress specifically set aside the
30 coastal plain for potential development.

Comment 032620.001
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.

Comment 032620.010
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.

Comment 136798.001
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.

Comment 000089.001
Aves Thompson, Executive Director
Alaska Trucking Association

16 In reviewing the alternatives presented
17 for consideration, I am disappointed. Make that I'm
18 very disappointed to see that there is no oil and gas
19 exploration and production alternatives. It seems that
20 since the original intent of the 1002 designation was
21 to provide for oil and gas exploration and development,
22 there should be under serious consideration at least
23 the continuation of that designation.

Comment 136818.005
Richard Ranger, Senior Policy Advisor
American Petroleum Institute

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.

Comment 136980.002
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.

Comment 032636.002
Matthew Fagnani, Member, Board of Directors, Executive Committee
Arctic Power

In the past 30 years of oil production at Prudhoe Bay, producers have significantly and safely advanced technology in oil and gas drilling, Arctic engineering, waste disposal and environmental management. With these advancements the Fish and Wildlife Service and state should be able to pursue a 10- 02 area comprehensive management plan that does not designate the ANWR coastal plain as wilderness. The USFWS CCP report limits the scope of alternative management practices and includes no natural resource development alternatives.

Alternative management proposals should include scenarios in which the USFWS and the state of Alaska jointly pursue a plan of action that would responsibly and safely complete the original intended use of the 10-02 coastal plain, the eventual development of its oil and gas reserves.

Comment 000074.001
Gail Phillips, Board of Directors
Arctic Power

9 After the hearing in Anchorage in May
10 of 2010, it was our understanding that the purpose of
11 the agency's scope of work on the draft was to find a
12 way to strike a balance between critical habitat and
13 ecosystems and the production of critical energy
14 resources.
15
16 The current CCP draft in its current
17 form only addresses the issue of wildlife and ecosystem
18 protection and completely ignores any alternative uses

19 regarding oil and gas development. The CCP draft
20 excludes any practices that would include working with
21 the State of Alaska to manage both wildlife protections
22 in conjunction with responsible resource development.
23 Additionally, the current non-wilderness status of the
24 1002 coastal plain does not hinder the Services mission
25 to protect critical habitat and wildlife.
26
27 Under the NEPA Act, Federal agencies
28 must study, develop and describe appropriate
29 alternatives to recommend courses of action and any
30 proposal which involves unresolved conflicts concerning
31 alternative uses of available resources.
32
33 It's blatantly apparent that the
34 Service has not and is not following established law
35 regarding the conflict surrounding ANWR by virtue of
36 the fact that none of these alternatives you've offered
37 for this revised draft plan provide for options for
38 responsible resource development.
39
40 It is obvious that the Service has
41 instead opted to ignore the Federal law outlined in
42 ANILCA and has discarded the State of Alaska's
43 opposition to the addition of any wilderness
44 designations in the 1002 area. I feel that the Agency
45 has grievously overreached their legal authority and
46 should be directed to consider oil and gas development
47 as alternative management practices.

Comment 032641.001
Gail Phillips, Executive Board Member
Arctic Power

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 fmd 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 tbe issue of wildlife and ecosystem protection and completely ignores any alternative uses regarding oil and gas development.

Tbe 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 10-02 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 tbat 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 tbe 10-02 area. I feel that the Agency bas grievously overreached their legal authority and should be directed to consider oil and gas development as an alternative management practice.

Comment 136824.002
John MacKinnon, Executive Director
Associated General Contractors of Alaska

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.

Comment 032675.016
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.

Comment 032617.003
Don Young, Congressman
Congress of the United States, House of Representatives

The inclusion of Wilderness in the alternatives has unreasonably restricted the scope of the alternatives and public comment on the CCP, as the Service has refused to consider an oil and gas development alternative as well.

Comment 137005.001
John Woodman C.P.G., Sr. Natural Resource Manager
Doyon Limited

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.

Comment 009536.002
Lisa Herbert, Executive Director
Fairabanks Chamber of Commerce

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.

Comment 009536.003
Lisa Herbert, Executive Director
Fairbanks Chamber of Commerce

The service
needs to rise -- revise the draft plan to include a new
alternative that recommends responsible oil and gas exploration
in the 1002 area.

Comment 136783.001
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. ANJLCA 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.

Comment 136982.002
Mike Miller, Business Development Manager, Alaska Region
Granite Construction Company

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.

Comment 032680.001
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.

Comment 032680.002
Lorna Shaw, Chair, Board of Directors
Greater Fairbanks Chamber of Commerce

Resource development is not mutually exclusive to the purposes of ANILCA, and is vital to the economic growth and stability of the United States. In 1987, the Department of the 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 include a single alternative that would recommend opening the 1002 area to oil and gas development.

Comment 136814.001
Rick Solie, Community & Government Relations Manager
Livengood Gold Project

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.

Comment 136523.001
Resource Development Council - Website

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.

Comment 000033.001
Bill Barron, State Director of the Division of Oil and Gas
State of Alaska

There's a potential of massive amounts
2 of oil and opportunity for our struggling economy. A
3 very small production footprint and an excellent record
4 of environmental responsibility. Yet despite these
5 facts the draft CCP and EIS for the Arctic National
6 Wildlife Refuge fails to even consider an alternative
7 that includes resource development.

Comment 136805.016
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.

Comment 136805.019
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.

Comment 136805.020
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.022
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.160
Sean Parnell, Governor
State of Alaska

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.

Comment 136920.001
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.

Comment 000084.002
Keith Silver, Owner
The Silver Agency

The U.S. Fish and Wildlife Service CCP
43 report limits the scope of alternative management
44 practices and includes no natural resource development
45 alternatives. Alternative management proposals should
46 include scenarios in which the U.S. Fish and Wildlife
47 Service and the State of Alaska jointly pursue a plan
48 of action that would responsibly and safely complete
49 the original intended use of the 1002 coastal plain,
50 the eventual development of its oil and gas reserves.

Comment 000046.002
Matthew Fagnani

14 The CCP report limits the scope of
15 alternative management practices and includes no
16 natural resource development alternatives. Alternative
17 management proposal should include scenarios in which
18 the Fish and Wildlife and the State jointly pursue a
19 plan of action that would responsibly and safely
20 complete the original intent of the use of 1002 coastal
21 plain.

Comment 136950.002
Peter Gadd

It is also clear that this is a biased analysis that favors the status quo (limited access) to opening the area up to thoughtful and careful development. The area is a special place but the needs of America dictate that resource development needs to be presented in the discussion.

Comment 000050.001
Sami Glascott

-------Preamble/Intro-------
44 Our reality is that every year the
45 throughput in the TransAlaska Pipeline decreases by
46 another 6 percent. Currently we are at a third of the

47 pipeline's capacity and any given cold snap like the
48 one we experienced last winter can paralyze the flow of
49 oil because there simply isn't enough going through it
50 right now. That is our reality.

----------Comment----------
It is through this lens that reviewing
2 the draft revised CCP shouldn't be alarming to
3 Alaskans. In its list of alternatives, the U.S. Fish
4 and Wildlife does not offer an oil and gas development
5 alternative.

Comment 136782.001
Paul S. Glavinovich

The fact that this potential was not addressed in the CCP is cause for concern and clouds the veracity of your planning process. Such energy potential is a national resource and should be managed as such.

Comment 221179.001
Gregory Hall

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.

Comment 136975.002
Mary Klebs

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.

Comment 032651.003
Mark Lindsey

-------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 EISis 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.

Comment 032615.001
Katie Montgomery

The Service needs to include a plan to the public that offers the alternative of oil and gas development.

Comment 000066.001
Benjamin Moore

-------Preamble/Intro-------
37 There's certainly conflict of competing
38 interest in the 1002 area. Federal law provides that
39 agencies such as yours must study, develop and describe
40 appropriate alternatives to recommend forces of action
41 in any proposal which involves unresolved conflicts
42 concerning alternative uses of available resources.
43

44 With that in mind, ANILCA provides that
45 the purpose of Section 1002 is, quote, to provide for a
46 comprehensive and continuing inventory of the
47 assessment of fish and wildlife resources, analysis of
48 the impact of oil and gas exploration, development and
49 production and to authorize exploratory activity within
50 the coastal plain, close quote.

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

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

Comment 136938.002
Brian Newton

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 10-02 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."

Comment 009573.001
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.

Comment 221886.001
Gerald A. Richards

The Service should reconsider oil and gas development alternatives 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.

Comment 009583.001
Lance Roberts

I think you really need to look at another alternative that looks at the oil and gas development.

Comment 136940.001
Rick Shattuck

Alaska has proven that we can do energy exploration and extraction responsibly. The presumption that all oil and gas development will unavoidably destroy the environment is not supported by any facts. In fact, the Service will likely face litigation for making assumptions that lead to a flawed scope of alternatives. 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.

Comment 221450.001
John Shively

Your plan should recognize the potential for oil and gas development in the 1002 Area, provide for recommending the opening of that area for such development to Congress, and make that recommendation part of your preferred alternative.

Comment 136999.001
Bill Staley

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 areaâ€™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.

Comment 137000.001
William Staley

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 areaâ€™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.

Comment 009609.001
Kate Williams

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.

3.3.9 Other Alternatives Suggested

Comment 136794.009
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----------
6. AOC recommends that an Alternative be added to propose development and utilization of resources in the Refuge's Coastal Plain (Area 1002).

Comment 000017.010
Wilderness Watch - Full

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.

Comment 136966.001
Jeff Fair

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

Comment 136986.001
Peggy Nelson

if compromise could be made, I would support Alternative C, with a couple of modifications:

Wilderness designation for the Brooks Range WSA
Wild and Scenic River status from the headwaters of the Marsh
Fork of the Canning, down beyond Shublik Rprings.
Wild and Scenic River status for the Kongakut.

Comment 136753.001
Carla Sims

-------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.

Comment 137002.001
Nathaniel Wallshein

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 Areement. 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 Regue, 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.

Comment 137002.002
Nathaniel Wallshein

-------Preamble/Intro-------
I recommend two additional alternatives to provide for a recommendation of the Porcupine Plateau alone, or in conjunction with the Coastal Plain WSA.
----------Comment----------
The CCC may decide to not pursue the two additional alternatives proposed in this comment, but must at least provide some rationale beyond what was mentioned at 3.1.3.1. Without additional explanation, this decision may be enough to render the EIS inadequate. N. Alaska Envtl. Ctr. v. Kempthorne, 457 F.3d 969, 978 (9th Cir. 2006) (where the court held that the BLM must

substantively explain its reasoning for eliminating an alternative) [emphasis added]. However, for international policy reasons discussed below, I recommend adding these two alternatives to the final CCC.

B. International Agreements

Several treaties affect how the FWS manages the ANWR. U.S. Fish and Wildlife Service, FWS-R7-2010-N290, Draft Comprehensive Conservation Plan And Draft Environmental Impact Statement, Arctic National Wildlife Refuge, A.1.1. (2011), available at http://artic.fws.gov/ccp.htm. Of particular import are the International Porcupine Caribou Herd Agreement (IPCHA) and the Yukon River Salmon Agreement (YRSA). Id. at A.1.1.3 - A.1.1.4. The objective of the IPCHA is to conserve the herd and its habitat through international cooperation so that the risk of irreversible damage or long-term adverse effects as a result of use of caribou or their habitat is minimized. Id. The objective of the YRSA is to ensure the sustainability of Canadian-origin, Yukon River salmon stocks and fisheries. Id.

B.1. Caribou and the IPCHA

The Porcupine caribou herd annual migration cycle covers both the Coastal Plain WSA and the Porcupine Plateau WSA. In the early summer, the herd uses the coastal plain to graze and calve their young. In the fall, the herd moves onto the Porcupine Plateau WSA to rut and spend the winter in the taiga or boreal forest. This herd is sensitive to many types of human disturbance, including oil and gas development, helicopters, and recreation. Under Minimal Management, the management of the herd has been allowed to lapse over the past decade. http://www.taiga.net/pcmb/updates_19.html (A proper census of the herd was last done in 2001). A wilderness recommendation, either for the Porcupine Plateau alone, or in conjunction with the Coastal Plain WSA, would ensure that the U.S. will comply with the main objective of the IPCHA. The draft CCP acknowledges that a wilderness management is better for the Porcupine caribou herd, providing minor, long-term, WSA-wide benefits.

B.2. Salmon and the YRSA

In the Arctic Refuge, salmon that occur in and/or migrate through the Porcupine, Sheenjek, and Coleen rivers are subject to the terms of the YRSA agreement. Wilderness management will help achieve the objectives outlined in the YRSA by providing minor, long-term, WSA-wide benefits to the salmon populations. Therefore, an alternative recommending either the Porcupine Plateau alone, or in conjunction with the Coastal Plain WSA, should at least be considered by the agency.

Comment 137004.002
David Wiswar

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.

3.3.10 Responsiveness to Goals

Comment 136805.105
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.106
Sean Parnell, Governor
State of Alaska

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.

3.3.11 Comparison of Alternatives

Comment 032626.029
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.

3.4. TOPIC: ANILCA

3.4.1 Section 810 Evaluation

Comment 136820.034
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136817.010
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.

Comment 136801.120
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 032644.005
Wade Willis
Science Now Project

-------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.

Comment 136822.006
Wade Willis
Science Now Project

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 ANLICA 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.

Comment 137012.001
Wade Willis
Science Now Project

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?

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.

Comment 137014.030
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 032627.054
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-------Preamble/Intro-------
C) The FWS Failed to Consider the Cumulative Impacts of the Action in the ANILCA Section 810 Evaluation Title VIII of ANILCA recognizes that subsistence uses are a public interest and provides a framework to consider and protect subsistence uses in agency decision making processes. 16 U.S.C. §§ 3111–3126. As the Supreme Court explained:
[t]he purpose of ANILCA § 810 is to protect Alaskan subsistence resources from unnecessary

destruction. Section 810 does not prohibit all federal land use actions which would adversely affect subsistence resources but sets forth a procedure through which such effects must be considered and provides that actions which would significantly restrict subsistence uses can only be undertaken if they are necessary and if the adverse effects are minimized.

Amoco Production Co. v. Village of Gambell, Alaska, 480 U.S. 531, 544 (1987).

Thus, ANILCA § 810 imposes a two-tiered process to evaluate a project's impacts on subsistence uses. First, the federal agency:
[i]n determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands . . . shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.

ANILCA § 810(a), 16 U.S.C. § 3120(a). This initial finding is referred to as the "tier-1" determination, Hanlon v. Barton, 470 F. Supp. 1446, 1448 (D. Alaska 1988), and requires the agency to consider the cumulative impacts in making the determination. Sierra Club v. Penfold, 664 F. Supp 1299, 1310 (D. Alaska 1897), aff'd by Sierra Club v. Penfold, 857 F.2d 1307 (9th Cir. 1988).
If the agency, after conducting the tier-1 analysis, determines that the activity will not "significantly restrict subsistence uses," 16 U.S.C. § 3120(a), then the agency issues a Finding of No Significant Restriction (FONSR) and the requirements of ANILCA § 810 are satisfied. However, if the agency makes the initial determination that the action would "significantly restrict subsistence uses," the agency must then make conduct a "teir-2" analysis, Kunaknana v. Clark, 742 F.2d 1145, 1151 (9th Cit. 1984); Hanlon, 470 F. Supp. at 1448. Under teir-2, the agency must determine whether any restriction on subsistence is necessary, involves the minimal amount of public lands necessary to accomplish the purpose of the use, occupancy or disposition of public lands, and takes steps to minimize the adverse impacts to subsistence uses and resources. 16 U.S.C. § 3120(a)(1)–(3). Thus, as the Ninth Circuit explained, ANILCA § 810 imposes procedural requirements as well as substantive restrictions on the agency's decisions. Sierra Club v. Marsh, 872 F.2d 497, 502–03 (9th Cir. 1989).
----------Comment----------
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.

3.4.2 Designated Wilderness and ANILCA

Comment 032619.008
Cliff Judkins, Chairman
Alaska Board of Game

-------Preamble/Intro-------
The following specific points further define the concerns and issues expressed by the Board:
----------Comment----------
We take exception to the incorporation of the Wilderness Review in the draft CCP process because it violates the spirit of ANILCA which seeks to curtail further wilderness designations in Alaska and

because it results from an arbitrary policy decision of the refuge that is unsupported by congressional law.

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

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

Comment 032620.005
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

ANILCA Prohibits, Not Authorizes, New Proposals for ANWR Wilderness
The only authorization in ANILCA for DOI proposals for wilderness designations in the national parks and wildlife refuges in Alaska is Section 1317. However, this section prohibits the wilderness reviews contained in the CCP/EIS.

Section 1317 mandated review of additional wilderness in the parks and refuges within five years after ANILCA's enactment: GENERAL WILDERNESS REVIEW PROVISION §1317. (a) 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.
(b) 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.
(c) Nothing in this section shall be construed as affecting the administration of any unit of the National Park System or unit of National Wildlife Refuge System in accordance with this Act or other applicable provisions of law unless and until Congress provides otherwise by taking action on any Presidential recommendation made pursuant to subsection (b) of this section.
Id. (emphasis added). The authority under this section was time limited: five years for DOI to "review as to their suitability or nonsuitability for preservation as wilderness, all lands" in the parks and refuges. The authority to conduct the review expired more than two decades ago. The time limit of Section 1317(a) independently bars any DOI wilderness recommendations outside the authorized time.

Were there any doubt that Congress knew how to instead delegate continuing authority to conduct wilderness reviews when it wanted to,one need look no further than Section 1320 of ANILCA to dispel it. That section solely addresses BLM land management in Alaska12 and does not apply to national wildlife refuges or USFWS. It provides in relevant part that "the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System…"13 The language of Section 1320 is dispositive of any contention that

Congress, in spite of the express time limit of Section 1317(a), somehow instead intended to authorize or permit new wilderness proposals decades later. It did not.

Finally, the time limit of Section 1317(a), while dispositive here, does not stand on its own. It must be read in conjunction not only with Section 1320, but also with the "no more" clause of Section 1326(b) and the broader policy statement of Section 101(d). Together, these clauses flatly prohibit new studies and recommendations for wilderness in ANWR.

Comment 032620.017
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.

Comment 032614.001
Wendy Lindskoog, Vice President Corporate Affairs
Alaska Railroad

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.

Comment 032649.001
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.

Comment 000081.001
Dan Saddler, Representative, District 18
Alaska State Legislature

8 The Interior Department has already
9 concluded oil development would have minimal impact on
10 wildlife. Alaska did receive a process of no more
11 wilderness after we acceded to ANILCA and all but two
12 of these alternatives would violate that process.
13 Though there are several alternatives for creating
14 wilderness, not one of these alternatives would call
15 for oil and gas development.

Comment 136818.001
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.

Comment 136818.003
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.

Comment 136818.004
Richard Ranger, Senior Policy Advisor
American Petroleum Institute

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 the statute's enactment. That time period has long since concluded. No provision of ANILCA, or any other controlling law, authorizes such an agency proposal decades later, and such a proposal is precluded by Sections 102(d), 1317 and 1326(b) of the statute.

Comment 032636.001
Matthew Fagnani, Member, Board of Directors, Executive Committee
Arctic Power

Alternatives "c" and "E" of the Draft CCP recommend the additional inclusion of the 10-02 Coastal Plain for Wilderness status.

This recommendation conflicts with the "No More Clause" of Alaska National Interest Lands Conservation Act (ANICLA), 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 10-02 Coastal Plain is not new land, the USFWS is ignoring the intent of congress when ANILCA was put forward. The 10-02 Area was set aside with the intent to study potential development for oil and gas.

Comment 032636.003
Matthew Fagnani, Member, Board of Directors, Executive Committee
Arctic Power

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 10-02 Coastal Plain.

Comment 136817.001
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.

Comment 136817.002
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."

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.

Comment 136817.006
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.

Comment 136817.007
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.

Comment 136817.008
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

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.

Comment 136824.001
John MacKinnon, Executive Director
Associated General Contractors of Alaska

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.

Comment 136809.002
William C. Reffalt, Vice President and Issues Coordiantor
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.

Comment 032635.001
June McAtee, VP, Land & Shareholder Services
Calista Corporation

The original exclusion by Congress of the "1002 area" from the ANWR Wilderness block was a compromise struck with Alaska under ANILCA to enable the area to be developed for energy in the future.

The ANILCA compromise doubled the Arctic Refuge's size, but mandated a study of the "1002 area's" environment and petroleum resources. Subsequent Department of Interior's (DOI) 1987 reports concluded responsible oil development would have minimal impacts on wildlife and recommended Congress open the coastal plain to development. As part of the ANWR Comprehensive Conservation Plan (CCP) update, the U.S. Fish and Wildlife Service (USFWS) will conduct a review of refuge lands to determine if additional acreage should be designated Wilderness. It is of great concern that the question of wilderness designation will be raised once again because it was studied in-depth previously and the final DOI recommendations yet to be acted upon.

As an Alaska Native and a citizen of Alaska and the United States, I believe the federal government and Congress should uphold the promises made to the state-for access, responsible development and the use of Alaska's land and resources to provide economic opportunities and jobs. We can both develop resources and protect our wildlife. Technological advances today make it possible to develop the coastal plain's energy reserves while utilizing very little footprint. Such development would allow access to energy needed by Americans without significant disturbance to wildlife.

Comment 032675.003
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

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.

Comment 032617.001
Don Young, Congressman
Congress of the United States, House of Representatives

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 noauthority 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.

Comment 032617.002
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.

Comment 009536.001
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.

Comment 136982.001
Mike Miller, Business Development Manager, Alaska Region
Granite Construction Company

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.

Comment 000075.001
Carl Portman, Deputy Director
Resource Development Council

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

Comment 136806.001
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 has been 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.

Comment 136805.001
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.002
Sean Parnell, Governor
State of Alaska

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 the1002 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.

Comment 136805.003
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.004
Sean Parnell, Governor
State of Alaska

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).

Comment 136805.005
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.006
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.159
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.

Comment 000084.001
Keith Silver, Owner
The Silver Agency

Alternative C and E of the draft CCP
8 recommend the additional inclusion of the 1002 area
9 coastal plain for wilderness status. This
10 recommendation conflicts with the no more clause of
11 ANILCA, ANWR's creation bill, which specifically
12 prohibits the study and designation of new land in
13 Alaska as wilderness without express permission from
14 Congress.
15
16 The draft defends itself from conflict
17 with the no more clause by stating the U.S. Fish and
18 Wildlife Service does not view the CCP as a study for
19 inclusion of new land because it claims the land within
20 ANWR borders are already protected by the Refuge
21 system, thus it is not new.
22
23 The intention of the debate when the no
24 more clause was adopted was to prevent the study of
25 declaration of wilderness of additional Federal land
26 within the state by any other government entity besides
27 Congress. By claiming that the 1002 coastal plain is
28 not new land, the U.S. Fish and Wildlife Service is
29 ignoring the intent of Congress when ANILCA was put
30 forward. The 1002 area was set aside with the intent
31 to study potential development for oil and gas.

Comment 000084.003
Keith Silver, Owner
The Silver Agency

The purpose of the ANILCA clause was to
2 allow the U.S. Fish and Wildlife Service to mitigate
3 impact of land use and not lock up new land.
4 Recommending the designation of wilderness violates the
5 precedent set by ANILCA and goes against the intended
6 purpose of the 1002 coastal plain.

Comment 136803.003
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.

Comment 032627.001
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.

Comment 032627.047
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-------Preamble/Intro-------
The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values."7 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: (v) to conserve fish and wildlife populations and habitats in their natural 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; (vi) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats; (vii) 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 (viii) 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.[8]

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.[9]

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 re-designated unit and additions to existing units. Enumeration of purposes is not exclusive, but is set forth as a guide for management."10 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.11 All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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 re-designated Arctic Refuge and that the purposes included in ANILCA were to be inclusive, rather than exclusive, of existing Arctic Refuge purposes.

As the USFWS'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.[12] 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).

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,13 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 Congress that the original Arctic Range purposes should not apply to the entire Arctic Refuge.

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.14 All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.
----------Comment----------
in applying USFWS's policy to determine the purposes of a refuge, for USFWS'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 Congress that the original Arctic Range purposes should not apply to the entire Arctic Refuge. Without such an indication from Congress, the original Arctic Range purposes should apply to the entire Arctic Refuge. 15 Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS thus should correct this mistake in the CCP.

Comment 221143.001
Charles Becker

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.

Comment 000040.001
Jason Brune

4 There should be no new wilderness in
5 any of ANWR. That's illegal. It's illegal according
6 to ANILCA. The no more clause of ANILCA.

Comment 032638.001
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 10-02.

• 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.

Comment 221127.001
Jason R. Custer

I wish to express my concern with the fact that Fish and Wildlife Services' efforts to designate new wilderness areas in Alaska is a violation of the Alaska National Interest Lands Conservation Act, which states in section 1326(b) that the agency may not even conduct wilderness reviews in Alaska without Congressional authorization. Congress has given no such approval. As purse strings tighten across the nation, and as we struggle with a burgeoning national debt crisis, we should remain diligent in avoiding and castigating unauthorized, wasteful action by federal agencies.

Comment 000046.001
Matthew Fagnani

Alternative C and E of the draft CCP
30 recommend the additional inclusion of the 1002 coastal
31 plain for wilderness status. This recommendation
32 conflicts with the no more clause of the Alaska
33 National Interest Land Claims Conservation Act, ANILCA.
34
35 ANWR's creation bill, which
36 specifically prohibits the study and designation of new
37 lands in Alaska's wilderness without express permission
38 from Congress. The draft defends itself from conflict
39 with the no more clause by stating that the U.S. Fish
40 and Wildlife Service does not view the CCP as a study
41 for inclusion of new land because it's claimed within
42 the ANWR border is already protected by the refuge
43 system rules, thus it's not new.
44
45 The intention of the debate when the no
46 more clause was adapted was to prevent the study or
47 declaration of wilderness of additional Federal lands
48 within the state by any other government entity besides
49 Congress. By claiming the 1002 area is not new land,
50 the U.S. Fish and Wildlife is ignoring the attempt of

1 Congress when ANILCA was put forward. The 1002 area
2 was set aside for the intent to study the potential
3 development of oil and gas.
4
5 In the past 30 years of oil production
6 that Prudhoe Bay produces have significantly and safely
7 advanced technologies in oil and gas drilling, arctic
8 engineering waste disposal and environmental
9 management. With these advancements, the Fish and
10 Wildlife Service and State should be able to pursue a
11 1002 area comprehensive management plan that does not
12 designate the ANWR coastal plain as wilderness.

Comment 000047.001
Theresa Fiornio

39 The refuge planning process also
40 provides a service with the opportunity to conduct
41 critically important wilderness reviews. In fact, the
42 law articulated a wilderness review for the Arctic
43 Refuge. Section 304 of ANILCA requires wilderness and
44 other special values to be identified in the planning
45 process. Section 1004 requires wilderness review for
46 existing Federal lands located north of 68 degrees
47 north latitude and east of the west boundary of the
48 NPR-A. Section 1317 requires wilderness review for all
49 refuge system lands that were already not designated as
50 wilderness as well as a recommendation based on

1 findings from those reviews, requirements that have
2 never been completed.

Comment 136975.001
Mary Klebs

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.

Comment 136932.001
Robert Laule

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

The U.S. Fish and Wildlife Service (FWS) included a Wilderness component in their revision of the Comprehensive Conservation Plan (CPP) 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).

Comment 032651.001
Mark Lindsey

Issue: 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?

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.

Comment 032651.004
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.

Comment 032651.006
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.

Comment 000064.001
Charisse Millett

I would also
3 like to remind you that under ANILCA 1002 was taken out
4 of any wilderness designation. It was a promise made
5 to the state of Alaska and to the residents of the
6 state of Alaska that 1002 would be open for exploration
7 and development of its oil and gas resources.

8
9 I'd like you to please consider closely
10 the issue that you are taking up here. It's the wrong
11 path to follow. It's not legal, it's not right.

Comment 136938.001
Brian Newton

Generally, I question the legality of the CCP draft, particularly in the context of the Alaska National Interest Lands Conservation Act or ANILCA.

Alternatives "C" and "E" of the Draft CCP recommend the additional inclusion of the 10-02 Coastal Plain for Wilderness status. This recommendation conflicts with the "No More Clause" of 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 CCP 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 10-02 Coastal Plain is not new land, the USFWS is ignoring the intent of congress when ANILCA was put forward. The 10-02 Area was set aside with the intent to study potential development for oil and gas.

Comment 221126.001
Lance Stevens

the FWS lacks the authority to designate more wilderness or wild scenic byways under the Alaska National Interest Lands Conservation Act. The law is clear: under ANILCA, section 1326(b). It seems that the government agencies continue to challenge the laws set forth by congress and hope the extremist groups and sympathetic courts will allow their internal wishes to rule the land. Quit over reaching your authority and begin to utilize our hard earned tax dollars to manage the resources for all uses including resource extraction.

Comment 221124.001
Doug Ward

I wish to express my concern with the fact that Fish and Wildlife Services' efforts to designate new wilderness areas in Alaska is a violation of the Alaska National Interest Lands Conservation Act, which states in section 1326(b) that the agency may not even conduct wilderness reviews in Alaska without Congressional authorization. Congress has given no such approval. As purse strings tighten across the nation, and as we struggle with a burgeoning national debt crisis, we should remain diligent in avoiding and castigating unauthorized action by federal agencies.

Comment 222160.001
Cara Wright

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.

3.4.3 General

Comment 032620.003
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(c) 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.

Comment 032620.004
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

The “no more” clauses of ANILCA expressly prohibit studies to create new units of wilderness and wild and scenic rivers. The draft CCP/EIS briefly acknowledges this issue, but fails to address the plain language and controlling requirements of ANILCA.
The first of the “no more” clauses is Section 101(d), one of “Purposes” of ANILCA as a whole. This expresses the key principle that the more than 100 million acres of new conservation system units established in Alaska were “a proper balance” which “obviated” the need for new legislation to establish more: (d) 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.
(emphasis added). This plain statement of Congressional intent is then given specific effect in numerous directives and time limits throughout ANILCA.

The most relevant of these here is Section 1326(b), a section addressing “Future Executive Actions.” This provides:
§1326. (b) 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.

(emphasis added.)7 In order to understand the full scope of both sections 102(d) and 1326(b), it is essential to consider the definition of “conservation system units” in ANILCA Section 103(4): (4) 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). The plain meaning of this language is unavoidable. "Any unit" means just that: any unit of any of the listed federal systems, including future expansions. The conservation systems are listed disjunctively ("or"). The necessary effect is that any expansion of any of the systems by definition is itself a "conservation system unit."
Here, under this definition, Section 1326(b) therefore directly prohibits the CCP proposals "considering the establishment" of new additions to both the National Wilderness Preservation System and the National Wild and Scenic Rivers System. It would be nonsense in any event to contend that the implementation of either of these systems does not establish any new conservation system unit. Their very purpose is to impose extraordinary new preservationist regimes which permanently preclude development.

It is equally clear, despite USFWS' denial,8 that the wilderness and scenic river "studies" undertaken in the CCP are precisely the kind of "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 related or similar purposes…" which are prohibited by Section 1326(b). The studies have no other purpose. The wilderness areas are labeled "wilderness study areas." Both the wilderness and scenic rivers review expressly include "study" stages.9 If these are not "studies" within the meaning of 1326(b), what possibly could be?

And, contrary to USFWS' contention, although both studies are for the singular purpose of considering the establishment of new conservation system units, it would not matter in any event if they had other purposes. Section 1326(b) also includes the broad language "or for related or similar purposes." These words must also be given effect,10 and there can be no serious contention that the studies of new wilderness and new scenic rivers in ANWR completed as part of the CCP/EIS process do not at least comprise "related" or "similar" purposes.

Finally, it makes no difference that ultimately Congress must approve a recommendation for new wilderness or wild rivers. These are still further studies "considering the establishment" of conservation system units. All the words must be given effect. No completed action is required.11A contrary reading would in any event negate Section 1326(b) altogether, since Congress must act to establish any of the conservation units as defined in Section 103(4).

In consequence, Section 1326(b) applies here and expressly prohibits the study of new wilderness and wild rivers in the CCP "unless authorized by this Act or further Act of Congress." No such authorization exists.

Comment 032675.006
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

The Commission is not persuaded by the flawed explanation in Appendix D of the DCCP (Alaska National Interest Lands Conservation Act "No More" Clauses, pg. D-3) given in an attempt to support the claim that the wilderness and wild and scenic river reviews in this planning effort do not violate the provisions in sections 101(d), 1326(a) and 1326(b) of ANILCA. The Commission does not accept the claim that these reviews do not violate the "no more" clauses in ANILCA simply because

they are bundled into a bigger planning package and are required by questionable Service policy with no statutory foundation.

We are also seriously offended by the careless dismissal of one of the fundamental compromises found in ANILCA. The "no more clause" was a key piece in the final substitute bill and critical to its passage. Had this and other compromise provisions not been included, it is quite possible passage of an Alaska lands bill would have been delayed well into the next Congress and new administration.

ANILCA Section 101 (d) provides the general statement that Congress believed no further legislation designating new conservation system units, national recreation areas or conservation areas was necessary because ANILCA struck a proper balance between protection of the national interest in the public lands in Alaska and the future economic and social needs of the State of Alaska and its citizens.

Congress provides confirmation of this by taking additional steps in Section 1326 to limit the power of the Executive Branch to use its authority to upset that balance. Section 1326 provides clear and unambiguous restrictions on federal land management agencies with respect to future withdrawals and further studies or reviews. We quote this section here in its entirety:
Sec. 1326 (a) No further executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effictive until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a jOint resolution of approval within one year after notice of such withdrawal has been submitted to Congress.

(b) Nofurther studies of the 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" (emphasis added)
Inclusion of this section was not unintentional, nor was it done without considerable effort. At least one early versions of the "D-2" legislation contained language curbing the authority of the executive branch. However, most of the bills introduced during the time of the "D-2" deliberations did not address this issue. Following the December 1978 Presidential Proclamations designating 17 national monuments under the Antiquities Act of 1906, the Alaska delegation and other members of Congress noted this deficiency and moved to correct it. At the invitation of Senator Jackson, chairman of the Senate Committee on Energy and Natural Resources, Senator Gravel submitted a letter to the committee expressing his views on H.R. 39, the bill which is the foundation for the final ANILCA. One section of Senator Gravel's letter addressed the "no more" issue directly:
Title XII - Administrative Provisions

"No More"

The Committee bill contains two provisions which I think are absolutely necessary to reassert Congress' authorities in the matter of land designations: (1) the revocation of the monuments and the other FLPMA withdrawals which were made last year by the Administration to put pressure on the legislative process, and (2) the exemption of Alaska from the wilderness study provisions of FLP LMA in the just belief that with passage of this bill "enough is enough".

However, one further critical provision is lacking. With the designation of over 1 00 million acres by this bill, coupled with the 50 million acres of units already existing in Alaska, nearly 40 percent of the land mass of the State would be within conservation systems. Surely that sufficiently meets even the most generous allocation of land for this specific purpose to the exclusion of most other land uses.

Should this bill become law, we in Alaska must have some assurance that this represents a final settlement of the nation's conservation interests. We cannot continue to be exposed to the threats and intimidation of a zealous Executive which may feel in the future that the Congress did not meet the Administrations desires for land designations in Alaska.

Thus, absent from this bill is a provision barring further conservation system designations through administration action such as the Antiquities Act. Obviously, the Congress could act again in the future if it were so inclined, but the arbitrary permanent removal offederallandsfrom the public domain can no longer be left to the Executive in Alaska. Deletion of such a provision in this bill is a serious deficiency which must be corrected prior to any final action. " (Senate Report No. 96-413, pg. 446)
A later version of the Alaska lands legislation, the so-called Tsongas Substitute for H.R. 39, was amended to include the language now found in ANILCA Section 1326. During the August 18, 1980 Senate floor debate on the Tsongas Substitute,
Senator Stevens explained that the Alaska State Legislature had asked the Alaska delegation to address seven consensus points that were not originally contained in the bill:
"I have uniformly responded to questions in those areas [Alaska communities J concerning the revised Tsongas substitute. This substitute now is a version of the Senate Energy Committee bill, but it does not satisfy the seven points that our State legislature asked us to address in connections with this legislation.

I have told Alaskans that while I cannot vote for the Tsongas substitute, I think it has to be judged as being a compromise that is better than the existing situation under the national monuments and certainly better than those the President has indicated he will impose if a bill does not pass.

Our State legislature asked us to address seven points. We call them the consensus points ... .

The fifth injunction of the legislature was to be sure that there is what we call a no-more provision. This was a provision I insisted on in 1978. It was in the so-called Huckaby bill. It was in the bill that almost was approved in 1978. That clause is not in the committee bill. It is in the revised Tsongas substitute because the agreement we had in committee that when the bill had reached its final version on the floor of the Senate,
the committee would agree to the no more clause. Realizing that the Tsongas revised substitute may be final version, the Senator from Massachusetts, at my request, has included that. " (Congressional Record - Senate August 18, 1980, pg. S 11 047)
Senator Stevens later in the floor debate formally introduced Amendment No.
1967 to H.R. 39 for the following purpose:

"To provide congressional oversight for major modifications of areas established or expanded by this Act and to require congressional approval for future major executive withdrawals of certain public lands in Alaska. "
The amendment containing the essential wording of Section 1326 was adopted and became part of the Tsongas substitute [2]. That bill was approved by the Senate on August 19, 1980 and by the House on November 12, 1980.
We provide this rather lengthy, and what may be seen by some as unnecessary, look at the legislative history of this section to emphasize its importance in securing the final passage of the legislation. We also provide it to show that Congress clearly retained for itself the sole authority for future studies or reviews for the purpose of creating additional conservation system units in Alaska. And, more importantly, we provide it to remind the Service of its responsibility to comply with the provisions of ANILCA and not attempt to find ways to circumvent them and thwart the clear intent of Congress.

Comment 032627.046
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 221990.001
Tony Johansen

I do believe that the inclusion of new rivers in
the Wild and Scenic River System and the inclusion of Wilderness Study areas
in the National Wilderness Preservation System goes against the "No More"
clause of ANILCA and, most certainly, against the intent of Congress. The "No
More" clauses of ANILCA were purchased by those in support of developing

3.4.4 Planning Requirements

Comment 032620.007
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 requirethat, 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.

Comment 032620.008
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.

Comment 032620.009
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 USWFS 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.

Comment 032620.011
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

-------Preamble/Intro-------
THE DRAFT CCP/EIS FAILS TO INCLUDE ANY ANALYSIS OF ANWR'S RESOURCE POTENTIAL OR RECOGNITION OF THE NEED FOR UPDATED ANALYSIS
Despite the Congressional mandate in ANILCA to examine the 1002 coastal plain area for its oil and gas potential very little exploration has taken place. Only about 1500 miles of two-dimensional ("2D") seismic data have been recorded in the 1002 area. These data were recorded in two winter seasons in 1984 and 1985. The only well that has been drilled in 1002 is the Kaktovik Inupiat Corporation #1 well (i.e. "the KIC well") drilled over two seasons in 1985 – 1986. This well was drilled on private (Native Corporation-owned) land by BP and Chevron and the results of this well are highly confidential and have not been released.

The paucity of data in the 1002 area is in sharp contrast to the amount of exploration data that has been obtained on State land to the west of ANWR. Between the Canning and Colville rivers hundreds of exploration wells have been drilled resulting in oil discoveries in a number of different geologic formations. Most of this area has also seen the application of three-dimensional ("3D") seismic data. 3D seismic data provides a much more accurate picture of the subsurface of the earth than does 2D seismic. 2D data can be likened to an X-ray image of the body; it is constrained to one plane of information. 3D is more like a CAT Scan which provides a volume of data which can be manipulated (rotated, sliced) to give the doctor much more accurate and useful information. The same is true for 3D seismic with respect to geological analysis.

Many new discoveries in Alaska (and worldwide) are the direct result of the application of 3D seismic, which is now the standard exploration tool used by industry. Although more costly to obtain initially, it pays off in that the success rate for drilling can improve dramatically. A 10 or 20 percent success rate was fairly typical for exploration wells based on 2D technology. Using 3D data, success rates of 40 or 50 percent are becoming common. This higher rate is naturally a boon to the industry

since fewer dry holes will be drilled, thus lowering costs. However, it is also a benefit to the environment; impacts are reduced since fewer wells are drilled.

As important as 3D seismic is to exploration there is something it cannot do; it cannot predict whether oil is actually present in the rocks. 3D seismic can only show the distribution of the rocks in the subsurface. Only drilling can find oil.

The lack of data regarding ANWR's oil and gas resources represents the failure of the federal government to fulfill the Congressional mandate to evaluate the oil and gas potential of the 1002 area. The most recent attempt to unravel the complexities of ANWR geology was made by USGS in 1998 and entailed 3 years of study by 40 scientists. This is the most comprehensive study ever done and incorporated new field work, all the well data available and the information derived from reprocessing and reinterpretation of all the seismic data recorded in ANWR. This assessment contains the best information available to the public.

The results of this study showed an increase in the estimated amount of oil in ANWR compared to earlier assessments. Given the many new discoveries on the North Slope it is not hard to understand why the numbers grew. These new discoveries were, as the assessment concluded, in large part due to the application of new seismic and drilling technologies. According to the study "The increase results in large part from improved resolution of reprocessed seismic data and geologic analogs provided by recent nearby oil discoveries." Simply put, new discoveries on other parts of the North Slope have influenced the USGS reassessment of the 1002 area. This new geologic picture of the North Slope also resulted in the oil resource predicted in ANWR to be "redistributed" compared to earlier assessments. Unlike earlier assessments, now the majority of oil in ANWR is thought to be in the northwest portion of the 1002 area and thus closer to existing infrastructure. Again, only drilling can confirm this.

In round numbers the study says there are between 6 and 16 billion barrels of technically recoverable oil in the study area. The mean (average) is about 10 billion barrels. Technically recoverable oil is the amount of oil that actually comes out of the ground. At Prudhoe Bay the recovery factor is over 60 percent. The USGS used a very conservative 37 percent recovery factor in their ANWR assessment. If the recovery factor in ANWR fields can match Prudhoe Bay then the technically recoverable average increases to about 18 billion barrels. At today's higher oil prices, and assuming a reasonable recovery factor, the amount of oil economically recoverable, will be very close to the technically recoverable amount, or potentially even greater.

While the 1998 USGS study is based on sound scientific principles, this does not mean it is right. Despite all the studies that have been done, a simple fact remains: the amount of oil in the 1002 area is unknown. Also true is that existing data does show that ANWR is the best onshore oil prospect in the United States. Although ANWR has enormous potential, that potential will remain unrealized until drilling is allowed.
----------Comment----------
the Congressional mandate contained in ANILCA to evaluate the oil and gas potential of the 1002 coastal plain area has yet to be fulfilled and should be part of, or completed in conjunction with, the CCP/EIS process.

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

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.

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

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.

Comment 136982.003
Mike Miller, Business Development Manager, Alaska Region
Granite Construction Company

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.

Comment 000033.002
Bill Barron, State Director of the Division of Oil and Gas
State of Alaska

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

Comment 032627.023
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----------
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.

Comment 136975.003
Mary Klebs

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.

Comment 032651.005
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.

Comment 230534.001
Drue Pearce

The No More Clause is the law & the EIS ROD supporting exploration in the Coastal Plain stands.

3.4.5 Refuge Purposes and ANILCA

Comment 136794.001
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.

Comment 136820.004
Cindy Shogan, Executive Director
Alaska Wilderness League

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."[3] However, under FWS's own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System,[4]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.

The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values."[5] 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 natural 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.[6]
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.[7]
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."[8]
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.[9] All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.

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.[10]
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, 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 Congress that the original Arctic Range purposes should not apply to the entire Arctic Range. [11]
Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS should correct this mistake in the CCP.

Comment 136809.003
William C. Reffalt, Vice President and Issues Coordiantor
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 Law1 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.

Comment 136801.008
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

A. 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."22 However, under FWS's own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System,23 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.

The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values."24 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 natural 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.[25]

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.[26]
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."27
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.28 All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.

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.[29]
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, 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. 30
Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS thus should correct this mistake throughout the CCP.

Comment 136801.019
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 1-18. "Under Sec. 305 of ANILCA, the Range's original wildlife, wilderness, and recreation purposes still apply to those lands in the former Range. ANILCA also added new purposes that pertain to the entire Refuge."
We agree that "the Refuge's ANILCA purposes are consistent with and complementary to the original purposes for the Arctic National Wildlife Range," but have provided ample documentation that the original Range purposes should also undergird the purposes of the entire refuge (see Section above)
Oil and gas exploration, development, and production are not purposes of the Arctic Refuge; the Service correctly did not include these as purposes of the Arctic Refuge.

Comment 137014.001
Dan Ritzman, Alaska Program Director
Sierra Club

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." [2] However, under FWS's own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System, [3] 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.

The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values." [4] 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 natural 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.[5]

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.[6]
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." [7]
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.[8] All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.

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.[9]
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, 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. [10]
Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS thus should correct this mistake in the CCP.

Comment 136805.010
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.

Comment 032628.037
Fran Mauer, Alaska Chapter
Wilderness Watch

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 wildness 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).

Comment 221177.001
Drue Pearce

-------Preamble/Intro-------
ANILCA is THE law of the land. The purpose of the 1002 section is to authorize expoloratory 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.

3.4.6 Wild and Scenic Rivers and ANILCA

Comment 032620.006
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

Comment 032675.005
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

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.

Comment 136795.001
David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection

We also encourage the agency to review its management of the Ivishak, upper Sheenjek 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.

Comment 136805.007
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.008
Sean Parnell, Governor
State of Alaska

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.

Comment 136938.003
Brian Newton

ANWR’s central area already contains 9 million acres of Wilderness land. Alternatives “C” and “E” of the Draft CCP recommend the additional inclusion of the 10-02 Coastal Plain for Wilderness status. This recommendation immediately runs up against a provision called the “No More Clause” of ANILCA, ANWR’s creation bill. The No More Clause specifically states that no study for nor designation of any land in Alaska for “wilderness” or any other restricted use, can take place without the express permission of Congress. The CCP, by addressing wilderness status, is indeed a study for the potential designation of land for wilderness status. Further recommendations in the Alternatives listed are for Wild or Scenic River status on some of the rivers flowing through ANWR and onto the Coastal Plain.

Designation of Wild or Scenic River status would bring extreme restrictions on land adjacent to these rivers if declared. Such designation, similar to wilderness status, would restrict future development in these areas.Therefore, I strongly recommend that no action be taken by the ANWR CCP in any recommendation for more wilderness land or protective river status in ANWR.

3.5 TOPIC: Archaeological Resources

3.5.1 Area History

Comment 032620.016
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 Jennessin 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.

3.5.2 General

Comment 136833.001
Unnamed 16

Traditional trails have been there for millennia and need protection.

3.6 TOPIC: Biological Environment

3.6.1 General, multiple resources (fish, wildlife, plants)

Comment 136801.016
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.

Comment 032613.002
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.

3.7 TOPIC: Cabins/Camps

Comment 032675.014
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

Guidance for cabin management in the 1988 CCP was developed prior to the promulgation of regulations for the use and construction of cabins within national wildlife refuges in Alaska. At the time the CCP was adopted, cabins were managed under a regional policy that was not uniformly applied and which was not consistent with the provisions of ANILCA. Following public review and comment a revised cabin policy was adopted in 1989. Formal cabin regulations were adopted in 1994.

The regional cabin policy was revised in 2010, without any public notice or opportunity for public review and comment. We question whether its use is appropriate in making any determinations regarding the permitting of cabins on the Arctic Refuge.

The Service estimated in the 1988 CCP that there were 37 cabins on refuge lands used for trapping or other customary and traditional subsistence uses. According to that CCP, 25 of those were used to "some degree" and 12 were not being actively used. Twelve of the cabins were under special use permit. The original CCP (pg. 210) states: "The Service eventually will place all of the cabins on refuge lands under permit, or declare them abandoned after researching their pattern of use."
The 1988 CCP also stated that a detailed inventory of cabins and their uses on refuge lands would be conducted and that before declaring a cabin abandoned, the Service will research its pattern of use and that all cabins determined to be abandoned will be disposed of in accordance with Service policy.

The DCCP provides no specific information on the present status of cabins or cabin permits on the Arctic Refuge. We do understand that there are fewer cabins being used or under permit than when the original CCP was adopted. The revised CCP should incl ude the results of the cabin inventory and the current status of cabins on the Arctic Refuge, including a listing of any that have been removed since the 1988 CCP was adopted.

Comment 136805.024
Sean Parnell, Governor
State of Alaska

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.

Comment 136745.001
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

Comment 032662.005
David McCargo

Additional permanent and semi-permanent subsistence facilities, or any structures for that matter, should be disallowed because their proliferation could be endless.

Comment 136998.004
Thor Stacey

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.

3.8 TOPIC: Climate and Climate Change

3.8.1 Cumulative Effect

Comment 136820.015
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136820.016
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136796.006
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?

Comment 136796.007
Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

The Draft CCP is less detailed in its treatment of how well-documented habitat impacts will affect the Refuge's wildlife. For instance, the discussion of the Refuge's birds contains narratives on many species of interest, including swans, loons, snow goose, common eider, long-tailed duck, raptors and others.[32] However, despite numerous threats documented to multiple bird species, both on the Refuge and on migration and wintering grounds, climate change is discussed only briefly in this section: one reference to the impacts of tundra shrub succession and coastal erosion on shorebirds, and another reference to the possibility that changes in woody vegetation will impact Smith's longspurs, with unknown effects. Potential impacts to birds, as well as to freshwater biota, have

been documented at length by Kittel et al.[33] Defenders has also discussed threats to the red-throated loon in our Navigating the Arctic Meltdown series.[34]

The Draft CCP's discussion of Refuge mammals similarly gives only brief attention to climate change impacts on most species.[35] Climate change is given substantial treatment only as a threat to polar bears because, as the Draft CCP rightly states, "[c]limate change is perhaps the greatest current conservation concern for polar bears."[36] However, it is mentioned only in passing as a potential threat for caribou, Dall sheep, and rodents and hares. Defenders conducted a detailed vulnerability analysis for the entire mammal fauna of the Refuge using the Natureserve Climate Change Vulnerability Index (CCVI) to evaluate species based on their exposure to climate changes and a variety of sensitivity traits. We found that nearly half the mammal species of the Refuge are either "Extremely Vulnerable" or "Highly Vulnerable" to climate change in the Refuge over the next 50 years. We have appended to our comments a copy of the resultant report, titled "No Refuge From Warming."37

Comment 136801.046
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 137014.012
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 137014.013
Dan Ritzman, Alaska Program Director
Sierra Club

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.

3.8.2 Effects of Alternatives

Comment 009509.001
Lou Brown

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.

Comment 032648.001
Lou Brown

It is 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. Alternative C will let Fish and Wildlife Service put two ducks under one umbrella!

Comment 136784.004
Adrienne Hall

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.

3.8.3 General Impacts

Comment 136796.005
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.

Comment 009544.004
Frank Keim

in addressing climate change, the plan
should allow natural systems to evolve and adapt without
intervention.

Comment 032622.005
Frank & Jennifer Keim

In addressing climate change, the plan should allow natural systems to evolve and adapt, without intervention.

Comment 000061.001
Wendy Loya

12 It will be important for the Refuge to
13 work with the broader arctic scientific community to
14 quickly identify a climate relevant monitoring program,
15 one that respects the wilderness character of the
16 Refuge.

Comment 000061.002
Wendy Loya

-------Preamble/Intro-------
12 It will be important for the Refuge to
13 work with the broader arctic scientific community to
14 quickly identify a climate relevant monitoring program,
15 one that respects the wilderness character of the
16 Refuge.
----------Comment----------
18 Finally, engaging the local
19 communities, like Kaktovik, Arctic Village and Venetie,
20 will also provide important insight into change on the
21 Refuge.

Comment 009556.002
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.

Comment 000092.001
Robert White

28 So all the way from the Yukon River
29 that supplies the essential fatty acids in fish, but
30 Native peoples to the coastal plain that has the
31 nearshore marine system as well, is very important to
32 us. So we must therefore protect the whole of the
33 Arctic Refuge. I would maintain to attempt to get
34 wilderness status for the coastal plain is essential.
35 I've researched on geese as well as muskox and caribou
36 in that area.
37 We need enhanced monitoring to do this
38 and this monitoring should take place in the
39 communities and in some way the Fish and Wildlife
40 Service could help in establishing long-term monitoring
41 by the communities, therefore understanding what's
42 going on with climate change. So the monitoring would
43 be those events important to the people as well as
44 those events important to the ecology and the survival
45 of the animals that are there and the insects and the
46 birds.

3.8.4 Modeling

Comment 136805.023
Sean Parnell, Governor
State of Alaska

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.

Comment 003596.001
Ann Rak

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.

3.9 TOPIC: Consultation and Coordination

3.9.1 Cooperating Agencies

Comment 136791.001
Frederick C. Dean

-------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.

3.9.2 Federal Coordination

Comment 136875.001
Unnamed 25

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.

3.9.3 Local Government Consultation

Comment 136681.001
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

Comment 136725.001
Unnamed 63

Seems like there is room to work together, share information, should be in the plan, how to coordinate with local municipal governments

3.9.4 State Coordination

Comment 137013.004
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?

Comment 137013.005
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?

Comment 136820.012
Cindy Shogan, Executive Director
Alaska Wilderness League

While we recognize the importance of FWS maintaining involvement in the State of Alaska's fisheries, game, and federal subsistence boards' processes,[13] we are concerned with the Alaska Board of Game's ("BOG") tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. The FWS must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Borad of Game rules when necessary.

Comment 032675.018
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 ofFish 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.

Comment 136801.011
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)).

Comment 136801.012
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

While we recognize the importance of FWS maintaining involvement in the State of Alaska's fisheries, game, and federal subsistence boards' processes,32 we are concerned with the Alaska Board of Game's ("BOG") tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. The FWS must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Board of Game rules when necessary.

Comment 136801.013
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136801.017
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.

Comment 136801.068
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.9 Cooperation and Coordination with others
Sec. 2.4.9.1 Federal, State, and Local Governments
p. 2-45 Please also address our concerns about the MOU with the Alaska Department of Fish and Game in this section, as well, that we provided above, for DEIS p. 2-40, State of Alaska Management Activities. The 1982 MOU is clearly outdated for a variety of reasons, and particularly with respect to application to the Arctic Refuge.

Comment 136801.015
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.

Comment 137014.009
Dan Ritzman, Alaska Program Director
Sierra Club

While we recognize the importance of FWS maintaining involvement in the State of Alaska's fisheries, game, and federal subsistence boards' processes, [12] we are concerned with the Alaska Board of Game's ("BOG") tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. The FWS must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Borad of Game rules when necessary.

Comment 032627.039
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032628.029
Fran Mauer, Alaska Chapter
Wilderness Watch

We recommend that 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.

Comment 000017.006
Wilderness Watch - Full

In Appendix B, 1.1, the statement that the FWS and ADF&G "share a mutual concern for all fish and wildlife resources" is misleading if not untrue. Consider the Unimak Island and other predator control issues.
This should be deleted and replaced with an acknowledgement that where the agencies differ, refuge purposes have supremacy and the state should be preempted.

Comment 136919.004
Lolly Andrews

A serious shortcoming of the plan that needs to be corrected relates to the sections that discuss cooperation with the state of Alaska and/or ADF&G. To be accurate, these sections must recognize that the state interests often conflict with refuge purposes, and in such cases the refuge must prevail and the state or ADF&G must be preempted..

Comment 136923.001
Ann Cohen

The CCP needs to explicitly state that when a conflict with the state's goals and wilderness values, the Refuge purposes must take precedence and prevail. In such cases the FWS must exercise its responsibility (and it is an awesomeone) to preempt the state game department and the Board of Game.

The final plan MUST assure that the primary Refuge purpose to conserve natural diversity must NEVER be compromised by decisions to allow predator control or habitat manipulation to cater to the whims of hunters.

Comment 136807.001
Duane Howe

-------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.

Comment 136993.005
Julie RaymondYakoubian

Another area of concern for me, which needs additional clarification before the CCP is finalized, is the role of the Alaska Department of Fish and Game. As you well know, the state's wildlife management goals are often in conflict with maintaining natural and wild animal populations. The final CCP needs to explicitly outline that wilderness values and Refuge purposes will prevail in cases where they conflict with state or Board of Game recommendations. Predator control and habitat manipulation to increase wildlife populations for hunting must be explicitly not allowed - the Refuge purposes of conservation of natural diversity must always prevail. (Related to this - comments in Appendix B 1.1 regarding FWS and ADFG "mutual concern..." should be deleted since this statement is untrue.)

Comment 136941.001
Jon Spar

All planning and exucution 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 definitevly 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.

Comment 032626.007
Greg Warren

V1, 1-10, 3.3 Coordination with the State of Alaska: The discussion on coordination needs to be supplemented to clarify the responsibilities of the Service and to discuss compatibility determination requirements (603 FW 1.10-B). Supplement the discussion by adding, “Alaska Department of Fish and Game (ADFG) regulations would not apply if found to be incompatible with documented refuge goals, objectives, or management plans.”

Comment 032626.054
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.

Comment 018612.001
David Carroll

The CCP should specifically prohibit consideration of any State regulation or plan, including artificial manipulation or intensive management of wildlife, which conflicts with federal law and policy.

3.9.5 Tribal Coordination/Govt to Govt

Comment 032620.002
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.

Comment 136815.001
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan 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.

Comment 136815.002
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan 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.

Comment 136815.006
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.

Comment 136815.007
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.

Comment 136846.003
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.

Comment 032654.001
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

Comment 136668.001
Unnamed 11

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

Comment 136835.001
Unnamed 18

Will we be meeting with GZGTG [Gwichyaa Zhee Gwich'in Tribal Government] in formal govt-to-govt before November 15? Are other tribes included?

Comment 136877.001
Unnamed 27

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?

Comment 136856.003
Carrie Stevens

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.

Comment 032646.001
Unknown Unknown

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.

3.10 TOPIC: Cultural and Historical Resources

3.10.1 Cultural History

Comment 032620.015
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.

3.10.2 Cultural Resources

Comment 136789.005
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.

Comment 136735.001
Unnamed 72

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.

3.11 TOPIC: Editorial Corrections

3.11.1 Figures and Maps

Comment 137001.002
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.

3.11.2 General

Comment 136816.016
John Strasenburgh

-------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.

3.11.3 Literature Cited

Comment 136805.122
Sean Parnell, Governor
State of Alaska

Page 4-101, Figure 4-5. The figure references .Caikoski 2008, USFWS. as the source of data. This is not an accurate reference.

3.11.4 Text

Comment 136805.044
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.096
Sean Parnell, Governor
State of Alaska

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.

Comment 136950.001
Peter Gadd

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.

3.12 TOPIC: Environmental Consequences

3.12.1 Cumulative Effects: General

Comment 136820.029
Cindy Shogan, Executive Director
Alaska Wilderness League

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 5-2.32 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.

Comment 136820.030
Cindy Shogan, Executive Director
Alaska Wilderness League

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."

Comment 136820.031
Cindy Shogan, Executive Director
Alaska Wilderness League

-------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.

Comment 136820.032
Cindy Shogan, Executive Director
Alaska Wilderness League

-------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.

Comment 136820.033
Cindy Shogan, Executive Director
Alaska Wilderness League

-------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-Refige 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.

Comment 136801.114
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

Comment 136801.115
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

1. The CCP EIS Fails to Adequately Consider Cumulative Impacts
The cumulative impacts analysis in the CCP DEIS needs to be improved in order 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 5-2.62 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.

Comment 136801.117
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

-------Preamble/Intro-------
The Arctic Refuge Draft EIS CCP 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. Among 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.

Comment 136801.118
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

-------Preamble/Intro-------
The Arctic Refuge Draft EIS CCP 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. Among 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

Comment 136801.119
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

-------Preamble/Intro-------
The Arctic Refuge Draft EIS CCP 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. Among the reasonably foreseeable actions not analyzed in the DEIS are:
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* 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.

Comment 137014.025
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 137014.027
Dan Ritzman, Alaska Program Director
Sierra Club

-------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.

Comment 137014.028
Dan Ritzman, Alaska Program Director
Sierra Club

-------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.

Comment 137014.029
Dan Ritzman, Alaska Program Director
Sierra Club

-------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:
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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-Refige 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.

Comment 032627.049
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032627.048
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-------Preamble/Intro-------
The FWS Does Not Adequately Consider the Cumulative Impacts of the Action in the ANILCA Section 810 Evaluation
NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To satisfy NEPA's requirements, the cumulative impacts analysis must be reasonably detailed; as the Ninth Circuit has explained, "[g]eneral statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." Neighbors of Cuddy Mountain v. U.S Forest Serv., 137 F.3d 1372, 1379-80 (9th Cir. 1998). As the Ninth Circuit stated in Lands Council v. Powell, "the general rule under NEPA is that, in assessing cumulative effects, the Environmental Impact Statement must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and the differences between the projects, are thought to have impacted the environment." 379 F.3d 738, 745 (9th Cir. 2004), rev'd on other grounds, Lands Council v. Powell, 395 F.3d 1019 (9th Cit. 2005).
----------Comment----------
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 5-2.26 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,
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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.

Comment 032627.051
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-------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:
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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.

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

-------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.

Comment 032627.053
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-------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.

Comment 136978.003
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.

3.12.2 Effects Common to Alternatives

Comment 032675.017
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.

Comment 136801.111
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.

Comment 136801.112
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

he 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.

Comment 136805.129
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.

Comment 136805.130
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.132
Sean Parnell, Governor
State of Alaska

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 pipline 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.

Comment 136805.131
Sean Parnell, Governor
State of Alaska

-------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..

Comment 136948.002
Alan Francisco

-------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.

Comment 032626.038
Greg Warren

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).

Comment 032626.043
Greg Warren

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.

Comment 032626.045
Greg Warren

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)).

3.12.3 Impact Topics

Comment 136801.113
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136805.133
Sean Parnell, Governor
State of Alaska

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.

Comment 136948.003
Alan Francisco

-------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.

Comment 136948.004
Alan Francisco

-------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.

Comment 032626.040
Greg Warren

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.

Comment 032626.041
Greg Warren

-------Preamble/Intro-------
V1, 5-3, 5.1.3 Impact Topics:
----------Comment----------
It is also important to address in this section these questions: Are the ADFG regulations and the Refuge permitting processes consistent with principles of sound fish and wildlife and administration, available science and resources, and consistent with Arctic Refuge purposes? Is hunting as allowed by ADFG regulations and implemented through existing Refuge programs materially interfering with or detracting from the fulfillment of the purposes of the Refuge?

3.12.4 Table 5-1 - Effects by Alternatives

Comment 136805.136
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.

3.13 TOPIC: Environmental Justice

3.13.1 Effects of Alternatives

Comment 136789.008
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.

3.14 TOPIC: Fire and Fire Management

3.14.1 General

Comment 136801.074
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.

Comment 136816.022
John Strasenburgh

-------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.

3.15 TOPIC: Glaciers

Comment 136804.007
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.

3.16 TOPIC: Glossary (Appendix M)

Comment 032627.032
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032627.033
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032628.023
Fran Mauer, Alaska Chapter
Wilderness Watch

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 modifier "permanently" 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.

Comment 032628.024
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 000017.012
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 untrammeled condition of Wilderness requires foregoing any effort, temporary or permanent, to intervene or manipulate natural processes

Comment 136985.007
Susan Morgan

Polly Dyer, now 91, an Alaska traveler and still an active wilderness advocate in Washington State, suggested "untrammeled" to Howard Zahniser when he was looking for just the right word to include in the Wilderness Act. They believed the meaning of "not restricted or hampered or deprived of freedom of expression" of natural processes most clearly defined the meaning they wished to convey.

Although in Alaska native people are allowed to "remain" to accommodate important subsistence lifestyles, revising the definition of wilderness should not be done in this CCP for management purposes. "Permanently" should be deleted in the glossary definition because it is neither in the spirit nor the letter of the Act as penned nor as passed by Congress in 1964.

Comment 032626.048
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."

Comment 032626.087
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 * Untrammeled – Use the Forest Service definition found in FSM 2320.5: In the context of the Wilderness Act, an untrammeled 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 untrammeled 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

3.17 TOPIC: Implementation and Monitoring

Comment 032626.052
Greg Warren

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))?

3.18 TOPIC: International Treaty Obligations

Comment 136801.109
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.

Comment 136801.116
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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."

Comment 137014.026
Dan Ritzman, Alaska Program Director
Sierra Club

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."

Comment 032627.050
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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."

3.19 TOPIC: Irreversible and Irretrievable Commitments

Comment 136805.017
Sean Parnell, Governor
State of Alaska

The CCP also must include a more thorough analysis of the irreversible and irretrievable commitments of resources which are implicated in a wilderness designation.

Comment 136805.134
Sean Parnell, Governor
State of Alaska

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..

Comment 032626.049
Greg Warren

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.

3.20 TOPIC: Land Status

3.20.1 Effects of Alternatives

Comment 136818.002
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.

3.20.2 Native Ownership

Comment 032662.009
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.

3.20.3 Navigable waters

Comment 032626.017
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.

3.21 TOPIC: Legal and Policy Context (Appendix A)

3.21.1 Legal Guidance (International Treaties)

Comment 136801.009
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.

Comment 136801.010
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.

Comment 136805.028
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.

Comment 136805.029
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.

Comment 136805.030
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.

Comment 136805.031
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.

Comment 136805.138
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.139
Sean Parnell, Governor
State of Alaska

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.

3.21.2 Other Laws and Regulations

Comment 000096.001
Deborah Williams

16 The last point is that it is very
17 important to make sure this is Federal land that, where
18 necessary, preemption is implemented and that this
19 should be specified in this plan.

3.21.3 Policy Guidance

Comment 032626.053
Greg Warren

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.

3.22 TOPIC: Mammals

3.22.1 Baseline Conditions: Caribou

Comment 136805.116
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.117
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.119
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.118
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136805.120
Sean Parnell, Governor
State of Alaska

-------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.

3.22.2 *Baseline Conditions: Other Ungulates*

Comment 32626.032
Greg Warren

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.

Comment 136805.121
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.

Comment 136805.123
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.

Comment 136805.124
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.

3.22.3 Baseline Conditions: Polar Bears

Comment 032620.012
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

THE DRAFT CCP/EIS CONTAINS MISSTATEMENTS ABOUT THE EFFECTS OF OIL AND GAS ACTIVITES
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 arenegligible.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.

Comment 032620.013
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…").

3.22.4 Baseline Conditions: Other Bears

Comment 136805.125
Sean Parnell, Governor
State of Alaska

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.

3.22.5 Baseline Conditions: Other Carnivores

Comment 032644.010
Wade Willis
Science Now Project

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.

Comment 136805.126
Sean Parnell, Governor
State of Alaska

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.

3.22.6 Effects of Alternatives

Comment 032612.001
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.

Comment 032626.046
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)?

Comment 032626.047
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.

3.22.7 Species of Concern

Comment 032620.014
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.

Comment 032626.031
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.

3.23 TOPIC: Management Categories

3.23.1 General

Comment 136820.019
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136801.055
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-31. This plan should not include categories from its "statewide management template" that are not suitable management categories or 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. Therefore, Sec. 2.3.1 Intensive Management (DEIS p. 2-31) and Sec. 2.3.2 Moderate Management (DEIS p. 2-32) should be removed from the final CCP.

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.

Comment 137014.015
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 136805.103
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.

Comment 136948.001
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.

3.23.2 Wild River

Comment 137013.011
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

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.

Comment 137013.014
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.

Comment 136805.073
Sean Parnell, Governor
State of Alaska

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, Sheenjek, and Wind wild river corridors will be allowed where those activities do not detract from their [outstandingly remarkable] special values.

3.23.3 Wilderness

Comment 137013.010
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

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.

3.23.4 Minimal

Comment 136805.072
Sean Parnell, Governor
State of Alaska

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.

3.23.5 Moderate

Comment 032627.045
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

3.23.6 Special Management Areas

Comment 136820.021
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136801.059
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

ec. 2.3.6.2 Alaska Native Claims Settlement Act Section 22(g) p. 2-36. This section is incomplete regarding the role of the Fish & Wildlife Service to implement ANCSA Sec. 22(g) and 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.

Comment 137014.017
Dan Ritzman, Alaska Program Director
Sierra Club

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.

3.24. TOPIC: Mineral Resources (non-oil & gas)

3.24.1 Exploration/Development

Comment 136805.097
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.

Comment 032658.001
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 develope those green technologies (such as solar cells fuel cells, and batteries)-

Comment 136910.001
Unknown

Concerned about the potential discovery of gold and mining development. Impacts to local users by recreational and commercial mining claims and activities.

3.25 TOPIC: National Values and Interests

Comment 122522.001
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 wit 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.

3.26. TOPIC: Natural Areas

3.26.1 Research Natural Areas

Comment 136804.003
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.

Comment 136804.004
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.

Comment 136804.006
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.

3.27 TOPIC: NEPA Process

3.27.1 General

Comment 032619.001
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.

Comment 032619.009
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.

Comment 136677.001
unnamed 1

Problem in NEPA process – potentially cooperative parties may not have the resources (e.g. tribe)

Comment 032622.006
Frank & Jennifer Keim

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.

Comment 032651.007
Mark Lindsey

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.

Comment 032626.022
Greg Warren

V1, 3-1, 3 Proposed Action: I could not identify the Proposed Action (40 CFR 1502.14).

3.27.2 Decisionmaking

Comment 136742.001
Unnamed 8

Recommendations should recognize importance of Inupiat people on the land

3.27.3 Scoping

Comment 136801.104
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136801.105
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.

Comment 136801.121

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.

Comment 136919.001
Lolly Andrews

The scoping comments were poorly summarized and did not represent what we said. I hope this process is better.

3.27.4 DEIS Comment Period

Comment 032635.002
June McAtee, VP, Land & Shareholder Services
Calista Corporation

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.

Comment 009520.001
Scott Eickholt
Local 942 Laborers

When I
first tried to figure out what the plan was, I could only find
an abbreviated version or summaries, you know, kind of in a
quick reference. I felt a bit confused, I guess. So just
critiquing, you know, as somebody who was just trying to find
information, it wasn't -- didn't seem like it was readily
available as a plan in whole. When I clicked the hyperlink to
view the whole draft, it didn't show me the full draft; it just
kind of showed me what the outline of the full draft was. So
maybe there's a link that I didn't see or catch, but it didn't
seem like it was easily found, at least on my part.

Comment 136801.106

Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136801.107
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136801.108
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.

Comment 136894.001
Unnamed 42

You/we need to get the word out about the CCP, best going from house to house

Comment 032650.001
Scott Eickholt

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 availabilty. 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.

Comment 136912.002
Edward Sam

-------Preamble/Intro-------
Edward Sam
----------Comment----------
Said he wants a copy of the CCP meeting minutes to come back to the community.

3.27.5 Hearings and Comment Analysis

Comment 136873.001
Unnamed 23

You should pay someone to do household surveys to find out what they would like (for the CCP)

Comment 136699.001
Unnamed 3

People who know ANWR (local people) – their concerns should be treated differently

Comment 136721.001
Unnamed 5

USFWS listens to people outside the village concerning Wilderness, more so than the people living in the village

Comment 136743.001
Unnamed 9

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.

Comment 136770.001
Unnamed 9

We need a CCP workshop for people who translate so they can come to meetings and understand more. Get one person from each village.

Comment 136771.001
Mildred Allen

We need a workshop for the CCP; some people need to be trained.

Comment 136746.001
Bruce Inglangasak

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.

Comment 032645.001
Unknown Unknown

in future when you take testimony maybe you would support back and forth between people for and against a certain issue.

Comment 032626.006
Greg Warren

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)).

Comment 136826.004
Raelene Gold

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.

Comment 014754.001
Tina Henize

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.

3.27.6 Violations

Comment 000098.001
Wade Willis
Science Now Project

6 The consumptive take by the commercial
7 hunting industry is an ongoing activity. It cannot be
8 exempt from NEPA review based on a 23-year-old NEPA
9 process. And it certainly can't be exempt from NEPA
10 review for the current issues that are facing the
11 resources of the Refuge. You have an obligation to
12 bring the most significant issue in the Refuge at this
13 time to the surface and make it a formal part of an
14 analysis of this draft CCP.
15
16 Currently the consumptive take of
17 wildlife by the commercial hunting industry is the only
18 issue in the Refuge that you have, as a manager of the
19 Refuge, had to restrict citizen access to the Refuge.
20 That's how significant it is. So you've already
21 admitted that the current issue is so dramatic that you
22 are agreeing that there is significant impact occurring
23 in the Refuge. You've already admitted that. Yet you
24 turn around and you say in the draft CCP that you do
25 not want to address that now, you want to do it
26 sometime in the future and you're not even going to
27 elevate it to your number one priority.
28
29 I'll remind you that in 1988 you said
30 the same thing and you made it your number one priority
31 in 1988. Guess what. The minute the ink was signed on
32 the CCP that priority never was even addressed. It
33 never game to fruition. We, as the public, deserve the
34 right to be involved in this issue, okay. You're
35 mandated by Congress to bring this activity to NEPA
36 compliance.

Comment 136805.018
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.

Comment 032651.002
Mark Lindsey

-------Preamble/Intro-------
Issue: 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 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.

3.28 TOPIC: Oil and Gas

3.28.1 Occurrences and Potential

Comment 136801.110
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.

Comment 136805.114
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.

Comment 136805.115
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.

3.29. TOPIC: Other Planning Efforts

3.29.1 General

Comment 032671.001
Olga Dominguez, Assistance 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 ofthat 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 ofhigher-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 Plan 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 tum 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 fuJly 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.

Comment 136805.140
Sean Parnell, Governor
State of Alaska

Page C-1, § C.2.2 Denali-Alaska Gas Pipeline Project. This project has been discontinued.

Comment 136805.141
Sean Parnell, Governor
State of Alaska

Page C-2, § C.2.3 Alaska Pipeline Project. Remove reference to Denali-Alaska Pipeline Project.

Comment 136805.142
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.

3.30 TOPIC: Purpose and Need

Comment 136805.025
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].

Comment 136805.026
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.

Comment 032626.005
Greg Warren

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).

3.31 TOPIC: Recreation and Visitor Use

3.31.1 General

Comment 136820.017
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136832.001
Unnamed 15

s there a way to limit the number of people who go to Arctic Refuge? They leave trash and scare the sheep away.

Comment 136768.001
Unnamed 7

-------Preamble/Intro-------
Meeting Notes Draft CCP Meeting in Venetie
----------Comment----------
How can we get the sport hunters out of this area?

Comment 032637.005
Peter Fontaine

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.

Comment 136850.001
Darlene Herbert

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.

3.31.2 Air Transportation: Flying, Overflights, Landings

Comment 136811.004
Mark Richards, Co-Chair
Alaska Backcountry Hunters & Anglers

Regarding the step-down plans, visitor use and wilderness stewarship 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.

Comment 136989.001
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.

Comment 136796.014
Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

With respect to aircraft landings, Defenders supports the Service's intent to assess conditions and trends regarding their impacts to sensitive vegetation.[48] We understand that a balance must be struck to provide reasonable and safe access to wilderness users. However, where aircraft landings are causing excessive damage to tundra vegetation or wilderness character, the Service must prioritize preservation over access.

Comment 032627.028
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

The need for appropriate regulation of aircraft access in the Refuge is also a widely recognized issue due to a progression of long term impacts to soils, vegetation, visual esthetics and other wilderness characteristics. The final CCP must commit to addressing aircraft issues in a manner that incorporates appropriate (reasonable regulations) "to protect natural and other values" (Section 1110 ANILCA). Because aircraft access is intimately associated with visitor use and wilderness stewardship, these concerns must be integrated into a subsequent wilderness stewardship plan.

Comment 136926.001
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.

Comment 032628.019
Fran Mauer, Alaska Chapter
Wilderness Watch

The need for appropriate regulation of aircraft access in the Refuge is also a widely recognized issue due to a progression of long-term impacts to soils, vegetation, visual esthetics and other wilderness characteristics. The Final CCP must commit to addressing aircraft issues in a manner that incorporates appropriate (reasonable regulations) "to protect natural and other values" (Section 1110 ANILCA). Because aircraft access is intimately associated with visitor use and wilderness stewardship, these concerns must be integrated into a subsequent wilderness stewardship plan.

Comment 000017.015
Wilderness Watch - Full

The management guideline prohibiting helicopter landing for recreation is good, but more limits on the use of helicopters by the agency should be specified.

Comment 000017.002
Wilderness Watch - Full

-------Preamble/Intro-------
Visitor Use Impacts and issues - 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:
----------Comment----------
• 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.

Comment 000016.002
Wilderness Watch - Partial

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.

Comment 136880.001
Unnamed 2

There should be no-fly zones during caribou migration

Comment 136769.001
Unnamed 8

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?

Comment 136921.002
Bob Brister

Aircraft landing sites must be strictly limited and regulated.

Comment 136924.002
Kit DesLauriers

Some regulation of where aircraft can land, i.e. limit it to gravel bars where the vegetation won't be affected, should also be considered however when snow is on the ground I don't think the regulation should be enforced.

Comment 136963.001
Tim Durnell

please limit aircraft landings in the Refuge and commercial services

Comment 136967.002
Susan Feingold

The careful regulation of where it is permitted for aircraft to land, to prevent proliferation of airplane landing sites through the Wilderness lands. I 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.

Comment 136928.002
Vivia Finlay

However, we would like to see some controls on aircraft landing areas in the refuge, as we could tell that could become a problem with private planes, and commercial air taxis landing where-ever they are able and thereby possible damaging the fragile environment.

Comment 136929.001
Jeanne Held-Warmkessel

severely restrict aircraft except deliveries to villages

Comment 136906.002
Gideon James

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.

Comment 136797.003
Andrew M. Keller

While aircraft access is necessary in a conservation area of this size, aircraft landing sites should be mapped and examined to evaluate where they are necessary and where they can be eliminated or at least prevented from spreading.

Comment 136976.002
Suzanne Kuffler

setting up specific landing sites with stone runways while having huge areas off limits to uncontrolled air traffic

Comment 009556.003
John Lyle

I believe aircraft proliferation should
not occur and landings should be limited to durable surfaces
such as gravel bars.

Comment 032653.002
John Lyle

Aircraft proliferation must not occur and landings should be limited to durable surfaces such as gravel bars.

Comment 032662.003
David McCargo

As part of the Refuges's wilderness management strategy, the Refuge has to address the pernicious problem of aircraft landings. How many, for example, are associated with different type of activities such as hunting, "subsistence", and floating and backpacking activities? Landing sites were proliferating all over the Refuge decades ago and once again must have proliferated since then. The Refuge to my knowledge has refused to do anything about it in a meaningful way. Landings should be prohibited on fragile habitats like tundra and be restricted to hardened and/or regenerative sites like gravel bars. It has been a longstanding recommendation on the part of many since ANll.,CA that there should be No-Fly Zones. Despite using them myself, aircraft are a real intrusion into Alaska wilderness and there are very few places left most notably northwest Alaska and Canada where aircraft are uncommon to almost absent. Not only are aircraft intrusive, but they degrade from one of the essences wilderness which is loneliness by being something of a security blanket.

Comment 136984.001
John Moore

Develop regulations that prevent proliferation of aircraft landing sites in the Refuge and prescribe measures to restore impacted areas. Develop and implement a system of zones within the Refuge where aircraft landings are not permitted, and limit landings to durable surfaces, such as gravel bars.

Comment 000069.001
Helen Nienhueser

4 I would like to suggest that in this
5 summary -- I do support Alternative C in general, but
6 in this summary under Alternative D where there is talk
7 about work with air taxi operators. My trip down the
8 Konugut, which must have been at least five years ago,
9 there were too many airplanes. So if there is -- and I
10 know that I got there in an airplane, so I know that
11 managing it is not simple, but if there is a way to
12 somehow reduce the number of airplanes, that would be
13 good. So I would recommend that.

Comment 136804.010
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.

Comment 136993.003
Julie RaymondYakoubian

the issue of aircraft landing sites needs to be addressed through regulations that both prescribe measures to restore already impacted areas and that prevent aircraft landings in sensitive areas, limiting them to durable surfaces such as gravel bars.

Comment 136994.001
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 spoting of rams from aircraft then landing and shooting Is ruining our entire state not just Anwr.

Comment 136998.005
Thor Stacey

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.

Comment 136816.005
John Strasenburgh

-------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.

Comment 136909.001
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.

Comment 136826.001
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 area.

3.31.3 Commercial Operations, General

Comment 136794.006
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.

Comment 000017.003
Wilderness Watch - Full

-------Preamble/Intro-------
Visitor Use Impacts and issues - 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:
----------Comment----------
• 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).

Comment 000016.003
Wilderness Watch - Partial

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).

Comment 136921.003
Bob Brister

Commercial outfitters must be limited and commercial free zones established.

Comment 136807.004
Duane Howe

-------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.

Comment 136908.001
Jonathon John

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.

Comment 032653.003
John Lyle

There should be a strict limit on #'s of outfitters and guides and sections of the refuge designated as "Commercial Free Zones".

Comment 136993.004
Julie RaymondYakoubian

the CCP should limit the number of commercial outfitters allowed into the Refuge and establish commercial free zones

3.31.4 Cumulative Effects

Comment 136822.007
Wade Willis
Science Now Project

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

3.31.5 Group Size

Comment 136971.001
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----------
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.

Comment 136790.001
Shannon P. Coykendall

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".

Comment 136924.001
Kit DesLauriers

While I am obviously a wilderness recreationalist I am in support of continuing to allow recreation as a use of the Arctic Refuge yet if kept unchecked this may cause long term damage to such a fragile

ecosystem. Please consider limiting the number of people allowed on the Refuge's waterways during high season as well as limiting the outfitters who guide them.

Comment 136972.001
Gary Keir

Because of the distance, safety, and logistics involved in visiting the refuge, commercial trips are often the safest and least expensive opportunities for people wishing to experience the Arctic. Commercial outfitters benefit by pristine wilderness and leave no trace practices. I feel a larger group size is safer in bear country. Rafting trips use the same camping areas over and over again while backpackers have multiple options and camping spots may or may not see repeated use and the allowed group size for rafters is ten while the allowed group size for hiking is only seven. The air taxis can carry three or six passengers and with a group size of seven on hiking trips we are landing and taking off on the tundra with empty seats. A group size of nine or twelve would make it more economical for the operators and for the participants.

Comment 032662.002
David McCargo

Controls need to be places 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.

Comment 136942.001
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.

Comment 136826.002
Raelene Gold

The number of visitors in a group should be limited to 8-12 and the number of groups in an area limited.

Comment 032663.002
Kevin Proescholdt

Group Size. Group size should be limited to 8 or 9 people. Group size is limited to no more than 9 people in the Boundary Waters Canoe Area Wilderness in Minnesota, the nation's most heavily visited Wilderness. A group size of 8 or 9 would be appropriate in the Arctic Refuge as well. Limits on group size are important for limiting damage done by larger groups, especially at camping areas, as well as enhancing the wilderness experience within that group itself and for other parties or individuals who may encounter larger groups.

3.31.6 Guided Hunting and Fishing

Comment 136807.005
Duane Howe

-------Preamble/Intro-------
Following are my comments of the Arctic National Wildlife Refuge CCP:
----------Comment----------
15 Popular fishing sights should not be allowed to become over fished. Wilderness is not a place for combat fishing.
16 Do not allow camping sights along fishing streams to become overused and degraded.

Comment 032644.003
Wade Willis
Science Now Project

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 potentiallv 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 orthe 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.

3.31.7 Guided/Non-guided Allocation

Comment 032644.009
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 bv 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.

Comment 136926.002
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. It 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.

Comment 136976.001
Suzanne Kuffler

Control excessive use especially by. setting the number of outfitters at one time .

Comment 136976.003
Suzanne Kuffler

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.

3.31.8 Impacts of recreation (conflicts/crowding)

Comment 136846.002
Edward Alexander, Second Chief
Gwichyaa Zhee Gwich'in Tribal Government

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.

Comment 136846.004
Edward Alexander, Second Chief
Gwichyaa Zhee Gwich'in Tribal Government

The problem is is that those management areas aren't in here on the Porcupine River. Somebody could build a lodge right there right now and go over there and knock down a thousand caribou a year, fly people in and out. That's going to be a user conflict. I think, basically, what I'm saying is that there are these other management areas that need to be established as well and at -- certainly, the -- some of the things that are being done in here, they're not followed up on the ground.

Comment 136942.003
Mike Speaks

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.

Comment 032626.036
Greg Warren

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.

Comment 136934.002
Phyllis Mains

My trek down the Atigun River Gorge will 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.

3.31.9 Impacts of recreation (waste)

Comment 136801.007
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?

Comment 032669.001
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 runner 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.

Comment 136784.003
Adrienne Hall

Management of the Kongakut. I support Alternative D/E as the most reasonable and effective management strategy. I would also add a provision that all commercial providers are required to pack out human waste on raft trips on the Kongakut.

Comment 136807.009
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.

Comment 009545.002
Andrew Keller

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.

Comment 136797.002
Andrew M. Keller

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.

Comment 136974.002
Don Kiely

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.

Comment 136942.002
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 obnoxius about trashing a location and the private groups aren't much better. It is the commercial guides who are the real stewards that care.

3.31.10 Impacts of recreation on other resources

Comment 136750.007
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.

Comment 136867.001
Unnamed 18

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.

Comment 136899.001
Unnamed 8

Reduce or stop impacts of rafting on wildlife, especially caribou

Comment 136744.001
Bert Akootchook

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.

Comment 136807.003
Duane Howe

-------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.

Comment 136908.004
Jonathon John

Rafts, Refuge needs to limit the number of floaters-hunters and others on the East Fork of the Chandalar River. Said the number of floaters-hunters in the upper river drainage is affecting the caribou movement and migration routes potentially impacting down river subsistence use.

Comment 032653.001
John Lyle

I support addressing the realities of climate change, especially regarding reducing of stressers 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.

Comment 136993.002
Julie RaymondYakoubian

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.

3.31.11 Monitoring

Comment 136801.006
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?

Comment 032627.027
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032628.018
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 000038.001
David Brown

49 Addressing the consumptive take by the commercial
50 hunting industry. I think if I was sitting at that

1 table with you folks, I'd be taking into that a lot
2 more consideration. There's got to be better
3 monitoring. There's got to be a better balance.

Comment 136974.001
Don Kiely

One concern I have with Alternative E is the wording for Kongakut River visitor use, detailed in Alternative A and included in Alternative E: "Visitor use monitoring occurs every other year or less frequently." I suspect that given your resource constraints that every other year is a reasonable goal, but won't it be too easy to let this task slide if "or less frequently" is left as an option? Please set it at every other year, or at least every third year, so that heavily used areas are not allowed to deteriorate beyond easy repair.

Comment 136979.001
John Lynch

This raises the issue of user impacts: The CCP should include a plan to monitor user impacts, set limits as needed, and gather the resources to enforce the limits.

Comment 136998.003
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 nd safer than fixed wing patrol and will ensure air superiority over the general public.

Comment 136816.002
John Strasenburgh

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.

3.31.12 Non-Guided Rafting/Boating

Comment 136823.002
Ruth Wood

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.

3.31.13 Other recreation activities

Comment 136670.001
Unnamed 13

Need to engage Kaktovik high school youth in career opportunities so they can get jobs with U.S. Fish & Wildlife

3.31.14 Outreach/Education

Comment 136971.003
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----------
We strongly support the intention in Goal 9 to limit the kinds of information given to visitors, in order to support the goals of visitor independence, self-reliance and freedom. We also want to point out that from our perspective, this is also a very effective management tool to place "natural limits" on the overall numbers of visitors. The number of non-guided visitors has increased largely because of the increased route and other information that has grown steadily over the years, through media coverage, internet postings of private trip journals, etc.—and any other specific "trip planning" info from FWS would only increase the numbers of visitors who are not really wanting to be that self-reliant and independent—but who also do not want to pay the cost of a guided trip to benefit from the knowledge, experience and appropriate practices of a guide.

Comment 136756.001
Unnamed 10

We need the young people to get some training to protect and care for the land.

Comment 136669.001
Unnamed 12

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

Comment 136671.001
Unnamed 14

Seems like there is a lot more outreach emphasis placed on Arctic Village rather than Kaktovik.

Comment 136673.001
Unnamed 16

There have been some Refuge education programs in Kaktovik, but there could more.

Comment 136937.001
Lisa Moorehead

I would encourage you to manage visitation in such a way as to be able to create more education of and accountability by private users. Very often they lack the experience to employ practices that maximize perpetuation of the wilderness quality of the Refuge, and they lack the long-term

perspective to understand consequences of their actions -whether that be actions that impact the land or that create problem bears for subsequent visitors.

Comment 136816.003
John Strasenburgh

-------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 think that developing educational materials for the public with targeted messages... (second bullet under Alternative B) is good. My question is how this information would be disseminated to the visitors so that they understand it and appreciate the importance of following the rules. A brochure at the Arctic Village airstrip is not enough. At Glacier Bay, NPS required us to watch an educational video before going kayaking. This type of requirement may be necessary for Refuge visitors. Currently, some guides are very good at educating their clients about both low impact methods and

also why they are important. Perhaps FWS should develop a video or a standard orientation program that the guides could use to educate their clients.

Comment 136826.003
Raelene Gold

There should be a mandated educational introduction to the Refuge teaching about wilderness values and restrictions and low impact use.

3.31.15 Polar Bear Viewing

Comment 136977.001
Janiene Licciardi

-------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 muchattention 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.

3.31.16 Special Use Permitting

Comment 032644.002
Wade Willis
Science Now Project

In the Science Now Projects opinion the potential for significant impacts resulting from the for profit consumptive take of wildlife resources in the Arctic Refuge are evident, and corroborated by administrative decision record of the refuge manager.

The consumptive take of wildlife should warrant the highest level of scrutiny by the Arctic Refuge, and that should promote the highest level of public participation due to the significant long term risk to the wildlife resources and the controversy associated with the activity in the opinion of the public.

The significant lack of any formal public planning to date has led to significant abuse of NEPA compliance mandates for commercial guided sport hunting activities within the Arctic Refuge. This has resulted, in our opinion, in extreme political manipulation of the process of defining the long term "business partnership" the Arctic Refuge has with this industry.

I need only remind you that the prospectus process is not relied upon exclusivelv to award commercial guided sport hunting SUP's. Nothing could open the door any wider for the political manipulation of the process than this administrative decision.

Comment 032644.007
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.

Comment 136822.009
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.

Comment 136822.002
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----------
Conduct a NEPA compliance review within the environmental impact statement associated with the draft CCP regarding historical, current, and future sustainable harvest rates, as required before authorizing commercial guided sport hunting activities.

Comment 032625.003
Nicole Whittington-Evans, Alaska Regional Director
The Wilderness Society

We also strongly urge the USFWS to work with locals interested in guiding hunts on the refuge and working out a reasonable process whereby locals can compete for big game guiding permits within the refuge.

Comment 032628.032
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 032628.033
Fran Mauer, Alaska Chapter
Wilderness Watch

We are concerned that while the public has indicated in scoping that increasing permits and recreational uses are contributing to degraded wilderness character in the Refuge, the Service has decided to add this topic to the list of "issues considered but eliminated from detailed study." Instead this issue is relegated to the possibility of a Visitor Use Management Plan that is given priority 2 and scheduled for completion as late as 2021 (Table 6-1). Looking at the graph on Table 4-12, one could project that there could easily be over 60 commercial air operators and recreation guides permitted on the Refuge by 2021. When is the Service going to determine what level of commercial services is "necessary" according to the Wilderness Act? Section 4(b) of the Wilderness Act requires each agency administering designated wilderness "shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character."

Comment 032628.034
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.

Comment 136716.001
Unnamed 55

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.

Comment 136717.001
Unnamed 56

They make the bar so high and difficult to become a Master Guide. They're should be an alternative for requiring a Master Guide's license for local hunters who have been hunting all their lives.

Comment 136718.001
Unnamed 57

Local guides are already "Master Hunters". Why should locals have to learn the white man's rules for becoming a Master hunting guide when these locals have been hunting all their lives?

Comment 136720.001
Unnamed 59

Is there a way for when Master Guides are selected for ANWR that they can have local hunters as an apprentice?

Comment 136722.001
Unnamed 60

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.

Comment 136723.001
Unnamed 61

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.

Comment 136724.001
Unnamed 62

Owners of traditional use areas should be notified of who was issued a permit for use around their area

Comment 136733.001
Unnamed 70

When permitting a high risk activity that could possibly affect subsistence activities, good to have subsistence advisers.

Comment 136951.001
Nick Jans

I strongly urge that madated 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.

Comment 009556.004
John Lyle

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.

Comment 136984.002
John Moore

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.

Comment 136754.001
George Tagarook

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.

Comment 136775.001
Myra Thumma

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.

Comment 032626.002
Greg Warren

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.

Comment 032626.037
Greg Warren

-------Preamble/Intro-------
V1, 4-226, 4.Perceived Crowding, Conflicts, and Resource Impacts:
----------Comment----------
Describing that management actions will be reactive to address impacts after the damage occurs is not sound resource management, especially in tundra environments. In addition, visitor use levels and patterns are difficult to reverse once air taxi, transport, and outfitter services are established. I recommend that the Arctic Refuge establish a moratorium on issuing any special use permit that would increase visitor use levels until visitor use step-down plans direction can be applied—limit

permits and associated visitor days to 25 recreation special use permits and 14 air operations permits (Table 4-18).

3.31.17 Visitor Experience

Comment 032619.002
Cliff Judkins, Chairman
Alaska Board of Game

-------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 ofthe original purposes of the refuge when it was first established in 1960 will be adequately protected as required.

Comment 000077.003
David Raskin
Friends of Alaska National Wildlife Refuges

5 Recreation opportunities must be managed to preserve
6 the wilderness experience for visitors and the
7 wilderness character of the refuge.

Comment 032661.002
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

Comment 009544.003
Frank Keim

In the
final plan, there should be a commitment to address valid
public concerns of visitor use and wilderness stewardship.

Comment 032622.003
Frank & Jennifer Keim

In providing for wilderness recreation, the USFWS should allow opportunities for visitors to experience adventure, challenge, solitude, independence and freedom with minimal interference.

Comment 136804.001
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.

Comment 136993.001
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")

Comment 032626.033
Greg Warren

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.)

3.31.18 Visitor Use

Comment 000002.002
Friends of Alaska Wildlife Refuges

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.

Comment 136688.001
Unnamed 2

Want to see how many hundreds of people are accessing ANWR and wondered if the Refuge could supply those numbers

Comment 136732.001
Unnamed 6

Difference between Native uses and recreational uses needs to be better defined

Comment 032637.004
Peter Fontaine

-------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.

Comment 032622.004
Frank & Jennifer Keim

This does not mean that the Refuge be deluged by visitors without regulation of their numbers and whereabouts, especially for commercially guided trips. In the final plan, there should be a commitment to address valid public concerns of visitor use and wilderness stewardship.

Comment 137007.002
Jerry McDonnell

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.

Comment 136985.005
Susan Morgan

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.

Comment 136804.008
Matt Nolan

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 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 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.

Comment 032610.002
Sharon Baur

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 FWS 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.

Comment 032611.002
AKNWR Friends

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 FWS 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.

3.32 TOPIC: Refuge CCP

3.32.1 Evaluation and Revision

Comment 032619.007
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

Comment 136810.006
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.

Comment 136736.001
Unnamed 73

When Arctic Refuge writes their management plans, they need to include the importance of cultural and subsistence issues.

Comment 136853.001
Bobby Solomon

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?

3.33 TOPIC: Refuge History

3.33.1 General

Comment 136805.109
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.

Comment 136805.110
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.

Comment 136805.111
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).

Comment 136805.112
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.

3.34 TOPIC: Refuge Infrastructure and Administration

3.34.1 Administrative Sites

Comment 032621.006
Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions

-------Preamble/Intro-------
Neruokpuk Lakes
----------Comment----------
I recommend removal of any structures (if this has not been done already), and then the area will be completely intact wilderness.

Comment 136801.096
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

Comment 136805.128
Sean Parnell, Governor
State of Alaska

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.

Comment 032627.029
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032627.035
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Page 2-71 (Administrative Sites and Visitor Facilities): The Final CCP should clearly indicate in the Management Guidelines that the construction or the placement of any new administrative buildings is prohibited in the Refuge.

Comment 032628.020
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 032628.026
Fran Mauer, Alaska Chapter
Wilderness Watch

Page 2-71 (Administrative Sites and Visitor Facilities): The Final CCP should clearly indicate in the Management Guidelines that the construction or the placement of any new administrative buildings in the Refuge are prohibited.

Comment 000017.017
Wilderness Watch - Full

The Administration Sites and Visitor Facilities management guideline should be modified to prohibit construction of any new buildings in the refuge.

Comment 136678.001
Unnamed 20

Refuge headquarters should be based in Kaktovik so that the Refuge has a presence there

Comment 136954.001
Alan Batten

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.

Comment 136807.007
Duane Howe

-------Preamble/Intro-------
Following are my comments of the Arctic National Wildlife Refuge CCP:
----------Comment----------
18 Administrative buildings should remain in place only where they do not detract from the wilderness character of the land.

Comment 032662.006
David McCargo

The Peters Lake facility has always been an intrusion and should be downsized at the very least and preferably removed for the reasons stated.

Comment 136993.007
Julie RaymondYakoubian

The buildings on Peters and Big Ram Lakes should be removed. This issue needs to be addressed in the alternatives.

Comment 136993.008
Julie RaymondYakoubian

the management guideline for Administration Sites and Visitor Facilities should prohibit construction of any new buildings in the Refuge.

3.34.2 General

Comment 136789.004
Bob Childers, Executive Director
Gwich'in Steering Committee

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.

3.34.3 Staffing

Comment 136811.002
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.

Comment 136679.001
Unnamed 21

Will there be more of an Arctic Refuge presence in the villages? A stationed officer?

Comment 136682.001
Unnamed 24

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.

Comment 136878.001
Unnamed 28

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.

Comment 136883.001
Unnamed 32

We need local people to be employed by FWS. Today I am introduced to people who are foreign to my traditional values.

Comment 136893.001
Unnamed 41

Hire a native subsistence coordinator (in place of current employee).

Comment 136730.001
Unnamed 68

Would encourage the hiring of subsistence advisers who could help the Refuge to minimize conflicts with subsistence users

Comment 032661.001
James Gideon

Wildlife management has been within the Dept. of Interior and come a long way.-To me I heard Tribal Consultation and Input many times over. One of my notice is that no Alaska native or True subsistence use being employed by wildlife Refuge-Today I am introduced to people that are foreign to my traditional value. So my big question is why have people who are knowledgeable in Traditional Lifestyles. Many years ago in area education Tribe seek Native teacher today we have many of them in our school district. In Fish and Wildlife should be the same. There is something wrong.

Comment 032662.001
David McCargo

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 onceupon- 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.

Comment 136912.005
Edward Sam

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.

Comment 136912.001
Edward Sam

-------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.

Comment 136910.002
Unknown Unknown

A younger Native man asked why can't Arctic Village people by 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.

3.34.4 Visitor Facilities

Comment 032675.015
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.

Comment 136837.001
Unnamed 1

What would the cost be of a permit for temporary facilities? How long would it be good for?

Comment 136680.001
Unnamed 22

There could be a visitor center in Kaktovik, a Native museum similar to the one in Barrow

Comment 136839.001
Unnamed 3

How do we define temporary facilities?

3.35 TOPIC: Refuge Management Policies/Guidelines

3.35.1 Appropriate Refuge Use

Comment 000026.002
Alaska Wilderness League - Form Letter

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.

Comment 000028.002
Change.org - Greenpeace

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.

Comment 032617.004
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.

Comment 000027.002
Greenpeace - Alert

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.

Comment 000023.002
Greenpeace - Email

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.

Comment 136801.063
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.

3.35.2 Coastal Zone Consistency

Comment 136820.023
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.

Comment 136801.067
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 137014.019
Dan Ritzman, Alaska Program Director
Sierra Club

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 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.

Comment 136805.075
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.

3.35.3 Commercial Uses (non-recreation)

Comment 136801.094
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.

Comment 136801.092
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.

Comment 136801.093
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.

Comment 136805.094
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).

Comment 136805.095
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.

3.35.4 Commercial Uses (recreation)

Comment 136805.092
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.

Comment 136805.093
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.

3.35.5 Compatability Determinations (includes Appendix G)

Comment 136820.014
Cindy Shogan, Executive Director
Alaska Wilderness League

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 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 ADFG (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.

Comment 136820.020
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136789.002
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.

Comment 136801.014
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."

Comment 136801.066
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-40. Commercial Shore-fast Sea Ice Access. Further review is needed for the activity (pp. G-57 to G-63) and that a far narrower description of the activity allowed is needed in order that it could be considered an appropriate use.

There is insufficient information and analysis in the DEIS about the existing activity for commercial sea-fast sea ice access 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.

Does this commercial access include travel 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.

Comment 136801.122
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.

Comment 137014.010
Dan Ritzman, Alaska Program Director
Sierra Club

The State of Alaska manages game populations according to the Intensive Management ("IM") statute, which manages game for high levels of human harvest. [13] The IM statute allows for predator control activities, which are patently inconsistent with the Service's mission and federal law, as well as the purposes of the Arctic Refuge — which includes the conservation of "fish and wildlife populations and habitats in their natural diversity." [14] Thus, intensive management and predator control actions are inappropriate in the Arctic Refuge. To ensure clarity to and to dissuade any attempts by the State of Alaska to pursue IM programs on Refuge lands, the 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.

the Draft CCP, however, suggests that FWS should consider clearly incompatible Alaska actions on a case-by-case basis: "[s]eparate 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. [15] FWS need not and should not initiate a compatibility determination or NEPA process to evaluate State-sponsored predator control in Arctic Refuge. Instead, the FWS should incorporate language into the CCP and the draft Compatibility Determinations clearly stating that any regulation or plan — including the use of predator control— which conflicts with federal law or policy and the purposes of the Arctic Refuge will be preempted in the Refuge.

Comment 137014.011
Dan Ritzman, Alaska Program Director
Sierra Club

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 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.

Comment 137014.016
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Does this commercial access include travel 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.

Comment 032628.030
Fran Mauer, Alaska Chapter
Wilderness Watch

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 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.

Comment 032628.031
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 that 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 permitees 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.

Comment 136813.006
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.

Comment 032626.055
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?

Comment 032626.056
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.

Comment 032626.057
Greg Warren

All compatibility determinations need to reference and utilize the draft 2011 CCP and DEIS Proposed Action and not the 1988 CCP (no action alternative).

Comment 032626.061
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).

Comment 032626.062
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 substantial 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.

Comment 032626.023
Greg Warren

-------Preamble/Intro-------
V1, 3-1, 3 Proposed Action:
----------Comment----------
I was expecting the compatibility determinations would utilize the Proposed Action as opposed to the no action alternative (i.e., the 1988 CCP) as the basis of the assessments in Appendix G. The CCP needs to clarify the basis of the compatibility determines explaining the rationale if the outdated 1988 direction is used.

Comment 032626.058
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,

Comment 032626.059
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

Comment 032626.060
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.

3.35.6 Cooperation and Coordination with Others

Comment 137013.012
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?

Comment 136820.013
Cindy Shogan, Executive Director
Alaska Wilderness League

The State of Alaska manages game populations according to the Intensive Management ("IM") statute, which manages game for high levels of human harvest.[14] The IM statute allows for predator control activities, which are patently inconsistent with the Service's mission and federal law, as well as the purposes of the Arctic Refuge — which includes the conservation of "fish and wildlife populations and habitats in their natural diversity."[15] Thus, intensive management and predator control actions are inappropriate in the Arctic Refuge. To ensure clarity to and to dissuade any attempts by the State of Alaska to pursue IM programs on Refuge lands, the 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.

The Draft CCP, however, suggests that FWS should consider clearly incompatible Alaska actions on a case-by-case basis: "[s]eparate 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.[16] FWS need not and should not initiate a compatibility determination or NEPA process to evaluate State-sponsored predator control in Arctic Refuge. Instead, the FWS should incorporate language into the CCP and the draft Compatibility Determinations clearly stating that any regulation or plan — including the use of predator control— which conflicts with federal law or policy and the purposes of the Arctic Refuge will be preempted in the Refuge.

Comment 136801.064
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-40. State of Alaska Management Activities. We reiterate the concerns we raised on these issues earlier in Sec. 1.3.3 (DEIS p. 1-10) that the Service must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Board of Game rules when necessary.

The State of Alaska manages game populations according to the Intensive Management ("IM") statute, which manages game for high levels of human harvest.39 The IM statute is patently inconsistent with the Service's mission and federal law, as well as the purposes of the Arctic Refuge — which includes the conservation of "fish and wildlife populations and habitats in their natural diversity."40 Thus, intensive management is inappropriate in the Arctic Refuge. To ensure clarity to and to dissuade any attempts by the State of Alaska to pursue IM programs on Refuge lands, the

CCP should explicitly preclude artificial manipulation or intensive management of wildlife populations to enhance game populations for human harvest.

Comment 136801.065
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 ANILCAs 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.

Comment 136801.069
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.

Comment 136805.076
Sean Parnell, Governor
State of Alaska

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..

Comment 032627.038
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032628.028
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 136908.005
Jonathon John

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.

Comment 032626.018
Greg Warren

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."

3.35.7 Ecosystem and Landscape Management

Comment 136801.070
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."

Comment 136801.071
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.

Comment 136805.077
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.

Comment 136810.002
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.

3.35.8 Environmental Contaminants ID and Cleanup

Comment 136801.095
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.

Comment 136737.001
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.

Comment 136738.001
Unnamed 75

Did not transport drums on Jago in bags - could possibly contain hazardous material.

Comment 136739.001
Unnamed 76

Concerned about drums in lagoon-detrimental effects. RAC meeting maybe has notes.

Comment 136740.001
Unnamed 77

Abandoned ship in Demarcation Bay is rusting out. Needs to be removed.

Comment 136912.003
Edward Sam

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.

3.35.9 Fish and Wildlife Habitat Management

Comment 136805.078
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.

Comment 032627.018
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.

Comment 136816.017
John Strasenburgh

-------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.

3.35.10 Fish and Wildlife Population Management

Comment 032619.005
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.

Comment 136980.004
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.

Comment 136801.075
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.

Comment 136805.013
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.079
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.080
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.

Comment 136805.081
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.

Comment 136810.003
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.

Comment 136810.004
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.

Comment 032628.004
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.

Comment 136908.006
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.

Comment 136976.004
Suzanne Kuffler

Please clarify the management needs of the refuge so that these concerns take precedence over those special interests that may want to increase gaming. The larger goal is admirable over any short term pressures. Nibbling away does no good and it encourages the control of predators which goes against a natural preserve.Without controls over gaming habitats get lost and manipulated with dire results.

Comment 136808.002
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—(l) 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.

Comment 136816.018
John Strasenburgh

-------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.

Comment 136816.023
John Strasenburgh

-------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."

Comment 032626.003
Greg Warren

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).

Comment 032626.020
Greg Warren

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.

Comment 032626.024
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.

Comment 032626.025
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.

Comment 032626.021
Greg Warren

-------Preamble/Intro-------
V1, 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.

3.35.11 General

Comment 032619.006
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.

Comment 136792.001
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----------
Natural Soundscape (Natural Quiet and Natural Sounds). Following up on what we said above, these important but too often neglected resources deserve strong protection in the Refuge. If not protected here, where will they be? The draft Plan and EIS should be revised to treat them as completely legitimate and independent resources, and the impact of refuge activities and decisions on them should be fully evaluated, just as is done for other important resources and values such as wildlife, clean air and water, scenic beauty, wilderness, etc. In addition, the Plan should mandate that a step-down Soundscape Plan be undertaken subsequently.

Comment 000026.001
Alaska Wilderness League - Form Letter

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.

Comment 255413.001
Alaska Wilderness League - Petition

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.

Comment 255412.001
Alaska Wilderness League - Type B Postcard

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.

Comment 136980.005
Gail Mayo, President
Arctic Audubon

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.

Comment 000028.001
Change.org - Greenpeace

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.

Comment 032675.002
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

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

Comment 032675.004
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 refoge planning policy (602 FW 1 and 3) are not requiredfor 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.

Comment 000027.001
Greenpeace - Alert

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.

Comment 000023.001
Greenpeace - Email

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.

Comment 136789.003
Bob Childers, Executive Director
Gwich'in Steering Committee

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.

Comment 136801.060
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.

Comment 255367.001
Pacific Environment - Bulk Letter

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.

Comment 000017.011
Wilderness Watch - Full

The draft plan's description of purposes and special values of the Arctic Refuge are excellent and should guide all management decisions.

Comment 136964.001
Cliff Eames

I'm disappointed in the plan's failure to assess, protect, and where necessary, restore, the Natural Soundscape

Comment 032637.001
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);

Comment 032637.003
Peter Fontaine

-------Preamble/Intro-------
Additionally. the plan must include:
----------Comment----------
Indigenous peoples must be able to maintain their connection to the landscape, and that requires an intact, unspoiled landscape

Comment 009544.002
Frank Keim

the special values of the Arctic
Refuge section should guide all future management decisions and
there are many special values and one of them is spiritual,
recreational, you name it, there are all kinds.

Comment 032622.002
Frank & Jennifer Keim

The Special Values of the Arctic Refuge section should guide all future management decisions.

Comment 032657.003
Terry Reichardt

-------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.

Comment 032626.016
Greg Warren

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.

Comment 136823.003
Ruth Wood

I'm not sure whether it should be under goals and objectives or guidelines, but maintaining natural soundscape should be made a priority. One of the things I say to fellow travelers is that you often have a better experience when you are quiet. It would be good to maintain the natural soundscape where possible.

3.35.12 Human Safety & Management Emergencies

Comment 136796.003
Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

-------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.

Comment 136796.004
Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

-------Preamble/Intro-------
The Service Should Offer Stricter Criteria for a Management Emergency
----------Comment----------
As stated in our comments below, Defenders recognizes and supports the subsistence harvest rights of federally qualified subsistence users. However, ANILCA clearly states that subsistence opportunities on the Arctic Refuge must be consistent with the purposes "to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Porcupine caribou herd…polar bears, grizzly bears…wolves, wolverines…" and "to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats…"25 Further, subsistence is to be provided only when it is "consistent with sound management principles, and the conservation of healthy populations of fish and wildlife…"26 The Service must, therefore, ensure that no actions are taken to provide subsistence opportunities or conserve subsistence resources if doing so will violate ANILCA's primary purposes.

Comment 136801.050
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.

Comment 136822.001
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.

Comment 136822.005
Wade Willis
Science Now Project

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 substance 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

Comment 136822.003
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----------
Amend the Management Emergency Guidelines (Section 2.4.2 of the draft CCP) to exclude “active” manipulation of wildlife populations when it is determined that state mismanagement of sport hunting harvest opportunity is a significant contributing factor which resulted in low density of an important subsistence wildlife population.

Comment 136805.014
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.

Comment 136805.074
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.

Comment 136712.001
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 has been 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?

Comment 136713.001
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?

Comment 136816.026
John Strasenburgh

-------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 "managementemergencies." 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.

3.35.13 Land Exchanges

Comment 136820.022
Cindy Shogan, Executive Director
Alaska Wilderness League

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)).

Comment 136789.007
Bob Childers, Executive Director
Gwich'in Steering Committee

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.

Comment 136801.061
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.3 Land Exchanges and Acquisitions
P. 2-37. We recommend that this section add descriptions of past major land exchanges due to their great controversy. Please also consider the information we provided in our technical scoping comments, Alaska Wilderness League et al., June 7, 2010 regarding past exchanges including those that were not completed due to controversy, 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. 37 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).38 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."
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)). This major constraint regarding future land exchanges in the ANILCA amendment should be mentioned in the CCP.

Comment 136801.062
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 137014.018
Dan Ritzman, Alaska Program Director
Sierra Club

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). [19] 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." [20] 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)).

3.35.14 Minerals Management

Comment 136820.028
Cindy Shogan, Executive Director
Alaska Wilderness League

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).

Comment 136801.090
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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).

Comment 136801.091
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).

Comment 136801.097
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 Sec. 1010(b) (2) that the Service must ensure that activities must be compatible with the purposes for which the unit was established.

Comment 137014.024
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).

3.35.15 Public Access and Transportation Management

Comment 136792.002
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.

Comment 136801.076
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.

Comment 136801.077
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.

Comment 136801.078
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

Comment 136801.079
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.

Comment 136801.080
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…"

Comment 136801.081
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.

Comment 136801.082
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…."

Comment 136801.084
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.

Comment 136801.085
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?

Comment 136801.086
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.

Comment 136805.085
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..

Comment 136805.086
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).

Comment 136805.087
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.

Comment 136805.088
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.

Comment 136685.001
Unnamed 27

Why are planes able to land anywhere and yet a permit is needed for using an ATV to hunt

Comment 136960.001
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.

Comment 136960.002
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.

Comment 136807.002
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.

Comment 136988.002
Brian and Diane Okonek

There is a management guideline that continues to allow the use of dogs, horses, llamas, etc. I am concerned about domesticated stock introducing diseases to Dall sheep and other species in the Refuge. It is my understanding that pack goats can pass on diseases to Dall sheep. I recommend that domesticated animals must be vaccinated and certified disease free if they are to be used in the Refuge or if this is not possible do not allow their use in ANWR.

Comment 136990.001
Tom Paragi

Public Access by Domestic Animals—I concur on weed-free feed for pack animals and recommend you 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, a professional organization of wildlifebiologists and managers, has been evaluated this risk of disease transfer by domestic goats to wildlife and is close to producing a position statement on the subject.

Comment 136998.001
Thor Stacey

I would like to emphasis 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.

3.35.16 Public Use Facilities

Comment 136805.091
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.

Comment 136687.001
Unnamed 29

-------Preamble/Intro-------
Comments related to permits for temporary facilities
----------Comment----------
Don't want to pay $100 to put up a cache

Comment 136689.001
Unnamed 30

-------Preamble/Intro-------
Comments related to permits for temporary facilities
----------Comment----------
Is there a breakdown about how Arctic Refuge issues permits?

Comment 136690.001
Unnamed 31

-------Preamble/Intro-------
Comments related to permits for temporary facilities
----------Comment----------
Is there a breakdown about how Arctic Refuge issues permits?

Comment 136694.001
Unnamed 35

-------Preamble/Intro-------
Comments related to permits for temporary facilities
----------Comment----------
How many can afford having to pay for a permit for temporary facility?

Comment 136695.001
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?

Comment 136696.001
Unnamed 37

-------Preamble/Intro-------
Comments related to permits for temporary facilities
----------Comment----------
Would a permit for cabins include fee?

Comment 136700.001
Unnamed 40

-------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

Comment 136701.001
Unnamed 41

-------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?

Comment 136702.001
Unnamed 42

-------Preamble/Intro-------
Comments related to permits for temporary facilities
----------Comment----------
Don't want to pay for lean-tos that are moved to different areas

Comment 136703.001
Unnamed 43

-------Preamble/Intro-------
Comments related to permits for temporary facilities
----------Comment----------
Don't want to fill out a permit application for a tent every year

Comment 136705.001
Unnamed 45

-------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.

Comment 136966.002
Jeff Fair

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.

3.35.17 Recreation and Other Public Use

Comment 136801.083
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.4.15 Recreation and Other Public Use
pp. 2-63 to 2-64. The Service 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 by referencing the Special Values of the Arctic Refuge as a justification for this important approach to recreation and public uses in the Refuge.

Comment 136805.089
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.

Comment 136805.090
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.

Comment 032627.036
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032628.005
Fran Mauer, Alaska Chapter
Wilderness Watch

Management Guideline 2.4.15: We support this important guideline which recognizes self-reliance, and preservation of opportunities for adventure, discovery, solitude and isolation as essential recreational experiences because they are the type of recreation which the Refuge founders had in mind, and that the Wilderness Act contemplated, and that the Refuge is uniquely suited to provide. We also support this because it commits the Service to employ the least intrusive means for public use management. 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.

Comment 000017.016
Wilderness Watch - Full

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.

Comment 032676.002
Mike Matz

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.

3.35.18 Subsistence Management

Comment 136817.020
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).

Comment 136817.021
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.

Comment 000077.001
David Raskin
Friends of Alaska National Wildlife Refuges

42 Management of refuge lands must allow
43 the continuation of traditional activities of Alaska
44 Natives and other local residents, including timber
45 harvest for local use and travel within the refuge.

Comment 136805.082
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.083
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.084
Sean Parnell, Governor
State of Alaska

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 811implementing regulations at 50 CFR 36.12: ANILCA Section 811implementing 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

Need 4-wheeler to have access to get logs

Comment 136786.001
Patti Barber

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?

Comment 032662.007
David McCargo

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 a open-ended activity. Third, it would require increased motorized activity in the Refuge.

Comment 136808.001
Jack Reakoff

-------Preamble/Intro-------
Please consider these two issues of my concern,
----------Comment----------
Comment issue #1

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— (l) 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.

Comment 032657.002
Terry Reichardt

-------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.

Comment 032624.002
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.

3.35.19 Table 2-1 - Activity/Use by Management Category

Comment 137013.013
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 Tustemena 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 Tustemena 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?

Comment 136820.024
Cindy Shogan, Executive Director
Alaska Wilderness League

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).

Comment 136801.056
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

These incompatible, harmful activities as listed in Table 2-1 should be clearly not allowed in any Arctic Refuge Management Category: 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, those activities should be listed as "not allow," and we recommend that the Intensive and Moderate Management categories should be removed from this CCP, including from Table 2-1.

Comment 136801.057
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.

Comment 136801.087
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

FWS appropriately states that no exploration activities (including seismic surveys, surface geology studies, subsurface core sampling, and other geophysical surveys), are allowed on the "1002" Coastal Plain area of the Arctic Refuge, DEIS at 2-66 to 2-67,; 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. Additionally, the text should also clearly state that oil and gas leasing, exploration, and development are prohibited throughout the refuge. Additionally, it is incompatible with the purposes of the Refuge. For additional clarity, the prohibition of oil and gas support facilities on the Coastal Plain, including from offshore development, could be added to Table 2-1 (Pp. 2-89, 90).

Comment 136801.102
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 that 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.

Comment 136801.103
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Congress, though 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.

Comment 136801.098
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----------
First, it includes categories that are not appropriate for the Arctic Refuge (Moderate and Intensive).

Comment 136801.099
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----------
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.

Comment 136801.100
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.

Comment 136801.101
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----------
this plan should not include categories that are not suitable management categories or list activities that are not appropriate Refuge uses in the Arctic Refuge (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. Therefore, due to the purposes, vision, and goals of the Arctic Refuge, the columns on Table 2-1 for Intensive Management and Moderate Management and all activities covered by gray shading ?which FWS acknowledges do not apply to the refuge ? should be removed from Table 2-1 in the final CCP .

Comment 137014.020
Dan Ritzman, Alaska Program Director
Sierra Club

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).

Comment 136810.005
Paul Krausman, President
The Wildlife Society

-------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.

Comment 032627.044
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 136978.001
Wendy Loya

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.

Comment 136816.020
John Strasenburgh

-------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.

Comment 136816.021
John Strasenburgh

-------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).

Comment 136816.024
John Strasenburgh

-------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----------
In general, all of the Activities or Uses that "may be allowed" or are "not allowed, with exceptions" ought to have stronger, specific language attached. I think for most of these in the table, "not allowed, except in emergencies" would cover it.

Comment 136816.025
John Strasenburgh

-------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.

3.36 TOPIC: Refuge Operations

3.36.1 Effects of Alternatives

Comment 032627.030
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032628.021
Fran Mauer, Alaska Chapter
Wilderness Watch

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 (Section 4(b) of the Wilderness Act), 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.

3.37 TOPIC: Refuge Planning Context, Processes, and Issues

Comment 136805.011
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.027
Sean Parnell, Governor
State of Alaska

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.

3.38 TOPIC: Refuge Purposes -- General

Comment 137013.006
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 w 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.

Comment 136801.018
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)

Comment 136795.006
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.

Comment 136805.032
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.

Comment 136805.033
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.104
Sean Parnell, Governor
State of Alaska

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.

Comment 032626.008
Greg Warren

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.

3.39 TOPIC: Refuge Values

3.39.1 Special Values of Refuge

Comment 136820.005
Cindy Shogan, Executive Director
Alaska Wilderness League

The Service has provided a strong listing of the special values of the Arctic Refuge, see DEIS Sec. 1.5, pp. 1-20 to 1-22, and we support all of them being retained in the final CCP. These Special Values should be used to guide all management decisions in the Refuge.

Comment 136817.016
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.

Comment 136800.005
Debbie Miller, Author
Caribou Enterprises - Full

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.

Comment 000002.003
Friends of Alaska Wildlife Refuges

Special Values — The Special Values of the Arctic Refuge section describes the most important characteristics of the Refuge. The refuge should be supported to serve as a guide for all management decisions.

Comment 136801.020
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

pp. 1-20 to 1-22. The Service has provided a strong listing of the special values of the Arctic Refuge and we support all of them being retained in the final CCP. These Special Values should be used to guide all management decisions in the refuge.

Comment 137014.002
Dan Ritzman, Alaska Program Director
Sierra Club

The Service has provided a strong listing of the special values of the Arctic Refuge, see DEIS Sec. 1.5, pp. 1-20 to 1-22, and we support all of them being retained in the final CCP. These Special Values should be used to guide all management decisions in the Refuge.

Comment 136805.034
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.036
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.037
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.038
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.039
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.040
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.035
Sean Parnell, Governor
State of Alaska

-------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.

Comment 032627.019
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Special Values of Arctic Refuge
We support the Special Values of Arctic Refuge as they appear in the Draft CCP (Pages 1-20 to 1-22). The Final CCP should retain this section as it exists and require that the Special Values of the Refuge are used to guide all management decisions for the Refuge.

Comment 009556.001
John Lyle

I also support the special values of the refuge, and I
think that should be a template to guide all management
decisions.

Comment 137007.003
Jerry McDonnell

The Special Values of the Arctic Refuge section describes the most important characteristics of the Refuge. It should be supported to serve as a guide for all management decisions.

Comment 136985.001
Susan Morgan

Description of purposes and Special Values of the Arctic Refuge: These are excellent and should guide all management decisions both in designated and potential Wilderness in the Refuge.

Comment 032610.003
Sharon Baur

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.

Comment 032611.003
AKNWR Friends

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.

3.40. TOPIC: Refuge Vision and Goals

3.40.1 General

Comment 136794.007
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.

Comment 136800.004
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----------
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).

Comment 136750.001
Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council

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.

Comment 032625.001
Nicole Whittington-Evans, Alaska Regional Director
The Wilderness Society

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.

Comment 136919.003
Lolly Andrews

Protecting wilderness is most important, so there should be an objective specifying that.

Comment 136988.001
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.

Comment 136856.001
Carrie Stevens

hat 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 a 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.

Comment 136856.002
Carrie Stevens

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.

Comment 136816.007
John Strasenburgh

-------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.

Comment 032626.001
Greg Warren

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.

3.40.2 Goal 1 (including objectives)

Comment 137013.007
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.

Comment 137013.008
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.

Comment 136820.006
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136800.006
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?

Comment 136800.007
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.

Comment 136800.002
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 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.

Comment 136789.001
Bob Childers, Executive Director
Gwich'in Steering Committee

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.

Comment 136801.022
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-1. We support Goal 1 with one small but important change, that the word "essentially" should be deleted. The goal should be to maintain the refuge free from the intent to alter the natural processes, with the recognition that goals may be difficult to attain. We strongly support Objective 1.1 on how Refuge Management will address this goal.

Comment 136801.023
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?

Comment 136801.024
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.

Comment 136801.025
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?

Comment 136801.026
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)?

Comment 136801.029
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.

Comment 136801.030
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.

Comment 136801.035
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.

Comment 136801.027
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?

Comment 136801.028
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?

Comment 137014.003
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 136805.047
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.

Comment 136805.045
Sean Parnell, Governor
State of Alaska

-------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..

Comment 136805.046
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136805.048
Sean Parnell, Governor
State of Alaska

-------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...

Comment 136810.001
Paul Krausman, President
The Wildlife Society

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.

Comment 032627.002
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).

Comment 032627.004
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.

Comment 032627.005
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.

Comment 032627.006
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.

Comment 032627.007
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.

Comment 032627.008
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032627.010
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.

Comment 032627.011
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.

Comment 032627.003
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.

Comment 032627.009
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.

Comment 032628.002
Fran Mauer, Alaska Chapter
Wilderness Watch

We found the Refuge Goals to be very appropriate and inspiring. We support them in general, however the word "essentially" should be deleted from Goal 1. This term is unnecessary and detracts from the over-all intention that ecological process remain free of human interventions.

Comment 032628.006
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.

Comment 032628.007
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.

Comment 032628.008
Fran Mauer, Alaska Chapter
Wilderness Watch

initiatives relating to climate change (Objective 1-5) should be integrated with over-all ecological monitoring.

Comment 032628.009
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.

Comment 000017.013
Wilderness Watch - Full

Goal 1 is good, but the word "essentially" needs to be deleted. The goal should be to maintain the refuge free from the intent to alter the natural order, recognizing that goals are not always entirely attainable.

Comment 136978.002
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.

Comment 136813.001
Allen Smith

Goal 1: The word "essentially" should be dropped since Refuge management should remain completely free of the intent to alter the natural order.

Comment 136998.006
Thor Stacey

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.

Comment 136816.008
John Strasenburgh

-------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.

Comment 136816.009
John Strasenburgh

-------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.

Comment 032626.009
Greg Warren

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."

Comment 032626.011
Greg Warren

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...."

Comment 032626.012
Greg Warren

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.

Comment 032626.010
Greg Warren

-------Preamble/Intro-------
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."
----------Comment----------
V1, 2-1, 2.1.1 Refuge Goal 1: See V1, 1-23, 1.6.2—above.

3.40.3 Goal 2 (including objectives)

Comment 136820.007
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136801.021
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Regarding Goal 2, we encourage the FWS to clarify that the goal that the Arctic Refuge "retains exceptional wilderness values without loss of natural condition and wild character" apply to the entire Refuge (we provided additional rationale in our technical letter Alaska Wilderness League et al.

Comment 136801.031
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136801.032
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.

Comment 136801.033
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

p. 2-9 Objective 2.5. Administrative Facility at Peter's Lake. We urge that consideration of removal of all the buildings (with the possibly exception of the outhouse) be undertaken by this plan. This objective should also consider removal of the buildings at Big Ram Lakes.

Comment 136801.034
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.

Comment 137014.004
Dan Ritzman, Alaska Program Director
Sierra Club

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.

Comment 136805.042
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….

Comment 136805.049
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…

Comment 136805.050
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.051
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.052
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.]

Comment 136805.053
Sean Parnell, Governor
State of Alaska

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 building] 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.]

Comment 136805.054
Sean Parnell, Governor
State of Alaska

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.]

Comment 032627.012
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Goal 2 - We support this goal, however, it should be modified in the Final Plan to acknowledge that where wilderness character has already been impaired, that actions will be taken to restore it and prevent impairment in the future

Comment 032627.013
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032627.014
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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 Draft CCP only addresses restoration on minimal management lands.

Comment 032627.015
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Objective 2.5: Administrative Facilities: 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.

Comment 032627.016
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Objective 2.6: Wilderness Character Monitoring: We generally support this in concept, however, we are concerned that wilderness qualities have already degraded in some areas of the designated Wilderness, and the Draft CCP does not commit to address this long standing issue in a timely enough manner

Comment 136952.001
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 avilable LNT practices.

Comment 136952.002
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.

Comment 032628.010
Fran Mauer, Alaska Chapter
Wilderness Watch

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 initate 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…" (Page 2-7) 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. (please see our further comments under the heading: Wilderness Stewardship and Visitor Use Issues).

Comment 032628.011
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 032628.012
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 032628.013
Fran Mauer, Alaska Chapter
Wilderness Watch

Objective 2.6: Wilderness Character Monitoring: We generally support this in concept, however, we are concerned that wilderness qualities have already degraded in some areas of the designated Wilderness, and the Draft CCP does not commit to address this long standing issue in a timely enough manner.

Comment 136784.002
Adrienne Hall

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.

Comment 136998.007
Thor Stacey

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."

Comment 032626.013
Greg Warren

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.

3.40.4 Goal 3 (including objectives)

Comment 136801.036
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?

Comment 136805.058
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.

Comment 136805.059
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.055
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136805.056
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136805.057
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136952.003
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.

Comment 136998.008
Thor Stacey

I would ask that Wild Rivers within the refuge not be advertised.

Comment 136816.010
John Strasenburgh

-------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.

Comment 136816.011
John Strasenburgh

-------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.

Comment 032626.014
Greg Warren

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)).

3.40.5 Goal 4 (including objectives)

Comment 137013.009
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

2-13 Objective 4.3, Subsistence Access. ANILCA ensures that snowmobiles, motorboats, and "other means of surface transportation traditionally employed" can be used by rural residents engaged in subsistence activities. Objective 4.3 states that the Refuge will conduct a traditional access study designed to "…help determine where and what activities have occurred on the Refuge." It is silent on what "other means of surface transportation," if any, were traditionally employed prior to December 2, 1980 on what is now Refuge land.

The Service is avoiding the question of whether other means of surface transportation were traditionally employed pre-ANILCA on what are is now Refuge land. Other means of surface transportation include off-road vehicles. If prior to the establishment of the Refuge off-road vehicles were traditionally employed for subsistence purposes on what is now refuge land, the vehicles are allowed. In the absence of pre-ANILCA use, off-road vehicles are prohibited.

We recommend that the final Plan include a traditional use determination of other means of surface transportation traditionally employed. Revised CCP's for other national wildlife refuges in Alaska have included such determinations. Arctic NWR is required under ANILCA to follow suit.

Comment 136820.008
Cindy Shogan, Executive Director
Alaska Wilderness League

The goal should also address the Refuge's role in implementation of the International Porcupine Caribou Agreements and should recognize that the rural residents in Alaska who have harvested animals from the Porcupine Caribou Herd for customary and traditional uses "should participate in the conservation of the Porcupine Caribou Herd and its habitat."

Comment 136817.017
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.

Comment 136817.018
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.

Comment 136796.011
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.

Comment 136750.002
Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council

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.

Comment 136801.037
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Sec. 2.1.4 Goal 4: Continued Subsistence Opportunities
We support this goal, and urge greater coordination and partnership with local communities and tribal governments as part of the strategies for all objectives.

Comment 136801.038
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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."

Comment 136801.039
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

Objective 4.2. In addition to the RIT positions, we also urge there be a long-term goal for additional professional level staff be hired from and be stationed in the local communities.

Comment 136801.040
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?

Comment 137014.005
Dan Ritzman, Alaska Program Director
Sierra Club

-------Preamble/Intro-------
Goal 4
----------Comment----------
The goal should also address the Refuge's role in implementation of the International Porcupine Caribou Agreements and should recognize that the rural residents in Alaska who have harvested animals from the Porcupine Caribou Herd for customary and traditional uses "should participate in the conservation of the Porcupine Caribou Herd and its habitat."

Comment 136805.060
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.]

Comment 136805.061
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.

Comment 136805.062
Sean Parnell, Governor
State of Alaska

-------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.

Comment 032662.008
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.

Comment 136998.009
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.

Comment 136816.012
John Strasenburgh

-------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.

3.40.6 Goal 5 (including objectives)

Comment 032619.003
Cliff Judkins, Chairman
Alaska Board of Game

-------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.

Comment 136794.005
Bill Iverson, President
Alaska Outdoor Council

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.

Comment 136800.008
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.

Comment 136800.009
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.

Comment 136800.003
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)

Comment 136801.041
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.

Comment 136801.042
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.

Comment 136801.043
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.

Comment 136801.044
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?33

Comment 136805.043
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.

Comment 136805.063
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.

Comment 136805.064
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.

Comment 136805.065
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.066
Sean Parnell, Governor
State of Alaska

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,. .untrammeled,. .primeval character.) for management standards for the parts of the Refuge that are not designated wilderness.

Comment 136805.068
Sean Parnell, Governor
State of Alaska

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."

Comment 136805.067
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136805.069
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.

Comment 136952.004
Jeffrey Marion, Field Stn. Leader/Adj. Professor
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 (includinghunting/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.

Comment 136952.005
Jeffrey Marion, Field Stn. Leader/Adj. Professor
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.

Comment 136816.013
John Strasenburgh

-------Preamble/Intro-------
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----------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;"

Comment 136816.014
John Strasenburgh

-------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.

Comment 032626.015
Greg Warren

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.)

3.40.7 Goal 6 (including objectives)

Comment 136820.009
Cindy Shogan, Executive Director
Alaska Wilderness League

While we generally support Goal 6 (Evaluation of the Effects of Climate Change), it should be expanded to include the non-intervention policy described in the climate change Management Guidelines to ensure consistency in the CCP's approach.

Comment 136820.010
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136796.008
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.

Comment 136801.045
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136801.047
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.

Comment 136801.048
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.

Comment 137014.006
Dan Ritzman, Alaska Program Director
Sierra Club

While we generally support Goal 6 (Evaluation of the Effects of Climate Change), it should be expanded to include the non-intervention policy described in the climate change Management Guidelines to ensure consistency in the CCP's approach.

Comment 137014.007
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.

Comment 136805.070
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.""

Comment 032628.003
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

Comment 000017.014
Wilderness Watch - Full

Goal 6 needs to be expanded to include the non-intervention policy described in the climate change management guideline.

Comment 136995.002
Barbara Roman

Goal 6 needs to be expanded to include the non-intervention policy described in the climate change management guideline.

Comment 136813.002
Allen Smith

Goal 6: Should be reworded to "The effects of climate change on Refuge resources are evaluated through 'non -invasive' scientific research and monitoring."

3.40.8 Goal 7 (including objectives)

Comment 136820.011
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.

Comment 136789.006
Bob Childers, Executive Director
Gwich'in Steering Committee

We insist that the drainages of the East Fork Chandalar, Christian and Sheenjek 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.

Comment 136801.049
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

n 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.

Comment 136801.051
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.

Comment 136801.052
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.

Comment 136801.053
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.

Comment 137014.008
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.

Comment 136813.003
Allen Smith

Goal 7: Should also be reworded to “conduct non-invasive research and monitoring.”

Comment 136987.001
Susan Newell

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.

3.40.9 Goal 8 (including objectives)

Comment 032619.004
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.

Comment 136750.003
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 lo -- 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.

Comment 136750.004
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.

Comment 136750.005
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.

Comment 136750.006
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.

Comment 136801.054
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.

Comment 136902.001
Robert Childers

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.

Comment 136949.001
Sherry Furlong

Goal 8: I like this goal. The word "co-operat" is not necessary (self evident). "Define project", is a complete goal.

Comment 136816.015
John Strasenburgh

-------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.

3.40.10 Goal 9 (including objectives)

Comment 136817.019
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]

Comment 136796.010
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]

Comment 136968.001
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 has been our experience that NOLS can do a better job of resource protection than some untrained private visitors can.

Comment 136805.071
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.

Comment 136952.006
Jeffrey Marion, Field Stn. Leader/Adj. Professor
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.

Comment 136949.002
Sherry Furlong

Goal 9: Skip the modern media. We don't need overcrowding. Ppl. who appreciate parks & Alaska will make their own way. Having staff available to answer questions & broshures available to mail or e-mail is much appreciated.

Comment 136998.010
Thor Stacey

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 is 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.

Comment 136823.001
Ruth Wood

I would like to see additional educational materials, and a method to make reviewing them mandatory.

3.40.11 Vision

Comment 136817.014
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."

Comment 136817.015
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.

Comment 136800.001
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."

Comment 136805.041
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.

3.41 TOPIC: Service Mission and Policy

Comment 136817.005
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.

3.42 TOPIC: Significant Issues

3.42.1 Kongakut River Management

Comment 136801.005
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).

3.43 TOPIC: Socioeconomics

3.43.1 Communities

Comment 136885.001
Unnamed 34

Our individual lifestyle in our individual village needs to be understood and recognized.

Comment 032665.001
Unknown Unknown

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.

3.43.2 Demographics

Comment 136902.002
Robert Childers

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.

Comment 159106.001
Joanne Vinton

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.

3.43.3 General

Comment 000065.001
Craig Mishler

24 My concern here is that there is a
25 major deficiency in the CCP in that it does not make
26 any direct connection between the conservation of
27 wildlife habitat and the conservation of Gwich'in
28 language and culture. The Refuge staff lives and works

29 in Fairbanks, but the Gwich'in live right next to the
30 Refuge and make their living from it. They are major
31 stakeholders in the decisions that you make and that's
32 why there's so many Gwich'in here to testify today.

3.44 TOPIC: Step-Down Plans

3.44.1 Cultural Resources Plan

Comment 032647.001
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 he codified within this essential document.

3.44.2 General

Comment 136795.002
David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection

We support the commitment in Alternative E for the agency to address visitor use and wilderness stewardship issues. The final CCP should include a strong commitment to restore wilderness character in areas throughout the Refuge that have had those values reduced by visitor use impacts.

We are concerned that the schedule provided on pages 6-3 to 6-6 indicates that the wilderness stewardship and visitor use management plans would not be completed until 8 or 10 years from now. Given the presence of a number of known and long standing problems with wilderness degradation associated with public use, it would seem prudent to address these issues as soon as possible.

Comment 136822.004
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.

Comment 032628.036
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.

Comment 221407.001
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.

Comment 136813.005
Allen Smith

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.

Comment 136816.006
John Strasenburgh

-------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.

Comment 032626.051
Greg Warren

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.

Comment 032626.042
Greg Warren

-------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.

3.44.3 Inventory & Monitoring Plan

Comment 136796.009
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.

Comment 032628.035
Fran Mauer, Alaska Chapter
Wilderness Watch

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 (Dairmont 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.

Comment 137006.001
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.

Comment 137006.002
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.

Comment 137006.003
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.

Comment 032626.050
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.

3.44.4 Visitor Use Management Plan

Comment 136980.001
Gail Mayo, President
Arctic Audubon

In the Issues section it appears that the most difficult issues to resolve and manage are to do with visitor impacts. Some of these issues are long standing yet they are deferred to step-down plans with no time line attached (at least in the summary). The CCP for ANWR needs to include assurances that these step-down plans will be prioritized to address the most pressing issues in a timely way. Congestion at jumping off points and problems with aircraft landing sites are unresolved issues of long standing and certainly need attention now. The popularity of visiting the Refuge is not likely to diminish in the next 15 years.

Comment 136971.002
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.

Comment 136796.013
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.

Comment 136801.003
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

-------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 has been 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.

Comment 136801.004
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?

Comment 136927.001
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.

Comment 136793.003
Tim Hogan

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.

Comment 136996.001
Don Ross

The public use portion of the previous CCP was never implemented. The current plan would delay that even further.

The current plan does not address a rationale for further delay. There appears to be none. The current plan should implement portions of the previous public use plan that was never implemented.

Comment 032624.001
John Trent

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.

3.44.5 Wilderness Stewardship Plan

Comment 032627.021
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032627.022
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

We are concerned about the Service's commitment to addressing wilderness stewardship issues appropriately and in a timely manner. The priority and schedule provided on pages 6-3 to 6-6 indicates that the 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. 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.

Comment 032627.031
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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).

Comment 032627.017
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

-------Preamble/Intro-------
Goal 5 – We support this goal overall and have suggestions regarding the proposed priority and schedule for wilderness stewardship and visitor use plans. We fully support the goal to provide 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. This is in keeping with the type of "recreation" that Refuge founders had in mind when they worked for establishment of the original Arctic National Wildlife Range. It is one of the characteristics for which the Arctic Refuge is renowned and is very important to nearly all visitors who come to the Refuge.
----------Comment----------
We concur with most underlying objectives for this goal, however have significant concerns about the priority and schedule that is proposed (Pages 6-3 to 6-6) for wilderness stewardship and visitor use plans. Please see our comments under Wilderness Stewardship. This important goal for the Arctic Refuge will not be achieved if Objective 5.3 Visitor Use Management Plan is not given the highest priority, and accomplished in a shortened timeframe.

Comment 032628.014

Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 032628.022
Fran Mauer, Alaska Chapter
Wilderness Watch

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).

Comment 136816.001
John Strasenburgh

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.

3.45 TOPIC: Studies/Research

Comment 136797.004
Andrew M. Keller

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.

Comment 136804.002
Matt Nolan

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.

Comment 118023.001
Roderick Barcklay

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.

3.46 TOPIC: Subsistence

3.46.1 Access

Comment 136792.004
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.

Comment 000056.001
Jonathan John, First Chief
Arctic Village Council

24 And they say we want to designate it as
25 wilderness up there. I favor that, but I can't -- I
26 have a history in my area, in Arctic Village, that's
27 where we get our logs. We have summer trails that have
28 been used for thousand and thousand and thousand,
29 thousand, thousand, thousand years. They're there.
30 The trail is still there. That proves that we use all
31 the sheep, all the caribou, all the moose, all
32 wildlife. We use them in our area. The trails are
33 there. You cannot deny it. I need access to get logs.
34 You can't have no wilderness on those stuff. I have
35 evidenced and trail-marked I've been using 60's. They
36 used tractors, tractor trails. So we need to get
37 access to our logs in the refuge.
38
39 If I have to build a house or take a D-
40 9 to go down 30, 40 miles away and have a house log,
41 that's not economy. My economy is up there in the
42 refuge where I can get logs and wrap it down where it's
43 only going to cost a percentage of it. That's one of

44 the things I want to get at, is to have access on that
45 and for my protection.

Comment 032625.002
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.

Comment 136908.002
Jonathon John

For local access for subsistence, stated that local subsistence users should be allowed to use 4-wheelers for harvesting resources.

Comment 032657.001
Terry Reichardt

-------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

3.46.2 Impact of other users

Comment 136726.001
Unnamed 64

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

3.46.3 Subsistence Economies

Comment 136815.003
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan Tribal Governments

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.

3.46.4 Subsistence Management

Comment 136734.001
Unnamed 71

Need a good network between agencies regarding subsistence activities.

Comment 221204.001
Daniel Lum

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.

Comment 032662.004
David McCargo

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 substence 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.

Comment 222173.001
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—
(l) 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.

3.46.5 Village Harvests

Comment 136676.001
Unnamed 19

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.

3.46.6 Village Use Areas

Comment 136815.005
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan 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.

Comment 136815.004
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan 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.

Comment 136846.001
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 Qwich'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

3.47 TOPIC: Transportation and Access

3.47.1 Baseline Conditions

Comment 136805.127
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.

Comment 136872.001
Unnamed 22

We need to hire people from the village to man a post to observe during hunting season on Old John Lake

Comment 136897.001
Unnamed 6

Need people to go to Old John Lake to keep watch during hunting season (trespassing, other illegal activities)

Comment 136901.001
Mildred Allen

Stated that there is an increasingly significant problem with nonlocal people trespassing on Native Allotments and stealing and miss-using boats and motors at Old John Lake. Boats and motors have been damaged, and trash is being left behind. There needs to be a way to limit public access to this area to stop the trespass, miss-use of private property and leaving trash behind.

Comment 136908.003
Jonathon John

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.

Comment 136804.009
Matt Nolan

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).

Comment 136912.004
Edward Sam

In the Old John Lake area, he said that Native people need to be involved with the Native Allotment trespass issue. They need a cabin to be manned by local people to watch the area during the hunting season. Local people need to be involved in the protection of the area.

3.47.2 Effects of Alternatives

Comment 009515.001
John Coghill, Senator, District F
Alaska State Legislature

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.

3.47.3 Mode of Transportation

Comment 136811.003
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 ATVs/ORVs 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.

Comment 136792.003
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.

Comment 136801.058
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

The management guideline 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.

Comment 032627.034
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032627.043
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.

Comment 032628.025
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 136667.001
Unnamed 10

Mattracks – are they allowed under Wilderness conditions

Comment 136684.001
Unnamed 26

Why are planes able to land anywhere and yet a permit is needed for using an ATV to hunt

Comment 136686.001
Unnamed 28

Could pickups and SUVs outfitted with Mattracks be considered an ATV and brought into wilderness

Comment 136953.001
George Alderson

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.

Comment 136786.002
Patti Barber

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.

Comment 136964.002
Cliff Eames

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.

Comment 136807.008
Duane Howe

-------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.

Comment 136804.005
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 dont 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.

Comment 136942.004
Mike Speaks

NO HELICOPTERS FOR RECREATION should ever be allowed, and flightseeing in general should go somewhere else.

Comment 136816.019
John Strasenburgh

-------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.”

3.48 TOPIC: Visual Resources

3.48.1 General

Comment 136801.073
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).

Comment 032626.019
Greg Warren

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.

3.49 TOPIC: Water Resources

3.49.1 Water Quality and Quantity

Comment 137004.001
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.

3.49.2 Water Resources and Use

Comment 000234.002
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)

3.50 TOPIC: Wild and Scenic Rivers

3.50.1 Atigun River

Comment 000073.001
Beth Peluso, Communications Manager
Audubon Alaska and National Audubon Society

25 The plan should additionally recommend
26 the Atigun River for inclusion in the National Wild and
27 Scenic River system in order to maintain it's free-
28 flowing character and outstanding values. Due to its
29 size, remote location, wilderness character and
30 diversity of ecologically significant landscapes and
31 wildlife, the Arctic Refuge is an irreplaceable
32 national treasure that serves as a globally significant
33 benchmark, ecological integrity in the arctic.

3.50.2 Eligibilty (includes Appendix I)

Comment 136820.001
Cindy Shogan, Executive Director
Alaska Wilderness League

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 would be enhanced by such designations, and they would also be strong complements to the ultimate 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 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 Kataktruck and Turner Rivers. The final Plan should include a revised methodology that meets the Act and includes the necessary interim protections afforded rivers found eligible.

Comment 136785.001
Daid Moryc, Senior Director, River Protection Program
American Rivers

Among the proposed alternatives, American Rivers supports proposed Alternative E; recommending the Atigun, Hulahula, Kongakut and Marsh Fork Canning Rivers into the NWSRS, as well as recommending the Brooks Range, Porcupine Plateau and Coastal Plain Wilderness Study Areas into the National Wilderness Preservation System. While this alternative is the most protective among the proposed alternatives we have serious concerns about the underlying methodology used to assess rivers for eligibility in the Plan which may violate the Act.

According to the Plan the eligibility analysis was completed using the following methodology:
1.The team identified a comprehensive list of all named Refugee rivers and river segments from the U.S. Geological Survey (USGS) Geographic Names Information System and the National Hydrography Dataset (USGS 2010). A total of 160 named rivers and creeks were identified, all of which are free-flowing. With 160 named rivers and creeks identified on the Refuge, and a general lack of information about most of these named waterways, the team decided to focus on a subset of these rivers at this time… Therefore visitor use is the greatest management concern. For these reasons, the team decided to focus on named waters with visitor use and reliable flow. Therefore 20 waters were identified as having river-related visitor use and were evaluated for eligibility.

2.The purpose of the eligibility evaluation is to compare and contrast each river to other waters in the region of comparison (ROC) for each ORV… A system was developed to rank the analytical results river-by-river for each ORV. 2

After the initial inventory, 20 "waters with visitor use and reliable flow,3" were studied for eligibility. We are concerned that this methodology FWS used to determine the eligibility of the 20 rivers does not meet the basic requirements of the Act for eligibility mainly whether the river is free-flowing and whether or not it possesses an outstandingly remarkable value of regional or national significance.

The plain language of the Act states:

"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… Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion into the national wild and scenic river system4,"
Instead of assessing the rivers independently of one another as required, the rivers assessed in the Plan were measured against one another. The Outstandingly Remarkable Values of the rivers considered were scored against each another, resulting in far fewer eligible rivers. As stated in the plan each river was "reviewed by a 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.5" While this methodology may succeed in selecting some of the most eligible rivers among the list of rivers in the Plan, the Act maintains that all rivers in the specified areas with at least one ORV be considered eligible. Consequently the FWS's method only selects those rivers that contain the highest percentage of ORVs, preventing many otherwise qualified rivers from becoming eligible. If a proper assessment was conducted we believe additional rivers would have been found eligible including the scenic Kataktruck and Turner Rivers. The final Plan should include a revised methodology that meets the Act and includes the necessary interim protections afforded rivers found eligible.

Comment 032629.001
David Moryc, Senior Director, River Protection Program
American Rivers

Among the proposed alternatives, American Rivers support proposed Alternative E; recommending the Atigun, Hulahula, Kongakut and Marsh Fork Canning Rivers into the NWSRS, as well as recommending the Brooks Range, Porcupine Plateau and Coastal Plain Wilderness Study Areas into the National wilderness Preservation System. While this alternative is the most protective among the proposed alternatives we have serious concerns about the underlying methodology used to assess rivers for eligibility in the Plan which may violate the Act.

According to the Plan the eligibility analysis was completed using the following methodology:

1. The team identified a comprehensive list of all named Refuge rivers and river segments from the U.S. Geological Survey (USGS) Geographic Names Information System and the National Hydrology Dataset (USGS 2010). A total of 160 named rivers and creeks were identified, all of which are free-following. With 160 named rivers and creeks were identified on the Refuge, and a general lack of information about most of these named waterways, the team decided to focus on a subset of these rivers at this time[1]…Therefore visitor use is the greatest management concern. For these reasons, the team decided to focus on named waters with visitor use and reliable flow… Therefore 20 waters were identified as having river-related visitor use and were evaluated for eligibility.

2. The purpose of the eligibility evaluation is to compare and contrast each river to other waters in the region of comparison (ROC) for each ORV…A system was developed to rank the analytical results river-by-river for each ORV.[2]

After the initial inventory, 20 "waters with visitor use and reliable flow,[3]" were studied for eligibility. We are concerned that this methodology FWS used to determine the eligibility of the 20 rivers does not meet the basic requirements of the Act for eligibility mainly whether the river is free-flowing and whether or not it possesses an outstandingly remarkable value of regional or national significance.

The Plain language of the Act states:
"A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and regulated adjacent land area that possesses one or more of the values…Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion into the national wild and scenic river system[4],"

Instead of assessing the rivers independently of one another as required, the rivers assessed in the Plan were measured against one another. The Outstandingly Remarkable Values of the rivers considered were scored against each other, resulting in far fewer eligible rivers. As stated in the plan each river was "reviewed by a 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.[5]" While this methodology may succeed in selecting some of the most eligible rivers among the list of rivers in the Plan, the Act maintains that all rivers in the specified areas with at least one ORV be considered eligible. Consequently the FWS's method only selects those rivers that contain the highest percentage of ORVs, preventing many otherwise qualified rivers from becoming eligible. If a proper assessment was conducted we believe additional rivers would have been found eligible including the scenic

Kataktruck and Turner Rivers. The final Plan should include a revised methodology that meets the Act and includes the necessary interim protections afforded rivers found eligible.

Comment 032629.003
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.

Comment 136817.013
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.

Comment 032621.001
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 the

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.

Comment 136801.001
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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 Katakturuk 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.

Comment 136806.002
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.

Comment 136805.157
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.

Comment 032626.004
Greg Warren

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.

Comment 032626.026
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.

Comment 032626.065
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.

Comment 032626.067
Greg Warren

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.

Comment 032626.068
Greg Warren

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.

Comment 032626.069
Greg Warren

V2, ELIG-B1 Scenic ORV: Describe how the middleground and background views were assessed.

Comment 032626.070
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.

Comment 032626.071
Greg Warren

V2, ELIG-B10 Geologic ORV: I recommend that the proposed boundaries for the Jago, Okpilak, Hulahula, and Sadlerochit Rivers be modified to include the headwaters that connect these rivers to select Franklin and Romanzof Mountains glaciers. In addition, I recommend that Sadlerochit Spring Creek be added as a tributary to Sadlerochit River.

Comment 032626.072

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.

Comment 032626.076
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.

Comment 032626.073
Greg Warren

-------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.

Comment 032626.074
Greg Warren

-------Preamble/Intro-------
V2, ELIG Eligibility Factors for including Franklin and Romanzof Mountains Headwaters and Sadlerochit Spring Creek:
----------Comment----------
* Sadlerochit Spring is the largest spring within the coastal plain. During the winter months, pressurized water discharged from the spring is important to fish and wildlife once other waterways are frozen. The creek passes through polar bear denning habitat and is part of the Porcupine Caribou herd calving area.

Comment 032626.075
Greg Warren

-------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.

3.50.3 General

Comment 137013.002
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. The Wind and Ivishak are in a minimum management area, but as the Sheenjek is in the Arctic Wilderness, it should be managed under the wilderness management category, since this category affords the highest degree of protection for the river's values.

Management prescriptions for eligible rivers entirely or partially within existing minimum management areas offer additional protection for these rivers and river segments. Neruokpuk Lakes, found eligible despite not being a river, and the Kongakut River are both entirely within the Arctic Wilderness. They do not need wild river designation or management prescriptions.

That wilderness designation provides the highest degree of security for refuge rivers is documented in Table 2.1—Activities, public uses, commercial activities or uses, and facilities in management categories. In the comparison of wilderness management with wild river management, wilderness management emerges as providing the strongest protection for designated wild rivers within wilderness areas.

Wild river designations, which only Congress can modify or revoke, should be reserved for refuge areas in the other management categories, all of which are subject to modification or revocation at the discretion of refuge administrators.

Comment 137013.003
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.

Comment 136820.018
Cindy Shogan, Executive Director
Alaska Wilderness League

Congress, though 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.

Comment 000002.004
Friends of Alaska Wildlife Refuges

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.

Comment 137014.014
Dan Ritzman, Alaska Program Director
Sierra Club

Congress, though 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.

Comment 136805.108
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.

Comment 136805.156
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.

Comment 032627.040
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.

Comment 032627.041
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

the agency needs to indicate how it has met and intends to continue to meet the requirements of the Act in managing portions of the Ivishak, upper Sheenjek and Wind rivers within the boundaries of the Arctic Refuge that were designated as wild rivers in Section 602 of ANILCA, and address how the agency is maintaining the outstanding values associated with the Refuge's three Wild Rivers.

Comment 032627.042
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.

Comment 136706.001
Unnamed 46

-------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?

Comment 136709.001
Unnamed 49

There was concern that designating rivers as Wild & Scenic would actually attract more people to it – that the designation would be counter productive

Comment 137007.004
Jerry McDonnell

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.

Comment 032610.004
Sharon Baur

Wilderness and Wild Rivers — Wilderness land designation would provide overall, enduring protection for the Refuge and its resources. Within designated Wilderness, Wild River designation would be redundant and would compete for funds and resources needed to protect all of the wilderness values. Wild River designation would introduce additional and unneeded regulatory, monitoring, and enforcement requirements. Adopting formal Wilderness designation for all eligible lands in the Refuge should be the priority.

Comment 032611.004
AKNWR Friends

Wilderness and Wild Rivers — Wilderness land designation would provide overall, enduring protection for the Refuge and its resources. Within designated Wilderness, Wild River designation would be redundant and would compete for funds and resources needed to protect all of the wilderness values. Wild River designation would introduce
additional and unneeded regulatory, monitoring, and enforcement requirements. Adopting formal Wilderness designation for all eligible lands in the Refuge should be the priority.

3.50.4 Hulahula River

Comment 136817.011
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

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.

Comment 032621.003
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.

3.50.5 Interim Management

Comment 032675.012
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 rives 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 iffound 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.

Comment 032675.013
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-l 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 if found suitable or eventually designated.

Comment 136805.009
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 rives 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.

3.50.6 Kongakut River

Comment 032621.004
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.

Comment 032627.025
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.

Comment 032627.024
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.

Comment 032628.015
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.

Comment 136711.001
Unnamed 50

If you start limiting access to the Kongakut, the limitations could carry over to the other rivers

3.50.7 Marsh Fork Canning River

Comment 032621.002
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.

3.50.8 Other Rivers

Comment 137013.001
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.

Comment 136820.002
Cindy Shogan, Executive Director
Alaska Wilderness League

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."[2] 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 included as

eligible for study. 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).

Comment 032668.001
Brad Bergstrom
Dept. of Biology, Valdosta State University

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.

Comment 032621.008
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.

Comment 032621.005
Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions

-------Preamble/Intro-------
Okpilak River
----------Comment----------
The hot springs should be a National Natural Landmark.

Comment 032621.007
Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions

-------Preamble/Intro-------
Neruokpuk Lakes

----------Comment----------
I recommend WSR river designation.

Comment 136801.002
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

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.

Comment 136759.001
Unnamed 2

would want some of the Chandalar as Wild and Scenic River

Comment 136708.001
Unnamed 48

Why was the Jago River not included for the Wild and Scenic River review?

Comment 032613.003
Jon Klingel

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.

Comment 000065.002
Craig Mishler

Having been there repeatedly, I strongly
50 support the proposed consideration of the east fork of

1 the Chandalar for inclusion in the National Wild and
2 Scenic River system.

Comment 137001.001
David VanDenBerg

No Alternative, C included, carries a suitability determination for the Canning River. This is surprising and I ask that it be remedied: the Canning River should be deemed suitable for WSR designation and included in Alternative C.
The argument given in the Wild and Scenic River Draft Suitability Report's Preliminary Suitability Determination for the Canning River on p. 31 sites the "extreme difficulty" of managing the Canning as a WSR when its western extremity borders state lands. The argument relies on the notion that the Canning's cultural, wilderness and wildlife endowment will be protected by "the Refuge's natural resource strategies applied at a Refuge-wide or ecosystem level" without admitting that these strategies would be no less confounded by the state lands than would an added layer of protection.

I agree with the memo's assertion, again on p. 31, in the same paragraph, that "fragmenting fish and wildlife management along a river corridor is not the most appropriate management strategy." And yet this is exactly what will happen – happens now – if USFWS does not include the Canning River

among those deemed suitable for inclusion as a Wild River. Management will remain fragmented by warring jurisdictions that will militate against every Refuge-wide, ecosystem level management strategy you try to enact.

I urge you to think about how the argument the agency used here to deny suitability works far better in support of suitability.

Comment 136777.001
Lance Whitwell

make [the] whole Chandalar [a] Wild& Scenic River so USFWS will restrict non-resident access and protect our drinking water from above Arctic Village.

Comment 032663.001
Kevin Proescholdt

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.

3.50.9 Review Process (includes Appendix I)

Comment 032675.011
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)(l) 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.

Comment 136707.001
Unnamed 47

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

3.50.10 Suitability (includes Appendix I)

Comment 136820.003
Cindy Shogan, Executive Director
Alaska Wilderness League

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.

Comment 136817.012
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.

Comment 032668.002
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.

Comment 136789.009
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

Comment 136789.010
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.

Comment 136805.158
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 Sate 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, t]The State of Alaska does not support new designations.

Comment 032626.027
Greg Warren

V1, 3-7, 3.1.3.2, Wild River Actions not in the Alternatives: Due to process issues, I believe that only Eligible rivers should be identified in the final CCP. Suitability determinations should be addressed through another planning process. If the Refuge proceeds with Suitability, I would appreciate consideration of a proposed Wild Rivers complex as depicted in Figure 1 of this Appendix identifying those rivers as Suitable for designation.

Comment 032626.044
Greg Warren

V1, 5-8, 5.2.3 Rivers Reviewed for Wild and Scenic Potential: The Wild and Scenic Rivers review process undertaken as part of the CCP is flawed. Therefore, I would advise not completing Suitability determinations as part of this planning process. Instead of determining Suitability, I recommend that the rivers listed in Table 1 of this Appendix be determined Eligible rivers in the CCP. They are all free-flowing have one or more ORV. The final CCP should describe the other rivers and creeks as not being fully evaluated for Eligibility as part of CCP revision process. If Suitability recommendations are postponed for another planning process, than all of the rivers in Table 1 should retain their Eligibility status and be protected with management prescriptions.

Comment 032626.077
Greg Warren

V2, SUIT-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.

Comment 032626.078
Greg Warren

V2, SUIT-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.

Comment 032626.079
Greg Warren

V2, SUIT-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).

Comment 032626.080
Greg Warren

V2, SUIT-31, 2.2.3 Canning River Preliminary Suitability Determination: The Canning River had

the highest rating for the Wildlife ORV. I do not agree that the potential development on the non-Federal lands would make it extremely difficult to manage for the Wildlife ORV and the overall values of the Refuge. There is no requirement to prescribe the river boundary on the State land on the west side of the river. Therefore, I recommend a determination of Suitable.

Comment 032626.081
Greg Warren

V2, SUIT-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.

Comment 032626.082
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.

Comment 032626.083
Greg Warren

V2, SUIT Proposed Arctic Wild Rivers Complex: If the Refuge proceeds with Suitability, I would appreciate consideration of a proposed Wild Rivers complex as depicted in Figure 1 of this Appendix. Each of the rivers and tributaries displayed would meet one or more ORVs. The ORVs are superlative at several scales. The remarkable values include glaciated headwaters and the coastal plain that is rich in wildlife. The scenic and primitive recreation values are unmatched. I believe that a collection of rivers along this area of the Brooks Range would be much richer and more protective of the Refuge's values, especially in the coastal plain, rather than a subset of these rivers being determined as Suitable. I recommend a determination of Suitable for the river complex that is displayed in Figure 1 of this Appendix.

Comment 032626.084
Greg Warren

V2, SUIT-B1 Stakeholder Survey: The stakeholder survey does not comply with the Paperwork Reduction Act (5 CFR 1320). Therefore, the information collected through the survey cannot be

legally used in the analysis, CCP, EIS, and ROD. Penalties could be applied to the Service and the approving official.

Comment 032626.085
Greg Warren

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 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.

Comment 032626.086
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."

3.50.11 Wind River

Comment 136986.002
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.

3.51 TOPIC: Wilderness

3.51.1 Acceptable Uses / Activities (e.g., Leave-No-Trace)

Comment 136858.001
Unnamed 10

Re wilderness: Concerned that plans could change in the future (as in future restrictions for lands in wilderness designation)

3.51.2 Characteristics / Qualities

Comment 136817.009
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 untrammeled 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, untrammeled, 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 has been 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.

Comment 136805.012
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.113
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.

Comment 136803.004
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 untrammeled 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 "untrammeled 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, "untrammeled by man." It is subject to thousands of years of permanent occupation by man and an increasing, not decreasing, exposure to modern technology.

Comment 032628.016
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

Comment 000017.001
Wilderness Watch - Full

-------Preamble/Intro-------
Visitor Use Impacts and issues - 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:
----------Comment----------
• 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.

Comment 000016.001
Wilderness Watch - Partial

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.

3.51.3 Effects of Alternatives

Comment 136805.021
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.135
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.

Comment 136805.137
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.

Comment 032627.026
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

On 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.

Comment 032628.017
Fran Mauer, Alaska Chapter
Wilderness Watch

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.

3.51.4 General

Comment 136805.146
Sean Parnell, Governor
State of Alaska

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)..

Comment 136805.147
Sean Parnell, Governor
State of Alaska

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..

Comment 032650.002
Scott Eickholt

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.

3.51.5 Unacceptable Uses / Activities

Comment 136794.004
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.

3.51.6 Wilderness Review (includes Appendix H)

Comment 032629.002
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.

Comment 032675.009
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 concerningfuture 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 Wildlift 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."

Comment 136749.001
Edward Rexford, Vice President
Kaktovik Tribal Council

-------Preamble/Intro-------
aktovik 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 10-02 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 10-02 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.

Comment 136805.015
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,

[Aminimum 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.

Comment 136805.148
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.151
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.152
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.153
Sean Parnell, Governor
State of Alaska

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.""

Comment 136805.155
Sean Parnell, Governor
State of Alaska

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.

Comment 136805.149
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136805.150
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136805.154
Sean Parnell, Governor
State of Alaska

-------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.

Comment 136803.001
Lisa Murkowski, Senator, Alaska
US Senate

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.

Comment 032628.001
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.

Comment 032676.001
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 ofthe 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.

Comment 032626.063
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.

Comment 032626.064
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.

3.52 TOPIC: Wildlife

3.52.1 Hunting

Comment 136795.004
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,

Comment 136822.008
Wade Willis
Science Now Project

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.

Comment 136729.001
Unnamed 67

Could possibly use Red Sheep Creek exclusive hunting area model and apply it to Kaktovik

Comment 136731.001
Unnamed 69

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

Comment 136900.001
Unnamed 9

What if Red Sheep Creek was closed – would it reduce hunters?

Comment 136921.004
Bob Brister

Hunting should be banned from ANWR.

Comment 136793.002
Tim Hogan

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.

Comment 136807.006
Duane Howe

-------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.

3.52.2 Hunting Effects

Comment 032644.001
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.

Comment 032644.008
Wade Willis
Science Now Project

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.

Comment 032644.004
Wade Willis
Science Now Project

-------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 vrior 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]

Comment 032644.006
Wade Willis
Science Now Project

-------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 DaIl 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.

Comment 136763.001
Unnamed 4

Wright's air loads up on outside hunters. The meat should be kept in the village.

Comment 136919.002
Lolly Andrews

Trophy hunting and its effects on genetics should be included as an issue to be addressed for this reason.

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.

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—(l) 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.

Comment 136998.002
Thor Stacey

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.

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.

3.52.3 Predator Control

Comment 136980.003
Gail Mayo, President
Arctic Audubon

In the Management section under the topic of State and Federal game management the plan should firmly state that predator control will not be considered on any ANWR lands. We have noticed that in other sections of the plan there are clear statements of prohibited activities, eg., use of off-road vehicles or public use of helicopters is NOT ALLOWED. This same clear statement should be included in the final CCP: Predator control will NOT BE ALLOWED.

Comment 000025.001
Care2

The CCP should specifically prohibit consideration of any State regulation or plan, including artificial manipulation or intensive management of wildlife, which conflicts with federal law and policy.

Comment 136796.001
Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

Defenders recognizes the importance of the Service's objective to maintain involvement in the State of Alaska's fisheries, game, and federal subsistence boards processes.[17] We encourage cooperation where suitable; however, we are concerned over the Alaska Board of Game's (BOG) tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. Under such circumstances, we do not feel that cooperation is either legal or appropriate.

In particular, the State of Alaska manages game populations according to the Intensive Management (IM) statute, whose sole intent is to manage game for high levels of human harvest.18 The IM statute dictates that the BOG may not decrease the harvest of a game population without also adopting regulations for intensive management actions to increase that population for human harvest. Predator control is one form of intensive management pursued by the State that is particularly controversial and can have potentially devastating effects on ecosystem function and health. Widespread manipulation of predator populations for the benefit of human harvest is inconsistent with the Service's mission and federal law, and such actions would be inappropriate and contrary to your authority for managing the Arctic Refuge.
Consistent with the Refuge's ANILCA purposes and other federal laws and policies that direct the Refuge's administration, the CCP should explicitly preclude artificial manipulation or intensive management of wildlife populations meant to enhance game populations for human harvest. The use of predator control for this purpose should be prohibited in any form, including but not limited to aerial gunning, liberalized bag limits, or liberalized hunting and trapping periods or methods.

Comment 136796.002
Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

According to the Draft CCP, "[s]eparate 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.19 In addition, "[i]f determined necessary under subsection 2.4.2 (Human Safety and Management Emergencies), Service or State actions involving the killing, relocation, removal, or sterilization of wildlife for the benefit of another species would require appropriate NEPA compliance and an ANILCA Section 810 determination."[20] In 2009, the Alaska Department of Fish and Game (ADF&G) and BOG declared that immediate action was necessary to protect a declining caribou herd on Unimak Island because subsistence use on the island was threatened. As a result of the request by ADF&G to pursue wolf control, the Service undertook a NEPA process and ultimately determined that such action was not warranted because it was
inconsistent with federal law and Service policy. Defenders asserts that the Service has the legal authority and responsibility to deny such a request outright without further administrative action when dealing with such predator control proposals on Alaska refuges in general, and the Arctic Refuge in particular. Indeed, Service policy states that "the refuge manager should deny a proposed use without determining compatibility" if, for example:
(a) The proposed use conflicts with any applicable law or regulation (e.g., Wilderness Act, Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act);
(b) The proposed use conflicts with any applicable executive order, or written Department of the Interior or Service policy; [or]
(c) The proposed use conflicts with the goals or objectives in an approved refuge management plan (e.g., comprehensive conservation plan, comprehensive management plan, master plan or step-down management plan)…[21]

Predator control actions proposed by the State of Alaska have focused on increasing game populations without consideration to the context of natural population fluctuations, the health of altered game or predator populations, and even whether predation is a major factor limiting the game population. Defenders believes that such an action would not only violate the Service's responsibility under the National Wildlife Refuge System Improvement Act to maintain "the biological integrity, diversity, and environmental health of the System,"[22] but would also be incompatible with the Arctic Refuge's purpose under ANILCA "to conserve fish and wildlife populations and habitats in their natural diversity."[23]

In order to preclude inappropriate proposals for predator control actions by the State, we urge the Service to incorporate language into the CCP which clearly articulates that any State regulation or plan involving the use of predator control to increase ungulate abundance for human harvest would conflict with federal law and would be preempted by such law within the Refuge. By being clear with State managers that the Service will use its authority to preempt the State's programs when such programs conflict with Refuge purposes and mandates, the Service can prevent wasting State and federal agency time and resources pursuing or defending against such actions.

Moreover, even if the Service tried to ignore its legal responsibilities and authority for the Arctic Refuge and actively considered approving such a predator control proposal, it would first have to make a compatibility determination and prepare an Environmental Impact Statement under NEPA, providing solid justification for why such an action was lawful and appropriate. Any decision by the Service to pursue predator control must be based on sound scientific data and analysis, and must comply with applicable federal laws and policies.

Comment 231554.001
Defenders of Wildlife - Email

The CCP should specifically prohibit consideration of any State regulation or plan, including artificial manipulation or intensive management of wildlife, which conflicts with federal law and policy.

Comment 000013.001
Defenders of Wildlife - Spreadsheet

The CCP should specifically prohibit consideration of any State regulation or plan, including artificial manipulation or intensive management of wildlife, which conflicts with federal law and policy.

Comment 000077.002
David Raskin
Friends of Alaska National Wildlife Refuges

46 Guidelines must promote the continuation of natural
47 processes and population dynamics of all species and
48 prohibit habitat and species manipulation and predator
49 control.
50

1 Coordination with the Alaska Department
2 of Fish and Game must recognize the primacy of the
3 refuges' purposes and management goals, especially with
4 regard to predator control and species manipulation.

Comment 000002.001
Friends of Alaska Wildlife Refuges

State "Game" Management vs. Refuge Stewardship — The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, it fails to acknowledge that the State's goals for managing wildlife sometimes conflict with Refuge purposes of maintaining natural and wild wildlife populations, e.g. State-sponsored predator control and intensive management. The plan must explicitly state that when there is conflict, Refuge purposes and management must prevail. The Fish and Wildlife Service must exercise its responsibility to preempt the Alaska Department of Fish and Game and the Alaska Board of Game when necessary to protect the integrity of the Refuge and its wildlife.

Comment 136795.003
David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection

The Draft CCP, in recognizing the need to coordinate with the Alaska Department of Fish and Game, fails to acknowledge that some state goals for managing wildlife—such as predator control and "intensive management"—clearly conflict with the Arctic Refuge's purpose and FWS management goals. Management Goal 1 of the CCP reads:
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.

The Final CCP must clearly indicate that when in conflict with state goals, wilderness values, Refuge purposes, and federal management goals 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.

The Final CCP must ensure that Refuge purposes will never be compromised by State decisions to authorize predator control or habitat manipulation to increase game species for hunting. We recommend that language in the Final CCP be clear that refuge purposes have supremacy over the state of Alaska's wildlife management objectives.

Comment 032627.037
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

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.

Comment 032628.027
Fran Mauer, Alaska Chapter
Wilderness Watch

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 purpose for maintaining wildlife populations in their natural diversity. The Final CCP must clearly indicate that when in conflict with state goals, Refuge purposes and Wilderness Act 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 will 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 intensive management programs on Refuge lands, the Final CCP should explicitly preclude artificial manipulation or intensive management of wildlife populations and their habitats to enhance game populations for human harvest. The use of predator control for this purpose should be prohibited in any form.

Comment 000017.004
Wilderness Watch - Full

State "Game" Management v. Refuge Management - The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, it fails to acknowledge that the state's goals for managing wildlife (i.e. predator control, intensive management) sometimes conflict with the Refuge's purposes for maintaining natural and wild wildlife populations.

• The plan needs to explicitly state that when in conflict with the state's goals, wilderness values and Refuge purposes must prevail, and in such cases, the FWS must exercise its responsibility to preempt the state game department and Board of Game.

• The final plan must assure that the primary Refuge purpose to conserve natural diversity must never be compromised by decisions to allow predator control or habitat manipulation to increase game species for hunting.

Comment 000016.004
Wilderness Watch - Partial

State "Game" Management v. Refuge Management:
- The plan needs to explicitly state that when in conflict with the state's goals, wilderness values and Refuge purposes must prevail, and in such cases, the FWS must exercise its responsibility to preempt the state game department and Board of Game.
- The final plan must assure that the primary Refuge purpose to conserve natural diversity must never be compromised by decisions to allow predator control or habitat manipulation to increase game species for hunting.

Comment 136871.001
Unnamed 21

Need assistance to come up with predator control plan – need to educate youth – get them involved.

Comment 136889.001
Unnamed 38

Predator control: there are wolf packs of up to 40 animals out there, the Refuge HAS to look into predator control

Comment 136890.001
Unnamed 39

Furnish local people with traps, gas, snares to control wolves

Comment 136892.001
Unnamed 40

FWS should set predator control aside as a separate issue and decide what they are going to do about it

Comment 136921.001
Bob Brister

There should be no "control" of predators. We need large natural areas like ANWR as reference areas and to preserve the large-scale dynamics of life like caribou migrations.

Comment 136961.001
Nancy Dawley

The final plan must assure that the primary Refuge purpose to conserve natural diversity must never be compromised by predator control or hunting decisions. To this end there should be an explicit statement that Refuge purposes must prevail and the FWS must exercise its responsibility to preempt the state when decisions of the Alaska Department of Fish and Game conflict with the Refuge's purposes.

Comment 136967.001
Susan Feingold

In my experience, Alaskan State Game Management has been consistently biased in favor of human hunters. This has led to predator control and habitat manipulation. This policy is inconsistent with the objective of preserving the wilderness character of ANWR. It has been shown that the natural prey-predator interaction is favorable to keeping the both of those populations in good ecological balance. In the case that the Board of Game policies are not in keeping with the policy of natural wild population preservation, I urge the plan allow the FWS to preempt the Board of Game.

Comment 136928.001
Vivia Finlay

We would like to see that the Refuge management should over-rule the State's Board of Game management when it comes to things like predator control - that should not be allowed in the refuge.

Comment 032637.002
Peter Fontaine

-------Preamble/Intro-------
Additionally. the plan must include:
----------Comment----------
There must be a prohibition against any program of predator control, which destroys the balance of ecosystems, as we have seen in the lower 48

Comment 032661.003
James Gideon

I had reviewed the report and I'm most interested on the result of my comment on pretater control, mainly wolf.-upon reviewing I find that the majority of public testimony was strongly object to State of Alaska practice of pretater 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 contol 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.

Comment 136793.001
Tim Hogan

I am particularly disturbed by the extent to which predator control, primarily of gray wolves, is practiced by the Alaskan Department of Fish and Game. While wilderness designation would not absolutely preclude such actions as a management emergency for subsistence species, stronger justification would be necessary in designated wilderness. Again, as our country's premier refuge for wild nature, the killing of one species to benefit another is fraught with ethical questions and contradictions. When in conflict with goals of the Alaskan Department of Fish and Game, Refuge purposes should prevail and FWS should use its authority to overrule ADFG. (I am not opposed to hunting in principle; if I had been brought up in a different environment I might have become an avid hunter.)

Comment 136906.001
Gideon James

Main concern is predator control right now, does not want the State Fish and Game to come in and do predator control with helicopters or aircraft. Objects to aerial predator control tactics. Wants local people to do the wolf control, harvests themselves by traditional trapping and hunting techniques. If State wants to help they should only do so by supplying fuel or traps.
Wolves help make the system healthy: wolf kills help-benefit many other animals (smaller animals and scavengers) and tend to take less healthy animals from the natural system.

Comment 136906.003
Gideon James

-------Preamble/Intro-------
Want predator control of wolves, but does not want the State of Alaska to do the predator control, wants local people to be involved and conduct the control.
----------Comment----------
Wants a local hearing to discuss and make a plan for the control effort.

Comment 009544.001
Frank Keim

I feel it's really important that
we assure, first, that the most important purpose of the refuge
is to conserve the natural diversity of the area and this
purpose should never be compromised by any consideration to
allow predator control or habitat manipulation to increase game
species for human harvest. The plan needs to assure that when

in conflict with the State of Alaska the above refuge purposes
are paramount.

Comment 032622.001
Frank & Jennifer Keim

The most important purpose of the Refuge is to conserve the natural diversity of the area and this purpose should never be compromised by any consideration to allow predator control or habitat manipulation to increase game species for human harvest. The plan needs to assure that when in conflict with the State of Alaska, the above Refuge purposes are paramount.

Comment 009545.001
Andrew Keller

The draft
plan appropriately recognizes the need to coordinate with the
Alaska Department of Fish and Game; however, the plan fails to
acknowledge that the state's goals for managing wildlife often
include intensive management, such as predator control, which
sometimes conflicts with the refuge's purposes for maintaining
natural and wildlife populations.
The final plan must state that the primary
refuge purpose to conserve natural diversity must never be
compromised by decisions to allow predator control or habitat
manipulation to increase game species for hunting.

Comment 136797.001
Andrew M. Keller

I support Management Guidelines 2.4.11, and 2.4.12, allowing the natural behavior, interactions, and population dynamics of all species to continue and leaving habitats natural, unaltered, and not manipulated. The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, the plan fails to acknowledge that the state's goals for managing wildlife often include intensive management such as predator control, which sometimes conflicts with the Refuge's purposes for maintaining natural and wild wildlife populations. The plan needs to specifically state that when in conflict with the state's goals, wilderness values and Refuge purposes must prevail. The final plan must state that the primary Refuge purpose to conserve natural diversity must never be compromised by decisions to allow predator control or habitat manipulation to increase game species for hunting.

Comment 136974.003
Don Kiely

One disturbing statement in the CCP is in Appendix B, section 1.1, that ADFG and FWS "share a mutual concern for all fish and wildlife resources…." That is decidedly untrue! The State is into predator control, killing wildlife from aircraft and other measures that interfere with natural wildlife processes and ebb and flow of populations. I urge you to make a much stronger statement that although you work with ADFG for wildlife management, FWS policies will dominate in the Refuge.

Comment 136933.001
Reynard Loki

also strongly support new management guideline number 2, which allows all native wildlife populations to remain un-manipulated. I strongly oppose any State requests to conduct predator control in the Arctic Refuge. The CCP should specifically prohibit consideration of any State regulation or plan, including artificial manipulation or intensive management of wildlife, which conflicts with federal law and policy.

Comment 009556.005
John Lyle

I believe natural diversity should be
encouraged without intensive management, like predator control
or habitat manipulation particularly for the purpose of
increasing game species for sport hunting.

Comment 032653.004
John Lyle

Natural diversity should be encouraged w/o intensive management such as predator control or habitat manipulation for any purpose, but especially to increase game species for hunting.

Comment 136935.001
Karen Malley

First of all, I believe the final plan must assure that the primary Refuge purpose to conserve natural diversity must never be compromised by decisions to allow predator control or habitat manipulation to increase game species for hunting.

Comment 136936.001
Tricia Mattiello

I strongly oppose any State requests to conduct predator control in the Arctic Refuge. The CCP should specifically prohibit consideration of any State regulation or plan, including artificial manipulation or intensive management of wildlife, which conflicts with federal law and policy.

Comment 137007.001
Jerry McDonnell

State "Game" Management vs. Refuge Stewardship — The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, it fails to acknowledge that the State's goals for managing wildlife sometimes conflict with Refuge purposes of maintaining natural and wild wildlife populations, e.g. State-sponsored predator control and intensive management. The plan must explicitly state that when there is conflict, Refuge purposes and management must prevail. The Fish and Wildlife Service must exercise its responsibility to preempt the Alaska Department of Fish and Game and the Alaska Board of Game when necessary to protect the integrity of the Refuge and its wildlife.

Comment 136984.003
John Moore

When wilderness values and Refuge purposes are in conflict with the state's game management goals, the FWS must ensure that the wilderness values and Refuge purposes prevail.

The primary Refuge purpose, conservation of natural diversity, must never be compromised by allowing predator control or habitat manipulation to increase populations of game species for hunting.

Comment 136985.002
Susan Morgan

Guidelines that provide for protection of population dynamics of species without predator control should be strengthened by implementing the Agency's non-intervention policy, which is well stated in the very important climate change management guideline.

Comment 136985.003
Susan Morgan

A conflict exists between State management and Refuge management of wildlife, and while the draft plan acknowledges the need for coordination, it should direct the FWS to place wilderness values and Refuge responsibility for maintaining natural and wild wildlife populations above State objectives. The final plan must assure that the primary Refuge purpose to conserve natural diversity must never be compromised or preempted by decisions to allow predator control or habitat manipulation to increase game species for hunting.

Comment 136813.004
Allen Smith

The Draft Revised CCP/DEIS fails to recognize the clear record of conflict over differences between the wildlife management goals of the State of Alaska ADF&G and the legally established wildlife management goals that USFWS is bound by under ANILCA, the Wilderness Act, and other federal law. These two sets of goals are not always compatible, particularly with regard to State intensive species game management and predator control. The Draft Plan does not have enough emphasis on USFWS's responsibilities to follow federal law, not Alaska law in its cooperation with the State. The Memorandum of Understanding signed between the State of Alaska and USFWS in March of 1982 does not require that USFWS give undue deference to the State. Again, there is no place for predator control in the Arctic Refuge or its Wilderness Area.

Comment 221418.001
Marissa Weber

include a clause that states that when in conflict, the wildnerness values
and refuge's needs must prevail; not the Board of Game.

Comment 032610.001
Sharon Baur

State "Game" Management vs. Refuge Stewardship — The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, it fails to acknowledge that State goals and methods for managing wildlife sometimes conflict with Refuge purposes of maintaining natural and wild wildlife populations, e.g. State-sponsored predator control and intensive management. The plan must explicitly state that when there is conflict, Refuge purposes and management principles must prevail. When necessary to protect the integrity of the Refuge and its wildlife, the Fish and Wildlife Service must exercise its responsibility to preempt the Alaska Department of Fish and Game and the Alaska Board of Game

Comment 032611.001
AKNWR Friends

State "Game" Management vs. Refuge Stewardship — The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, it fails to acknowledge that State goals and methods for managing wildlife sometimes conflict with Refuge purposes of maintaining natural and wild wildlife populations, e.g. State-sponsored predator control and intensive management. The plan must explicitly state that when there is conflict, Refuge purposes and management principles must prevail. When necessary to protect the integrity of the Refuge and its wildlife, the Fish and Wildlife Service must exercise its responsibility to preempt the Alaska Department of Fish and Game and the Alaska Board of Game.

3.52.4 State Harvest Records

Comment 032626.034
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.

Comment 032626.035
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.

Appendices

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Introduction

The following four appendices contain a sample of the communications we received from the public during the August 15 to November 15, 2011, comment period on the Draft Revised Comprehensive Conservation Plan and Draft Environmental Impact Statement for Arctic National Wildlife Refuge.

Appendix A: Contains a single copy of each of the form letters we received regardless of whether they included comments that were identified as requiring a response from the Service.

Appendix B: Contains communications from governments, agencies, and tribes. Communications in this appendix include at least one comment requiring a response from the Service.

Appendix C: Contains communications from non-government organizations. Communications in this appendix include at least one comment requiring a response from the Service.

Appendix D: Includes those communications from individuals and other sources that contained five or more comments requiring a response from the Service.

In appendices B, C, and D, comments that needed to be addressed by the Service are highlighted in light or dark yellow. Preambles (text preceding a comment that provides context or important information pertaining to the comment) are highlighted in blue. We also provide the comment identification number assigned to each communication during the comment analysis, and the topic and subtopic to which each comment was assigned.

For privacy protection, we redacted form letters to show only their content and not the personal information of the individual(s) who submitted them. In Appendix D, personal information (such as names and addresses) was retained unless someone specifically requested confidentiality. E-mail addresses and phone numbers were redacted for all individuals in Appendix D.

Appendix A

Form Letters

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A. Form Letters

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Alaska Wilderness League I

Dear Secretary Salazar:

Thank you so much for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge. I appreciate your leadership in protecting this American icon for future generations and thank you for completing the Arctic Refuge Wilderness review.

The Arctic National Wildlife Refuge was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values," and it continues to thrive as one of our nation's most untouched wilderness areas. The Coastal Plain – the Arctic Refuge's biological heart – provides a vital home for polar bears, caribou, musk oxen, wolves and hundreds of bird species, which gather in the Arctic Refuge each year to hatch their young before traveling to all corners of the country and across six continents.

Long before the Arctic Refuge was set aside as a protected place, the value of the Coastal Plain was recognized by wilderness visionaries and the people of the Gwich'in Nation who know it as the "Sacred Place Where Life Begins."

I support Alternative C in the Comprehensive Conservation Plan that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge. The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. 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. 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.

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan. Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, Wilderness purposes and Special Values intact so it will remain an unparalleled piece of our nation's natural heritage.

Alaska Wilderness League II

Dear Secretary Salazar,

First Class Postage Required

The Arctic National Wildlife Refuge was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values," and it continues to thrive as one of our nation's most untouched wilderness areas. The Refuge's Coastal Plain provides a vital home for polar bears, caribou, musk oxen, wolves and hundreds of bird species, which gather in the Refuge each year to hatch their young before traveling to all corners of the country and across six continents.

I urge you to recommend the Arctic Refuge Coastal Plain for wilderness designation through the Comprehensive Conservation Plan process. The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. I also encourage you to manage the Arctic Refuge in a manner that leaves its natural biodiversity, ecological processes and wilderness values intact so it can remain an unparalleled piece of our nation's natural heritage.

Let's leave a lasting legacy for our children.

[redacted]

c/o Alaska Wilderness League
122 C Street NW, Ste 240
Washington, DC 20001

ALASKA WILDERNESS LEAGUE

?j_qi_ Ugjbcplcqq Jc_esc GGG

Dear Secretary Salazar,

First Class Postage Required

Thank you so much for the opportunity to comment on the Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge. I support Alternative C in the CCP that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge.

The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. 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. Oil and gas leasing, exploration, development and production, have no place in the Arctic Refuge and should continue to be prohibited by law as well as in refuge management policies. I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan.

We owe it to future generations.

[redacted]

Secretary of the Interior Ken Salazar

c/o Alaska Wilderness League
122 C Street NW, Ste 240
Washington, DC 20001

ALASKA WILDERNESS LEAGUE

Petition to Protect the Arctic National Wildlife Refuge!

Dear Secretary of Interior Ken Salazar:

Thank you so much for the opportunity to comment on the Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge. I support Alternative C in the CCP that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge.

The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. 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. Oil and gas leasing, exploration, development and production, have no place in the Arctic Refuge and should continue to be prohibited by law as well as in refuge management policies. I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan.

We owe it to future generations.

RECEIVED
NOV 14 2011
BY:

Please print clearly and fill out the information completely.

Name	E-mail	Address	City	State	Zip
[redacted]					

By signing the petition today, you will be guaranteed to receive email updates and action alerts from Alaska Wilderness League to help keep Alaska wild!

Please return completed petition to: Alaska Wilderness League, 122 C St. NW, Suite 240, Washington, DC 20001

Audubon Society

Sharon Seim, Planning Team Leader, Arctic National Wildlife Refuge
101 12th Ave., Rm. 236
Fairbanks, AK 99701

Dear Planning Team Leader, Arctic National Wildlife Refuge,

Thank you for the opportunity to comment on the Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge. I support Alternative C in the CCP that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge.

I value the Arctic Refuge for the abundant wildlife it supports, including caribou, muskoxen, wolves, grizzly bears, polar bears, seals, and migratory birds. The Coastal Plain provides essential calving habitat for the Porcupine Caribou Herd, the largest international migratory herd in the world. The Coastal Plain also supports nesting habitat for a variety of birds including shorebirds, waterfowl, songbirds, and raptors, as well as denning habitat for threatened polar bears.

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 of ecological integrity in the Arctic.

I urge the U.S. Fish & Wildlife Service to recommend Wilderness designation for all non-designated Refuge lands, including the Coastal Plain (1002 area). This wilderness review and wilderness designation recommendation will help ensure the unique wildlife, wilderness, and subsistence values of the entire Arctic Refuge are protected for future generations.

Center for Biological Diversity I

Dear Secretary Salazar,

Thank you for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge.

I support Alternative E, which would designate the entire Arctic refuge as wilderness. This alternative will provide the strongest possible protections for the refuge while allowing the continuation of traditional activities on the refuge by the Gwich'in and other Alaska Native people.

I further support the following goals and guidelines:

- The proposed goals, especially 1 and 2, specifying protection of ecological processes and wilderness character;

- Management Guidelines 2.4.12 and 2.4.12.7, allowing the natural behavior, interactions and population dynamics of all species to continue (no predator control);

- Management Guideline 2.4.11, specifying leaving habitats natural, unaltered and free from manipulation and intensive management;

- Goals addressing climate change by reducing other stresses on wildlife and allowing natural systems to adapt and evolve as they will, without intervention; and

. Goal 5, supporting wilderness recreation to perpetuate opportunities for visitors to experience adventure, challenge, solitude, independence and freedom with minimal interference from the government.

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the "special values" of the refuge described in the plan. Overall, the entire 19 million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, wilderness purposes and special values intact so it will remain an unparalleled piece of our nation's natural heritage.

Center for Biological Diversity II

Dear Secretary Salazar,

Thank you for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge.

I support Alternative E, which would recommend designating the entire Arctic refuge as wilderness, particularly the coastal plain. This alternative will provide the strongest possible protections for the refuge while allowing the continuation of traditional activities on the refuge by the Gwich'in and other Alaska Native people.

I further support the following goals and guidelines:

- The proposed goals, especially 1 and 2, specifying protection of ecological processes and wilderness character;

- Management Guidelines 2.4.12 and 2.4.12.7, allowing the natural behavior, interactions and population dynamics of all species to continue (no predator control);

- Management Guideline 2.4.11, specifying leaving habitats natural, unaltered and free from manipulation and intensive management;

- Goals addressing climate change by reducing other stresses on wildlife and allowing natural systems to adapt and evolve as they will, without intervention; and

. Goal 5, supporting wilderness recreation to perpetuate opportunities

for visitors to experience adventure, challenge, solitude, independence and freedom with minimal interference from the government.

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the "special values" of the refuge described in the plan. Overall, the entire 19 million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, wilderness purposes and special values intact so it will remain an unparalleled piece of our nation's natural heritage.

[redacted]

CitizenLette

An urgent message from a concerned citiz

September 20, 2011

USFW Director Dan Ashe
Office of Director Dan Ashe
U.S. Fish & Wildlife Service
1849 C St, NW
Washington, DC 20240

Dear USFW Director Dan Ashe,

The Arctic National Wildlife Refuge in northeastern Alaska is home to 250 species, including caribou, polar bears and musk oxen. The Coastal Plain, a 1.5 million-acre area of the refuge, is its biological heart, where polar bears give birth to their young and snow geese feed before heading south.

But the Coastal Plain has been targeted by the oil industry, so it's imperative that the region be protected from the havoc of drilling. The entire Arctic Refuge, including the Coastal Plain, deserves to be granted the strongest possible protections.

The Arctic Refuge Comprehensive Conservation Plan of the U.S. Fish and Wildlife Service includes an option, Alternative C, which recommends wilderness designation of the Coastal Plain Wilderness Study Area, further protecting it from drilling.

I'm writing to ask that you ensure that the final Comprehensive Conservation Plan recommends Alternative C, so Congress can take the next step and legally classify the Coastal Plain as wilderness.

Please let me know how you intend to address this issue.

Sincerely,

[redacted]

Bcdc I bcpq md Ugjbjgdc

2011 Arctic National Wildlife Refuge Comprehensive Conservation Plan Comments

Dear Comprehensive Conservation Plan Comments,

Thank you for the opportunity to comment on the draft Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge. As a supporter of Defenders of Wildlife and someone who cares about protecting our public lands, I value the Arctic Refuge as a pristine landscape and as an iconic part of America's natural heritage.

As you finalize the Comprehensive Conservation Plan, I strongly encourage you to adopt Alternative C under the proposed Plan. I support Alternative C because it would mean recommending that the Arctic Refuge's coastal plain be designated as wilderness.

As the refuge's biological heart and the focus of calls for oil and gas development, the coastal plain both deserves and needs wilderness protection within the Arctic Refuge. The coastal plain is the most important onshore denning habitat for the nation's threatened polar bears and the calving ground of the Porcupine caribou herd.

Wilderness protection would help keep these and other species safe from industrial oil and gas development, and would give them the best chance of adapting to climate change by keeping the landscape unpolluted and intact.

I strongly support draft goal number 1, which would preserve natural wildlife populations and wildlife interactions in the refuge. I also strongly support new management guideline number 2, which allows all native wildlife populations to remain un-manipulated.

I strongly oppose any State requests to conduct predator control in the Arctic Refuge. The CCP should specifically prohibit consideration of any State regulation or plan, including artificial manipulation or intensive management of wildlife, which conflicts with federal law and policy.

For the past fifty years, Americans have remained committed to protecting this remarkable area and the abundant wildlife that depends on it. We should maintain this legacy so the refuge can continue to be a vital piece of our nation's natural heritage.

Thank you for considering my comments.

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Dear Ms. Seim,

I urge you to recommend a wilderness designation for the Coastal Plain of the Arctic National Wildlife Refuge in order to permanently protect this unique wildlife habitat from destructive oil and gas development.

This one of a kind Arctic ecosystem is home to nearly 200 wildlife species, including polar bears, musk oxen and caribou. The Arctic Refuge coastal plain is critically important denning area for Beaufort Sea polar bears, migratory habitat for more than 135 bird species and a vital calving area for the 123,000 head Porcupine caribou herd. We simply mustn't allow wilderness of this value to be turned over to the oil industry.

I strongly urge the U.S. Fish & Wildlife Service to recommend Wilderness designation for all non-designated Refuge lands, including the Coastal Plain (1002 area).

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Dear Ms. Seim,

I urge you to recommend a wilderness designation for the Coastal Plain of the Arctic National Wildlife Refuge in order to permanently protect this unique wildlife habitat from destructive oil and gas development.

This one of a kind Arctic ecosystem is home to nearly 200 wildlife species, including polar bears, musk oxen and caribou. The Arctic Refuge coastal plain is critically important denning area for Beaufort Sea polar bears, migratory habitat for more than 135 bird species and a vital calving area for the 123,000 head Porcupine caribou herd. We simply mustn't allow wilderness of this value to be turned over to the oil industry.

I support Alternative C in the Comprehensive Conservation Plan that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge.

Thank you for the opportunity to comment.

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We are in full support of the Arctic Refuge CCP comments submitted on behalf of the Friends of Alaska National Wildlife Refuges (See below):

Comments on the Draft Arctic National Wildlife Refuge Comprehensive Conservation Plan

The Friends of Alaska National Wildlife Refuges (Friends) appreciates the opportunity to offer comments on the Draft Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge. Our 315 volunteer members in 28 states and 6 foreign countries assist the U.S. Fish and Wildlife Service (FWS) to maintain and enhance the wildlife and habitat in all 16 Alaska refuges.

In 1960, the Eisenhower administration established the 8.9 million acre Arctic National Wildlife Range uniquely "For the purpose of preserving unique wildlife, wilderness and recreational values." In 1980, it was expanded to its present size and renamed the Arctic National Wildlife Refuge. The Refuge is presently managed primarily as wilderness. This CCP is a historic opportunity for the FWS to recommend formal wilderness designation for almost the entire 19.8 million-acre Arctic National Wildlife Refuge, including permanent protection of its biological heart in the Arctic Coastal Plain. We urge the Fish and Wildlife Service to adopt a plan that will keep the Arctic National Wildlife Refuge natural, wild, and free from all commercial and destructive development.

Since the final plan will guide stewardship of this magnificent and wild “crown jewel” of the National Wildlife Refuge System for at least the next 15 years, the Friends submits these general comments now and will follow up with more detailed technical comments.

Major Recommendations:

1. The Friends support Alternative E that would recommend formal Wilderness designation for the entire Refuge, except for lands near villages. Wilderness designation for all suitable and qualified lands will protect the wilderness values of the Refuge and also allow the continuation of traditional activities on the Refuge by the Gwich’in and other Alaska Natives, including subsistence gathering of food, timber harvest for local use, and guided travel within the Refuge.

2. The Friends support the proposed goals, especially 1 and 2, specifying protection of ecological processes and wilderness character.

3. The Friends support Management Guidelines 2.4.12 and 2.4.12.7 that would allow the natural behavior, interactions, and population dynamics of all species to continue (no predator control).

4. The Friends support management Guideline 2.4.11 that specifies the maintenance of habitats in their natural, unaltered state, free from manipulation and intensive management .

5. The Friends support addressing climate change by reducing other stressors on wildlife, and allowing natural systems to adapt and evolve as they will, without intervention.

6. The Friends support Goal 5, wilderness recreation that would perpetuate opportunities for visitors to experience adventure, challenge, solitude, independence, and freedom with minimal interference from the government.

Additional Recommendations:

1. State “Game” Management vs. Refuge Stewardship — The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, it fails to acknowledge that the State’s goals for managing wildlife sometimes conflict with Refuge purposes of maintaining natural and wild wildlife populations, e.g. State-sponsored predator control and intensive management. The plan must explicitly state that when there is conflict, Refuge purposes and management must prevail. The Fish and Wildlife Service must exercise its responsibility to preempt the Alaska Department of Fish and Game and the Alaska Board of Game when necessary to protect the integrity of the Refuge and its wildlife.

2. 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.

3. Special Values — The Special Values of the Arctic Refuge section describes the most important characteristics of the Refuge. The refuge should be supported to serve as a guide for all management decisions.

4. 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.

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Sharon Seim

AK

Dear Seim,

Thank you so much for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge. I appreciate your leadership in protecting this American icon for future generations and thank you for completing the Arctic Refuge Wilderness review.

The Arctic National Wildlife Refuge was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values," and it continues to thrive as one of our nation's most untouched wilderness areas. The Coastal Plain the Arctic Refuge's biological heart provides a vital home for polar bears, caribou, musk oxen, wolves and hundreds of bird species, which gather in the Arctic Refuge each year to hatch their young before traveling to all corners of the country and across six continents.

Long before the Arctic Refuge was set aside as a protected place, the value of the Coastal Plain was recognized by wilderness visionaries and the people of the Gwich'in Nation who know it as the "Sacred Place Where Life Begins."

I support Alternative C in the Comprehensive Conservation Plan that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge.

The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. 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. 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.

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan. Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, Wilderness purposes and Special Values intact so it will remain an unparalleled piece of our nation's natural heritage.

Gwich'in Nation

The late Chief and Traditional Chief Jonathon Solomon Sr. as the Chairman of the International Porcupine Caribou Commission **stated in 1988**: "For us, the 'opportunity to engage in subsistence' means the right to a productive, natural environment. **We recommend that the entire Arctic National Wildlife Refuge be made wilderness."** This position was made after thoroughly examining how wilderness designation might affect the Gwich'in Nation way of life, and finding that it provides **the best protection for traditional and customary use especially subsistence.** The Alaska National Interest Lands Conservation Act and the Wilderness Act provide allowances for the personal use of firewood and house logs (including the payment of local residents for providing firewood and house logs within local communities) as well as allowing opportunities for local residents to engage in commercial guiding services. In particular, **wilderness designation provides the strongest possible protection for the habitat of the Porcupine Caribou Herd.** This has been the position of the entire Gwich'in Nation since 1988 when people gathered for the first time in over 100 years to consider our future. It has been reaffirmed at the biennial Gwich'in Gatherings **as stated in the Gwich'in Niintsyaa, "That the United States Congress and President recognize the rights of our Gwich'in people to continue to live our way of life by prohibiting development in the calving and post-calving grounds of the Porcupine Caribou Herd."**

Alternative E would protect both the coastal plain (calving area) and the rest of the Arctic Refuge (post-calving, migration and winter ranges) as Wilderness, **and would best fulfill the long held position of the Gwich'in Nation.**

Signed,

[redacted]

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Arctic Refuge

Dear Refuge,

Thank you for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge.

As you know, the Arctic National Wildlife Refuge was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values." The Gwich'in nation has long recognized the particular beauty and importance of the Refuge's coastal plain, naming it the "Sacred Place Where Life Begins."

The Arctic Refuge's coastal plain is the region's biological heart. We have a responsibility to preserve it for future generations - as such, we must grant the coastal plain the strongest protections we can.

That's why I support Alternative C in the Comprehensive Conservation Plan, which would recommend Wilderness designation for the Coastal Plain Wilderness Study Area.

We cannot afford to put our nation's wildest refuge - a major piece of America's natural heritage - at risk of being despoiled by big polluters and other special interests.

That's why I'm urging you to grant the Arctic Refuge's coastal plain full wilderness protection.

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Sharon Seim
101 12th Ave., Rm 236
Fairbanks, AK 99701

Subject: I support Alternative E of the Arctic Refuge Comprehensive Conservation Plan

Dear Sharon Seim,

Thank you so much for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge. I am writing in strong support of Alternative E: the full Wilderness option, recommending most of the refuge as Wilderness, including the Coastal Plain.

The Coastal Plain is the Arctic Refuge's "biological heart and birthing ground" and provides a vital home for polar bears, caribou, musk oxen, wolves and hundreds of bird species, which gather in the Arctic Refuge each year to birth their young. The Arctic Refuge as a whole, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. 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.

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the natural behavior of wildlife populations, while leaving habitats natural and un-manipulated as described in the plan. Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, wilderness character, Wilderness purposes and Special Values intact so it will remain an unparalleled piece of our nation's natural heritage.

I appreciate the Fish and Wildlife Service's management and protection of this American icon for future generations, and wish to thank you for completing the Arctic Refuge Wilderness review. The Arctic National Wildlife Refuge was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values," and it continues to thrive as one of our nation's most pristine wilderness areas. To this end, I urge you to adopt Alternative E and protect the Refuge to the fullest extent possible.

National Wildlife Federation Action Fund

U.S. Fish and Wildlife Service,

Dear Fish and Wildlife Service,

I am writing to urge you to recommend a Wilderness designation for the Arctic National Wildlife Refuge's Coastal Plain in order to permanently protect one of America's greatest wilderness treasures from oil and gas development.

The Arctic Refuge provides crucial habitat for some of our most beloved species of wildlife including caribou, polar bears, grizzly bears, musk oxen, wolves, Arctic fox, and many more. These species are already struggling to survive in the face of climate change, and need protection from additional stresses like oil and gas drilling.

Drilling in the Arctic Refuge will do nothing to lower today's gas prices and will not address our nation's long-term energy needs. Instead, drilling will destroy important wildlife habitat while boosting Big Oil's billions of dollars in profits.

The enhanced protection offered by a wilderness designation is critical to helping the wildlife most threatened by climate change and protecting this wilderness icon for future generations.

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Dear Director Haskett:

Thank you for the opportunity to comment on the draft Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge.

I stand with the National Wildlife Refuge Association in urging you to support Alternative C that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the Refuge. The Arctic Refuge, and particularly its Coastal Plain, deserves the strongest possible protections.

In addition, 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.

I further support the CCP Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan. The entire 19.6 million acres of our nation's wildest refuge should be managed in a manner that maintains the natural biodiversity, ecological processes, Wilderness purposes, and cultural and subsistence values that make it the Crown Jewel of the National Wildlife Refuge System.

Thank you for your consideration of my comments.

National Wildlife Refuge Association II

Dear Director Haskett:

Thank you for the opportunity to comment on the draft Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge.

I stand with the National Wildlife Refuge Association in urging you to support Alternative E that would recommend Wilderness designation for almost the entire refuge, including the Coastal Plain. The Arctic Refuge, and particularly its Coastal Plain, deserves the strongest habitats natural possible protections.

As you finalize your plan, I further encourage you to protect the ecological processes and wilderness character of the refuge for future generations, allow the natural behavior, interactions, and population dynamics of all species to continue (no predator control), and leave habitats, unaltered, and free from manipulation and intensive management.

I further support the CCP Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan. The entire 19.6 million acres of our nation's wildest refuge should be managed in a manner that maintains the natural biodiversity, ecological processes, Wilderness purposes, and cultural and subsistence values that make it the Crown Jewel of the National Wildlife Refuge System.

Thank you for your consideration of my comments.

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ANWR-CCP September 2011

To wh[illegible] it may concern:

I strongly support Alternative A: No action alternative – No new wilderness (No Revised Regional Management Guidelines).

In 1980 Congress excluded the 1002 area of the coastal plain from ANWR's large wilderness block in a compromise. They also mandated a study of the 1002 area's wildlife, environment and petroleum resources.

In 1987 the Department of the interior concluded oil development would have minimal impact on the wildlife.

With advances in technology, it is possible to develop the coastal plain's energy reserves while directly utilizing very little (potentially only 2000 acres) of the 1.5 million acres in the 1002 area.

In today's hard economic times it is more important now, then ever to develop Alaska's oil and gas resources.

Sincer[redacted]

Name[redacted]

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Ken Salazar Secretary of the Interior

U.S. Department of Interior

Dear Secretary Salazar:

Thank you so much for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge. I appreciate your leadership in protecting this American icon for future generations and thank you for completing the Arctic Refuge Wilderness review.

The Arctic National Wildlife Refuge was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values," and it continues to thrive as one of our nation's most untouched wilderness areas. The Coastal Plain – the Arctic Refuge's biological heart – provides a vital home for polar bears, caribou, musk oxen, wolves and hundreds of bird species, which gather in the Arctic Refuge each year to hatch their young before traveling to all corners of the country and across six continents.

Long before the Arctic Refuge was set aside as a protected place, the value of the Coastal Plain was recognized by wilderness visionaries and the people of the Gwich'in Nation who know it as the "Sacred Place Where Life Begins."

I support Alternative C in the Comprehensive Conservation Plan that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge. The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. 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.

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.

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan. Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, Wilderness purposes and Special Values intact so it will remain an unparalleled piece of our nation's natural heritage.

Republicans for Environmental Protection I

U.S. Fish & Wildlife Service

Dear U.S. Fish & Wildlife Service:

As a conservative who cares about protecting America's great natural heritage, I strongly urge you to adopt a final Arctic National Wildlife Refuge management plan that includes a recommendation to designate the coastal plain as wilderness, based on the plain's exceptional wilderness characteristics.

The coastal plain is an unspoiled treasure that is one of the few places left in our country where nature's raw beauty and an immense variety of wildlife can be experienced and enjoyed on an epic scale. Wilderness designation would ensure permanent protection for the coastal plain's rare and irreplaceable natural treasures.

Wilderness designation also would reduce ongoing threats of industrialization that would spoil the coastal plain's wilderness character irrevocably, degrade its rich wildlife habitat, and perpetuate America's dangerous overdependence on oil. Drilling for oil in the coastal plain is a blind alley that would not deliver the lower prices and energy security that drilling proponents promise with little regard for facts.

A wilderness recommendation would send an unmistakable message to Congress that the coastal plain's inclusion in the National Wilderness Preservation System is a long overdue step for good stewardship.

Thank you.

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Dear U.S. Fish & Wildlife Service:

Dear Fish & Wildlife Service:

As a citizen who cares about America's wildlife heritage, I urge you to adopt Alternative E for the Arctic National Wildlife Refuge Comprehensive Conservation Plan. I support wilderness recommendations for the refuge's coastal plain, Brooks Range, and Porcupine Plateau wilderness study areas.

The Arctic National Wildlife Refuge is the most biologically diverse area in the entire circumpolar North. Wilderness protection for the coastal plain, Brooks Range and Porcupine Plateau wilderness study areas would ensure the strongest possible protection for this unique resource.

There is no place for industrial activity in America's largest and wildest national wildlife refuge. Your recommendation favoring wilderness designation on 11 million acres of the refuge would send an unmistakable message that conservation is and always must remain the highest and best use for this extraordinary American place.

Thank you.

Resource Development Council I

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RE: Strongly oppose new federal wilderness designations in ANWR

Dear Ms. Seim:

The 1002 Area of the ANWR coastal plain was excluded from wilderness designation in a compromise struck under the Alaska National Interest Lands Conservation Act of 1980. In exchange, Congress designated eight million acres of wilderness outside the 1002 Area, essentially closing 92 percent of the refuge to development. In recognizing the coastal plain's enormous oil and gas potential, Congress mandated a study of the 1002 Area's geology and petroleum resources, as well as its wildlife and environmental values. In 1987, the Department of Interior concluded that oil development would have minimal impact on wildlife and recommended the coastal plain be open to development.

A federal wilderness designation over the coastal plain, which accounts for seven percent of the refuge, would forever place off-limits what is likely America's most prolific onshore oil and gas prospect. I strongly oppose the wilderness alternatives outlined in the draft management plan. At a minimum, the option of future energy development in the 1002 Area should remain, considering national economic and energy security imperatives. The 1002 Area must continue to be excluded from wilderness designation.

Further comment: _____

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I oppose any change to the current status of the Arctic National Wildlife Preserve.

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.

There is no need for additional Wilderness designations in ANWR, given most of the refuge is already closed to development and managed to maintain its wilderness character. Alaska already contains 58 million acres of federal Wilderness and accounts for 53 percent of America’s federal Wilderness areas.

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.

A federal Wilderness designation over the 1002 area would forever place off-limits North America’s most promising onshore oil and gas prospect to development and destroy the agreements made when ANILCA became law. In contrast, oil and gas development in the 1002 area would not disturb a single acre of federal Wilderness.

Alaskans strongly oppose a Wilderness designation on ANWR’s coastal plain. In fact, 78 percent of Alaskans support oil exploration in the 1002 area. Every Alaskan Governor and every legislature and elected congressional representative and senator from Alaska has supported responsible development. The North Slope Borough and the Alaska Federation of Natives also support responsible development, as well as a majority of residents in Kaktovik, a village within the Coastal Plain.

There are compelling national economic and energy security reasons for opening the 1002 area to responsible oil and gas development, including a safe and secure source of energy to the nation, create hundreds of thousands of jobs throughout the country, and refill the Trans-Alaska Pipeline System, which is operating at one-third its original capacity and continually declining.

Upwards of 16 billion barrels of oil and 18 trillion cubic feet of natural gas are estimated to lie within the 1002 area of ANWR.

With advances in technology, it is possible to develop the coastal plain's energy reserves while directly utilizing very little (potentially only 2,000 acres) of the 1.5 million acres in the 1002 area. Such development would allow access to energy Americans need without any significant disturbance to wildlife.

I oppose any change to the current status of the Arctic National Wildlife Preserve.

Save our Environment Action Center I

Dear Interior Secretary Salazar,

Thank you so much for the opportunity to comment on the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge. I appreciate your leadership in protecting this American icon for future generations and thank you for completing the Arctic Refuge Wilderness review.

The Arctic National Wildlife Refuge was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values," and it continues to thrive as one of our nation's most untouched wilderness areas. The Coastal Plain – the Arctic Refuge's biological heart – provides a vital home for polar bears, caribou, musk oxen, wolves and hundreds of bird species, which gather in the Arctic Refuge each year to hatch their young before traveling to all corners of the country and across six continents.

I support Alternative C in the Comprehensive Conservation Plan that would recommend Wilderness designation for the Coastal Plain Wilderness Study Area, adding it to the existing Wilderness areas of the refuge. The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted the strongest possible protections. 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.

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan. Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, Wilderness purposes and Special Values intact so it will remain an unparalleled piece of our nation's natural heritage.

Save Our Environment Action Center II

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I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan.

Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, Wilderness purposes and Special Values intact so it will remain an unparalleled piece of our nation's natural heritage.

Sierra Club I

Mr. Dan Ashe

Dear Mr. Ashe,

I urge you to recommend a wilderness designation for the Coastal Plain of the Arctic National Wildlife Refuge in order to permanently protect America's greatest wild treasure from oil and gas development.

Already the warming Arctic is threatening the region and its wildlife so it is our job to defend the biological heart of the Arctic Refuge, its coastal plain. By protecting the Refuge we ensure critical habitat for caribou, polar bears, grizzly bears, musk oxen, Dall sheep, wolves, wolverines, and birds that visit all 50 states.

We cannot hand this wildlife refuge over to Big Oil. Drilling in the Arctic Refuge will not lower today's gas prices or solve our energy crisis; it would only prolong it. Any oil drilling in the Arctic Refuge will disrupt and harm the fragile ecosystem and wildlife the USFWS Refuge system is supposed to protect.

Recommend Alternative C for a wilderness designation for the coastal plain. This is critical to keep the wildlife and this wilderness icon protected for future generations

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Already the warming Arctic is threatening the region and its wildlife so it is our job to defend the biological heart of the Arctic Refuge, its coastal plain. By protecting the Refuge we ensure critical habitat for caribou, polar bears, grizzly bears, musk oxen, Dall sheep, wolves, wolverines, and birds that visit all 50 states.

We cannot hand this wildlife refuge over to Big Oil. Drilling in the Arctic Refuge will not lower today's gas prices or solve our energy crisis; it would only prolong it. Any oil drilling in the Arctic Refuge will disrupt and harm the fragile ecosystem and wildlife the USFWS Refuge system is supposed to protect.

Qgcpp_ Ajs` GGG

Mr. Dan Ashe

Dear Mr. Ashe,

I urge you to recommend a wilderness designation for the Coastal Plain of the Arctic National Wildlife Refuge in order to permanently protect America's greatest wild treasure from oil and gas development.

Already the warming Arctic is threatening the region and its wildlife so it is our job to defend the biological heart of the Arctic Refuge, its coastal plain. By protecting the Refuge we ensure critical habitat for caribou, polar bears, grizzly bears, musk oxen, Dall sheep, wolves, wolverines, and birds that visit all 50 states.

We cannot hand this wildlife refuge over to Big Oil. Drilling in the Arctic Refuge will not lower today's gas prices or solve our energy crisis; it would only prolong it. Any oil drilling in the Arctic Refuge will disrupt and harm the fragile ecosystem and wildlife the USFWS Refuge system is supposed to protect.

A wilderness designation for the coastal plain is critical to keep the wildlife and this wilderness icon protected for future generations.

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Keep the Arctic Refuge Wild!

Dear US Fish and Wildlife Service Director Dan Ashe,

I urge you to recommend a Wilderness designation for the coastal plain of the Arctic National Wildlife Refuge in order to permanently protect America's greatest wild treasure from destructive oil and gas development.

Already rising temperatures are threatening the region and its wildlife. It is our job to defend the biological heart of the Arctic Refuge, its coastal plain. By protecting the Refuge we ensure critical habitat for caribou, polar bears, grizzly bears, musk oxen, Dall sheep, wolves, wolverines, and birds that visit all 50 states. This habitat is essential for helping wildlife to adapt to melting sea ice, coastal erosion and other results of a rapidly changing climate.

We cannot hand this wildlife refuge over to Big Oil. Drilling in the Arctic Refuge will not lower today's gas prices or solve our energy crisis; it will only prolong it. Any oil drilling in the Arctic Refuge will disrupt and harm the fragile natural system and wildlife the USFWS Refuge System is supposed to protect.

Please recommend Alternative C for a wilderness designation of the coastal plain. This is critical to keep the wildlife and this wilderness icon protected for future generations.

Please print clearly and fill out the information completely.

Name	E-mail	Phone #	Address	City	State	Zip
[redacted]						

Providing your email address makes you a member of the Sierra Club's Online Community. As a member, you'll stay informed and involved with the latest environmental news, information and action alerts.

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Dear U.S. Fish and Wildlife Service Director Dan Ashe,

I urge you to recommend a wilderness designation for the Coastal Plain of the Arctic National Wildlife Refuge in order to permanently protect America's greatest wild treasure from oil and gas development.

Already the warming Arctic is threatening the region and its wildlife so it is our job to defend the biological heart of the Arctic Refuge, its coastal plain. By protecting the Refuge we ensure critical habitat for caribou, polar bears, grizzly bears, musk oxen, Dall sheep, wolves, wolverines, and birds from all 50 states.

We cannot hand this wildlife refuge over to Big Oil. Drilling in the Arctic Refuge will not lower today's gas prices or solve our energy crisis; it would only prolong it. Any oil drilling in the Arctic Refuge will disrupt and harm the fragile ecosystem and wildlife the USFWS Refuge system is supposed to protect.

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Recommend Alternative C for a wilderness designation for the coastal plain. This is critical to keep this wildlife and wilderness icon protected for this and future generations.

Sincerely,
YOUR NAME HER[redacted]

Rfc Ugjbcplcqq Qmagcrw

Mr. Richard Voss

U.S. Fish and Wildlife Service Arctic NWR - Sharon Seim 101 12th Ave., Rm 236

Fairbanks, AK 99701

Dear Mr. Richard Voss, Mr. Voss,

The ongoing revision of the Comprehensive Conservation Plan for the Arctic National Wildlife Refuge presents a historic opportunity to protect one of the nation's greatest wild areas and one of the premier intact ecosystems left on the planet, and ensure that the Coastal Plain of the refuge will continue to exist as the birthing ground for the Porcupine caribou herd, polar bears, thousands of migratory birds and many other species. It is vitally important that the U.S. Fish and Wildlife Service take this opportunity to take the next step toward permanent protection for the Coastal Plain and other areas of the Refuge, and maintain it as America's premier wilderness refuge.

The Arctic Refuge is irreplaceable, and contains the greatest wildlife diversity of any conservation area in the circumpolar north. Yet, this area, which has sustained Native cultures for thousands of years, is also one of the most vulnerable because oil and gas interests have been eyeing it for decades and are keen to industrialize its ecological heart -- the Coastal Plain of the Arctic Refuge. Only by permanently protecting the Coastal Plain can we ensure that this treasured ecosystem will remain intact and unspoiled.

For this reason, I urge the U.S. Fish and Wildlife Service to recommend wilderness for the Coastal Plain of the Arctic National Wildlife Refuge in the final revised Comprehensive Conservation Plan and Environmental Impact Statement. I also fully support the agency choosing Alternative E in the final plan and complete wilderness reviews and recommendations for the remaining suitable lands in refuge while continuing to accommodate the subsistence needs of Native peoples.

Please recommend wilderness for the Coastal Plain and approve Alternative E in the final plan for the Arctic Refuge.

SIilmulG

597

Dear Mr. Voss,

I urge the U.S. Fish and Wildlife Service to select the alternative that recommends wilderness designation for the Arctic Refuge Coastal Plain and other non-designated lands. The Arctic National Wildlife Refuge is home to priceless intact ecosystems, diverse wildlife spectacles, and vital subsistence cultures. The Refuge is America's gold standard for wilderness. I request that you safeguard the integrity of the ecosystem of the refuge as a whole through appropriate stewardship, so that we may pass on this wild legacy to the future. I oppose any oil and gas leasing, exploration, and development because it would permanently harm wildlife and wilderness and the subsistence way of life of the Gwich'in and others.

Please keep me informed on the CCP process.

Additional Comments: _____

RECEIVED
OCT 24 2011
BY:

Name [redacted]

Address [redacted]

City [redacted]

Email Add [redacted]

Dear Refuge Manager Voss,

As an Alaskan, I thank you for this opportunity to comment on the draft Arctic National Wildlife Refuge Comprehensive Conservation Plan (CCP).

- **I support Alternative C in the CCP that would Recommend Wilderness designation for the Coastal Plain Wilderness Study Area**, adding it to existing Wilderness areas of the refuge. The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted strong protections for its wilderness purpose. The southern sections of the Arctic Refuge should be managed in a way that supports the Gwich'in people's traditional and cultural access while maintaining Wilderness characteristics.
- Oil & gas leasing, exploration, development and production, including seismic and any support facilities, have no place in the Arctic Refuge and should continue to be prohibited by law as well as in refuge management policies.
- I support the Arctic Refuge Vision Statement and Goals aimed to protect Special Values of Arctic Refuge. ***I personally support Arctic Refuge wilderness for these reasons:***

_____

_____

_____

[redacted]

City/State/Zip E-mail

NOV 15 2011

BY:

CELEBRATING 50 YEARS OF ARCTIC REFUGE WILDERNESS!

I support the strongest protection of the Arctic National Wildlife Refuge. I urge you to take this opportunity to honor the Arctic Refuge in its 50th year and support wilderness designation for these special lands, home of 3 bears (grizzly, black and polar), caribou and destination to more than 198 migratory bird species from six continents and every state in the nation.

The Arctic Refuge is unique among refuges in that it was established to preserve wilderness values. The wholeness of the refuge as an entire, intact, natural sub-arctic and arctic landscape deserves responsible stewardship as designated wilderness for future generations. The Arctic Refuge Coastal Plain (1002 Area) is a vital part of the larger ecosystem and connected to existing wilderness through its scenic habitats, watersheds, rivers, and bird and caribou migrations.

I urge that the revised Comprehensive Conservation Plan:

- Recommend wilderness designation for the entire Coastal Plain and also all non-designated lands so that the wilderness, wildlife, and subsistence values of the whole refuge are protected for future generations;
- Include a wilderness review for the entire Coastal Plain and for all refuge lands not yet designated as wilderness; and
- Safeguard the wilderness qualities and integrity of the ecosystem of the refuge as a whole through appropriate stewardship.

Any oil and gas leasing, exploration and development would permanently harm the wildlife and wilderness values of the Coastal Plain and rest of the refuge and would be especially serious and long-lasting to coastal birds like long-tailed ducks, loons and shorebirds.

—

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Na

Em

Dear Refuge Manager Voss,

I wish to comment on the Arctic National Wildlife Refuge Comprehensive Conservation Plan (CCP). **I support Alternative C in the CCP that would Recommend Wilderness designation for the Coastal Plain Wilderness Study Area,** adding it to existing Wilderness areas of the refuge. The Arctic Refuge, and particularly its Coastal Plain, deserves to be granted strong protections for its wilderness purpose. The southern sections of the Arctic Refuge should be managed in a way that supports the Gwich'in people's traditional and cultural access while maintaining Wilderness characteristics. Oil & gas leasing, exploration, development and production, including any support facilities, have no place in the Arctic Refuge and should continue to be prohibited by law as well as in refuge management policies. I support the Arctic Refuge Vision Statement and Goals aimed to protect Special Values of Arctic Refuge. **I personally support Arctic Refuge wilderness for these reasons:** _____

RECEIVED
NOV 15 2011

N[redacted]

A[redacted]

Ci[redacted]

Slilmul T

Petition to Protect the Arctic National Wildlife Refuge

To the Refuge Manager:

I support the Arctic National Wildlife Refuge the way it is today– home to fish and wildlife, intact ecosystems, and vital subsistence cultures.
Please support wilderness designation for the Arctic Refuge Coastal Plain and other suitable lands in the Plan. I want to pass on this wild legacy for future generations.

Please print clearly and fill out the information completely.

Name	E-mail	Address	City	State	Zip	Keep me informed on the Plan (CCP)
[redacted]						

By signing this petition today, I ask the U.S. Fish & Wildlife Service to consider my signature an official individual comment for the draft Arctic National Wildlife Refuge Plan (Comprehensive Conservation Plan & Wilderness Review / Environmental Impact Statement).

Ugjbcplcqq U_raf

1) Support Alternative E recommending wilderness designation for the entire Refuge except for lands near villages.

2) Support the CCP's proposed goals, especially 1 and 2, specifying protection of ecological processes and wilderness character.

3) Support Management Guidelines 2.4.11, 2.4.12, and 2.4.12.7 allowing the natural behavior, interactions, and population dynamics of all species to continue (no predator control), and leaving habitats natural, unaltered, and unmanipulated.

4) Support addressing climate change by reducing other stressors on wildlife, and allowing natural systems to adapt and evolve as they will, without intervention.

5) Support goal 5, wilderness recreation, proposing to perpetuate opportunities for visitors to experience adventure, challenge, solitude, independence, and freedom with minimal interference from management.

6) Support the CCP's Special Values of the Arctic Refuge section and insist that it is used to guide all management decisions.

7) Visitor Use Impacts and issues - 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.

• 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.

• 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).

8) State "Game" Management v. Refuge Management - The draft plan appropriately recognizes the need to coordinate with the Alaska Department of Fish and Game. However, it fails to acknowledge that the state's goals for managing wildlife (i.e. predator control, intensive management) sometimes conflict with the Refuge's purposes for maintaining natural and wild wildlife populations.

• The plan needs to explicitly state that when in conflict with the state's goals, wilderness values and Refuge purposes must prevail, and in such cases, the FWS must exercise its responsibility to preempt the state game department and Board of Game.

• The final plan must assure that the primary Refuge purpose to conserve natural diversity must never be compromised by decisions to allow predator control or habitat manipulation to increase game species for hunting.

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.

In Appendix B, 1.1, the statement that the FWS and ADF&G "share a mutual concern for all fish and wildlife resources" is misleading if not untrue. Consider the Unimak Island and other predator control issues.

This should be deleted and replaced with an acknowledgement that where the agencies differ, refuge purposes have supremacy and the state should be preempted.

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.

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.

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.

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.

The draft plan's description of purposes and special values of the Arctic Refuge are excellent and should guide all management decisions.

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 topermanently

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 untrammeled condition of Wilderness requires foregoing any effort, temporary or permanent, to intervene or manipulate natural processes.

Goal 1 is good, but the word "essentially" needs to be deleted. The goal should be to maintain the refuge free from the intent to alter the natural order, recognizing that goals are not always entirely attainable.

Goals 2 and 5 are excellent.

Goal 6 needs to be expanded to include the non-intervention policy described in the climate change management guideline.

The climate change management guideline is excellent, especially in specifying a non-intervention policy.

The management guideline prohibiting helicopter landing for recreation is good, but more limits on the use of helicopters by the agency should be specified.

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.

The Administration Sites and Visitor Facilities management guideline should be modified to prohibit construction of any new buildings in the refuge.

Appendix B

Communications from Governments, Agencies, and Tribes

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B. Communications from Governments, Agencies, and Tribes

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U.S. Senate, Lisa Murkowski (136803) B-115

COMMUNICATION NUMBER 32619
Cliff Judkins, Chairman
Alaska Board of Game

From: "Tibbles, Kristy R (DFG)"
To: helen_clough@fws.gov; richard_voss@fws.gov
Subject: Board of Game Comments on ANWR CCP

Good morning Helen & Richard,

I want to express the board's appreciation to you both for travelling to Barrow to update and discuss the ANWR CCP with the Board of Game members. The board meeting concluded late November 14, and most of the board members were in travel status on the 15th but they were able to finalize comments which were uploaded to the USF&WS homepage the evening of 11/15.

Those comments that were submitted are presented to you in the attached formal letter. Please let me know if you have any questions about them.

Thank you,

Kristy Tibbles
Kristy Tibbles, Executive Director
Alaska Board of Game
ADF&G Boards Support Section
(907) 465-4110

Attachment: 2011-11 BOG-ANWR CCP commens-3.pdf

State of Alaska
Department of Fish and Game
Boards Support Section
P.O . BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

November 15,2011

US Fish and Wildlife Service
Arctic NWR - Sharon Seim
101 12th Avenue, Room 236
Fairbanks, AK 99701-6237

Dear Ms. Seim:

The Board of Game met in Barrow November 11 - 14, 2011 and reviewed the draft Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge. During our meeting Helen Clough and Richard Voss provided an overview of the draft and responded to questions from Board members.

We have a number of observations and comments that should be considered by the Service as the CCP is further developed. **[32619.001 NEPA Process -- General]** 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.

[Preamble 32619.002, 003, 004, 005, 006, 007, 008] The following specific points further define the concerns and issues expressed by the Board:

• **[32619.002 Recreation and Visitor Use -- Visitor Experience]** Based on the Service's intent for its overall management approach, it is questionable that the recreational values expressed as one ofthe original purposes of the refuge when it was first established in 1960 will be adequately protected as required.

• **[32619.003 Refuge Vision and Goals -- Goal 5 (including objectives)]** 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.

• **[32619.004 Refuge Vision and Goals -- Goal 8 (including objectives)]** 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.

• **[32619.005 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management]** 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.

• **[32619.006 Refuge Management Policies/Guidelines -- General]** 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.

• **[32619.007 Refuge CCP -- Evaluation and Revision]** 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

• **[32619.008 ANILCA -- Designated Wilderness and ANILCA]** We take exception to the incorporation of the Wilderness Review in the draft CCP process because it violates the spirit of ANILCA which seeks to curtail further wilderness designations in Alaska and because it results from an arbitrary policy decision of the refuge that is unsupported by congressional law.

Once again, **[32619.009 NEPA Process -- General]** 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.

Sincerely,

Cliff Judkins, Chairman
Alaska Board of Game
cc: Cora Campbell, Commissioner, Alaska Department of Fish and Game

COMMUNICATION NUMBER 9515
John Coghill, Senator, District F
Alaska State Legislature

Fairbanks Hearing 10/19/2011
John Coghill

MR. COGHILL: Thank you. My name is John Coghill. I'm -- oh, C-o-g-h-i-l-l. I'm senator for District F, which goes from North Pole to Valdez to Palmer, and has a pretty good chunk of Alaska. Born and raised here and have watched -- I was born during the territorial days and I've watched the federal management change significantly. And 1002 in the Arctic National Wildlife Refuge is something that we were holding hope that it would not become a wilderness. So I would speak against it going into the wilderness area, not only for Alaska, but for America.

We have shown that we do well in Alaska environmentally and I think the rest of the world could actually follow some of our example in that. So I would appeal to Section 101(d) in ANILCA. It states that the need for more preserves, monuments, scenic rivers, and refuges has been met. And so as I write to you and to the congressmen, I'll be appealing to that.

There is one concern that I have and that is in the step-down provisions that I talked with some people earlier about, and that is the impact of hunting, fishing, and trapping as you consider some of the things that are going to be in your new management plan, whatever that may be. At this point, I am compelled to speak against a change so that would be the Alternative A as the only place I was left to go to as you consider this plan.

[9515.001 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. Thank you very much.

COMMUNICATION NUMBER 32649
John Coghill, Alaska State Senator, District F
Alaska State Legislature

SENATOR
JOHN COGHILL
3340 Badger Road
Suite 290
North Pole, Alaska 99705
(907) 488-5725
Fax (907) 488-4271

During Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-3719
Fax (907) 465-3258
1-877-465-3719
SENATE DISTRICT F
Alaska State Legislature
Senate

October 19, 2011

The Honorable Ken Salazar
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Salazar:

The draft CCP lists six alternatives for long-term management. I support Alternative A (No Action). The other alternatives could result in all of ANWR being included in the National Wilderness Preservation System and four additional Wild and Scenic Rivers on the refuge. Section 101(d) of ANILCA clearly states the need for more preserves, monuments, wild and Scenic rivers, and refuges has been met. And this nation cannot afford to lose the 1002 Coastal Plain oil and gas reserves.

I agree with the testimony the House Resource Committee heard last month from all three members of our Congressional delegation and Governor Sean Parnell on the importance of opening ANWR to oil and gas production. They did an excellent job of discussing the contribution Alaska can make to reduce this nation's dependence on foreign oil and how the development of the 1002 area could create thousands of jobs for a struggling economy and high unemployment in the United States.

Senator Murkowski's testimony reflects my concerns about the direction the U.S. Fish & Wildlife Service is going with ANWR. In addition to her remarks, I want to appeal to the promises made in ANILCA by Congress and how any action by the U.S. Fish & Wildlife other than "No Action" would be a broken promise to the people of Alaska.

Section 1313 of ANILCA provided an exception that allows for hunting and fishing in national parks in Alaska and the taking of fish and wildlife and trapping in national preserves. ANILCA recognized the unique dependence on a subsistence lifestyle by both native and non-native residents of the state and protected that lifestyle. Sections 811(b) and 1110(a) preserve use of snowmachines, motorboats, airplanes, and other traditional transportation methods on public lands.

In Section 1101 - 1108 of ANILCA, Congress recognized that Alaska's "transportation and utility network is largely undeveloped" and sets in motion an expedited process for environmental review of development of corridors within conservation units. Section 1109 preserved protection of "valid existing right of access". Section 1110(b) protects the rights of public and private land owners, valid mining claims, and "other valid occupancy" to have access to their property, including valid subsurface rights.

[32649.001 ANILCA -- Designated Wilderness and ANILCA] 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.

Thank you for your consideration.
[Signature]
Senator John Coghill

CC: Congressman Don Young
U.S. Senator Lisa Murkowski
U.S. Senator Mark: Begich

Encl: Testimony submitted to the House Resource Committee March, 2011 concerning Secretarial Order 3011

SENATOR
JOHN COGHILL
3340 Badger Road
Suite 290
North Pole, Alaska 99705
(907) 488-5725
Fax (907) 488-4271

During Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-3719
Fax (907) 465-3258
1-877-465-3719
SENATE DISTRICT F
Alaska State Legislature
Senate

March 1, 2011

Congressman Doc Hastings, Chairman
Committee on Natural Resources
United States House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Chairman, and members of this committee and to Congress, My name is John Coghill a member of the Alaska State Senate. I am grateful for this opportunity to give my testimony to you regarding "the impacts of the Administration's Wild Lands Order on Jobs and Economic Growth" Secretarial Order 3310.

The Impact of Secretarial Order 3310 to Alaska would be in at least three major areas. First, it would undermine and overrule the work of Congress in passing the laws under (Alaska National Interest Lands Conservation Act) ANILCA, (Federal Land Policy .and Management Act) FLPMA, (National Environmental Policy Act) NEPA, and (National Petroleum Reserve in Alaska) NPRA.

First, it would undermine and overrule the work of Congress in passing the laws under (Alaska National Interest Lands Conservation Act) ANILCA, (Federal Land Policy and Management Act) FLPMA, (National Environmental Policy Act) NEPA, and (National Petroleum Reserve in Alaska) NPRA.

Secondly, it would make it more adversarial for the State of Alaska to work with federal land managers under the law if our confidence in our protection of these laws is destroyed through this type of administrative usurpation. As partners in management of land resources and activities within the boundaries of this state it is important to us that we be part of the input to the policies that affect our ability to live up to our duties as a state.

Thirdly, the people of this state are impacted in economic, cultural, civic and mobility ways that impact our way of life expected by us and guaranteed by our constitution. Because the land in Alaska is patchwork in its ownership boundaries it has been promised to us by law that we would have access through federal lands and use of these lands for hunting and fishing. Our ability to traverse the land and navigate our rivers and mine our minerals has been impacted already

through wrong application of the law and this order would be a blatant ignoring of the law and make us wonder about our ability to live and thrive in this land.

It took nine long years and a lot of give on the part of Alaska and its people to come up with an agreement on wilderness lands in Alaska between the sovereign State, Congress, and a president who praised the completeness of the process and considered it one of his biggest accomplishments, Jimmy Carter.

ANILCA preserved 60 million acres of wilderness (an area the size of Oregon or Colorado) and added another 46 million acres to the National Park System (an area the size of Pennsylvania). However, ANILCA protects valid existing rights, access to inholders, and access through BLM lands to mining claims, state owned lands, native owned lands, leased lands, guide and outfitter leases, and historic access routes.1 ANILCA clearly states there is no need for more parks, preserves, monuments, wild and scenic rivers, etc. in Alaska2 and the intent of Congress was to preclude any future executive actions like Secretarial Order 3310 without Congressional approval3. Not only must the Secretary obtain Congressional approval, he must give proper notice and publication in the Federal Register.

According to the State ANILCA Program Coordinator, there are over 100 specific provisions of ANILCA requiring some form of federal agency consultation with the State of Alaska. In addition, numerous other federal laws, regulations and policies require state notification and consultation. • Twenty-five years ago, Congress passed the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA instructs the Secretary to continuously maintain an inventory all public lands and clearly states such an inventory cannot change the management or public use of lands4 . Further provisions of FLPMA require notification and comment from States and Congressional oversight. Any effort to classify any portion of the National Petroleum Reserve in Alaska (NPR-A) as wild lands would be in direct violation of Section 6502 of the Naval Petroleum Reserves Production Act of 1976.5 The secretary is restricted to four authorities in dealing with NPR-A. He was given no authority to reclassify land in the reserve6 The Naval Petroleum Reserves Production Act of 1976 put the nation's petroleum reserves in a production mode versus a conservation mode. Wilderness restrictions set in the Secretarial Order would undermine the NPRA and further hinder Alaskan oil production, leaving the United States further dependent on unstable, unsecured foreign oil.

Federal regulations unfairly restrict Alaska's ability to develop our resources. In fact, federal laws have destroyed our timber industry and have crippled most of our other industries. Most Alaskans, including myself, believe we gave up too much but those defending ANILCA' s passage said its enactment would put an end to further land grabs through federal restrictions; there would be "no more" federal lock up of Alaska's lands and resources. The impacts of Secretarial Order 3310 are detrimental to the federal government, to the State of Alaska, and to the people who have to live here.

I encourage you as the legislative branch of our federal government to preserve the integrity of Congress and put Secretary Salazar on notice that he is violating federal laws with the issuance of Secretarial Order 3310 and request he withdraw the order.

Sincerely,
[signature]
John B. Coghill
Alaska State Senator

cc: The Honorable Don Young, United States House of Representatives The Honorable Lisa Murkowski, United States Senate The Honorable Mark Begich, United States Senate The Honorable Orin Hatch, United States Senate The Honorable Mike Simpson, Chair, Interior Appropriations Committee, United States House of Representatives The Honorable Sean Parnell, Governor, State of Alaska Kim Elton, Interior Director of Alaska Affairs, United States Department of the Interior Pat Pourchot, Special Assistant to the Secretary for Alaska Affairs, United States Department of the Interior John W. Katz, Director of State/Federal Relations and Special Counsel, Office of the Governor

[start footnotes]

1 VALID EXISTING RIGHTS
SEC. 1109. Nothing in this title shall be construed to adversely affect any valid existing right of access.

SPECIAL ACCESS AND ACCESS TO INHOLDINGS
(16 USC 3170) SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and 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. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this Act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable •regulations issued by the Secretary to protect the natural and other values of such lands."

2 "(d) 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 legislcition designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated 2thereby."

3 FUTURE EXECUTIVE ACTIONS SEC. 1326. (a) No future executive branch action which withdraws more than jive thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which withdrawal shall not become effective until notice is provided in the Federal Register and to both Houses of Congress. 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.
(b) 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 he conducted unless authorized by this Act or further Act of Congress.

4 "The preparation and maintenance of such inventory or the identification of such areas shall not of itself, change or prevent change of the management or use of public lands."

5 Section 6502: "Subject to valid existing rights, all lands within the exterior boundaries of such reserve are hereby reserved and withdrawn from all forms of entry and disposition under dze public lands laws, including the mining leasing laws, and all other Acts:"

6 TITLE 42 CHAPTER 78 § 6502 "Designation of National Petroleum Reserve in Alaska; reservation of lands; disposition and conveyance of mineral materials, lands, etc., preexisting property rights

The area known as Naval Petroleum Reserve Numbered 4, Alaska, established by Executive order of the President, dated February 27, 1923, except for tract Numbered I as described in Public Land Order 2344, dated April 24, 1961, shall be transferred to and administered by the Secretary of the Interior in accordance with the provisions of this Act. Effective on the date of transfer all lands within such area shall be redesignated as the "National Petroleum Reserve in Alaska" (hereinafter in this chapter referred to as the "reserve"). Subject to valid existing rights, all lands within the exterior boundaries of such reserve are hereby reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral/easing laws, and all other Acts; But the Secretary is authorized to

(1) make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended [30 U.S. C. 60/ et seq.) for appropriate use by Alaska Natives and the North Slope Borough,

(2) make such dispositions of mineral materials and grant such right-of-ways, licenses, and permits as may be necessary to carry out his responsibilities under this Act,

(3) convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the Alaska Native Claims Settlement Act [43 U.S. C. 1601 et seq.], and

(4) grant such rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 [43 U.S. C. 1761 et seq.] or section 28 of the Mineral Leasing Act, as amended [30 U.S. C. 185], as may be necessary to permit the North Slope Borough to provide energy supplies to villages on the North Slope. All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Naval Petroleum Reserve shall remain in full force and effect to the extent not inconsistent with this Act."

[end footnotes]

COMMUNICATION NUMBER 136798
Mike Hawker, Representative
Alaska State Legislature

From: Juli Lucky
To: "arcticrefugeccp@fws.gov"
Subject: ANWR CCP Public Comments - Rep. Mike Hawker

Please see attached public comments on the Arctic National Wildlife Refuge Comprehensive Conservation Plan and draft Environmental Impact Statement. –

M. Hawker ANWR CCP Comments.pdf

Attachment:

Representative Mike Hawker
Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:
716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

PUBLIC COMMENTS REGARDING ANWR CCP

As a state representative for Alaska, **[136798.001 Alternatives Analyzed -- No Oil and Gas Alternative]** 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. The coastal plain, which comprises less than 8% of the refuge, holds vast quantities of oil and natural gas. Developing these resources would provide greater energy security for Alaska and the nation, generate hundreds of billions of dollars in revenue for our national treasury, and create hundreds of thousands of jobs.

In recent years, we have seen turmoil in oil producing countries, global economic crises, crippling domestic unemployment, and rising fuel costs. We should be doing everything we can to minimize our dependence on foreign oil, create jobs for our citizens, and increase gross domestic product, instead of locking up America's best opportunity to increase domestic energy production.

The majority of Alaskans including our congressional delegation supports exploration and production in ANWR. Prudhoe Bay operations have proven that arctic exploration can be done safely, with no negative impact on the resident animal populations. However, North Slope production is declining and new oilfields are needed to keep the Trans Alaska Pipeline System and Alaska's economy running. Advancements in technology will allow production facilities in ANWR to be even smaller and safer than those currently used to develop arctic resources.

Because there is not an alternative that includes oil and gas development, I strongly urge you to at least do no harm and chose a plan that does not recommend any further wilderness or Wild and Scenic River System designations. This is the only action that respects the process, intent and compromises of ANILCA.

Rep.Mike.Hawker@legis.state.ak.us

http://www.akrepublicans.org/hawker/

COMMUNICATION NUMBER 81
Dan Saddler, Representative, District 18
Alaska State Legislature

Anchorage Hearing 9/21/2011
Dan Saddler, Alaska House of Representatives

REP. SADDLER: Good evening. I'm Dan Saddler. I represent House District 18 in the Alaska State Legislature and I'm pleased to testify here on the draft revised Comprehensive Conservation Plan and the EIS on the Arctic National Wildlife Refuge. I do appreciate you holding these hearings here in Anchorage.

For the record and, I guess, the score card, I favor Alternative A, the no action alternative. I also strongly oppose Alternatives C and E, which would designate the coastal plain as wilderness. We do not need to consider new wilderness designations or Wild and Scenic River designations in Alaska. We have plenty of wilderness and scenery in Alaska.

What we do need more of is economic activity for jobs and revenue. The arguments against trying to make ANWR a coastal plain wilderness are compelling and have been repeated many, many, many times. Apparently there's a need to repeat them yet again, so here we go.

The need to keep the 1002 area available for development of oil, a critical natural resource, is paramount. The geological survey estimates there are 16 billion barrels of oil, 18 trillion cubic feet of natural gas in the coastal plain, underneath the coastal plain.

[81.001 ANILCA -- Designated Wilderness and ANILCA] 8 The Interior Department has already concluded oil development would have minimal impact on wildlife. Alaska did receive a process of no more wilderness after we acceded to ANILCA and all but two of these alternatives would violate that process. Though there are several alternatives for creating wilderness, not one of these alternatives would call for oil and gas development. Alaska already contains 58 million acres of Federal wilderness, about half of all U.S. Federal wilderness.

I'd like to make two points as a State Representative. First, I've been going door to door in my neighborhoods recently and when I ask people of the district what's the most important issue facing them, not one has said we need more wilderness in Alaska. However, they do want a viable economy. The way most of them want to achieve that is to put more oil in the TransAlaska Pipeline, which, of course, is two-thirds empty and is in danger of running out and shutting down. They do know that oil rests underneath the coastal plain.

Second, Alaskans have made their position on this issue clear year after year and decade after decade. That's a yellow card, okay. In the past 17 years, the Legislature has passed 14 pieces of legislation on ANWR, either endorsing oil leasing on the coastal plain or opposing new wilderness anywhere in the Refuge. Legislature has also made significant appropriations to lobby hard in favor of opening the coastal plain to all development.

In summary, this plan should not even be before us, but since it is please understand that I and a majority of Alaskans oppose additional wilderness in ANWR, but we do support oil leasing and development of the coastal plain.

Thank you very much.

COMMUNICATION NUMBER 56
Jonathan John, First Chief
Arctic Village Council

Anchorage 9/21/2011
Jonathan John, First Chief, Arctic Village Council

MR. JOHN: Hello. My name is Jonathan John. I'm the first chief of Arctic Village Council. I have two issues. First thing is to get it right out in the back. My people support wilderness up in the coastal plain. We favor that for our calving caribou. It was a place that you guys got evidence and paper and data, all those, saying that the caribou are calving up there. They are calving up there. They don't calve anywhere else. They don't calve around our mountain, our land. They calve up there. That's where the whole 100,000 caribou are being born there. They're not born over there, they're not born over here, they're not born anywhere. They're born right there and we need to protect that. It's the last big herd in the world. I can proclaim that is why. Wild animal. They know no boundary.

[56.001 Subsistence -- Access] 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.

Thank you.

COMMUNICATION NUMBER 136817
Rex Rock & Edward Itta, President&CEO/Major
ASRC/North Slope Borough

November 7, 2011

Sharon Seim, Planning Team Leader
Arctic National Wildlife Refuge
101 12th Ave., Rm. 236
Fairbanks, AK 99701

Re: Draft Comprehensive Conservation Plan and Draft Environmental Impact Statement for the Arctic National Wildlife Refuge
Dear Ms. Seim:

Arctic Slope Regional Corporation ("ASRC") and the North Slope Borough ("NSB", "Borough") hereby submit the following comments in response to the Draft Comprehensive Conservation Plan and Draft Environmental Impact Statement for the Arctic National Wildlife Refuge, noticed by the U.S. Fish and Wildlife Service ("USFWS") in the Federal Register on August 15, 2011. Draft Comprehensive Conservation Plan and Draft Environmental Impact Statement, Arctic National Wildlife Refuge, Fairbanks, AK, 76 Fed. Reg. 50490 (Aug. 15, 2011).

I. INTRODUCTION

What we now know as the Arctic National Wildlife Refuge ("ANWR", "Refuge") was originally established in 1960, when President Eisenhower's Secretary of the Interior, Fred Seaton, signed a Public Land Order establishing the 8.9 million acre Arctic National Wildlife Range. After years of debate over the fate of the Range, in 1980, Congress enacted the Alaska National Interest Lands Conservation Act ("ANILCA"). ANILCA doubled the size of the Range, renamed it the Arctic National Wildlife Refuge, and designated eight million acres (most of the original Range) as wilderness. The remaining northernmost 1.5 million acres of the Refuge, the Coastal Plain, was addressed in Section 1002 of ANILCA, and is now referred to as the 1002 Area. Section 1002 reserved judgment on the future of the Coastal Plain, setting the area aside for further assessment of its oil and gas development potential and its fish and wildlife resources. In 1987, after six years of environmental, geologic, and economic study required by ANILCA, the Department of the Interior recommended that the 1002 Area be opened to responsible oil and gas development. Since completion of that report, numerous wells have been drilled and oil fields discovered near ANWR. However, in Section 1003 of ANILCA, Congress prohibited any development of oil and gas within ANWR, including the Coastal Plain, until authorized by a future act of Congress.

In April 2010, the USFWS issued a request for comments relating to the scope of its comprehensive conservation plan ("CCP") and environmental impact statement for ANWR. 75 Fed. Reg. 17763 (Apr. 7, 2010). ASRC and NSB submitted comments to the USFWS in which we urged that the Service not take any action through the CCP revision process that would, directly or indirectly, impact or foreclose the substantial economic opportunities associated with the potential for future development of the enormous projected onshore and offshore oil and gas reserves in the Coastal Plain or that would place additional regulatory or permitting onuses on local residents that depend on the Refuge for their subsistence needs. In addition, ASRC presented oral testimony at the May 11, 2010, public hearing on this issue that was held in the Alaska Regional Office of the Service.

On August 15, 2011, the USFWS issued a public notice announcing the availability of a draft comprehensive conservation plan ("CCP") and draft environmental impact statement ("DEIS") for ANWR for public review and comment. The draft CCP and DEIS describes and evaluates six alternatives for the long-term management of the Refuge. These alternatives range from a "no action" alternative providing for the continuation of current management practices to a far-reaching alternative that would recommend virtually the entire Refuge—including the nearly 1.5 million acre Coastal Plain—for designation under the Wilderness Act and four additional rivers for designation as Wild and Scenic Rivers. The draft CCP and DEIS do not identify a preferred alternative. However, once the USFWS selects one and finalizes the plan, the plan will establish goals and objectives for, and otherwise guide, the USFWS's management of the Refuge for at least the next 15 years.

The USFWS's plan revision is of critical importance to ASRC and NSB. ASRC is the Alaska Native Corporation formed under the Alaska Native Claims Settlement Act ("ANCSA") that encompasses the entire North Slope of Alaska. ASRC has a growing shareholder population of approximately 11,000, and represents eight villages on the North Slope: Point Hope; Point Lay; Wainwright; Atqasuk; Barrow; Nuiqsut; Kaktovik; and Anaktuvuk Pass.

The North Slope Borough is the regional municipal government encompassing nearly 89,000 square miles of northern Alaska- a territory larger than 39 of our 50 states. Most of the Refuge's 19 million acres lie within the Borough's boundaries and, as a consequence, management decisions made by the USFWS have wide-ranging ramifications for NSB communities located within and near the Refuge as well as the region as a whole. We understand better than any the diversity and ecological significance of the landscapes found within the Refuge, and we have the greatest stake in preserving for future generations its special and essential qualities. For thousands of years, the lands and waters of ANWR have sustained the Iñupiat and other indigenous peoples of the region. We have for millennia been part of the ANWR landscape, and expect to remain there for millennia more. And the NSB is determined to be an advocate for the economic and subsistence rights of its residents.

ASRC is committed both to increasing the economic and shareholder development opportunities within our region, and to preserving the Iñupiat culture and traditions that strengthen both our shareholders and ASRC. A founding principle of ASRC is respect for the Iñupiat heritage. A portion of our revenues is invested into supporting initiatives that aim to promote healthy communities and sustainable economies. By adhering to the traditional values of protecting the land, the environment and the culture of the Iñupiat, ASRC has successfully adapted and prospered in an ever-changing economic climate.

ASRC owns approximately five million acres of land on Alaska's North Slope, conveyed to the corporation under ANCSA as a settlement of aboriginal land claims. Under the express terms of both ANCSA and ANILCA, the unique character of these lands, founded in federal Indian law and the most significant Native claims settlement in U.S. history, must be recognized by the Congress and the Federal government in making any land management decisions. In the unique framework created by ANCSA and ANILCA, Congress expected that regional corporations, including ASRC, would be responsible for developing the economic infrastructure, including management of the abundant natural resources on and under the lands conveyed to them, to provide for the economic well-being of Alaska Natives.

ASRC lands are located in areas that either have known resources or are highly prospective for oil, gas, coal, and base metal sulfides. ASRC remains committed to fulfilling its obligations to Alaska Natives, including its shareholders, by developing these resources and bringing them to

market in a manner that respects Iñupiat subsistence values while ensuring proper care of the environment, habitat, and wildlife. ASRC and Kaktovik Iñupiat Corporation ("KIC"), the Native Corporation for the Village of Kaktovik, own more than 92,000 subsurface and surface acres, respectively, in the Coastal Plain. In 1971, ANCSA gave KIC surface rights to 92,160 acres of federal lands adjacent to the Village (the only settlement in ANWR), originally allowing KIC to select 69,120 of these acres within the Range and the remainder outside the Range. In 1980, ANILCA subsequently allowed KIC to relinquish its selected lands outside the Refuge and instead to select the remainder of its Corporation lands within the Refuge. ASRC holds the subsurface rights to these lands. These lands hold significant potential for onshore oil and gas development. However, as a result of Section 1003 of ANILCA, developments of these important economic resources remain off limits until further act of Congress.

ASRC and NSB agree, as the USFWS appropriately has stated, that the agency does not have the authority to decide whether the 1002 Area should be made available for oil and gas leasing, and therefore appreciate that the USFWS will not consider or respond to comments that support or oppose such development during this CCP revision process. However, the USFWS must be cognizant that its decision to undertake wilderness review of the 1002 Area and any effort to obtain wilderness designation for the 1002 Area cannot be viewed independently from the question of oil and gas development. As the USFWS has recognized, any decision to recommend the area for wilderness designation could have significant implications for future oil and gas development by making it more difficult for Congress to open the area to such development in the future as provided for in ANILCA. It is for this reason, discussed further in these comments, that ASRC and NSB urged the USFWS not to include wilderness review of the 1002 Area within the scope of its CCP revision process and continue to urge the USFWS to drop any further consideration of any alternative that would recommend the Coastal Plain for wilderness designation. New recommendations for including additional rivers in the Coastal Plain for inclusion in the National Wild and Scenic River System under the Wild and Scenic Rivers Act present similar concerns.

Eight million acres, or 42 percent, of the 19.6 million acre Refuge—including 500,000 acres of its eastern coastal plain—already have been designated by Congress as wilderness under the Wilderness Act. Most of the remainder of the Refuge also is closed to oil and gas development, though not formally designated as wilderness. As discussed further in these comments, given the unique status of the 1002 Area under Federal law, the enduring presence of the Iñupiat people in the area, the subsistence needs of these Native and other rural residents of the area, the extent of existing designated wilderness in the area, and other relevant considerations, the USFWS should not include wilderness review or take any steps toward obtaining wilderness designation for the 1002 Area under the Wilderness Act as part of this CCP revision. Nor should the USFWS recommend any additional rivers in the Coastal Plain or the remainder of the Refuge for designation under the Wild and Scenic Rivers Act.

It remains critical to ASRC and NSB that USFWS not take any action that, through the pursuit of wilderness designation, would have the effect of foreclosing the substantial economic opportunities associated with the potential for future development of the Coastal Plain's enormous projected onshore oil and gas reserves. Responsible oil and gas development of the 1002 Area of ANWR would provide a safe and secure source of energy to the nation, create important jobs for economically disadvantaged Alaska Native people and others throughout the country, and help ensure future flows through the Trans-Alaska Pipeline System, which is now operating at only one-third of its original capacity. With advances in technology, it is possible to develop the Coastal Plain's oil and gas reserves and allow access to much-needed energy resources with minimal land

disturbance in the Refuge and without significant disturbance to wildlife. Technological advances have significantly reduced the "footprint" of oil and gas development. And ASRC and NSB continue to believe that responsible resource development and healthy populations of caribou and other wildlife within the Refuge are not mutually exclusive goals.

ASRC and NSB appreciate this opportunity to provide meaningful input to the USFWS as it continues to develop a revised CCP for the Refuge. As the USFWS continues to move forward with this effort to update the CCP, ASRC and NSB urge the agency to be mindful of the fact that the Refuge 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 value that our people (and the broader Alaska Native community) will draw from responsible development of the Coastal Plains bountiful oil and gas resources if and when Congress permits it, the land and its resources are essential to our subsistence way of life. As it updates the CCP, we urge the USFWS to fulfill its commitment to an ongoing, meaningful partnership with ASRC, NSB, and the broader Alaska Native community, and not to take any action that could deprive our people of access to and use of these resources or otherwise adversely impact the culture and heritage that lies at the very foundation of who we are.

II. NO WILDERNESS RECOMMENDATION OF THE COASTAL PLAIN / 1002 AREA.

For the following reasons, ASRC and NSB strongly oppose Alternatives C and E described in the Draft Plan and respectfully urge that USFWS drop these alternatives from further consideration. The USFWS should not recommend the Coastal Plain for designation as wilderness as part of this CCP revision process. Nor should USFWS make recommendations for wilderness designations of any other portion of the Refuge.

A. The Unique Status of the Coastal Plain / 1002 Area Makes Recommendation of the Area for Wilderness Designation Inappropriate

The Coastal Plain / 1002 area has unique status under Federal law that makes it inappropriate for the USFWS to have undertaken wilderness review of the area and now to be considering recommending the area for wilderness designation by Congress. As discussed in greater detail below, ANILCA created a clear path for the study of and recommendations for potential oil and gas development in ANWR, and specifically with respect to the Coastal Plain. The USFWS recognizes in its planning materials that certain decisions relating to management of the Refuge, and particularly the 1002 area, have been reserved by and to Congress. In this regard, in the Federal Register Notice regarding this CCP revision process, the USFWS explained:
Some concerns and interests related to the Refuge will not be addressed in the Revised CCP. For example, the U.S. 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 Refuge Coastal Plain (also called the 1002 Area) should be made available for oil and gas development. Therefore, the Service does not have the authority to decide this issue, and we will not consider or respond to comments that support or oppose such development during this CCP process.

75 Fed. Reg. at 17764-65 (emphasis added). **[136817.001 ANILCA -- Designated Wilderness and ANILCA]** 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.

B. Recommendation of the Coastal Plain and Other Additional Areas of the Refuge for Wilderness Designation is Contrary to the Alaska National Interest Lands Conservation Act (ANILCA) and USFWS Policy

[136817.002 ANILCA -- Designated Wilderness and ANILCA] 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."

[136817.003 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.

[136817.004 ANILCA -- Designated Wilderness and ANILCA] 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.

[136817.005 Service Mission and Policy --] 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.

[136817.006 ANILCA -- Designated Wilderness and ANILCA] 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.

[136817.007 ANILCA -- Designated Wilderness and ANILCA] 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.

C. The Draft Plan Misconstrues Section 1317 of ANILCA

[136817.008 ANILCA -- Designated Wilderness and 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.

D. The 1002 Area Does Not Meet Minimum Requirements for Designation as Wilderness

[136817.009 Wilderness -- Characteristics / Qualities] 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 untrammeled 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, untrammeled, 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 has been 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.

E. Wilderness Designation Would Severely Impair the Ability of the Refuge to Continue to Provide for Subsistence Use and Related Needs of Rural Residents

[136817.010 ANILCA -- ANILCA Section 810 Evaluation] 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.

F. Wilderness Designation of the Coastal Plain is Unnecessary.

Finally, as the Secretary of Interior concluded in the 1987 Coastal Plain Resource Assessment: Report and Recommendation to the Congress of the United States and Final Legislative Environmental Impact Statement, 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." It is important to recognize that this conclusion has two separate and distinct parts. First, that designation of the 1002 Area is not necessary to protect the Coastal Plain environment; second, that designation of the 1002 Area is not in the best interest of the Nation.

With respect to the first part, the current statutory and regulatory regime governing management of the Refuge is sufficient to protect the values for which the Refuge was established and must be managed. ANILCA sections 1002 and 1003 prohibit oil and gas development until further Act of Congress.

This is also acknowledged throughout the Draft Plan. For instance, the USFWS acknowledges that all alternatives, including Alternative A which would retain the existing management structure, meet the mission of the Refuge System (Draft Plan at 3-54), and that all alternatives support the principles of ecosystem management and contribute to maintaining the health of intact ecosystems in Alaska (Draft Plan at 3-56).

In discussing the impacts to the human environment from Alternative C, the Draft Plan states: The Coastal Plain Wilderness Study Area (WSA) is currently managed under Minimal Management. . . . . Under current management, public use of the Refuge is managed similarly in wilderness and non-wilderness. Most restrictions on public use are derived from the area's status as a refuge and its regulations (e.g., Refuge Administration Act, Refuge Improvement Act,

ANILCA, etc.) or are enacted by State laws (e.g., ADFG hunting regulations, Alaska Statute 19.40.210 prohibition of off-road vehicles from the Dalton Highway).

Draft Plan at 5-38, 5-61.

Because of the existing obligations and responsibilities of the USFWS that guide management of the Coastal Plain, and the fact that the Coastal Plain already is closed to oil and gas development until further act of Congress, there continues to be no valid reason to designate the Coastal Plain as Wilderness for the purposes of protecting the Coastal Plain environment.

With respect to the second part -- the issue of whether designation is in the best interest of the Nation -- ASRC and NSB submit that development of the oil and gas reserves in the Coastal Plain, if and when authorized by Congress, would address such fundamental "interests of the Nation" as current energy, economic and national security conditions, and that designation of the Coastal Plain, which would forever foreclose the development of these resources, clearly continues to not be in the best interests of the Nation. The USFWS must recognize that responsible development of the substantial oil and gas reserves in the 1002 Area of ANWR would provide a safe and secure source of energy to the nation, create important jobs for Alaska Natives and others throughout the country, and help ensure future flows through the Trans-Alaska Pipeline System, which is now operating at only one-third of its original capacity.

ASRC and NSB believe that the conclusions reached in the 1987 study -- that designation is neither necessary to protect the environment nor in the best interests of the Nation -- continue to be as true today, if not more true, than they were in 1987.

III. NO NEW WILD AND SCENIC RIVERS ACT DESIGNATIONS

In connection with this CCP revision process, USFWS evaluated twenty rivers and river segments in the Refuge for consideration for inclusion in the National Wild and Scenic Rivers System ("NWSRS"). Ten rivers were determined to be free-flowing and to possess at least one outstandingly remarkable value ("ORV") and therefore to be eligible. A suitability study was then conducted for the ten eligible rivers. Four of the rivers were preliminarily determined to be suitable for inclusion: the Atigun River; the Hulahula River; the Kongakut River; and the Marsh Fork Canning River.

Based upon the Wild and Scenic Rivers Review, certain of the Alternatives identified in the Draft CCP would recommend these rivers for inclusion in the NWSRS. Alternative B would recommend the Hulahula, Kongakut, and Marsh Fork Canning Rivers for inclusion, but use existing management tools to maintain values for the Atigun River. Alternative C would recommend the Atigun River for inclusion, but use existing management tools to maintain values for the Hulahula, Kongakut, and Marsh Fork Canning Rivers. Alternatives D and E would recommend all four rivers for inclusion in the NWSRS as wild rivers.

ASRC and NSB oppose the recommendation of any of these rivers or river segments for inclusion in the NWSRS as wild rivers. USFWS instead should continue to use existing management tools to maintain values for all of these waters. For the reasons discussed further below, ASRC and NSB respectfully urge the USFWS not to recommend any additional rivers or river segments in the Refuge for inclusion in the NWSRS.

A. ASRC and NSB Support the Preliminary Non-Suitability Determinations for the Canning River, East Fork Chandalar River, Jago River, Okpilak River, Neruokpuk Lakes Complex, and Porcupine River

ASRC and NSB support the USFWS's preliminary non-suitability determinations for the Canning River, East Fork Chandalar River, Jago River, Okpilak River, Neruokpuk Lakes Complex, and Porcupine River. Although ASRC and NSB do not necessarily agree with or endorse the eligibility determinations for these rivers, ASRC and NSB believe that the USFWS properly determined that each of these rivers is not suitable for addition to the NWSRS. Each of these rivers, as the USFWS explained, already is afforded a high level of protection under existing authorities. The values of these rivers can be protected sufficiently through a Refuge-wide Visitor Use Management Plan and other relevant step-down plans identified in the revised CCP. See Draft Plan, App. I. at SUIT-30, SUIT-46, SUIT-62, SUIT-78, SUIT-86, SUIT-95. Moreover, various other factors make these rivers not suitable for inclusion, including, but not limited to, manageability concerns, economic and development consequences, potential impacts on access to subsistence resources, and State and Native Corporation opposition.

ASRC and NSB urge the USFWS to issue final suitability determinations with respect to these six rivers that are consistent with these preliminary determinations of non-suitability. ASRC and NSB would strongly oppose any decision by the USFWS to change any of these preliminary determinations of non-suitability and to find any of these six rivers suitability to inclusion in the NWSRS.

B. ASRC and NSB Oppose the Preliminary Suitability Determination for the Hulahula River, Which Should be Determined to be Not Suitable

[136817.011 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.

C. Recommendation of Additional Rivers or River Segments in the Coastal Plain / 1002 Area for Inclusion in the NWSRS is Inappropriate Given the Unique Status of That Area

[136817.012 Wild and Scenic Rivers -- Suitability (includes Appendix I)] 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.

D. Certain Eligibility Determinations Appear to Have Been Arbitrary and Capricious

[136817.013 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

IV. ARCTIC REFUGE VISION STATEMENT

The Draft Plan sets forth a vision statement developed by Arctic Refuge staff about their vision for the Refuge's future. This draft statement reads as follows:

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 spirit; 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.

Draft Plan at 1-23. **[Preamble 136817.014, 015]** ASRC and NSB continue to believe that the draft vision statement should be revised in several important respects.

[136817.014 Refuge Vision and Goals -- Vision] 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."

[136817.015 Refuge Vision and Goals -- Vision] 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.

V. SPECIAL VALUES OF ARCTIC REFUGE

[136817.016 Refuge Values -- Special Values of Refuge] 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.

VI. REFUGE GOALS

A. Goal 4

[136817.017 Refuge Vision and Goals -- Goal 4 (including objectives)] 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.

In addition, **[136817.018 Refuge Vision and Goals -- Goal 4 (including objectives)]** 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.

B. Goal 9

[136817.019 Refuge Vision and Goals -- Goal 9 (including objectives)] 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]

VII. MANAGEMENT POLICIES AND GUIDELINES

A. **[136817.020 Refuge Management Policies/Guidelines -- Subsistence Management]** 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).

B. Section 810 Evaluations

[136817.021 Refuge Management Policies/Guidelines -- Subsistence Management] 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.

VIII. MANAGEMENT ACTIONS COMMON TO ALL ALTERNATIVES

[Preamble 136817.022, 023] 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.

[136817.022 Alternatives Analyzed -- Management Actions Common to All Alternatives] 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

[136817.023 Alternatives Analyzed -- Management Actions Common to All Alternatives] 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.

IX. CONCLUSION

The USFWS's CCP revision is critically important to ASRC and the NSB. To us, the Refuge is not something that is merely "symbolic" of an intangible ideal. It is the very place that our people have called home since time immemorial, and that continues to provide the resources that support our survival. In addition to the substantial potential value that responsible development of the area's natural resources holds for our people, the land and its resources are essential to our subsistence way of life. As the USFWS completes its CCP update, it is essential that the agency be mindful of those who live and work on these lands, and provide for future management of the Refuge that fully recognizes our continuing presence in the Refuge and helps ensure that presence for years to come. In this regard, and for the reasons discussed in detail in these comments, it is critical to ASRC and NSB that the revised CCP ultimately adopted by the USFWS not recommend the Coastal Plain for inclusion within the National Wilderness Preservation System. Similarly, USFWS also should not recommend any new rivers in the Coastal Plain or elsewhere in the Refuge for inclusion in the NWSRS. USFWS must not take any action in this process that would have the effect of foreclosing the substantial economic opportunities associated with the potential for future responsible development of the Coastal Plain's enormous projected onshore oil and gas reserves, or that could deprive our people of continued access to and use of subsistence resources.

ASRC and NSB appreciate the USFWS's consideration of these concerns as it works to finalize the revised Plan. ASRC and NSB look forward to continuing to work with the USFWS and to strengthening our relationship going forward.

Respectfully submitted,

ARCTIC SLOPE REGIONAL CORPORATION NORTH SLOPE BOROUGH

Rex A. Rock, Sr. Edward S. Itta
President & CEO Mayor

1 And, if true, it would only support ASRC's and NSB's conclusion that wilderness designation of the Coastal Plain would have negligible benefits to Refuge resources as compared to the "no action" alternative and would only serve to make it more difficult for Congress to make the area available for oil and gas leasing and development in the future.

2 See Draft Plan at 4-128 ("Arctic Village and Kaktovik are the villages that are the most heavily dependent on the Refuge for subsistence use because of their immediate proximity to the Refuge.")

3 For the same reason, consideration of "symbolic values"—including the purported benefit to "people who may never visit" from the "knowledge that such places exist"—should be removed from the discussion of "Wilderness Management" on page 2-34 of the Draft Plan. Similarly, USFWS should remove the following sentences from Section 2.4.9.6 of the Draft Plan, addressing "Other Constituencies": "Refuge management will also consider the interests of its large non-local and non-visiting constituency when making decisions. The Refuge will seek input from these constituents when issues of local or national interest arise that may affect how the Refuge is managed." Draft Plan at 2-46. Alternatively, USFWS should revise these sentences to reflect that this "constituency" is simply the public at-large, and not a specific constituency that warrants any specialized or heightened consideration.

4 As noted above, ASRC and NSB further maintain that the section 810 evaluation undertaken in connection with the development of the Draft Plan wrongly concluded that the alternatives that would recommend the Coastal Plain for wilderness designation would not significantly impact subsistence access and use.

Anchorage Office • 3900 C Street, Suite 801 • Anchorage, Alaska 99503-5963 • 907.339.6000 • FAX 907.339.6028 • 1.800.770.2772 North Slope Borough • P.O. Box 69 • Barrow, Alaska 99723-0069 • 907.852.2611• FAX 907.852.0337

Corporate Headquarters • PO Box 129 • Barrow, Alaska 99723-0129 • 907.852.8533 or 907.852.8633 • FAX 907.852.5733

COMMUNICATION NUMBER 32635
June McAtee, VP, Land & Shareholder Services
Calista Corporation

CALISTA CORPORATION
www.calistacorp.com
301 Calista Court, Suite A
Anchorage, AK 99518

September 19, 2011
Sharon Seim, Planning Team Leader
u.S. Fish and Wildlife Service
Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks AK 99701-6237

RE: Arctic National Wildlife Refuge (ANWR) Comprehensive Conservation Plan Comments
Dear Ms. Seim:

This letter is to provide comments regarding the ANWR refuge, its uses, management and future. Ninety-two percent of the 19.5 million acre refuge is permanently closed to development currently; however, a smaller portion, 1.5 million acres-known as the "1002 area," was intentionally excluded from Wilderness designation under the Alaska National Interest Lands Conservation Act (ANILCA) for future energy development purposes. It is important that this small 8 percent continues to be retained and available as originally intended. Access to the "1002 area" is critical to the future of Alaska, and the economic and energy security of our nation.

1. Additional Wilderness designation is unnecessary since 92 percent of the ANWR refuge is already permanently closed to any future development.

Alaska contains 58 million acres of federal Wilderness lands-an area larger in size than the combined states of New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont and New Hampshire. This also totals more than 53 percent of all U.S. Wilderness lands are located in Alaska. Since less than one percent of land in Alaska is in private ownership, the disproportionately large amount of wilderness lands which are inaccessible for resource development has economically penalized Alaska in comparison to other states. The removal of lands and natural resources from development since Alaska achieved statehood has created a dependency on federal subsidies, grants and funds for economic survival, because the resource rich state cannot access those resources within federal refuges, wilderness areas and parklands.

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.

2. **[32635.001 ANILCA -- Designated Wilderness and ANILCA]** The original exclusion by Congress of the "1002 area" from the ANWR Wilderness block was a compromise struck with Alaska under ANILCA to enable the area to be developed for energy in the future.

The ANILCA compromise doubled the Arctic Refuge's size, but mandated a study of the "1002 area's" environment and petroleum resources. Subsequent Department of Interior's (DOI) 1987 reports concluded responsible oil development would have minimal impacts on wildlife and recommended Congress open the coastal plain to development. As part of the ANWR

Comprehensive Conservation Plan (CCP) update, the U.S. Fish and Wildlife Service (USFWS) will conduct a review of refuge lands to determine if additional acreage should be designated Wilderness. It is of great concern that the question of wilderness designation will be raised once again because it was studied in-depth previously and the final DOI recommendations yet to be acted upon.

As an Alaska Native and a citizen of Alaska and the United States, I believe the federal government and Congress should uphold the promises made to the state-for access, responsible development and the use of Alaska's land and resources to provide economic opportunities and jobs. We can both develop resources and protect our wildlife. Technological advances today make it possible to develop the coastal plain's energy reserves while utilizing very little footprint. Such development would allow access to energy needed by Americans without significant disturbance to wildlife.

Alaska has proven development and wildlife can successfully co-exist at Prudhoe Bay over the past 35 years. Wildlife populations have remained stable or grown over the period of oil development on the North Slope. Central arctic caribou herds have grown from under 5,000 animals in the 1970's to over 66,000 animals today. This is a positive indication that wildlife and development can coexist. We have a positive success record showing that it is indeed possible to fish, hunt, harvest, drill, produce and use our land without destroying it.

3. The U.S. should end its over reliance on foreign energy supplies when domestic resources are available.

The "1002 area" is estimated to contain over 16 billion barrels of oil and 18 trillion cubic feet of natural gas. Responsible oil and gas development of the area can be conducted to provide a safe and secure domestic source of energy to the nation, create thousands of much needed jobs in our state and the country, and refill the Trans-Alaska Pipeline System which currently operates at 30 percent capacity now due to diminishing reserves in older producing fields. Safe exploration and development of new resources has, can, and does occur in similar areas on the North Slope. Alaskans and Americans overwhelmingly support new oil and gas exploration and development domestically and the ANWR "1002 area" should be part of our overall energy equation.

[32635.002 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.

The USFWS mission of wildlife conservation, ecosystem management, and oversight of recreational and subsistence uses can and should continue to be accomplished under the existing administrative situation without designating or declaring more coastal plain wilderness. We believe doing so is fully consistent with the professional capabilities USFWS has demonstrated across a wide variety of National Wildlife Refuges where energy production has taken place.

We strongly oppose any federal Wilderness designation of the ANWR "1002 area" which would forever place North America's most promising onshore oil and gas prospect off-limits to resource development and destroy agreements made when ANILCA became law.

Sincerely,

CALISTA CORPORATION

[Signature]
June McAtee
Vice President, Land & Shareholder Services

COMMUNICATION NUMBER 32675
Stan Leaphart, Executive Director
Citizens' Advisory Commission on Federal Areas

November 15 2011

Richard VOSS
Refuge Manager
Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, Alaska 99701-6237

Dear Mr. Voss:

The Citizens' Advisory Commission on Federal Areas has reviewed the Draft Revised Comprehensive Conservation Plan (DCCP) and Draft Environmental Impact Statement (DEIS) for the Arctic National Wildlife Refuge. Based upon that review and significant concerns about the 2010 policy decision by the U.S. Fish and Wildlife Service to ignore key provisions of the Alaska National Interest Lands Conservation Act (ANILCA) we have determined that the only legitimate and therefore, the only acceptable management alternative found in the DCCP is Alternative A - the No Action or Current Management alternative.

[32675.001 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.

[32675.002 Refuge Management 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

Wilderness Reviews Violate ANILCA

[32675.003 ANILCA -- Designated Wilderness and 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.

[32675.004 Refuge Management Policies/Guidelines -- General] 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 refoge planning policy (602 FW 1 and 3) are not requiredfor 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.

Perhaps the best argument against any further wilderness reviews in the Arctic Refuge is found in Appendix H Wilderness Review of the DCCP. There is probably no area in Alaska that has been more thoroughly studied or reviewed for possible wilderness designation. Considering this, along with the negative controversy and divisiveness of debating additional wilderness designation in Alaska, it is unfortunate that so much time, energy, and space in the DCCP were devoted to this illegal review. The time and effort in conducting these reviews could have been better spent addressing other important management issues.

Wild and Scenic River Reviews Violate ANILCA

[32675.005 ANILCA -- 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.

ANILCA "No-More Clause"

[32675.006 ANILCA -- General] The Commission is not persuaded by the flawed explanation in Appendix D of the DCCP (Alaska National Interest Lands Conservation Act "No More" Clauses, pg. D-3) given in an attempt to support the claim that the wilderness and wild and scenic river reviews in this planning effort do not violate the provisions in sections 101(d), 1326(a) and 1326(b) of ANILCA. The Commission does not accept the claim that these reviews do not violate the "no more" clauses in ANILCA simply because they are bundled into a bigger planning package and are required by questionable Service policy with no statutory foundation.

We are also seriously offended by the careless dismissal of one of the fundamental compromises found in ANILCA. The "no more clause" was a key piece in the final substitute bill and critical to its passage. Had this and other compromise provisions not been included, it is quite possible passage of an Alaska lands bill would have been delayed well into the next Congress and new administration.

ANILCA Section 101 (d) provides the general statement that Congress believed no further legislation designating new conservation system units, national recreation areas or conservation areas was necessary because ANILCA struck a proper balance between protection of the national interest in the public lands in Alaska and the future economic and social needs of the State of Alaska and its citizens.

Congress provides confirmation of this by taking additional steps in Section 1326 to limit the power of the Executive Branch to use its authority to upset that balance. Section 1326 provides clear and unambiguous restrictions on federal land management agencies with respect to future withdrawals and further studies or reviews. We quote this section here in its entirety:
Sec. 1326 (a) No further executive branch action which withdraws more than five thousand acres, in the aggregate, of public lands within the State of Alaska shall be effective except by compliance with this subsection. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding five thousand acres in the aggregate, which

withdrawal shall not become effictive until notice is provided in the Federal Register and to both Houses of Congress. Such withdrawal shall terminate unless Congress passes a jOint resolution of approval within one year after notice of such withdrawal has been submitted to Congress.

(b) No further studies of the 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" (emphasis added)

Inclusion of this section was not unintentional, nor was it done without considerable effort. At least one early versions of the "D-2" legislation contained language curbing the authority of the executive branch. However, most of the bills introduced during the time of the "D-2" deliberations did not address this issue. Following the December 1978 Presidential Proclamations designating 17 national monuments under the Antiquities Act of 1906, the Alaska delegation and other members of Congress noted this deficiency and moved to correct it. At the invitation of Senator Jackson, chairman of the Senate Committee on Energy and Natural Resources, Senator Gravel submitted a letter to the committee expressing his views on H.R. 39, the bill which is the foundation for the final ANILCA. One section of Senator Gravel's letter addressed the "no more" issue directly:

Title XII - Administrative Provisions

"No More"

The Committee bill contains two provisions which I think are absolutely necessary to reassert Congress' authorities in the matter of land designations: (1) the revocation of the monuments and the other FLPMA withdrawals which were made last year by the Administration to put pressure on the legislative process, and (2) the exemption of Alaska from the wilderness study provisions of FLP LMA in the just belief that with passage of this bill "enough is enough".

However, one further critical provision is lacking. With the designation of over 1 00 million acres by this bill, coupled with the 50 million acres of units already existing in Alaska, nearly 40 percent of the land mass of the State would be within conservation systems. Surely that sufficiently meets even the most generous allocation of land for this specific purpose to the exclusion of most other land uses. Should this bill become law, we in Alaska must have some assurance that this represents a final settlement of the nation's conservation interests. We cannot continue to be exposed to the threats and intimidation of a zealous Executive which may feel in the future that the Congress did not meet the Administrations desires for land designations in Alaska.

Thus, absent from this bill is a provision barring further conservation system designations through administration action such as the Antiquities Act. Obviously, the Congress could act again in the future if it were so inclined, but the arbitrary permanent removal offederallandsfrom the public domain can no longer be left to the Executive in Alaska. Deletion of such a provision in this bill is a serious deficiency which must be corrected prior to any final action. " (Senate Report No. 96-413, pg. 446)

A later version of the Alaska lands legislation, the so-called Tsongas Substitute for H.R. 39, was amended to include the language now found in ANILCA Section 1326. During the August 18, 1980 Senate floor debate on the Tsongas Substitute, Senator Stevens explained that the Alaska State Legislature had asked the Alaska delegation to address seven consensus points that were not originally contained in the bill:

"I have uniformly responded to questions in those areas [Alaska communities J concerning the revised Tsongas substitute. This substitute now is a version of the Senate Energy Committee bill, but it does not satisfy the seven points that our State legislature asked us to address in connections with this legislation.

I have told Alaskans that while I cannot vote for the Tsongas substitute, I think it has to be judged as being a compromise that is better than the existing situation under the national monuments and certainly better than those the President has indicated he will impose if a bill does not pass.

Our State legislature asked us to address seven points. We call them the consensus points ... .

The fifth injunction of the legislature was to be sure that there is what we call a no-more provision. This was a provision I insisted on in 1978. It was in the so-called Huckaby bill. It was in the bill that almost was approved in 1978. That clause is not in the committee bill. It is in the revised Tsongas substitute because the agreement we had in committee that when the bill had reached its final version on the floor of the Senate, the committee would agree to the no more clause. Realizing that the Tsongas revised substitute may be final version, the Senator from Massachusetts, at my request, has included that. " (Congressional Record - Senate August 18, 1980, pg. S 11 047)

Senator Stevens later in the floor debate formally introduced Amendment No.
1967 to H.R. 39 for the following purpose:

"To provide congressional oversight for major modifications of areas established or expanded by this Act and to require congressional approval for future major executive withdrawals of certain public lands in Alaska. "

The amendment containing the essential wording of Section 1326 was adopted and became part of the Tsongas substitute [2]. That bill was approved by the Senate on August 19, 1980 and by the House on November 12, 1980.

We provide this rather lengthy, and what may be seen by some as unnecessary, look at the legislative history of this section to emphasize its importance in securing the final passage of the legislation. We also provide it to show that Congress clearly retained for itself the sole authority for future studies or reviews for the purpose of creating additional conservation system units in Alaska. And, more importantly, we provide it to remind the Service of its responsibility to comply with the provisions of ANILCA and not attempt to find ways to circumvent them and thwart the clear intent of Congress.

Purpose of a Wilderness Review

[32675.007 Alternatives - Issues Considered but Eliminated -- Policy Issues]
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 is 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.

[32675.008 Alternatives - Issues Considered but Eliminated -- Policy Issues] 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 F ederallands 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.

[32675.009 Wilderness -- Wilderness Review (includes Appendix H)] 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 concerningfuture 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 Wildlift 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."

[32675.010 Alternatives - Issues Considered but Eliminated -- Policy Issues] The statement on page D-3 that ANILCA Section 1004 requires the Service " .. to maintain the wilderness character of the Coastal Plain and its suitability for inclusion in the National Wilderness Preservation System" is incorrect and should be changed. The 1002 Area and its resources are adequately protected under the minimal management category in the current CCP.

Interim Management of "Suitable" Rivers

[32675.011 Wild and Scenic Rivers -- Review Process (includes Appendix I)] 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)(l) 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.

[32675.012 Wild and Scenic Rivers -- Interim Management] 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 rives 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 iffound 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.

[32675.013 Wild and Scenic Rivers -- Interim Management] 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-l 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 if found suitable or eventually designated.

Cabins

We repeat our earlier comments on cabins since the DCCP virtually ignores the issue of cabins in the Arctic Refuge.

[32675.014 Cabins/Camps --] Guidance for cabin management in the 1988 CCP was developed prior to the promulgation of regulations for the use and construction of cabins within national

wildlife refuges in Alaska. At the time the CCP was adopted, cabins were managed under a regional policy that was not uniformly applied and which was not consistent with the provisions of ANILCA. Following public review and comment a revised cabin policy was adopted in 1989. Formal cabin regulations were adopted in 1994.

The regional cabin policy was revised in 2010, without any public notice or opportunity for public review and comment. We question whether its use is appropriate in making any determinations regarding the permitting of cabins on the Arctic Refuge.

The Service estimated in the 1988 CCP that there were 37 cabins on refuge lands used for trapping or other customary and traditional subsistence uses. According to that CCP, 25 of those were used to "some degree" and 12 were not being actively used. Twelve of the cabins were under special use permit. The original CCP (pg. 210) states: "The Service eventually will place all of the cabins on refuge lands under permit, or declare them abandoned after researching their pattern of use."

The 1988 CCP also stated that a detailed inventory of cabins and their uses on refuge lands would be conducted and that before declaring a cabin abandoned, the Service will research its pattern of use and that all cabins determined to be abandoned will be disposed of in accordance with Service policy.

The DCCP provides no specific information on the present status of cabins or cabin permits on the Arctic Refuge. We do understand that there are fewer cabins being used or under permit than when the original CCP was adopted. The revised CCP should incl ude the results of the cabin inventory and the current status of cabins on the Arctic Refuge, including a listing of any that have been removed since the 1988 CCP was adopted.

[32675.015 Refuge Infrastructure and Administration -- Visitor Facilties] 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.

1002 Area

[32675.016 Alternatives Analyzed -- No Oil and Gas Alternative] 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.

[32675.017 Environmental Consequences -- Effects Common to Alternatives] 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.

Management of Fish and Game

[32675.018 Consultation and Coordination -- State Coordination] Commission fully supports the authority of the State of Alaska through the Board of Fisheries, the Board of Game and the Department ofFish 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.

Public Participation

We commend the Service on its public involvement process. Public meetings were well advertised, scheduled at generally appropriate times and locations, well staffed and well attended. The 90 day public comment period was adequate. We also thank you for the briefing that you provided to Commission members during the 2010 scoping period. Additionally, we appreciate the briefing from Helen Clough during our Commission meeting last month in Anchorage.

The Commission appreciates the opportunity to comment on this important and controversial plan. We are disappointed with the content and focus of the DCCP and DEIS and ask that our comments be given serious consideration before the Service moves forward with a final plan. We urge the Service to make the necessary revisions to bring the plan and its alternative into compliance with the provisions of ANILCA.

Sincerely,
Stan Leaphart
Executive Director

Cc: Governor Sean Parnell
Secretary Ken Salazar, Dept. of the Interior
Geoff Haskett - Regional Director USFWS
Sue Magee - State ANILCA Program

COMMUNICATION NUMBER 137005
John Woodman C.P.G., Sr. Natural Resource Manager
Doyon Limited

From: "John Woodman"
Sent: Tuesday, November 15, 2011 10:28 AM
To:
Subject: 1002 area status

I oppose any change to the current status of the Arctic National Wildlife Preserve.

The option of future energy development in the 1002 area should remain on the table, for future generations

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.

There is no need for additional Wilderness designations in ANWR, given most of the refuge is already closed to development and managed to maintain its wilderness character. Alaska already contains 58 million acres of federal Wilderness and accounts for 53 percent of America's federal Wilderness areas.

[137005.001 Alternatives Analyzed -- No Oil and Gas Alternative] 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.

A federal Wilderness designation over the 1002 area would forever place off-limits North America's most promising onshore oil and gas prospect to development and destroy the agreements made when ANILCA became law. In contrast, oil and gas development in the 1002 area would not disturb a single acre of federal Wilderness.

Alaskans strongly oppose a Wilderness designation on ANWR's coastal plain. In fact, 78 percent of Alaskans support oil exploration in the 1002 area. Every Alaskan Governor and every legislature and elected congressional representative and senator from Alaska has supported responsible development. The North Slope Borough and the Alaska Federation of Natives also support responsible development, as well as a majority of residents in Kaktovik, a village within the Coastal Plain.

There are compelling national economic and energy security reasons for opening the 1002 area to responsible oil and gas development, including a safe and secure source of energy to the nation, create hundreds of thousands of jobs throughout the country, and refill the Trans-Alaska Pipeline System, which is operating at one-third its original capacity and continually declining.

Upwards of 16 billion barrels of oil and 18 trillion cubic feet of natural gas are estimated to lie within the 1002 area of ANWR.

With advances in technology, it is possible to develop the coastal plain's energy reserves while directly utilizing very little (potentially only 2,000acres) of the 1.5 million acres in the 1002 area. Such development would allow access to energy Americans need without any significant disturbance to wildlife.

I oppose any change to the current status of the Arctic National Wildlife Preserve.

Regards,

John

John Woodman C.P.G.
Sr. Natural Resource Manager
Doyon Limited
1 Doyon Place #300
Fairbanks, Alaska 99701
(907) 459-2033
woodmanj@doyon.com

COMMUNICATION NUMBER 136846
Edward Alexander, Second Chief
Gwichyaa Zhee Gwich'in Tribal Government

Fort Yukon Meeting 10/28/2011
Edward Alexander

MR. ALEXANDER: Well, there were some comments earlier that there needs to be unification on a position. I want to clarify that Fort Yukon has passed a resolution in support of Alternative C. CATG has passed a resolution in support of Alternative C. All 42 tribes in the Interior of Alaska have passed a resolution in support of Alternative C unanimously so I think that's a pretty unified position. There are some problems I see in the document that I'd like to see addressed. **[136846.001 Subsistence -- Village Use Areas]** 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 Qwich'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 -- at the Fish and Wildlife Service about the Gwich'in people and it's kind of -- it's almost sad. I mean, after almost, what is it, 30 years now.....

MALE: Mm-hmm.

MR. ALEXANDER: .....that this is all that's known about us, it's almost blank in there. It's almost blank in there when it talks about us and I'll tell you this, you talk to the people here, you talk to the people in Arctic, you talk to the people in Venetie and you'll find that it's not a empty land that you're talking about. It's not a wilderness that you're talking about, it's not a land that's never been seen by people. It's full. That land is full. It's full with all these people you're seeing around here sitting here. It's filled with their ancestors. It's filled with our stories. It's filled with our songs, it's filled with our language. Our language came from this land and there's nothing in this document that reflects that. There's one little hint that says oh, at Blue Fish Caves, they maybe lived there for 26,000 years, maybe. Well, Gwich'in were all over that country and when they say a temporary usage area or something like that, what does that mean? Does that mean they're going to go around up in Venetie or up in Arctic, up in the mountains, they're going to knock down stone caches up there on top of the mountain? Those aren't temporary. They've been up there 10,000 years.

MALE: That's right.

MR. ALEXANDER: 20,000 years. We have a permanent presence on this land. Just because it's not polluted does not mean that it's not permanent. We kept it that way. So the history of the Gwich'in is wrong. The map of usages are wrong. **[136846.002 Recreation and Visitor Use -- Impacts of recreation (conflicts/crowding)]** 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.
I also want to specifically talk about in-holder policy. You know, Arctic National Wildlife Refuge and the Yukon Flats National Wildlife Refuge have a policy in their departments of purchasing in-holders. Well, we're not in-holders and that policy is -- it's a modern version of Indian relocation. That's all it is and putting $100,000 in front of somebody who's at the poverty line and saying hey, you want to sell your land.....

MALE: Mm-hmm.

MR. ALEXANDER: .....it's unethical, first of all, when you guys do nothing in the community. All of your high-priced jobs are in Fairbanks. You contribute nothing to the economy of the region and yet you show up at the door to elderly people offering this money. It's unethical. It's immoral. It's -- it needs to be changed. We're not in-holders. Your policy should not be of purchasing out people so that you can consolidate your properties. You know, if you want to talk to somebody out there and you say hey, would you have a conservation easement or something on this land, that's another thing. You know, we'll pay you $5,000 a year not to set up a -- I don't know, five-star resort on your land, that's one thing but the other thing is a different thing.
You're getting nervous?

MODERATOR: No, we are -- I'm just concerned that there are others who are wanting to speak and....

MR. ALEXANDER: All right.

MALE: Let him speak.

MODERATOR: .....it's been going on for awhile.
(Simultaneous speaking)

MALE: Let him go. He's our chief.

MODERATOR: That's fine, I just wanted to check in. Thank you.

MALE: Thank you.

MR. ALEXANDER: I **[136846.003 Consultation and Coordination -- Tribal Coordination/Govt to Govt]** 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. Well, that's a good point. Council was asking the same thing. Ralph knows. I mean, he was on the

council for how many years sitting in the second chief seat that I'm sitting in now for how long. He knows.

[136846.004 Recreation and Visitor Use -- Impacts of recreation (conflicts/crowding)] The problem is that those management areas aren't in here on the Porcupine River. Somebody could build a lodge right there right now and go over there and knock down a thousand caribou a year, fly people in and out. That's going to be a user conflict. I think, basically, what I'm saying is that there are these other management areas that need to be established as well and at -- certainly, the -- some of the things that are being done in here, they're not followed up on the ground. One of the things that I told Rob Jess and your partner organization is that one of my other concerns is that there's nothing in this policy about our relationship. There's nothing in this policy about our relationship of how we treat each other. That's a problem when you see somebody pull up down on the river and they have a side arm and they're working for you guys. Now, I don't go into your office with a side arm so I don't know why you would come to my home with a side arm. You know what I mean? There's only one purpose for a nine millimeter and it's disrespectful. It's disrespectful to who up like that and that's not the way we do things around here. I told that to Rob Jess and I -- and I'll say it again today, that's a policy that needs to be changed. When somebody comes up to greet you, they should greet you with a handshake, not with a threat of violence on them.

So, for the record again, I'd like to support Alternative C and I'd like to see this document amended to actually show a little more about the people who are here. Thank you.

COMMUNICATION NUMBER 136908
Jonathan John

Arctic Village Hearing 10/04/2011
Jonathon John

Jonathon John: **[136908.001 Recreation 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. **[136908.002 Subsistence -- Access]** For local access for subsistence, stated that local subsistence users should be allowed to use 4-wheelers for harvesting resources.
[136908.003 Transportation and Access -- Baseline Conditions] 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.
[136908.004 Recreation and Visitor Use -- Impacts of recreation on other resources] Rafts, Refuge needs to limit the number of floaters-hunters and others on the East Fork of the Chandalar River. Said the number of floaters-hunters in the upper river drainage is affecting the caribou movement and migration routes potentially impacting down river subsistence use.
Said he is concerned about the Federal Government, doesn't trust it, but he thinks that Alternative C is the best alternative, wants to keep the area in minimal management category and protect the coastal plain with wilderness designation.

Jonathon John: Said that Margret Tritt sold her Native Allotment at Water Creek/Timber Lake area and now an operator is using it, maybe staging and transporting from it.
[136908.005 Refuge Management Policies/Guidelines -- Cooperation and Coordination 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.
[136908.006 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.
In closing Jonathon John stated the Gwich'in people dedicated the Arctic Village Community Building to the Arctic National Wildlife Refuge and its efforts to protect the wildlife and land, and the coastal plain, and the scared place where life begins (Porcupine Caribou Herd).

COMMUNICATION NUMBER 136749
Edward Rexford, Vice President
Kaktovik Tribal Council

Kaktovik Public Meeting 11/03/2011
Edward Rexford

MR. EDWARD REXFORD: Okay. Edward Rexford, Senior. I work as a -- I'm actually the village vice president for our tribal council, lifelong resident. I'll start with a little history of our past. In the past history, our tribe has endured traumatic experiences starting with the forced removal of the Village of Kaktovik in 1946 and '47 and the destruction of the traditional structures such as sod houses built with hoyle bone roofs and rafters built with hoyle bone ribs and the vertebrae's also was used in the construction of these underground sod houses. These structures held valuable artifacts of religious and cultural significance to the people. They were bulldozed into the sea and lagoon.

K **[Preamble 136749.001]** aktovik 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. **[136749.001 Wilderness -- Wilderness Review (includes Appendix H)]** 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 10-02 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 10-02 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. Isn't that what the Alaska Native Land Claims was all about? We all know our tribal lands were taken and we were given a small amount of land and the corporation system was forced on us by Congress of these United States of America.

In light of these past actions, I am not in favor of the U.S. Service further designating the 10-02 as wilderness and I am supporting Alternative A, no action. Thank you.

COMMUNICATION NUMBER 32671
Olga Dominguez, Assistance Administrator, Office of Strategic Inf.
National Aeronautics and Space Administration

National Aeronautics and Space Administration

Headquarters
Washington, DC 20545-0001

Reply to Attn of: Office of Strategic Infrastructure

November 14, 2011

Ms. Sharon Seim
U.S. Fish and Wildlife Service
Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, AK. 99701-6237

Dear Ms. Seim:

November 14, 2011
I am writing to you regarding the Arctic National Wildlife Refuge (NWR) Draft Comprehensive Conservation Plan/Environmental Impact Statement (CCP/EIS) that was made available for public and agency review.

As you may know, since the late 1960s, NASA and its partners, have conducted scientific research using sounding rockets at the University of Alaska-Fairbanks' (UAF) Poker Flat Research Range (PFRR) on an annual or biennial basis. The primary types of missions conducted at PFRR are in partnership with university scientists who study the earth's upper atmosphere and its interaction with the space environment. PFRR is the only permanent high-latitude U.S. launch site capable oflaunching sounding rockets. The northern trajectories afforded by PFRR are especially important to fulfill a vast array of NASA research objectives.

Our ability to launch sounding rockets along northerly trajectories from PFRR is predicated upon the issuance of Special Use Authorizations for landing and recovery from downrange landowners, one of which is the Arctic NWR. In support of continuing these operations at PFRR, we are currently preparing an EIS in cooperation with the U.S. Fish and Wildlife Service (USFWS), Bureau of Land Management, and UAF. The support we have received thus far from your agency has been superb. For this we are very grateful.

[32671.001 Other Planning Efforts -- General] 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 ofthat 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 ofhigher-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 Plan 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 tum 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 fuJly 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.

Thank you for the opportunity to provide comments on the Arctic NWR Draft CCP/EIS. As NASA's Senior Environmental Official, I would welcome an opportunity to meet with you in the near future to discuss our concerns as well as potential opportunities for future partnership. We are available at your convenience. Please direct all future correspondence regarding this matter to the Director of my Environmental Management Division, James Leatherwood. He can be reached at (202) 358-0230.

Sincerely,
Olga Dominguez
Assistance Administrator
Office of Strategic Infrastructure

cc: James Wright/OSI Deputy AA
Fatima Johnson/OS! Executive Officer
James LeatherwoodlEMD Director
Barbara GilesiHelio Division Director
Paul HertZ/SMD Chief Scientist
Jim Higgins/OIIR
Phil EberspeakerlSounding Rocket Program Office Chief (GSFC/WFF) Robert Pfaff/Sounding Rocket Project Scientist (GSFC)

COMMUNICATION NUMBER 136750
Fenton Rexford, Tribal Administrator/Member
Native Village of Kaktovik/Kaktovik City Council

Kaktovik Public Meeting 11/03/2011
Fenton Okomayak Rexford

MR. FENTON REXFORD: My name is Fenton Okomayak Rexford and for the record, you can see how I spell my name in the registration there. I am a tribal administrator for the Native Village of Kaktovik and also member of the Kaktovik City Counsel and I also previously serve as the president of the Kaktovik Inupiat Corporation, the service land title holder of 92,000 acres of privately-owned land within the coastal plain of Arctic National Wildlife Refuge. I'm a lifelong resident of Kaktovik and I intend to grow old here. Kaktovik is the only community within the boundaries -- I repeat, Kaktovik is the only community with the boundaries of the Arctic National Wildlife Refuge and I can compare what life in Kaktovik was like prior to oil development on the North Slope to the quality of life we have today because of my own personal experiences.

I have spent time listening to the people of Kaktovik and to the residents across the North Slope and the vast majority of us support responsible development on the coastal plain of ANWR. So keeping Alternative A or no action would provide responsible development of the coastal plain. This public hearing is proposing to revise the ANWR comprehensive conservation plan known as CCP within -- with six management alternatives. I also support Alternative A which is the current management. Other alternative proposed is wilderness designation and wild river designations which will prevent the opening of the coastal plain of ANWR for oil and gas exploration and development.

In support of opening ANWR to oil and gas exploration and development and limit the activity to 2,000 acres, less than .01 percent of the total size of ANWR would benefit many U.S. citizens including the residents of Kaktovik and the people of the North Slope and in Alaska. The coastal plain and the entire Arctic National Wildlife Refuge remain extremely important to the people of Kaktovik and to the North Slope Borough including the State of Alaska and rest of the United States. We would not favor the development of the coastal plain unless we were confident that development can occur without jeopardizing our way of life. The Inupiat people of the Kaktovik use the lands in and around ANWR to support our traditional subsistence lifestyle. The land and sea are our gardens and we respect and subsist off of them. As such, we would not support, we could not support development of the coastal plain if it would adversely affect our Inupiat traditional subsistence way of life. Responsible development of ANWR coastal plain is a matter of self-determination for my people and it will enable my region in our area continued access to essential services taken for granted by people from the Lower 48.

Over nearly 40 years, we have watched oil development at Prudhoe Bay. Because of this, my people know that industry and wildlife can co-exist. Based on our past experience, we have strong confidence in the North Slope Borough's ability to protect our natural wildlife environment and resources from adverse impact, particularly if decision are made after considering local input regarding subsistence resources such as caribou. Responsible ANWR development means my people will continue to have access to running water and flush toilets throughout the region. Responsible development also means access to local schools here, health care facilities and professionals. For many of my generation, our only option for school beyond eighth grade was to attend Indian school in the Lower 48. Now we are able to provide our children with high school education at home and on the North Slope.

Our North Slope Borough Municipality Region is vast and crosses nearly 89,000 square miles yet

we have only eight on the villages and our only access to a hospital is over 360 miles from Kaktovik to Barrow and to Fairbanks and further on into Anchorage with flight times to Barrow about 90 minutes, weather permitting. This trip is expensive, particularly for people in an area with little economy so responsible development and having Alternative A will also continue to support our local health clinics that's vital to the continued health of our people.
Finally, the current management scheme will help responsible development, will continue to provide search and rescue, police and fire protection services for our North Slope residents. Development of ANWR will also help important benefits for all Americans. In the past few months, we've been called the federal government to reduce its spending deficit while creating new jobs and stimulating the economy of America. Development in ANWR could help address all these concerns.
Also, in recent months, Americans have focused on the national security including imported oil and gas and the high gasoline prices. I thank you for the opportunity to present you the views of the Village of Kaktovik and the North Slope Borough. **[136750.001 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.
[136750.002 Refuge Vision and Goals -- Goal 4 (including objectives)] 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. **[136750.003 Refuge Vision and Goals -- Goal 8 (including objectives)]** Continue to conduct traditional access studies, develop harvest monitoring programs in partnership with lo -- 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. Also, **[136750.004 Refuge Vision and Goals -- Goal 8 (including objectives)]** 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. Also **[136750.005 Refuge Vision and Goals -- Goal 8 (including objectives)]** provide cultural resource training to the refuge staff or the -- locate -- to be located here in Kaktovik. **[136750.006 Refuge Vision and Goals -- Goal 8 (including objectives)]** 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. These are very important issues.

Once again, I support Alternative A and oppose any wilderness designation of this area, as I mentioned in my previous testimony about 10-02, Section 10-02 of ANILCA, being set aside for future oil and gas development and I also oppose any new wild and scenic river designations within the Arctic National Wildlife Refuge. There are enough commercial river guides and visitors into this area.

I thank you for this opportunity to help with us. We want to continue our subsistence and I support you not proposing any changes to the type of activities that we do such as picking berries, hunting, fishing, trapping and using snow machines, ATV's and motor boats and using other traditional means of transportation. However, **[136750.007 Recreation and Visitor Use -- Impacts of recreation on other resources]** 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. Any other regulations or permits that are required should stay the same. Again, I'll just close out with a -- with thanking you for providing a public testimony to be like it was provided for Anchorage and Fairbanks to be on record that we support Alternative A and this is the first time that public hearing for this comprehensive conservation plan has been offered to the residents of Kaktovik before any action or management style is presented to watch this area where we live at. So thank you again very much for the opportunity to speak to you this afternoon and I'll provide my written comments at a later date and I believe that was November 15 so thank you very much.

COMMUNICATION NUMBER 33
Bill Barron, State Director of the Division of Oil and Gas State of Alaska

Anchorage Hearing 9/21/2011
Bill Barron, State Director of the Division of Oil and Gas

MR. BARRON: Thank you for this opportunity to testify. My name is Bill Barron and I'm the State director of the Division of Oil and Gas and I'm testifying on behalf of the State of Alaska.

ANILCA designated 56.5 million acres of Alaska as wilderness, which tripled the national wilderness preservation system overnight. Over 41 percent of the Arctic Refuge is already designated as wilderness. However, the coastal plain of the Refuge, also known as Area 1002, was not designated as wilderness. It was set aside for the future study to determine whether the coastal plain could be made available for responsible oil and gas exploration and development.

The coastal plain is a very small portion of the Refuge, but it holds a very rich supply of oil. Oil that this nation needs, oil that is technically recoverable and oil that Alaska and Alaskans want to develop. The coastal plain may yield nearly half the Prudhoe Bay discoveries of the 1960s, but the production footprint is expected to be only 2000 acres of the 19 million acres of the Refuge.

Alaska has a proven record of oil and gas development on the North Slope and can be done responsibly and with protection of the environment. The Federal government imposes strict mitigation measures in NPR-A, which could be duplicated in ANWR. The measures that have served to maintain a healthy caribou population while protecting migratory bird and fish habitats. Furthermore, the technology advances, like extended reach drilling, has significantly reduced the need for large new drill sites, therefore adding more safeguards to minimize environmental impacts.

Oil production in Alaska has employed hundreds of thousands of people from around the nation. However, the jobs that put oil in the pipeline are transitioning to jobs that keep oil in the pipeline, from a time when the nation of unemployment rate hovers around 9 percent and our national debt continues to

ratchet higher. Further delaying oil development in ANWR only increases the suffering of our fellow Americans in need of work and future generations that will be saddled with our debt.

[33.001 Alternatives Analyzed -- No Oil and Gas Alternative] There's a potential of massive amounts of oil and opportunity for our struggling economy. A very small production footprint and an excellent record of environmental responsibility. Yet despite these facts the draft CCP and EIS for the Arctic National Wildlife Refuge fails to even consider an alternative that includes resource development. Instead the draft plan would ensure Alaskans and the nation's resources remained locked in the ground. This is an egregious mistake and Alaska takes strong exception to it.

[33.002 ANILCA -- Planning Requirements] 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.

Thank you.

COMMUNICATION NUMBER 136805
Sean Parnell, Governor
State of Alaska

Comment
"From: ""Olson, Zoe J (GOV)""
To: ArcticRefugeCCP@fws.gov
Subject: Arctic National Wildlife Refuge draft CCP and draft EIS

Dear Ms. Seim,

Please find attached comments with enclosures from Governor Sean Parnell regarding ANWR draft CCP and draft EIS (FWS-R7-2010-N290; 70133-1265-0000-S3).

Regards,

Zoe J. Olson
Constituent Relations Specialist
Office of Governor Sean Parnell
Alaska State Capitol
P.O. Box 110001
Juneau, Alaska 99811
Phone: (907) 465-3500
Fax: (907) 465-3532
zoe.olson@alaska.gov
www.gov.state.ak.us

- CAMA Map.pdf - 11-11-10 Arctic Draft Rev CCP EIS SOA.pdf - ANWR comments SOA Gov. Sean Parnell.pdf

Attachment:

State of Alaska Comments
Regarding the Arctic National Wildlife Refuge
Draft Revised Comprehensive Conservation Plan
and Environment Impact Statement

Wilderness Review

[136805.001 ANILCA -- 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.

[136805.002 ANILCA -- 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 the1002 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.

Section 1002

ANILCA Section 1002 provides separate direction for the 1002 Area, which does not include studying the area for its wilderness qualities. Section 1002(h) of ANILCA called for a report to Congress that described the natural resources (including the mineral resources) of the 1002 area, evaluated the potential impacts of development in the coastal plain, and made recommendations regarding further exploration and development in the coastal plain. This report was completed and submitted to Congress in 1987, and stated that no further review or public process was required for Congress to designate the 1002 area as wilderness.

[136805.003 ANILCA -- 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.

[136805.004 ANILCA -- 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).

[136805.005 ANILCA -- 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.

""Wilderness Study Areas""

[136805.006 ANILCA -- 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.

Wild and Scenic River Review

[136805.007 ANILCA -- 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.

Moreover,**[136805.008 ANILCA -- 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.

Interim Management

[136805.009 Wild and Scenic Rivers -- Interim Management] 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 rives 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.

Original Arctic Range Purposes

[136805.010 ANILCA -- Refuge Purposes and ANILCA] 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.

Regional Management Policies

[136805.011 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.

Wilderness Values

[136805.012 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.

Fish and Game Management

[136805.013 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

Moreover,**[136805.014 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies]** 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.

Additionally, **[136805.015 Wilderness -- Wilderness Review (includes Appendix H)]** 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.

National Environmental Policy Act (NEPA) - Failure to Include an Alternative Addressing Oil and Gas Exploration and Development on the Coastal Plain **[136805.016 Alternatives Analyzed -- No Oil and Gas Alternative]** 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.**[136805.017 Irreversible and Irretievable 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.

[136805.018 NEPA Process -- Violations] 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.

[136805.019 Alternatives Analyzed -- No Oil and Gas Alternative] 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.

The 1988 CCP/EIS also recognized that Congress may repeal sections 1002(i) and 1003 of ANILCA, which would open the coastal plain and the rest of the Refuge to mineral exploration, and included an alternative (Alternative B) that would have included a recommendation to Congress that all lands in intensive and moderate management be made available for oil and gas leasing. Additionally, two Senate bills and one House bill are pending that would open the coastal plain, to oil and gas leasing and development. The American Energy and Security Act of 2011, S. 352, the No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act, S. 351, and the American Energy Independence and Price Reduction Act, H.R. 49, would all allow

exploration, leasing, development, and production of oil and gas from all or portions of the 1002 area. A recent Gallup opinion poll1 shows that Americans' support for oil exploration in the Refuge is steadily increasing, joining the vast majority of Alaska residents who have consistently favored responsible exploration and development in the 1002 area. **[136805.020 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.

[136805.021 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. Over three decades of significant advances in scientific knowledge and technology concerning development in Arctic ecosystems have provided the tools to confidently move forward with responsible development in the 1002 area of the Refuge. Long range directional drilling can reach reservoirs three miles away from the drill site, and technology is rapidly advancing to extend potential reaches even further. This allows production wells to be spaced closer together, significantly minimizing the amount of fill needed for facility .footprints.. Additionally, surface area disturbance can be further minimized by using ice roads and ice pads for exploration and construction.

[136805.022 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.

Climate Change

[136805.023 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.

Cabins

[136805.024 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.

Prior Correspondence

Many of the comments on this public review draft of the Revised Arctic Refuge CCP/EIS were made previously by the State during the planning process. To ensure the public record is complete all correspondence submitted to the Service on behalf of the State during this planning process are incorporated by reference.

PAGE SPECIFIC COMMENTS

[136805.025 Purpose and Need --] 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].

[136805.026 Purpose and Need --] 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.

[136805.027 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.

[136805.028 Legal and Policy Context (Appendix A) -- Legal Guidance (International Treaties)] 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.

[136805.029 Legal and Policy Context (Appendix A) -- Legal Guidance (International Treaties)] 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.

[136805.030 Legal and Policy Context (Appendix A) -- Legal Guidance (International Treaties)] 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.

[136805.031 Legal and Policy Context (Appendix A) -- Legal Guidance (International Treaties)] 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.

[136805.032 Refuge Purposes -- General] 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.

[136805.033 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.

[136805.034, Preamble 035] 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.

Furthermore, **[136805.035 Refuge Values -- Special Values of Refuge]** consistent with our general comments, this section improperly incorporates and implies direction associated with designated wilderness in all land management categories across the Refuge.

[136805.036 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.

[136805.037 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.

[136805.038 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.

[136805.039 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.

[136805.040 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.

[136805.041 Refuge Vision and Goals -- Vision] 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.

[136805.042 Refuge Vision and Goals -- Goal 2 (including objectives)] 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….

[136805.043 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136805.044 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.

[Preamble 136805.045, 046] Page 2-1, § 2.1.1, Objective 1.1 Refuge Management. We request several clarifications to this objective. First,**[136805.045 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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..

Second,**[136805.046 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

[136805.047, Preamble 048] 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.

Additionally, **[136805.048 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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...

[136805.049 Refuge Vision and Goals -- Goal 2 (including objectives)] 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…

Additionally, **[136805.050 Refuge Vision and Goals -- Goal 2 (including 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.

[136805.051 Refuge Vision and Goals -- Goal 2 (including 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.

[136805.052 Refuge Vision and Goals -- Goal 2 (including objectives)] 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.]

[136805.053 Refuge Vision and Goals -- Goal 2 (including 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 building] 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.]

[136805.054 Refuge Vision and Goals -- Goal 2 (including 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.]

[Preamble 136805.055, 056, 057] Page 2-10 and 2-11, Objectives 3.1 and 3.2. **[136805.055 Refuge Vision and Goals -- Goal 3 (including objectives)]** 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.

In addition, **[136805.056 Refuge Vision and Goals -- Goal 3 (including objectives)]** 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. Lastly, **[136805.057 Refuge Vision and Goals --**

Goal 3 (including objectives)] we request that .where applicable. be replaced with .where appropriate. in the above quote.

[136805.058 Refuge Vision and Goals -- Goal 3 (including objectives)] 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.

[136805.059 Refuge Vision and Goals -- Goal 3 (including 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.

[136805.060 Refuge Vision and Goals -- Goal 4 (including objectives)] 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.]

[136805.061, Preamble 062] 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.

[136805.062 Refuge Vision and Goals -- Goal 4 (including objectives)] 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.

[136805.063 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136805.064 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136805.065 Refuge Vision and Goals -- Goal 5 (including 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.

[136805.066, Preamble 067] 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,. .untrammeled,. .primeval character.) for management standards for the parts of the Refuge that are not designated wilderness.

In addition, **[136805.067 Refuge Vision and Goals -- Goal 5 (including objectives)]** 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.

[136805.068, Preamble 069] 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."" In addition, **[136805.069 Refuge Vision and Goals -- Goal 5 (including objectives)]** 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.

[136805.070 Refuge Vision and Goals -- Goal 6 (including objectives)] 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."" **[136805.071 Refuge Vision and Goals -- Goal 9 (including objectives)]** 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.

[136805.072 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.

[136805.073 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, Sheenjek, and Wind wild river corridors will be allowed where those activities do not detract from their [outstandingly remarkable] special values.

[136805.074 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies] 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.

[136805.075 Refuge Management Policies/Guidelines -- Coastal Zone Consistency] 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.

[136805.076 Refuge Management Policies/Guidelines -- Cooperation and Coordination 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..

[136805.077 Refuge Management Policies/Guidelines -- Ecosystem and Landscape Management] 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.

[136805.078 Refuge Management Policies/Guidelines -- Fish and Wildlife Habitat Management] 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.

[136805.079 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

[136805.080 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

[136805.081 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

[136805.082 Refuge Management Policies/Guidelines -- Subsistence Management] 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.

[136805.083 Refuge Management Policies/Guidelines -- Subsistence Management] 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.

[136805.084 Refuge Management Policies/Guidelines -- Subsistence Management] 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 811implementing regulations at 50 CFR 36.12:

ANILCA Section 811implementing 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.

[136805.085 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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..

[136805.086 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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).

[136805.087 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

[136805.088 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

[136805.089 Refuge Management Policies/Guidelines -- Recreation and Other Public Use] 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.

[136805.090 Refuge Management Policies/Guidelines -- Recreation and Other Public Use] 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.

[136805.091 Refuge Management Policies/Guidelines -- Public Use Facilities] 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.

[136805.092, Preamble 093] 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.

Furthermore, **[136805.093 Refuge Management Policies/Guidelines -- Commercial Uses (recreation)]** 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.

[136805.094 Refuge Management Policies/Guidelines -- Commercial Uses (non-recreation)] 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).

[136805.095 Refuge Management Policies/Guidelines -- Commercial Uses (non-recreation)] 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.

[136805.096 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.

[136805.097 Mineral Resources (non oil & gas) -- Exploration/Development] 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.

Page 3-1 to Page 3-3, § 3.1.1.1 Wilderness. See general comment regarding wilderness reviews in the Refuge.

Page 3-3 to 3-4, § 3.1.1.2 Wild and Scenic Rivers. See general comment regarding wild and scenic river reviews in the Refuge.

[136805.098 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] 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.

[136805.099 Alternatives - Issues Considered but Eliminated -- Management Issues] 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.

[136805.100 Alternatives - 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.

[136805.101 Alternatives Analyzed -- Management Actions Common to All Alternatives] 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.

[136805.102 Alternatives Analyzed -- Management Actions Common to All Alternatives] 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.

[136805.103 Management Categories -- General] 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.

[136805.104 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.

[136805.105 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.

[136805.106 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.

[136805.107 Alternatives Analyzed -- Alternatives Development] 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.

[136805.108 Wild and Scenic Rivers -- General] 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.

[136805.109 Refuge History -- General] 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.

[136805.110 Refuge History -- General] 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.

[136805.111 Refuge History -- General] 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).

Lastly, **[136805.112 Refuge History -- General]** 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.

[136805.113 Wilderness -- Characteristics / Qualities] 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.

[136805.114 Oil and Gas -- Occurrences and Potential] 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.

[136805.115 Oil and Gas -- Occurrences and Potential] 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.

[136805.116 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.

[136805.117, Preamble 118] 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. Additionally, **[136805.118 Mammals -- Baseline Conditions: Caribou]** 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.

[136805.119, Preamble 120] 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. **[136805.120 Mammals -- Baseline Conditions: Caribou]** 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.

[136805.121 Mammals -- Baseline Conditions: Other Ungulates] 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.

[136805.122 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.

[136805.123 Mammals -- Baseline Conditions: Other Ungulates] 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.

[136805.124 Mammals -- Baseline Conditions: Other Ungulates] 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.

[136805.125 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.

[136805.126 Mammals -- Baseline Conditions: Other Carnivores] 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.

[136805.127 Transportation and Access -- Baseline Conditions] 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.

[136805.128 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.

[136805.129 Environmental Consequences -- Effects Common to Alternatives] 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.

[136805.130, Preamble 131] 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.

Furthermore, **[136805.131 Environmental Consequences -- Effects Common to Alternatives]** 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..

[136805.132 Environmental Consequences -- Effects Common to Alternatives] 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 pipline 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.

[136805.133 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.

[136805.134 Irreversible and Irretievable 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..

[136805.135 Wilderness -- Effects of Alternatives] 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.

[136805.136 Environmental Consequences -- Table 5-1 - Effects by Alternatives] 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.

[136805.137 Wilderness -- Effects of Alternatives] 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.

[136805.138 Legal and Policy Context (Appendix A) -- Legal Guidance (International 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.

[136805.139 Legal and Policy Context (Appendix A) -- Legal Guidance (International 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.

Page A-6, § A.1.2.6, The Wild and Scenic Rivers Act. See general comment on wild and scenic river review.

[136805.140 Other Planning Efforts -- General] Page C-1, § C.2.2 Denali-Alaska Gas Pipeline Project. This project has been discontinued.

[136805.141 Other Planning Efforts -- General] Page C-2, § C.2.3 Alaska Pipeline Project. Remove reference to Denali-Alaska Pipeline Project.

[136805.142 Other Planning Efforts -- General] 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.

[136805.143 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] Page D-1, § D.1 Development Issues. We strongly oppose the exclusion of oil and gas development scenarios in the alternatives evaluated in this Plan. The Council of Environmental Quality, in guidance issued regarding NEPA analysis of alternatives maintains that alternatives that are outside of the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. Oil and gas development and production in the Refuge may be authorized by Congress at any time, and the current national dialogue regarding the need for jobs, energy security, and deficit reduction makes the likelihood of such an action higher than ever before. It is reasonable to anticipate that Congress may act to open the 1002 Area to oil and gas development, and therefore including an effect analysis would support the purpose and need of the Revised Plan, as stated in Chapter 1, to ….provide management direction for the next 15 years..

In addition, the exclusion of considering oil and gas development is inconsistent with the direction given in ANILCA Section 304(g), and is also inconsistent with the other actions considered in this Plan, namely the recommendations for wilderness and wild and scenic river designations, which are also dependent on Congressional action.

[136805.144 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] 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.

Page D-2, § D.1.2, Updating Seismic Data on the Coastal Plain. See general comment regarding the purpose and need of this CCP and the requirement that it consider the oil and gas potential of the coastal plain as well as the potential for associated infrastructure under Title XI of ANILCA.

[136805.145 Alternatives - 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.

[136805.146 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)..

[136805.147 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..

[136805.148, Preamble 149, 150] 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. Furthermore, **[136805.149 Wilderness -- Wilderness Review (includes Appendix H)]** 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.

In addition, **[136805.150 Wilderness -- Wilderness Review (includes Appendix H)]** 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.

[136805.151 Wilderness -- Wilderness Review (includes 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.

[136805.152 Wilderness -- Wilderness Review (includes 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.

[136805.153, Preamble 154] 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.""
In addition, **[136805.154 Wilderness -- Wilderness Review (includes Appendix H)]** 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.

[136805.155 Wilderness -- Wilderness Review (includes 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.

[136805.156 Wild and Scenic Rivers -- General] 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.

[136805.157 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

[136805.158 Wild and Scenic Rivers -- Suitability (includes Appendix I)] 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 Sate 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, t]The State of Alaska does not support new designations.

1 http://www.gallup.com/poll/146615/Oil-Drilling-Gains-Favor-Americans.aspx

Attachment 2:

STATE CAPITOL 550 West 7th Avenue # 1700
PO Box 110001 Anchorage. Alaska 99501
Juneau, Alaska 99811-0001 907-269-7450
907-465-3500 fax 907-269-7463
fax: 907-465-3532 www.Gov.Alaska.Gov
Governor@Alaska.Gov

Governor Sean Parnell
STATE OF ALASKA

November 14, 2011
NfL Richard Voss
Refuge Manager Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, AK 99701-6237

Dear Mr. Voss,

As you know, I have closely followed the development of the Arctic Refuge Plan (plan). From the very beginning, I have been steadfast in objecting to any action that would ultimately preclude oil and gas development on the Arctic coastal plain. My policy and natural resource advisors and the Department of Law (DOL) have determined this direction runs counter to Congressional intent and direction embodied in the Alaska National Interest Lands Conservation Act (ANILCA), as well as the social and economic interests of Alaska and the nation.

It is deeply disturbing to find that, over the strong objections of the State and the voices of many concerned Alaskans, the draft Plan remains essentially unresponsive to our concerns and biased against honest assessment of the resource development potential of the Arctic National Wildlife Refuge (Refuge). This planning process appears to be nothing more than a publicity campaign to apply unnecessary restrictive layers of management onto Refuge lands, particularly the 1002 Area, which contradicts Congressional intent and is an affront to ANILCA's hard fought ""no more"" clauses.

Congress declared in Section 101 that ANILCA represented a ""proper balance"" between resource protection and social and economic activities. This was based on many factors, including the unprecedented size and number of conservation system units in Alaska, and ANILCA's many compromise provisions, including Section 1317, which was limited to a ""one-time"" wilderness review, and Section 1326, which prohibited further withdrawals and studies without Congressional approval. Congress clearly did nOt intend to allow incremental designations over time, nor did Congress intend for federal land management agencies to accomplish the same result by administratively creating and managing ""study areas"" indefinitely to preserve wilderness or wild and scenic river values.

[136805.159 ANILCA -- Designated Wilderness and ANILCA] 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. **[136805.160 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.

In addition to what the State of Alaska and the nation stand to lose should the opportunity to develop the Refuge's oil and gas resources be preempted by a wilderness designation, the Plan contains numerous legal and policy flaws, and provides almost no real on-the-ground management direction. These deficiencies and other substantive issues are discussed in greater depth in the enclosed supplemental comments, all of which deserve careful consideration and written response.

With our economy struggling, now is the time to chart a new course toward responsible economic opportunities.

Sean Parnell
Governor

Enclosures
cc: The Honorable Kenneth Salazar, Secretary, United States Department of the Interior The Honorable Lisa Murkowski, United States Senate The Honorable Mark Begich, United States Senate The Honorable Don Young, United States House of Representatives Tom Strickland, Assistant Secretary, Fish, Wildlife, and Parks, United States Department of the Interior Dan Ashe, Director, United States Fish and Wildlife Service Geoffrey L. Haskett, Alaska Regional Director, United States Fish and Wildlife Service Kim Elton, Interior Director of Alaska Affairs, United States Department of the Interior Pat Pourchot, Special Assistant to the Secretary for Alaska Affairs, United States Department of the Interior John W. Katz, Director of State/Federal Relations and Special Counsel, Office of the Governor"

COMMUNICATION NUMBER 32647
Judith Bittner, State Historic Preservation Officer
State of Alaska Office of History and Archaeology

State of Alaska
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS & OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY
SEAN PARNELL, GOVERNOR
550 WEST 7TH AVENUE, SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE:
FAX:
(907) 269-8721
(907) 269-8908

October 13, 2011

File No.: 3130-1R FWS ANWR CCP/EIS

Sharon Seim
U.S. Fish and Wildlife Service
Arctic NWR
10112thAvenue, Room 236
Fairbanks, AK 99701-6237

Subject: Arctic National Widlife Refuge Comprehensive Conservation Plan and draft Environmental Impact Statement

Dear Ms. Seim:
The Alaska State Historic Preservation Office (AK SHPO) has reviewed the subject Comprehensive Conservation Plan and draft Environmental Impact Statement (EIS). Based on our review of the CCP/dEIS and accompanying documentation, we offer the following comments:

[Preamble 32647.001] 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.
• Objective 8.2: Continued development of Cultural Resource Partnerships between ti1e U.S. Fish & Wildlife Service and Native communities and corporations, regional historical societies, the University of Alaska system, other government agencies and organizations, and other researchers in order to inventory, evaluate, investigate, and protect cultural and historical resources.
• Objective 8.3: Continued government-to-government consultation with Native groups and oti1er local entities regarding issues affecting cultural resources management, permitting, or human remains
• Objective 8.4: Collection and compilation of traditional ecological and cultural knowledge in consultation with Native elders and local communities
• Objective 8.5: Providing ongoing basic cultural resource and historic preservation training to

Refuge managers, full-time and seasonal staff, and volunteers that includes information about protecting historic properties and the legal requirements of Federal land-managing agencies.
• Objective 8.6: Identification of sites and/or areas at risk for vandalism and development of strategies for cultural resource monitoring and law enforcement.
• Objective 8.7: Development of a comprehensive cultural resource inventory that documents the Refuge's administrative and scientific history, including oral history collections.
• Objective 8.8: Continue to conduct cultural resource surveys in priority areas for archaeological and other cultural sites pursuant to Section 110 of the National Historic Preservation Act.
• Objective 8.9: Develop Cultural Resource Atlas and Archive within five years of CCP/EIS approval to identify and acquire published and unpublished materials relating to archaeological, historical, and ethnographic resources and compile a place name directory and atlas of cultural and historic sites.

[32647.001 Step-Down Plans -- Cultural Resources Plan] 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 he codified within this essential document.

We commend the efforts of the U.S. Fish & Wildlife Service in developing this list of objectives, which will surely enhance and improve the agency's ability to consider and manage cultural resources on the Refuge. We look forward to strengthening the partnership between the SHPO and the U.S. Fish & Wildlife Service and to collaborating with and assisting your agency, as needed, in the development of the ICRMP (Object 8.1), cultural resource training (Objective 8.5), developing strategies for site protection (Objective 8.6) and inventory (Objectives 8.7- 8.9).

Thank you for the opportunity to comment. Please contact Shina duVall at 269-8720 or shina.duvall@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,
[signature]

Judith E. Bittner
State Historic Preservation Officer

JEB:sad

COMMUNICATION NUMBER 32617
Don Young, Congressman
Congress of the United States, House of Representatives

From:Elam, Erik
To: ArcticRefugeCCP@fws.gov
Subject: Congressman Don Young Comment on ANWR CCP

Erik J. Elam
Legislative Director
Office of Congressman Don Young
Congressman for All Alaska
2314 Rayburn House Office Building
Washington D.C. 20515
Phone: (202) 225-5765
Fax: (202) 225-0425

- ANWR CCP Revision.pdf

Attachment:

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

COMMITTEE ON
NATURAL RESOURCES
WASHINGTON OFFICE
2314 RAYBURN BUILDING
TELEPHONE 202-225-5765

COMMITTEE ON
NATURAL RESOURCES

CHAIRMAN, SUBCOMMITTEE ON
INDIAN AND ALASKA NATIVE AFFAIRS

COMMITTEE ON
TRANSPORTATION & lNFRASTRUCTURE

REPUBLICAN
POLICY COMMITTEE

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

November 1, 2011

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Salazar,

I am writing to express my profound disappointment with the U.S. Fish and Wildlife Service's (FWS) decision to include a wilderness component in four of the six alternatives for the revision of the Arctic National Wildlife Refuge (ANWR) Comprehensive Conservation Plan (CCP).

[32617.001 ANILCA -- Designated Wilderness and 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 noauthority 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.

As you know, Alaska already leads the nation in Wilderness designations and in the amount of land already protected. Under the Alaska National Interest LandsConservation Act (ANILCA), 42% of ANWR has already been designated as Wilderness, including the entire eastern section of the Coastal Plain. In addition, 92% is off-limits to any development, and will continue to be despite what action Congress takes regarding the Coastal Plain.

[32617.002 ANILCA -- Designated Wilderness and ANILCA] 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.

[32617.003 Alternatives Analyzed -- No Oil and Gas Alternative] The inclusion of Wilderness in the alternatives has unreasonably restricted the scope of the alternatives and public comment on the CCP, as the Service has refused to consider an oil and gas development alternative as well. Alaskans strongly oppose additional Wilderness designations in ANWR; in fact, 78% of Alaskans support oil exploration within the Refuge and designating additional Wilderness would prohibit any development on the land. Preventing oil and gas exploration in ANWR ignores compelling economic and energy security reasons for opening up this area to responsible development. To designate more of ANWR as wilderness would forever place off-limits the most promising onshore oil and gas prospect in the U.S. Make no mistake; I believe a Wilderness component in the CCP revision is a violation of ANILCA. At a minimum, its inclusion is a waste of time and taxpayer dollars. **[32617.004 Refuge Management Policies/Guidelines -- Appropriate Refuge Use]** 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.

I hope you take into consideration the impact that additional Wilderness designations in ANWR would have, not only on the State of Alaska but, to the energy and econornic future of the nation. Finally, Congress reserves the right to either open ANWR to development or to lock it up, and after over three decades of legislative history on the matter, Congress doesn't need suggestions from the FWS.

Sincerely,

Don Young
Congressman of All Alaska

COMMUNICATION NUMBER 136803
Lisa Murkowski, Senator, Alaska
US Senate

From: "Simpson, Kevin (Energy)"
To: "'ArcticRefugeCCP@fws.gov'"
Subject: Sen. Murkowski comments on ANWR CCP

Please find attached comments on ANWR CCP, solicited in Federal Register,
August 15, 2011 (Volume 76, Number 157) and submitted for consideration November 14, 2011.

- 11.14.11.LAM ANWR CCP COMMENTS.pdf

[Attachment]

Senator Lisa Murkowski, Alaska
Comments on Draft Comprehensive Conservation Plan and Draft Environmental Impact Statement, Arctic National Wildlife Refuge Solicited in Federal Register, August 15, 2011 (Volume 76, Number 157)
Submitted Monday, November 14, 2011

Comments

As Alaska's Senior United States Senator and a lifelong Alaskan, I hold a deep professional and personal interest in the management of its commonly held lands and resources. Equally, it is my duty to protect and advance the interests of my constituents when those lands and resources are the subject of federal decisions. With over 60 percent of Alaska owned by the Federal Government, the management of those lands affects integral elements of the Alaskan economy and lifestyle, whether providing basic subsistence for Native Alaskans and rural residents, providing for recreational opportunity, or providing for energy and mineral resource development, which are foundational to Alaska's economy. Consequently, Alaskans have historically taken great pride in the sustainable balance between responsible access to resources and the conservation of the lands which support our diverse fish, wildlife, and ecosystems.

Based on this set of interests and duties, these comments strongly oppose any additional designations of Wilderness or Wild and Scenic Rivers (WSRs) in or around the Arctic National Wildlife Refuge (ANWR) and/or the 1002 Area, and contend that the Fish and Wildlife Service (FWS) must refrain from recommending either designation. The reasons for this position are the absence of need for such designations; the absence of available federal resources to implement and manage such designations; the inconsistency of such designations with both law and clear Congressional intent; and finally, the impacts of such designations upon future development of both state and federal resources. Each rationale is discussed in further detail in the comments below.

Comments and Rationale:

[136803.001 Wilderness -- Wilderness Review (includes 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.

[136803.002 Alternatives Analyzed -- Evaluation of Alternatives]
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. Specifically, the USFWS currently has $3.3 million maintenance backlog. Any optional expenditures should not be undertaken until FWS can pay down this backlog. Simply put, there are limits to what the federal government can add to its list of responsibilities. Those limits are even more constrained when considering additional lands to obtain and manage in a new way. Just as the federal hydrocarbon resource is ultimately finite, so is the amount of land which can and should be set aside for permanent conservation. And unlike lands set aside for permanent conservation, lands once developed for energy resources are easily converted for other uses, including conservation, after the subsurface resources are exhausted. For instance, 90% of all lands affected by seismic oil and gas exploration in the 1002 area had fully recovered within 10 years and the area remains as productive or more productive in terms of its ecosystem values.3 In this sense, the choice between wilderness designation and permanent impacts is not as stark as often perceived.

3. **[136803.003 ANILCA -- Designated Wilderness and ANILCA]** 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. **[136803.004 Wilderness -- Characteristics / Qualities]** 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 untrammeled 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 "untrammeled 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, "untrammeled by man." It is subject to thousands of years of permanent occupation by man and an increasing, not decreasing, exposure to modern technology.

4.**[136803.005 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development]** 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.

Conclusion

For these reasons, I strongly and ardently urge the FWS to adopt Alternative A or Alternative F (the no-action alternatives) and to reject, discard, and refrain from future consideration of Alternative C, as well as Alternatives B, D, and E.

1 http://arctic.fws.gov/pdf/pureportap2010.pdf

2 Id.

3 http://alaska.fws.gov/nwr/arctic/seismic.htm

4 http://arctic.fws.gov/pdf/ccp3b.pdf

5 http://alaska.fws.gov/nwr/arctic/seismic.htm

6 Letter from Alaska Gov. Sean Parnell to Interior Secretary Ken Salazar, October 31, 2011

7 Lazzari, Salvatore, "Possible Federal Revenue from Oil Development of ANWR and Nearby Areas," Congressional Research Service Report RL34547, June 23, 2008.

8 http://www.whitehouse.gov/the-press-office/remarks-president-nation-bp-oil-spill

Appendix C

Communications from Non-Government Organizations

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C. Communications from Non-Government Organizations

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Alaska Coalition of Washington (136989) C-11
Alaska Oil and Gas Association (000097) C-14
Alaska Oil and Gas Association (032620) C-16
Alaska Outdoor Council (136794) C-31
Alaska Quiet Rights Coalition (136792) C-35
Alaska Wilderness League (136820) C-40
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Arctic Audubon (136980) C-77
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Wildlife Conservation Society (137006)..... C-238

COMMUNICATION NUMBER 136811
Mark Richards, Co-Chair
Alaska Backcountry Hunters & Anglers

Backcountry Hunters and Anglers

November 14, 2011
To: U.S. Fish and Wildlife Service, Arctic NWR
101 12th Avenue Rm 236
Fairbanks, Ak 99701-6237

RE: Arctic National Wildlife Refuge
Draft Comprehensive Conservation Plan

The Alaska chapter of Backcountry Hunters & Anglers (Ak BHA) is comprised of Alaskan hunters and anglers dedicated to quality and ethical hunting and fishing opportunities in the wild public lands of Alaska, and the protection of big, natural fish and wildlife habitat upon which our great outdoor traditions depend.

Following are our comments on this 2011 phase of the Draft Comprehensive Conservation Plan (CPP) for the Arctic National Wildlife Refuge (Refuge).

Management Alternatives

We Support Alternative E
(but without the inclusion of Porcupine Plateau WSA)

AK BHA has long supported wilderness designation of the 1002 lands within the coastal plain. So we certainly support a Coastal Plain Wilderness Study Area (WSA). And as the western Brooks Range sees increasing use, particularly in the realm of aircraft access that can cause crowding and conflicts, we support studying wilderness designation there.

[136811.001 Alternatives Analyzed -- Alternative E: Wilderness] 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.

We support recommendations for the Kongakut, Hulahula, Marsh Fork Canning, and Atigun for inclusion in the National Wild and Scenic River System.

The issues we are seeing with the Kongakut are also happening on some of these other river systems, and WSR status would mandate a Comprehensive River Management Plan that would likely be more effective in mitigating crowding, overuse, and other impacts along these river corridors.

However, many of these impacts could be mitigated by enforcement of already existing regulations, and the step- down planning process for a more comprehensive Visitor Use Management Plan for all these river corridors, not just the Kongakut.

[136811.002 Refuge Infrastructure and Administration -- Staffing] 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.

New Management Guidelines and Goals

Our support for Alternative E (without inclusion of Porcupine Plateau WSA) includes of course our support for the new management guidelines, goals, and objectives outlined in the CCP that are a part of that alternative pan.

[136811.003 Transportation and Access -- Mode of Transportation] 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 ATVs/ORVs 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.

AK BHA continues to strongly oppose opening the Dalton Highway corridor to motorized access of any kind.

Step-down Planning and Visitor Use Management Plans

[136811.004 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings] Regarding the step-down plans, visitor use and wilderness stewarship 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.

Thank you for the opportunity to comment on future planning efforts for the Arctic National Wildlife Refuge. AK BHA remains committed to securing our backcountry hunting and fishing opportunities on our wild public lands and the protection of the habitat those opportunties depend upon.

Sincerely,
Mark Richards
Co-chair Alaska Backcountry Hunters & Anglers
alaskabha@starband.net

COMMUNICATION NUMBER 137013
Jack Hession, Senior Campaign Manager
Alaska Chapter Sierra Club

From: Dan Ritzman
To: ArcticRefugeCCP
Subject: Sierra Club and Alaska Chapter DRAFT CCP comments

Sharon,

Please accept the attached comments from the Sierra Club and the Sierra Club Alaska Chapter
Thanks

Dan

****

Dan Ritzman
Senior Campaign Manager
(206) 499-5764 - c

www.sierraclub.org/habitat

- 2011 11 14 CCP DEIS Technical Comments - Sierra Club.docx - Final comments Arctic NWR Draft Revised CCP November 2011 SC Chapter.doc

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November 14, 2011

U.S. Fish and Wildlife Service
Arctic NWR - Sharon Seim
101 12th Ave., Rm 236
Fairbanks AK 99701

Please accept these comments on the DRAFT Arctic National Wildlife Refuge CCP from the Alaska Chapter of the Sierra Club.

Wild and Scenic Rivers

Significant Issue 2 of the Draft RCCP—should additional Wild and Scenic Rivers be recommended [by the FWS] for inclusion in the National Wild and Scenic River System? Yes, additional wild rivers should be recommended. **[137013.001 Wild and Scenic Rivers -- Other Rivers]** 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.

[137013.002 Wild and Scenic Rivers -- General] 4-10. Wild River management of the Wind, Ivishak, and Sheenjek Wild Rivers. The Refuge manages all three under the wild river management category. The Wind and Ivishak are in a minimum management area, but as the Sheenjek is in the Arctic Wilderness, it should be managed under the wilderness management category, since this category affords the highest degree of protection for the river's values.

Management prescriptions for eligible rivers entirely or partially within existing minimum management areas offer additional protection for these rivers and river segments. Neruokpuk Lakes, found eligible despite not being a river, and the Kongakut River are both entirely within the Arctic Wilderness. They do not need wild river designation or management prescriptions.

That wilderness designation provides the highest degree of security for refuge rivers is documented in Table 2.1—Activities, public uses, commercial activities or uses, and facilities in management categories. In the comparison of wilderness management with wild river management, wilderness management emerges as providing the strongest protection for designated wild rivers within wilderness areas.

Wild river designations, which only Congress can modify or revoke, should be reserved for refuge areas in the other management categories, all of which are subject to modification or revocation at the discretion of refuge administrators.

[137013.003 Wild and Scenic Rivers -- General] 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.

Comments and questions on specific sections

[137013.004 Consultation and Coordination -- State Coordination] 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?

[137013.005 Consultation and Coordination -- State Coordination] 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?

[137013.006 Refuge Purposes -- General] 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 w 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.

[137013.007 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

[137013.008 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

[137013.009 Refuge Vision and Goals -- Goal 4 (including objectives)] 2-13 Objective 4.3, Subsistence Access. ANILCA ensures that snowmobiles, motorboats, and "other means of surface transportation traditionally employed" can be used by rural residents engaged in subsistence activities. Objective 4.3 states that the Refuge will conduct a traditional access study designed to "…help determine where and what activities have occurred on the Refuge." It is silent on what "other means of surface transportation," if any, were traditionally employed prior to December 2, 1980 on what is now Refuge land.

The Service is avoiding the question of whether other means of surface transportation were traditionally employed pre-ANILCA on what are is now Refuge land. Other means of surface transportation include off-road vehicles. If prior to the establishment of the Refuge off-road vehicles were traditionally employed for subsistence purposes on what is now refuge land, the vehicles are allowed. In the absence of pre-ANILCA use, off-road vehicles are prohibited.

We recommend that the final Plan include a traditional use determination of other means of surface transportation traditionally employed. Revised CCP's for other national wildlife refuges in Alaska have included such determinations. Arctic NWR is required under ANILCA to follow suit.

[137013.010 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.

[137013.011 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.

[137013.012 Refuge Management Policies/Guidelines -- Cooperation and Coordination with Others] 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?

[137013.013 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] 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 Tustemena 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 Tustemena 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?

[137013.014 Management Categories -- Wild River] 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.

[137013.015 Alternatives - Issues Considered but Eliminated -- Ecological Issues] 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.

[137013.016 Alternatives - Issues Considered but Eliminated -- Visitor Use Issues] 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.

Sincerely,

Jack Hession
Alaska Chapter Sierra Club

COMMUNICATION NUMBER 136989
Donna Osseward, Chair
Alaska Coalition of Washington

From: Website User
Sent: Monday, November 14, 2011 11:24 AM
To: arcticrefugeccp@fws.gov
Subject: Comments from an Organization

Prefix: none
First Name: Donna
Last Name: Osseward
Suffix: none
Title 1: Chair
Title 2:
Organization 1: Alaska Coalition of Washington
Organization 2:
Address 1: 12730 - 9th Ave NW
Address 2:
City: Seattle
State: WA
Postal Code: 98177
Country: USA
Additional Info:

Comment: Wilderness:

The Alaska Coalition of Washington supports Alternative C, which would recommend Wilderness designation for the coastal plain. Wilderness designation is of paramount importance for our group to maintain the ecological integrity and balance of the Refuge.

Oil exploration and development would be devastating for the area, as well as totally undermining the whole purpose and intent of those who worked so hard to establish the Wildlife Range in 1960 and for those who have worked so hard since to protect the Refuge.

Those who worked to establish the Refuge like Olaus and Marty Murie, who visited our state many times, did so to preserve a very large area for research on large wildlife. It is essential that the largest intact naturally functioning ecosystem in North America must be totally preserved to have one area to continue the research that started 50 years ago. This is even more necessary today in the era of climate change.

Climate change will result in the loss of some species that can't adapt and the increase of other species. This is a very small area of the Arctic to retain and preserve to monitor scientifically as these changes occur. Most of the vast area to the west including the National Petroleum Reserve is open to oil and gas development.

Wilderness designation keeps a large naturally functioning ecosystem intact that contributes to clean air and water; diversity of flora and fauna; preserves plant and animal gene pools that allow for future research that benefits, biology, botany, medicine, and other valuable scientific research that benefits us all. It provides appropriate human recreation. It additional it preserves 190 species birds that utilize the coastal plain for nesting, molting and staging for migration to 6

continents and all 50 states. So, it would have a global impact and is not only an Alaska issue if this area is destroyed. Without much human effort, wilderness is truly multiple use of land.

Washington State is on the Pacific flyway for many of these birds and so we benefit from the migration of these birds, especially our shorebirds that appear in Washington State, as well as many waterfowl that choose to winter in our protected warmer waters. Tundra swans, geese and loons are other Arctic species that are important winter species here. Birding is important to the many Audubon chapters in our state and to the economy.

The coastal plain is also the calving ground for the caribou and it is essential to their survival and the life of the Gwitch'en people that depend on them. We also havan international Treaty with Canada to preserve the caribou that migrate into two nearby Canadian national parks adjacent to the Refuge making a much larger available area for these migrating animals. The Consul of Canada in Seattle has spoken out here about how important it is to them that we preserve this area. The coastal plain is also provides the polar bear, which the ESA has listed as threatened, with designated critical habitat for terrestrial denning, making it even more important for the preservation of the bear as climate change diminishes its sea ice habitat.

Wilderness designation for the coastal plain adjacent to the other designated Refuge wilderness area is essential to maintain the wilderness character of the whole wilderness area. About ten rivers run from the Brooks Range through the coastal plain to the Beaufort Sea and maintaining these entire river basins intact is essential to maintaining the both the wilderness character as well as the wilderness experience of the whole area.

The Refuge provides our countries most unique and challenging wilderness experience. The challenge is physical, mental and psychological and a replication of the experience of our early explorers and settlers, which built the American strength of character. We need to preserve this place for our own survival as well as the wildlife.

Wild and Scenic Rivers:

As so many rivers travel from the Brooks Range northward to the Beaufort Sea,it is important they are maintained with out any development to keep pollution from the off shore marine waters that are so essential to the sea life there such as the bowhead and beluga whales, the walrus, seals, sea lions, and marine birds. We would support wild and scenic designation for the Hulahula, Kongakut, and Marsh Fork Canning Rivers.

Management:

Recreation: We support education programs as well as materials for all wilderness users that would better explain why wilderness is designated, its value, and the allowed and disallowed activities there.

We believe groups should be limited to 8-12 people in both guided and non-guided parties and the number of groups in a particular river basin limited to prevent overuse and loss of the wilderness experience.

[136989.001 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings] 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.

Predator Control: We support measures taken to control invasive species in all areas including wilderness. We oppose all animal predator control in the wilderness area and think natural predator/pray relationships should be allowed to proceed.

Hunting: We support subsistence hunting by Native and local Alaskans and oppose sport and trophy hunting in all areas of the Refuge.

ORV/ATV's: We oppose their use in the Refuge except by the indigenous groups while doing sustainable hunting.

Email: osseward@gmail.com

COMMUNICATION NUMBER 97
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

Anchorage Hearing 9/21/2011
Kate Williams, Alaska Oil and Gas Association

MS. WILLIAMS: My name is Kate Williams and I'm the regulatory affairs representative for the Alaska Oil and Gas Association. AOGA is a non-profit trade association whose 15-member companies account for the majority of oil and gas activities in Alaska. We appreciate the opportunity to provide testimony on the draft CCP and EIS for the Arctic National Wildlife Refuge.

AOGA opposes the alternatives identified by the Service that would designate additional wilderness areas in ANWR and believe the Service should include oil and gas development on the coastal plain in its preferred alternative in the final CCP and EIS.

The 1.5 million acre coastal plain represents 8 percent of the total size of the 19.6 million acre Refuge and oil and gas development would likely occur on only 2,000 acres, where about 1/10th of 1 percent of the Refuge's acreage. **[97.001 Alternatives Analyzed -- No Oil and Gas Alternative]** 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. Furthermore, **[97.002 ANILCA -- Designated Wilderness and ANILCA]** 31 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.

Opening the coastal plain to responsible oil and gas development would help increase

the nation's energy independence, extend the life of the TransAlaska Pipeline, 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. Development would help turn the tide against the economic recession the U.S. is now facing.

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 the North Slope. This means oil would be expected to flow through TAPS for at least another 30 years if the coastal plain is open to development. Currently TAPS is operating at one-third capacity and will face operational challenges without additional supply.

Improvements in technology over the past 40 years of development on the North Slope has significantly reduced the surface footprint while expanding the subsurface drillable area. In the '70s, a 20-acre gravel pad was utilized to access the subsurface area of less than one mile. Today's technology allows the subsurface drillable area of over eight miles from a six-acre pad. Additionally, advancements in 3D and 4D seismic technology allow industry to better focus their targets, further reducing surface impacts.

As a final point, Alaskans have consistently recognized the importance of allowing oil and gas development on the coastal plain. Polling over the last 20 years has continually shown that more than 70 percent of Alaskans support development in this area.

Thank you.

COMMUNICATION NUMBER 32620
Kate Williams, Regulatory Affairs Representative
Alaska Oil and Gas Association

Alaska Oil and Gas Association

121 W. Fireweed Lane, Suite 207
Anchorage, Alaska 99503-2035
Phone: (907)272-1481 Fax: (907)279-8114
Email: williams@aoga.org
Kate Williams, Regulatory Affairs Representative

November 14, 2011

Ms. Sharon Seim
Planning Team Leader
Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, AK 99701

Re: Comments on the Draft Comprehensive Conservation Plan and Environmental Impact Statement for the Arctic National Wildlife Refuge

Dear Ms. Seim:

The Alaska Oil and Gas Association ("AOGA") appreciates the opportunity to submit comments on the Draft Comprehensive Conservation Plan ("CCP") and Environmental Impact Statement ("EIS") for the Arctic National Wildlife Refuge ("ANWR" or "the Refuge"). AOGA is a private, nonprofit trade association whose 16 member companies account for the majority of oil and gas exploration, development, production, transportation, refining, and marketing activities in Alaska.

AOGA endorses the comments on the draft CCP/EIS being submitted by the American Petroleum Institute ("API") and the Arctic Slope Regional Corporation ("ASRC") and encourages the U.S. Fish and Wildlife Service ("USFWS" or "the Service") to consider and incorporate the recommendations contained therein.

AOGA opposes the alternatives identified by the Service in the draft CCP/EIS that would designate additional wilderness areas or wild and scenic river conservation system units in ANWR. AOGA believes the draft document violates the Alaska National Interest Lands Conservation Act ("ANILCA") and National Environmental Policy Act ("NEPA") for the reasons described in more detail below and should, at a minimum, be amended to correct those violations. In addition, **[32620.001 Alternatives Analyzed -- No Oil and Gas Alternative]** 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.

Furthermore, **[32620.002 Consultation and Coordination -- Tribal Coordination/Govt to Govt]** 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.

I. THE CCP VIOLATES ANILCA BY CONSIDERING ESTABLISHMENT OF NEW WILDERNESS AND NEW WILD AND SCENIC RIVERS IN ANWR

The proposed ANWR CCP/EIS fundamentally violates the clear directives of controlling legislation, the Alaska National Interest Lands Conservation Act (ANILCA),1 by considering the establishment of new wilderness and wild and scenic rivers conservation system units in ANWR. The CCP/EIS also specifically violates Section 10022 of ANILCA by giving no effect to the requirements and purposes imposed by Congress with respect to the coastal plain.

[32620.003 ANILCA -- General] 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(c) 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.

1. The "No More" Clauses of ANILCA Prohibit Consideration of New ANWR Wilderness And Wild and Scenic Rivers

[32620.004 ANILCA -- General] The "no more" clauses of ANILCA expressly prohibit studies to create new units of wilderness and wild and scenic rivers. The draft CCP/EIS briefly acknowledges this issue, but fails to address the plain language and controlling requirements of ANILCA.

The first of the "no more" clauses is Section 101(d), one of "Purposes" of ANILCA as a whole. This expresses the key principle that the more than 100 million acres of new conservation system units established in Alaska were "a proper balance" which "obviated" the need for new legislation to establish more:

(d) 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.

(emphasis added). This plain statement of Congressional intent is then given specific effect in numerous directives and time limits throughout ANILCA.

The most relevant of these here is Section 1326(b), a section addressing "Future Executive Actions." This provides:

§1326. (b) 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.(emphasis added.)7

In order to understand the full scope of both sections 102(d) and 1326(b), it is essential to consider the definition of "conservation system units" in ANILCA Section 103(4):

(4) 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). The plain meaning of this language is unavoidable. "Any unit" means just that: any unit of any of the listed federal systems, including future expansions. The conservation systems are listed disjunctively ("or"). The necessary effect is that any expansion of any of the systems by definition is itself a "conservation system unit."

Here, under this definition, Section 1326(b) therefore directly prohibits the CCP proposals "considering the establishment" of new additions to both the National Wilderness Preservation System and the National Wild and Scenic Rivers System. It would be nonsense in any event to contend that the implementation of either of these systems does not establish any new conservation system unit. Their very purpose is to impose extraordinary new preservationist regimes which permanently preclude development.

It is equally clear, despite USFWS' denial,8 that the wilderness and scenic river "studies" undertaken in the CCP are precisely the kind of "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 related or similar purposes…" which are prohibited by Section 1326(b). The studies have no other purpose. The wilderness areas are labeled "wilderness study areas." Both the wilderness and scenic rivers review expressly include "study" stages.9 If these are not "studies" within the meaning of 1326(b), what possibly could be?

And, contrary to USFWS' contention, although both studies are for the singular purpose of considering the establishment of new conservation system units, it would not matter in any event if they had other purposes. Section 1326(b) also includes the broad language "or for related or similar purposes." These words must also be given effect,10 and there can be no serious contention that the studies of new wilderness and new scenic rivers in ANWR completed as part of the CCP/EIS process do not at least comprise "related" or "similar" purposes.

Finally, it makes no difference that ultimately Congress must approve a recommendation for new wilderness or wild rivers. These are still further studies "considering the establishment" of conservation system units. All the words must be given effect. No completed action is required.11A contrary reading would in any event negate Section 1326(b) altogether, since Congress must act to establish any of the conservation units as defined in Section 103(4).

In consequence, Section 1326(b) applies here and expressly prohibits the study of new wilderness and wild rivers in the CCP "unless authorized by this Act or further Act of Congress." No such authorization exists.

2. **[32620.005 ANILCA -- Designated Wilderness and ANILCA]** ANILCA Prohibits, Not Authorizes, New Proposals for ANWR Wilderness

The only authorization in ANILCA for DOI proposals for wilderness designations in the national parks and wildlife refuges in Alaska is Section 1317. However, this section prohibits the wilderness reviews contained in the CCP/EIS.

Section 1317 mandated review of additional wilderness in the parks and refuges within five years after ANILCA's enactment:

GENERAL WILDERNESS REVIEW PROVISION §1317.

(a) 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.

(b) 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.

(c) Nothing in this section shall be construed as affecting the administration of any unit of the National Park System or unit of National Wildlife Refuge System in accordance with this Act or other applicable provisions of law unless and until Congress provides otherwise by taking action on any Presidential recommendation made pursuant to subsection (b) of this section.

Id. (emphasis added). The authority under this section was time limited: five years for DOI to "review as to their suitability or nonsuitability for preservation as wilderness, all lands" in the parks and refuges. The authority to conduct the review expired more than two decades ago. The time limit of Section 1317(a) independently bars any DOI wilderness recommendations outside the authorized time.

Were there any doubt that Congress knew how to instead delegate continuing authority to conduct wilderness reviews when it wanted to,one need look no further than Section 1320 of ANILCA to dispel it. That section solely addresses BLM land management in Alaska12 and does not apply to national wildlife refuges or USFWS. It provides in relevant part that "the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System…"13 The language of Section 1320 is dispositive of any contention that Congress, in spite of the express time limit of Section 1317(a), somehow instead intended to authorize or permit new wilderness proposals decades later. It did not.

Finally, the time limit of Section 1317(a), while dispositive here, does not stand on its own. It must be read in conjunction not only with Section 1320, but also with the "no more" clause of Section 1326(b) and the broader policy statement of Section 101(d). Together, these clauses flatly prohibit new studies and recommendations for wilderness in ANWR.

3. **[32620.006 ANILCA -- Wild and Scenic Rivers and ANILCA]** 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

[32620.007 ANILCA -- Planning Requirements] 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 requirethat, 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.

5.**[32620.008 ANILCA -- Planning Requirements]** 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.

6. **[32620.009 ANILCA -- Planning Requirements]** 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 USWFS 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.

II. FAILURE TO COMPLY WITH SECTION 1002 AND TO CONSIDER OIL AND GAS DEVELOPMENT IN THE COASTAL PLAIN ALSO VIOLATES NEPA

[32620.010 Alternatives Analyzed -- No Oil and Gas Alternative] 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.

III. **[Preamble 32620.011]** THE DRAFT CCP/EIS FAILS TO INCLUDE ANY ANALYSIS OF ANWR'S RESOURCE POTENTIAL OR RECOGNITION OF THE NEED FOR UPDATED ANALYSIS

Despite the Congressional mandate in ANILCA to examine the 1002 coastal plain area for its oil and gas potential very little exploration has taken place. Only about 1500 miles of two-dimensional ("2D") seismic data have been recorded in the 1002 area. These data were recorded in two winter seasons in 1984 and 1985. The only well that has been drilled in 1002 is the Kaktovik Inupiat Corporation #1 well (i.e. "the KIC well") drilled over two seasons in 1985 – 1986. This well was drilled on private (Native Corporation-owned) land by BP and Chevron and the results of this well are highly confidential and have not been released.

The paucity of data in the 1002 area is in sharp contrast to the amount of exploration data that has been obtained on State land to the west of ANWR. Between the Canning and Colville rivers hundreds of exploration wells have been drilled resulting in oil discoveries in a number of different geologic formations. Most of this area has also seen the application of three-dimensional ("3D") seismic data. 3D seismic data provides a much more accurate picture of the subsurface of the earth than does 2D seismic. 2D data can be likened to an X-ray image of the body; it is constrained to one plane of information. 3D is more like a CAT Scan which provides a volume of data which can be manipulated (rotated, sliced) to give the doctor much more accurate and useful information. The same is true for 3D seismic with respect to geological analysis.

Many new discoveries in Alaska (and worldwide) are the direct result of the application of 3D seismic, which is now the standard exploration tool used by industry. Although more costly to obtain initially, it pays off in that the success rate for drilling can improve dramatically. A 10 or 20 percent success rate was fairly typical for exploration wells based on 2D technology. Using 3D data, success rates of 40 or 50 percent are becoming common. This higher rate is naturally a boon to the industry since fewer dry holes will be drilled, thus lowering costs. However, it is also a benefit to the environment; impacts are reduced since fewer wells are drilled.

As important as 3D seismic is to exploration there is something it cannot do; it cannot predict whether oil is actually present in the rocks. 3D seismic can only show the distribution of the rocks in the subsurface. Only drilling can find oil.

The lack of data regarding ANWR's oil and gas resources represents the failure of the federal government to fulfill the Congressional mandate to evaluate the oil and gas potential of the 1002 area. The most recent attempt to unravel the complexities of ANWR geology was made by USGS in 1998 and entailed 3 years of study by 40 scientists. This is the most comprehensive study ever done and incorporated new field work, all the well data available and the information derived from reprocessing and reinterpretation of all the seismic data recorded in ANWR. This assessment contains the best information available to the public.

The results of this study showed an increase in the estimated amount of oil in ANWR compared to earlier assessments. Given the many new discoveries on the North Slope it is not hard to understand why the numbers grew. These new discoveries were, as the assessment concluded, in large part due to the application of new seismic and drilling technologies. According to the study "The increase results in large part from improved resolution of reprocessed seismic data and geologic analogs provided by recent nearby oil discoveries." Simply put, new discoveries on other parts of the North Slope have influenced the USGS reassessment of the 1002 area. This new geologic picture of the North Slope also resulted in the oil resource predicted in ANWR to be "redistributed" compared to earlier assessments. Unlike earlier assessments, now the majority of

oil in ANWR is thought to be in the northwest portion of the 1002 area and thus closer to existing infrastructure. Again, only drilling can confirm this.

In round numbers the study says there are between 6 and 16 billion barrels of technically recoverable oil in the study area. The mean (average) is about 10 billion barrels. Technically recoverable oil is the amount of oil that actually comes out of the ground. At Prudhoe Bay the recovery factor is over 60 percent. The USGS used a very conservative 37 percent recovery factor in their ANWR assessment. If the recovery factor in ANWR fields can match Prudhoe Bay then the technically recoverable average increases to about 18 billion barrels. At today's higher oil prices, and assuming a reasonable recovery factor, the amount of oil economically recoverable, will be very close to the technically recoverable amount, or potentially even greater.

While the 1998 USGS study is based on sound scientific principles, this does not mean it is right. Despite all the studies that have been done, a simple fact remains: the amount of oil in the 1002 area is unknown. Also true is that existing data does show that ANWR is the best onshore oil prospect in the United States. Although ANWR has enormous potential, that potential will remain unrealized until drilling is allowed.

Bottom line, **[32620.011 ANILCA -- Planning Requirements]** the Congressional mandate contained in ANILCA to evaluate the oil and gas potential of the 1002 coastal plain area has yet to be fulfilled and should be part of, or completed in conjunction with, the CCP/EIS process.

IV. **[32620.012 Mammals -- Baseline Conditions: Polar Bears]** THE DRAFT CCP/EIS CONTAINS MISSTATEMENTS ABOUT THE EFFECTS OF OIL AND GAS ACTIVITES

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 arenegligible.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.

Lastly, **[32620.013 Mammals -- Baseline Conditions: Polar Bears]** 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…").

Based on the above, AOGA urges USFWS to reconsider provisions in the CCP/EIS related to oil and gas industry impacts on polar bears.

V. OTHER COMMENTS AND INADEQUACIES CONTAINED IN THE DRAFT CCP/EIS

AOGA would like to highlight a few additional items which AOGA urges USFWS to consider in the development of the final CCP/EIS.

[32620.014 Mammals -- Species of Concern] 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.

[32620.015 Cultural and Historical Resources -- Cultural History] 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.

[32620.016 Archaeological Resources -- Area History] 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 Jennessin 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.

[32620.017 ANILCA -- Designated Wilderness and ANILCA] 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.

To summarize, the draft CCP/EIS contains violations of ANILCA and NEPA which must be corrected in the final document. Furthermore, USFWS failed to consider ANWR's vast oil and gas resources, particularly in the 1002 coastal plain area, despite ANILCA's mandate. Given the U.S. need for these resources and the jobs associated with their development, these issues should be considered in the final CCP/EIS. The draft document contains omissions, including an updated resource assessment for ANWR, and inconsistencies, particularly with regard to the oil and gas industry's impact on polar bears, long established as "negligible" if that, which must be addressed before a final CCP/EIS is released. These issues are simply too important and integral to the CCP process to ignore.

Thank you for the opportunity to comment on the draft CCP/EIS. If you have any questions on these comments, please do not hesitate to contact me.

Sincerely,

KATE WILLIAMS

Regulatory Affairs Representative

1 16 USC 3101 et seq. Additional sections of ANILCA are codified elsewhere as well. For convenience, reference here is to the original section numbers.

2 16 USC 3142.

3 16 USC 668dd et seq.

4 16 USC 668dd (e)(1)(A).

5 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. Department of the Interior, April 1987. The Report states that it was

prepared "In accordance with Section 1002 of the Alaska National Interest Lands Conservation Act, and the National Environmental Policy Act" by USFWS, the U.S. Geological Survey, and the Bureau of Land Management.

6 Note to Reader from the Secretary of the Interior. As the Summary more formally states, "The Secretary of the Interior recommends to the Congress of the United States that it enact legislation directing the Secretary to conduct an orderly oil and gas leasing program for the 1002 area at such pace and in such circumstances as he determines will avoid unnecessary adverse effect on the environment."

7 Section 1326(a) independently prohibits executive withdrawals of more than 5,000 acres of Alaska land, even if otherwise authorized by law, without notice to and approval by Congress within a year. This also reflects the intent of the "no more" clauses to limit executive actions adding new restrictions to federal lands in Alaska. The meaning of "withdrawal" in this section is undefined. To the extent that adoption of the new CCP would be used to impose different management standards on the lands, or to otherwise impose new standards on uses and activities either within ANWR or outside it (such as oil and gas development outside ANWR borders), the proposed new wild and scenic rivers or wilderness areas may be considered "withdrawals" under this section.
This is clearly the case with respect to the proposed wild and scenic rivers, since USFWS asserts "In keeping with NWSRS requirements, rivers determined suitable must be managed to maintain their free-flowing character and outstandingly remarkable values until Congress makes a decision about their designation." EIS Summary at 20. It is equally likely that management of new areas proposed in the CCP for wilderness designation will also be significantly affected in the exercise of USFWS discretion both in the Refuge and in fulfilling other federal responsibilities, such as addressing EISs for other actions in the areas near ANWR. As USFWS states, "The Refuge will… prioritize activities that maintain or restore wilderness characteristics on minimal managed lands across the Refuge." CCP page 2-8, Objective 2.4, "Comprehensive Wilderness Management." These are the same lands now considered for wilderness.

8 The EIS asserts only that "These wilderness and wild and scenic river reviews are required of the Refuge and do not violate the "no more" clauses of ANILCA because they are not a withdrawal and are not being conducted for the sole purpose of establishing a new conservation system unit." EIS Summary at 7.

9 For example, USFWS states that it is authorized "to study areas and submit proposals for addition to the [wild and scenic rivers] system." CCP, Introduction at 19.

10 See United States v. Alaska, 521 US 1 (1997): "The Court will avoid an interpretation of a statute that 'renders some words altogether redundant.'" Id. at 59.

11 See United States v. Alaska, 521 US 1 (1997). In that case, the United States Supreme Court held that an exception to Alaska land grants in Section 6(e) of the Alaska Statehood Act for lands "withdrawn or otherwise set apart as refuges" did not require that "the refuge be presently established" in order to reserve federal ownership of submerged lands. Rather, the Court held that a 1957 internal administrative application submitted to the Secretary of the Interior by the DOI Bureau of Sport Fisheries and Wildlife requesting possible approval for withdrawal of land for a potential future Arctic Wildlife Range was sufficient to defeat transfer of submerged lands at statehood, even though the Range itself did not exist until 1960.

12 This was presumably a result of the fact that BLM lands in Alaska had not been as fully studied as the parks and refuges which had received direct review by Congress in enacting ANILCA.

13 BUREAU OF LAND MANAGEMENT LAND REVIEWS
§1320. Notwithstanding any other provision of law, §603 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under §201 and §202 of such Act and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act…

14 The National Wildlife Refuge Administration Act does not address wilderness, and as will be seen above cannot conflict with ANILCA. The Wilderness Act of 1964 permitted USFWS to make wilderness recommendations for ten years, but that authority antedated ANILCA by 17 years and has expired. Congress has on a number of occasions used specific statutes to delegate authority to undertake wilderness recommendations when it believed these were needed, but none apply to ANWR other than ANILCA.

15 Public Law 105-57, 105th Congress, 1997.

16 16 USC 668dd(e)(1)(A).

17 16 USC 668dd(A)(3)(D).

18 16 USC 668ee 10).

19 See Part 610 Chapters 1-5 of the Fish and Wildlife Service Manual.

20 Policy, Natural and Cultural Resources Management Part 610, Wilderness Stewardship Chapter 5, Special Provisions for Alaska Wilderness (610 FW 5)

21 Id. at 2.2C.

22 Nevertheless, notwithstanding its own policy, USFWS has undertaken exactly such a review here. This is not a consequence of public comments, as USFWS suggested in its September 27 2010 announcement of the wilderness reviews. Instead, a Memorandum from the USFWS Director on January 28, 2010 summarily directed this result.22 This summary action arbitrarily and capriciously overruled the publicly reviewed Wilderness Stewardship Policy, without any notice to the public, and is yet another reason why the wilderness review is unlawful.

23 The CCP erroneously asserts that Section 1004 "requires the Refuge to maintain the wilderness character of the coastal plain." EIS Summary at 18. Section 1004 does not apply to ANWR. Section 1004 applies to the "study" of "the Federal lands described in §1001." Section 1004(a). These comprise "all Federal lands… 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.) As already discussed, the meaning of "conservation system units" is broadly defined in Section 101(d) and includes national wildlife refuges and all additions to them. ANWR was a conservation unit established by the Act. See Section 303(2)(B)("The purposes for which the Arctic National Wildlife Refuge is established and shall be managed include [etc.]"). By express statutory definition, it is excluded from the 1004 study. The actual study conducted by DOI pursuant to Sections 1004 and 1001 confirms that Section 1004 applies to "all federal lands located north of 68 degrees north latitude, east of the western boundary of the National Petroleum Reserve-Alaska (NPR-A) exclusive of the Gates of The Arctic National Park and Arctic National Wildlife Refuge. This area is referred to as the Central Arctic Management Area or CAMA… Section 1004 (c) of ANILCA designated the federal lands within CAMA to be a wilderness study

area (WSA)." DOI, Central Arctic Management Area Wilderness Recommendations, Final Environmental Impact Statement, 1988, at Chapter 1, Introduction, page 1-1 (emphasis added).

24 The Plan covers all of the Arctic Refuge, including the "1002" coastal plain area. However, actions that Congress might take in the "1002" area, including permitting oil and gas development or designating the area as wilderness, are not addressed in this document. Section 1002(h) of ANILCA directed DOI to provide Congress with a separate report on the future management of the "1002' area. The 1002(h) report and Legislative EIS, submitted to Congress on June 1, 1987, analyzes five alternatives and contains the Secretary of the Interior's recommendation that the entire area be made available for leasing. The Congress will determine the future management of the "1002" area. In the interim, in all of the alternatives in the Plan the 1.5 million acres of federally managed lands in the "1002" area are treated as a minimal management area.

25 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. A wilderness review of the Arctic Refuge was conducted in the early 1970's pursuant to the Wilderness Act. A draft report was prepared in 1973…
The issue of wilderness designation for all the Arctic Refuge, including the 1002, was debated extensively by the Congress and the public in widely held hearings from 1976 through 1980 during the development and passage of ANILCA… The Senate view was that designating the area as wilderness was premature until a resource assessment of the oil and gas potential was completed and reviewed by the Congress. The Senate view prevailed and became Section 1002 of ANILCA. Id. at 103 (emphasis added).

26 Even if Congress had not done so, CEQ NEPA regulations require that "agencies shall… Include reasonable alternatives not within the jurisdiction of the lead agency," including proposals which require action by Congress, in an EIS. 40 CFR 1502.14(c).

27 In addition, pursuant to Section 304(g) of ANILCA, one of "special values" which must be considered in a CCP is "geology," which is given an equal footing with wilderness. The CCP at Section 1.5 erroneously omits geology as a "special value" and fails to analyze it. Congress' inclusion of this "special value" must be read in light of numerous provisions of ANILCA mandating studies of oil and gas potential, including Section 1002. This is not a concern with "geology" in the abstract, but with its potential for development.

28 See 71 Fed. Reg. 43926 (Aug. 2, 2006) (currently applicable polar bear negligible impact determination and incidental take regulations under MMPA for oil and gas activities in and adjacent to the Beaufort Sea); Center for Biological Diversity v. Kempthorne, _ F.3d _, 2009 WL 4282025 (9th Cir., Dec. 2, 2009) (sustaining MMPA regulations and negligible impact determination for polar bears); 73 Fed. Reg. 33212 (June 11, 2008) (currently applicable polar bear negligible impact determination and incidental take regulations under the MMPA for oil and gas activities in and adjacent to the Chukchi Sea); 73 Fed. Reg. 76249 (Dec. 16, 2008) (final special polar bear 4(d) rule promulgated by the Service); Final Biological Opinion for Beaufort and Chukchi Sea Program Area Lease Sales and Associated Seismic Surveys and Exploration Drilling (U.S. Fish and Wildlife Service, Sept. 3, 2009) (concluding that mitigation measures associated with MMPA incidental take regulations have proven effective, and are expected to be required for any future oil and gas activity authorizations); Programmatic Biological Opinion for Polar Bears (Ursus maritimus) on Chukchi Sea Incidental Take Regulations (U.S. Fish and Wildlife Service, June 3, 2008).

COMMUNICATION NUMBER 136794
Bill Iverson, President
Alaska Outdoor Council

From: "Bill Iverson - AOC"
To:
Subject: AOC comments on ANWR - due 18th

Please get these comments to the proper person.

Thank you,

Bill Iverson

President
Alaska Outdoor Council
"Protecting your Hunting, Trapping, Fishing and Access Rights"
310 K Street, Suite 200
Anchorage, Alaska 99501
Phone: (907) 264-6645
Fax: (888) 932-3353
Email: president@alaskaoutdoorcouncil.com
Web site: www.alaskaoutdoorcouncil.org

AOCgooseSmall

- image003.jpg - ANWR CCP-EIS AOC comments Nov 2011.pdf

Alaska Outdoor Council
310 K Street, Suite 200
Anchorage, Alaska 99501
Phone: (907) 264-6645 Fax: (907) 264-6602
e-mail: aoc@alaskaoutdoorcouncil.org
web: www.alaskaoutdoorcouncil.or

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November 10, 2011
U.S. Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave, Rm 236
Fairbanks, Alaska 99701-6237

RE: Draft ANWR CCP/EIS

The National Environmental Policy Act (NEPA) requires federal agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."
The draft Arctic National Wildlife Refuge CCP does not describe alternatives for a number of conflicting management issues; oil & gas development in 1002, sanitation facilities at transportation hub centers, increased opportunities to participate in wildlife-dependent recreation.

[136794.001 ANILCA -- Refuge Purposes and ANILCA]
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.

[136794.002 Alternatives Analyzed -- Evaluation of Alternatives] 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.

[136794.003 Alternatives - Issues Considered but Eliminated -- Visitor Use Issues] 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.

[136794.004 Wilderness -- Unacceptable Uses / Activities] 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.

Even the (No Action) Alternative A is a loss of access opportunity. The proposed Goals, Objectives, Management Policies, and Guidelines in Chapter 2 of the draft ANWR CCP/EIS reflect a move toward less of an opportunity to participate in wildlife-dependent recreation. The Refuge Goals and Objectives Chapter 2.1 are to be adopted regardless of which Alternative the Service chooses.

[136794.005 Refuge Vision and Goals -- Goal 5 (including 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.

The Alaska Outdoor Council (AOC) is a statewide conservation organization representing over 10,000 Alaskans who hunt, fish, trap, and actually participate in outdoor recreational activities on federal public lands in Alaska.

[Preamble 136794.006, 007, 008, 009] 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.

1. AOC opposes the recommendation to Congress to create any new Wilderness designated Areas in ANWR.

2. AOC opposes the addition of any new rivers in ANWR to the National Wild & Scenic River System.

[136794.006 Recreation and Visitor Use -- Commercial Operations, General] 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.

[136794.007 Refuge Vision and Goals -- General] 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.

[136794.008 Alternatives - Issues Considered but Eliminated -- Management Issues]
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.

[136794.009 Alternatives Analyzed -- Other Alternatives Suggested] 6. AOC recommends that an Alternative be added to propose development and utilization of resources in the Refuge's Coastal Plain (Area 1002).

AOC appreciates the opportunity to comment. If information is needed to clarify any of our comments please feel free to contact our office.

Sincerely,

Rod Arno, Executive Director, Alaska Outdoor Council

Bill Iverson, President, Alaska Outdoor Council

CC:
Representative Don Young
Senator. Mark Begich
Senator, Lisa Murkowski
Governor Sean Parnell
Daniel Sullivan, Commission ADNR

COMMUNICATION NUMBER 136792
Cliff Eames, Board Member
Alaska Quiet Rights Coalition

From: Cliff Eames
To: arcticrefugeccp@fws.gov
Subject: Arctic Refuge Draft CCP Plan Revision and DEIS

Dear Ms. Seim,

The attached are the comments of the Alaska Quiet Rights Coalition on the Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan and Draft Environmental Impact Statement. Thank you for the chance to comment on this very important, and we hope historical, planning process.

Sincerely,

Cliff Eames
Board Member
Alaska Quiet Rights Coalition

Cliff Eames
Kenny Lake, Alaska
HC60 Box 306T
Copper Center, AK 99573
(907) 822-3644

- AQRC comments on draft Arctic Refuge CCP revision.doc

Attachment:

It's the great, big, broad land way up yonder,
It's the forests where silence has lease;
It's the beauty that thrills me with wonder,
It's the stillness that fills me with peace.

-Robert Service

November 15, 2011

U.S. Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave., Rm 236
Fairbanks, AK 99701-6237

Re: Comments on Arctic NWR Draft CCP Revision

Dear Ms. Seim:

The following are the comments of the Alaska Quiet Rights Coalition (AQRC) on the Arctic National Wildlife Refuge's draft Comprehensive Conservation Plan revision.

We thank you very much for the opportunity to participate in this planning process for a highly valuable, almost entirely pristine area that is owned by all Americans and is considered by many to be our country's premier wilderness and wildlife area.

Many if not most of our comments you've seen before in our scoping letter. But the focus of the Alaska Quiet Rights Coalition, the Natural Soundscape--the opportunity to hear natural sounds and enjoy natural quiet--is quite specific, and we believe that agencies at all levels of government are paying far too little attention to this fundamental resource, and doing far too little to protect, and where necessary restore, it--and that it would be difficult, if not impossible, for us to say too much about it and its critical importance.

And, in fact, **[Preamble 136792.003, 004]** 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.

Immediately below are our more general comments about the Natural Soundscape, followed by more specific comments about the draft Plan and EIS.

The Alaska Quiet Rights Coalition is dedicated to protecting the rights of Alaskans to quiet places for the benefit of public land users, home and cabin owners, communities, businesses, wildlife, visitors, and future generations.

Alaska's natural beauty, wildness, wildlife, expanses of undisturbed open space, and peace and quiet are among its most cherished values, and Alaskans, our visitors, and future generations have the right to experience the natural sights, sounds and quiet beauty of our state. In the vast majority of cases, the obtrusive noise, summer landscape degradation and winter snowscape defacement, exhaust, and dangers of motorized recreation are incompatible with those special natural experiences.

Unfortunately, though, natural quiet and the opportunity to hear and enjoy natural sounds are increasingly hard to find in our state—a fact which would surprise the great majority of non-residents for whom Alaska in general, and the Arctic Refuge in particular, are potent symbols of the natural and the wild, not of noisy mechanization. Although there are many places in Alaska that look the same as they did 100 or more years ago, very few sound as they did only 10 or 20 years earlier.

Consequently, we urgently need to protect those quiet areas that still remain. Most of us, until quite recently, took the restorative quiet of the outdoors for granted. We assumed that the backcountry would always provide a quiet refuge from the noise, busyness and artificiality of our towns and cities. That assumption, to our great chagrin, has proven to be false. We now know that natural quiet and natural sounds require our—the public, and the public's stewards, the land managers—constant vigilance if they're to survive even into the middle of our present century.

Ironically, natural quiet can be easier to find in the lower 48, in the many designated Wildernesses where motorized recreation is prohibited, than in supposedly wild Alaska, where many federal land managers erroneously believe that ANILCA requires them to allow obtrusive recreational activities, for example, snowmachining, even in designated Wilderness. Recreational snowmachining, inaccurately characterized as "traditional," is allowed in spite of its numerous adverse impacts and the conflicts it so often creates with truly traditional, low impact means of access like walking, snowshoeing and cross country skiing. We can and should do better. (See below for more on this issue.)

AQRC believes in a fair and balanced allocation of the state's public lands for both non-motorized and motorized recreation. At the present time, there is a gross imbalance on the public lands that both unwisely and inequitably favors motorized recreation over muscle-powered recreation. In the interests of both good stewardship and fundamental fairness, this imbalance needs to be rectified. A reasonable proportion (we've suggested 50%) of public lands and facilities of all jurisdictions throughout the state should be set aside for quiet recreation—thereby also helping to protect clean air and water, fish and wildlife, soils and vegetation, scenic beauty, and the wilderness character for which Alaska is famous worldwide.

Natural quiet and natural sounds should be recognized by all public land managers as critical resources in and of themselves that deserve no less consideration than clean air and water or fish and wildlife and their habitat. Soundscape plans should be prepared. The analysis of proposed agency actions should include a determination of the possible effects on natural quiet and natural sounds and on the humans and wildlife that enjoy or depend on them. (See below for more on this issue.)

AQRC's focus has been on motorized recreation, not subsistence. And ANILCA, rightfully so, has more liberal policies for the use of motorized vehicles for necessary subsistence than for non-essential recreation. Subsistence use of motorized vehicles should, nevertheless, be subject, where appropriate, to reasonable regulations (as provided for in ANILCA). (See below for more on this issue.)

Our more particular comments follow:

Overall. We support Alternative E--with the proviso that ANILCA's provisions protecting subsistence use be fully upheld in order to protect legitimate subsistence activities. All three areas that were assessed, perhaps especially the Coastal Plain, should be recommended to Congress for Wilderness designation, and the four rivers that were evaluated should be recommended for inclusion in the Wild and Scenic Rivers System.

Vision Statement, Goals and Special Values. We support the plan's vision statement, goals, and special values. Themes that are especially important to us include wilderness/wildness, wildlife, naturalness, pristine and untamed landscapes, heritage, stewardship, solitude, respect, restraint, and a chance to escape from otherwise omnipresent modern technologies. None of these are consistent with recreational motorized vehicle use in this wild, remote refuge.

[136792.001 Refuge Management Policies/Guidelines -- General] Natural Soundscape (Natural Quiet and Natural Sounds). Following up on what we said above, these important but too often neglected resources deserve strong protection in the Refuge. If not protected here, where will they be? The draft Plan and EIS should be revised to treat them as completely legitimate and independent resources, and the impact of refuge activities and decisions on them should be fully evaluated, just as is done for other important resources and values such as wildlife, clean air and

water, scenic beauty, wilderness, etc. In addition, the Plan should mandate that a step-down Soundscape Plan be undertaken subsequently.

Wilderness. Wilderness is an important issue for our members, since we assume that the use of noisy and otherwise destructive and conflict-creating motorized vehicles, other than for legitimate access (see below) and well regulated subsistence use, will, at least at some point, not be permitted in refuge Wilderness. We firmly believe that the Congress in passing ANILCA did not intend that its "traditional activities" provision would create a loophole that would make designated Wilderness in Alaska far less wild than in the lower 48. The refuge should remain an example of our wild heritage. Visitors to our state should be able to find peace and quiet in this special place, not the noise and busyness that many of them are trying to escape--and that they assume they will be able to escape when they travel to "wild" Alaska.

[136792.002 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

Consequently, as we said above, we support recommending to the Congress all three of the areas that were evaluated for Wilderness designation.

[136792.003 Transportation and Access -- Mode of Transportation] 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.

Wildlife. AQRC's traditional focus has been on the social impacts of motorized, primarily recreational, vehicles, since these issues seem to be so difficult for land managers to resolve responsibly. But an important part of the natural experience that non-motorized recreationists and visitors are seeking is seeing healthy populations of wildlife in a natural, undisturbed setting, and we are increasingly recognizing that advocacy to protect wildlife from unnatural, mechanical sounds is very important and too often neglected. And of course maintaining healthy wildlife populations, unaltered habitat, and biodiversity should be a major refuge goal and is one that we heartily support. Similarly, although our organizational emphasis is not on the preservation of scenic beauty, doing so is critical to a non-motorized user's enjoyment of his or her outdoor experience.

[136792.004 Subsistence -- Access] 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.

Thank you again for the chance to comment on this important planning process. The Fish and Wildlife Service seems to recognize, in most regards, that they have a very special stewardship responsibility in managing this exceptional place responsibly for both present and future generations of Americans. One glaring failure, though, as we have said, is its almost, as far as we

can tell, complete neglect of the Natural Soundscape. We urge the Service to correct this glaring deficiency in its final plan by, for example, recognizing the Natural Soundscape as a Special Refuge Value; making its protection, and where appropriate, restoration, a Refuge Goal; evaluating it as part of the Affected Environment; and assessing the effect on it of the various alternatives.

Sincerely,

Cliff Eames
Member, Board of Directors
Alaska Quiet Rights Coalition

HC 60 Box 306T
Copper Center, AK 99573

COMMUNICATION NUMBER 136820
Cindy Shogan, Executive Director
Alaska Wilderness League

From: Lydia Weiss
To: "ArcticRefugeCCP@fws.gov" ; "Sharon_Seim@fws.gov"

Subject: Technical Comments on Alternative C from the Alaska Wilderness League

Dear Sharon:

Attached, please find a cover letter and technical comments regarding Alternative C, submitted on behalf of the Alaska Wilderness League. They are submitted on our organizational letterhead with all of our contact information, but if you need more information than that for this organizational submission, please let me know. Both have also been put in the mail, postmarked today.

Thanks very much,

Lydia

ALASKA
WILDERNESS
LEAGUE

Attachment 1:

November 15, 2011

U.S. Fish and Wildlife Service
Arctic National Wildlife Refuge - Sharon Seim
101 12th Ave., Room 236
Fairbanks AK 99701
Via: ArcticRefugeCCP@fws.gov and U.S. Mail

RE: Arctic National Wildlife Refuge Draft Comprehensive Conservation Plan/ Environmental Impact Statement Comments

Dear Ms. Seim:

Thank you for the opportunity to comment on the Arctic National Wildlife Refuge Draft Comprehensive Conservation Plan/Environmental Impact Statement ("CCP"). The Arctic Refuge is one of America's most unique wilderness areas, and its Coastal Plain in particular holds a special place in our nation's natural heritage. The revised CCP provides the U.S. Fish and Wildlife Service with a historic opportunity to recommend wilderness designation for the Arctic Refuge Coastal Plain Wilderness Study Area. The Alaska Wilderness League urges you to select Alternative C, which includes this important wilderness recommendation.

We also support a number of detailed comments and recommendations in the enclosed letter. Our goal was to provide input to ensure the Arctic Refuge is managed into the future in a manner that best preserves its incredible values, including its wilderness, wildlife, recreation, and subsistence opportunities. The Arctic Refuge contains all of these values in abundance, and we hope a

successfully revised CCP will allow future generations to experience a Refuge that remains wild and thriving.

The enclosed letter contains detailed comments on the following topics:

* The FWS Properly Conducted a Wilderness Review of all Non-Wilderness Lands within the Arctic Refuge and We Urge FWS to Recommend the Coastal Plain for Wilderness Designation

* FWS Properly Conducted a Wild and Scenic River Review

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

* The FWS Has Provided Strong Arctic Refuge Special Values, Vision and Goals that should be Retained in the Final CCP

* We Support the Goals Identified by FWS In General and Believe That The Goals Identified Will Help FWS Effectively Manage the Arctic Refuge to Preserve its Exceptional Values

* Wildlife Management must be Consistent with Arctic Refuge Purposes and FWS Should Preclude Consideration of Any Inconsistent Wildlife Management Proposals

* Consideration of Climate Change in the Planning Process

* Recreation Issues

* Management Policies and Guidelines

* FWS Properly Did Not Consider an "Oil and Gas Alternative"

* Other Issues Considered by Eliminated From Detailed Study

* The CCP EIS Fails to Adequately Consider Cumulative Impacts

* The FWS Failed To Consider and Analyze The Cumulative Impacts To The Refuge And Refuge Management From Multiple Reasonably Foreseeable Future Actions

* The FWS Failed To Consider the Cumulative Impacts Of The Action In The ANILCA Section 810 Evaluation

Thank you for considering our comments. We look forward to working with you to finalize this important planning effort for the incomparable Arctic National Wildlife Refuge.

Sincerely,

Cindy Shogan, Executive Director
Alaska Wilderness League
Washington, D.C.

Attachment 2:

Alaska Wilderness League

COMMENTS ON
ARCTIC NATIONAL WILDLIFE REFUGE
COMPREHENSIVE CONSERVATION PLAN
AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

November 14, 2011

Submitted by:

Cindy Shogan
Executive Director

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I. Introduction

The Arctic National Wildlife Refuge ("Arctic Refuge" or "the Refuge") is the crown jewel of the National Wildlife Refuge System in the United States. It is a place where all the values that the Refuge System is intended to preserve and celebrate are present in a larger-than-life landscape that was uniquely established to protect its wilderness values. The FWS aptly expresses the vision for the Arctic Refuge in this manner:

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 challenge test our bodies, minds and spirit; 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.

U.S. Fish and Wildlife Service, Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan, Draft Environmental Impact Statement, Wilderness Review and Wild and Scenic River Review (June 2011) ("DEIS" or "CCP DEIS").

The Comprehensive Conservation Plan ("CCP") for the Arctic Refuge is the critical document that ensures that the integrity of the Refuge is protected now and for future generations so that this vision can continue to be realized. In addition to the legal requirement to revise the CCP, it is an appropriate time to do so because an updated CCP can respond to what we now know about changing human impacts on the Refuge, from global warming to specific Refuge uses. Our greater understanding of the forces that can impact and influence the Arctic Refuge will allow for the adoption of a plan that can meet the challenges ahead, and ensure that the Arctic Refuge retains its fundamental wild character.

The Arctic Refuge is indeed the most wild place in the National Wildlife Refuge system, and therefore we concur with the CCP's planning context. See CCP at 1-5.

These comments address important overarching issues related to the management of the Arctic Refuge. The comments then move through the CCP as organized by FWS to provide comments, critiques and suggestions to improve the CCP with the goal of ensuring the FWS adopts a plan that recognizes the uniqueness of the Arctic Refuge, appropriately deals with the management

issues confronting the FWS, and ensures that the values for which the Refuge was set aside continue to be preserved for all.

II. GLOBAL ISSUES

A. THE FWS PROPERLY CONDUCTED A WILDERNESS REVIEW OF ALL NON-WILDERNESS LANDS WITHIN THE ARCTIC REFUGE

We are very pleased to see that FWS conducted a wilderness review for all non-Wilderness lands in the Arctic Refuge — including the Coastal Plain — as part of the CCP revision process. Wilderness reviews are required by Refuge System policy, and in fact they are required by law, as part of a CCP. Several laws guide the revision of the Arctic Refuge CCP and its wilderness review requirements. These include the Wilderness Act, Alaska National Interest Lands Conservation Act (ANILCA), and the National Environmental Policy Act (NEPA). In 1964, Congress enacted the Wilderness Act to:

assure that an increasing population, accompanied by expanding settlement and growing mechanization, [did] not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition.

16 U.S.C. § 1131(a). To that end, Congress directed the Secretary of the Interior to evaluate every roadless area within all national wildlife refuges for suitability for wilderness designation, and to report Wilderness recommendations to the President. 16 U.S.C. § 1132(c).[1] Since the initial mandate in 1964, that directive has been carried over and implemented during the refuge management CCP planning process and subsequent revisions.

ANILCA further customizes this national mandate to Alaska by directing the Secretary to "prepare and from time to time, revise, a comprehensive conservation plan for each refuge" in Alaska. 16 U.S.C. 304(g)(1). Section 304(g) states:

(1) The Secretary shall prepare, and from time to time, revise, a comprehensive conservation plan (hereinafter in this subsection referred to as the 'plan') for each refuge.
(2) Before developing a plan for each refuge, the Secretary shall identify and describe – (A) the populations and habitats of the fish and wildlife resources of the refuge; (B) the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge"

Based on the identification of these specific values, each CCP must "designate areas within the refuge according to their respective resources and values." Id. at 304(g)(3)(A)(i).

When Congress enacted ANILCA, it specifically incorporated portions of the Wilderness Act into the statute and carried over the Wilderness Act's wilderness review mandate for Alaska refuges. ANILCA includes two provisions that direct the Secretary of the Interior to perform wilderness reviews of Alaska lands. ANILCA sec. 1317, 16 U.S.C. § 3205; ANILCA sec. 1004, 16 U.S.C. § 3144. Section 1317(a) directs the Service to study all non-wilderness lands in Alaska refuges and recommend areas suitable for inclusion in the National Wilderness Preservation System:

Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 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. By definition section 1317 governs wilderness reviews for all land within the Arctic Refuge that has not been designated wilderness. 16 U.S.C. § 3205(a). This includes wilderness reviews of the Arctic Refuge coastal plain. Compare 16 U.S.C. § 3205 with 16 U.S.C. § 3142 (neither provision exempts the coastal plain ("1002 area") from the wilderness review requirement). Thus, FWS was obligated to conduct a wilderness review for the Refuge as part of this process and we are very pleased to see that FWS has in fact done so.

B. We Urge FWS to Recommend Wilderness for the Arctic Refuge Coastal Plain

Nearly all of the Arctic Refuge's non-Wilderness lands possess exceptional values that qualify them for designation as Wilderness under the Wilderness Act, and we urge that these lands be managed to protect and preserve their extraordinary wilderness values. Further, the Coastal Plain of the Arctic Refuge warrants Wilderness designation. The Coastal Plain wilderness study area is an integral part of the adjacent designated Wilderness lands and their intact ecosystems which make the whole Arctic Refuge truly unique among our Nation's natural treasures.

The Coastal Plain was a vital part of the original Arctic National Wildlife Range established in 1960 for the purpose of preserving its "unique … wilderness values." The Coastal Plain contains beautiful rivers rushing from the highest peaks in the Brooks Range and Sadlerochit Mountains then coursing north through foothills and hilly coastal plain, braiding across wetland tundra with lakes and ponds to broad river deltas, inter-tidal flats, lagoon and barrier island systems, and bays, spits, and other pristine shorelines along the Beaufort Sea.

The Coastal Plain hides vital winter maternity dens for polar bears, increasing in importance as arctic sea ice vanishes. Its coastal lagoons provide ringed seal pupping lairs. Dolly Varden (formerly known as Arctic char) overwinter and spawn in streams and river channels, primarily where springs flow year round, and then migrate to nearshore coastal waters for summer feeding. The Coastal Plain bursts with life in the summer as migratory wildlife converges on this biological heart of the Refuge — the Porcupine caribou herd along with golden eagles, wolves, and brown bears, and millions of migratory birds for nesting, feeding, molting, and staging.

The Coastal Plain is connected to existing designated Wilderness lands to its east and south through its scenic landscapes, watersheds, rivers, migration of the Porcupine caribou herd to its birthplace and nursery area, and to the lives of the Gwich'in people who depend on the caribou. It is also connected through its wildlife and sweeping landscapes to the broader ecosystem including Canada's Ivvavik and Vuntut National Parks and other conservation areas in this rich trans-boundary region.

Section 2 c of the Wilderness Act defines wilderness to be "undeveloped Federal land retaining its primeval character and influence ... and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable." Clearly, the characteristics and condition of the Coastal Plain wilderness study area meet these requirements. The Coastal Plain therefore has all the essential qualities which make it eminently qualified for designation as Wilderness and we urge FWS to adopt Alternative C and recommend Wilderness for the Coastal Plain.

C. WE URGE FWS TO RECOMMEND WILD AND SCENIC RIVER STATUS

In the CCP revision process, FWS must address the eligibility of various rivers in the Arctic Refuge for special status under the Wild and Scenic Rivers of 1968 (P.L. 90-542). That Act

provides 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. "Wild rivers" represent "vestiges of primitive America," and can be designated if they "are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted." 16 U.S.C. 1273.

The Refuge is uniquely situated in Alaska to include entire rivers and watershed headwaters from the high peaks of the Brooks Range to the Arctic Ocean in the north and to the Yukon River drainage in the south, and therefore their scenery is dramatic as well as unique. The proximity of the mountains, including the Sadlerochit Range, to the Beaufort Sea coast creates a diversity of habitats along these northward flowing rivers in the refuge. This combines with the close proximity of the boreal forest sloping from the south slopes of the peaks to create river habitat diversities unique in the circumpolar north, so that comparing the Refuge's rivers between themselves discounts their overall values within the Arctic.

We support the recommendation of the Atigun, Hulahula, Kongakut and Marsh Fork Canning Rivers into the NWSRS. These rivers clearly meet NWSRS requirements, and are appropriately designated under that System.

In fact, **[136820.001 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)]** 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 would be enhanced by such designations, and they would also be strong complements to the ultimate 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 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 Kataktruck and Turner Rivers. The final Plan should include a revised methodology that meets the Act and includes the necessary interim protections afforded rivers found eligible.

[136820.002 Wild and Scenic Rivers -- Other 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."[2] 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 included as eligible for study. 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).

[136820.003 Wild and Scenic Rivers -- Suitability (includes Appendix I)] 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.

III. Specific Comments

A. Chapter 1. Arctic Refuge Purposes, Special Values, Vision, and Goals

1. THE ORIGINAL ARCTIC NATIONAL WILDLIFE RANGE'S PURPOSES APPLY TO THE ENTIRE ARCTIC REFUGE

In**[136820.004 ANILCA -- Refuge Purposes and ANILCA]** 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."[3] However, under FWS's own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System,[4]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.

The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values."[5] 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 natural 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.[6]

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.[7]

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."[8]

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.[9] All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.

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.[10]

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, 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 Congress that the original Arctic Range purposes should not apply to the entire Arctic Range. [11]

Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS should correct this mistake in the CCP.

2. THE FWS HAS PROVIDED STRONG ARCTIC REFUGE SPECIAL VALUES, VISION AND GOALS THAT SHOULD BE RETAINED IN THE FINAL CCP

[136820.005 Refuge Values -- Special Values of Refuge] The Service has provided a strong listing of the special values of the Arctic Refuge, see DEIS Sec. 1.5, pp. 1-20 to 1-22, and we support all of them being retained in the final CCP. These Special Values should be used to guide all management decisions in the Refuge.

We also strongly support the vision statement for the Arctic Refuge set forth in the CCP:
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 spirit; 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.

See DEIS at Sec. 1.6.1, p. 1-23. We believe that inclusion of the last sentence pertaining to its wilderness values, "through responsible stewardship this value wilderness is passed on, undiminished, to future generations," is essential. We appreciate the acknowledgement of the traditional cultural values and continuing ties of the Native peoples to this land within the vision.

Additionally, we support the excellent Refuge Goals which aptly undergird management of the Arctic Refuge, particularly Goals 1 and 2 for management for natural ecological processes and exceptional wilderness values. See DEIS at Sec. 1.6.2, p. 1-23. Regarding Goal 2, we encourage the

FWS to clarify that the goal that the Arctic Refuge "retains exceptional wilderness values without loss of natural condition and wild character" apply to the entire Refuge.

Finally, we concur with the FWS's consideration of Significant Planning Issues, see DEIS at Sec. 1.10, p. 1-31, and note that the Service correctly did not analyze oil and gas leasing or development scenarios in the range of alternatives, as we describe in more detail below.

B. Chapter 2: Goals, Objectives, Management Policies, and Guidelines

1. WE SUPPORT THE GOALS IDENTIFIED BY FWS IN GENERAL AND BELIEVE THAT THE GOALS IDENTIFIED WILL HELP FWS EFFECTIVELY MANAGE THE ARCTIC REFUGE TO PRESERVE ITS EXCEPTIONAL VALUES

[136820.006 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

[136820.007 Refuge Vision and Goals -- Goal 2 (including objectives)] 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.

Goal 3 is well stated and supports the Wild River refuge purposes.

We support Goal 4 (Continued Subsistence Opportunities) and urge greater coordination and partnership with local communities and tribal governments as part of the strategies for all objectives. **[136820.008 Refuge Vision and Goals -- Goal 4 (including objectives)]** The goal should also address the Refuge's role in implementation of the International Porcupine Caribou Agreements and should recognize that the rural residents in Alaska who have harvested animals from the Porcupine Caribou Herd for customary and traditional uses "should participate in the conservation of the Porcupine Caribou Herd and its habitat."

We strongly support Goal 5 (Wildlife-dependent and wilderness-associated recreational activities) and its objectives because it embraces the wildlife and wilderness purposes of the Refuge.

[136820.009 Refuge Vision and Goals -- Goal 6 (including objectives)] While we generally support Goal 6 (Evaluation of the Effects of Climate Change), it should be expanded to include the non-intervention policy described in the climate change Management Guidelines to ensure consistency in the CCP's approach. **[136820.010 Refuge Vision and Goals -- Goal 6 (including 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.

We support Goal 7 (Conduct Research and Monitoring in support of Refuge's role as an internationally recognized benchmark for naturally functioning arctic and subarctic ecosystems)(Sec. 2.1.7, p. 2-22), which correctly emphasizes the significant scientific benchmark the Refuge provides for intact, unbroken ecosystems and that all research and scientific techniques must be carefully evaluated so that this scientific research does not affect the Refuge's ability to continue to serve as a wilderness control. In general,**[136820.011 Refuge Vision and Goals -- Goal 7 (including objectives)]** 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.

Goal 8 (Cultural Resources) is an important goal for the Refuge, and we urge consultation with tribes and local communities and incorporation of traditional knowledge in all objectives.

Goal 9 (Providing Refuge information to diverse audiences near and far) is an important goal to further the understanding of the national interest of upholding the Refuge's wilderness and wildlife purposes for these conservation lands.

2. WILDLIFE MANAGEMENT MUST BE CONSISTENT WITH ARCTIC REFUGE PURPOSES AND FWS SHOULD PRECLUDE CONSIDERATION OF ANY INCONSISTENT WILDLIFE MANAGEMENT PROPOSALS

The health of the entire ecosystem must be considered in Arctic Refuge wildlife management and we advocate for an ecosystem approach. Preservation of the entire ecosystem was a fundamental purpose for the Refuge's establishment as embodied in its wilderness preservation purpose, and as further described by ANILCA's purpose for the Refuge: "to conserve fish and wildlife populations and habitats in their natural diversity."[12] **[136820.012 Consultation and Coordination -- State Coordination]** While we recognize the importance of FWS maintaining involvement in the State of Alaska's fisheries, game, and federal subsistence boards' processes,[13] we are concerned with the Alaska Board of Game's ("BOG") tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. The FWS must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Borad of Game rules when necessary.

[136820.013 Refuge Management Policies/Guidelines -- Cooperation and Coordination with Others] The State of Alaska manages game populations according to the Intensive Management ("IM") statute, which manages game for high levels of human harvest.[14] The IM statute allows for predator control activities, which are patently inconsistent with the Service's mission and federal law, as well as the purposes of the Arctic Refuge — which includes the conservation of "fish and wildlife populations and habitats in their natural diversity."[15] Thus, intensive management and predator control actions are inappropriate in the Arctic Refuge. To ensure clarity to and to dissuade any attempts by the State of Alaska to pursue IM programs on Refuge lands, the 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.

The Draft CCP, however, suggests that FWS should consider clearly incompatible Alaska actions on a case-by-case basis: "[s]eparate 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.[16] FWS need not and should not initiate a compatibility determination or NEPA process to evaluate State-sponsored predator control in Arctic Refuge. Instead, the FWS should incorporate language into the CCP and the draft Compatibility Determinations clearly stating that any regulation or plan — including the use of predator control— which conflicts with federal law or policy and the purposes of the Arctic Refuge will be preempted in the Refuge.

We have some concerns about the draft compatibility determination contained in Appendix G pertaining to State of Alaska Management Activities (DEIS at G-5). We support the Service's statement that these management activities not be included in this blanket compatibility determination.

"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."

[136820.014 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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 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 ADFG (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.

3. CONSIDERATION OF CLIMATE CHANGE IN THE PLANNING PROCESS

We are pleased to see that the Service recognizes climate change as a fundamental challenge for the Arctic Refuge and is using the revision of the CCP as an opportunity to incorporate new scientific information pertaining to climate change into future management decisions.[17] The Service has rightly acknowledged that it is required to do so by Secretarial Orders 3226 and 3289.[18]

The Draft CCP states that "[i]n the foreseeable future, the Refuge will favor 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."[19] With its huge size, diverse array of habitats and elevations, and intact, unfragmented habitats, the Arctic Refuge is in a superior position as compared to other conservation units to be managed for "natural adaptation," or allowing nature to take its course, even in the face of the accelerated changes experienced at high latitudes. We, therefore, support climate change-related actions focused on scientific research and monitoring, sharing of traditional knowledge, and public awareness.
[136820.015 Climate and Climate Change -- Cumulative Effect] 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.

Additionally, **[136820.016 Climate and Climate Change -- Cumulative Effect]** 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.

4. RECREATION ISSUES

[136820.017 Recreation 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.

5. WILD AND SCENIC RIVERS

[136820.018 Wild and Scenic Rivers -- General] Congress, though 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.

6. MANAGEMENT POLICIES AND GUIDELINES

We agree that the Arctic Refuge is unique and with the appropriateness of this description regarding management policies: "direction for Arctic Refuge varies more than other comprehensive conservation plans. Because 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 manipulations of the environment than other refuge plans." (DEIS at 2-31).

[136820.019 Management Categories -- General] 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.

We have concerns about some of the existing and proposed activities that the CCP lists as Appropriate Uses (Sec. 2.4.5 , DEIS at 2-40) and for which compatibility determinations were drafted for public review in Appendix G. Our concerns with the compatibility determination for the State of Alaska Management Activities were addressed in the section, above, on wildlife management.

[136820.020 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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.

[136820.021 Management Categories -- Special Management Areas] 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.

[136820.022 Refuge management policies/guidelines -- Land Exchanges] 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)).

[136820.023 Refuge Management Policies/Guidelines -- Coastal Zone Consistency] 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.

The sections on Habitat Management (Sec. 2.4.11.1, DEIS at 2-5) and Fish and Wildlife Population Management (Sec. 2.4.12, DEIS at 2-52) contain well-written descriptions of the

management approach to meet the refuge goals, including that "the intent of management will be to leave habitats unaltered and unmanipulated" and that the "Refuge focuses on enabling the natural behavior, interactions, and cycles of all native species to continue, with little or no human intervention and manipulation."

The oil and gas leasing, exploration, development, and production prohibitions are described in the section on Mineral Exploration and Development (Sec. 2.4.18.2, DEIS at 2-66), and in Appendix D, Issues Considered but Eliminated from Further Study.

[136820.024 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] 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). Further, **[136820.025 Alternatives - Issues Considered but Eliminated -- Policy Issues]** 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.

[136820.026 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] 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. Further, **[136820.027 Alternatives - Issues Considered but Eliminated -- Other Issues]** 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.

[136820.028 Refuge Management Policies/Guidelines -- Minerals Management] 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).

C. Chapter 3: Issues and Alternatives

1. FWS PROPERLY DID NOT CONSIDER AN "OIL AND GAS ALTERNATIVE"

FWS correctly did not consider an oil and gas alternative, or scenarios which evaluate impacts of oil and gas exploration, development or production from the refuge.[22] NEPA "places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action… [I]t also ensures that the agency will inform the public that it has indeed considered environmental concerns in the decision-making process." Bering Strait Citizens for Responsible Resource Development v. U.S. Army Corps of Engineers, 524 F.3d 938, 947 (9th Cir. 2008) (citing Baltimore Gas & Elec. Co. v. Nat'l Res. Def. Coun., Inc., 462 U.S. 87 (1983)). NEPA requires that an EIS include "alternatives to the proposed action.23 To help define the alternatives, CEQ regulations require that the agency "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the

proposed action."[24] Thus, under NEPA, an agency only needs to consider alternatives that meet the purpose and need for the proposed action.[25]

The purpose of FWS's proposed action "is to develop a Revised Plan for Arctic Refuge to provide management direction for the next 15 years."[26] The action is needed to:

* Update management direction related to national and regional policies and guidelines used to implement Federal laws governing Refuge management[;]

* Describe and protect the resources and special values of Arctic Refuge[;]

* Incorporate new scientific information on resources of the Refuge and surrounding areas[;]

* Evaluate current Refuge management direction based on changing public use of the Refuge and its resources[;]

* Ensure the purposes of the Refuge and the mission of the Refuge System are being fulfilled[;]

* Ensure that opportunities are available for interested parties to participate in the development of management direction[;]

* Provide a systematic process for making and documenting resource management decisions[;]

* Establish broad management direction for Refuge programs and activities[;]

* Provide continuity in Refuge management[;]

* Establish a long-term vision for the Refuge[;] * Establish management goals and objectives[;]

* Define compatible uses[;]

* Provide additional guidance for budget requests[; and]

* Provide additional guidance for planning work and evaluating accomplishments[.][27]

Considering an oil and gas leasing, exploration, development, or production alternative would not achieve any of the management goals or objectives identified by FWS as the need for the agency action. Oil and gas activities are not currently allowed in the Arctic Refuge; ANILCA section 1003 states that the "production of oil and gas from the Arctic National Wildlife Refuge is prohibited and no leasing or other development leading to production of oil and gas from the [Refuge] shall be undertaken until authorized by an act of Congress."[28] Further, oil and gas activities are contrary to the purposes of the Refuge, and are inconsistent with the Refuge's purposes — neither the original purposes establishing the Arctic National Wildlife Range, nor the expanded purposes described in ANILCA.[29] Additionally, the National Wildlife Refuge System Administration Act of 1966, as amended, states that each refuge shall be managed to fulfill both the purposes for which the original refuge was established and the mission of the Refuge System.[30] The revision of the Arctic Refuge CCP must follow these legal guidelines and set forth management regimes that are consistent with the layered Refuge purposes.

Thus, considering an alternative allowing for oil and gas development in the Arctic Refuge would not achieve the purpose and need for the FWS's revision of the CCP and FWS properly did not consider such an alternative.[31]

2. OTHER ISSUES ELIMINATED FROM DETAILED STUDY

As discussed in our scoping comments and by FWS, the following issues were correctly eliminated from detailed study in the CCP DEIS. See e.g., Chapter 3 on issues and alternatives (Sec. 3.1.2, DEIS at 3-6) and Appendix D-1:

* Oil and gas development

* Updating seismic data on the Coastal Plain

* The ANILCA No More Clause

D. Chapter 5: Environmental Consequences

1. THE CCP EIS FAILS TO ADEQUATELY CONSIDER CUMULATIVE IMPACTS

NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To satisfy NEPA's requirements, the cumulative impacts analysis must be reasonably detailed; as the Ninth Circuit has explained, "[g]eneral statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." Neighbors of Cuddy Mountain v. U.S Forest Serv., 137 F.3d 1372, 1379-80 (9th Cir. 1998). As the Ninth Circuit stated in Lands Council v. Powell, "the general rule under NEPA is that, in assessing cumulative effects, the Environmental Impact Statement must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and the differences between the projects, are thought to have impacted the environment." 379 F.3d 738, 745 (9th Cir. 2004), rev'd on other grounds, Lands Council v. Powell, 395 F.3d 1019 (9th Cit. 2005).

[136820.029 Environmental Consequences -- Cumulative Effects: General] 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 5-2.32 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.

[136820.030 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."

2. The FWS Failed to Consider and Analyze the Cumulative Impacts to the Refuge and Refuge Management from Multiple Reasonably Foreseeable Future Actions

NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To comply with NEPA, the EIS must contain quantified data and discussion of how the proposed project and reasonably foreseeable future projects will affect the environment. Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

As explained by the Ninth Circuit, NEPA "is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather, it is designed to require such analysis as soon as it can reasonably be done." Kern v. Bureau of Land Management, 284 F.3d 1062, 1072 (9th Cir. 2002). If "it is reasonably possible to analyze the environmental consequences in an EIS . . . the agency is required to perform that analysis." Id.; see also 40 C.F.R. § 1502.16 (must assess the environmental impacts of all "proposed actions"); 40 C.F.R. 1501.12 (agency must identify effects "in adequate detail").

In other words, an agency may not "avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from [a proposed action] . . . merely by saying that the consequences are unclear or will be analyzed later." Id. The agency must also consider the impacts of reasonably foreseeable future actions on the proposed action. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

Reasonably foreseeable future actions under NEPA include proposed projects. N. Alaska Environmental Center v. Kempthorne, 457 F.3d 969, 980 (9th 2006), citing Lands Council v. Powell, 379 F.3d 738, 746 (9th 2004), rev'd on other grounds, 395 F.3d 1019 (9th Cir. 2005). NEPA defines a proposed project as one that is "at that stage in the development . . . when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated." 40 C.F.R. § 1508.23. Additionally, projects where an agency has formally announced the project and has issued a summary of the project are reasonably foreseeable. See Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800, 812 (9th Cir. 1999).

[Preamble 136820.031, 032, 033] 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:

[136820.031 Environmental Consequences -- Cumulative Effects: General] * 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.

[136820.032 Environmental Consequences -- Cumulative Effects: General] * 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.

[136820.033 Environmental Consequences -- Cumulative Effects: General]
* 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-Refige 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.

To comply with NEPA, FWS must consider and analyze the impacts from these reasonably foreseeable future projects (as well as any others that the agency is or becomes aware of) on the management, objectives and goals of the Arctic Refuge.

3. The FWS Failed to Consider the Cumulative Impacts of the Action in the ANILCA Section 810 Evaluation

Title VIII of ANILCA recognizes that subsistence uses are a public interest and provides a framework to consider and protect subsistence uses in agency decision making processes. 16 U.S.C. §§ 3111–3126. As the Supreme Court explained:

[t]he purpose of ANILCA § 810 is to protect Alaskan subsistence resources from unnecessary destruction. Section 810 does not prohibit all federal land use actions which would adversely affect subsistence resources but sets forth a procedure through which such effects must be considered and provides that actions which would significantly restrict subsistence uses can only be undertaken if they are necessary and if the adverse effects are minimized.

Amoco Production Co. v. Village of Gambell, Alaska, 480 U.S. 531, 544 (1987).

Thus, ANILCA § 810 imposes a two-tiered process to evaluate a project's impacts on subsistence uses. First, the federal agency:

[i]n determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands . . . shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.

ANILCA § 810(a), 16 U.S.C. § 3120(a). This initial finding is referred to as the "tier-1" determination, Hanlon v. Barton, 470 F. Supp. 1446, 1448 (D. Alaska 1988), and requires the agency to consider the cumulative impacts in making the determination. Sierra Club v. Penfold, 664 F. Supp 1299, 1310 (D. Alaska 1897), aff'd by Sierra Club v. Penfold, 857 F.2d 1307 (9th Cir. 1988).

If the agency, after conducting the tier-1 analysis, determines that the activity will not "significantly restrict subsistence uses," 16 U.S.C. § 3120(a), then the agency issues a Finding of No Significant Restriction (FONSR) and the requirements of ANILCA § 810 are satisfied. However, if the agency makes the initial determination that the action would "significantly restrict subsistence uses," the agency must then make conduct a "teir-2" analysis, Kunaknana v. Clark, 742 F.2d 1145, 1151 (9th Cit. 1984); Hanlon, 470 F. Supp. at 1448. Under teir-2, the agency must determine whether any restriction on subsistence is necessary, involves the minimal amount of public lands necessary to accomplish the purpose of the use, occupancy or disposition of public lands, and takes steps to minimize the adverse impacts to subsistence uses and resources. 16 U.S.C. § 3120(a)(1)–(3). Thus, as the Ninth Circuit explained, ANILCA § 810 imposes procedural requirements as well as substantive restrictions on the agency's decisions. Sierra Club v. Marsh, 872 F.2d 497, 502–03 (9th Cir. 1989).

[136820.034 ANILCA -- 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.

IV. CONCLUSION

Thank you for providing the opportunity to comment on the Arctic Refuge draft CCP and EIS. We look forward to working with you to finalize this critical planning effort.

1 Of course, a decision not to make a Wilderness recommendation for some or all lands covered in any given planning process does not mean that the lands are not suitable for future wilderness protection.

2 USFWS, 1993, p. 16.

3 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.

4 See FWS Refuge Management Part 601 National Wildlife Refuge System, 601 FW 1 at 1.16 (July 26, 2006).

5 Public Land Order 2214 (Dec. 6, 1960).

6 94 Stat. 2390, P.L. 96-487 at §303(2) (Dec. 2, 1980).

7 P.L. 96-487 (Dec. 2, 1980) (emphasis added).

8 House Report No. 96-97(I) at 174 (April 18, 1979) (emphasis added).

9 The fact that the two sets of purposes are complimentary and not inconsistent is evidenced by FWS's determination that the pre-ANILCA and ANILCA purposes apply concurrently to those lands within the original Arctic Range.

10 601 FW 1 at 1.16.

11 In its general guidance regarding allowable uses of refuges, FWS appears to have contrary guidance regarding the purposes of refuges established by ANILCA. See FWS Refuge Management Part 603 National Wildlife Refuge System, 603 FW 2 at 2.8(B) (Nov. 17, 2000) (stating that "Alaska refuges established before the passage of ANILCA have two sets of purposes. 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 they may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, in which case the provisions of those Acts control. However, the original purposes for pre-ANILCA refuges apply only to those portions of the refuge established by the prior executive order or public land order, and not to those portions of the refuge added by ANILCA") ((emphasis added). Because this guidance is found in the FWS manual addressing compatibility of uses of refuges and 601 FW 1 directly addresses identifying or determining the purposes of refuges, 601 FW 1 is the controlling guidance on this issue.

12 ANILCA Sec. 303 (2)(B)(i) (emphasis added).

13 CCP DEIS at 2-4.

14 Alaska Statute § 16.05.255.

15 ANILCA Sec. 303 (2)(B)(i) (emphasis added).

16 CCP DEIS at 2-44 (2.4.9.1 Federal, State, and Local Governments). See also CCP DEIS at 2-55 (stating that "[i]f determined necessary under subsection 2.4.2 (Human Safety and Management Emergencies), Service or State actions involving the killing, relocation, removal, or sterilization of wildlife for the benefit of another species would require appropriate NEPA compliance and an ANILCA Section 810 determination.).

17 CCP DEIS at 1-2.

18 CCP DEIS at 2-47.

19 CCP DEIS at 2-47 and 4-56.

20 ASRC, 1985, Annual Report.

21 General Accounting Office. October 6, 1989. Federal Land Management: Chandler Lake Land Exchange not in the Government's best interest. RCED-90-5.

22 See DEIS at 3-6 (stating that "An oil and gas alternative would not satisfy NEPA's requirement that alternatives meet the purpose and need for the Revised Plan, and the Service has no administrative authority over oil and gas development").

23 NEPA § 102, 42 U.S.C. § 4332(2)(C)(iii).

24 40 C.F.R. § 1502.13.

25 See 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d 1083, 1097 (9th Cir. 2006) (stating that "The scope of reasonable alternatives that an agency must consider is shaped by the purpose and need statement articulated by that agency. The [agency] must consider all reasonable alternatives within the purpose and need it has defined"). See also City of Carmel-by-the-Sea v. U.S. Dep't of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997).

26 DEIS at 1-1.

27 DEIS at 1-1–1-2. See also DEIS Appendix D at D-1 (stating that "[t]he purpose and need for the Revised Plan is to ensure activities, action, and management fulfill the legal purposes for which the Refuge was established, fulfill the statutory mission of the National Wildlife Refuge System [] and provide direction on how the U.S. Fish and Wildlife Service [] will meet these purposes").

28 16 U.S.C. § 3143.

29 See P.L. 96-487, § 303(2). The original 'Arctic National Wildlife Range' was created in 1960 by Public Land Order 2214 "For the purpose of preserving unique wildlife, wilderness and recreational values." Public Land Order 2214 (Dec. 6, 1960). The purposes added in ANILCA are: (i) to conserve fish and wildlife populations and habitats in their natural 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 [note that those residing in Alaska's North Slope rivers and lagoons are now classified as Dolly Varden] and grayling; (ii) to fulfill the international fish and wildlife treaty obligations of the United States; (iii) to provide the opportunity for continued subsistence uses by local residents; and (iv) to ensure water quality and necessary water quantity within the refuge.

P.L. 96-487, 94 STAT. 2451 (Dec. 2, 1980).

30 16 U.S.C. §§ 668dd(a)(3), 668dd(a)(4)(D).

31 See 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d at 1097.

32 As an initial matter, this formulation of cumulative effects misstates the role of considering reasonable foreseeable future actions. As described by the FWS in the DEIS, FWS perceives its duty to require it to look at the impacts from the CCP alternatives on reasonably foreseeable future actions but not to require the FWS to look at the impacts of reasonably foreseeable future actions on the CCP alternatives. FWS must also consider the impacts of reasonably foreseeable future actions on the CCP alternatives to satisfy NEPA. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

Arctic National Wildlife Refuge Comprehensive Conservation Plan and Draft Environmental Impact Statement Detailed Comments

COMMUNICATION NUMBER 136818
Richard Ranger, Senior Policy Advisor
American Petroleum Institute

From: Peter Tolsdorf
To: "ArcticRefugeCCP@fws.gov"
Subject: Arctic National Wildlife Refuge draft CCP and draft EIS

November 14, 2011
Richard L. Ranger
Senior Policy Advisor
Upstream and Industry Operations
1220 L Street, NW Washington, DC 20005-4070
USA
Telephone 202-682-8057
Fax 202-682-8426
Cell 202-494-1430
Email rangerr@api.org
www.api.org

Ms. Sharon Seim
Planning Team Leader
U.S. Fish and Wildlife Service
Arctic NWR
101 12th Avenue, Room 236
Fairbanks, AK 99701-6237

Re: Comments, Arctic National Wildlife Refuge Draft CCP and Draft EIS

Dear Ms. Seim:

The American Petroleum Institute (API) offers the following comments on the recommendations of the proposed Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge (Arctic NWR). API represents more than 470 member companies involved in all aspects of the oil and natural gas industry.

Either directly or indirectly, API member companies have been working to develop our nation's energy resources in an environmentally responsible manner, and are greatly interested in exploring for and developing oil and natural gas resources found in the U.S. Arctic. We believe that the long record of our industry's operations on the Alaska North Slope, on other lands administered by U.S. Fish and Wildlife Service (USFWS) – and on other lands of significance to wildlife – supports the assertion that environmentally responsible development of oil and natural gas resources and appropriate management and protection of habitat, wildlife and other resource values can take place on the coastal plain of the Arctic NWR. We believe that given the potential size of the energy resources at stake that the option of future energy development in the Arctic NWR coastal plain should remain on the table. We urge the USFWS not to adopt any alternative from the CCP and Environmental Impact Statement that would cause the designation of the Arctic NWR coastal plain as wilderness. With this letter, API also endorses comments filed separately by the Alaska Oil and Gas Association.

We base this position on the following premises:

• Global demand for energy will grow and, because existing and developing energy sources will struggle to keep up with demand, oil and gas resources will be needed for American consumers and the American economy for decades to come.

• The crude oil and resource in particular that is believed to lie in geologic strata found below the Arctic NWR coastal plain is generally believed to be the single largest crude oil resource under U.S. dominion. U.S. Geologic Survey (USGS) estimates that between 5.7 and 16.0 billion barrels of technically recoverable crude oil and natural gas liquids are likely to be found in the coastal plain area of the Arctic NWR, with a mean estimate of 10.4 billion barrels of which 7.7 billion barrels lie within USFWS administered refuge lands.

• **[136818.001 ANILCA -- Designated Wilderness and ANILCA]** 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.

• **[136818.002 Land Status -- Effects of Alternatives]** 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.

• Development of oil and natural gas resources in the Alaskan Arctic can occur in an environmentally responsible way. In over 30 years of oil production at Prudhoe Bay and other fields on the Alaska North Slope, producers have significantly advanced technology in drilling, Arctic engineering, waste disposal and environmental management, and have developed better tools to locate the underground structures that contain oil. Together, these advancements and the commitment to environmental performance by the men and women who work on the Slope have greatly reduced the effects of oil development on the wildlife and surface resources surrounding the production operations, and have reduced the footprint that these operations occupy.

• Americans do not have to choose between development of valuable energy resources or the protection of Arctic species and the habitat on which these species live, feed, breed, rear their young, and migrate.

• With specific reference to the coastal plain of the Arctic NWR, where Congress has not at this time authorized oil and natural gas development to take place, experience in other areas demonstrates that the missions of the USFWS for wildlife conservation and ecosystem management, and oversight of recreational and subsistence uses can be achieved without designation of the coastal plain as wilderness.

API acknowledges the potential value to be gained through revision of the Comprehensive Conservation Plan for the Arctic NWR. The refuge was established in 1960 to implement the vision of Robert Marshall to designate areas in the Arctic of sufficient scale to preserve wildlife and wilderness values. As the USFWS planning update document indicates, in 1980 the passage of ANILCA more than doubled the size of the Refuge to over 19 million acres, an area approximately the size of the state of South Carolina, renamed it, and designated 8 million acres as wilderness (or an area larger than the combined land and water area of Maryland).**[136818.003 ANILCA -- Designated Wilderness and ANILCA]** 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. In addition, **[136818.004 ANILCA -- Designated Wilderness and ANILCA]** 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 the statute's enactment. That time period has long since concluded. No provision of ANILCA, or any other controlling law, authorizes such an agency proposal decades later, and such a proposal is precluded by Sections 102(d), 1317 and 1326(b) of the statute.

From the standpoint of the possibility of future development of energy resources under the coastal plain of the Arctic NWR, ANILCA's provisions frame the context in which the plans to revise the existing CCP for the refuge take place. API acknowledges that the context for planning for management of the Arctic NWR is also influenced by the 1990 Federal Subsistence Management Program and gradual increase in public use of many portions of the Refuge. In general, we believe that:

• There is no need for additional Wilderness designations in ANWR, given most of the refuge is already closed to development and managed to maintain its wilderness character. Alaska already contains 58 million acres of federal Wilderness and accounts for 53 percent of America's federal Wilderness areas;

• The management objective to sustain naturally occurring fish and wildlife species in the Refuge, including their interactions, population cycles and ecological roles, can be achieved without designation of the coastal plain as wilderness, consistent with the ability of USFWS to carry out stewardship of fish and wildlife species on other refuge units it administers independent of any wilderness designations;

• **[136818.005 Alternatives Analyzed -- No Oil and Gas Alternative]** 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.

• Management of the Refuge to facilitate continued subsistence uses by Alaska Native populations living near the Refuge or having access to it does not depend upon administering the coastal plain as wilderness;

• International treaty obligations related to the conservation or migratory birds, marine mammals, caribou and fish can continue to be carried out without designating the coastal plain as wilderness; and

• Stewardship of surface water resources and water quality can be achieved independently of designating the coastal plain as wilderness.

API believes that these objectives can be accomplished under the current administrative arrangements for Refuge lands. We believe doing so is fully consistent with the capabilities USFWS has demonstrated across the wide variety of National Wildlife Refuges the agency administers where oil and natural gas operations have occurred or are occurring.

About one-quarter, or 155, of the over 500 refuges, wetlands management districts and other lands administered by USFWS, have past or current oil and gas activities, some dating to at least the 1920s, according to an August 2003 report by the Government Accountability Office (GAO) "National Wildlife Refuges: Opportunities to Improve the Management and Oversight of Oil and Gas Activities on Federal Lands" (GAO Report 03-517). A 2001 study to ascertain the extent to which wildlife refuges allowed oil and gas activities carried out by USFWS itself found that 77 of the 567 wildlife refuges in 22 states in the federal system had oil and gas activities on their land in 2000. Oil or gas was produced in 45 of the 567 units located in 15 states. The number of producing wells in each unit ranged from one to more than 300 in the Upper Ouachita National Wildlife Refuge in Louisiana.

Operations in these refuge units have included oil and gas exploration, active and inactive drilling and production facilities, and active pipelines transiting refuge lands. These refuges include the Aransas Pass National Wildlife Refuge that provides the winter range of the critically endangered whooping crane, and the Kenai National Wildlife Refuge in south central Alaska, on which the discovery of the Swanson River oil field in the 1950's proved to be a catalytic event for Alaska's achievement of statehood. According to the 2003 GAO report, USFWS records indicated that in a period between 1994 and 2002 exploration activities occurred on some 44 different refuges, with the nature of the activities including geologic study, survey, or seismic work. This GAO report also stated that over this long history the environmental effects of oil and gas activities and the associated construction, operation, and maintenance of the infrastructure on wildlife and habitat have varied in severity, duration, and visibility.

Industry also has experience with environmentally responsible operations on lands managed for wildlife conservation purposes by private entities. Two wildlife refuges owned by the National Audubon Society allow such development-the Rainey Wildlife Sanctuary in Louisiana and the Baker Sanctuary in Michigan, a 900-acre wetland that provides hundreds of Sandhill cranes with a critical nesting and staging area. Many of the practices used by Audubon to protect wildlife on their lands were developed on Alaska's North Slope, including horizontal drilling and part-year production. Royalty revenues are reinvested in programs that help protect the environment and preserve habitat, such as in Audubon's Rainey Wildlife Sanctuary, which serves as winter habitat for snow geese that migrate every year from the Arctic NWR.

In the existing producing areas of the Alaska North Slope to the west of the Arctic NWR, the industry is demonstrating approaches to production of vital national energy resources, protection of the environment and wildlife, and coordination with residents of the North Slope Borough that are applicable to future USFWS management of the Arctic NWR coastal plain.

At Prudhoe Bay, Alpine, Kuparuk and associated fields, drilling advances and improved waste management techniques have resulted in a marked reduction in the land area needed for oilfield development. Wells that were once spaced about 120 feet apart are drilled as closely as 10 feet. With grind and inject technology, drilling wastes are safely reinjected underground into isolated geologic formations, eliminating the need for surface storage areas or reserve pits that were customary during the early years of the development of the Prudhoe Bay field. Prudhoe Bay development directly covers about 5,000 acres, or less than 2 percent of the field's total surface acreage, nearly all of which remains for use by the abundant mammal and bird life with which industry shares the area. In fact, over the period of development of the existing North Slope fields, the population of the Central Arctic caribou herd has increased by a factor of six, and populations of more than 200 different species of waterfowl migrate to the lands surrounding the North Slope oil fields each spring. As an example of evolving technology, the 40,000 acre Alpine field to the west of Prudhoe Bay, in the ecologically rich Colville River delta, has been developed from facilities covering about 100 acres, or less than .2 of 1 percent of the land. This is analogous to producing subsurface oil and gas resources covering an area roughly the size of the District of Columbia from a footprint slightly larger than the U.S. Capitol grounds. Today exploration drilling is conducted from temporary pads of ice that disappear after the well has been drilled, leaving virtually no trace. Construction of pipelines and other facilities is also done during the winter from ice roads or pads.

Together these experiences show that it is unwise to use the CCP process to designate the Arctic NWR coastal plain as wilderness and to preclude a future opportunity to achieve this balance where the combination of resource concerns – as acknowledged in ANILCA – is of unique significance.

The US Energy Information Administration (EIA) forecasts that by 2025, demand for oil will increase by 39% and demand for natural gas by 34%. The EIA also estimates that oil and natural gas will provide nearly two-thirds of the energy consumed in 2025. Diminished access to domestic energy supplies has already had an impact on a number of important sectors of the economy. The coastal plain, which accounts for only eight percent of the Arctic NWR, may contain as much as 16 billion barrels of oil and 18 trillion cubic feet of natural gas. According to a May 2008 EIA report, the opening of the Arctic NWR coastal plain to oil and gas development could result in an increment of crude oil production ranging from 510,000 to 1.45 million barrels per day for a period extending for approximately 12 years, with continued production for many years thereafter, lowering the nation's import dependency. Jobs and significant revenue benefits to the treasuries of the U.S. government, the state of Alaska and the North Slope Borough would also occur.

The significance of future development of the oil and natural gas resource endowment in the Arctic NWR coastal plain must also be considered in the context of continued operation of the Trans-Alaska Pipeline System ("TAPS"). TAPS has been identified as critical infrastructure for national security because of the transportation link that it provides to present and future development of crude oil resources in Alaska's Arctic regions. Since commencement of its operation in August of 1977, TAPS has proven to be a strategically critical component of America's energy infrastructure. Designed as a 48 inch pipeline, TAPS has transported over 16 billion barrels of American oil from the Alaska North Slope to the Valdez Marine Terminal, from which tankers carry the oil to U.S. West coast terminals and refineries. At its peak in the late

1980s, TAPS was transporting about 2.1 million barrels of crude oil per day, or about 25 percent of our nation's domestic crude oil supply. Since 1989, there has been a steady decline in Alaska North Slope production, and current average TAPS throughput is about 600,000 barrels per day compared to 2 million barrels per day in 1988, or about one-third of its capacity and now approximately 11 percent of our nation's oil production. Over the same period, while production from existing fields has diminished, efforts to find and develop potentially promising new crude oil resources in Alaska and in Alaska's Arctic Outer Continental Shelf have been stymied by regulatory delays and litigation.

While its maintenance and operational record has been exemplary, if production from existing Alaska North Slope fields that now moves through TAPS continues to decline, and administrative and litigation-driven barriers prevent the discovery and development of new crude oil resources in Alaska's Arctic, the continued operation of one of America's energy supply lifelines could be prematurely placed at risk decades before the end of its useful design life. Access to the crude oil resource potential in and offshore Alaska is thus important not only for the additional supplies of domestically produced energy that discovery and development of those resources would bring. The viability of TAPS depends upon increasing safe and environmentally responsible production in and offshore Alaska.

To summarize, the resource potential available in the Arctic NWR coastal plain is first order world class. Industry's ability to operate safely and in an environmentally responsible manner in ecologically sensitive Arctic environments has been demonstrated for five decades. Alaskan oil and gas operations have been a proving ground for technologies that have steadily reduced both the footprint and the impacts of exploration and production activities the industry undertakes. ANILCA, the sweeping statute that established numerous new units of the National Park and National Wildlife Refuge systems, prohibits the administrative declaration of new wilderness areas by executive branch action. API encourages an outcome of the Arctic NWR CCP process that does not preclude the possibility of producing strategic crude oil resources from the refuge coastal plain for the benefit of our nation's security and economy.

Thank you for considering these comments. If you need additional information, please contact Richard Ranger of API at 202.682.8057.

Very truly yours,

Richard L. Ranger
Senior Policy Advisor, Upstream

1. Public Law 96-487; 16 U.S.C. §3101 et seq., noting especially Sections 101(d), 1317 and 1326.

COMMUNICATION NUMBER 32629
David Moryc, Senior Director, River Protection Program
American Rivers

American Rivers
Rivers Connect Us

November 14th, 2011

U.S. Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave., Rm 236
Fairbanks AK 99701

On behalf of the American Rivers' 100,000 members and supporters nationwide, particularly our active members in State of Alaska, I thank you for the opportunity to comment on the U.S. Fish and wildlife Service's draft Comprehensive Conservation Plan for the Arctic National Wildlife Refuge (Plan). I appreciate the thorough effort the U.S. Fish and Wildlife Service (FWS) has undertaken to solicit public input in this process through public hearings, via mailings and on the FWS website and I am pleased to submit the following comments for your consideration.

American Rivers is the leading organization working to protect and restore the Nation's rivers and streams. Rivers connect us to each other, nature, and future generations. Our work is driven by a core conviction that a healthy river can be a community's most valuable asset. By protecting and restoring rivers, streams and wetlands we work to make communities and ecosystems more resilient to the impacts of climate change. American Rivers and our members have a longstanding interest in the proper application of federal Wild and Scenic Rivers Act (Act) and the management of the Rivers in the Wild and Scenic River System (NWSRS).

[32629.001 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] Among the proposed alternatives, American Rivers support proposed Alternative E; recommending the Atigun, Hulahula, Kongakut and Marsh Fork Canning Rivers into the NWSRS, as well as recommending the Brooks Range, Porcupine Plateau and Coastal Plain Wilderness Study Areas into the National wilderness Preservation System. While this alternative is the most protective among the proposed alternatives we have serious concerns about the underlying methodology used to assess rivers for eligibility in the Plan which may violate the Act.

According to the Plan the eligibility analysis was completed using the following methodology:

1. The team identified a comprehensive list of all named Refuge rivers and river segments from the U.S. Geological Survey (USGS) Geographic Names Information System and the National Hydrology Dataset (USGS 2010). A total of 160 named rivers and creeks were identified, all of which are free-following. With 160 named rivers and creeks were identified on the Refuge, and a general lack of information about most of these named waterways, the team decided to focus on a subset of these rivers at this time[1]…Therefore visitor use is the greatest management concern. For these reasons, the team decided to focus on named waters with visitor use and reliable flow… Therefore 20 waters were identified as having river-related visitor use and were evaluated for eligibility.

2. The purpose of the eligibility evaluation is to compare and contrast each river to other waters in the region of comparison (ROC) for each ORV…A system was developed to rank the analytical results river-by-river for each ORV.[2]

After the initial inventory, 20 "waters with visitor use and reliable flow,[3]" were studied for eligibility. We are concerned that this methodology FWS used to determine the eligibility of the 20 rivers does not meet the basic requirements of the Act for eligibility mainly whether the river is free-flowing and whether or not it possesses an outstandingly remarkable value of regional or national significance.

The Plain language of the Act states:
"A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and regulated adjacent land area that possesses one or more of the values…Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion into the national wild and scenic river system[4],"

Instead of assessing the rivers independently of one another as required, the rivers assessed in the Plan were measured against one another. The Outstandingly Remarkable Values of the rivers considered were scored against each other, resulting in far fewer eligible rivers. As stated in the plan each river was "reviewed by a 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.[5]" While this methodology may succeed in selecting some of the most eligible rivers among the list of rivers in the Plan, the Act maintains that all rivers in the specified areas with at least one ORV be considered eligible. Consequently the FWS's method only selects those rivers that contain the highest percentage of ORVs, preventing many otherwise qualified rivers from becoming eligible. If a proper assessment was conducted we believe additional rivers would have been found eligible including the scenic Kataktruck and Turner Rivers. The final Plan should include a revised methodology that meets the Act and includes the necessary interim protections afforded rivers found eligible.

[32629.002 Wilderness -- Wilderness Review (includes Appendix H)] 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.

Finally, **[32629.003 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)]** 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.

Please keep me informed of future actions relating to the Final Arctic Refuge Revised Comprehensive Conservation Plan. I look forward to working with you on these issues in the future.

Sincerely,
[Signature]

David Moryc
Senior Director
River Protection Program
American Rivers

1 U.S. Fish and Wildlife Service (Department of the Interior). Arctic Refuge Draft Revised Comprehensive Conservation Plan: Wild and Scenic River Eligibility Report. (February 2011).

2 U.S. Fish and Wildlife Service (Department of Interior). Arctic Refuge Draft Revised Comprehensive Conservation Plan: Wild and Scenic River Eligibility Report. (February 2011).

3 Ibid

4 The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) as set forth herein consists of Public Law 90-452 (October 2, 1968) and amendments thereto.

5 Ibid

6 Kerr, Andy and Salvo, Mark. Overlapping Wilderness and Wild and Scenic River Designations Provide Maximal Conservation Protection for Federal Public Lands. Environmental Law Online: Vol. 38:1. 2008.

7 Ibid

COMMUNICATION NUMBER 136785
Daid Moryc, Senior Director, River Protection Program
American Rivers

From: Fay Augustyn
To: "ArcticRefugeCCP@fws.gov"
Subject: American Rivers' Arctic Refuge Draft CCP Comments

To Whom It May Concern:

Attached you will find American Rivers' comments on the draft CCP for the Arctic Refuge. We appreciate the opportunity to provide comments to you. Please let me know if you have any additional questions.

Best,

Fay Augustyn

Fay Augustyn | Conservation Associate
1101 14th St. NW Suite 1400
Washington, DC 20005
P: 202.347.7550 ext. 3069 | F: 202.347.9240|
faugustyn@americanrivers.org

[Description: cid:image001.jpg@01CBC2F6.FD99CE90]

Learn why 2011 is the Year of the River at www.AmericanRivers.org/YearOfTheRiver.

American Rivers | Rivers Connect Us |
www.americanrivers.org
Please consider the environment before printing this e-mail.

- American Rivers ANWR CCP Comments 11-14-11.pdf

Attachment:

November 14, 2011

U.S. Fish and Wildlife Service
Arctic NWR - Sharon Seim
101 12th Ave., Rm 236
Fairbanks AK 99701

On behalf of American Rivers' 100,000 members and supporters nationwide, particularly our active members in State of Alaska, I thank you for the opportunity to comment on the U.S. Fish and Wildlife Service's draft Comprehensive Conservation Plan for the Arctic National Wildlife Refuge (Plan). I appreciate the thorough effort the U.S. Fish and Wildlife Service (FWS) has undertaken to solicit public input in this process through public hearings, via mailings and on the FWS website and I am pleased to submit the following comments for your consideration.

American Rivers is the leading organization working to protect and restore the nation's rivers and streams. Rivers connect us to each other, nature, andd future generations. Our work is driven by a core conviction that a healthy river can be a community's most valuable asset. By protecting and restoring rivers, streams and wetlands we work to make communities and ecosystems more

resilient to the impacts of climate change. American Rivers and our members have a longstanding interest in the proper application of the federal Wild and Scenic Rivers Act (Act) and the management of the rivers in the Wild and Scenic Rivers System (NWSRS).

[136785.001 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] Among the proposed alternatives, American Rivers supports proposed Alternative E; recommending the Atigun, Hulahula, Kongakut and Marsh Fork Canning Rivers into the NWSRS, as well as recommending the Brooks Range, Porcupine Plateau and Coastal Plain Wilderness Study Areas into the National Wilderness Preservation System. While this alternative is the most protective among the proposed alternatives we have serious concerns about the underlying methodology used to assess rivers for eligibility in the Plan which may violate the Act.

According to the Plan the eligibility analysis was completed using the following methodology:

1.The team identified a comprehensive list of all named Refugee rivers and river segments from the U.S. Geological Survey (USGS) Geographic Names Information System and the National Hydrography Dataset (USGS 2010). A total of 160 named rivers and creeks were identified, all of which are free-flowing. With 160 named rivers and creeks identified on the Refuge, and a general lack of information about most of these named waterways, the team decided to focus on a subset of these rivers at this time… Therefore visitor use is the greatest management concern. For these reasons, the team decided to focus on named waters with visitor use and reliable flow. Therefore 20 waters were identified as having river-related visitor use and were evaluated for eligibility.

2.The purpose of the eligibility evaluation is to compare and contrast each river to other waters in the region of comparison (ROC) for each ORV… A system was developed to rank the analytical results river-by-river for each ORV. 2

After the initial inventory, 20 "waters with visitor use and reliable flow,3" were studied for eligibility. We are concerned that this methodology FWS used to determine the eligibility of the 20 rivers does not meet the basic requirements of the Act for eligibility mainly whether the river is free-flowing and whether or not it possesses an outstandingly remarkable value of regional or national significance.

The plain language of the Act states:
"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… Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion into the national wild and scenic river system4,"

Instead of assessing the rivers independently of one another as required, the rivers assessed in the Plan were measured against one another. The Outstandingly Remarkable Values of the rivers considered were scored against each another, resulting in far fewer eligible rivers. As stated in the plan each river was "reviewed by a 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.5" While this methodology may succeed in selecting some of the most eligible rivers among the list of rivers in the Plan, the Act maintains that all rivers in the specified areas with at least one ORV be considered eligible. Consequently the FWS's method only selects those rivers that contain the highest percentage of ORVs, preventing many otherwise qualified rivers from becoming eligible. If a proper assessment was conducted we believe additional rivers would have been found eligible including the scenic Kataktruck and Turner Rivers. The final Plan should include a revised methodology that meets the Act and includes the necessary interim protections afforded rivers found eligible.

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 designations6. Each of these management tools provides unique but complimentary protections. When applied together the more restrictive provisions will apply7. 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.

Finally, American Rivers also supports 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 ri vers, their watersheds and the integrity of their basins including the adjacent coastal ecosystems.

Please keep me informed of future actions relating to the Final Arctic Refuge Revised Comprehensive Conservation Plan. I look forward to working with you on these issues in the future.

Sincerely,

David Moryc
Senior Director
River Protection Program
American Rivers

1 U.S. Fish and Wildlife Service (Department of Interior). Arctic Refuge Draft Revised Comprehensive Conservation Plan: Wild and Scenic River Eligibility Report. (February 2011).

2 U.S. Fish and Wildlife Service (Department of Interior). Arctic Refuge Draft Revised Comprehensive Conservation Plan: Wild and Scenic River Eligibility Report. (February 2011).

3 Ibid

4 The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) as set forth herein consists of Public Law 90-452 (October 2, 1968) and amendments thereto.

5 Ibid

6 Kerr, Andy and Salvo, Mark. Overlapping Wilderness and Wild and Scenic River Designations Provide Maximal Conservation Protection for Federal Public Lands. Environmental Law Online: Vol. 38:1. 2008.

7 Ibid

COMMUNICATION NUMBER 136980
Gail Mayo, President
Arctic Audubon

From: gail mayo
Sent: Monday, November 14, 2011 7:29 PM
To: ArcticRefugeCCP@fws.gov
Subject: Comments on the Draft CCP for AMWR from Arctic Audubon

ARCTIC AUDUBON COMMENTS ON THE DRAFT COMPREHENSIVE CONSERVATION PLAN FOR ARCTIC NATIONAL WILDLIFE REFUGE

Arctic Audubon is a chapter of the National Audubon Society. Our membership covers the area in Alaska north of the Alaska Range and reaches to the Beaufort Sea. Our chapter formed in 1979 and has always included a membership concerned with the Arctic National Wildlife Refuge. Our current membership is about 266. Our comments are our own and not necessarily those of the national organization. We are grateful to be given a chance to comment on the Draft Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge (ANWR).

ALTERNATIVES:

We support that Alternative E be adopted for the future Management of ANWR. Alternative E fulfills the mission of the refuge system to protect and conserve ecosystems. This alternative meets the stated goals and objectives for the Arctic Refuge best. In addition we feel that wilderness designation for the Coastal Plain, the Brooks Range and the Porcupine Plateau will also provide statutory protection for this amazing refuge. This protection will help to maintain the refuge during times of budget cuts, staff turnover and political vicissitude.

THE DRAFT PLAN:

The 20 page summary of the draft CCP for ANWR has made the draft plan available to many, and we applaud its coverage. The entire plan provides an amazing and valuable amount of historic, legal and basic information on ANWR. It providesthe background to guide the stewardship of the Refuge for the next 15 years. It sets the standards by which the refuge can be managed for future generations. The goals and objectives are solid, well stated, and even inspirational. They set high standards by which ANWR is to be managed. The special values of ANWR found in section 1 is especially well done. These value statements best describe the uniqueness of the refuge and should guide all refuge management decisions. The wilderness values of the refuge and the conservation of natural diversity are values that should never be compromised. We urge that the final plan includes section 1.

ISSUES:

[136980.001 Step-Down Plans -- Visitor Use Management Plan] In the Issues section it appears that the most difficult issues to resolve and manage are to do with visitor impacts. Some of these issues are long standing yet they are deferred to step-down plans with no time line attached (at least in the summary). The CCP for ANWR needs to include assurances that these step-down plans will be prioritized to address the most pressing issues in a timely way. Congestion at jumping off points and problems with aircraft landing sites are unresolved issues of long standing and certainly need attention now. The popularity of visiting the Refuge is not likely to diminish in the next 15 years.

Issues revolving around the native communities of northeastern Alaska are important ones that need to be resolved between the native communities and refuge managers. Alaska's Natives have legitimate interest in continuing their cultural uses on refuge lands. This is an important reason to preserve the wilderness character of the land. Other, sometimes conflicting Native people's issues deserve attention and resolution where possible.

[136980.002 Alternatives Analyzed -- No Oil and Gas Alternative] 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.

MANAGEMENT:

[136980.003 Wildlife -- Predator Control] In the Management section under the topic of State and Federal game management the plan should firmly state that predator control will not be considered on any ANWR lands. We have noticed that in other sections of the plan there are clear statements of prohibited activities, eg., use of off-road vehicles or public use of helicopters is NOT ALLOWED. This same clear statement should be included in the final CCP: Predator control will NOT BE ALLOWED. **[136980.004 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management]** 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.

PRIORITIES:

[136980.005 Refuge Management 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.

Thank you for the opportunity to comment on the Draft CCP for ANWR. It has been an inspiring and educational experience for us, and a reminder that there is still a chance to preserve for future generations a unique part of the world's diverse heritage in northeast Alaska.

Arctic Audubon Society
PO Box 82098
Fairbanks, Alaska

Gail Mayo, President

COMMUNICATION NUMBER 32636
Matthew Fagnani, Member, Board of Directors, Executive Committee
Arctic Power

TESTIMONY TO THE USFWS (Agency)
Re the Arctic National Wildlife Refuge's Draft CCP
Anchorage, Alaska September 21, 2011

Good afternoon my name is Matthew Fagnani and I represent Arctic Power as a member of the Board of Directors, Executive Committee. Thank you for the opportunity to speak at this Arctic National Wildlife Refuge Comprehensive Conservation Plan hearing. As a resident of Alaska for 30 years I have been involved in the ANWR debate since it's beginning. **[32636.001 ANILCA -- Designated Wilderness and ANILCA]** Alternatives "c" and "E" of the Draft CCP recommend the additional inclusion of the 10-02 Coastal Plain for Wilderness status.

This recommendation conflicts with the "No More Clause" of Alaska National Interest Lands Conservation Act (ANICLA), 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 10-02 Coastal Plain is not new land, the USFWS is ignoring the intent of congress when ANILCA was put forward. The 10-02 Area was set aside with the intent to study potential development for oil and gas.

[32636.002 Alternatives Analyzed -- No Oil and Gas Alternative] In the past 30 years of oil production at Prudhoe Bay, producers have significantly and safely advanced technology in oil and gas drilling, Arctic engineering, waste disposal and environmental management. With these advancements the Fish and Wildlife Service and state should be able to pursue a 10- 02 area comprehensive management plan that does not designate the ANWR coastal plain as wilderness. The USFWS CCP report limits the scope of alternative management practices and includes no natural resource development alternatives.

Alternative management proposals should include scenarios in which the USFWS and the state of Alaska jointly pursue a plan of action that would responsibly and safely complete the original intended use of the 10-02 coastal plain, the eventual development of its oil and gas reserves. Within the 10-02 area according to the 1998 USGC report there is an estimated 16 billion barrels of oil and 18 trillion cubic feet of natural gas. It would be irresponsible of the federal government to lock up the 10-02 area; so rich in resources that America needs. Especially, at a time when America and the economy is hurting and need for jobs is so great. To think that the USFWS would deliberately lockup the 10-02 area is unthinkable.

[32636.003 ANILCA -- Designated Wilderness and 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 10-02 Coastal Plain.

Thank you for allowing my comments on this CCP draft.

Matthew Fagnani
Executive Board Member, Arctic Power
2559 Loussac Dr
Anchorage, Alaska 99517
907-250-2313

COMMUNICATION NUMBER 74
Gail Phillips, Board of Directors
Arctic Power

Anchorage Hearing 9/21/2011
Gail Phillips, Arctic Power

MS. PHILLIPS: Ladies and gentlemen.
Thank you for giving Alaskans this opportunity to testify on the draft revised CCP document. My name is Gail Phillips. I'm a lifelong Alaskan and speaking today on behalf of the board of directors of Arctic Power. I've been involved with the ANWR debate for the past 25 years.

To say that Alaskans are disappointed in this draft document is a gross understatement. In my opinion, the two main problems with this draft are, number one, the Fish and Wildlife Service's biased alternative management proposals and, two, the blatant violation of ANILCA's no more clause as clearly outlined in Title I of ANILCA law.

[74.001 Alternatives Analyzed -- No Oil and Gas Alternative] After the hearing in Anchorage in May of 2010, it was our understanding that the purpose of the agency's scope of work on the draft was to find a way to strike a balance between critical habitat and ecosystems and the production of critical energy resources.

The current 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 the Services mission to protect critical habitat and wildlife.

Under the NEPA Act, Federal agencies must study, develop and describe appropriate alternatives to recommend courses of action and any proposal which involves unresolved conflicts concerning alternative uses of available resources.

It's blatantly apparent that the Service has not and is not following established law regarding the conflict surrounding ANWR by virtue of

the fact that none of these alternatives you've offered for this revised draft plan provide for options for responsible resource development.

It is obvious that the Service 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 alternative management practices.

This revised draft document is an insult to Alaskans and a violation of established Federal law. I would encourage you to consider formulating new alternatives that would open the coastal plain to oil and gas development. Placing the coastal plain into wilderness status and prohibiting future oil and gas development would gravely jeopardize our national energy security picture.

Thank you very much for giving me this opportunity to testify.

COMMUNICATION NUMBER 32641
Gail Phillips, Executive Board Member
Arctic Power

TESTIMONY TO THE USFWS (Agency)
Re The Arctic National Wildlife Refuge's Draft CCP
Anchorage, Alaska September 21, 2011

Ladies and Gentlemen:

Thank you for giving Alaskans this opportunity to testify on this draft revised ANWR CCP document. My name is Gail Phillips - I am a life-long Alaskan and am speaking on behalf of the Board of Directors of Arctic Powers. I have been involved in the ANWR debate for the past twenty-five years.

To say that Alaskans are disappointed in this draft document is a gross understatement. In my opinion, the two main problems with this CCP draft are:
(1) the USFWS's biased alternative management proposals; and
(2) the blatant violation of ANILCA's "no more clause" as clearly outlined in Title I of the ANILCA law.

[32641.001 Alternatives Analyzed -- No Oil and Gas Alternative] 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 fmd 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 tbe issue of wildlife and ecosystem protection and completely ignores any alternative uses regarding oil and gas development.

Tbe 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 10-02 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 tbat 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 tbe 10-02 area. I feel that the Agency bas grievously overreached their legal authority and should be directed to consider oil and gas development as an alternative management practice.

This revised draft document is an insult to Alaskans and a violation of established federal law. I would encourage you to consider formulating new alternatives that would open the Coastal Plain to oil and gas development. Placing the Coastal Plain into "wilderness status" and prohibiting future oil and gas development would gravely jeopardize our national energy security picture.

Thank you for giving me the time to present my opinion at this hearing.

Gail Phillips
Former Speaker, Alaska House of Representatives
Executive Board Member, Arctic Power
1231 W. Northern Lights Blvd., #906
Anchorage, Alaska 99503
907-277-4867

COMMUNICATION NUMBER 73
Beth Peluso, Communications Manager
Audubon Alaska and National Audubon Society

Anchorage Hearing 9/21/2011
Beth Peluso, National Audubon Society

MS. PELUSO: Thank you for the opportunity to comment on the draft Comprehensive Conservation Plan for the Arctic National Wildlife Refuge. My name is Beth Peluso and I am the communications manager for Audubon Alaska and I'm speaking on behalf of the National Audubon Society.

Founded in 1905, Audubon is one of the oldest conservation organizations in the country and is supported by half a million members in 470 chapters, with staff in 37 states. Audubon and our membership have been actively engaged in issues concerning the conservation of lands in America's arctic for more than three decades and we have had an Alaska office since 1976.

The Arctic National Wildlife Refuge is an outstanding example of an intact arctic and subarctic ecosystem on a landscape scale. The exceptional biogeographic character of the area and its eco regions, including lowland tundra, freshwater wetlands, coastal marshes, mountains and lagoons, make the Arctic Refuge unique among conservation units in the United States.

The revised conservation plan should ensure protection of the wildlife and wilderness values that inspired creation of the Refuge. The best way to accomplish this is with formal wilderness designation.

Audubon supports the plan's vision statement and the goals and objectives outlined in the draft, especially those goals that emphasize long-term ecological monitoring, wilderness stewardship, subsistence and traditional cultural resource management, upholding wildlife and wilderness recreational values and monitoring the ecological effects of climate change and maintaining the Refuge's role as a globally significant benchmark for ecological integrity in the arctic.

Audubon endorses Alternative C because it adequately addresses the three issues of additional wilderness, Wild and Scenic Rivers, and the management

of the Konugut River. Alternative C would adopt the Refuge management objectives, management policies and guidelines, while providing a balanced approach for managing our nation's arctic resources.

This alternative includes a recommendation that the coastal plain wilderness study area be included in the National Wilderness Preservation System. Audubon strongly supports this recommendation.

The coastal plain is the biologic heart of what is now an intact arctic ecosystem from the Arctic Coast to the South Slope of the Brooks Range. This important area provides calving grounds for the Porcupine Caribou Herd, post-calving habitat for the Porcupine and Central Arctic Caribou Herds, nesting habitat for hundreds of thousands of migratory birds and denning habitat for polar bears.

Audubon supports management of the Refuge's most biologically productive region, the coastal plain, in a manner that protects its high biological values and maintains its wilderness character for future generations.

[73.001 Wild and Scenic Rivers -- Atigun River] The plan should additionally recommend the Atigun River for inclusion in the National Wild and Scenic River system in order to maintain it's 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.

In closing, Audubon strongly supports the U.S. Fish and Wildlife Service's Comprehensive Conservation Plan effort and the management recommendations outlined in Alternative C.

Thank you.

COMMUNICATION NUMBER 136809
William C. Reffalt, Vice President and Issues Coordiantor
Blue Goose Alliance

November 14, 2011

U.S. Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave, Rm 236
Fairbanks, AK 99701-6237

Sent by email to: ArcticRefugeCCP@fws.gov

Dear Ms. Seim:

The following comments are submitted on behalf of the Blue Goose Alliance, a national private, non-profit organization under the laws of the United States and of New Mexico. The Alliance is dedicated to increasing the stature of the National Wildlife Refuge System, protecting its integrity, fostering its strategic planning, growth, proper administration and management, and advocating for the necessary resources to ensure its capabilities to accomplish its mission and provide benefits to all Americans. The Alliance has Affiliates, members and supporters in nearly every state comprised of retired refuge administrators, managers, friends, volunteers, and other supporters.

Authors Background

The author of these comments, William C. Reffalt, served with the FWS for 24 years, including 8 years directing the development proposals, legislative language for, and advocating passage of the 1980 Alaska National Interest Lands Conservation Act (ANILCA). My staff and I were specifically responsible for provisions of the law affecting the fish, wildlife and plant resources and their habitats, and numerous provisions affecting the FWS and NWRs in Alaska. I also served two years as Chief of Refuge Management with responsibility for policy direction and planning for the NWRS. After leaving the FWS in 1984, I worked 15 years with The Wilderness Society as Program Director for the National Wildlife Refuge System and Alaska Lands where I helped develop and foster national policy for the NRWS and Alaska Refuges, Wilderness, Wild and Scenic Rivers and National Parks. I have traveled extensively in Alaska in all seasons of the year, including winter on the North Slope and Arctic National Wildlife Refuge. In all, I have visited the refuge or conducted on more than a half dozen occasions observational over- flights of the refuge and also have hiked and camped in the refuge several times. I have studied the long-term history of the area included in the Arctic NWR and closely followed the Arctic NWR planning efforts, the controversies associated with the Refuge's coastal plain, and other issues affecting its management.

Summary and Explanation of BGA Comments
A concise summary of our comments is that the Blue Goose Alliance strongly supports Alternative E, the recommendation by FWS for establishment by the Congress of Wilderness for the Arctic National Wildlife Refuge Coastal Plain, Brooks Range, and Porcupine Plateau and recommended designation of Wild River status for the Atigun, Hulahula, Kongakut, and Marsh Fork of the Canning rivers.

We believe that the concepts of Manager's restraint and humility should prevail in the administration of the entire spectrum of Arctic and Sub-arctic ecosystems found within the

boundaries of this one-of-a-kind National Wildlife Refuge. Its role in national and international phases of fish, wildlife, plant, and habitat conservation is vital as partial fulfillment of our Nation's commitments regarding migratory birds, migratory caribou herds, polar bears, significant wetlands and riparian systems, and other elements of this unique arctic and subarctic environment. Its value as a scientific baseline by which to gauge global climate change is enormous, as is its general value to science in numerous disciplines related to living natural resources, as well as archeological and cultural resources and features. The contributions of the refuge to continuing self-determination within the Inupiat and Gwich'in communities that participate in the traditional harvest and use of natural resources fostered and protected within refuge habitats and its management programs are uniquely important. The refuge contains unsurpassed qualifications for the designations to be recommended pursuant to Alternative E. Underpinning all of these features and opportunities is the legislated functions of the Arctic Refuge as set forth in the Refuge Purposes in ANILCA, its responsibilities to the Mission statement found in the NWRS Administration Act, and the purposes found in the 1960 Executive Order establishing the Arctic National Wildlife Range (affecting lands and waters within that Arctic Range). Atop all other primary refuge purposes is "…to conserve fish and wildlife populations and habitats in their natural diversity including but not limited to: the Porcupine caribou herd, etc." We believe that designated Wilderness in the Arctic and Subarctic biomes is fully supportive of wildlife conservation.

[Preamble 136809.002, 003] 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. Overall, this draft demonstrates a major effort by the staff involved in its creation and we offer our compliments and appreciation to them on their informative product..

[136809.001 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] 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.

[136809.002 ANILCA -- Designated Wilderness and ANILCA] 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.

[136809.003 ANILCA -- Refuge Purposes and ANILCA] 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 Law1 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.

In closing, the Blue Goose Alliance again expresses its appreciation for this opportunity to comment in this very important process. We believe the draft document correctly sets the broad outline for the Comprehensive Conservation Plan required in its guiding legislative mandate. We have offered several suggestions for needed corrections and better explanations in an array of chapters and sections. We have also presented the legal and logical arguments in favor of the needed changes. We hope the involved Refuge staff and other contributors to the next document find this information helpful and constructive.

Sincerely yours,

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

1 Bean, Michael J. and Melanie J. Rowland, 1997 (3rd Ed); The Evolution of National Wildlife Law. A Project of the Environmental Defense Fund and World Wildlife Fund – U.S.; Praeger Publishers, CT, pp. 14-27.

1050 Matador Dr. SE
Albuquerque, New Mexico 87123-4223

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

COMMUNICATION NUMBER 136796
Julie Kates, Refuge Associate, Federal Lands Program
Defenders of Wildlife

To
"arcticrefugeccp@fws.gov"
cc
"Sharon_Seim@fws.gov"
Subject
Arctic National Wildlife Refuge draft CCP and draft EIS

Dear Ms. Seim,

Please accept the attached comments from Defenders of Wildlife regarding the draft comprehensive conservation plan for the Arctic National Wildlife Refuge.

Sincerely,

Julie Kates

Julie Kates
http://sigs.defenders.org/dowlogo.gif
Refuge Associate, Federal Lands Program
http://sigs.defenders.org/ghln300.gif
1130 17th Street N.W. Washington D.C. 20036-4604
Tel: 202.772.3271 | Fax: 202.682.1331
JKates@defenders.org | www.defenders.org

[attachment "Arctic Refuge Draft CCP - Defenders comments 11.15.11.pdf"]

Attachment:

November 15, 2011

Sharon Seim
Planning Team Leader
Arctic National Wildlife Refuge
U.S. Fish and Wildlife Service
101 12th Avenue, Room 236
Fairbanks, AK 99701

Via U.S. Mail and Electronic Mail (ArcticRefugeCCP@fws.gov)
RE: Comments on the Draft CCP for the Arctic National Wildlife Refuge

Dear Ms. Seim,

We appreciate the opportunity to provide comments on the draft of the Comprehensive Conservation Plan ("CCP") for the Arctic National Wildlife Refuge ("Arctic Refuge" or "Refuge"). Defenders of Wildlife ("Defenders") is a national, nonprofit, public interest conservation organization representing more than one million members and supporters nationwide, of which more than 4,000 reside in Alaska. Established in 1947, Defenders is dedicated to the protection and restoration of all wild animals and plants in their natural communities. We have been

substantively involved in National Wildlife Refuge System policy and individual refuge issues for decades.

The U.S. Fish and Wildlife Service ("Service") has developed a strong Draft CCP for the Arctic Refuge, and we are generally supportive of the agency's draft goals and objectives for managing the Refuge. Defenders urges the Service to select Alternative C because it recognizes the special wilderness value of the Arctic Refuge's Coastal Plain Wilderness Study Area and would appropriately pursue a recommendation that it be designated wilderness. We offer the following comments and recommendations to assist the Service in finalizing this important plan.

I. THE DRAFT CCP COMPLIES WITH THE SERVICE'S LEGAL REQUIREMENTS FOR REFUGE PLANNING

Defenders supports and recognizes the value of the refuge planning process, which is clearly articulated in law. As required by the Alaska National Interest Lands Conservation Act (ANILCA), the Secretary of the Interior must "prepare, and from time to time, revise, a comprehensive conservation plan for each refuge" in Alaska.1 Throughout the CCP revision process for the Arctic Refuge, several individuals and organizations have misinterpreted and/or misrepresented the laws relating to the Service's obligations to develop management alternatives and its authority to conduct wilderness reviews. Defenders asserts that the Service has thus far complied with its legal responsibilities on these issues.

A. The Service Presented a Reasonable Range of Alternatives

A CCP is intended to guide refuge management in a way that achieves the conservation mission of the National Wildlife Refuge System and the legal purposes for which the refuge was established.[2] The Arctic National Wildlife Range was set aside in 1960 "for the purpose of preserving unique wildlife, wilderness, and recreational values."[3] In addition to expanding this area and renaming it the Arctic National Wildlife Refuge, the Alaska National Interest Lands Conservation Act of 1980 ("ANILCA") added four additional purposes:
(i) to conserve fish and wildlife populations and habitats in their natural 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 grayling;

(ii) to fulfill the international fish and wildlife treaty obligations of the United States;
(iii) to provide the opportunity for continued subsistence uses by local residents; and
(iv) to ensure water quality and necessary water quantity within the refuge.[4]

Despite claims by some individuals that the Service has failed to consider a suitable range of alternatives by neglecting to provide an option for oil and gas development, such an alternative would be inappropriate, as energy development activities are incompatible with the System's mission and Refuge purposes. In accordance with the National Environmental Policy Act (NEPA), the Service has offered a range of alternatives that address these purposes.

B. The Service Has Rightly Conducted a Wilderness Review as Part of the CCP Process

Defenders applauds the Service for undertaking a wilderness review and identifying areas suitable for wilderness recommendation during the revision of the Refuge's CCP, despite incorrect claims by some parties that such actions violate ANILCA. In reality, the law provides the Service with the opportunity, and indeed the obligation, to conduct critically important

wilderness reviews. ANILCA requires that "the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge" be identified and described early in the CCP process.[5] The CCP must then "(i) designate areas within the refuge according to their respective resources and values; [and] (ii) specify the programs for conserving fish and wildlife and the programs relating to maintaining" the previously described wilderness and other special values.[6]

Section 1317 of ANILCA also states that "[w]ithin five years from the date of enactment of this Act, the Secretary shall…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."[7] This requirement was never met, as the Secretary of the Interior never forwarded the findings of this review to the President. Although section 1317 provides a five-year timeline for the completion of the review, nowhere does the law prevent the Service from conducting future wilderness reviews to fulfill its management responsibilities.

II. DEFENDERS SUPPORTS THE REFUGE VISION STATEMENT

Service policy states that the refuge vision statement laid out in the CCP "will reflect planning unit purposes."[8] The vision "should focus on what will be different in the future because of our efforts, capture the essence of what we are trying to do, and why. It should be future-oriented, concise, clear, compelling, and give a sense of purpose to our efforts."[9] Defenders supports the Service's draft vision statement for the Arctic Refuge:

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 spirit; 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.[10]

This forward-looking vision reflects the Refuge's purposes, reaffirms a commitment to protect the Refuge as an intact wilderness for the public, and implies a management approach that allows habitats to adapt to changing conditions in the absence of human manipulation. Defenders urges the Service to adopt this statement in the final plan.

III. DEFENDERS SUPPORTS GOALS AND MANAGEMENT GUIDELINES THAT AIM TO PROTECT THE REFUGE'S ECOLOGICAL VALUES

Defenders strongly supports the Service's intent to administer the Refuge in a manner that safeguards its wild character and allows natural processes to continue without interference, as articulated in several goals and management guidelines throughout the Draft CCP, including:

- Goal 1: "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." [11]
- Goal 2: "The Refuge retains its exceptional wilderness values without loss of natural condition and wild character and manages designated wilderness consistent with the intent of the Wilderness Act and ANILCA." [12]
- Goal 3: "The Refuge's designated wild rivers flow freely through unaltered corridors; their ecological functions, character, and values are protected; and opportunities for recreation and traditional uses are consistent with the Wild and Scenic Rivers Act and ANILCA." 13
- Management Guideline 2.4.11, which states that Refuge habitats will be left "unaltered and

unmanipulated…[and] will not be modified or improved to favor one species over another."[14]
• Management Guideline 2.4.12, which states that "the Refuge focuses on enabling the natural behavior, interactions, and cycles of all native species to continue, with little or no human intervention and manipulation."[15]
• Management Guideline 2.4.12.7, which states that "the Refuge will not employ or allow any management technique intended to interfere with natural wildlife dynamics by reducing the abundance of some species to increase the abundance of others."[16]

Adopting and adhering to these statements will help ensure the Arctic Refuge remains a paragon of biological integrity, diversity, and environmental health within the National Wildlife Refuge System. As landscapes and wildlife populations across the nation – and throughout Alaska – continue to be altered through development or manipulated for human benefit, it is vital to recognize that there are places where such conditions are neither appropriate nor desired. National wildlife refuges in Alaska have the potential to maintain the most naturally functioning ecosystems in the world. An emphasis on preserving natural ecological processes should remain the fundamental standard for management of the Arctic Refuge and all refuges throughout Alaska.

IV. THE SERVICE SHOULD CLOSE GAPS IN THE CCP THAT COULD ALLOW FOR INAPPROPRIATE WILDLIFE MANAGEMENT

[136796.001 Wildlife -- Predator Control] Defenders recognizes the importance of the Service's objective to maintain involvement in the State of Alaska's fisheries, game, and federal subsistence boards processes.[17] We encourage cooperation where suitable; however, we are concerned over the Alaska Board of Game's (BOG) tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. Under such circumstances, we do not feel that cooperation is either legal or appropriate.

In particular, the State of Alaska manages game populations according to the Intensive Management (IM) statute, whose sole intent is to manage game for high levels of human harvest.18 The IM statute dictates that the BOG may not decrease the harvest of a game population without also adopting regulations for intensive management actions to increase that population for human harvest. Predator control is one form of intensive management pursued by the State that is particularly controversial and can have potentially devastating effects on ecosystem function and health. Widespread manipulation of predator populations for the benefit of human harvest is inconsistent with the Service's mission and federal law, and such actions would be inappropriate and contrary to your authority for managing the Arctic Refuge. Consistent with the Refuge's ANILCA purposes and other federal laws and policies that direct the Refuge's administration, the CCP should explicitly preclude artificial manipulation or intensive management of wildlife populations meant to enhance game populations for human harvest. The use of predator control for this purpose should be prohibited in any form, including but not limited to aerial gunning, liberalized bag limits, or liberalized hunting and trapping periods or methods.

A. The Service Should Articulate and Exercise Its Authority to Preempt Intensive Management by the State of Alaska on the Arctic Refuge

[136796.002 Wildlife -- Predator Control] According to the Draft CCP, "[s]eparate 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.19 In addition, "[i]f determined necessary under subsection 2.4.2 (Human Safety and Management Emergencies), Service or State

actions involving the killing, relocation, removal, or sterilization of wildlife for the benefit of another species would require appropriate NEPA compliance and an ANILCA Section 810 determination."[20] In 2009, the Alaska Department of Fish and Game (ADF&G) and BOG declared that immediate action was necessary to protect a declining caribou herd on Unimak Island because subsistence use on the island was threatened. As a result of the request by ADF&G to pursue wolf control, the Service undertook a NEPA process and ultimately determined that such action was not warranted because it was inconsistent with federal law and Service policy. Defenders asserts that the Service has the legal authority and responsibility to deny such a request outright without further administrative action when dealing with such predator control proposals on Alaska refuges in general, and the Arctic Refuge in particular. Indeed, Service policy states that "the refuge manager should deny a proposed use without determining compatibility" if, for example:

(a) The proposed use conflicts with any applicable law or regulation (e.g., Wilderness Act, Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act);
(b) The proposed use conflicts with any applicable executive order, or written Department of the Interior or Service policy; [or]
(c) The proposed use conflicts with the goals or objectives in an approved refuge management plan (e.g., comprehensive conservation plan, comprehensive management plan, master plan or step-down management plan)…[21]

Predator control actions proposed by the State of Alaska have focused on increasing game populations without consideration to the context of natural population fluctuations, the health of altered game or predator populations, and even whether predation is a major factor limiting the game population. Defenders believes that such an action would not only violate the Service's responsibility under the National Wildlife Refuge System Improvement Act to maintain "the biological integrity, diversity, and environmental health of the System,"[22] but would also be incompatible with the Arctic Refuge's purpose under ANILCA "to conserve fish and wildlife populations and habitats in their natural diversity."[23]

In order to preclude inappropriate proposals for predator control actions by the State, we urge the Service to incorporate language into the CCP which clearly articulates that any State regulation or plan involving the use of predator control to increase ungulate abundance for human harvest would conflict with federal law and would be preempted by such law within the Refuge. By being clear with State managers that the Service will use its authority to preempt the State's programs when such programs conflict with Refuge purposes and mandates, the Service can prevent wasting State and federal agency time and resources pursuing or defending against such actions.

Moreover, even if the Service tried to ignore its legal responsibilities and authority for the Arctic Refuge and actively considered approving such a predator control proposal, it would first have to make a compatibility determination and prepare an Environmental Impact Statement under NEPA, providing solid justification for why such an action was lawful and appropriate. Any decision by the Service to pursue predator control must be based on sound scientific data and analysis, and must comply with applicable federal laws and policies.

B. **[Preamble 136796.003, 004]** The Service Should Offer Stricter Criteria for a Management Emergency

[136796.003 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies] 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.

[136796.004 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies] As stated in our comments below, Defenders recognizes and supports the subsistence harvest rights of federally qualified subsistence users. However, ANILCA clearly states that subsistence opportunities on the Arctic Refuge must be consistent with the purposes "to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, the Porcupine caribou herd…polar bears, grizzly bears…wolves, wolverines…" and "to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats…"25 Further, subsistence is to be provided only when it is "consistent with sound management principles, and the conservation of healthy populations of fish and wildlife…"26 The Service must, therefore, ensure that no actions are taken to provide subsistence opportunities or conserve subsistence resources if doing so will violate ANILCA's primary purposes.

V. DEFENDERS SUPPORTS STRONG CONSIDERATION OF CLIMATE CHANGE IN THE PLANNING PROCESS

We are pleased to see that the Service recognizes climate change as a fundamental challenge for the Arctic Refuge and is using the revision of the CCP as an opportunity to incorporate new scientific information pertaining to climate change into future management decisions.27 The Service has rightly acknowledged that it is required to do so by Secretarial Orders 3226 and 3289.28 The Draft CCP includes few actions for responding to climate change impacts on Refuge habitats and species. Rather, the plan repeatedly states that "[i]n the foreseeable future, the Refuge will favor 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."29 Indeed, many of the strategies that have typically been developed elsewhere, such as enhancing connectivity, acquiring additional protected areas, or reducing other anthropogenic stressors, have little applicability within one of the largest and most pristine areas in the world.

With its huge size, diverse array of habitats and elevations, and intact, unfragmented habitats, the Arctic Refuge is perhaps in a much better position than many other places to be managed for "natural adaptation," or allowing nature to take its course, even in the face of the accelerated changes experienced in the arctic. Defenders, therefore, supports climate change-related actions focused on scientific research and monitoring, sharing of traditional knowledge, and public

awareness. 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.

[136796.005 Climate and Climate Change -- General Impacts] 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. We also offer further comments and recommendations below to strengthen consideration of climate change in the CCP.

A. The CCP Should Include Greater Analysis of Climate Change Impacts on Wildlife and Habitats

[136796.006 Climate and Climate Change -- Cumulative Effect] 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?

[136796.007 Climate and Climate Change -- Cumulative Effect] The Draft CCP is less detailed in its treatment of how well-documented habitat impacts will affect the Refuge's wildlife. For instance, the discussion of the Refuge's birds contains narratives on many species of interest, including swans, loons, snow goose, common eider, long-tailed duck, raptors and others.[32] However, despite numerous threats documented to multiple bird species, both on the Refuge and on migration and wintering grounds, climate change is discussed only briefly in this section: one reference to the impacts of tundra shrub succession and coastal erosion on shorebirds, and another reference to the possibility that changes in woody vegetation will impact Smith's longspurs, with unknown effects. Potential impacts to birds, as well as to freshwater biota, have been documented at length by Kittel et al.[33] Defenders has also discussed threats to the red-throated loon in our Navigating the Arctic Meltdown series.[34]

The Draft CCP's discussion of Refuge mammals similarly gives only brief attention to climate change impacts on most species.[35] Climate change is given substantial treatment only as a threat to polar bears because, as the Draft CCP rightly states, "[c]limate change is perhaps the greatest current conservation concern for polar bears."[36] However, it is mentioned only in passing as a potential threat for caribou, Dall sheep, and rodents and hares. Defenders conducted a detailed vulnerability analysis for the entire mammal fauna of the Refuge using the Natureserve Climate Change Vulnerability Index (CCVI) to evaluate species based on their exposure to climate changes and a variety of sensitivity traits. We found that nearly half the mammal species of the Refuge are either "Extremely Vulnerable" or "Highly Vulnerable" to climate change in the Refuge over the next 50 years. We have appended to our comments a copy of the resultant report, titled "No Refuge From Warming."37

B. The Service Should Develop a Monitoring and Research Agenda that Prioritizes Climate Change Information

Defenders supports Goal 6, which seeks to use scientific research and monitoring to evaluate the effects of climate change on Refuge resources, and its associated objectives of evaluating impacts, considering climate change and other stressors in management decisions, monitoring vulnerable biological components, and collaborating on research and monitoring.[38] **[136796.008 Refuge Vision and Goals -- Goal 6 (including objectives)]** 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.
[136796.009 Step-Down Plans -- Inventory & Monitoring Plan] 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.

C. The Service Should Commit to Broader Actions for Sharing Climate Change Information

[136796.010 Refuge Vision and Goals -- Goal 9 (including objectives)] 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]

VI. DEFENDERS SUPPORTS A WILDERNESS RECOMMENDATION FOR THE COASTAL PLAIN WILDERNESS STUDY AREA

Defenders recognizes the extraordinary wilderness character associated with the whole of the Arctic National Wildlife Refuge. We agree with the Service's findings in its review that the Brooks Range, Porcupine Plateau, and Coastal Plain Wilderness Study Areas (WSAs) all meet the criteria for "wilderness" as defined in the Wilderness Act of 1964 and are suitable for wilderness designation. However, given its high degree of both biological productivity and threats, Defenders believes that the Coastal Plain WSA should be the highest priority for a wilderness recommendation by the Service. We, therefore, urge the Service to select Alternative C.

The variety of elevations and habitats condensed in the narrow distance between mountains and sea is what helps make the Coastal Plain the most important area of the Refuge for wildlife. Notably, it serves as the calving ground of the Porcupine caribou herd, which has sustained the Gwich'in for thousands of years. In the winter, it serves as the most important onshore denning habitat for America's threatened polar bears – hiding mothers and cubs from view beneath its snows. Approximately 150 bird species have been documented in the area. And deep pools along its rivers provide overwintering habitat for fish.

There is no better example of wilderness than the Arctic Refuge's Coastal Plain and no place more deserving of wilderness protection. It is the target of persistent calls for oil and gas development that, if successful, would at a minimum leave the landscape fragmented and degraded. Furthermore, while natural systems and organisms exhibit a certain level of resiliency in the face of such challenges, the additional pressure of climate change can push them toward thresholds beyond which they will be unable to recover.[42] Northern Alaska is warming more rapidly than anywhere else on the continent, and as its wildlife is exposed to the region's rapidly changing climate, wilderness status would keep the Coastal Plain protected from the habitat degradation and fragmentation that accompany oil and gas development – impacts that would weaken species' ability to adapt. A wilderness recommendation for the Coastal Plain, as prescribed in Alternative C, would represent an important step toward securing a permanent wilderness designation.

Defenders recognizes that the Refuge is a vast, intact landscape whose component parts are intricately connected to one another, and failure to protect the wilderness values of one part of the Refuge could compromise these values throughout. The minimal management that Alternative C lays out for the Brooks Range and Porcupine Plateau WSAs will preserve their wilderness character, while also allowing for sustainable, traditional access and use by the Gwich'in people.

VII. DEFENDERS SUPPORTS SUBSISTENCE USE OF THE REFUGE CONSISTENT WITH CONSERVATION AND INTERNATIONAL TREATY PURPOSES

Subsistence harvest rights for Alaska Natives and rural Alaskans are protected under ANILCA, which mandates that the Refuge be managed to "provide…the opportunity for continued subsistence uses by local residents," consistent with the conservation of fish and wildlife populations and habitats, as well as fulfillment of international fish and wildlife treaty obligations.[43]

Defenders recognizes and fully supports subsistence use and accepted traditional harvest practices for federally qualified subsistence users, and we are pleased to see the Service's commitment to providing these opportunities, as stated in Goal 4 of the Draft CCP.[44] **[136796.011 Refuge Vision and Goals -- Goal 4 (including objectives)]** 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.

VIII. THE SERVICE SHOULD ENSURE MANAGEMENT OF VISITOR USE AND ACCESS PROTECTS THE REFUGE'S ECOLOGICAL INTEGRITY

[136796.012 Alternatives Analyzed -- Alternative C: Kongakut River Visitor Management] 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 **[136796.013 Step-Down Plans -- Visitor Use Management Plan]** 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.

[136796.014 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings] With respect to aircraft landings, Defenders supports the Service's intent to assess conditions and trends regarding their impacts to sensitive vegetation.[48] We understand that a balance must be struck to provide reasonable and safe access to wilderness users. However, where aircraft landings are causing excessive damage to tundra vegetation or wilderness character, the Service must prioritize preservation over access.

IX. CONCLUSION

Defenders appreciates the opportunity to participate in the planning process. We hope our comments are helpful in finalizing the plan.

Sincerely,

Julie Kates
Refuge Associate, Federal Lands Program
Defenders of Wildlife

Theresa Fiorino
Alaska Representative
Defenders of Wildlife

Defenders of Wildlife Attachments:

- Climate Change and National Wildlife Refuge Conservation Planning
- No Refuge from Warming: Climate Change Vulnerability of the Mammals of the Arctic National Wildlife Refuge

1 Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §304(g)(1), 94 Stat. 2394 (1980).

2 See Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §304(g), 94 Stat. 2394-95 (1980); see also U.S. Fish and Wildlife Service, 602 FW 3 Comprehensive Conservation Planning Process (2000).

3 Public Land Order 2214 (1960).

4 Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §303(2), 94 Stat. 2390 (1980).

5 Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §304(g)(2)(B), 94 Stat. 2394 (1980).

6 Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §304(g)(3)(A), 94 Stat. 2395 (1980).

7 Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §1317(a), 94 Stat. 2485-2486 (1980).

8 U.S. Fish and Wildlife Service, 602 FW 3 Comprehensive Conservation Planning Process (2000).

9 U.S. Fish and Wildlife Service, 602 FW 3 Comprehensive Conservation Planning Process (2000).

10 Draft CCP at 1-23.

11 Draft CCP at 2-1 (Goal 1).

12 Draft CCP at 2-7 (Goal 2).

13 Draft CCP at 2-10 (Goal 3).

14 Draft CCP at 2-50 (Fish and Wildlife Habitat Management).

15 Draft CCP at 2-52 (Fish and Wildlife Population Management).

16 Draft CCP at 2-55 (Fish and Wildlife Control).

17 Draft CCP at 2-4.

18 Alaska Statute § 16.05.255.

19 Draft CCP at 2-44 (2.4.9.1 Federal, State, and Local Governments).

20 Draft CCP at 2-55 (2.4.12.7 Fish and Wildlife Control).

21 U.S. Fish and Wildlife Service, 603 FW 2 Compatibility (2000).

22 16 U.S.C. § 668dd(a)(4)(B).

23 Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §303(2), 94 Stat. 2390 (1980).

24 Draft CCP at 2-37 (2.4.2 Human Safety and Management Emergencies).

25 ANILCA § 303(2)(B).

26 16 U.S.C. § 3112(1) (emphasis added); see also 16 U.S.C. § 3125(1) (emphasis added) (allowing subsistence uses may not "be inconsistent with the conservation of healthy populations").

27 Draft CCP at 1-2.

28 Draft CCP at 2-47.

29 Draft CCP at 2-47 and 4-56.

30 Draft CCP at 4-22 to 4-30.

31 Draft CCP at 4-56 to 4-59.

32 Draft CCP at 4-71 to 4-86.

33 T.G.F. Kittel et al., Climate Vulnerability of Ecosystems and Landscapes on Alaska's North Slope, 11 (Supplement 1) REGIONAL ENVIRONMENTAL CHANGE S249-S264 (2011).

34 See Defenders of Wildlife, Navigating the Arctic Meltdown: Red-throated Loons (2007). Available at: http://www.defenders.org/resources/publications/programs_and_policy/science_and_economics/global_warming/navigating_the_arctic_meltdown_arctic_loon.pdf.

35 Draft CCP at 4-86 to 4-119.

36 Draft CCP at 4-111.

37 See Defenders of Wildlife, No Refuge from Warming: Climate Change Vulnerability of the Mammals of the Arctic National Wildlife Refuge (2011). This report and accompanying supplementary materials and summary report are available at: http://www.defenders.org/programs_and_policy/climate_change/publications.

38 Draft CCP at 2-20 to 2-21.

39 Draft CCP at 2-2 (Objective 1.2 Inventory and Monitoring of Wildlife and Habitats) and 2-3 (Objective 1.3 Applied Research).

40 Draft CCP at 2-27.

41 Draft CCP at 2-27 to 2-30.

42 CCSP, Thresholds of Climate Change in Ecosystems, A Report by the U.S. Climate Change Science Program and the Subcommittee on Global Change Research [D.B. Fagre, C.W. Charles, C.D. Allen, C. Birkeland, F.S. Chapin III, P.M. Groffman, G.R. Guntenspergen, A.K. Knapp, A.D. McGuire, P.J. Mulholland, D.P.C. Peters, D.D. Roby, and G. Sugihara], U.S. Geological Survey, Reston, VA (2009).

43 Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, §303(2), 94 Stat. 2390 (1980).

44 Draft CCP at 2-12.

45 Draft CCP at 2-14.

46 Draft CCP at 3-45 (Table 3-1).

47 Draft CCP at 2-7 and 2-16.

48 Draft CCP at 2-19 to 2-20 (Objective 5.9).

COMMUNICATION NUMBER 136783
Mindy Rowland, Executive Director
First Things First Alaska Foundation

From: "Mindy Rowland"
Sent: Wednesday, September 21, 2011 3:38 PM
To:
Subject: Public Testimony

Please accept the attached document as public testimony on the Draft ANWR Comprehensive Conservation Plan. I'm happy to respond to any questions.
Thank you
Mindy

Mindy Rowland
Executive Director
First Things First Alaska Foundation
907.209.1797 office
907.723.4636 cell
PO Box 240605
Douglas AK 99824
mindy@ftffoundation.org
www.ftffoundation.org
[IMAGE]

[ATTACHMENT]

First Things First
Alaska Foundation

President
Neil MacKinnon

Vice President
Sara Chambers

Treasurer
Frank Bergstrom

Director
Scott Spickler

Director
Joe Kahklen

Director
Rosemary Hagevig

Director
Fred Morino

Director
Richard Burns

Director
Corey Baxter

Executive Director
Mindy Rowland
mindy@ftffoundation.org

P.O. Box 240605
Douglas, AK 99824

907.209.1797 phone
907.500.7336 fax
ftffoundation.org
First Things First Alaska Foundation is a 501 (c)3 nonprofit organization dedicated to preserving the economic viability and future of Alaska through education

September 21,2011
Sharon Seim
Arctic National Wildlife Refuge
101 12th Ave Room #236
Fairbanks, AK 99701-6237
RE: Opposition to Any Wildlife Designations Proposed in the Draft ANWR Comprehensive Conservation Plan

Dear Ms. Seim,

[136783.001 Alternatives Analyzed -- No Oil and Gas Alternative] 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. ANJLCA 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.

The health of Alaska's economy is almost solely dependent on the ability, or potential future ability, to develop its natural resources. Seventy-eight percent of Alaskans, including every Alaskan Governor, every legislature, and every elected congressional representative and senator from Alaska, support oil exploration in the ANWR coastal plain 1002 area. ANWR is estimated to hold sufficient oil and gas reserves to refill the Trans-Alaska Pipeline System, which is operating at only one-third of its capacity and continually declining. Refilling TAPS is vital to the State of Alaska's capability to continue providing basic government services and creating new infrastructure. Alaska simply has no other viable tax base.

Sincerely,

Executive Director
Mindy Rowland

COMMUNICATION NUMBER 77
David Raskin
Friends of Alaska National Wildlife Refuges

Anchorage Hearing 9/21/2011
David Raskin, Friends of Alaska National Wildlife Refuges

MR. RASKIN: I'm Dr. David Raskin
representing the Friends of Alaska National Wildlife
Refuges. We appreciate this opportunity to provide
comments in the draft CCP for the Arctic National
Wildlife Refuge. We have 300 volunteer members
throughout Alaska, 25 states and six countries assist
the U.S. Fish and Wildlife Service to maintain and
enhance wildlife habitat and species in all 16 Alaska
refuges. The Arctic Refuge was established 50 years
ago under President Eisenhower as the only refuge with
a designated purpose of, quote, preserving unique
wildlife, wilderness and recreational values.

The claims of politicians, the State of
Alaska and the oil industry, that new wilderness
designations violate the "no more" clause of ANILCA are
disingenuous and misleading. Additional wilderness
designation with an established Federal conservation
unit is clearly permitted.

The Arctic Coastal Plain Wilderness
Study Areas are a biological heart of the Refuge and
must be protected as a designated wilderness. All
receive wilderness designation.

[77.001 Refuge Management Policies/Guidelines -- Subsistence Management] 42
Management of refuge lands must allow
the continuation of traditional activities of Alaska
Natives and other local residents, including timber
harvest for local use and travel within the refuge.
[77.002 Wildlife -- Predator Control] Guidelines must promote the continuation of natural
processes and population dynamics of all species and
prohibit habitat and species manipulation and predator
control.

Coordination with the Alaska Department
of Fish and Game must recognize the primacy of the
refuges' purposes and management goals, especially with
regard to predator control and species manipulation.
[77.003 Recreation and Visitor Use -- Visitor Experience] Recreation opportunities must be
managed to preserve
the wilderness experience for visitors and the
wilderness character of the refuge.

Oil and gas exploration and development and other primarily commercial activities have no place in the Arctic Refuge and must continue to be prohibited by law and by Fish and Wildlife Service management policies.

The entire 19.8 million acres of our nation's wildest and most magnificent refuge must continue to be managed to maintain the natural biodiversity, ecological processes, wilderness character and traditional lifestyles and cultures that make the Arctic Refuge the crown jewel of America's public lands.

We thank you very much for this opportunity and we will be submitting much more detailed written comments in the future.

COMMUNICATION NUMBER 136968
Don Ford, Alaska Director
National Outdoor Leadership School

From: Website User
Sent: Monday, November 14, 2011 7:14 PM
To: arcticrefugeccp@fws.gov
Subject: Comments from an Organization

Prefix: none
First Name: Don
Last Name: Ford
Suffix: none
Title 1: Alaska Director
Title 2:
Organization 1: National Outdoor Leadership School
Organization 2:
Address 1: P.O. Box 981
Address 2:
City: Palmer
State: AK
Postal Code: 99645
Country: USA
Additional Info:

Comment: Thank you or this opportunity to comment on this part of the plan.

Overall, we believe that Alternative E would best serve the mission and goals of the Arctic National Wildlife Refuge for the life of the plan. NOLS offers courses in the western region of the Refuge. It is our experience that every criteria that we can imagine has been met for wilderness quality inthis area. Wilderness is the natural resource of our courses and we strongly believe that this area should be recommended for Wilderness designation. While we rarely have courses in the coastal plain, we have visited this area and have the same recommendation for Wilderness designation. The area contains the wilderness qualities that meet the criteria for Wilderness designation.

[136968.001 Refuge Vision and Goals -- Goal 9 (including objectives)] 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 has been our experience that NOLS can do a better job of resource protection than some untrained private visitors can.

NOLS would like to participate in the public process that is planned for the upcoming step down plans.

Thank you again for the effort placed in this public process.

COMMUNICATION NUMBER 136801
Pamela Miller, Arctic Program Director
Northern Alaska Environmental Center

From: Pamela Miller
Sent: Tuesday, November 15, 2011 11:58 PM
To: 'ArcticRefugeCCP@fws.gov'
Cc: Pamela Miller
Subject: Arctic Refuge CCP comments from NAEC

Pamela A. Miller, Arctic Program Director
Northern Alaska Environmental Center
830 College Road
Fairbanks, AK 99708
Phone 907-452-5021 x24
Cell 907-441-2407
Fax 907-452-3100
www.northern.org

[attachment "NAEC Comments Arctic Refuge CCP 11-15-2011 FINAL.pdf"- NAEC Comments Arctic Refuge CCP 11-15-2011 FINAL.docx]

Attachment:

November 15, 2011
Richard Voss, Refuge Manager
U.S. Fish and Wildlife Service
Arctic National Wildlife Refuge
Attn: Sharon Seim
101 12th Ave, Rm 236
Fairbanks, AK 99701
Sent via E-mail: ArcticRefugeCCP@fws.gov

RE: Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan, EIS, Wilderness Review, and Wild and Scenic River Review

Dear Mr. Voss:

Our organization and our members care deeply about protecting the wilderness, wildlife, and other special values of the whole Arctic National Wildlife Refuge and keeping it wild and free, forever. It is a refuge and wilderness of incalculable value that makes us proud to be part of a nation that had the foresight to protect it.

These comments are provided on behalf of the Northern Alaska Environmental Center ("Northern Center"). This year we celebrate our 40th anniversary of education and advocacy for conservation of the environment in Interior and Arctic Alaska. This review covers the Arctic National Wildlife Refuge Comprehensive Conservation Plan Draft Environmental Impact Statement, Wilderness Review, and Wild and Scenic River Review (hereafter: "Conservation Plan," "CCP" or "DEIS") in response to your public notice (76 FR 50490-50492; August 15, 2011).

The Northern Center, a non-profit conservation organization, has 1,500 members most of whom live in Alaska and was established in 1971 by community leaders, scientists, business people, sportsmen, and conservationists. Our founders were key players in the original establishment of the Arctic National Wildlife Range in 1960. We also served a vital role in laying the ground work to secure landmark protections through the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Ever since, the Northern Center has worked to achieve the visionary purposes ANILCA set out for its conservation system spanning Alaska, including:

"To preserve in their natural state unaltered arctic tundra, boreal forest…to preserve unrivaled scenic… values associated with natural landscapes… to provide for .. those species dependent on vast relatively undeveloped areas; to protect the resources related to subsistence needs; to preserve wilderness resource values… within large arctic and subarctic wildlands and on freeflowing rivers; and to maintain opportunities for scientific research and undisturbed ecosystems."

Imagining a Legacy for Future Generations

Deep Fairbanks and northern Alaskan roots of the Northern Center and other people have been essential in the fight to preserve this corner of Alaskan wilderness and set its course in a way that valued the wholeness of the intact land and also recognizes its value to people. The Gwich'in and Inupiat have sustained their culture in the lands that are now the Arctic Refuge and lived for thousands of years with barely a visible trace on the land. As these became threatened, their leaders and communities voiced their concerns about the changes, as Jonothon Solomon from Fort Yukon said, "it is our belief that the future of the Gwich'in and the future of the caribou are the same. We cannot stand by the let them sell our children's heritage to the oil companies."1

Long-time Fairbanks resident Ginny Hill Wood, now 94 years old, was a pioneering conservationist and recently awarded the Congressional Gold Medal for her World War II role in the Women's Airforce Service Pilots. She worked tirelessly for the refuge establishment and wrote in 1958,

"This is the last great wilderness left under the American flag, almost the world. Our children and their children deserve to find some of it as wild, unspoiled, as unique, and as exciting as we have found it."

Wood later testified in 1959 to these values of the Arctic Refuge:

The esthetic, spiritual, recreation, and educational values of such an area are those one cannot put a price tag on any more than one can on a sunset, a piece of poetry, a symphony, or a friendship…"2

Mardy Murie understood the fundamental value of these lands to all of us when she said, "wilderness itself is the basis of all our civilization."3 Deeply rooted in Fairbanks, Murie became the first woman graduate of the University of Alaska and later in life recipient of an honorary doctorate as well as winner of the Presidential Medal of Freedom. In Fairbanks, she joined her husband Olaus Murie -- a renowned caribou biologist -- to rally Alaskans in support of establishing the refuge. She wrote decades later:

"Ivishak, Okpilak, Aichilik, Kongakut. These rivers have kept their Native names, and for me they have magic… There, in those arctic valleys, there is room for pure unadulterated adventure and learning, for present and future generations. That is one reason for protecting the Refuge. But more important, to my mind, would be our having courage enough, in the face of all challenges, to protect this region for the sake of the land itself, and the wildlife it supports."4

Alaskans saw change coming fast from industrial pressures of all sorts and responded with considerable support for the proposed refuge. Prior to Alaska statehood, the lands were set aside in 1957 for the purpose of establishing the wildlife refuge. Even the Fairbanks Daily News-Miner (October 23, 1959) and Anchorage newspaper (December 12, 1960) editorialized in favor of it!

In 1960, President Eisenhower's Interior Secretary established the original refuge, then called the Arctic National Wildlife Range, "for the purpose of preserving unique wildlife, wilderness and recreational values." At same time as he designated the new nearly 9 million-acre new refuge, he opened over 20 million acres of prime lands to the oil industry and the State of Alaska – including the "prize" of Prudhoe Bay. Alaskans today often ignore the balance that was struck in land use for the North Slope at that time.5

Last year we celebrated the 50th anniversary of the Arctic Refuge, and through our work today we hope that someone 50 years from now can "what vision they had!" If we all do our jobs well this living wilderness will live on as our predecessors set in motion.

An Important Plan for the Wildest Refuge

We commend the Arctic Refuge staff for the strong Conservation Plan. It presents an enduring vision and goals for this unique place within the National Wildlife Refuge System – its northernmost unit and the only refuge established to specifically preserve its wilderness values.

The Arctic Refuge is indeed the wildest place in the National Wildlife Refuge system, and we concur with the CCP's planning context which recognizes its unique contribution.

The CCP for the Arctic Refuge is the critical document to ensure that the integrity of the Refuge is protected now and for future generations so that this vision can continue to be realized. In addition to the legal requirement to revise the CCP, it is an appropriate time to do so because an updated CCP can respond to what we now know about changing human impacts on the Refuge, from global warming to specific Refuge uses. Our greater understanding of the forces that can impact and influence the Arctic Refuge will allow for the adoption of a plan that can meet the challenges ahead, and ensure that the Arctic Refuge retains its fundamental wilderness character.

We applaud the Service for completing the Wilderness Review for all lands within the Arctic Refuge not yet designated Wilderness. We urge finalization of the Review and urge that all the lands be managed to retain their wilderness character and suitability. Nearly all of the Arctic Refuge's non-Wilderness lands possess exception values that qualify them for designation as Wilderness under the Wilderness Act except for those around the villages. The Brooks Range and Porcupine Plateau Wilderness Study Area Wilderness Reviews beautifully describe these values and it is important for the Refuge to manage these vital lands in a way that sustains the Gwich'in people's subsistence uses and cultural values at the same time as it protects their extraordinary wilderness character into the future.

Because the Service failed in the last CCP in 1988 to include the Coastal Plain of the Refuge in its Wilderness review, it deserves special mention here. This is not to take away from the importance of the reviews done for the more southerly portions of the Arctic Refuge but to provide some perspective.

The Historic Opportunity

Before us is an historic chance to advance full protection for the Coastal Plain area which was left out of Wilderness designation afforded the rest of the original Arctic Refuge by ANILCA. It is also the time to correct the mistake made 22 years ago when a Wilderness Review for the Coastal

Plain was not done for the CCP. The Interior Department's political decision to drop the required Wilderness Review for the Coastal Plain back in 1988 attempted to sever the fabric of this land whose remarkable wholeness was the root of its value. "The Muries believed that the protection of wildlands was the protection of natural processes, the unseen presence in wilderness," notes Terry Tempest Williams.6

As a vital beating heart, the Coastal Plain links caribou, clean air, pure water, birds, and freedom across time and vast landscapes for future generations. It connects natural processes of a vast, intact ecosystem, from the Coastal Plain to existing designated Wilderness lands on its east and south through scenic landscapes, watersheds, rivers, and tundra. The migrations of the Porcupine caribou herd join their birthplace and nursery to the lives of the Gwich'in and other indigenous people who depend on the animals and these lands for their subsistence and cultural traditions. The wildlife travels across sweeping landscapes and corridors to the Beaufort Sea, moves over the arch of the Continental Divide and through drainages flowing past tundra and boreal forest to the Yukon River as well as across the vast ecosystem they require which includes Canada's Ivvavik and Vuntut National Parks and other conservation areas in a rich trans-boundary region. The way the land is managed now severs these natural processes.

So, what difference would it make to move forward the recommendation for Wilderness designation for the Coastal Plain? It's simple. We have before us the best chance in a generation to knit back together the lands of the entire original Refuge with Wilderness protection and cease its biological heart remaining severed apart as "Coastal Plain," with a separate management regime from the protected wilderness. This would be significant because the Coastal Plain is the only area of the original refuge not yet designated Wilderness. Yes, we understand that the Service can just take the first step (to recommend Wilderness designation). But it would be a strong step that affirms its wilderness values and makes clear to the world as a matter of U.S. Fish and Wildlife Service management policy that the Coastal Plain deserves and should have permanent protection as Wilderness. And, it is an essential step forward by the Obama Administration that can move a Coastal Plain Wilderness recommendation forward to Congress!

While the status quo thankfully keeps the Refuge Coastal Plain safe from oil drilling by law (and the American public insists time and time again that it stay that way), imagine the bolder legacy of sending the Wilderness recommendation which says Yes! The Arctic Refuge is worth saving for all time! Yes, there is a need for additional Wilderness designation in the Arctic Refuge.

We ask that you have the courage and foresight to make the land whole again by designating the Coastal Plain as Wilderness.

One of the bequest values of Arctic Refuge wilderness for future generations is "about passing on a legacy of hope and encouragement."7 This kind of hope has been embodied in the brave defense of the Coastal Plain of the Arctic Refuge from threatened oil drilling for decades by a community of people "educating the world in a good way," as it is put by Gwich'in leader Sarah James. While the proactive work towards the goal of permanent protection as Wilderness seems daunting at times because it is by necessity it is a long-term fight, we need to keep the idealism alive that takes over the long haul. On this front, Mardy Murie offered apt words to Terry Tempest Williams, "Don't worry about what you will do next. If you take one step with all the knowledge you have, there is usually just enough light shining to show you the next step."8

The Arctic Refuge similarly has valuable lessons for imagining a future legacy given our 21st century challenges to live sustainably and bring new energy paths to fruition that don't require extraction of fossil fuels in our treasured landscapes such as the Arctic Refuge and that can reduce global warming pollution. The Refuge with its time, freedom, and space along with

millennial old cultures rooted in this place offer recurring lessons. This is a human value of wilderness that is our obligation to pass on.

In conclusion, for these and additional reasons below, we strongly support Wilderness Recommendation for the Coastal Plain Wilderness Study Area and select CCP Alternative C. The Coastal Plain is an integral part of the adjacent designated Wilderness lands and the full range of intact ecosystems which make the Arctic Refuge whole and truly unique among our Nation's natural treasures.

In the attachment, we present further general comments on important overarching issues on refuge management and the CCP's major issues and then provide General and Specific more detailed comments on the CCP. We urge that refuge management policies and guidelines all be strengthened in terms of their protection of the wilderness and wildlife for the whole refuge compared with those from 1988, so that incompatible activities are not allowed to tarnish this incredible, wild place for not only the next 15 years, but generations to come.

Thank you for this opportunity to comment.

Sincerely,

Pamela A. Miller
Arctic Program Director

GENERAL AND SPECIFIC COMMENTS

Our General Comments address important overarching issues related to the management of the Arctic Refuge. Management of the Arctic Refuge must be accomplished consistent with the purposes of the Refuge, in line with the various laws that govern Refuge management.

In Specific Comments, we then move through the CCP as organized by FWS to provide concerns, critiques and suggestions to improve the CCP with the goal of ensuring the FWS adopts a plan that recognizes the uniqueness of the Arctic Refuge, appropriately deals with the management issues confronting the FWS, and ensures that the values for which the Refuge was set aside continue to be preserved for all.

Our input on important elements of management is intended to ensure that the Service fully addresses its Refuge stewardship responsibilities through the CCP process and in its final plan for wilderness, wildlife, and other values, along with the integrity of the ecosystem as a whole.

I. GENERAL COMMENTS

A. The FWS Properly Conducted a Wilderness Review of all Non-Wilderness Lands within the Arctic Refuge

We are very pleased to see that FWS conducted a wilderness review for all non-Wilderness lands in the Arctic Refuge — including the Coastal Plain — as part of the CCP revision process. Wilderness reviews are required by Refuge System policy, and in fact they are required by law, as part of a CCP. Several laws guide the revision of the Arctic Refuge CCP and its wilderness review requirements. These include the Wilderness Act, Alaska National Interests Lands Conservation Act (ANILCA), and the National Environmental Policy Act (NEPA). In 1964, Congress enacted the Wilderness Act to:

assure that an increasing population, accompanied by expanding settlement and growing mechanization, [did] not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition.

16 U.S.C. § 1131(a). To that end, Congress directed the Secretary of the Interior to evaluate every roadless area within all national wildlife refuges for suitability for wilderness designation, and to report Wilderness recommendations to the President. 16 U.S.C. § 1132(c).9 Since the initial mandate in 1964, that directive has been carried over and implemented during the refuge management CCP planning process and subsequent revisions.

ANILCA further customizes this national mandate to Alaska by directing the Secretary to "prepare and from time to time, revise, a comprehensive conservation plan for each refuge" in Alaska. 16 U.S.C. 304(g)(1). Section 304(g) states:

(1) The Secretary shall prepare, and from time to time, revise, a comprehensive conservation plan (hereinafter in this subsection referred to as the 'plan' for each refuge.
(2) Before developing a plan for each refuge, the Secretary shall identify and describe – (A) the populations and habitats of the fish and wildlife resources of the refuge; (B) the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge"

Based on the identification of these specific values, each CCP must "designate areas within the refuge according to their respective resources and values." Id. at 304(g)(3)(A)(i).

When Congress enacted ANILCA, it specifically incorporated portions of the Wilderness Act into the statute and carried over the Wilderness Act's wilderness review mandate for Alaska refuges. ANILCA includes two provisions that direct the Secretary of the Interior to perform wilderness reviews of Alaska lands. ANILCA sec. 1317, 16 U.S.C. § 3205; ANILCA sec. 1004, 16 U.S.C. § 3144. Section 1317(a) directs the Service to study all non-wilderness lands in Alaska refuges and recommend areas suitable for inclusion in the National Wilderness Preservation System:

Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 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. By definition section 1317 governs wilderness reviews for all land within the Arctic Refuge that has not been designated wilderness. 16 U.S.C. § 3205(a). This includes wilderness reviews of the Arctic Refuge coastal plain. Compare 16 U.S.C. § 3205 with 16 U.S.C. § 3142 (neither provision exempts the coastal plain ("1002 area") from the wilderness review requirement). Thus, FWS was obligated to conduct a wilderness review for the Refuge as part of this process and we are very pleased to see that FWS has in fact done so.

B. We Urge FWS to Recommend Wilderness for the Arctic Refuge Coastal Plain

Nearly all of the Arctic Refuge's non-Wilderness lands possess exception values that qualify them for designation as Wilderness under the Wilderness Act, and we urge that these lands be managed to protect and preserve their extraordinary wilderness values. Further, the Coastal Plain of the Arctic Refuge warrants Wilderness designation. The Coastal Plain Wilderness Study Area is an integral part of the adjacent designated Wilderness lands and their intact ecosystems which make the whole Arctic Refuge truly unique among our Nation's natural treasures.

The Coastal Plain was a vital part of the original Arctic National Wildlife Range established in 1960 for the purpose of preserving its "unique … wilderness values." The Coastal Plain contains beautiful rivers rushing from the highest peaks in the Brooks Range and Sadlerochit Mountains then coursing north through foothills and hilly coastal plain, braiding across wetland tundra with lakes and ponds to broad river deltas, inter-tidal flats, lagoon and barrier island systems, and bays, spits, and other pristine shorelines along the Beaufort Sea.

The lands on the Coastal Plain today are stitched together within the original refuge from Arctic sea coast up rivers and sloping tundra to Brooks Range flanks (although invisible lines on the land cast doubt for the future) and the existing Wilderness.10

The Coastal Plain hides vital winter maternity dens for polar bears, increasing in importance as arctic sea ice vanishes. Its coastal lagoons provide ringed seal pupping lairs. Dolly Varden (formerly known as Arctic char) overwinter and spawn in streams and river channels, primarily where springs flow year round, and then migrate to nearshore coastal waters for summer feeding. The Coastal Plain bursts with life in the summer as migratory wildlife converges on this biological heart of the Refuge — the Porcupine caribou herd along with golden eagles, wolves, and brown bears, and millions of migratory birds for nesting, feeding, molting, and staging.

Finally, as a vital component of the greater Refuge ecosystem, the Coastal Plain supports cultural, ecological, and wilderness values consistent with the purposes for which the Arctic Refuge was created. For this reason, wilderness values retain vitality as a category of resources and values that the Service properly reviewed during the CCP revision process to comply with the mandates of the law.

Section 2 c of the Wilderness Act defines wilderness to be "undeveloped Federal land retaining its primeval character and influence ... and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable." Clearly, the characteristics and condition of the Coastal Plain wilderness study area meet these requirements. The Coastal Plain therefore has all the essential qualities which make it eminently qualified for designation as Wilderness and we urge FWS to adopt Alternative C and recommend Wilderness for the Coastal Plain.

C. Wild and Scenic River Reviews

In the CCP revision process, FWS must address the eligibility of various rivers in the Arctic Refuge for special status under the Wild and Scenic Rivers of 1968 (P.L. 90-542). That Act provides 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. "Wild rivers" represent "vestiges of primitive America," and can be designated if they "are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted." 16 U.S.C. 1273.

The Refuge is uniquely situated in Alaska to include entire rivers and watershed headwaters from the high peaks of the Brooks Range to the Arctic Ocean in the north and to the Yukon River drainage in the south, and therefore their scenery is dramatic as well as unique. The proximity of the mountains, including the Sadlerochit Range, to the Beaufort Sea coast creates a diversity of habitats along these northward flowing rivers in the refuge. This combines with the close proximity of the boreal forest sloping from the south slopes of the peaks to create river habitat diversities unique in the circumpolar north, so that comparing the Refuge's rivers between

themselves discounts their overall values within the Arctic, and in fact their outstanding qualities among rivers in the entire United States.

The Atigun, Hulahula, Kongakut and Marsh Fork Canning Rivers (including the Canning and all its distributaries) clearly meet NWSRS requirements, and may appropriately be designated under that System.

[136801.001 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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 Katakturuk 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.

[136801.002 Wild and Scenic Rivers -- Other 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.

D. Kongakut River Visitor Management and Wilderness Stewardship

[Preamble 136801.003, 004] We appreciate the inclusion of Kongakut River Visitor Management in the CCP. **[136801.003 Step-Down Plans -- Visitor Use Management Plan]** Over the past decades, visitor use has degraded wilderness qualities here and at several areas of the Refuge. Since this is an issue which has been 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. **[136801.004 Step-Down Plans -- Visitor Use Management Plan]** 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?

[136801.005 Significant Issues -- Kongakut River Management]
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). **[136801.006 Recreation and Visitor Use -- Monitoring]** 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? Education of visitors is best achieved prior to their arrival regarding best practices in this and other particularly sensitive areas.

[136801.007 Recreation and Visitor Use -- Impacts of recreation (waste)]
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?

E. FWS Properly Did Not Consider An "Oil and Gas Alternative"

FWS correctly did not consider an oil and gas alternative, or scenarios which evaluate impacts of oil and gas exploration, development or production from the refuge.12 NEPA "places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action… [I]t also ensures that the agency will inform the public that it has indeed considered environmental concerns in the decision-making process." Bering Strait Citizens for Responsible Resource Development v. U.S. Army Corps of Engineers, 524 F.3d 938, 947 (9th Cir. 2008) (citing Baltimore Gas & Elec. Co. v. Nat'l Res. Def. Coun., Inc., 462 U.S. 87 (1983)). NEPA requires that an EIS include "alternatives to the proposed action.13 To help define the alternatives, CEQ regulations require that the agency "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."14 Thus, under NEPA, an agency only needs to consider alternatives that meet the purpose and need for the proposed action.15

The purpose of FWS's proposed action "is to develop a Revised Plan for Arctic Refuge to provide management direction for the next 15 years."16 The action is needed to:

* Update management direction related to national and regional policies and guidelines used to implement Federal laws governing Refuge management[;] ***

* Describe and protect the resources and special values of Arctic Refuge[;] * Incorporate new scientific information on resources of the Refuge and surrounding areas[;] ***

* Evaluate current Refuge management direction based on changing public use of the Refuge and its resources[;] ***

* Ensure the purposes of the Refuge and the mission of the Refuge System are being fulfilled[;]

* Ensure that opportunities are available for interested parties to participate in the development of management direction[;]

* Provide a systematic process for making and documenting resource management decisions[;] * Establish broad management direction for Refuge programs and activities[;]

* Provide continuity in Refuge management[;]

* Establish a long-term vision for the Refuge[;] * Establish management goals and objectives[;]

* Define compatible uses[;]

* Provide additional guidance for budget requests[; and]

* Provide additional guidance for planning work and evaluating accomplishments[.][17]

Considering an oil and gas leasing, exploration, development, or production alternative would not achieve any of the management goals or objectives identified by FWS as the need for the agency action. Oil and gas activities are not currently allowed in the Arctic Refuge; ANILCA section 1003 states that the "production of oil and gas from the Arctic National Wildlife Refuge is prohibited and no leasing or other development leading to production of oil and gas from the [Refuge] shall be undertaken until authorized by an act of Congress."18 Further, oil and gas activities are contrary to the purposes of the Refuge, and are inconsistent with the Refuge's purposes — neither the original purposes establishing the Arctic National Wildlife Range, nor the expanded purposes described in ANILCA.19 Additionally, the National Wildlife Refuge System Administration Act of 1966, as amended, states that each refuge shall be managed to fulfill both the purposes for which the original refuge was established and the mission of the Refuge System.20 The revision of the Arctic Refuge CCP must follow these legal guidelines and set forth management regimes that are consistent with the layered Refuge purposes.

Thus, considering an alternative allowing for oil and gas development in the Arctic Refuge would not achieve the purpose and need for the FWS's revision of the CCP and FWS properly did not consider such an alternative.21

II. Specific Comments

In this section, broader issues for each Chapter are included at its beginning, then are followed by more specific comments given by page number.

Broader issues addressed in the comments below include:
* The Original Arctic National Wildlife Range's purposes apply to the entire Arctic Refuge.

* The Service has provided strong Arctic Refuge special values, vision and goals that should be retained in the Final CCP.

* Wildlife Management must be consistent with Arctic Refuge purposes and the Service should preclude consideration of inconsistent wildlife management proposals.

* The Management Policies and Guidelines need improvement.

VOLUME 1

Chapter 1. Introduction: Arctic Refuge Purposes Special Values, Vision, and Goals

[136801.008 ANILCA -- Refuge Purposes and ANILCA] A. 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."22 However, under FWS's own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System,23 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.

The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values."24 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 natural 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.[25]

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.[26]

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."27

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.28 All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.

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.[29]

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, 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. 30

Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS thus should correct this mistake throughout the CCP.

Sec. 1.2 Planning Context.

p. 1-5 We concur that this is the appropriate context for Arctic Refuge planning. The Arctic Refuge indeed provides a special place within the National Wildlife Refuge system as its wildest refuge – a wilderness refuge-- and the only refuge explicitly established for the purpose of protecting wilderness values.

Furthermore, 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 was set in the executive order establishing the Refuge and reinforced by ANILCA's goal to conserve wildlife in "their natural diversity." This requirement specifically addresses the special values, species diversity, and ecological context of the Arctic Refuge, and is consistent with the Refuge Improvement Act of 1997. For the Arctic Refuge, this mandates that its unique naturalness, wildness, and undisturbed condition be preserved and maintained. Because of the remoteness of its intact ecosystems, the Arctic Refuge is unique in the entire Refuge System. It functions as a model for wild nature and for what it contributes to the entire National Wildlife Refuge System, especially in protecting health and productivity of migratory species.

Sec. 1.3 Legal and Policy Context

Sec. 1.3.1 Legal Guidance

[136801.009 Legal and Policy Context (Appendix A) -- Legal Guidance (International Treaties)] 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.

[136801.010 Legal and Policy Context (Appendix A) -- Legal Guidance (International Treaties)] 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.

P. 1-9. We concur that the Wild and Scenic River Review was an appropriate, as well as legally required, component of the CCP.

Sec. 1.3.2. Policy Guidance

p. 1-10. We concur that the health of the entire ecosystem must be considered in refuge management and an ecosystem approach. As we described above, this was a fundamental purpose at the refuge's establishment as embodied in its wilderness preservation purpose, and as further described by ANILCA's purpose for the refuge, "to conserve fish and wildlife populations and habitats in their natural diversity" emphasis added (ANILCA Sec. 303 (2)(B)(i)).

[Preamble 136801.015] Sec. 1.3.3 Coordination with the State of Alaska

[136801.011 Consultation and Coordination -- State Coordination] 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)).

The health of the entire ecosystem must be considered in Arctic Refuge wildlife management and we advocate for an ecosystem approach. Preservation of the entire ecosystem was a fundamental purpose for the Refuge's establishment as embodied in its wilderness preservation purpose, and as further described by ANILCA's purpose for the Refuge: "to conserve fish and wildlife populations and habitats in their natural diversity."31

[136801.012 Consultation and Coordination -- State Coordination] While we recognize the importance of FWS maintaining involvement in the State of Alaska's fisheries, game, and federal subsistence boards' processes,32 we are concerned with the Alaska Board of Game's ("BOG") tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. The FWS must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Board of Game rules when necessary.

[136801.013 Consultation and Coordination -- State 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.

[136801.014 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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."

[136801.015 Consultation and Coordination -- State Coordination] 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.

[136801.016 Biological Environment -- General, multiple resources (fish, wildlife, plants)] 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.

[136801.017 Consultation and Coordination -- State Coordination] 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.

Sec. 1.4 Arctic Refuge Establishment and Purposes

Sec. 1.4.1.2 Wilderness Purpose

[136801.018 Refuge Purposes -- General] 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)

Sec. 1.4.1.3 Recreation Purpose.

p. 1-17. The Service has provided strong rationale that this wilderness purpose "was intended to offer a special kind of recreation, an authentic wildlands experience of a type increasingly hard to find elsewhere."

Sec. 1.4.2 ANILCA

[136801.019 ANILCA -- Refuge Purposes and ANILCA] p. 1-18. "Under Sec. 305 of ANILCA, the Range's original wildlife, wilderness, and recreation purposes still apply to those lands in the former Range. ANILCA also added new purposes that pertain to the entire Refuge."

We agree that "the Refuge's ANILCA purposes are consistent with and complementary to the original purposes for the Arctic National Wildlife Range," but have provided ample documentation that the original Range purposes should also undergird the purposes of the entire refuge (see Section above)

Oil and gas exploration, development, and production are not purposes of the Arctic Refuge; the Service correctly did not include these as purposes of the Arctic Refuge.

Sec. 1.5 Special Values of Arctic Refuge

[136801.020 Refuge Values -- Special Values of Refuge] pp. 1-20 to 1-22. The Service has provided a strong listing of the special values of the Arctic Refuge and we support all of them being retained in the final CCP. These Special Values should be used to guide all management decisions in the refuge.

Sec. 1.6 Arctic Refuge Vision and Goals

Sec. 1.6.1 Refuge Vision Statement

p. 1-23. We strongly support the Vision statement set forth in the CCP:

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 spirit; 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.

We believe inclusion of its last sentence pertaining to its wilderness values, "through responsible stewardship this value wilderness is passed on, undiminished, to future generations," is essential. We appreciate the acknowledgement of the traditional cultural values and continuing ties of the Native peoples to this land within the vision.

Sec. 1.6.2 Refuge goals

p. 1-23. We support the the goals identified by the Service and believe that the goals identified will help the Service effectively manage the Arctic Refuge to preserve its exceptional values.

In particular, Goals 1 and 2 are excellent refuge goals for management for natural ecological processes and exceptional wilderness values. (see discussion in Chapter 2 for details and one important change for Goal 1). **[136801.021 Refuge Vision and Goals -- Goal 2 (including objectives)]** Regarding Goal 2, we encourage the FWS to clarify that the goal that the Arctic Refuge "retains exceptional wilderness values without loss of natural condition and wild character" apply to the entire Refuge (we provided additional rationale in our technical letter Alaska Wilderness League et al.

Sec. 1.10 Significant Planning Issues

p. 1-31. We concur that the Service correctly did not analyze oil and gas leasing or development scenarios in the range of alternatives. See our discussion in Chapter 3, p. 3-6 regarding that issue.

Chapter 2: Goals, Objectives, Management Policies, and Guidelines

We support the goals identified by the Service in general and believe that the goals identified are important for the agency to effectively manage the Arctic Refuge to preserve its wildlife, wilderness, and other exceptional values.

2.1 Refuge goals and objectives

We support the refuge goals and objectives, particularly objectives 1 and 2, and find that the plan provides good rationale supporting their inclusion to undergird refuge management. Because the Arctic Refuge purposes as well as the vision statement are so central to this discussion, we reiterate our support that the wilderness purpose extends throughout the entire refuge, as detailed for Chapter 1 and in our technical comments with Alaska Wilderness League et al.

2.1.1. Goal 1: Ecological Processes

[136801.022 Refuge Vision and Goals -- Goal 1 (including objectives)] p. 2-1. We support Goal 1 with one small but important change, that the word "essentially" should be deleted. The goal should be to maintain the refuge free from the intent to alter the natural processes, with the recognition that goals may be difficult to attain. We strongly support Objective 1.1 on how Refuge Management will address this goal.

[136801.023 Refuge Vision and Goals -- Goal 1 (including objectives)] 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?

[136801.024 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

[136801.025 Refuge Vision and Goals -- Goal 1 (including objectives)] 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?

[136801.026 Refuge Vision and Goals -- Goal 1 (including objectives)] 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)?

[Preamble 136801.027, 028] p. 2-4. Objective 1.8, Water Quality and Quantity. **[136801.027 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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?

[136801.028 Refuge Vision and Goals -- Goal 1 (including objectives)] Is there adequate baseline water quality and quantity data for the refuge's drainages and lakes in the Yukon River drainage system?

[136801.029 Refuge Vision and Goals -- Goal 1 (including objectives)] p. 2-6 Objective 1.12 Land Protection Plans. These plans should include the options of conservation easements and other cooperative management planning.

[136801.030 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

Sec. 2.1.2. Goal 2: Refuge Wilderness

This is an excellent goal that is central to proper management of the Arctic Refuge. 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.

Because wilderness designation alone does not guarantee protection of all the Arctic's special values, and since only Congress may designate additional wilderness, the standards set in the CCP for managing both the designated and potential Wilderness will contribute to retaining the incomparable wilderness values of these pristine lands for years to come.

[136801.031 Refuge Vision and Goals -- Goal 2 (including 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.

[136801.032 Refuge Vision and Goals -- Goal 2 (including objectives)] 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.

[136801.033 Refuge Vision and Goals -- Goal 2 (including objectives)] p. 2-9 Objective 2.5. Administrative Facility at Peter's Lake. We urge that consideration of removal of all the buildings (with the possibly exception of the outhouse) be undertaken by this plan. This objective should also consider removal of the buildings at Big Ram Lakes.

[136801.034 Refuge Vision and Goals -- Goal 2 (including objectives)] 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.

[136801.035 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

Sec. 2.1.3 Goal 3: Wild Rivers

This goal is stated well and supports the relevant refuge purposes.

[136801.036 Refuge Vision and Goals -- Goal 3 (including objectives)] 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?

[136801.037 Refuge Vision and Goals -- Goal 4 (including objectives)] Sec. 2.1.4 Goal 4: Continued Subsistence Opportunities
We support this goal, and urge greater coordination and partnership with local communities and tribal governments as part of the strategies for all objectives.

[136801.038 Refuge Vision and Goals -- Goal 4 (including objectives)] 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."

[136801.039 Refuge Vision and Goals -- Goal 4 (including objectives)] Objective 4.2. In addition to the RIT positions, we also urge there be a long-term goal for additional professional level staff be hired from and be stationed in the local communities.

[136801.040 Refuge Vision and Goals -- Goal 4 (including objectives)] 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?

Sec. 2.1.5 Goal 5: Wildlife-dependent and wilderness-associated recreational activities.
We strongly support this goal and its objectives because it embraces the wildlife and wilderness purposes of the refuge in a way that proposed to perpetuate opportunities for visitors to experience adventure, challenge, solitude, independence, and freedom with minimal interference from management.

[136801.041 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136801.042 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136801.043 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136801.044 Refuge Vision and Goals -- Goal 5 (including objectives)] 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?33

Objective 5.8 Visitor Use Management.

See General Comments, above.

[136801.045 Refuge Vision and Goals -- Goal 6 (including objectives)] 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.

We are pleased to see that the Service recognizes climate change as a fundamental challenge for the Arctic Refuge and is using the revision of the CCP as an opportunity to incorporate new scientific information pertaining to climate change into future management decisions.34 The Service has rightly acknowledged that it is required to do so by Secretarial Orders 3226 and 3289.35

The Draft CCP states that "[i]n the foreseeable future, the Refuge will favor 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."36 With its huge size, diverse array of habitats and elevations, and intact, unfragmented habitats, the Arctic Refuge is in a superior position as compared to other conservation units to be managed for "natural adaptation," or allowing nature to take its course, even in the face of the accelerated changes experienced at high latitudes. We, therefore, support climate change-related actions focused on scientific research and monitoring, sharing of traditional knowledge, and public awareness. 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.

Additionally, **[136801.046 Climate and Climate Change -- Cumulative Effect]** 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.

[136801.047 Refuge Vision and Goals -- Goal 6 (including objectives)] 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.

[136801.048 Refuge Vision and Goals -- Goal 6 (including objectives)] 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.

Sec. 2.1.7 Goal 7: Conduct Research and Monitoring in support of Refuge's role as an internationally recognized benchmark for naturally functioning arctic and subarctic ecosystems. We support Goal 7 which emphasizes the aspect of the scientific benchmark the refuge provides for intact, unbroken ecosystems and its circumpolar value as a naturally functioning, diverse, protected array of Arctic and subarctic ecosystems. All research and scientific techniques must be carefully evaluated so that this work does not affect its aspects as a wilderness control.

I**[136801.049 Refuge Vision and Goals -- Goal 7 (including objectives)]** n 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.

[136801.050 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies]
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.

p. 2-22 Objective 7.1 Encouraging Scientific Research by Cooperators

[136801.051 Refuge Vision and Goals -- Goal 7 (including objectives)] 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.

We strongly encourage an annual meeting and presentation by scientists involved in refuge projects to present their project goals prior to field work, and to report back their results in Fairbanks, and presentations to the local communities including through the schools. We encourage a mechanism for coordination so that there is not duplication in research projects, aircraft support, and needless intrusive impacts. We also urge scientists to consider local hiring to the extent feasible, and to integrate and consider traditional ecological knowledge as a consideration of projects, especially early in new endeavors.

[136801.052 Refuge Vision and Goals -- Goal 7 (including objectives)] 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.

[136801.053 Refuge Vision and Goals -- Goal 7 (including objectives)] 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.

[136801.054 Refuge Vision and Goals -- Goal 8 (including objectives)] 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.

Sec. 2.1.9. Goal 9: Refuge Information to Diverse audiences.
Providing Refuge information to diverse audiences near and far is an important goal, including to further understanding of the national interest of upholding the refuge's wilderness and wildlife purposes for these conservation lands.

Sec. 2.2 Overview of Management Policy and Guidelines
p. 2-31. We agree that the Arctic Refuge is unique and with the appropriateness of this description regarding management policies: "direction for Arctic Refuge varies more than other comprehensive conservation plans. Because 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 manipulations of the environment than other refuge plans."
Sec. 2.3 Management Categories
The plan provides good rationale and supporting evidence that Minimal Management, Wilderness, and Wild and Scenic River are the only categories that are appropriate and compatible with the refuge purposes. We address further comments on this topic later in our discussion for Sec. 2.5 Management Categories Table and the State USFWS template and Table 2-1.

[136801.055 Management Categories -- General] p. 2-31. This plan should not include categories from its "statewide management template" that are not suitable management categories or 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. Therefore, Sec. 2.3.1 Intensive Management (DEIS p. 2-31) and Sec. 2.3.2 Moderate Management (DEIS p. 2-32) should be removed from the final CCP.

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.

[136801.056 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]
These incompatible, harmful activities as listed in Table 2-1 should be clearly not allowed in any Arctic Refuge Management Category: 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, those activities should be listed as "not allow," and we recommend

that the Intensive and Moderate Management categories should be removed from this CCP, including from Table 2-1.

[136801.057 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] The Administration Sites and Visitor Facilities management guidelines and text should be modified to prohibit construction of any new buildings in the refuge.

[136801.058 Transportation and Access -- Mode of Transportation] The management guideline 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.

S**[136801.059 Management Categories -- Special Management Areas]** ec. 2.3.6.2 Alaska Native Claims Settlement Act Section 22(g) p. 2-36. This section is incomplete regarding the role of the Fish & Wildlife Service to implement ANCSA Sec. 22(g) and 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.

Sec. 2.4 Management Policies and Guidelines
Section 2.4.1 Introduction

[136801.060 Refuge Management Policies/Guidelines -- General] p. 2-37. The Wilderness Act should also be listed in this section due to its important management policies and guidelines within the refuge.

[136801.061 Refuge management policies/guidelines -- Land Exchanges] Sec. 2.4.3 Land Exchanges and Acquisitions

P. 2-37. We recommend that this section add descriptions of past major land exchanges due to their great controversy. Please also consider the information we provided in our technical scoping comments, Alaska Wilderness League et al., June 7, 2010 regarding past exchanges including those that were not completed due to controversy, 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. 37 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).38 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."
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)). This major constraint regarding future land exchanges in the ANILCA amendment should be mentioned in the CCP.

[136801.062 Refuge management 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.

[136801.063 Refuge Management Policies/Guidelines -- Appropriate Refuge Use] 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.

[136801.064 Refuge Management Policies/Guidelines -- Cooperation and Coordination with Others]

p. 2-40. State of Alaska Management Activities. We reiterate the concerns we raised on these issues earlier in Sec. 1.3.3 (DEIS p. 1-10) that the Service must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Board of Game rules when necessary.

The State of Alaska manages game populations according to the Intensive Management ("IM") statute, which manages game for high levels of human harvest.39 The IM statute is patently inconsistent with the Service's mission and federal law, as well as the purposes of the Arctic Refuge — which includes the conservation of "fish and wildlife populations and habitats in their natural diversity."40 Thus, intensive management is inappropriate in the Arctic Refuge. To ensure clarity to and to dissuade any attempts by the State of Alaska to pursue IM programs on Refuge lands, the CCP should explicitly preclude artificial manipulation or intensive management of wildlife populations to enhance game populations for human harvest.

[136801.065 Refuge Management Policies/Guidelines -- Cooperation and Coordination with Others] 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 ANILCAs 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.

[136801.066 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] p. 2-40. Commercial Shore-fast Sea Ice Access. Further review is needed for the activity (pp. G-57 to G-63) and that a far narrower description of the activity allowed is needed in order that it could be considered an appropriate use.

There is insufficient information and analysis in the DEIS about the existing activity for commercial sea-fast sea ice access 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.

Does this commercial access include travel 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.

[136801.067 Refuge Management Policies/Guidelines -- Coastal Zone Consistency] 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.

[136801.068 Consultation and Coordination -- State Coordination] Sec. 2.4.9 Cooperation and Coordination with others

Sec. 2.4.9.1 Federal, State, and Local Governments

p. 2-45 Please also address our concerns about the MOU with the Alaska Department of Fish and Game in this section, as well, that we provided above, for DEIS p. 2-40, State of Alaska Management Activities. The 1982 MOU is clearly outdated for a variety of reasons, and particularly with respect to application to the Arctic Refuge.

[136801.069 Refuge Management Policies/Guidelines -- Cooperation and Coordination with Others] 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.

[136801.070 Refuge Management Policies/Guidelines -- Ecosystem and Landscape Management] 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."

[136801.071 Refuge Management Policies/Guidelines -- Ecosystem and Landscape Management] 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.

[136801.072 Air Quality -- Baseline Conditions] Sec. 2.4.10.2 Air Quality
p. 2-47. Class I air quality classification should be sought at least for the designated Wilderness of the Arctic Refuge. What consultations with the Service's Air Quality Branch have been made in the past 22 years since the last CCP in 1988?

[136801.073 Visual Resources -- General] 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).

Sec. 2.4.11.1 Habitat Management

p. 2-50. This section has a well-written description of the management approach to meet the refuge goals, including the "the intent of management will be to leave habitats unaltered and unmanipulated. Natural habitat will not modified or improved to favor one species over another."

Sec. 2.4.12 Fish and Wildlife Population Management

p. 2-52. This section contains well-written descriptions of the management approach to meet the refuge goals, including that the "Refuge focuses on enabling the natural behavior, interactions, and cycles of all native species to continue, with little or no human intervention and manipulation."

[136801.074 Fire and Fire Management -- General] 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.

[136801.075 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

[136801.076 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] Sec. 2.4.14.2 Off-road Vehicles.

p. 2-59. The reference to Intensive and Moderate Management should be deleted in this section.

[136801.077 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

[136801.078 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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

[136801.079 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

[136801.080 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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…"

[136801.081 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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. **[136801.082 Refuge Management Policies/Guidelines -- Public Access and Transportation Management]** 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…."

Sec. 2.4.14.9. State RS2477 Rights-of-Way Claims

We agree with the Service that the identification of RS 2477 rights-of-way by the State of Alaska does not automatically establish their validity; rather, such claimed rights-of-way are not valid until they have been determined to be so through a legitimate process applying the proper standards – either through demonstration that these rights were perfected prior to the enactment of the Federal Land Policy and Management Act of 1976, or more likely through an appropriate judicial process. Under no circumstances do we think that section line easements may be legitimate RS 2477 rights-of-way. We appreciate the Service's disclosure of the States assertions regarding RS2477.

[136801.083 Refuge Management Policies/Guidelines -- Recreation and Other Public Use] Sec. 2.4.15 Recreation and Other Public Use

pp. 2-63 to 2-64. The Service 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 by referencing the Special Values of the Arctic Refuge as a justification for this important approach to recreation and public uses in the Refuge.

[136801.084 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

[136801.085 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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?

[136801.086 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

Sec. 2.4.18.2 Mineral Exploration and Development

p. 2-66 to 2-67. The oil and gas leasing, exploration, development, and production prohibitions for the Refuge are described in this section and in Appendix D, Issues Considered but Eliminated from Further Study.

[136801.087 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] FWS appropriately states that no exploration activities (including seismic surveys, surface geology studies, subsurface core sampling, and other geophysical surveys), are allowed on the "1002" Coastal Plain area of the Arctic Refuge, DEIS at 2-66 to 2-67,; 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. Additionally, the text should also clearly state that oil and gas leasing, exploration, and development are prohibited throughout the refuge. Additionally, it is incompatible with the purposes of the Refuge. For additional clarity, the prohibition of oil and gas support facilities on the Coastal Plain, including from offshore development, could be added to Table 2-1 (Pp. 2-89, 90). Further, **[136801.088 Alternatives - Issues Considered but Eliminated -- Other Issues]** 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.

[136801.089 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] 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.

[136801.090 Refuge Management Policies/Guidelines -- Minerals Management] 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).

[136801.091 Refuge Management Policies/Guidelines -- Minerals Management] 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).

[Preamble 136801.092, 093] Sec. 2.4.18.3 Commercial Fishing and Related Facilities
[136801.092 Refuge Management Policies/Guidelines -- Commercial Uses (non-recreation)] 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. **[136801.093 Refuge Management Policies/Guidelines -- Commercial Uses (non-recreation)]** 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.

Sec. 2.4.18.7 Other Commercial Uses

[136801.094 Refuge Management Policies/Guidelines -- Commercial Uses (non-recreation)] 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.

[136801.095 Refuge Management Policies/Guidelines -- Environmental Contaminants ID and Cleanup] 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.

[136801.096 Refuge Infrastructure and Administration -- Administrative Sites] 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.

[136801.097 Refuge Management Policies/Guidelines -- Minerals Management]
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 Sec. 1010(b) (2) that the Service must ensure that activities must be compatible with the purposes for which the unit was established.

[Preamble 136801.098, 099, 100, 101] 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. **[136801.098 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]** First, it includes categories that are not appropriate for the Arctic Refuge (Moderate and Intensive). Second, **[136801.099 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]** 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. Third, **[136801.100 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]** 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.

Regarding our concern (1), **[136801.101 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]** this plan should not include categories that are not suitable management categories or list activities that are not appropriate Refuge uses in the Arctic Refuge (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. Therefore, due to the purposes, vision, and goals of the Arctic Refuge, the columns on Table 2-1 for Intensive Management and Moderate Management and all activities covered by gray shading –which FWS acknowledges do not apply to the refuge ? should be removed from Table 2-1 in the final CCP .

W**[136801.102 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]** e are particularly concerned about these areas where the new CCP provides less protective management direction that 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.

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.

[136801.103 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] Congress, though 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.

Chapter 3: Issues and Alternatives

Sec. 3.1.1.1 Wilderness

[136801.104 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.

[136801.105 NEPA Process -- Scoping] 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.

[136801.106 NEPA Process -- DEIS Comment Period] We provide information about the deficiencies in the analysis of scoping public comments in the section on Appendix D. **[136801.107 NEPA Process -- DEIS Comment Period]** 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.

[136801.108 NEPA Process -- DEIS Comment Period]
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.

Sec. 3.1.2. Issues Considered but eliminated from Detailed Study.

FWS Properly Did Not Consider An "Oil and Gas Alternative"
p. 3-6. FWS correctly did not consider an oil and gas alternative, or scenarios which evaluate impacts of oil and gas exploration, development or production from the refuge.44 (see more detail on this issue in General Comments section).

Other Issues Eliminated From Detailed Study

The following issues were correctly eliminated from detailed study in the CCP DEIS. See e.g., Chapter 3 on issues and alternatives (Sec. 3.1.2, DEIS at 3-6) and Appendix D-1:

* Oil and gas development; elopment;

* Updating seismic data on the Coastal Plain

* The ANILCA No More Clause

Because so much misinformation was conveyed during the public hearings regarding the "No more clause," we provide this information to set the record straight: As FWS correctly states in its Summary of Draft CCP, June 2011, "These wilderness and wild and scenic river reviews are required of the Refuge and do not violate the "no more" clauses of ANILCA because they are not a withdrawal and are not being conducted for the sole purpose of establishing a conservation system unit."

Chapter 4: Existing Environment

We regret that we have had insufficient time to provide review of this chapter but we can provide additional information upon request.

[136801.109 International Treaty Obligations --] 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.

[136801.110 Oil and Gas -- Occurrences and Potential] 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. And from a national perspective, it's a drop in the bucket compared with energy conservation, efficiency and renewable energy sources.

One lesson of the refuge and its remarkable establishment 50-years ago is that daunting ideas can be accomplished and with lasting results that inspire future generations.

Oil and gas exploration, leasing, development and production is prohibited in the Arctic Refuge by law today; such activities and infrastructure are incompatible with all of the purposes of the refuge due to their harmful impacts; and even if economically producible oil were found, it would not provide a significant amount of energy to meet the national need compared to other alternatives. There is simply no national energy need to exploit this priceless national treasure. In this era when solutions to rapid climate change require reducing consumption of oil and other fossil fuels, protecting the Arctic Refuge wilderness is symbolic of national commitment to a bold, clean energy future.

A number of studies show that potential oil and gas in the Arctic Refuge —if discovered and is found to be economic to produce— is far less than energy conservation and other alternatives.

Energy Information Administration (EIA) data show that over the next two decades, the conservation gains of the last two years alone from market-based conservation, compared to Arctic Refuge drilling, will be 5 times more effective in reducing the nation's petroleum import requirement.45

Analysis of the EIA information shows that during the last two years, this nation has quietly booked an 11.3 billion barrel reduction in estimated U.S. oil imports between 2011 and 2030 due to lower oil consumption, a figure developed by comparing the EIA March 2008 Annual Energy Outlook reference case projections to the agency's current outlook. The analysis shows that energy conservation in the past two years is five times greater than the 2.1 billion barrels of oil that EIA estimates might be discovered and produced from the Arctic Refuge Coastal Plain region between 2011 and 2030. 46

Amory Lovins and colleagues at the Rocky Mountain Institute have provided a solid basis showing that energy conservation and renewables could provide far more energy for the nation than sacrificing the Arctic Refuge ever would, beginning with Lovins' groundbreaking Foreign Affairs article in 197647 to the present.

In this same journal in 2002, his research reported along with L. Hunter Lovins found that a combination of the main efficiency options could save the equivalent of 54 "refuges" but at a sixth of the cost.48 Specific comparisons were made with the potential oil from the refuge:

"That much gasoline could be saved if light vehicles became 0.4 mpg more efficient. Compare that feat to the one achieved in 1979–85, when new light vehicles on average gained 0.4 mpg every 5 months. Equipping cars with replacement tires as efficient as the original ones would save consumers several "refuges" full of crude oil. Installing superinsulating windows could save even more oil and natural gas while making buildings more comfortable and cheaper to construct...

If three or four percent of all U.S. cars were as efficient as today's popular hybrid models, they would save the equivalent of all the refuge's oil. In all, many tens of times more oil is available—sooner, more surely,and more cheaply—from proven energy efficiency. The cheaper, faster energy alternatives now succeeding in the marketplace are safe, clean, climate-friendly, and overwhelmingly supported by the public. Equally important, they remain profitable at any oil price".

Most recently, his energy blueprint Winning the Oil Endgame provided a plan for moving the United States away from needing oil by 2050, and in the fact of the Gulf of Mexico blowout catastrophe, he is focused on the ultimate cause of that disaster – our dependency on oil.49

A recent study by National Resources Defense Council energy analysts found that an achievable clean energy strategy can cut oil consumption by 9.7 million barrels per day by 2030, roughly 11 times what might be produced from drilling in both the Arctic Refuge and the Outer Continental Shelf areas that had been protected by national moratoria.50 Furthermore, clean energy is quicker, cheaper, and cleaner than oil, and can save drivers money at the same time as its reduces oil dependency.51

Oil development proponents have greatly exaggerated the amount of likely oil and gas potential and underestimated the cumulative effects of potential infrastructure. Numerous scientific and economic studies have documented that Arctic Refuge oil potential is not "another Prudhoe Bay." In fact, there are far more known reserves of oil and gas and more potential oil and gas resources

elsewhere on Alaska's North Slope than the U.S. Geological Survey and the Energy Information Administration estimate for the Refuge Coastal Plain – if economically recoverable oil is even discovered. A significant contribution to this known potential outside the Arctic Refuge underlays the existing Prudhoe Bay oil field infrastructure in the West Sak and Ugnu heavy oil reserves.52

As there has been for decades, there is much talk about the dangers of the Trans-Alaska Pipeline being shutdown. However, a recent economic analysis from September 2011 shows that exploitation of the Arctic Refuge and other sensitive federal lands is not needed: In contrast to the "sky is falling claims" by certain groups and individuals, the TAPS is not in danger of being shut down in the immediate future without opening up new areas to drilling or a reduction to Alaska's production tax as long as modest investments are made to reduce the minimum throughput on the pipeline. Minimum throughput can be reduced by making a moderate investment in the pipeline which would pay substantial dividends to the pipeline owners as well as the State of Alaska. Indeed, our analysis shows that the TAPS owners would lose money by not making such investments. This is because, without reducing the TAPS minimum throughput, billions of barrels of oil would be stranded on the North Slope.

An investment of only $500 million or so will allow an additional 20 years of production from existing reserves totaling over 2 billion barrels on the North Slope without requiring opening of new areas for exploration and production and would contribute upwards of $12 billion in dditional tax and royalty revenue as well. Therefore, opening up new areas of production is unnecessary in order to prevent a shutdown of TAPS in the near term53.

In May 2008, the Energy Information Administration assessed the potential crude oil production in the Arctic Refuge .54 Based on the U.S. Geological Survey Resources estimate, EIA reported that leasing and development on the Arctic Refuge Coastal Plain could result in approximately 2.6 billion barrels of economically producible oil between 2018 and 2030. To put this in perspective, the Prudhoe Bay oil field has already produced 12.56 billion barrels of oil -- out of the total North Slope production of 15.61 billion barrels of oil to date (ADNR 2010).55 A new economic analysis based on the EIA's 2008 analysis shows that the Arctic Refuge mean resource case would yield only production of approximately 2.1 billion barrels of oil between now and 2030.56

A comprehensive program of energy conservation and renewables would create far more energy than could be produced by drilling in the Arctic Refuge and would help us turn the corner towards the future instead of beating the same old dead horse.

Chapter 5: Environmental Consequences

[136801.111 Environmental Consequences -- Effects Common to Alternatives] 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.

T**[136801.112 Environmental Consequences -- Effects Common to Alternatives]** he 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.

[136801.113 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.

[136801.114 Environmental Consequences -- Cumulative Effects: General] 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

Contrary to claims made by proponents of opening the refuge to drilling repeatedly in the hearings that "In 1987, the Department of the Interior concluded that oil development would have

minimal impact on wildlife,"60 we feel compelled to set the record straight and provide factual information to the contrary. In fact, the Department of the Interior's study in 1987 concluded there would be major impacts to wildlife, wilderness, and subsistence ,61 including the following:

* Major negative impacts to Porcupine caribou herd, muskox, subsistence, water, noise, recreation and wilderness, and significant impacts to snow geese, wolves, wolverines, brown bear, polar bears, gravel, vegetation, and permafrost terrain. (p.166)

* "The wilderness character of the coastal plain would be irretrievably lost." (p.164)

* "The 1002 area is the most biologically productive part of the Arctic Refuge for wildlife and is the center of wildlife activity. It serves as an important calving ground for the Porcupine caribou herd… Migrating caribou and the post-calving caribou aggregation offer an extraordinary spectacle…" (p.46)

* "Oil and gas development would result in long-term changes in the wilderness environment, wildlife habitats, and Native community activities currently existing, resulting instead in an area governed by industrial activities." (p. 165)

The following comments are intended to strengthen the final EIS.

[136801.115 Environmental Consequences -- Cumulative Effects: General] 1. The CCP EIS Fails to Adequately Consider Cumulative Impacts

The cumulative impacts analysis in the CCP DEIS needs to be improved in order 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 5-2.62 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.

[136801.116 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."

2. The FWS Failed to Consider and Analyze the Cumulative Impacts to the Refuge and Refuge Management from Multiple Reasonably Foreseeable Future Actions

NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To comply with NEPA, the EIS must contain quantified data and discussion of how the proposed project and reasonably foreseeable future projects will affect the environment. Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

As explained by the Ninth Circuit, NEPA "is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather, it is designed to require such analysis as soon as it can reasonably be done." Kern v. Bureau of Land Management, 284 F.3d 1062, 1072 (9th Cir. 2002). If "it is reasonably possible to analyze the environmental consequences in an EIS . . . the agency is required to perform that analysis." Id.; see also 40 C.F.R. § 1502.16 (must assess the environmental impacts of all "proposed actions"); 40 C.F.R. 1501.12 (agency must identify effects "in adequate detail").

In other words, an agency may not "avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from [a proposed action] . . . merely by saying that the consequences are unclear or will be analyzed later." Id. The agency must also consider the impacts of reasonably foreseeable future actions on the proposed action. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

Reasonably foreseeable future actions under NEPA include proposed projects. N. Alaska Environmental Center v. Kempthorne, 457 F.3d 969, 980 (9th 2006), citing Lands Council v. Powell, 379 F.3d 738, 746 (9th 2004), rev'd on other grounds, 395 F.3d 1019 (9th Cir. 2005). NEPA defines a proposed project as one that is "at that stage in the development . . . when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated." 40 C.F.R. § 1508.23. Additionally, projects where an agency has formally announced the project and

has issued a summary of the project are reasonably foreseeable. See Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800, 812 (9th Cir. 1999).

[Preamble 136801.117, 118, 119] The Arctic Refuge Draft EIS CCP 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. Among the reasonably foreseeable actions not analyzed in the DEIS are:

[136801.117 Environmental Consequences -- Cumulative Effects: General] * 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.

[136801.118 Environmental Consequences -- Cumulative Effects: General] * 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.

[136801.119 Environmental Consequences -- Cumulative Effects: General] * 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.

To comply with NEPA, FWS must consider and analyze the impacts from these reasonably foreseeable future projects (as well as any others that the agency is or becomes aware of) on the management, objectives and goals of the Arctic Refuge.

3. The FWS Failed to Consider the Cumulative Impacts of the Action in the ANILCA Section 810 Evaluation

Title VIII of ANILCA recognizes that subsistence uses are a public interest and provides a framework to consider and protect subsistence uses in agency decision making processes. 16 U.S.C. §§ 3111–3126.

[136801.120 ANILCA -- 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.

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Appendix D. Summary of Public Comment

[136801.121 NEPA Process -- Scoping] 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.

We strongly urge that all scoping comments as well as full hearing transcripts be made readily available to the public. Many of them are quite eloquent in their descriptions of the refuge and its value not only to them but to their children and future generations. It is improper to disassemble the public hearing record and only circulate or analyze snippets of what someone has said at a hearing where the context of the person's whole statement is critical both within their own testimony and within the whole meeting.

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.

Appendix G. Draft Compatibility Determinations

[136801.122 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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.

IV. Conclusion

Thank you for providing the opportunity to comment on the Arctic Refuge draft CCP and EIS. We look forward to working with you to finalize this critical planning effort.

1 Gwich'in Steering Committee. Protect the Sacred Place where life begins.

2 U.S. Senate hearing in Fairbanks on October 31, 1959.

3 http://wilderness.org/content/quotes-wilderness

4 Debbie S. Miller. 2000. Midnight Wilderness: Journeys in Alaska's Arctic National Wildlfie Refuge, Alaska Northwest Books. P. ix-x.

5 Terrance Cole. January 9, 2011. CW Snedden and the crusade for Alaska statehood. Fairbanks Daily News-Miner.

6 Terry Tempest Williams. 2004. The Open Space of Democracy. The Orion Society. P.49.

7 Roger Kaye. Last Great Wilderness. 2006. P. 221.

8 Williams. P.6.

9 Of course, a decision not to make a Wilderness recommendation for some or all lands covered in any given planning process does not mean that the lands are not suitable for future wilderness protection. We urge finalization of the full Wilderness Review for all three Wilderness Study Areas.

10 Mollie Beattie Wilderness Area

11 USFWS, 1993, p. 16.

12 See DEIS at 3-6 (stating that "An oil and gas alternative would not satisfy NEPA's requirement that alternatives meet the purpose and need for the Revised Plan, and the Service has no administrative authority over oil and gas development").

13 NEPA § 102, 42 U.S.C. § 4332(2)(C)(iii).

14 40 C.F.R. § 1502.13.

15 See 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d 1083, 1097 (9th Cir. 2006) (stating that "The scope of reasonable alternatives that an agency must consider is shaped by the purpose and need statement articulated by that agency. The [agency] must consider all reasonable alternatives within the purpose and need it has defined"). See also City of Carmel-by-the-Sea v. U.S. Dep't of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997).

16 DEIS at 1-1.

17 DEIS at 1-1–1-2. See also DEIS Appendix D at D-1 (stating that "[t]he purpose and need for the Revised Plan is to ensure activities, action, and management fulfill the legal purposes for which the Refuge was established, fulfill the statutory mission of the National Wildlife Refuge

System [] and provide direction on how the U.S. Fish and Wildlife Service [] will meet these purposes").

18 16 U.S.C. § 3143.

19 See P.L. 96-487, § 303(2). The original 'Arctic National Wildlife Range' was created in 1960 by Public Land Order 2214 "For the purpose of preserving unique wildlife, wilderness and recreational values." Public Land Order 2214 (Dec. 6, 1960). The purposes added in ANILCA are: (i) to conserve fish and wildlife populations and habitats in their natural 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 [note that those residing in Alaska's North Slope rivers and lagoons are now classified as Dolly Varden] and grayling; (ii) to fulfill the international fish and wildlife treaty obligations of the United States; (iii) to provide the opportunity for continued subsistence uses by local residents; and (iv) to ensure water quality and necessary water quantity within the refuge. P.L. 96-487, 94 STAT. 2451 (Dec. 2, 1980).

20 16 U.S.C. §§ 668dd(a)(3), 668dd(a)(4)(D).

21 See 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d at 1097.

22 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.

23 See FWS Refuge Management Part 601 National Wildlife Refuge System, 601 FW 1 at 1.16 (July 26, 2006).

24 Public Land Order 2214 (Dec. 6, 1960).

25 94 Stat. 2390, P.L. 96-487 at §303(2) (Dec. 2, 1980).

26 P.L. 96-487 (Dec. 2, 1980) (emphasis added).

27 House Report No. 96-97(I) at 174 (April 18, 1979) (emphasis added).

28 The fact that the two sets of purposes are complimentary and not inconsistent is evidenced by FWS's determination that the pre-ANILCA and ANILCA purposes apply concurrently to those lands within the original Arctic Range.

29 601 FW 1 at 1.16.

30 In its general guidance regarding allowable uses of refuges, FWS appears to have contrary guidance regarding the purposes of refuges established by ANILCA. See FWS Refuge Management Part 603 National Wildlife Refuge System, 603 FW 2 at 2.8(B) (Nov. 17, 2000) (stating that "Alaska refuges established before the passage of ANILCA have two sets of purposes. 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 they may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, in which case the provisions of those Acts control. However, the original purposes for pre-ANILCA refuges apply only to those portions of the refuge established by the prior executive order or public land order, and not to those portions of the refuge added by ANILCA") ((emphasis added). Because this guidance is found in the FWS manual addressing compatibility of uses of refuges and 601 FW 1 directly addresses identifying or determining the purposes of refuges, 601 FW 1 is the controlling guidance on this issue.

31 ANILCA Sec. 303 (2)(B)(i) (emphasis added).

32 CCP DEIS at 2-4.

33 http://co.fairbanks.ak.us/communityplanning/CRC/SUMMER%202011%20CRQ.pdf, p. 15.

34 CCP DEIS at 1-2.

35 CCP DEIS at 2-47.

36 CCP DEIS at 2-47 and 4-56.

37 General Accounting Office. October 6, 1989. Federal Land Management: Chandler Lake Land Exchange not in the Government's best interest. RCED-90-5.

38 ASRC, 1985, Annual Report.

39 Alaska Statute § 16.05.255.

40 ANILCA Sec. 303 (2)(B)(i) (emphasis added).

41 ANILCA Sec. 303 (2)(B)(i) (emphasis added).

42 A. E. Smith, M. Anderson, H. Kendall-Miller, P.Van Tuyn, and A. Rothe. 2001. Alaska National Interest Lands Conservation Act Citizen's Guide. Published by The Wilderness Society. P. 47.

43 See Smith et al. 2001. P. 42-43.

44 See DEIS at 3-6 (stating that "An oil and gas alternative would not satisfy NEPA's requirement that alternatives meet the purpose and need for the Revised Plan, and the Service has no administrative authority over oil and gas development").

45 Fineberg, R.A. May 15, 2010. Reduced oil imports from conservation vs potential Arctic Refuge oil production, 2011-2030. Report to Northern Alaska Environmental Center and the Alaska Wilderness League. Research Associates, Ester Alaska. 21 pp.

46 Fineberg, R.A. May 15, 2010. Reduced oil imports from conservation vs potential Arctic Refuge oil production, 2011-2030. Report to Northern Alaska Environmental Center and the Alaska Wilderness League. Research Associates, Ester Alaska. 21 pp.

47 Amory B. Lovins, October 1976. Energy Strategy: The Road Not Taken? Foreign Affairs. http://www.foreignaffairs.com/articles/26604/amory-b-lovins/energy-strategy-the-road-not-taken.

48 Amory B. Lovins and L. Hunter Lovins. July/ August 2001. Fool's Gold in Alaska. Foreign Affairs. http://www.foreignaffairs.com/articles/57055/amory-b-lovins-and-l-hunter-lovins/fools-gold-in-alaska.

49 Lovins, A.B., E. Kyle Datta, O-E Bustenes, J.G. Koomey and N.J. Glasgow. 2004. Winning the Oil Endgame: Innovation for profits, jobs, and security, Rocky Mountain Institute. http://www.oilendgame.com/. Dallas Morning News, June 2, 2010. Imagine a nation in need of no oil; Rocky Mountain Institute says it could happen by 2050. http://www.dallasnews.com/sharedcontent/dws/bus/columnists/chall/stories/DN-Hall_02bus.ART.State.Edition1.1d24ff0.html (accessed June 2, 2010)

50 National Resources Defense Council. 2008. Clean Energy: The solution to volatile gas prices. http://www.nrdc.org/energy/gaspricesolutions.pdf.

51 Natural Resources Defense Council. 2008. Clean Energy Saves Americans Money. http://www.nrdc.org/energy/money.pdf.

52 Fineberg, R.A. May 1, 2006. North Slope Production Potential Update: ConocoPhillips Heavy oil estimate increased North Slope oil potential outside the Arctic Refuge to approximately 25 billion barrels.

53 Innovation & Information Consultants, Inc. September 2011. Is the Trans Alaska Pipeline System in Danger of Being Shut Down? Prepared for Natural Resources Defense Council. http://docs.nrdc.org/energy/files/ene_11092001a.pdf

54 Energy Information Administration. May 2008, Analysis of crude oil production in the Arctic National Wildlife Refuge, Report No. SR/OIAF/2008-03. http://www.eia.doe.gov/oiaf/servicerpt/anwr/pdf/sroiaf(2008)03.pdf.

55 Alaska Department of Natural Resources. May 2010. Division of Oil and Gas Annual Report, November 2009. Table I-3, Chapter 1, p.14: http://www.dog.dnr.state.ak.us/oil/products/publications/annual/2009_annual_report/updated_2009_annual_report/Annual%20Report%202009%20Updated%205-18-10.pdf

56 Fineberg, R.A. May 15, 2010. Reduced oil imports from conservation vs potential Arctic Refuge oil production, 2011-2030. Report to Northern Alaska Environmental Center and the Alaska Wilderness League. Research Associates, Ester Alaska. 21 pp.

57 CAVM Team. 2003. Circumpolar Arctic Vegetation Map. Scale 1:7500000. Conservation of Arctic Flora and Fauna (CAFF) Map No. 1. U.S. Fish and Wildlife Service, Anchorage, Alaska. http://www.geobotany.uaf.edu/cavm/download.shtml.

58 Broken Promises: The reality of oil development in America's Arctic. 2nd Edition. 2009.http://wilderness.org/content/broken-promises-reality-big-oil-americas-arctic Broken Promises: The Reality of Big Oil in America's Arctic. 2003. http://northern.org/media-library/document-archive/arctic/drilling-impacts/broken-promises-the-reality-of-big-oil-in-americas-arctic-2003.

59 Northern Alaska Environmental Center. 2011. Dangerous Directional Drilling. http://northern.org/media-library/document-archive/arctic/drilling-impacts/sen.-murkowskis-dangerous-directional-drilling-bill. Northern Alaska Environmental Center. 2008. The 2,000-acre Hoax. http://northern.org/media-library/document-archive/arctic/drilling-impacts/the-2-000-acre-hoax.

60 Claims shown in italics are from: Resource Development Council for Alaska, Inc., http://www.akrdc.org/alerts/2011/anwrccpalert.html 61 U.S. Department of the Interior. 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.

62 As an initial matter, this formulation of cumulative effects misstates the role of considering reasonable foreseeable future actions. As described by the FWS in the DEIS, FWS perceives its duty to require it to look at the impacts from the CCP alternatives on reasonably foreseeable future actions but not to require the FWS to look at the impacts of reasonably foreseeable future actions on the CCP alternatives. FWS must also consider the impacts of reasonably foreseeable future actions on the CCP alternatives to satisfy NEPA. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

Comments on Arctic Refuge Comprehensive Conservation Plan DEIS November 15, 2011
Conservation's Northern Voice

A 501 (C) (3) NOT-FOR-PROFIT ORGANIZATION
830 COLLEGE ROAD, FAIRBANKS, ALASKA 99701
PHONE: (907) 452-5021 * FAX: (907) 452-3100 * WEB: http://www.northern.org

COMMUNICATION NUMBER 136795
David E. Jenkins, Vice President for Government & Political Affairs
Republicans for Environmental Protection

From: "David Jenkins"
To:
Subject: Arctic Refuge CCP/DEIS Comments

Ms. Seim:

Please find Republicans for Environmental Protection's Arctic Refuge CCP/DEIS comments attached as an MS Word document and pasted below into this email message. In the comments we urge adoption of Alternative E. Please do not hesitate to contact me if you have any questions.

Thank you.

Dave

David Jenkins
Vice President for Government and Political Affairs
Republicans for Environmental Protection
www.rep.org
Ph: (703) 785-9570
Email: djenkins@rep.org

November 14, 2011

Mr. Richard Voss, Refuge Manager
US Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave., Rm 236
Fairbanks, AK 99701-6237

Comments on the Arctic National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement

Thank you for the opportunity to provide comments on the revised Arctic National Wildlife Refuge Comprehensive Conservation Plan (CCP) and Draft Environmental Impact Statement (DEIS).

As we celebrate the 50th anniversary of President Eisenhower's decision to set aside the Arctic National Wildlife Range, this planning process affords us an opportunity to continue and enhance that legacy by safeguarding the Refuge's defining attribute—its wilderness character.

Republicans for Environmental Protection (REP), a national grassroots organization of Republicans that has been working for years to safeguard the Arctic Refuge, strongly supports Alternative E as its preferred Alternative. REP believes that it is important that all of the wilderness quality lands in the Refuge be protected in accordance with the Refuge's established purpose of preserving its wildlife, wilderness and recreation values.

In reading the DEIS, it is clear that all three Wilderness Study Areas (WSAs) meet the Wilderness Act criteria for designation and that Alternative E would best meet refuge purposes and the mission of the overall Refuge System.

We agree with the DEIS that wilderness designation for the three WSAs, which are critical to the integrity of the Refuge, would:

"…provide the greatest assurance that…[the Coastal Plain, Brooks Range and Porcupine Plateau areas]…would remain unaltered and essentially free of the intent to control or manipulate the land, its creatures, and natural processes, thereby ensuring the area retains its ecological integrity now and for future generations."

This is particularly true given that some in Congress have begun interpreting agency decisions to not recommend WSAs to the President (and subsequently Congress) for designation as equivalent to a determination that the lands are not suitable for future wilderness protection.

Given this new lens of interpretation by lawmakers and wilderness opponents, the selection of an Alternative that fails to recommend these areas for Wilderness designation would likely jeopardize the agency's ability to safeguard the wilderness character of these lands in the future. Alternative E is the only Alternative that would clearly acknowledge the wilderness values of these WSAs and avoid facilitating the false perception that they do not merit designation.

REP believes that the only action consistent with the findings of the agency's wilderness review process—that all three WSAs meet the Wilderness Act criteria for designation—is a recommendation for designation. Any other decision would also seem to be inconsistent with the Refuge's established purpose and the agency's established planning goal that "the Refuge retains its exceptional wilderness values without loss of natural condition and wild character."
We believe that Alternative E is the only Alternative that is adequately protective of wilderness, meets the Refuge's purpose, and is consistent with the original vision for the Refuge by Olaus and Mardy Murie.

We offer the following thoughts on various aspects of the plan and future management of the Refuge:

Special Values of Arctic Refuge

REP supports the Special Values of the Arctic Refuge as they appear in the Draft CCP (Pages 1-20 to 1-22). The Final CCP should retain this section as it exists and require that the Special Values of the Refuge are used to guide all management decisions for the Refuge.

Wilderness Recommendations

We fully support recommending the Brooks Range, Porcupine Plateau, and Coastal Plain Wilderness Study Areas for designation as Wilderness under the Wilderness Act and forwarding those recommendations to the President for submission to Congress.

Wild & Scenic Rivers

We fully support recommending the Atigun, Hulahula, Kongakut, and Marsh Fork Canning rivers for designation as Wild Rivers under the Wild and Scenic Rivers Act.

[136795.001 ANILCA -- Wild and Scenic Rivers and ANILCA] We also encourage the agency to review its management of the Ivishak, upper Sheenjek 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.

Visitor Use

[136795.002 Step-Down Plans -- General]
We support the commitment in Alternative E for the agency to address visitor use and wilderness stewardship issues. The final CCP should include a strong commitment to restore wilderness character in areas throughout the Refuge that have had those values reduced by visitor use impacts.

We are concerned that the schedule provided on pages 6-3 to 6-6 indicates that the wilderness stewardship and visitor use management plans would not be completed until 8 or 10 years from now. Given the presence of a number of known and long standing problems with wilderness degradation associated with public use, it would seem prudent to address these issues as soon as possible.

We fully support the prohibition of off-road vehicle use and helicopter use within the Refuge.

Wildlife Management

We fully support Management Guideline 2.4.11 and its commitment to "leave habitats unaltered and unmanipulated" so that the natural processes are allowed to continue and to not modify or improve habitats to favor one species over another. This guideline should be retained in the final CCP.

We also fully agree with the language in Guideline 2.4.12 that states Refuge management's focus should be "on enabling the natural behavior, interactions, and cycles of all native species to continue, with little or no human intervention and manipulation." This is essential for wildlife management to be consistent with Refuge mission and purpose.

[136795.003 Wildlife -- Predator Control]
The Draft CCP, in recognizing the need to coordinate with the Alaska Department of Fish and Game, fails to acknowledge that some state goals for managing wildlife—such as predator control and "intensive management"—clearly conflict with the Arctic Refuge's purpose and FWS management goals. Management Goal 1 of the CCP reads:

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.

The Final CCP must clearly indicate that when in conflict with state goals, wilderness values, Refuge purposes, and federal management goals 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.

The Final CCP must ensure that Refuge purposes will never be compromised by State decisions to authorize predator control or habitat manipulation to increase game species for hunting. We recommend that language in the Final CCP be clear that refuge purposes have supremacy over the state of Alaska's wildlife management objectives.

[136795.004 Wildlife -- Hunting] 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,

Climate Change

REP supports the agency's commitment to addressing climate change as part of this planning process and in future management of the refuge.

Oil and Gas Development

Oil and gas exploration and drilling are not compatible with the purpose and vision of the Refuge and FWS was correct in its decision to not consider an oil and gas alternative.

The vast web of pipelines and other infrastructure needed to extract oil and gas from the Refuge would industrialize and forever alter the landscape. Beyond that, persistent problems with pipeline corrosion would subject the refuge to a risk of oil spills in very remote locations.

Oil and gas activities and infrastructure adjacent to the Refuge, both onshore and offshore, pose significant threats to the integrity of Arctic fish and wildlife populations and habitats, subsistence resources and recreational opportunities. These activities and their impacts underscore the importance of the Arctic Refuge serving as just that—a refuge that provides the necessary balance envisioned by the Eisenhower Administration when it established the Arctic National Wildlife Range.

[136795.005 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] 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.

[136795.006 Refuge Purposes -- General] 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.

Conclusion

REP commends the USFWS for its scoping process and for including a proper range of alternatives.

There is no place comparable to the Arctic National Wildlife Refuge anywhere in America. It is a unique confluence of wildlife, wilderness and scenic values that warrants the highest levels of protection as the "crown jewel" of America's National Wildlife Refuge System. We strongly urge the Fish & Wildlife Service to adopt Alternative E and provide the necessary protections for this one-of-a-kind natural treasure.

Thank you again for providing the opportunity to comment on the Arctic Refuge Plan. We look forward to the release of the Final CCP/EIS and trust that it will provide the leadership and management direction required to safeguard this special landscape and its wildlife for the benefit of present and future generations.

Sincerely,

David E. Jenkins
Vice President for Government & Political Affairs
Republicans for Environmental Protection
(703) 785-9570

2011 CCP Comments_FINAL.docx

COMMUNICATION NUMBER 75
Carl Portman, Deputy Director
Resource Development Council

Anchorage Hearing 9/21/2011
Carl Portman, Resource Development Council

MR. PORTMAN: Good afternoon. My name is Carl Portman. I'm deputy director of the Resource Development Council. I'm here today to speak in opposition to designating the ANWR coastal plain wilderness and to encourage the Fish and Wildlife Service to manage the 1002 area in a manner that preserves the option of responsible oil and gas exploration and development in the future.

[75.001 ANILCA -- Designated Wilderness and ANILCA] 42 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. Our written comments will go into more detail on why we view this wilderness proposal as a violation.

Alaska became a state based on the congressional assumption that through development of its natural resources it would be able to sustain its economy and pay its own way. Early statehood bills failed in Washington and alternately it was the discovery of oil that convinced Congress that Alaska could sustain itself as a state.

Maintaining the option of future oil and gas development in the 1002 area is of vital importance to Alaska. A Federal wilderness designation over the 1002 area would preclude development on North America's most prolific onshore oil and gas prospect. This is unacceptable and is in conflict with congressional intent and ANILCA's no more clause.

Alaska already contains more than half of all congressionally designated wilderness in America and not a single acre of this wilderness would be disturbed by oil and gas activity in the 1002 area.

This is an interesting time for this debate to be occurring given chronically high

unemployment and critical structural problems with the US economy, including staggering government debt and an alarming trade deficit, which is largely the result of imported oil. What we do need is more economic opportunities and increased domestic oil and gas production.

Opening the 1002 area to responsible oil and gas development would be a big step in the right direction, providing a huge Alaskan stimulus to the economy and billions of dollars in revenue to the Federal government, all with virtually no expense to government. Oil development in the 1002 area would provide a safe and secure source of oil for the nation for decades. It would also create tens of thousands of new jobs throughout the country and refill TAPS, which is currently operating at one-third capacity.

The biggest threat to Alaska's economy is the sharp ongoing decline in TAPS. Both President Obama and Governor Parnell have stated that increasing TAPS throughput is a national priority and in the nation's best interest.

In conclusion, the 1002 area of ANWR should not only continue to be excluded from wilderness designation, it should be open to responsible oil and gas development. RDC strongly opposes any alternative that encumbers the potential for oil development on the coastal plain.

Section 1002 of ANILCA was created in the spirit of compromise by members of Congress as was the no more clause, which implied enough is enough with regard to Alaska's vast conservation system units and Federal wilderness designations.

Thank you.

COMMUNICATION NUMBER 136806
Carl Portman, Deputy Director
Resource Development Council for Alaska Inc.

From: Carl Portman
To: ArcticRefugeCCP@fws.gov
Subject: RDC Comments on ANWR CCP

Ms. Seim:

Attached are the Resource Development Council's comments on the ANWR Comprehensive Conservation Plan. Please verify that you received this email.

Thank you,

Carl Portman
Deputy Director

- RDC ANWR CCP Comments.pdf

Attachment:

Founded 1975
Executive Director
Rick Rogers
2011-2012 Executive Committee
Tom Maloney, President
Phil Cochrane, Sr. Vice President
L.F. "Len" Horst, Vice President
Eric Fjelstad, Treasurer
Ralph Samuels, Secretary
Wendy Lindskoog, Past President
Bob Berto
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Pat Carter
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Mary McDowell
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James Mery
Denise Michels
Hans Neidig
Judy Patrick
Charlie Powers
Mike Satre
Mary Sattler

Keith Silver
Lorali Simon
John Sturgeon
Dan Sullivan
Peter Taylor
Michael Terminel
Jan Trigg

Ex-Officio Members
Senator Mark Begich
Senator Lisa Murkowski
Congressman Don Young
Governor Sean Parnell

November 9, 2011

Ms. Sharon Seim
Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, AK 99701-6237

Dear Ms. Seim:

The Resource Development Council (RDC) is writing to express its opposition to Alternatives C and E in the Draft Revised Comprehensive Conservation Plan (CCP) for the Arctic National Wildlife Refuge (ANWR). The 1002 area of ANWR should not only continue to be excluded from Wilderness designation, it should be opened to responsible oil and gas exploration and development. RDC strongly opposes any alternative that encumbers future oil and gas development on the coastal plain. The Service should develop a new alternative that recommends opening the 1002 area to oil and gas exploration and development.

RDC is an Alaskan business association comprised of individuals and companies from Alaska's oil and gas, mining, forest products, tourism, and fisheries industries. Our membership includes all of the Alaska Native Regional Corporations, local communities, organized labor, and industry support firms. RDC's purpose is to expand the state's economic base through the responsible development of our natural resources.

R**[136806.001 ANILCA -- Designated Wilderness and ANILCA]** 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 has been 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.

As noted earlier, any action that would preclude oil and gas development in the 1002 area would be in conflict with congressional intent surrounding Alaska statehood. Alaska became a state based on the congressional intent that through development of its natural resources it would be able to sustain its economy and pay its own way. Early statehood bills failed in Washington, and ultimately it was the discovery of oil that convinced Congress Alaska could sustain itself as a state.

Maintaining the option for future oil and gas development in the 1002 area is of vital importance to Alaska and anyone who is truly supportive of increasing domestic energy production and reducing foreign imports. A federal Wilderness designation over the 1002 area would preclude development of North America's most prolific onshore oil and gas prospect and compromise Alaska's economy for generations to come. Expanded federal Wilderness in ANWR would also violate the "no more clause" of ANLICA. Alaska contains 58 million acres of federal Wilderness, which is more than half of all congressionally-designated Wilderness in America. Not a single acre of this Wilderness would be disturbed by oil and gas activity in the 1002 area.

This is an interesting time for this debate to be occurring, given chronically high unemployment and critical structural problems with the US economy, including staggering government debt and an alarming trade deficit, largely a result of imported oil. What we do need is more economic opportunities and increased domestic oil and gas production. Opening the 1002 area to responsible oil and gas development would be a big step in the right direction, providing a huge and lasting

stimulus to the economy and billions of dollars in new revenues to the federal government – all with virtually no expense to government!

Oil development in the 1002 area would provide a safe and secure source of oil for the nation for decades. It would create tens of thousands of jobs throughout the country and refill the Trans-Alaska Pipeline System (TAPS), existing infrastructure that is currently operating at only one-third of its original capacity.

The biggest threat to Alaska's economy is the sharp ongoing decline in TAPS throughput, which has fallen from 2.1 million barrels per day (bpd) in 1988 to an average of 568,000 bpd from January through August of this year. Four years ago, more than 734,000 bpd were flowing through the pipeline. Both President Obama and Governor Sean Parnell have stated that increasing TAPS throughput is a national priority and in the nation's best interest.

With advances in technology, it is possible to develop the 1002 area's energy reserves without significant disturbance to wildlife. In fact, wildlife populations have grown or remained stable in other areas of the North Slope where oil development is already occurring. One example at Prudhoe Bay shows the central arctic caribou population has grown from 5,000 animals in 1970 to more then 66,000 animals today.

Oil and gas development can and does coexist with wildlife in America's national wildlife refuges. In fact, there are numerous examples, including the Kenai National Wildlife Refuge in Southcentral Alaska. This refuge is heavily visited by Alaskans and by tourists from across the world, yet it is the site of the first major discovery of oil and gas in Alaska. Oil and gas production have been occurring within the refuge for more than 50 years, and wildlife populations have remained healthy.

Alaskans statewide strongly support exploration and development in the 1002 area of ANWR. In fact, polling has consistently shown that more than 70 percent of Alaskans support development of energy resources beneath the 1002 area. In addition, the Alaska Federation of Natives, the North Slope Borough, and the Arctic Slope Regional Corporation support development. Local residents and the Inupiat people who actually live adjacent to the 1002 area also support development. This support should be given considerable weight and should convince the Service to keep the 1002 area free of any federal Wilderness designation.

[136806.002 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

In conclusion, the 1002 area of ANWR should be opened to responsible oil and gas exploration and development. RDC strongly opposes any alternative that encumbers the potential for oil and gas development on the coastal plain. The Service should develop a new alternative that recommends opening the 1002 area to oil and gas exploration and development. Such action would create thousands of jobs, stimulate the economy, reduce America's dependence on foreign oil, and generate much-needed ongoing revenues to the federal government.

Section 1002 of ANILCA was created in the spirit of compromise by members of Congress, as was the "no more clause," which implied "enough is enough" with regard to Alaska's vast conservation system units and federal Wilderness designations. A Wilderness designation across the 1002 area would not only violate this compromise, it is unnecessary and is not in the best interests of America.

Sincerely,

RESOURCE DEVELOPMENT COUNCIL
for Alaska, Inc.

Carl Portman
Deputy Director

COMMUNICATION NUMBER 137014
Dan Ritzman, Alaska Program Director
Sierra Club

From: Dan Ritzman
To: ArcticRefugeCCP
Subject: Sierra Club and Alaska Chapter DRAFT CCP comments

Sharon,

Please accept the attached comments from the Sierra Club and the Sierra Club Alaska Chapter
Thanks

Dan

--
****

Dan Ritzman
Senior Campaign Manager
(206) 499-5764 - c

www.sierraclub.org/habitat

- 2011 11 14 CCP DEIS Technical Comments - Sierra Club.docx - Final comments Arctic NWR Draft Revised CCP November 2011 SC Chapter.doc

[Attachment 1]

Sierra Club

COMMENTS ON
ARCTIC NATIONAL WILDLIFE REFUGE
COMPREHENSIVE CONSERVATION PLAN
AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

November 14, 2011

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IV. CONCLUSION

I. Introduction

The Arctic National Wildlife Refuge ("Arctic Refuge" or "the Refuge") is the crown jewel of the National Wildlife Refuge System in the United States. It is a place where all the values that the Refuge System is intended to preserve and celebrate are present in a larger-than-life landscape that was uniquely established to protect its wilderness values. The FWS aptly expresses the vision for the Arctic Refuge in this manner:

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 challenge test our bodies, minds and spirit; 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.

U.S. Fish and Wildlife Service, Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan, Draft Environmental Impact Statement, Wilderness Review and Wild and Scenic River Review (June 2011) ("DEIS" or "CCP DEIS").

The Comprehensive Conservation Plan ("CCP") for the Arctic Refuge is the critical document that ensures that the integrity of the Refuge is protected now and for future generations so that this vision can continue to be realized. In addition to the legal requirement to revise the CCP, it is an appropriate time to do so because an updated CCP can respond to what we now know about changing human impacts on the Refuge, from global warming to specific Refuge uses. Our greater understanding of the forces that can impact and influence the Arctic Refuge will allow for the adoption of a plan that can meet the challenges ahead, and ensure that the Arctic Refuge retains its fundamental wild character.

The Arctic Refuge is indeed the most wild place in the National Wildlife Refuge system, and therefore we concur with the CCP's planning context. See CCP at 1-5.

These comments address important overarching issues related to the management of the Arctic Refuge. The comments then move through the CCP as organized by FWS to provide comments, critiques and suggestions to improve the CCP with the goal of ensuring the FWS adopts a plan that recognizes the uniqueness of the Arctic Refuge, appropriately deals with the management issues confronting the FWS, and ensures that the values for which the Refuge was set aside continue to be preserved for all.

II. GLOBAL ISSUES

A. THE FWS PROPERLY CONDUCTED A WILDERNESS REVIEW OF ALL NON-WILDERNESS LANDS WITHIN THE ARCTIC REFUGE

We are very pleased to see that FWS conducted a wilderness review for all non-Wilderness lands in the Arctic Refuge — including the Coastal Plain — as part of the CCP revision process. Wilderness reviews are required by Refuge System policy, and in fact they are required by law, as part of a CCP. Several laws guide the revision of the Arctic Refuge CCP and its wilderness review requirements. These include the Wilderness Act, Alaska National Interests Lands Conservation Act (ANILCA), and the National Environmental Policy Act (NEPA). In 1964, Congress enacted the Wilderness Act to:

assure that an increasing population, accompanied by expanding settlement and growing mechanization, [did] not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition.

16 U.S.C. § 1131(a). To that end, Congress directed the Secretary of the Interior to evaluate every roadless area within all national wildlife refuges for suitability for wilderness designation, and to report Wilderness recommendations to the President. 16 U.S.C. § 1132(c). [1] Since the initial mandate in 1964, that directive has been carried over and implemented during the refuge management CCP planning process and subsequent revisions.

ANILCA further customizes this national mandate to Alaska by directing the Secretary to "prepare and from time to time, revise, a comprehensive conservation plan for each refuge" in Alaska. 16 U.S.C. 304(g)(1). Section 304(g) states:

(1) The Secretary shall prepare, and from time to time, revise, a comprehensive conservation plan (hereinafter in this subsection referred to as the 'plan') for each refuge.
(2) Before developing a plan for each refuge, the Secretary shall identify and describe – (A) the populations and habitats of the fish and wildlife resources of the refuge; (B) the special values of

the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge"

Based on the identification of these specific values, each CCP must "designate areas within the refuge according to their respective resources and values." Id. at 304(g)(3)(A)(i).

When Congress enacted ANILCA, it specifically incorporated portions of the Wilderness Act into the statute and carried over the Wilderness Act's wilderness review mandate for Alaska refuges. ANILCA includes two provisions that direct the Secretary of the Interior to perform wilderness reviews of Alaska lands. ANILCA sec. 1317, 16 U.S.C. § 3205; ANILCA sec. 1004, 16 U.S.C. § 3144. Section 1317(a) directs the Service to study all non-wilderness lands in Alaska refuges and recommend areas suitable for inclusion in the National Wilderness Preservation System:

Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 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. By definition section 1317 governs wilderness reviews for all land within the Arctic Refuge that has not been designated wilderness. 16 U.S.C. § 3205(a). This includes wilderness reviews of the Arctic Refuge coastal plain. Compare 16 U.S.C. § 3205 with 16 U.S.C. § 3142 (neither provision exempts the coastal plain ("1002 area") from the wilderness review requirement). Thus, FWS was obligated to conduct a wilderness review for the Refuge as part of this process and we are very pleased to see that FWS has in fact done so.

B. We Urge FWS to Recommend Wilderness for the Arctic Refuge Coastal Plain

Nearly all of the Arctic Refuge's non-Wilderness lands possess exception values that qualify them for designation as Wilderness under the Wilderness Act, and we urge that these lands be managed to protect and preserve their extraordinary wilderness values. Further, the Coastal Plain of the Arctic Refuge warrants Wilderness designation. The Coastal Plain wilderness study area is an integral part of the adjacent designated Wilderness lands and their intact ecosystems which make the whole Arctic Refuge truly unique among our Nation's natural treasures.

The Coastal Plain was a vital part of the original Arctic National Wildlife Range established in 1960 for the purpose of preserving its "unique … wilderness values." The Coastal Plain contains beautiful rivers rushing from the highest peaks in the Brooks Range and Sadlerochit Mountains then coursing north through foothills and hilly coastal plain, braiding across wetland tundra with lakes and ponds to broad river deltas, inter-tidal flats, lagoon and barrier island systems, and bays, spits, and other pristine shorelines along the Beaufort Sea.

The Coastal Plain hides vital winter maternity dens for polar bears, increasing in importance as arctic sea ice vanishes. Its coastal lagoons provide ringed seal pupping lairs. Dolly Varden (formerly known as Arctic char) overwinter and spawn in streams and river channels, primarily where springs flow year round, and then migrate to nearshore coastal waters for summer feeding. The Coastal Plain bursts with life in the summer as migratory wildlife converges on this biological heart of the Refuge — the Porcupine caribou herd along with golden eagles, wolves, and brown bears, and millions of migratory birds for nesting, feeding, molting, and staging.

The Coastal Plain is connected to existing designated Wilderness lands to its east and south through its scenic landscapes, watersheds, rivers, migration of the Porcupine caribou herd to its

birthplace and nursery area, and to the lives of the Gwich'in people who depend on the caribou. It is also connected through its wildlife and sweeping landscapes to the broader ecosystem including Canada's Ivvavik and Vuntut National Parks and other conservation areas in this rich trans-boundary region.

Section 2 c of the Wilderness Act defines wilderness to be "undeveloped Federal land retaining its primeval character and influence ... and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable." Clearly, the characteristics and condition of the Coastal Plain wilderness study area meet these requirements. The Coastal Plain therefore has all the essential qualities which make it eminently qualified for designation as Wilderness and we urge FWS to adopt Alternative C and recommend Wilderness for the Coastal Plain.

III. Specific Comments

A. Chapter 1. Arctic Refuge Purposes Special Values, Vision, and Goals

1. THE ORIGINAL ARCTIC NATIONAL WILDLIFE RANGE'S PURPOSES APPLY TO THE ENTIRE ARCTIC REFUGE

[137014.001 ANILCA -- Refuge Purposes and ANILCA] 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." [2] However, under FWS's own longstanding policy and guidance regarding determining the purpose of each refuge in the National Wildlife Refuge System, [3] 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.

The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values." [4] 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 natural 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.[5]

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.[6]

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." [7]

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.[8] All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.

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.[9]

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, 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. [10]

Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS thus should correct this mistake in the CCP.

2. THE FWS HAS PROVIDED STRONG ARCTIC REFUGE SPECIAL VALUES, VISION AND GOALS THAT SHOULD BE RETAINED IN THE FINAL CCP

[137014.002 Refuge Values -- Special Values of Refuge] The Service has provided a strong listing of the special values of the Arctic Refuge, see DEIS Sec. 1.5, pp. 1-20 to 1-22, and we support all of them being retained in the final CCP. These Special Values should be used to guide all management decisions in the Refuge.

We also strongly support the vision statement for the Arctic Refuge set forth in the CCP:
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 spirit; 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.

See DEIS at Sec. 1.6.1, p. 1-23. We believe that inclusion of the last sentence pertaining to its wilderness values, "through responsible stewardship this value wilderness is passed on, undiminished, to future generations," is essential. We appreciate the acknowledgement of the traditional cultural values and continuing ties of the Native peoples to this land within the vision.

Additionally, we support the excellent Refuge Goals which aptly undergird management of the Arctic Refuge, particularly Goals 1 and 2 for management for natural ecological processes and exceptional wilderness values. See DEIS at Sec. 1.6.2, p. 1-23. Regarding Goal 2, we encourage the FWS to clarify that the goal that the Arctic Refuge "retains exceptional wilderness values without loss of natural condition and wild character" apply to the entire Refuge.

Finally, we concur with the FWS's consideration of Significant Planning Issues, see DEIS at Sec. 1.10, p. 1-31, and note that the Service correctly did not analyze oil and gas leasing or development scenarios in the range of alternatives, as we describe in more detail below.

B. Chapter 2: Goals, Objectives, Management Policies, and Guidelines

1. WE SUPPORT THE GOALS IDENTIFIED BY FWS IN GENERAL AND BELIEVE THAT THE GOALS IDENTIFIED WILL HELP FWS EFFECTIVELY MANAGE THE ARCTIC REFUGE TO PRESERVE ITS EXCEPTIONAL VALUES

[137014.003 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

[137014.004 Refuge Vision and Goals -- Goal 2 (including objectives)] 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.

Goal 3 is well stated and supports the Wild River refuge purposes.

We support **[Preamble 137014.005]** Goal 4 (Continued Subsistence Opportunities) and urge greater coordination and partnership with local communities and tribal governments as part of the strategies for all objectives. **[137014.005 Refuge Vision and Goals -- Goal 4 (including objectives)]** The goal should also address the Refuge's role in implementation of the International Porcupine Caribou Agreements and should recognize that the rural residents in Alaska who have harvested animals from the Porcupine Caribou Herd for customary and traditional uses "should participate in the conservation of the Porcupine Caribou Herd and its habitat."

We strongly support Goal 5 (Wildlife-dependent and wilderness-associated recreational activities) and its objectives because it embraces the wildlife and wilderness purposes of the Refuge.

[137014.006 Refuge Vision and Goals -- Goal 6 (including objectives)] While we generally support Goal 6 (Evaluation of the Effects of Climate Change), it should be expanded to include the non-intervention policy described in the climate change Management Guidelines to ensure consistency in the CCP's approach. **[137014.007 Refuge Vision and Goals -- Goal 6 (including**

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.

We support Goal 7 (Conduct Research and Monitoring in support of Refuge's role as an internationally recognized benchmark for naturally functioning arctic and subarctic ecosystems)(Sec. 2.1.7, p. 2-22), which correctly emphasizes the significant scientific benchmark the Refuge provides for intact, unbroken ecosystems and that all research and scientific techniques must be carefully evaluated so that this scientific research does not affect the Refuge's ability to continue to serve as a wilderness control. **[137014.008 Refuge Vision and Goals -- Goal 7 (including objectives)]** 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.

Goal 8 (Cultural Resources) is an important goal for the Refuge, and we urge consultation with tribes and local communities and incorporation of traditional knowledge in all objectives.

Goal 9 (Providing Refuge information to diverse audiences near and far) is an important goal, including to further the understanding of the national interest of upholding the Refuge's wilderness and wildlife purposes for these conservation lands.

2. WILDLIFE MANAGEMENT MUST BE CONSISTENT WITH ARCTIC REFUGE PURPOSES AND FWS SHOULD PRECLUDE CONSIDERATION OF ANY INCONSISTENT WILDLIFE MANAGEMENT PROPOSALS

The health of the entire ecosystem must be considered in Arctic Refuge wildlife management and we advocate for an ecosystem approach. Preservation of the entire ecosystem was a fundamental purpose for the Refuge's establishment as embodied in its wilderness preservation purpose, and as further described by ANILCA's purpose for the Refuge: "to conserve fish and wildlife populations and habitats in their natural diversity." [11] **[137014.009 Consultation and Coordination -- State Coordination]** While we recognize the importance of FWS maintaining involvement in the State of Alaska's fisheries, game, and federal subsistence boards' processes, [12] we are concerned with the Alaska Board of Game's ("BOG") tendency to institute regulatory changes that are in direct conflict with Refuge System mandates and federal law. The FWS must state in the Final CCP that Refuge purposes and wilderness values are dominant over conflicting goals of the State of Alaska, and that these purposes and values thus preempt Alaska Fish and Game and Borad of Game rules when necessary.

[137014.010 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] The State of Alaska manages game populations according to the Intensive Management ("IM") statute, which manages game for high levels of human harvest. [13] The IM statute allows for predator control activities, which are patently inconsistent with the Service's mission and federal law, as well as the purposes of the Arctic Refuge — which includes the conservation of "fish and wildlife populations and habitats in their natural diversity." [14] Thus, intensive management and predator control actions are inappropriate in the Arctic Refuge. To ensure clarity to and to dissuade any attempts by the State of Alaska to pursue IM programs on Refuge lands, the 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.

the Draft CCP, however, suggests that FWS should consider clearly incompatible Alaska actions on a case-by-case basis: "[s]eparate 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. [15] FWS need not and should not initiate a compatibility determination or NEPA process to evaluate State-sponsored predator control in Arctic Refuge. Instead, the FWS should incorporate language into the CCP and the draft Compatibility Determinations clearly stating that any regulation or plan — including the use of predator control— which conflicts with federal law or policy and the purposes of the Arctic Refuge will be preempted in the Refuge.

We have some concerns about the draft compatibility determination contained in Appendix G pertaining to State of Alaska Management Activities (DEIS at G-5). We support the Service's statement that these management activities not be included in this blanket compatibility determination.

"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."

[137014.011 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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 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.

3. CONSIDERATION OF CLIMATE CHANGE IN THE PLANNING PROCESS

We are pleased to see that the Service recognizes climate change as a fundamental challenge for the Arctic Refuge and is using the revision of the CCP as an opportunity to incorporate new scientific information pertaining to climate change into future management decisions. [16] The Service has rightly acknowledged that it is required to do so by Secretarial Orders 3226 and 3289. [17]

The Draft CCP states that "[i]n the foreseeable future, the Refuge will favor 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." [18] With its huge size, diverse array of habitats and elevations, and intact, unfragmented habitats, the Arctic Refuge is in a superior position as compared to other conservation units to be managed for "natural adaptation," or allowing nature to take its course, even in the face of the accelerated changes experienced at high latitudes. We, therefore, support climate change-related actions focused on scientific research and monitoring, sharing of traditional knowledge, and public awareness. **[137014.012 Climate and Climate Change -- Cumulative Effect]** 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.

[137014.013 Climate and Climate Change -- Cumulative Effect] 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.

4. RECREATION ISSUES

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 continued promotion of a remote recreation experience.

5. WILD AND SCENIC RIVERS

[137014.014 Wild and Scenic Rivers -- General] Congress, though 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.

6. MANAGEMENT POLICIES AND GUIDELINES

We agree that the Arctic Refuge is unique and with the appropriateness of this description regarding management policies: "direction for Arctic Refuge varies more than other comprehensive conservation plans. Because 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 manipulations of the environment than other refuge plans." (DEIS at 2-31).

[137014.015 Management Categories -- General] 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.

We have concerns about some of the existing and proposed activities that the CCP lists as Appropriate Uses (Sec. 2.4.5 , DEIS at 2-40) and for which compatibility determinations were drafted for public review in Appendix G. Our concerns with the compatibility determination for the State of Alaska Management Activities were addressed in the section, above, on wildlife management.

[137014.016 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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.

Does this commercial access include travel 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.

[137014.017 Management Categories -- Special Management Areas] 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.

[137014.018 Refuge management policies/guidelines -- Land Exchanges] 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). [19] 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." [20] 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)).

[137014.019 Refuge Management Policies/Guidelines -- Coastal Zone Consistency] 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 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.

The sections on Habitat Management (Sec. 2.4.11.1, DEIS at 2-5) and Fish and Wildlife Population Management (Sec. 2.4.12, DEIS at 2-52) contain well-written descriptions of the management approach to meet the refuge goals, including that "the intent of management will be to leave habitats unaltered and unmanipulated" and that the "Refuge focuses on enabling the natural behavior, interactions, and cycles of all native species to continue, with little or no human intervention and manipulation."
The oil and gas leasing, exploration, development, and production prohibitions are described in the section on Mineral Exploration and Development (Sec. 2.4.18.2, DEIS at 2-66), and in Appendix D, Issues Considered but Eliminated from Further Study.

[137014.020 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] 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). Further, **[137014.021 Alternatives - Issues Considered but Eliminated -- Other Issues]** 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.

[137014.022 Alternatives - Issues Considered but Eliminated -- Oil and Gas Development] 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, **[137014.023 Alternatives - Issues Considered but Eliminated -- Other Issues]** 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.

[137014.024 Refuge Management Policies/Guidelines -- Minerals Management] 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).

C. Chapter 3: Issues and Alternatives

1. FWS PROPERLY DID NOT CONSIDER AN "OIL AND GAS ALTERNATIVE"

FWS correctly did not consider an oil and gas alternative, or scenarios which evaluate impacts of oil and gas exploration, development or production from the refuge. [21] NEPA "places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action… [I]t also ensures that the agency will inform the public that it has indeed considered environmental concerns in the decision-making process." Bering Strait Citizens for Responsible Resource Development v. U.S. Army Corps of Engineers, 524 F.3d 938, 947 (9th Cir. 2008) (citing Baltimore Gas & Elec. Co. v. Nat'l Res. Def. Coun., Inc., 462 U.S. 87 (1983)). NEPA requires that an EIS include "alternatives to the proposed action. [22] To help define the alternatives, CEQ regulations require that the agency "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." [23] Thus, under NEPA, an agency only needs to consider alternatives that meet the purpose and need for the proposed action. [24]

The purpose of FWS's proposed action "is to develop a Revised Plan for Arctic Refuge to provide management direction for the next 15 years." [25] The action is needed to:

Update management direction related to national and regional policies and guidelines used to implement Federal laws governing Refuge management[;]

Describe and protect the resources and special values of Arctic Refuge[;] Incorporate new scientific information on resources of the Refuge and surrounding areas[;]

Evaluate current Refuge management direction based on changing public use of the Refuge and its resources[;]

Ensure the purposes of the Refuge and the mission of the Refuge System are being fulfilled[;]

Ensure that opportunities are available for interested parties to participate in the development of management direction[;]

Provide a systematic process for making and documenting resource management decisions[;]

Establish broad management direction for Refuge programs and activities[;] Provide continuity in Refuge management[;]

Establish a long-term vision for the Refuge[;]

Establish management goals and objectives[;]

Define compatible uses[;] Provide additional guidance for budget requests[; and]

Provide additional guidance for planning work and evaluating accomplishments[.][26]

Considering an oil and gas leasing, exploration, development, or production alternative would not achieve any of the management goals or objectives identified by FWS as the need for the agency action. Oil and gas activities are not currently allowed in the Arctic Refuge; ANILCA section 1003 states that the "production of oil and gas from the Arctic National Wildlife Refuge is prohibited and no leasing or other development leading to production of oil and gas from the [Refuge] shall be undertaken until authorized by an act of Congress." [27] Further, oil and gas activities are contrary to the purposes of the Refuge, and are inconsistent with the Refuge's purposes — neither the original purposes establishing the Arctic National Wildlife Range, nor the expanded purposes described in ANILCA. [28] Additionally, the National Wildlife Refuge System Administration Act of 1966, as amended, states that each refuge shall be managed to fulfill both

the purposes for which the original refuge was established and the mission of the Refuge System. [29] The revision of the Arctic Refuge CCP must follow these legal guidelines and set forth management regimes that are consistent with the layered Refuge purposes.

Thus, considering an alternative allowing for oil and gas development in the Arctic Refuge would not achieve the purpose and need for the FWS's revision of the CCP and FWS properly did not consider such an alternative. [30]

2. OTHER ISSUES ELIMINATED FROM DETAILED STUDY

As discussed in our scoping comments and by FWS, the following issues were correctly eliminated from detailed study in the CCP DEIS. See e.g., Chapter 3 on issues and alternatives (Sec. 3.1.2, DEIS at 3-6) and Appendix D-1:

Oil and gas development

Updating seismic data on the Coastal Plain

The ANILCA No More Clause

D. Chapter 5: Environmental Consequences

1. THE CCP EIS FAILS TO ADEQUATELY CONSIDER CUMULATIVE IMPACTS

NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To satisfy NEPA's requirements, the cumulative impacts analysis must be reasonably detailed; as the Ninth Circuit has explained, "[g]eneral statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." Neighbors of Cuddy Mountain v. U.S Forest Serv., 137 F.3d 1372, 1379-80 (9th Cir. 1998). As the Ninth Circuit stated in Lands Council v. Powell, "the general rule under NEPA is that, in assessing cumulative effects, the Environmental Impact Statement must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and the differences between the projects, are thought to have impacted the environment." 379 F.3d 738, 745 (9th Cir. 2004), rev'd on other grounds, Lands Council v. Powell, 395 F.3d 1019 (9th Cit. 2005).

[137014.025 Environmental Consequences -- Cumulative Effects: General] 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.

[137014.026 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."

2. The FWS Failed to Consider and Analyze the Cumulative Impacts to the Refuge and Refuge Management from Multiple Reasonably Foreseeable Future Actions

NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To comply with NEPA, the EIS must contain quantified data and discussion of how the proposed project and reasonably foreseeable future projects will affect the environment. Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

As explained by the Ninth Circuit, NEPA "is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather, it is designed to require such analysis as soon as it can reasonably be done." Kern v. Bureau of Land Management, 284 F.3d 1062, 1072 (9th Cir. 2002). If "it is reasonably possible to analyze the environmental consequences in an EIS . . . the agency is required to perform that analysis." Id.; see also 40 C.F.R. § 1502.16

(must assess the environmental impacts of all "proposed actions"); 40 C.F.R. 1501.12 (agency must identify effects "in adequate detail").

In other words, an agency may not "avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from [a proposed action] . . . merely by saying that the consequences are unclear or will be analyzed later." Id. The agency must also consider the impacts of reasonably foreseeable future actions on the proposed action. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

Reasonably foreseeable future actions under NEPA include proposed projects. N. Alaska Environmental Center v. Kempthorne, 457 F.3d 969, 980 (9th 2006), citing Lands Council v. Powell, 379 F.3d 738, 746 (9th 2004), rev'd on other grounds, 395 F.3d 1019 (9th Cir. 2005). NEPA defines a proposed project as one that is "at that stage in the development . . . when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated." 40 C.F.R. § 1508.23. Additionally, projects where an agency has formally announced the project and has issued a summary of the project are reasonably foreseeable. See Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800, 812 (9th Cir. 1999).

[Preamble 137014.027, 028, 029] 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:

[137014.027 Environmental Consequences -- Cumulative Effects: General] 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.

[137014.028 Environmental Consequences -- Cumulative Effects: General] 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.

[137014.029 Environmental Consequences -- Cumulative Effects: General] 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-Refige 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.

To comply with NEPA, FWS must consider and analyze the impacts from these reasonably foreseeable future projects (as well as any others that the agency is or becomes aware of) on the management, objectives and goals of the Arctic Refuge.

3. The FWS Failed to Consider the Cumulative Impacts of the Action in the ANILCA Section 810 Evaluation

Title VIII of ANILCA recognizes that subsistence uses are a public interest and provides a framework to consider and protect subsistence uses in agency decision making processes. 16 U.S.C. §§ 3111–3126. As the Supreme Court explained:

[t]he purpose of ANILCA § 810 is to protect Alaskan subsistence resources from unnecessary destruction. Section 810 does not prohibit all federal land use actions which would adversely affect subsistence resources but sets forth a procedure through which such effects must be considered and provides that actions which would significantly restrict subsistence uses can only be undertaken if they are necessary and if the adverse effects are minimized.

Amoco Production Co. v. Village of Gambell, Alaska, 480 U.S. 531, 544 (1987).

Thus, ANILCA § 810 imposes a two-tiered process to evaluate a project's impacts on subsistence uses. First, the federal agency:

[i]n determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands...shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.

ANILCA § 810(a), 16 U.S.C. § 3120(a). This initial finding is referred to as the "tier-1" determination, Hanlon v. Barton, 470 F. Supp. 1446, 1448 (D. Alaska 1988), and requires the agency to consider the cumulative impacts in making the determination. Sierra Club v. Penfold, 664 F. Supp 1299, 1310 (D. Alaska 1897), aff'd by Sierra Club v. Penfold, 857 F.2d 1307 (9th Cir. 1988).

If the agency, after conducting the tier-1 analysis, determines that the activity will not "significantly restrict subsistence uses," 16 U.S.C. § 3120(a), then the agency issues a Finding of No Significant Restriction (FONSR) and the requirements of ANILCA § 810 are satisfied. However, if the agency makes the initial determination that the action would "significantly restrict subsistence uses," the agency must then make conduct a "teir-2" analysis, Kunaknana v. Clark, 742 F.2d 1145, 1151 (9th Cit. 1984); Hanlon, 470 F. Supp. at 1448. Under teir-2, the agency must

determine whether any restriction on subsistence is necessary, involves the minimal amount of public lands necessary to accomplish the purpose of the use, occupancy or disposition of public lands, and takes steps to minimize the adverse impacts to subsistence uses and resources. 16 U.S.C. § 3120(a)(1)–(3). Thus, as the Ninth Circuit explained, ANILCA § 810 imposes procedural requirements as well as substantive restrictions on the agency's decisions. Sierra Club v. Marsh, 872 F.2d 497, 502–03 (9th Cir. 1989).

[137014.030 ANILCA -- 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.

IV. CONCLUSION

Thank you for providing the opportunity to comment on the Arctic Refuge draft CCP and EIS. We look forward to working with you to finalize this critical planning effort.

Sincerely,

Dan Ritzman
Alaska Program Director Sierra Club

[1] Of course, a decision not to make a Wilderness recommendation for some or all lands covered in any given planning process does not mean that the lands are not suitable for future wilderness protection.

[2] 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.

[3] See FWS Refuge Management Part 601 National Wildlife Refuge System, 601 FW 1 at 1.16 (July 26, 2006).

[4] Public Land Order 2214 (Dec. 6, 1960).

[5] 94 Stat. 2390, P.L. 96-487 at 303(2) (Dec. 2, 1980).

[6] P.L. 96-487 (Dec. 2, 1980) (emphasis added).

[7] House Report No. 96-97(I) at 174 (April 18, 1979) (emphasis added)

[8] The fact that the two sets of purposes are complimentary and not inconsistent is evidenced by FWS's determination that the pre-ANICLA and ANILCA purposes apply concurrently to those lands within the original Arctic Range.

[9] 601 FW 1 at 1.16.

[10] In its general guidance regarding allowable uses of refuges, FWS appears to have contrary guidance regarding the purposes of refuges established by ANILCA. See FWS Refuge Management Part 603 National Wildlife Refuge System, 603 FW 2 at 2.8 (B) (Nov. 17, 2000) (stating that "Alaska refuges established before the passage of ANILCA have two sets of purposes. 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 they may be inconsistent with

ANILCA or the Alaska Native Claims Settlement Act, in which case the provisions of those Acts control. However, the original purposes for pre-ANILCA refuges apply only to those portions of the refuge established by the prior executive order or public land order, and not to those portions of the refuge added by ANILCA") ((emphasis added). Because this guidance is found in the FWS manual addressing compatibility of uses of refuges and 601 FW 1 directly addresses identifying or determing the purposes of refuges, 601 FW 1 is the controlling guidance on this issue.

[11] ANILCA Sec. 303 (2)(B)(i) (emphasis added).

[12] CCP DEIS at 2-4.

[13] Alaska Statute 16.05.255.

[14] ANILCA Sec. 303 (2)(b)(i) (emphasis added).

[15] CCP DEIS at 2-44 (2.4.9.1 Federal, State, and Local Governments). See also CCP DEIS at 2-55 (stating that "[i]f determined necessary under subsection 2.4.2 (Human Safety and Management Emergencies), Service or State actions involving the killing, relocation, removal, or sterilization of wildlife for the benefit of another species would require appropriate NEPA compliance and an ANILCA Section 810 determination.).

[16] CCP DEIS at 1-2.

[17] CCP DEIS at 2-47.

[18] CCP DEIS at 2-47 and 4-56.

[19] ASRC, 1985, Annual Report.

[20] General Accounting Office. October 6, 1989. Federal Land Management: Chandler Lake Land Exchange not in the Government's best interest. RCED-90-5.

[21] See DEIS at 3-6 (stating that "An oil and gas alternative would not satisfy NEPA's requirement that alternatives meet the purpose and need for the Revised Plan, and the Service has no administrative authority over oil and gas development").

[22] NEPA 102,42 U.S.C.4332(s)(C)(iii).

[23] 40 C.F.R. 1502.13.

[24] See 'Ilio'uloakalani Coal. v. Rumsfeld, 464 F.3d 1083, 1097 (9th Cir. 2006) (stating that "The scope of reasonable alternatives that an agency must consider is shaped by the purpose and need statement articulated by that agency. The [agency] must consider all reasonable alternatives within the purpose and need it has defined"). See also City of Carmel-by-the-Sea v. U.S. Dep't of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997).

[25] DEIS at 1-1.

[26] DEIS at 1-1--1-2. See also DEIS Appendix D at D-1 (stating that "[t]he purpose and need for the Revised Plan is to ensure activities, action, and management fulfill the legal purposes for which the Refuge was established, fulfill the statutory mission of the National Wildlife refuge System [] and provide direction on how the U.S. Fish and Wildlife Service [] will meet these purposes").

[27] 16 U.S.C.3143.

[28] See P.L. 96-487, 303 (2). The original 'Arctic national Wildlife Range' was created in 1960 by Public Land order 2214 "For the purpose of preserving unique wildlife, wilderness and recreational values." Public Land order 2214 (Dec. 6, 1960). The purposes added in ANILCA are:

(i) to conserve fish and wildlife populations and habitats in thei rnatural 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 an dother migratory birds and Arctic char (note that those residing in Alaska's North Slope rivers and lagoons are now classified as Dolly Varden) and grayling; (ii) to fulfill the international fish an dwildlife treaty obligations of the United States; (iii) to provide the opportunity for continued subsistence uses by local residents; and (iv) to ensure water quality and necessary water quantity within the refuge. P.L. 96-487, 94 STAT. 2451 (Dec. 2, 1980).

[29] 16 U.S.C. 668dd(a)(3), 668dd(a)(4)(D).

[30] See 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d at 1097.

[31] As an initial matter, this formulation of cumulative effects misstates the role of considering reasonable foreseeable future actions. As described by the FWS in the DEIS, FWS perceives its duty to require it to look at the impacts from the CCP alternatives. FWS must also consider the impacts of reasonably foreseeable future actions on the CCP alternatives to satisfy NEPA. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

COMMUNICATION NUMBER 32625
Nicole Whittington-Evans, Alaska Regional Director
The Wilderness Society

From: Nicole Whittington-Evans
To: "Sharon_Seim@fws.gov"
Subject:

Nicole Whittington-Evans
Alaska Regional Director
The Wilderness Society | Alaska Regional Office
(office phone) 907.272.9453 x103 | cell: 907.351.8844
www.wilderness.org
Facebook: www.facebook.com/TheWildernessSociety
Twitter: twitter.com/Wilderness

[IMAGE] We protect wilderness and inspire Americans to care for our wild places
- image001.jpg - 1111 TWS Arctic Refuge CCP DEIS Comments.docx
Attachment:

The Wilderness Society

Mr. Richard Voss, Refuge Manager
US Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave., Rm 236
Fairbanks, AK 99701-6237

November 15th, 2011

Re: Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan Draft Environmental Impact Statement

Dear Mr. Voss:

Thank you for the opportunity to comment on the Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan Draft Environmental Impact Statement (DEIS). Please accept the following comments submitted by The Wilderness Society (TWS) regarding the Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan DEIS.

TWS supports Alternative E. We submitted more detailed comments on behalf of six other conservation organizations, and those are hereby incorporated by way of reference into these comments. Please accept these additional comments regarding the Draft Revised Arctic Refuge Plan which are intended to be complimentary and additive to the comments submitted by TWS and six other organizations.

Founded in 1935, TWS's mission is to protect wilderness and to inspire Americans to care for our wild places. Our organization represents approximately 150,000 members nationwide, with close to 500 members in Alaska, all of whom share an interest in how the Arctic National Wildlife Refuge and its wilderness lands are managed.

TWS supports Alternative E because it is the Alternative that would best protect the integrity of the entire Refuge ecosystem, including the very important coastal plain, as well as best achieve the purposes of the Refuge. Alternative E would also best fulfill the vision of those who advocated for establishment of the refuge because it is the best alternative for ensuring that wildness and natural processes will remain as the permanent defining qualities of the entire refuge. Furthermore, Alternative E is the only Alternative which would consolidate administration of nearly the entire Refuge under the provisions of the Wilderness Act, assuring the most appropriate stewardship and strongest protection for this incomparable place. Additionally, Alternative E best supports the overall goals the U.S. Fish and Wildlife Service (USFWS) has identified for the refuge in the DEIS, which we support and generally find to be excellent.

Drawing on the idea of wilderness preservation pioneered by Robert Marshall and Aldo Leopold, the Refuge founders, Olaus and Mardy Murie and others established a bold wilderness vision for the Arctic Refuge. Originally established as the Arctic National Wildlife Range in 1960 by the Eisenhower administration, the Arctic Refuge is the only national wildlife refuge established specifically to preserve wilderness values. Similarly, those who advocated for, authored and passed the Alaska National Interest Lands Conservation Act in 1980 and expanded the Arctic Refuge had a bold vision for Alaska's vast arctic and sub-arctic lands, and this vision involved ecosystem protection, wilderness protection, the protection of subsistence resources, access to those resources and a continued subsistence way of life. The Arctic Refuge was part of this vision, and Alternative E best supports it.

Similarly, those who authored and passed ANILCA in 1980 and expanded the Arctic Refuge had a bold vision for Alaska's vast arctic and sub-arctic lands, including the refuge, and this vision involved ecosystem protection, wilderness protection, the protection of subsistence resources, access to those resources and a continued subsistence way of life

We Commend the USFWS for moving forward and embracing the possibility of bold conservation in this draft plan including wilderness – Our founders would be proud of your work. The agency has developed an excellent draft plan.

There are many aspects of the draft plan that TWS supports. For example, TWS supports:

1. The Wilderness Review underway – great job overall – this is the first wilderness review of any Alaskan refuge that has had its CCP revised, and we congratulate the USFWS for following through with this aspect of refuge planning, which is legally required

2. finalizing the review for all non-wilderness designated areas of the refuge by determining suitable lands for wilderness and recommending wilderness for those suitable lands throughout the refuge

3. recommending wilderness as part of this process in the FEIS and ROD and taking bold steps to ensure wilderness protection for the refuge

4. the USFWS identifying the need for wilderness training and education for its staff and the public

5. TWS supports the Scope of Alternatives

6. The proposed goals, particularly 1 and 2, directing protection of ecological processes and wilderness character;

7. the strong proposed Management Guidelines overall

8. addressing climate change as part of this process and in future management of the refuge

9. the very strong Special Values of the Arctic Refuge section

10. the USFWS recognizing the agency's legal requirement to look beyond the boundaries of the refuge and that the USFWS has shown foresight as the agency considers the conservation role of the refuge locally, regionally, at the State level and as part of the circumpolar Arctic. The agency is rightfully considering other management plans, cooperating with other agencies on planning processes elsewhere that are moving forward, following through with the Landscape Conservation Cooperative as well as considering management of neighboring lands in order to determine the refuge's conservation role.

It is impossible during this moment in time not to consider other activities already underway or proposed in Americas Arctic, and the vital conservation role the Arctic Refuge has and can continue to play into the future, as we contemplate off-shore oil and gas development scenarios, the industrial corridor in the central Arctic and other potential developments on BLM lands in the Western Arctic's National Petroleum Reserve. Indeed the lands comprising the Arctic Refuge have played a vital conservation role during the past 50 years as well as throughout history, prior to the refuge's establishment, and should continue to play this vital conservation role for generations to come. As we sit poised for new industrial development in the Arctic, TWS strongly supports the protection of ecologically valuable lands in America's Arctic in order to ensure the long-term viability of wildlife populations and habitat, people and communities of the Arctic overall as well as for climate change moderation in the Arctic and beyond. The Coastal Plain of the refuge, and the Arctic Refuge overall, is a treasured, vitally important and irreplaceable Arctic landscape – and one that should be protected to ensure future population viability in America's Arctic and the nation.

The Arctic Refuge's Coastal Plain functions as critical birthing grounds for polar bears, many bird species and the internationally important Porcupine Caribou herd. For this reason the people of the Gwich'in Nation call this area "the sacred place where life begins." For the Gwich'in, protecting the Coastal Plain, a vital piece of their traditional way of life and culture which has been based on the Porcupine Caribou herd for thousands of years, is a human rights issue.

We urge the USFWS to take this historic opportunity and recommend wilderness for the Coastal Plain of the Arctic refuge as well as other suitable lands in the refuge. Some would like to develop the Coastal Plain for oil and gas resources, but industrial development is not compatible with the goals 1 and 2 of the draft plan - protecting ecological processes and wilderness character, and we support these goals. Due to the ongoing threat of oil and gas development, the Coastal Plain is TWS's top priority for protection in the refuge, and now more than ever we need bold leadership for conservation in the Arctic.

Among the other goals outlined in the DEIS, TWS strongly supports maintaining the ongoing opportunities for subsistence and viability for local communities in and near the refuge. Goal 8 is particularly important along these lines, and we want to take this opportunity to comment in greater detail regarding this goal. Objective 8.4 of Goal 8 reads as follows:

Objective 8.4: Traditional Knowledge—The Refuge will continue to work with Arctic Borderlands Ecological Knowledge Cooperative and local villages to collect traditional ecological knowledge of the areas ecosystems and wildlife occurrences to gain an understanding of past conditions and current observations.

TWS believes this is a very important goal and objective for the USFWS in managing and administering the refuge, and we urge you to achieve what the agency has outlined here regarding

working with traditional ecological knowledge and local people to gain better understanding of the issues surrounding the refuge.

TWS believes that the USFWS should do all that it can to work with locals to resolve conflicts of all types, including perceived or real conflicts between subsistence and general hunters.

[32625.001 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.

[32625.002 Subsistence -- Access] 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.

[32625.003 Recreation and Visitor Use -- Special Use Permitting] We also strongly urge the USFWS to work with locals interested in guiding hunts on the refuge and working out a reasonable process whereby locals can compete for big game guiding permits within the refuge.

[32625.004 Alternatives - Issues Considered but Eliminated -- Visitor Use Issues] 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.

We support the agency's efforts thus far which include Refuge staff working in concert with polar bear biologists in the Service's Marine Mammals Management office, endangered species specialists in the Service's Fairbanks Fish and Wildlife Field Office, and a wide array of Kaktovik community partners to address immediate concerns regarding commercial and private activities

to promote effective cooperative management of polar bears on and off Refuge lands. Ongoing efforts include: :

- promoting public safety

- improving awareness of minimizing attractants in the village

- understanding local conditions that might contribute to polar bear concentrations and other polar bear distribution considerations

- avoiding harassment of polar bears

- serving as technical advisors for the local community's effort to develop a polar bear management plan infused with a spirit of stewardship

Conclusion:

The USFWS has an historic opportunity when it finalizes this plan, to recommend wilderness for the Coastal Plain of the refuge. We strongly recommend that the agency follow through with this so as to define for the American people strong leadership and management direction for one of America's remaining truly vital conservation resources which will benefit all Alaskans as well as generations of Americans to come.

Sincerely,

Nicole Whittington-Evans
Alaska Regional Director
The Wilderness Society

COMMUNICATION NUMBER 136810
Paul Krausman, President
The Wildlife Society

From: "Terra Rentz"
To:
Subject: Offical Comments regarding the Arctic Refuge CCP

Ms. Seim-

Thank you for the opportunity to submit formal comments on the Arctic NWR CCP. The Wildlife Society is extremely interested in the long-term conservation planning effort relating to the Arctic Refuge.

If you have any questions regarding the attached comments or require additional information or assistance, please don't hesitate to contact me!

All the best-
Terra Rentz

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~~~

position statement regarding resource development on the coastal plain of the Arctic NWR is available at wildlife.org/documents/positionstatements/32-ANWR.pdf.

We believe Alternative E is the preferred alternative because it will result in a large scientific control area across several biomes from the Arctic Coastal Plain to the south side of the Brooks Range where management treatments or development would be highly restricted. This will be of increasing value to as other areas of northern Alaska are developed for minerals or energy. We are writing to you to provide further suggestions for the CCP.

The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association of over 10,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

The CCP should further the purposes of the Arctic NWR as established by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). The Arctic NWR fulfills a unique role in providing habitat for North America's arctic and subarctic wildlife, and as an important summering ground for important and threatened migratory birds. ANWR also provides recreation and subsistence to many users and must be managed to facilitate these uses. In order to satisfy the purposes of the Refuge and reach the goals stated in the CCP, certain management objectives will have to be prioritized. There are new threats to the Refuge that must be addressed such as climate change, wildlife disease, and invasive species. ANWR must be managed to provide adequate wildlife habitat and support vital ecosystem services.

TWS fully supports actions and step-down plans described in Section 2.1. We especially feel the Ecological Inventory and Monitoring Plan (1.2), Research Plan (1.3), ecological review of the Refuge's biological program and draft I&M and research plans (1.4), assessment of climate change and other stressors (1.5), and review of rare species (1.11) described under Goal 1 of Section 2.1 are important to the planning process. As the Refuge initiates these activities, we hope you will call on The Wildlife Society to provide input through the expertise of its members.

[136810.001 Refuge Vision and Goals -- Goal 1 (including 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.

[Preamble 136810.002, 003, 004, 005, 006] TWS proposes the following recommendations and additions to the CCP:

* **[136810.002 Refuge Management Policies/Guidelines -- Ecosystem and Landscape Management]** 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.

* **[136810.003 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management]** 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.

*[**136810.004 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management**] 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.

* **[136810.005 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]** 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.

[136810.006 Refuge CCP -- Evaluation and Revision] 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. The best sound science must be used in creating management plans especially those concerning the management of wildlife and relating to unnatural alterations to wildlife habitat in ANWR.

Thank you for considering the views of wildlife professionals.

Sincerely,
Paul R Krausman, CWB®
President, The Wildlife Society

Excellence in Wildlife Stewardship Through Science and Education

COMMUNICATION NUMBER 32627
Nicole Whittington-Evans, Alaska Regional Director, TWS
Various Environmental Organizations

Friends of Alaska National Wildlife Refuges
Center for Biological Diversity
National Wildlife Refuge Association
Natural Resources Defense Council
The Wilderness Society
Wilderness Watch
World Wildlife Fund

Mr. Richard Voss, Refuge Manager
US Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave., Rm 236
Fairbanks, AK 99701-6237

November 15th, 2011

Re: Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan Draft Environmental Impact Statement

Dear Mr. Voss:

Thank you for the opportunity to comment on the Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan Draft Environmental Impact Statement (DEIS). Please accept the following comments submitted on behalf of the Friends of Alaska National Wildlife Refuges, Center for Biological Diversity, National Wildlife Refuge Association, Natural Resources Defense Council, The Wilderness Society, Wilderness Watch and World Wildlife Fund regarding the Arctic National Wildlife Refuge Draft Revised Comprehensive Conservation Plan DEIS.

The groups represented on this letter support Alternative E. Please find below our more detailed comments regarding our position and the DEIS:

I. Support for Alternative E - The USFWS Should Recommend Wilderness for the Coastal Plain and Other Suitable Lands in the Refuge:

The groups represented on this letter support Alternative E because it is the Alternative that would best protect the integrity of the entire Refuge ecosystem, including the very important coastal plain, as well as best achieve the purposes of the Refuge. Alternative E would also best fulfill the vision of those who advocated for establishment of the refuge because it is the best alternative for ensuring that wildness and natural processes will remain as the permanent defining qualities of the entire refuge. Furthermore, Alternative E is the only Alternative which would consolidate administration of nearly the entire Refuge under the provisions of the Wilderness Act, assuring the most appropriate stewardship and strongest protection for this incomparable place. Additionally, Alternative E best supports the overall goals the U.S. Fish and Wildlife Service (USFWS) has identified for the refuge in the DEIS, which we support and generally find to be excellent.

Drawing on the idea of wilderness preservation pioneered by Robert Marshall and Aldo Leopold, the Refuge founders, Olaus and Mardy Murie and others established a bold wilderness vision for the Arctic Refuge. Originally established as the Arctic National Wildlife Range in 1960 by the Eisenhower administration, the Arctic Refuge is the only national wildlife refuge established specifically to preserve wilderness values. Similarly, those who advocated for, authored and passed the Alaska National Interest Lands Conservation Act in 1980 and expanded the Arctic Refuge had a bold vision for Alaska's vast arctic and sub-arctic lands, and this vision involved ecosystem protection, wilderness protection, the protection of subsistence resources, access to those resources and a continued subsistence way of life. The Arctic Refuge was part of this vision, and Alternative E best supports it.

The purposes of the refuge identified in ANILCA include:

(i) to conserve fish and wildlife populations and habitats in their natural 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.

The Revised CCP DEIS demonstrates and articulates the rationale for why wilderness protection for all three wilderness study areas within the draft plan – the Coastal Plain, Brooks Range and the Porcupine Plateau - would not only best achieve the purposes of the refuge, but also best achieve the mission of the Refuge System 1. In the Wilderness reviews for all three Wilderness Study Areas in the refuge and for all refuge purposes, the DEIS indicates that wilderness would best achieve the purposes of the refuge. For example, the DEIS indicates regarding the suitability of the Coastal Plain Wilderness Study Area and achieving refuge purposes:

By definition, wilderness designation preserves wilderness values, including the area's natural scenic conditions, intact ecological processes, and the inherent wild character of its various life forms. Designation would require Refuge management to be more attentive to these qualities and would likely increase public scrutiny of any proposed actions that might diminish them. Wilderness designation could better protect the area's undeveloped character by potentially precluding structures and installations, such as radio repeater stations, where they are unnecessary for meeting Refuge purposes, including the purposes of the Wilderness Act.2

Virtually identical statements are made in the DEIS in the suitability analyses for both the Brooks Range and Porcupine Plateau Wilderness Study Areas as well. By preserving wilderness values, the USFWS would best achieve refuge purposes, including "conserving fish and wildlife populations and their habitats in their natural diversity; fulfilling international treaty obligations of the United States with respect to fish and wildlife and their habitats; providing . . . the opportunity for continued subsistence uses by local residents; and ensuring . . . .water quality and quantity.

Further, regarding the Refuge System Mission, the DEIS states that wilderness:

"would provide the greatest assurance that . . . .[the Brooks Range, Porcupine Plateau and Coastal Plain areas] . . . . would remain unaltered and essentially free of the intent to control or

manipulate the land, its creatures, and natural processes, thereby ensuring the area retains its ecological integrity now and for future generations." 3
Thus the DEIS strongly demonstrates that Alternative E, which includes wilderness recommendations for all three Wilderness Study Areas, would best meet refuge purposes and the mission of the overall Refuge System.

Additionally, the entire Refuge is eminently qualified for Wilderness designation. This is well documented in the three reviews presented in this Draft CCP. Any wilderness recommendation that is less than what Alternative E proposes could be interpreted by some in Congress to indicate that not all of the Refuge is suitable for Wilderness protection. This is a critical point in the history of the Refuge. Now is the time to speak for the whole Refuge in a manner that will assure that this entire magnificent place will remain wild and free. For all of the above reasons and more, the groups represented on this letter strongly support Alternative E and the agency's preliminary wilderness recommendations for all three of the Wilderness Study Areas.

We commend the USFWS for moving forward and embracing the possibility of bold conservation in this draft plan including recommending wilderness. We strongly urge the USFWS to take this historic opportunity and recommend wilderness for the Coastal Plain of the Arctic refuge as well as other suitable lands in the refuge. Some would like to develop the Coastal Plain for oil and gas resources, but industrial development is not compatible with goals 1 and 2 of the draft plan - protecting ecological processes and wilderness character, and we support these goals. Due to the ongoing threat of oil and gas development, the Coastal Plain is our top priority for protection in the refuge, and now more than ever we need bold leadership for conservation in the Arctic.

An important component of Alternative E is that it would bestow Wilderness protection for the Coastal Plain of the Refuge as well as nearly all of the other lands within the Refuge that are currently not designated as Wilderness. The Arctic Refuge's coastal plain functions as a critical birthing ground for polar bears, many bird species and the internationally significant Porcupine Caribou herd. The coastal plain also has been a vital resource for communities in the Arctic, including both Inupiat and Athabaskan cultures. The people of the Gwich'in Nation, for example, call this area "the sacred place where life begins." For the Gwich'in, protecting the coastal plain of the refuge - a vital piece of their traditional way of life and culture for thousands of years that is centered around the Porcupine Caribou herd - is a human rights issue.

We believe the USFWS has carefully considered the needs of local villages in this Alternative and determined that intensively used lands directly adjacent to villages, totaling over 190,000 acres, are not suitable for wilderness recommendation. This will ensure the continuation of such local community activities and prevent potential management conflicts. We support this effort on the part of the agency, as we strongly support the continued viability of local communities and their subsistence way of life. Overall we believe that wilderness designation provides a positive influence through the protection it provides for the fish, wildlife, plants and water resources that are vital for the subsistence of local people. In addition, we also believe that ANILCA provided necessary and sufficient exceptions regarding wilderness uses for subsistence and other local community needs in order to ensure the long-term viability of local communities, subsistence resources and access to those resources.

II. The USFWS Fulfilled Its Legal Mandate With The Inclusion of a Wilderness Review in This Planning Effort.

Both existing and potential future designated wilderness is a resource and a value of the Refuges which must be addressed. The Service's laws and policies require that wilderness reviews be conducted as part of the CCP process. For example, Section 304(g)(1) and (2) of the Alaska Lands

Act directs the Service to develop and periodically revise CCP's which must identify and describe the special values of the refuge, including wilderness values. Specifically the Alaska National Interest Lands Conservation Act (ANILCA) Section 304(g) states:

(1) The Secretary shall prepare, and from time to time, revise, a comprehensive conservation plan (hereinafter in this subsection referred to as the 'plan') for each refuge.
(2) Before developing a plan for each refuge, the Secretary shall identify and describe – (A) the populations and habitats of the fish and wildlife resources of the refuge; (B) the special values of the refuge, as well as any other archeological, cultural, ecological, geological, historical, paleontological, scenic, or wilderness value of the refuge;"

Additionally, Section 1317(a) of ANILCA directs the Service to study all of the non-wilderness lands in Alaska refuges and recommend areas suitable for inclusion in the National Wilderness Preservation System. Section 1317(a) of ANILCA states:

Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 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 non-suitability 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.

[32627.001 ANILCA -- Designated Wilderness and ANILCA] 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.

The purpose of section 1002 of ANILCA was to:

. . . provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the 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.

The resulting baseline studies cost millions of dollars and have been completed. To no one's surprise, the studies provided volumes of evidence that the coastal plain is an extraordinary wilderness enclave and vital wildlife sanctuary. 4

Additionally, the National Environmental Policy Act requires that an agency analyze a reasonable range of alternatives in every agency action, such as a planning process like the CCP Revision. Because all values and uses of the refuges must be considered in a broad planning effort such as a CCP revision, analysis of wilderness recommendations is included within the reasonable range of alternatives.

The Service's Refuge Planning Policy (65 Federal Register 33892, May 25, 2000), which "applies to all units of the National Wildlife Refuge System" (i.e., it applies to refuges in Alaska) (602 FW

1.2), also requires that a new wilderness review be conducted as one of the required elements of all CCPs. Specifically, the Service's planning policy directs the following:

* "Concurrent with the CCP process, we will conduct a wilderness review and incorporate a summary of the review into the CCP." (602 FW 3.4(C)(1)(c)

* "Identify and describe the following conditions and their trends for the planning unit and, as appropriate, for the planning area: … (xx) Existing special management areas, or the potential for such designations (e.g. wilderness, research natural areas, and wild and scenic rivers." (602 FW 3.4(C)(1)(e)

* "Develop a range of alternatives, or different approaches to planning unit management, that we could reasonably undertake … to help achieve the goals of the National Wilderness Preservation System." (602 FW 3.4(C)(4)(b)

* The "Checklist of Required Comprehensive Conservation Plan Elements" found in Exhibit 3-3 of the planning policy includes "Wilderness review." "Wilderness review" is defined in the policy as "[t]he process we use to determine if we should recommend Refuge System lands and waters to Congress for wilderness designation. The wilderness review process consists of three phases: inventory, study, and recommendation. The inventory is a broad look at the refuge to identify lands and waters that meet the minimum criteria for wilderness. The study evaluates all values (ecological, recreational, cultural), resources (e.g. wildlife, water, vegetation, minerals, soils), and uses (management and public) within the Wilderness Study Area. The findings of the study determine whether we will recommend the area for designation as wilderness."

There is also a key directive from "Fulfilling the Promise: The National Wildlife Refuge System" – the Service's vision document, released in March 1999, that guides administration of the Refuge System. That document directed in part that:

"The Service should evaluate lands added to the System since the Service completed its wilderness reviews and recommend suitable areas for designation. In addition, the Service should take a fresh look at areas previously studied for suitability as wilderness that were not recommended. For example, while the Service determined, in 1985, that 52.7 million acres of refuge lands in Alaska qualified for designation as wilderness, only 3.4 million acres were recommended for such designation. On many refuges, circumstances and management may have changed since the recommendations were made." (pg. 23)

In addition, the Service's recently finalized Wilderness Policy allows wilderness reviews for Alaska refuges, and other legislation, regulations and guiding policies as outlined above directing the agency specify that wilderness reviews will be completed during CCP planning processes.

Thus, the legal requirements for including wilderness reviews and recommendations within CCP revision processes are clearly laid out, and we support the Service's review of all suitable wilderness lands in this planning process.

Without completing a wilderness review and/or making recommendations for wilderness, we believe the Service would be out of compliance with ANILCA, the National Environmental Policy Act (NEPA) and the agency's own policies and guidelines. The U.S. District Court ruled in 2001 (Sierra Club v. Lyons, No. J00-0009-CV (D. Alaska March 30, 2001)) in a similar situation that the Forest Service needed to complete a wilderness review and analyze wilderness recommendations for the Tongass Land Management Plan in order to satisfy requirements of NEPA. We strongly support the USFWS's decision to fulfill its legal obligations by completing a wilderness review as part of this planning process.

III. Conservation Role of the Arctic Refuge in America's Arctic:

It is impossible during this moment in time not to consider other activities already underway or proposed in America's Arctic, and the vital conservation role the Arctic Refuge has and can and should continue to play into the future, as we contemplate off-shore oil and gas development scenarios, the industrial corridor in the central Arctic and other potential developments on BLM lands in the Western Arctic's National Petroleum Reserve - Alaska. Indeed the lands comprising the Arctic Refuge have played a vital conservation role during the past 50 years as well as throughout history, prior to the refuge's establishment, and should continue to play this critical conservation role for generations to come.

As we sit poised for new industrial development in the Arctic, the groups represented on this letter continue to strongly support the protection of ecologically valuable lands in America's Arctic in order to ensure the long-term viability of wildlife populations and habitat, people and communities of the Arctic overall as well as for climate change moderation in the Arctic and beyond. Indeed the Refuge founders called for it to be an area that is left alone to function as a scientific control in order to better understand and manage the effects of human activities elsewhere in the Arctic. Its value in this regard is more evident than ever as industrial development and other activities increase in the Arctic region. The Coastal Plain of the refuge, and the entire Arctic Refuge, is a treasured, vitally important and irreplaceable Arctic landscape – and one that should be protected to ensure future population viability in America's Arctic and the nation.

IV. Overall Support for the Draft Plan:

In general, there are many aspects of the draft plan that groups represented on this letter support. We outline many of these here and then discuss some of them in greater detail below. The aspects of the plan that we support overall include:

* The excellent and nicely articulated vision.

* The Wilderness Review underway. This is the first wilderness review of any Alaskan refuge that has had its CCP revised, and we congratulate the USFWS for finally following through with this aspect of refuge planning, which is legally required.

* Analyzing all non-wilderness designated areas of the refuge in the Wilderness Review.

* Determining suitable lands for wilderness throughout the refuge.

* Identifying the need for wilderness training for its staff and education for the public about the Refuge wilderness.

* The scope of the Alternatives.

* The proposed goals, especially 1 and 2, directing protection of ecological processes and wilderness character.

* The strong proposed Management Guidelines overall.

* Addressing climate change as part of this process and in future management of the refuge.

* The very strong Special Values of the Arctic Refuge section.

* The USFWS recognizing the agency's legal requirement to look beyond the boundaries of the refuge and the foresight the agency has demonstrated as it considers the conservation role of the refuge locally, regionally, at the State level and as part of the circumpolar Arctic. The agency is rightfully considering other management plans, cooperating with other agencies on planning

processes elsewhere in the Arctic that are moving forward, and is following through with the Landscape Conservation Cooperative as well as considering management of neighboring lands in order to determine the refuge's conservation role.

While there is much that we support in this Draft Plan, we believe that the Final CCP must require that the Service address the long standing issues relating to visitor use and wilderness stewardship which have led to the impairment of wilderness character in several areas of the refuge. We offer recommendations regarding how this long neglected situation must be corrected in section: VII. Wilderness Stewardship and Visitor Use Issues, below.

V. Goals, Objectives and Management Guidelines in the Plan:

We support all of the proposed goals overall, especially 1 and 2, specifying protection of ecological processes and wilderness character.

A) Goal 1 - We support Refuge Goal 1 and appreciate that the CCP recognizes that the importance of managing without intent to alter natural order and evolution, regardless of the cause of change.

1) **[32627.002, Preamble 003]** 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). **[32627.003 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

2) Strategy - 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. We start by considering the historical structure and function of Refuge ecosystems that, based on sound professional judgment, were believed to exist prior to substantial human-related changes to the landscape. Refuge management actions will be focused on maintaining those conditions but will recognize that climate change or other factors external to the Refuge may ultimately make maintenance of historic conditions unattainable.

In some cases, adaptive management that restores or mimics natural ecosystem processes or functions to achieve Refuge purpose(s) will be considered, but active manipulation of habitats and populations will generally be avoided and that the Refuge will be allowed to adapt or evolve to a new natural state.

In general, the retention, protection and restoration of the wilderness character must be the highest goal. Wilderness management is entirely about protecting the area's wilderness character. To maintain or restore wilderness character some manipulation may be required in rare instances. For example, it may be necessary to take action to provide interim protection for an imperiled species to aid its recovery, as was done for the California golden trout in the Golden Trout Wilderness. On the other hand, as your document says, we do not favor manipulation generally. Climate change may create a situation where some management actions would be needed to maintain species deemed part of the wilderness character, but those actions would need to be considered in the context of how they affect other components of the area's wilderness character. Protection of wilderness character must be the guiding principle overall.

3) **[32627.004 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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. **[32627.005 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

4) **[32627.006 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

5) **[32627.007 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

6) **[32627.008, Preamble 009]** 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. Also, **[32627.009 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

7) **[32627.010 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

8) **[32627.011 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

B) **[32627.012 Refuge Vision and Goals -- Goal 2 (including objectives)]** Goal 2 - We support this goal, however, it should be modified in the Final Plan to acknowledge that where wilderness

character has already been impaired, that actions will be taken to restore it and prevent impairment in the future (please see our further comments below under section: VII. Wilderness Stewardship and Visitor Use Issues).

1) **[32627.013 Refuge Vision and Goals -- Goal 2 (including objectives)]** 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. (see our further comments below under section: VII. Wilderness Stewardship and Visitor Use Issues).

2) **[32627.014 Refuge Vision and Goals -- Goal 2 (including objectives)]** 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 Draft CCP only addresses restoration on minimal management lands.

3) **[32627.015 Refuge Vision and Goals -- Goal 2 (including objectives)]** Objective 2.5: Administrative Facilities: 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.

4) **[32627.016 Refuge Vision and Goals -- Goal 2 (including objectives)]** Objective 2.6: Wilderness Character Monitoring: We generally support this in concept, however, we are concerned that wilderness qualities have already degraded in some areas of the designated Wilderness, and the Draft CCP does not commit to address this long standing issue in a timely enough manner (see our further comments under section: VII. Wilderness Stewardship and Visitor Use Issues).

C) **[Preamble 32627.017]** Goal 5 – We support this goal overall and have suggestions regarding the proposed priority and schedule for wilderness stewardship and visitor use plans.

We fully support the goal to provide 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. This is in keeping with the type of "recreation" that Refuge founders had in mind when they worked for establishment of the original Arctic National Wildlife Range. It is one of the characteristics for which the Arctic Refuge is renowned and is very important to nearly all visitors who come to the Refuge. **[32627.017 Step-Down Plans -- Wilderness Stewardship Plan]** We concur with most underlying objectives for this goal, however have significant concerns about the priority and schedule that is proposed (Pages 6-3 to 6-6) for wilderness stewardship and visitor use plans. Please see our comments under Wilderness Stewardship. This important goal for the Arctic Refuge will not be achieved if Objective 5.3 Visitor Use Management Plan is not given the highest priority, and accomplished in a shortened timeframe.

D) **[32627.018 Refuge Management Policies/Guidelines -- Fish and Wildlife Habitat Management]** 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. The approach to leave habitats unaltered and un-manipulated so that natural processes are allowed to continue, is entirely in keeping with the original purposes of the Arctic National Wildlife Range (1960), as well as the ANILCA purposes and Wilderness Act purposes as well. In addition, this guideline is essential in preserving the Special Values of the Arctic Refuge and in meeting CCP plan requirements in Section 304(g)(3)(A)(ii) of ANILCA. It is also important to acknowledge that it was the intent of Refuge founders that the Arctic Refuge be preserved in its natural condition, as scientific benchmark of great value.

VI. **[32627.019 Refuge Values -- Special Values of Refuge]** Special Values of Arctic Refuge

We support the Special Values of Arctic Refuge as they appear in the Draft CCP (Pages 1-20 to 1-22). The Final CCP should retain this section as it exists and require that the Special Values of the Refuge are used to guide all management decisions for the Refuge.

VII. Wilderness Stewardship and Visitor Use Issues:

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 in public comments, letters of complaint, news articles and in 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 have only been 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. **[32627.020 Alternatives - Issues Considered but Eliminated -- Visitor Use Issues]** 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. **[32627.021 Step-Down Plans -- Wilderness Stewardship Plan]** 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.

[32627.022 Step-Down Plans -- Wilderness Stewardship Plan] We are concerned about the Service's commitment to addressing wilderness stewardship issues appropriately and in a timely manner. The priority and schedule provided on pages 6-3 to 6-6 indicates that the 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. 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.

[Preamble 32627.023, 024] In addition, we have the following specific comments regarding wilderness stewardship and visitor use:

* **[32627.023 ANILCA -- Planning Requirements]** 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.

* **[32627.024 Wild and Scenic Rivers -- Kongakut River]** 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.

* **[32627.025 Wild and Scenic Rivers -- Kongakut River]** 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.

* **[32627.026 Wilderness -- Effects of Alternatives]** On 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.

* **[32627.027 Recreation and Visitor Use -- Monitoring]** 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.

* **[32627.028 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings]** The need for appropriate regulation of aircraft access in the Refuge is also a widely recognized issue due to a progression of long term impacts to soils, vegetation, visual esthetics and other wilderness characteristics. The final CCP must commit to addressing aircraft issues in a manner that incorporates appropriate (reasonable regulations) "to protect natural and other values" (Section 1110 ANILCA). Because aircraft access is intimately associated with visitor use and wilderness stewardship, these concerns must be integrated into a subsequent wilderness stewardship plan.

* **[32627.029 Refuge Infrastructure and Administration -- Administrative Sites]** 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.

* **[32627.030 Refuge Operations -- Effects of Alternatives]** 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.

* **[32627.031 Step-Down Plans -- Wilderness Stewardship Plan]** 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).

* **[32627.032 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.

* **[32627.033 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.

* **[32627.034 Transportation and Access -- Mode of Transportation]** 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.

* **[32627.035 Refuge Infrastructure and Administration -- Administrative Sites]** Page 2-71 (Administrative Sites and Visitor Facilities): The Final CCP should clearly indicate in the Management Guidelines that the construction or the placement of any new administrative buildings is prohibited in the Refuge.

* **[32627.036 Refuge Management Policies/Guidelines -- Recreation and Other Public Use]** 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.

VIII. State "Game" Management and Refuge Management

[32627.037 Wildlife -- Predator Control] 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.

[32627.038 Refuge Management Policies/Guidelines -- Cooperation and Coordination 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.

[32627.039 Consultation and Coordination -- State 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.

IX. Wild and Scenic River Review:

[32627.040 Wild and Scenic Rivers -- General] 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. Additionally, **[32627.041 Wild and Scenic Rivers -- General]** the agency needs to indicate how it has met and intends to continue to meet the requirements of the Act in managing portions of the Ivishak,

upper Sheenjek and Wind rivers within the boundaries of the Arctic Refuge that were designated as wild rivers in Section 602 of ANILCA, and address how the agency is maintaining the outstanding values associated with the Refuge's three Wild Rivers.
[Preamble 32627.042] 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)

[32627.042 Wild and Scenic Rivers -- General] 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.

X. Management Categories and the State USFWS Template:

[Preamble 32627.043] 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. **[32627.043 Transportation and Access -- Mode of Transportation]** 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.

Further, **[32627.044 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category]** 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. Further, **[32627.045 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.

XI. State RS2477 Right-of-Way Claims:

We agree with the Service that the identification of RS 2477 rights-of-way by the State of Alaska does not automatically establish their validity; rather, such claimed rights-of-way are not valid until they have been determined to be so through a legitimate process applying the proper standards – either through demonstration that these rights were perfected prior to the enactment of the Federal Land Policy and Management Act of 1976, or through an appropriate judicial process. Under no circumstances do we think that section line easements may be legitimate RS 2477 rights-of-way. We appreciate the Service's disclosure of the States assertions regarding RS2477.

XII. **[32627.046 ANILCA -- General]** 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.

[Preamble 32627.047] The original Arctic Range was established in 1960 "to preserve unique wildlife, wilderness, and recreational values."7 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: (v) to conserve fish and wildlife populations and habitats in their natural 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; (vi) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats; (vii) 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 (viii) 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.[8]

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.[9]

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 re-designated unit and additions to existing units. Enumeration of purposes is not exclusive, but is set forth as a guide for management."10

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.11 All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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 re-designated Arctic Refuge and that the purposes included in ANILCA were to be inclusive, rather than exclusive, of existing Arctic Refuge purposes.

As the USFWS'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.[12]

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).

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,13 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 Congress that the original Arctic Range purposes should not apply to the entire Arctic Refuge.

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.14 All of the values recognized in both sets of purposes support the other recognized values; for example, recognizing and managing to protect the wildness 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.

Thus, **[32627.047 ANILCA -- Designated Wilderness and ANILCA]** in applying USFWS's policy to determine the purposes of a refuge, for USFWS'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 Congress that the original Arctic Range purposes should not apply to the entire Arctic Refuge. Without such an indication from Congress, the original Arctic Range purposes should apply to the entire Arctic Refuge. 15

Accordingly the purposes of the original Arctic Range apply to the entire Arctic Refuge. The FWS thus should correct this mistake in the CCP.

XIII. FWS Properly Did Not Consider An "Oil and Gas Alternative"

FWS correctly did not consider an oil and gas alternative, or scenarios which evaluate impacts of oil and gas exploration, development or production from the refuge.16 NEPA "places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action… [I]t also ensures that the agency will inform the public that it has indeed considered environmental concerns in the decision-making process." Bering Strait Citizens for Responsible Resource Development v. U.S. Army Corps of Engineers, 524 F.3d 938, 947 (9th Cir. 2008) (citing Baltimore Gas & Elec. Co. v. Nat'l Res. Def. Coun., Inc., 462 U.S. 87 (1983)). NEPA requires that an EIS include "alternatives to the proposed action.17 To help define the alternatives, CEQ regulations require that the agency "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."18 Thus, under NEPA, an agency only needs to consider alternatives that meet the purpose and need for the proposed action.19

The purpose of FWS's proposed action "is to develop a Revised Plan for Arctic Refuge to provide management direction for the next 15 years."20 The action is needed to:

* Update management direction related to national and regional policies and guidelines used to implement Federal laws governing Refuge management[;] ***

* Describe and protect the resources and special values of Arctic Refuge[;]

* Incorporate new scientific information on resources of the Refuge and surrounding areas[;] ***
* Evaluate current Refuge management direction based on changing public use of the Refuge and its resources[;] ***

* Ensure the purposes of the Refuge and the mission of the Refuge System are being fulfilled[;]

* Ensure that opportunities are available for interested parties to participate in the development of management direction[;]

* Provide a systematic process for making and documenting resource management decisions[;]

* Establish broad management direction for Refuge programs and activities[;]

* Provide continuity in Refuge management[;]

* Establish a long-term vision for the Refuge[;]

* Establish management goals and objectives[;]

* Define compatible uses[;]

* Provide additional guidance for budget requests[; and]

* Provide additional guidance for planning work and evaluating accomplishments[.][21]

Considering an oil and gas leasing, exploration, development, or production alternative would not achieve any of the management goals or objectives identified by FWS as the need for the agency action. Oil and gas activities are not currently allowed in the Arctic Refuge; ANILCA section 1003 states that the "production of oil and gas from the Arctic National Wildlife Refuge is prohibited and no leasing or other development leading to production of oil and gas from the [Refuge] shall be undertaken until authorized by an act of Congress."22 Further, oil and gas activities are contrary to the purposes of the Refuge, and are inconsistent with the Refuge's purposes — neither the original purposes establishing the Arctic National Wildlife Range, nor the expanded purposes described in ANILCA.23 Additionally, the National Wildlife Refuge System Administration Act of 1966, as amended, states that each refuge shall be managed to fulfill both the purposes for which the original refuge was established and the mission of the Refuge System.24 The revision of the Arctic Refuge CCP must follow these legal guidelines and set forth management regimes that are consistent with the layered Refuge purposes.

Thus, considering an alternative allowing for oil and gas development in the Arctic Refuge would not achieve the purpose and need for the FWS's revision of the CCP and FWS properly did not consider such an alternative.25

XIV. Other Areas of the DEIS that Need to Be Strengthened:

A) **[Preamble 32627.048]** The FWS Does Not Adequately Consider the Cumulative Impacts of the Action in the ANILCA Section 810 Evaluation

NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To satisfy NEPA's requirements, the

cumulative impacts analysis must be reasonably detailed; as the Ninth Circuit has explained, "[g]eneral statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." Neighbors of Cuddy Mountain v. U.S Forest Serv., 137 F.3d 1372, 1379-80 (9th Cir. 1998). As the Ninth Circuit stated in Lands Council v. Powell, "the general rule under NEPA is that, in assessing cumulative effects, the Environmental Impact Statement must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and the differences between the projects, are thought to have impacted the environment." 379 F.3d 738, 745 (9th Cir. 2004), rev'd on other grounds, Lands Council v. Powell, 395 F.3d 1019 (9th Cit. 2005).

[32627.048 Environmental Consequences -- Cumulative Effects: General] 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 5-2.26 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, **[32627.049 Environmental Consequences -- Cumulative Effects: General]** 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.

[32627.050 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."

B) The FWS Failed to Consider and Analyze the Cumulative Impacts to the Refuge and Refuge Management from Multiple Reasonably Foreseeable Future Actions

NEPA requires that agencies disclose the environmental impacts of an action within the Environmental Impact Statement (EIS). 42 U.S.C. § 4332(2)(C)(i), (ii). See also 40 C.F.R. § 1508.25(c). The environmental impacts of an action include the direct, indirect and cumulative impacts. 40 C.F.R. § 1502.16. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. To comply with NEPA, the EIS must contain quantified data and discussion of how the proposed project and reasonably foreseeable future projects will affect the environment. Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

As explained by the Ninth Circuit, NEPA "is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather, it is designed to require such analysis as soon as it can reasonably be done." Kern v. Bureau of Land Management, 284 F.3d 1062, 1072 (9th Cir. 2002). If "it is reasonably possible to analyze the environmental consequences in an EIS . . . the agency is required to perform that analysis." Id.; see also 40 C.F.R. § 1502.16 (must assess the environmental impacts of all "proposed actions"); 40 C.F.R. 1501.12 (agency must identify effects "in adequate detail").

In other words, an agency may not "avoid an obligation to analyze in an EIS environmental consequences that foreseeably arise from [a proposed action] . . . merely by saying that the consequences are unclear or will be analyzed later." Id. The agency must also consider the impacts of reasonably foreseeable future actions on the proposed action. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

Reasonably foreseeable future actions under NEPA include proposed projects. N. Alaska Environmental Center v. Kempthorne, 457 F.3d 969, 980 (9th 2006), citing Lands Council v. Powell, 379 F.3d 738, 746 (9th 2004), rev'd on other grounds, 395 F.3d 1019 (9th Cir. 2005). NEPA defines a proposed project as one that is "at that stage in the development . . . when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated." 40 C.F.R. § 1508.23. Additionally, projects where an agency has formally announced the project and has issued a summary of the project are reasonably foreseeable. See Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800, 812 (9th Cir. 1999).

[Preamble 32627.051, 052, 053] 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:

* **[32627.051 Environmental Consequences -- Cumulative Effects: General]** 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.

* **[32627.052 Environmental Consequences -- Cumulative Effects: General]** 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.

* **[32627.053 Environmental Consequences -- Cumulative Effects: General]** 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.

To comply with NEPA, FWS must consider and analyze the impacts from these reasonably foreseeable future projects (as well as any others that the agency is or becomes aware of) on the management, objectives and goals of the Arctic Refuge.

[Preamble 32627.054] C) The FWS Failed to Consider the Cumulative Impacts of the Action in the ANILCA Section 810 Evaluation

Title VIII of ANILCA recognizes that subsistence uses are a public interest and provides a framework to consider and protect subsistence uses in agency decision making processes. 16 U.S.C. §§ 3111–3126. As the Supreme Court explained:

[t]he purpose of ANILCA § 810 is to protect Alaskan subsistence resources from unnecessary destruction. Section 810 does not prohibit all federal land use actions which would adversely affect subsistence resources but sets forth a procedure through which such effects must be considered

and provides that actions which would significantly restrict subsistence uses can only be undertaken if they are necessary and if the adverse effects are minimized.

Amoco Production Co. v. Village of Gambell, Alaska, 480 U.S. 531, 544 (1987).

Thus, ANILCA § 810 imposes a two-tiered process to evaluate a project's impacts on subsistence uses. First, the federal agency:

[i]n determining whether to withdraw, reserve, lease, or otherwise permit the use, occupancy, or disposition of public lands . . . shall evaluate the effect of such use, occupancy, or disposition on subsistence uses and needs, the availability of other lands for the purposes sought to be achieved, and other alternatives which would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes.

ANILCA § 810(a), 16 U.S.C. § 3120(a). This initial finding is referred to as the "tier-1" determination, Hanlon v. Barton, 470 F. Supp. 1446, 1448 (D. Alaska 1988), and requires the agency to consider the cumulative impacts in making the determination. Sierra Club v. Penfold, 664 F. Supp 1299, 1310 (D. Alaska 1897), aff'd by Sierra Club v. Penfold, 857 F.2d 1307 (9th Cir. 1988).

If the agency, after conducting the tier-1 analysis, determines that the activity will not "significantly restrict subsistence uses," 16 U.S.C. § 3120(a), then the agency issues a Finding of No Significant Restriction (FONSR) and the requirements of ANILCA § 810 are satisfied. However, if the agency makes the initial determination that the action would "significantly restrict subsistence uses," the agency must then make conduct a "teir-2" analysis, Kunaknana v. Clark, 742 F.2d 1145, 1151 (9th Cit. 1984); Hanlon, 470 F. Supp. at 1448. Under teir-2, the agency must determine whether any restriction on subsistence is necessary, involves the minimal amount of public lands necessary to accomplish the purpose of the use, occupancy or disposition of public lands, and takes steps to minimize the adverse impacts to subsistence uses and resources. 16 U.S.C. § 3120(a)(1)–(3). Thus, as the Ninth Circuit explained, ANILCA § 810 imposes procedural requirements as well as substantive restrictions on the agency's decisions. Sierra Club v. Marsh, 872 F.2d 497, 502–03 (9th Cir. 1989).

[32627.054 ANILCA -- 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.

XV. Conclusion:

The USFWS has an historic opportunity when it finalizes this plan, to recommend wilderness for the whole refuge and especially its Coastal Plain. We strongly recommend that the agency follow through with this so as to define for the American people strong leadership and management direction for one of America's remaining truly vital conservation resources which will benefit all Alaskans as well as generations of Americans to come. We encourage you to recommend Wilderness designation for all suitable lands in the Refuge (Alternative E), and to finally implement appropriate wilderness stewardship of this remarkable National treasure, the Arctic National Wildlife Refuge.

Thank you very much for this opportunity to comment on the Arctic Refuge plan.

Sincerely,

Nicole Whittington-Evans
Alaska Regional Director
The Wilderness Society

On behalf of:

David C. Raskin, PhD
Board Member - Advocacy
Friends of Alaska National Wildlife Refuges
davidcraskin@yahoo.com

Rebecca Noblin
Alaska Director
Center for Biological Diversity
rnoblin@biologicaldiversity.org

Desiree Sorenson-Groves
Vice President, Gov. Affairs
National Wildlife Refuge Association
dgroves@refugeassociation.org

Charles M. Clusen
Director, Alaska Project
Natural Resources Defense Council
cclusen@nrdc.org

Fran Mauer
Alaska Chapter
Wilderness Watch
fmauer@mosquitonet.com

Margaret D. Williams
Director, WWF Arctic Field Program
World Wildlife Fund
margaret.williams@wwfus.org

1 See pages H-16 through H-28 in the Revised CCP DEIS.

2 See Appendix H, p. H-26, Section H.3.3, "Suitability of the Coastal Plain Wilderness Study Area," H.3.3.1. "Achieving Refuge Purposes."

3 See pages H-18,H-23, and 28in the Revised CCP DEIS.

4 In April 1987, Secretary of the Interior, Donald Hodel, disregarded what the studies showed and forwarded the Final Legislative EIS and Arctic National Wildlife Refuge Coastal Plain Resource Assessment to Congress, with a recommendation that Congress authorize full-scale oil and gas leasing for the entire 1.5 million acres of the coastal plain. This recommendation ignored the fact that the assessment itself confirmed the internationally significant wilderness and wildlife values of the coastal plain.

5 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.

6 See FWS Refuge Management Part 601 National Wildlife Refuge System, 601 FW 1 at 1.16 (July 26, 2006).

7 Public Land Order 2214 (Dec. 6, 1960).

8 94 Stat. 2390, P.L. 96-487 at §303(2) (Dec. 2, 1980).

9 P.L. 96-487 (Dec. 2, 1980) (emphasis added).

10 House Report No. 96-97(I) at 174 (April 18, 1979) (emphasis added).

11 The fact that the two sets of purposes are complimentary and not inconsistent is evidenced by FWS's determination that the pre-ANILCA and ANILCA purposes apply concurrently to those lands within the original Arctic Range.

12 601 FW 1 at 1.16.

13 We note that FWS appears to have contrary guidance regarding the purposes of refuges established by ANILCA. See FWS Refuge Management Part 603 National Wildlife Refuge System, 603 FW 2 at 2.8(B) (Nov. 17, 2000) (stating that "Alaska refuges established before the passage of ANILCA have two sets of purposes. 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 they may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, in which case the provisions of those Acts control. However, the original purposes for pre-ANILCA refuges apply only to those portions of the refuge established by the prior executive order or public land order, and not to those portions of the refuge added by ANILCA"). However, because this guidance is found in the FWS manual addressing compatibility of uses of refuges and 601 FW 1 directly address identifying or determining the purposes of refuges, 601 FW 1 is the controlling guidance on this issue.

14 The fact that the two sets of purposes are complimentary and not inconsistent is evidenced by FWS's determination that the pre-ANILCA and ANILCA purposes apply concurrently to those lands within the original Arctic Range.

15 In its general guidance regarding allowable uses of refuges, FWS appears to have contrary guidance regarding the purposes of refuges established by ANILCA. See FWS Refuge Management Part 603 National Wildlife Refuge System, 603 FW 2 at 2.8(B) (Nov. 17, 2000) (stating that "Alaska refuges established before the passage of ANILCA have two sets of purposes. 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 they may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, in which case the provisions of those Acts control. However, the original purposes for pre-ANILCA refuges apply only to those portions of the refuge established by the prior executive order or public land order, and not to those portions of the refuge added by ANILCA") ((emphasis added). Because this guidance is found in the FWS manual addressing compatibility of uses of refuges and 601 FW 1 directly addresses identifying or determining the purposes of refuges, 601 FW 1 is the controlling guidance on this issue.

16 See DEIS at 3-6 (stating that "An oil and gas alternative would not satisfy NEPA's requirement that alternatives meet the purpose and need for the Revised Plan, and the Service has no administrative authority over oil and gas development").

17 NEPA § 102, 42 U.S.C. § 4332(2)(C)(iii).

18 40 C.F.R. § 1502.13.

19 See 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d 1083, 1097 (9th Cir. 2006) (stating that "The scope of reasonable alternatives that an agency must consider is shaped by the purpose and need statement articulated by that agency. The [agency] must consider all reasonable alternatives within the purpose and need it has defined"). See also City of Carmel-by-the-Sea v. U.S. Dep't of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997).

20 DEIS at 1-1.

21 DEIS at 1-1–1-2. See also DEIS Appendix D at D-1 (stating that "[t]he purpose and need for the Revised Plan is to ensure activities, action, and management fulfill the legal purposes for which the Refuge was established, fulfill the statutory mission of the National Wildlife Refuge System [] and provide direction on how the U.S. Fish and Wildlife Service [] will meet these purposes").

22 16 U.S.C. § 3143.

23 See P.L. 96-487, § 303(2). The original 'Arctic National Wildlife Range' was created in 1960 by Public Land Order 2214 "For the purpose of preserving unique wildlife, wilderness and recreational values." Public Land Order 2214 (Dec. 6, 1960). The purposes added in ANILCA are: (i) to conserve fish and wildlife populations and habitats in their natural 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 [note that those residing in Alaska's North Slope rivers and lagoons are now classified as Dolly Varden] and grayling; (ii) to fulfill the international fish and wildlife treaty obligations of the United States; (iii) to provide the opportunity for continued subsistence uses by local residents; and (iv) to ensure water quality and necessary water quantity within the refuge.

P.L. 96-487, 94 STAT. 2451 (Dec. 2, 1980).

24 16 U.S.C. §§ 668dd(a)(3), 668dd(a)(4)(D).

25 See 'Ilio'ulaokalani Coal. v. Rumsfeld, 464 F.3d at 1097.

26 As an initial matter, this formulation of cumulative effects misstates the role of considering reasonable foreseeable future actions. As described by the FWS in the DEIS, FWS perceives its duty to require it to look at the impacts from the CCP alternatives on reasonably foreseeable future actions but not to require the FWS to look at the impacts of reasonably foreseeable future actions on the CCP alternatives. FWS must also consider the impacts of reasonably foreseeable future actions on the CCP alternatives to satisfy NEPA. See Sierra Club v. Bosworth, 510 F.3d 1016, 1028 (9th Cir. 2007) (citations omitted); Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt., 387 F.3d 989, 994-95 (9th Cir. 2004).

COMMUNICATION NUMBER 32628
Fran Mauer, Alaska Chapter
Wilderness Watch

Wilderness Watch
PO Box 9175
Missoula, MT 59807
wild@wildernesswatch.org
www.wildernesswatch.org

791 Redpoll Ln
Fairbanks, AK 99712
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U.S. Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave. Rm 236
Fairbanks, AK 99701

re: Comments on the Draft Revised Comprehensive Conservation Plan, Environmental Statement, Wilderness Review and Wild and Scenic River Review for the Arctic National Wildlife Refuge

These comments are offered on behalf of the national organization of Wilderness Watch as well as its Alaska Chapter. Wilderness Watch is a non-profit conservation organization dedicated to education and advocacy for protection and proper stewardship of our Nation's National Wilderness Preservation System. Its members include many long-term Arctic Refuge professionals, and citizen activists, including one of the leaders of the campaign in 1960 to establish the original Arctic Range.

Having just celebrated the fiftieth anniversary of the establishment of the Arctic Refuge, we are now at a point of historic opportunity to embark on a new and improved era of stewardship of this incomparable wild place. Because the Arctic Refuge is recognized as our nation's largest and most complete wilderness landscape, the Final Revised CCP for the Arctic Refuge should establish the highest standards for wilderness stewardship which will assure the Refuge will remain wild and free of human control, and serve as the benchmark for the entire National Wilderness Preservation System.

Wilderness Review and Recommendation

We are pleased that the Draft CCP includes a wilderness review for the entire Refuge. It meets legal requirements to do so, and is the first time that this has been accomplished. We strongly support Alternative E which recommends Wilderness designation of nearly all of the non-designated lands in the Refuge, including the coastal plain. This would best protect the integrity of the entire Refuge and fulfill the vision of those who originally advocated for its establishment. Wilderness designation for the entire Refuge would also assure that wildness and natural processes will remain as the permanent defining qualities of the Refuge. Furthermore, this Alternative is the only one which would consolidate nearly the entire Refuge under the provisions of the Wilderness Act, providing the most appropriate stewardship and strongest protection. This is a critical point in the history of the Refuge. Now is the time to speak for the whole Refuge and its integrity. **[32628.001 Wilderness -- Wilderness Review (includes Appendix H)]** 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.

Refuge Goals, and Management Guidelines

[32628.002 Refuge Vision and Goals -- Goal 1 (including objectives)] We found the Refuge Goals to be very appropriate and inspiring. We support them in general, however the word "essentially" should be deleted from Goal 1. This term is unnecessary and detracts from the over-all intention that ecological process remain free of human interventions. In particular, we support Goals 1 and 2 because they recognize the great value of the Refuge as a place where ecological processes can be free of human intent to control them, and where wildness and wilderness character are preserved. They should be retained in the Final CCP.

Goal 5 is also of particular importance in that it speaks to the type of recreational values such as adventure, independence, self-reliance, exploration and solitude that motivated the Refuge founders to establish the Refuge, and for which the Refuge is renowned. We believe these qualities are extremely rare opportunities in the world today, and that management must be conducted in a manner that does not interfere with these very fragile values.

[32628.003 Refuge Vision and Goals -- Goal 6 (including objectives)] 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

Management Guideline 2.4.11: We also strongly support the provisions of Management Guideline 2.4.11 which would keep Refuge wildlife habitats unaltered and unmanipulated, and not favor one species over another, but rather allow for natural processes to function.

Management Guideline 2.4.12: We fully support Guideline 2.4.12 which in similar manner as 2.4.11, would establish management intent to allow the diversity of life in the Refuge to continue with their inherent natural behavior, interactions and cycles without human intervention.

[32628.004 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

[32628.005 Refuge Management Policies/Guidelines -- Recreation and Other Public Use] Management Guideline 2.4.15: We support this important guideline which recognizes self-reliance, and preservation of opportunities for adventure, discovery, solitude and isolation as essential recreational experiences because they are the type of recreation which the Refuge founders had in mind, and that the Wilderness Act contemplated, and that the Refuge is uniquely suited to provide. We also support this because it commits the Service to employ the least intrusive means for public use management. 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.

Special Values of the Arctic Refuge

We believe that this section of the Draft CCP does an excellent job of identifying the complete spectrum of special values that are associated with the Arctic Refuge. These qualities were first recognized by the founders and are what the Refuge is famous for. This important documentation

should remain unaltered and retained in the Final CCP. Furthermore, the special values of the Refuge should be used to guide every management decision.

[32628.006 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

Objectives 1.2, 1.3, and 1.4, 1.5: **[32628.007 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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. Likewise, **[32628.008 Refuge Vision and Goals -- Goal 1 (including objectives)]** initiatives relating to climate change (Objective 1-5) should be integrated with over-all ecological monitoring. **[32628.009 Refuge Vision and Goals -- Goal 1 (including objectives)]** 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.

[32628.010 Refuge Vision and Goals -- Goal 2 (including objectives)] 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 initate 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…" (Page 2-7) 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. (please see our further comments under the heading: Wilderness Stewardship and Visitor Use Issues).

[32628.011 Refuge Vision and Goals -- Goal 2 (including objectives)] 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.

[32628.012 Refuge Vision and Goals -- Goal 2 (including objectives)] 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.

[32628.013 Refuge Vision and Goals -- Goal 2 (including objectives)] Objective 2.6: Wilderness Character Monitoring: We generally support this in concept, however, we are concerned that wilderness qualities have already degraded in some areas of the designated Wilderness, and the Draft CCP does not commit to address this long standing issue in a timely enough manner. (please see our further comments directly below).

Wilderness Stewardship and Visitor Use Issues

[32628.014 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.

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

* **[32628.015 Wild and Scenic Rivers -- Kongakut River]** 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.

* **[32628.016 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.

* **[32628.017 Wilderness -- Effects of Alternatives]** 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.

* **[32628.018 Recreation and Visitor Use -- Monitoring]** 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.

* **[32628.019 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings]** The need for appropriate regulation of aircraft access in the Refuge is also a widely recognized issue due to a progression of long-term impacts to soils, vegetation, visual esthetics and other wilderness characteristics. The Final CCP must commit to addressing aircraft issues in a manner that incorporates appropriate (reasonable regulations) "to protect natural and other values" (Section 1110 ANILCA). Because aircraft access is intimately associated with visitor use and wilderness stewardship, these concerns must be integrated into a subsequent wilderness stewardship plan.

* **[32628.020 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.

* **[32628.021 Refuge Operations -- Effects of Alternatives]** 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 (Section 4(b) of the Wilderness Act), 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.

* **[32628.022 Step-Down Plans -- Wilderness Stewardship Plan]** 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).

* **[32628.023 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 modifier "permanently" 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.

* **[32628.024 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.

* **[32628.025 Transportation and Access -- Mode of Transportation]** 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.

* **[32628.026 Refuge Infrastructure and Administration -- Administrative Sites]** Page 2-71 (Administrative Sites and Visitor Facilities): The Final CCP should clearly indicate in the

Management Guidelines that the construction or the placement of any new administrative buildings in the Refuge are prohibited.

State "Game" Management and Refuge Management

[32628.027 Wildlife -- Predator Control] 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 purpose for maintaining wildlife populations in their natural diversity. The Final CCP must clearly indicate that when in conflict with state goals, Refuge purposes and Wilderness Act 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 will 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 intensive management programs on Refuge lands, the Final CCP should explicitly preclude artificial manipulation or intensive management of wildlife populations and their habitats to enhance game populations for human harvest. The use of predator control for this purpose should be prohibited in any form.

[32628.028 Refuge Management Policies/Guidelines -- Cooperation and Coordination 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.

[32628.029 Consultation and Coordination -- State Coordination] We recommend that 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.

Compatibility

The standard for compatibility determinations as defined in Section 6(3)(a)(i) of the National Wildlife Refuge Improvement Act of 1997 requires that the USFWS "not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use," that is that the use is compatible with the primary purposes for which the refuge was established

[32628.030 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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 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.

Appendix G Compatibility Determinations

[32628.031 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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 that 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 permitees 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.

Commercial Activities

[32628.032 Recreation and Visitor Use -- Special Use Permitting] 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.

[32628.033 Recreation and Visitor Use -- Special Use Permitting] We are concerned that while the public has indicated in scoping that increasing permits and recreational uses are contributing to degraded wilderness character in the Refuge, the Service has decided to add this topic to the list of "issues considered but eliminated from detailed study." Instead this issue is relegated to the possibility of a Visitor Use Management Plan that is given priority 2 and scheduled for completion as late as 2021 (Table 6-1). Looking at the graph on Table 4-12, one could project that there could easily be over 60 commercial air operators and recreation guides permitted on the Refuge by 2021. When is the Service going to determine what level of commercial services is "necessary" according to the Wilderness Act? Section 4(b) of the Wilderness Act requires each agency administering designated wilderness "shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character."

[32628.034 Recreation and Visitor Use -- Special Use Permitting] 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.

[32628.035 Step-Down Plans -- Inventory & Monitoring Plan] 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 (Dairmont 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.

[32628.036 Step-Down Plans -- General] 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.

[32628.037 ANILCA -- Refuge Purposes and 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 wildness 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).

Conclusion

Our review of the Draft CCP resulted in a mixed assessment. We are pleased that the Service included a full Wilderness Review of all non-designated lands in the Arctic Refuge (as required by law), and we generally found the Goals, Special Values, and Management Guidelines to be exemplary and very consistent with the vision of Refuge founders. However, we also found that much of the remainder of the Draft CCP conflicted with the very spirit of the Goals, Special Values and Management Guidelines. This conflict is evidenced in the numerous details which we provided above.

We are very concerned about several issues: degradation of wilderness character, excessive public use in several areas, impacts from aircraft landing and use, human waste problems, and rapidly rising commercial activities in the Refuge are a few examples, all of which contribute to impairment of wilderness character. The primary strategy proposed in the Draft CCP is to

address such issues in subsequent "step down" plans, however, we are well aware that such a tactic was taken in the 1988 Final CCP, and no step down plans were completed for the last 23 years. Furthermore, the Service proposes that the Wilderness Stewardship and Visitor Use Plans will be priority 2 and schedules them to be completed in 2021. It is entirely unacceptable and should be an embarrassment to Refuge managers that the area has gone for nearly 30 years without a wilderness stewardship plan, and the best current management can do is offer up the possibility that such a plan might be forthcoming in another decade. It is also unacceptable for the public, who have patiently brought forth their concerns during the past many years to be asked to wait another decade for relief from long standing degradation of wilderness character and neglectful stewardship of America's premier Wilderness.

We recommend that the Final CCP be revised in a manner that elevates the entire document to the quality, intent, and spirit of the Goals, Management Guidelines and Special Values. Now is a critical point in the history of the Arctic Refuge, and we urge that the Service demonstrate strong, bold leadership as the Refuge founders did more than fifty years ago. We encourage you to recommend Wilderness designation for all suitable lands in the Refuge (Alternative E), and to finally implement appropriate wilderness stewardship of this remarkable National treasure, the Arctic National Wildlife Refuge.

Thank you for the opportunity to comment.

Sincerely,

[Signature]

Fran Mauer
Alaska Chapter
Wilderness Watch

1 We note that FWS appears to have contrary guidance regarding the purposes of refuges established by ANILCA. See FWS Refuge Management Part 603 National Wildlife Refuge System, 603 FW 2 at 2.8(B) (Nov. 17, 2000) (stating that "Alaska refuges established before the passage of ANILCA have two sets of purposes. 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 they may be inconsistent with ANILCA or the Alaska Native Claims Settlement Act, in which case the provisions of those Acts control. However, the original purposes for pre-ANILCA refuges apply only to those portions of the refuge established by the prior executive order or public land order, and not to those portions of the refuge added by ANILCA"). However, because this guidance is found in the FWS manual addressing compatibility of uses of refuges and 601 FW 1 directly address identifying or determining the purposes of refuges, 601 FW 1 is the controlling guidance on this issue.

2 The fact that the two sets of purposes are complimentary and not inconsistent is evidenced by FWS's determination that the pre-ANILCA and ANILCA purposes apply concurrently to those lands within the original Arctic Range.

COMMUNICATION NUMBER 137006
Steve Zack, Arctic Landscape Coordinator
Wildlife Conservation Society

From: Website User
Sent: Tuesday, November 15, 2011 1:22 PM
To: arcticrefugeccp@fws.gov
Subject: Comments from an Organization

Prefix: none
First Name: Steve
Last Name: Zack
Suffix: PhD
Title 1: Arctic Landscape Coordinator
Title 2:
Organization 1: Wildlife Conservation Society
Organization 2:
Address 1: 718 SW Alder St.
Address 2: Suite 210
City: Portland
State: OR
Postal Code: 97205
Country: USA
Additional Info:

Comment: Joe Liebezeit, M.S., jliebezeit@wcs.org
Steve Zack, PhD., szack@wcs.org
Joel Berger, PhD., jberger@wcs.org
Martin Robards, PhD., mrobards@wcs.org

Wildlife Conservation Society
Portland Office
718 SW Alder Street, Suite 210
Portland, OR 97205

November 15, 2011

U.S. Fish and Wildlife Service
Arctic NWR – Sharon Seim
101 12th Ave., Rm. 236
Fairbanks, AK 99701-6237

RE: Comments on the draft revised Comprehensive Conservation Plan (CCP) and draft Environmental Impact Statement (EIS) for the Arctic National Wildlife Refuge.

Dear Ms. Seim:

On behalf of the Wildlife Conservation Society, we welcome the opportunity to comment upon the U.S. Fish and Wildlife Service (FWS) draft revised Comprehensive Conservation Plan (CCP) and draft Environmental Impact Statement (EIS) for the Arctic National Wildlife Refuge. As detailed below, the Coastal Plain of the Arctic National Wildlife Refuge is a unique and critical habitat for caribou, polar bears, migratory waterfowl and migratory shore birds. As such, WCS recommends

that FWS adopt Alternative C – recommending the Coastal Plain Wilderness Study Area for wilderness designation. FWS's efforts to create a transparent and publically-guided CCP/EIS process are commendable. Additionally, WCS appreciates FWS's willingness to consider all possible alternatives by refraining from stating a preferred alternative.

Introduction and Summary

The Wildlife Conservation Society (WCS) is a science-based organization with a worldwide reach of projects and activities centered on the conservation of wildlife and wild lands. Our long-term involvement in Alaskan Arctic conservation began when WCS, then known as the New York Zoological Society, organized and financed the Murie expeditions from 1956-58 that made the case for creation of the Arctic National Wildlife Refuge. Those efforts emphasized the importance of protecting a large region in the Arctic ranging from the Brooks Range to the Coastal Plain because of the scale of wildlife movements.

In 2001, concerned about the lack of wildlife science informing the battles over the Arctic National Wildlife Refuge's Coastal Plain future, WCS began conducting wildlife research near Prudhoe Bay and Kuparuk within the existing oil fields and at remote field sites in the National Petroleum Reserve-Alaska, as part of a larger effort to understand some indirect effects on wildlife of the existing "oil footprint" as it might inform management decisions concerning the 1002 Area of the Refuge. WCS research and subsequent conservation efforts have focused on how nesting birds and predators are influenced by oil development activities and by a changing climate. This research has indicated that climate change is an ongoing threat to wildlife in the Arctic Coastal Plain and that oil and gas development can impose additional negative impacts on wildlife in this region.

I. The Coastal Plain Provides Critical Habitat for Arctic Species

As noted in the Draft CCP and EIS Summary, "an overwhelming majority of the almost 95,000 comments received from the public pertained to the Refuge's coastal plain (also known as the 1002 Area)." WCS's core conservation concerns for the Arctic National Wildlife Refuge center on the disproportionate importance of the Coastal Plain for wildlife. This region has been referred to as the "biological heart" of the refuge for many reasons. It is the essential corridor of movement of the Porcupine Caribou herd that moves between Canada and the U.S., and it is a frequent site for calving of their young. Likewise, female polar bears use the coastal plain for denning and rearing young. It is also recognized as an important region for post-breeding feeding of snow goose and other migratory waterfowl in the fall. Finally, the Coastal Plain of the Arctic National Wildlife Refuge contains important areas (e.g., Canning River delta) for high densities of breeding populations of migratory shorebirds.

The geographic context of the Refuge's Coastal Plain is also very important to recognize: it is a relatively narrow strip of coastal plain due to the close proximity of the Brooks Range. Such proximity and the numerous watersheds emanating from the Brooks Range make for many riverine bluffs and ample denning site opportunities for polar bear (more numerous compared to the rest of Alaska's Coastal Plain). For other wildlife, it means that the coastal habitats are in a narrow corridor, and the wildlife issues within that corridor are constrained by lack of easy movement due to displacement as the Beaufort Sea to the north and Brooks Range to the south act as barriers. This is important to recognize because existing studies of the effects on caribou movement and calving, and those of indirect effects of subsidized nest predators, are drawn from Arctic regions where movements are not constrained. Therefore, the narrow corridor of the Coastal Plain could amplify adverse effects of any development resulting from altering the wilderness-like setting of the Coastal Plain in the Arctic Refuge. The unique geographic character

of the Coastal Plain resulting in vital habitat for wildlife validates the need to support Alternative C – recommending wilderness designation for the Coastal Plain Wilderness Study Area.

II. Oil and Gas Development Can Negatively Impact Arctic Wildlife

The majority of commenters focused on the issue of wilderness designation in the Coastal Plain and the effect it would have on oil and gas development (Arctic Refuge CCP draft summary). Research has indicated that development in Arctic Alaska can negatively impact both birds and caribou. As mentioned above, the geographic character of the Coastal Plain of the Arctic National Wildlife Refuge would likely amplify impacts. WCS's previous and on-going research (Liebezeit et al. 2009, Ecological Applications, Liebezeit and Zack 2008, Arctic) indicates that the Coastal Plain region would almost certainly be subject to increased predation pressure to nesting birds if human activities involving the building of permanent structures and facilities (e.g. energy extraction development) were allowed. This would jeopardize populations of some bird species that are already experiencing population declines.

The Porcupine Caribou Herd frequently moves into the Coastal Plain of the Arctic National Wildlife Refuge to calve its young and to escape biting insects with the cool breezy weather near the Beaufort shoreline. Development can significantly alter caribou herd movements, often with strong energetic and nutritional consequences (e.g., Cameron et al. 2005 Arctic). Such effects would likely be dramatic in the narrow corridor of the Coastal Plain where displacement is constrained both north and south. Finally, disturbance to the threatened polar bear that dens and raises young here adds challenges to a species that is already fighting for its long-term survival in arctic Alaska. In light of the research identifying the negative impacts that oil and gas development can have on Arctic species, it is imperative that FWS choose Alternative C – recommending wilderness designation for the Coastal Plain Wilderness Study Area, thus preventing oil and gas development in this valuable habitat.

III. Arctic Species are Threatened by Climate Change

[137006.001 Step-Down Plans -- Inventory & Monitoring Plan] 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.

IV. Clarification Is Needed on Process to Address Climate Change in Arctic Refuge

[137006.002 Step-Down Plans -- Inventory & Monitoring Plan] 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. WCS is also pleased to see that changes in fire management will be considered in the Refuge as the frequency of fires in the region has increased due to climate change. In the tree line zone, fire management will be particularly important as fire is known to speed up conversion to taiga like-conditions.

WCS is aware of the climate change vulnerability assessment that has already been conducted for Arctic Refuge mammals by Defenders of Wildlife (http://www.defenders.org/programs_and_policy/climate_change/publications.php). WCS is currently conducting an Alaskan Arctic-wide vulnerability assessment for bird species with support from the Arctic LCC – a consortium of federal agencies and partners. Vulnerability assessments are an important starting point for managing wildlife and landscapes with respect to climate change so further vulnerability assessments in the Refuge on other taxa (birds, fish) as part of the overall climate change adaptation plan are encouraged.

[137006.003 Step-Down Plans -- Inventory & Monitoring Plan] 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.

Conclusion

WCS recommends Management Alternative C, which would recommend that the Coastal Plain Wilderness Study Area of the Arctic National Wildlife Refuge be included in the National Wilderness Preservation System. The high wildlife value of the Coastal Plain makes this region of particular importance for wilderness designation. This is especially important since threatening human impacts in this region could be devastating to wildlife populations – particularly the Porcupine Caribou, polar bears, and feeding and nesting bird species. Also, only a small portion (

Overall, WCS is pleased with the level of detail in the CCP/EIS and looks forward to further opportunities to collaborate on issues related to wildlife conservation in Arctic Alaska.

Sincerely,

Joe Liebezeit, Wildlife Conservation Society
Dr. Steve Zack, Wildlife Conservation Society
Dr. Joel Berger, Wildlife Conservation Society
Dr. Martin Robards, Wildlife Conservation Society

[redacted]

Appendix D

Communications from Individuals and Other Sources

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D. Communications from Individuals and Other Sources

Lolly Andrews (136919) D-2
Bob Childers, Gwich'in Steering Committee (136789) D-4
Peter Fontaine (032637) D-7
Duane Howe (136807) D-9
Karen Jettmar, Equinox Wilderness Expeditions (032621) D-11
Frank & Jennifer Keim (032622) D-15
Mark Lindsey (032651) D-18
John Lyle (009556) D-27
Jeffrey Marion, Virginia Tech Field Station (136952) D-29
David McCargo (032662) D-32
Debbie Miller, Caribou Enterprises (136800) D-36
Susan Morgan (136985) D-39
Matt Nolan (136804) D-41
Julie Raymond-Yakoubian (136993) D-45
Edward Sam (136912) D-47
Allen Smith (136813) D-48
Thor Stacey (136998) D-55
Carrie Stevens, Council of Athabascan Tribal Governments (136815) D-59
John Strasenburgh (136816) D-64
Greg Warren (032626) D-78
Wade Willis, Science Now Project (032644) D-95
Wade Willis, Science Now Project (136822) D-101

COMMUNICATION NUMBER 136919
Lolly Andrews

From: Website User
Sent: Tuesday, October 18, 2011 2:09 PM
To: arcticrefugeccp@fws.gov
Subject: Comments from Individual
Withhold my info: no
Prefix: none
First Name: Lolly
Last Name: Andrews
Suffix: none
Title:
Address 1: 1411 Early View Dr.
Address 2:
City: Anchorage
State: AK
Postal Code: 99504
Country: USA
Additional Info:

Comment: The following are my comments on the Arctic Refuge, CCP. **[136919.001 NEPA Process -- Scoping]** The scoping comments were poorly summarized and did not represent what we said. I hope this process is better.

First, I support Alternative E. I support goals 1 and 2. Most important is that natural processes must be maintained. Wilderness values should be fully protected. **[136919.002 Wildlife -- Hunting Effects]** Trophy hunting and its effects on genetics should be included as an issue to be addressed for this reason. Predator control and intensive management must be prohibited, so I support Management Guidelines 2.4.12 and2.4.12.7 for this reason. I also support Management Guideline 2.4.11 specifying that habitats must remain wild, uncontrolled, and not manipulated. **[136919.003 Refuge Vision and Goals -- General]** Protecting wilderness is most important, so there should be an objective specifying that.

[136919.004 Consultation and Coordination -- State Coordination] A serious shortcoming of the plan that needs to be corrected relates to the sections that discuss cooperation with the state of Alaska and/or ADF&G. To be accurate, these sections must recognize that the state interests often conflict with refuge purposes, and in such cases the refuge must prevail and the state or ADF&G must be preempted.

I support the climate change guideline that says that natural systems will be allowed to adapt to change and that FWS will not intervene.

I support Goal 5, recreation, as it is, and the objectives recognizing the importance of adventure, challenge, freedom and independence.**[136919.005 Alternatives - Issues Considered but Eliminated -- Visitor Use Issues]** Several recreational issues should be resolved by this plan and it is unfortunate that the public's wishes to address them were not acted on. These include the need to limit group size (to about 8), provide preference for private users over commercial, the general need to restrict commercial guides, the restriction of using airplanes for game spotting,

preventing airplane landing impacts, and the need to establish a commercial and mechanized zone around the Firth River area. Also, remove all buildings.

I like all the "Special Values" of the refuge as described, and hope they will all be maintained.

Email: [redacted]

COMMUNICATION NUMBER 136789
Bob Childers, Executive Director
Gwich'in Steering Committee

From: Bob Childers
Date: November 15, 2011 4:59:36 PM AKST
To: ArcticRefugeCCP@fws.gov
Subject: Gwich'in Steering Committee comments

Thank you-
Bob Childers, Executive Director
Gwich'in Steering Committee

Attachment:

Comments on

Arctic National Wildlife Refuge–
Draft Comprehensive Conservation Plan
15 November 2011

General comments:

1. We are especially pleased that the Arctic Refuge CCP has addressed the long standing issue of Wilderness protection for the Coastal Plain. Porcupine caribou cows depend on the narrow Coastal Plain of the Arctic Refuge to give birth, nurse and raise their calves. It is central to Gwich'in culture and life.

2. We are also very pleased to see the Refuge Vision Statement acknowledges that the Arctic National Wildlife Refuge as a place where "...traditional cultures thrive with the seasons and changing times," and that the document also recognizes the mixed subsistence-cash economies of our communities. The sustainability of our communities and our culture is the first responsibility of every Gwich'in Chief. This has been our homeland since before time, and it will be our home forever.

[136789.001 Refuge Vision and Goals -- Goal 1 (including 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.

The approach of this plan is to manage by defining too many rules for anyone to understand or care about. It uses a system of special use permits and reporting that serves no real management

purpose, will not provide useable information, and is designed to ensure non-compliance. It doesn't do anything except make people mad.

[136789.002 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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.

3.**[136789.003 Refuge Management 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.

3. **[136789.004 Refuge Infrastructure and Administration -- General] [Preamble 136789.005]** 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.

[136789.005 Cultural and Historical Resources -- Cultural Resources] 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.

The Alternatives and Wilderness

1. The Gwich'in Steering Committee believes Alternative C best represents the priorities of our people.

The coastal plain of the Arctic National Wildlife Refuge is the most important habitat for Porcupine caribou, which are central to Gwich'in culture and life. We call this place Izhik Gwats'an Gwandaii Goodlit - the Sacred Place Where Life Begins. Oil development here would hurt the productivity of the caribou by displacing them from key birthing and nursery grounds, and threaten the future of our people. Biologists believe this would be the result even if they do everything right; it is not the result of a spill or some other industrial accident. We believe we have a right to continue our way of life, and that right is guaranteed by the International Covenants on Human Rights, the first Article of which reads in part: "In no case may a people be deprived of their own means of subsistence."

2. **[136789.006 Refuge Vision and Goals -- Goal 7 (including objectives)]** We insist that the drainages of the East Fork Chandalar, Christian and Sheenjek 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.

Other

1. **[136789.007 Refuge management 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.

2. Correction: **[136789.008 Environmental Justice -- Effects of Alternatives]** 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.

3. **[136789.009 Wild and Scenic Rivers -- Suitability (includes Appendix I)]** 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

4. **[136789.010 Wild and Scenic Rivers -- Suitability (includes Appendix I)]** Discussion of caribou fence at SUIT-38 - please indicate "Kutchin" is archaic word for "Gwich'in". Reader should be informed those are our fences.

COMMUNICATION NUMBER 32637
Peter Fontaine

September 26, 2011
Sharon Seim
U.S. Fish and Wildlife Service-Arctic NWR
101 12th Ave, Room 236
Fairbanks, AK 99701

Dear Ms. Seim:

I am writing to you at this time to urge you to support the wilderness additions and policy recommendations in the Comprehensive Conservation Plan of the Arctic National Wildlife Refuge. I do this because during the month of August, as autumn began in the Arctic, I was fortunate to be part of a Sierra Club expedition that spent twelve days backpacking the Refuge. From my own observation and experience, I believe this wilderness must have all the protection possible to safeguard its landscape, its species, and its ecosystem.

From the first day along the Atigun River to the Sagavanirktok Valley and through all the peaks, valleys, tundra, rivers, streams, and glaciers that marked our 50 mile journey, I experienced a wilderness unlike any I have ever known, even with all my years since elementary school of hiking in the Pacific Northwest. The Arctic Refuge, brilliant with autumn color, was a soul-filling landscape of raw, pure, open wilderness. As our group of seven hiked the ever-changing topography of the tundra, climbed difficult passes, drank from icy rivers, felt the walls of glaciers, reclined on the moss and lichen, looked out over a vast array of peaks, observed the caribou, Dall's sheep, Arctic ground squirrels and ermine, saw the tracks of wolf and bear, watched the moon make its daily course around us-we listened to the silence and felt the immensity and power of the wild land around us.

This land must not be destroyed by the industries which seek to exploit it. It must not be allowed to fall victim to the contamination and degradation that come in the wake of human development. For the length of the Dalton Highway that we traveled, the oil pipeline hugged the landscape like a silvery sinister presence, terminating in the mechanization, pollution, and landscape-scarring reality of Prudhoe Bay. The Refuge must not suffer the same fate. It must be kept whole, intact, untouched, and inviolate. To quote Theodore Roosevelt's statement about the Grand canyon- "Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it."

I urge you to approve wilderness designation for the entire coastal plain and other lands thus far undesignated, which are integral parts of the Arctic ecosystem. Also, the plan must oppose any oil and gas leasing, exploration, or development. The Arctic Refuge, for all its size and powerful forces of nature, cannot withstand the invasion of an oil, gas, or mining industry that would leave nothing but contamination, destruction, and commercialization in its wake, and another irreplaceable wilderness would be lost forever.

[Preamble 32637.002, 003, 004] Additionally. the plan must include:**[32637.001 Refuge Management Policies/Guidelines -- General]** 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); **[32637.002 Wildlife -- Predator Control]** There must be a prohibition against any program of predator control, which destroys the balance of ecosystems, as we have

seen in the lower 48; **[32637.003 Refuge Management Policies/Guidelines -- General]** Indigenous peoples must be able to maintain their connection to the landscape, and that requires an intact, unspoiled landscape; **[32637.004 Recreation and Visitor Use -- Visitor Use]** 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.

Lastly, **[32637.005 Recreation 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.

Your agency has the opportunity to oversee this wilderness the right way - to avoid what has happened to other wilderness areas spoiled by too much human incursion. Protect the Arctic National Wildlife Refuge from the greedy and abusive forces of industry that seek to pillage it, and then leave it alone. Leave it for those who seek to know its beauty, grandeur, and power quietly and with respect.

Sincerely,

Peter J. Fontaine

4010 Ashworth Avenue North
Seattle, WA 98103
[redacted]

COMMUNICATION NUMBER 136807
Duane Howe

From: "Lani Raymond"
To:
Subject: Emailing: USF&WS final draft

U.S. Fish and Wildlife Service
Arctic NWR-Sharon Seim
Fairbanks AK 99701

[Preamble 136807.002, 003, 004, 005, 006, 007, 008, 009] Following are my comments of the Arctic National Wildlife Refuge CCP:

1 I'm glad to see that Olaus and Mardy Murie's observations made over 50 years ago on Alaska's North Slope by sled dog were recognized. They strongly recommended that the North Slope should one day be protected as wilderness. They, along with many of us, would be very pleased if that were to finally become a reality.

2 I support Alternative E for the Arctic National Wildlife Refuge.

[136807.001 Consultation and Coordination -- State Coordination] 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.

4 The Arctic National Wildlife Refuge is far more valuable at the present time for wildlife protection than for the production of oil and gas. Oil and gas are becoming a more and more important cause of global warming.

5 It appears that there will soon be a push to actually increase the production of a different form of oil by drilling many more wells on the North Slope. If this is true, it seems that there will be a need to decrease the number of producing wells in order to cut down global warming.

[136807.002 Refuge Management Policies/Guidelines -- Public Access and Transportation Management] 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.

7 Oil and gas drilling must not be allowed anywhere in the vicinity of the refuge where it can add any increased loss of the wilderness character of the refuge.

[136807.003 Recreation and Visitor Use -- Impacts of recreation on other resources] 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.

9 Alaskans are accustomed to using ATV vehicles to travel widely for hunting, fishing or anything else. It may become necessary to explain to these ATV enthusiasts why it is necessary that they cannot be used in this refuge.

10 No commercial enterprise should be allowed to operate in the wilderness.

11 Wilderness travelers should be made aware that they will not find any conveniences or protections from weather or storms other than those provided by them selves.

12 Large groups planning trips during busy times in the refuge may need to be warned they need to plan ahead for their trips.

[136807.004 Recreation and Visitor Use -- Commercial Operations, General] 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.

14 All outfitters, hunters and fishermen must show a mutual concern and respect for the well being of all fish and wildlife or risk being removed from the wilderness or refuge.

[136807.005 Recreation and Visitor Use -- Guided Hunting and Fishing] 15 Popular fishing sights should not be allowed to become over fished. Wilderness is not a place for combat fishing.

16 Do not allow camping sights along fishing streams to become overused and degraded.

[136807.006 Wildlife -- Hunting] 17 Trophy hunting of Dall Sheep should be limited only to rams designated by biologists.

[136807.007 Refuge Infrastructure and Administration -- Administrative Sites] 18 Administrative buildings should remain in place only where they do not detract from the wilderness character of the land.

[136807.008 Transportation and Access -- Mode of Transportation] 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.

[136807.009 Recreation and Visitor Use -- Impacts of recreation (waste)] 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.

21 Local natives could be used to help guide visitors through the refuge and teach them how to hunt and fish. Natives also could teach about the history and wildlife of the area as well as the history of their own people. It could be a win-win situation for all.

Thank you for the opportunity to contribute to this EIS.

Duane Howe
41640 Gladys Court
Homer, Alaska

COMMUNICATION NUMBER 32621
Karen Jettmar, Wilderness Guide/Director
Equinox Wilderness Expeditions

From: Karen Jettmar/Equinox
To: ArcticRefugeCCP@fws.gov
Subject: comments on CCP and WSR Study

Karen Jettmar
Equinox Wilderness Expeditions
2440 E. Tudor Rd. #1102
Anchorage, AK 99507
www.equinoxexpeditions.com
Ph: 206-462-5246

- WSR_recommendations.doc

Attachment:

Equinox Wilderness Expeditions
2440 E. Tudor Road #1102 • Anchorage, Alaska • 99507 • (206) 462-5246 •
info@equinoxexpeditions.com
November 15, 2011

Sharon Seim, CCP Planner
Arctic National Wildlife Refuge
101 12th Avenue, Room 236
Fairbanks, AK 99701

Dear Arctic Refuge Planners:

I am currently out of the country and have not received any written communication by post from USFWS for several months. I am submitting my comments on the CCP here. I just learned today that the stakeholder comment period for the Wild and Scenic River review closed on November 12th. I hope you will accept my stakeholder comments today in light of my absence.

As a wilderness guide and director of Equinox Wilderness Expeditions, a commercial adventure travel company that offers trips on rivers, wilderness, and wildlands in the Arctic Refuge, I have traversed much of the Arctic Refuge. I support Alternative E in the Comprehensive Conservation Plan that would recommend Wilderness designation for the three study areas, adding them to the existing Wilderness areas of the Arctic Refuge. Wilderness designation would provide the strongest possible protection for the Refuge, while allowing for subsistence activities..

I support the plan's Arctic Refuge Vision Statement and Goals that aim to protect the Special Values of the Arctic Refuge described in the plan. Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, Wilderness and Special Values intact for now and all time.

I have traveled many of the rivers in the refuge, some of them many times over the course of the past 24 years. **[32621.001 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)]** 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 the 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.

I believe all of the eligible rivers should be recommended for Wild River status and I would like to see Alternative E revised to include all of the ten rivers USFWS found eligible for this study.

[Preamble 32621.002] Marsh Fork Canning: The Marsh Fork has outstanding geology in its upper reaches. Beautiful swirling bands of uplifted rock adorn the upper river, and there is a wonderful collection of erratic boulders near the currently used upper Marsh Fork landing strip beside the river. Fossilized marine rocks also offer fascinating geology. The upper Marsh Fork is extremely scenic as well. While not having the dramatic glaciated peaks of the Hulahula, the upper river has steep rugged peaks that are highly scenic. Dall sheep are easily viewed; the area is known for its nesting gray-headed chickadees. The fact that hunters access the Marsh Fork shows that the area is special for its wildlife. As for recreation the large aufeis field that develops on the Marsh Fork/Canning confluence is of interest to visitors. I personally have found the Marsh Fork to have fun, challenging whitewater that travels through a scenic canyon of great geological interest. **[32621.002 Wild and Scenic Rivers -- Marsh Fork Canning River]** I believe it is especially important to designate the river for the protection of grey-headed chickadee (Siberian Tit) breeding and nesting habitat.

Canning River: The Canning River is an especially important area for wildlife, and it is possible to paddle all the way to the ocean on the Canning; the coast is an important area for caribou. Muskoxen preferred area; I've seen 40 muskoxen along the river in summer; more than 80 in April.

East Fork - Chandalar River
The upper East Fork is very wild, and we have never seen any other people on the river except locals at fishing/hunting camps. I have also gone upriver with Gwich'in friends from Arctic Village; the impact of villagers on the river is very minimal. There is no longer a sport hunting guide operation there, and the area is recovering from that activity. I was actually on the airstrip on Sheep Creek in July, and had a chance to walk around thoroughly to see the old impact. There is not much sign of human activity now, other than the runway, The silver-tan mountains are striking geologically, and different from the Sheenjek or Hulahula. There are Dall sheep in the mountains, and lots of moose and waterfowl use the surrounding wetlands. The upper East Fork is an important caribou migration corridor.

[Preamble 32621.003] Hulahula River This river has it all, wilderness, geology, scenery, wildlife, fish, recreation, solitude, intact wilderness. The dramatic peaks of Chamberlin and Michelson that flank the river make this a world-class experience. Several times on the river, I've seen wolverine, and several times have encountered tens of thousands of caribou, not to mention other wildlife. The coastal plain portion is amazing, with good hiking all the way down the river to the coast, the coastal dunes and river delta offer birding and wildlife as well. Despite the presence of Native

allotments, the Hulahula has strong cultural value to the Inupiat. **[32621.003 Wild and Scenic Rivers -- Hulahula River]** WSR designation would ensure protection of subsistence resources, and would also assure that Native allotments maintain uses that are harmonious with Arctic Refuge purposes.

Jago River - The Jago has wonderful and challenging whitewater, caribou migration and core calving area in the spring/summer. I've seen wolves, lots of bears. I find the scenery outstanding with Mts. Hubley and Waw. The McCall Glacier has scientific interest and it is an amazing accessible hike. It is very special to walk or paddle the river and reach the foothills to look back at the mountains and out towards the coastal plain. Inspiring. Also, there are rough-legged hawks on Bitty. One of my finest experiences in life was standing on Bitty and looking out at the coastal plain and mountains, then hiking down the river across the coastal plain, with caribou all around, by the thousands. This view should be preserved forever.

[32621.004 Wild and Scenic Rivers -- Kongakut River] Kongakut River - Since this river is entirely in designated wilderness, it should be considered for WSR status. I have personally been on the river more than 2 dozen times, and absolutely love the river for scenic, wildlife, recreation, fishing, and intact wilderness. Especially interesting is the ability to travel from mountains to sea and experience a variety of ecosystems, all the way out to the river's delta, and Icy Reef. To me, this experience is the quintessential Arctic Refuge: to experience mountains, alpine tundra, coastal plain, coastal estuary, and barrier islands. The river is a migration corridor for the Porcupine caribou herd most years, and traditionally, there have been wolf packs utilizing the river. Dall sheep thrive in the valley. For three years in a row we have observed a wolf family. The coastal plain is essential for caribou migration and staging for white-fronted geese. Arctic char fishing can be superb. The intrusion of balsam poplar far north on the Kongakut and side tributaries indicates warmer microclimates that are indicative of a warming climate.

[Preamble 32621.005] Okpilak River – Very much deserving of WSR status. I spent 10 days on this river and it is the most difficult whitewater river and the most inaccessible river in the refuge. I like this. It takes a certain amount of fortitude to get there and once there, you have the place to yourself. **[32621.005 Wild and Scenic Rivers -- Other Rivers]** The hot springs should be a National Natural Landmark. They attract Dall sheep and a verdant oasis seen in few places in the refuge. The area will attract hikers and even paddlers, and will gain more use over time despite the difficult whitewater. Kaktovik residents access the Okpilak during periods of snow cover, and the area undoubtedly gets more use then than in summer. I would say it's the most beautiful view from a hot springs anywhere in North America. Very important coastal plain area for caribou migration and staging for white-fronted geese.

[Preamble 32621.006, 007] Neruokpuk Lakes -The historical perspective is important, along with the unique geology (largest lakes in the refuge, and outstanding example of post-glacial scenery. Waterfowl — important area. **[32621.006 Refuge Infrastructure and Administration -- Administrative Sites]** I recommend removal of any structures (if this has not been done already), and then the area will be completely intact wilderness. Outstanding scenery, with its access and views of Mt. Chamberlin — an amazing place to spend time on a plateau that lies above the arctic coastal plain. **[32621.007 Wild and Scenic Rivers -- Other Rivers]** I recommend WSR river designation.

[32621.008 Wild and Scenic Rivers -- Other Rivers] Porcupine River- As a trans-boundary river and migration corridor for fish and wildlife, the Porcupine is clearly worthy of WSR protection. The Gwich'in culture is an important part of this river and the communication and visiting between Alaskan Gwich'in villages and Yukon Gwich'in villages is important

Atigun River: This river is important for its qualities: Recreation, Scenery, Geology, Wildlife, Intact Wilderness. The Atigun is the most accessible of the Arctic Refuge's wild rivers. It is an important river for recreational users, for its challenging whitewater and scenic beauty, as well as the fact that even though it is accessible off the Haul Road, it is still an intact wilderness and the feel of a very remote wilderness. Despite the nearness of the Haul Road, it is still a remote wilderness.

In conclusion, I recommend that all of the ten rivers found eligible for this study be recommended for inclusion in the WSR System. In future years, I recommend that other refuge rivers be considered for inclusion. As our finest wilderness refuge, all refuge rivers are worthy of WSR designation.

Sincerely,

Karen Jettmar

COMMUNICATION NUMBER 32622
Frank & Jennifer Keim

Attachment:

Dear Richard Voss and Sharon Seim:

In the words of Wallace Stegner:

"What I want to speak for is not so much wilderness uses, valuable as those are, but the wilderness idea…. Being an intangible and spiritual resource, it will seem mystical to the practical minded – but then anything that cannot be moved by a bulldozer is likely to seem mystical to them.

Something will have gone out of us as a people if we ever let the remaining wilderness be destroyed. We need wilderness preserved – as much of it as is still left. The reminder and the reassurance that it is still there is good for our spiritual health…. It is good for us when we are young, because of the incomparable sanity it can bring…into our insane lives. It is important to us when we are old simply because it is there."

Comment:

As a 50-year resident of Alaska and 18-time hiker and floater of the Arctic National Wildlife Refuge, I feel this qualifies me to comment on the Refuge CCP.

I believe the Arctic Refuge needs the greatest Wilderness protection afforded by the law, common sense, and the wisdom of hindsight.

Common sense and hindsight tells me that wilderness lands are so quickly disappearing everywhere in the world that it is extremely important we set aside as many of these as possible as soon as possible with the strongest possible protections for them.

In spite of today's petty politics, there is nothing in the law (ANILCA, etc.) that prevents you from recommending Wilderness and Wild and Scenic River status for much more land and water in the Arctic Refuge than is presently designated as such.

Therefore, I am in favor of Alternative E because it provides maximum protection for the greatest amount of land and water in the Arctic Refuge.

In favoring Alternative E, I also feel it is important to assure the following: 1. **[32622.001 Wildlife -- Predator Control]** The most important purpose of the Refuge is to conserve the natural diversity of the area and this purpose should never be compromised by any consideration to allow predator control or habitat manipulation to increase game species for human harvest. The plan needs to assure that when in conflict with the State of Alaska, the above Refuge purposes are paramount.

2. **[32622.002 Refuge Management Policies/Guidelines -- General]** The Special Values of the Arctic Refuge section should guide all future management decisions.

3. **[32622.003 Recreation 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.

4. **[32622.004 Recreation and Visitor Use -- Visitor Use]** This does not mean that the Refuge be deluged by visitors without regulation of their numbers and whereabouts, especially for

commercially guided trips. In the final plan, there should be a commitment to address valid public concerns of visitor use and wilderness stewardship.

5. **[32622.005 Climate and Climate Change -- General Impacts]** In addressing climate change, the plan should allow natural systems to evolve and adapt, without intervention.

Thank you.

Frank J. Keim
2220 Penrose Lane
Fairbanks, Alaska 99709
[redacted]

Post Script:
Please include my wife Jennifer Allison-Keim as a proponent of the above. She has done four long-distance treks with me in the Arctic Refuge.

Addendum: **[32622.006 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.

Arctic National Wildlife Refuge 2010 CCP Scoping Comments

I am a 49 year resident of Alaska, and I have been up to the Arctic Refuge on extended trips almost as many times as I have fingers and toes. I value the Arctic Refuge for the unique and wonderful Arctic ecosystem that it is, and I have lobbied many times in Washington, D.C. to keep it intact and free from exploitation by oil interests. I have also valued the opportunities I've found there to explore some of its countless river valleys and mountain tops and to observe its myriad wildlife, including mammals large and small and the more than 100 species of birds that nest there during the warmer months. I've also enjoyed the rich geology of the area and the profusion of wildflowers during the spring. Most of all, I have appreciated the wildness of the area, made possible only because much of it was designated as Wilderness. Although it is not perfect wilderness, since hunting is allowed in most of the area, and because there are too many overflights in some valleys and too many people allowed to float some rivers, it is one that has allowed me to experience solitude and also to gain a sense of independence, personal freedom and adventure, if only for short two-three week periods. With all of this in mind, I would like to see the following considerations incorporated in the new stewardship plan:

1. Preserving the wilderness character of the entire Arctic Refuge, including the designated Wilderness in the Refuge, should be the primary standard for all agency actions, public uses and technologies used there.

2. Stewardship of the Refuge should be more visionary than reactive, i.e., anticipating and preventing future threats.

3. The non-degradation principle should apply to the entire Refuge, i.e., no actions should be taken that detract from the Refuge's current wilderness character. This includes no active management or manipulation of endemic species and their habitats.

4. The CCP should recognize as paramount the primary purposes for which the Refuge and its Wilderness was established, to conserve fish and wildlife populations and habitats in their natural diversity.

5. In recreation, the agency role should be limited to protecting the wilderness character of the Refuge, with minimum interference in the visitor's experience. This includes not accepting responsibility for the risks of visitors.

6. In Wilderness, the agency should adhere to the minimum requirement that is necessary to administer the area as Wilderness.

7. There should be no new developments of any kind allowed anywhere.

8. The necessity for commercial services should not be measured by market demand anywhere in the Refuge.

9. Where public use needs to be limited, private users should be given preference over commercial users.

10. Recreational and commercial ORV's, snowmobiles, and motorboats should be prohibited.

11. Competitive events should not be allowed.

12. Party size should be limited to eight.

13. Archeological investigations should be limited to non-invasive means.

14. No cabins should be built for either agency or public use. And there should be no commercial use of existing cabins.

15. Consistent with ANILCA, subsistence use should be continued for local residents, but motorized use by these residents should be within the bounds of reason, as established by rules set by the agency.

16. There should be advocacy for more designated Wilderness and Wild and Scenic Rivers in the Refuge.

17. There should be active consideration of designated Wilderness status for the entire Coastal Plain.

18. A complete prohibition on commercial hunting throughout the Refuge should be considered for the future.

The bottom line is the maintenance of the wilderness character of this jewel of the American National Wildlife Refuge system.

Thank you for the opportunity to provide these scoping comments.

Frank J. Keim
2220 Penrose Lane
Fairbanks, Alaska 99709

COMMUNICATION NUMBER 32651
Mark Lindsey

October 10, 2011

U.S. Fish and Wildlife Service Arctic NWR - Sharon Seim
101 12th Ave., Rm 236
Fairbanks AK 99701

Re: Comments on the Draft Comprehensive Conservation Plan and Draft Environmental Impact Statement, Arctic National Wildlife Refuge

Preface

My name is Mark Lindsey and my wife Susan and I have lived in Anchorage for 23 years. We are very fortunate that our three daughters now have families of their own here in Anchorage, and all are part of the Alaska community, working hard to make a future for their children. We have 4 grandchildren + one on the way, Alaskans all. We are stakeholders here.

I commend the Service for its diligent efforts in preparing the draft CCP to date. Reading through the 1,200 page draft has made me appreciate the complexity of the task being undertaken and how difficult it is to conduct a fully transparent process that adequately considers all points of view presented in public hearings and in written comments. Thank you for your ongoing efforts.

I have three specific comments and three general comments. They include the most complete references that I could locate. The comments are in some cases longer than I would like, but that is generally because I have included the relevant text of the authoritative guidance to show context.

Specific Comment #1

[32651.001, Preamble 002, 003, 006] Issue: 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?

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.

Further, **[32651.002 NEPA Process -- Violations]** 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.

Another problem with the Service's explanation is that it ignores another requirement of NEPA, taken from Title I of the law itself:

Sec. 102 [42 USC § 4332]: that the responsible agency must

"(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;"

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).

Finally, **[32651.003 Alternatives Analyzed -- No Oil and Gas Alternative]** 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 EISis 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.

Specific Comment #2

[32651.004 ANILCA -- Designated Wilderness and ANILCA] 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.

Specific Comment #3

[32651.005 ANILCA -- Planning Requirements] 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.

General Comment #1:

The economy of the United States is in serious trouble. Unemployment is at high levels. The increasing national debt threatens to crush future generations. We continue to import most of the oil we consume, at horrendous ongoing cost to the economy. Public respect for government institutions is low. The oil and gas resources of the 1002 Area have the potential to make a material positive impact in our national economy, provide thousands of jobs, help correct our foreign trade imbalance and improve the lives of Americans. Unfortunately, none of this will happen if the area is designated as wilderness after a one-sided analysis.

[32651.006 ANILCA -- Designated Wilderness and ANILCA] 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.

General Comment 2:

[32651.007 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.

General Comment #3:

If you include a wilderness review of the 1002 Area in the CCP, please consider the following:

The Coastal Plain constitutes 1.5 million or 8% of ANWR's 19.3 million acres. Except for small areas around Kaktovik and Arctic Village, the rest of ANWR is either designated wilderness (8 million acres) or minimally managed as such (9.8 million acres). With the reduced footprint made possible by current oil field technology, the actual area required to develop the oil and gas resources is a small fraction of the Coastal Plain. If development occurs, more than 99% of ANWR would remain untouched.

The Federal government owns over 60% of Alaska, some 222 million acres. Of this total, the National Park Service and U.S. Fish and Wildlife Service manage about 120 million acres primarily for resource protection and fish and wildlife conservation. This highly protected area – about half of which is designated wilderness, and most of the rest has high wilderness characteristics and is minimally managed -is roughly the size of Colorado and Utah combined. If lands managed by the U.S. Forest Service are considered, the total of highly protected federal lands in Alaska is even higher. Full-blown wilderness designations in the United States (including Alaska's 58 million acres) total 110 million acres, an area larger than California. That's a lot of

wilderness. Adding to it by designating the Coastal Plain as wilderness may be too much of a good thing.

An oil field that produces 500,000 barrels per day would, at $100/bbl, generate gross value exceeding $18 billion annually. That means thousands of jobs, huge tax revenues to fund improved government services, more oil in the Trans Alaska Pipeline and a vital boost to our national economy. Actual production from the 1002 Area (if it ever opens) may be more or less than this example, but 500,000 barrels per day is a reasonable number given mean oil reserve estimates for the area[7]. Even half that volume would provide enormous economic benefits. Prudhoe Bay peaked in 1989 at 1.5 million barrels daily.

I believe that Coastal Plain development can occur with minimum impact on important caribou and other resources. Damaging oil spills on the North Slope are rare events, and oil companies work relentlessly to prevent environmental impacts. If the Coastal Plain is developed, every action taken will be designed to minimize impacts and will be subject to protective permitting conditions and lots of government oversight.

Coastal Plain development won't solve all our problems, but it likely will make a decent dent in them. Designating the Coastal Plain as wilderness will prevent that from ever happening.

In light of these facts, I urge that you not recommend a wilderness designation for the 1002 Area.

Closing remarks:

In 1980 there was no consensus about whether the Coastal Plain should be protected or developed, so Congress asked (in ANILCA) for more information with an eye toward deciding the issue based on better information at a later date. As of the date of this comment letter, the situation is largely the same. The future of the 1002 Area is still in the hands of Congress, and by any reasonable measure, it doesn't have up-to-date empirical data on which to base any decision.

If the Service decides to subject the 1002 Area to a wilderness review, it has a legal obligation to fully evaluate the oil and gas development potential of the area. In the alternative, an approach that serves the public interest and complies with all legal requirements is to continue the policy taken in the 1988 CCP – leave the 1002 Area alone, manage it as it has been managed, and let Congress make the next move.

As presently drafted, the CCP does not comply with NEPA, or the Service's own policies regarding CCP preparation, and it ignores the fact that the 1002 Area is a special case under ANILCA, subject to standards and objectives that differ from those applied to ANWR as a whole. The draft CCP does not serve our national interests and will likely result in inefficient, time consuming, expensive and generally nonproductive litigation. I urge you to revise the draft CCP to correct these deficiencies.

Respectfully submitted,

[Signature]
Mark Lindsey
1016 W 22nd Ave #2
Anchorage, Alaska 99503
[redacted]

Footnotes:

1 The two pages in Chapter 4 of the draft CCP that deal with oil and gas provide only cursory background information, and do not constitute a thorough analysis of the potential benefits from and impact of oil and gas development on the Coastal Plain. By way of comparison, the 1987 Coastal Plain Resource Assessment presented to Congress ran 208 pages, of which about half was specifically devoted to oil and gas issues. With the addition of new data, analysis and technology since the date of that report, a similar assessment today would likely be longer. Note, for example, that the August, 2011 draft CCP is more than twice as long as equivalent content in the 1988 CCP, presumably due to more data/studies since 1988.

2 Sections in bold type – emphasis added - are of particular relevance to the points being made.

3 Bold text is as published on the Internet – emphasis was not added here.

4 See footnote 2 on page 2 of this letter

5 Sec. 102 [42 USC § 4332]

6 Section 4.2.7 of the draft CCP

7 Analysis of Crude Oil Production in the Arctic National Wildlife Refuge, May 2008, Energy Information Administration http://www.eia.gov/oiaf/servicerpt/anwr/pdf/sroiaf(2008)03.pdf

COMMUNICATION NUMBER 9556
John Lyle

Fairbanks Hearing 10/19/2011
John Lyle

MR. LYLE: John Lyle, L-y-l-e. I need to first
make a confession. My behavior is not 100 percent consistent
with my advocacy. Here I am dressed in clothing made out of
petroleum products. I arrived here on tires made from
petroleum products. This morning I drank coffee flown to
Fairbanks from halfway across the world, from petroleum
products. Even a little free toy in the box of Toastie Flakes
was made out of petroleum. But I am consistent in my belief
that the Arctic Refuge should be permanently protected and,
specifically, I support the Goals 1 and 2, addressing
protection of ecological processes and wilderness character.
And **[9556.001 Refuge Values -- Special Values of Refuge]** I also support the special values of the refuge, and I
think that should be a template to guide all management
decisions.
[9556.002 Climate and Climate Change -- General Impacts] 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. **[9556.003 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings]** I believe aircraft proliferation should
not occur and landings should be limited to durable surfaces
such as gravel bars. **[9556.004 Recreation 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.
[9556.005 Wildlife -- Predator Control] I believe natural diversity should be
encouraged without intensive management, like predator control
or habitat manipulation particularly for the purpose of
increasing game species for sport hunting.
By nature and from my own experiences, I'm very
cynical about the ability to safely extract, process, and
transport oil. I'm a strong believer in science, which
overwhelmingly indicates humans have substantially altered the
world's climate by burning fossil fuels. I refuse to forget
the Exxon-Valdez and the BP gulf spill and I don't think the
people living in the gulf or Prince William Sound will forget
that either.
The NPR-A just west of the Arctic Refuge
contains over 20 million acres of oilfields already leased to

oil companies. If were serious about jobs and energy security as we say we are, let's develop these and other fields, and respect the wishes of both the Inupiaq and Gwich'in peoples who apparently are on differing sides over this issue. This issue is as symbolic as it's real. The reality is that it's an intact Arctic wilderness ecosystem, the only one in America and perhaps the only one in the world and it deserves to remain as it is. Thank you.

COMMUNICATION NUMBER 136952
Jeffrey Marion, Field Stn. Leader/Adj. Professor
Virginia Tech Field Station

From: "Marion, Jeffrey"
Sent: Thursday, September 01, 2011 1:13 PM
To: "ArcticRefugeCCP@fws.gov"
Subject: Public comments on the Comprehensive Conservation Plan

Refuge planners/staff,

I am a USGS scientist who has collaborated with ANWR staff on visitor impact management, including the development of protocols for monitoring visitor impacts to trails and campsites. My research work and expertise lies in the area of recreation ecology, a field of study that evaluates visitor impacts to protected natural areas and advises managers on site and visitor management practices to avoid or minimize visitation-related resource and experiential impacts. I've reviewed the CCP and have the following comments for your consideration:

1) **[136952.001 Refuge Vision and Goals -- Goal 2 (including objectives)]** 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 avilable LNT practices. **[136952.002 Refuge Vision and Goals -- Goal 2 (including objectives)]** 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.

2) **[136952.003 Refuge Vision and Goals -- Goal 3 (including objectives)]** 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.

3) **[136952.004 Refuge Vision and Goals -- Goal 5 (including objectives)]** 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 (includinghunting/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.

4) **[136952.005 Refuge Vision and Goals -- Goal 5 (including objectives)]** 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.

5) **[136952.006 Refuge Vision and Goals -- Goal 9 (including objectives)]** 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.

6) I'd be happy to discuss or consult further regarding any of these topics.

Jeff Marion

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Jeff Marion, Ph.D. USDI, U.S. Geological
Survey Virginia Tech/CNRE, FREC
Field Stn. Leader/Adj. Professor Patuxent Wildlife Research Center 304
Cheatham Hall (0324)
Natural Resource Recreation Virginia Tech Field
Station Blacksburg, VA 24061
[redacted]

COMMUNICATION NUMBER 32662
David McCargo

DAVID McCARGO
P.O. Box 100767
Anchorage, AK 99510-0767
[redacted]

October 22, 2011

SUBJECT: Arctic NWR CCP

Mr. Richard Voss, Refuge Manager
Arctic National Wildlife Refuge
101 12th Ave., Rm 236
Fairbanks, AK 99701-6237

Dear Mr. Voss,

As a frequent and regular visitor to the Arctic Refuge from 1971 to 1990, I am submitting the following comments and observations pertaining to Refuge CCP.

• BUDGET CONSIDERATIONS

[32662.001 Refuge Infrastructure and Administration -- Staffing] 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 onceupon- 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.

• WILDERNESS

The Service should recommend the entire Refuge, with the possible exception of areas of major inholdings notably on he North Slope, for Wilderness because it both qualifies and deserves protection. Recommendation of other parts of the Refuge for Wilderness should not be tied to the future of the Coastal Plain nor should the Coastal Plain be held hostage while sacrificing other areas that may surpass its wilderness and biological importance such as the NPR-A that the Department abandoned during the Clinton years the quid pro being to leave the Coastal Plain alone. Designation of the Coastal Plain as Wilderness is a political decision that only Congress can make, and after decades of stalemate I doubt that it will occur in my lifetime if ever. The over-riding reason for the Service to recommend the Coastal Plain as Wilderness is that it would define the Administration's position on the Coastal Plain, but otherwise it would be essentially meaningless.

The Service should concentrate on what is achievable versus what is not.
Wilderness designation looks good on paper but in many ways is a chimera as evidenced by many of the pathetic and beat-up Wilderness Areas in the South FortyEight states. What is most important is that the Service continues to commit itself to preserving the wilderness attributes of the Refuge i.e. through minimal management and prohibiting incompatible activities. Pre-occupation with the Coastal Plain should not be allowed to distract from other aspects of the Plan.

• WILDERNESS MANAGEMENT

[32662.002 Recreation and Visitor Use -- Group Size] Controls need to be places 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.

[32662.003 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings] As part of the Refuges's wilderness management strategy, the Refuge has to address the pernicious problem of aircraft landings. How many, for example, are associated with different type of activities such as hunting, "subsistence", and floating and backpacking activities? Landing sites were proliferating all over the Refuge decades ago and once again must have proliferated since then. The Refuge to my knowledge has refused to do anything about it in a meaningful way. Landings should be prohibited on fragile habitats like tundra and be restricted to hardened and/or regenerative sites like gravel bars. It has been a longstanding recommendation on the part of many since ANll.,CA that there should be No-Fly Zones. Despite using them myself, aircraft are a real intrusion into Alaska wilderness and there are very few places left most notably northwest Alaska and Canada where aircraft are uncommon to almost absent. Not only are aircraft intrusive, but they degrade from one of the essences wilderness which is loneliness by being something of a security blanket.

• WILDLIFE MANAGEMENT

The Service should resist any and every attempt by the State of Alaska to carry out predator control and any other deleterious wildlife management practices in the Refuge. State objectives are very different from the statutory responsibilities of the Service, and the Service quite frankly cannot be trusted to hold it's ground as evidenced by the recent attempt of the State to run roughshod over the Service on Unimak in the Alaska Maritime NWR. This gave the Service a black eye and hopefully will not be repeated elsewhere in the Alaska Refuge System.

The Service has abrogated its responsibilities on wildlife matters in other respects.
My guess is that if one poured over the data one would discover that the Service borders on being clueless about the health of many wildlife populations in the Refuge and how they are being impacted by hunting and trapping. In my day, I was convinced that furbearers were pretty much trapped out in places like the Porcupine, the lower Sheenjek, and around Arctic Village, and it is hard to imagine that the situation has improved since.

• TRADTIONAL & SUBSISTENCE ACTIVITIES
It is not up to the Service to afford subsistence or anyone else any additional privileges not

presently authorized by statute. **[32662.004 Subsistence -- 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 substence 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.

[32662.005 Cabins/Camps --] Additional permanent and semi-permanent subsistence facilities, or any structures for that matter, should be disallowed because their proliferation could be endless. Structures of any sort other than those of historical significance are incompatible with Wilderness and by extension should be prohibited in potential Wilderness Areas.

• OTHER

[32662.006 Refuge Infrastructure and Administration -- Administrative Sites] The Peters Lake facility has always been an intrusion and should be downsized at the very least and preferably removed for the reasons stated.

[32662.007 Refuge Management Policies/Guidelines -- Subsistence Management] 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 a open-ended activity. Third, it would require increased motorized activity in the Refuge.

[32662.008 Refuge Vision and Goals -- Goal 4 (including objectives)] 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.

[32662.009 Land Status -- Native Ownership] 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.

The Last Great Wilderness Alternative as presented in the last CCP process still represents for me the best approach for protecting the Refuge as envisioned by those who were responsible for creating it. None of the Alternatives presented in this latest exercise satisfactorily incorporates my concerns not to mention that one could argue that these types of planning process are exercises in futility. The proof in the pudding is that the National Wildlife Refuge System, including the Arctic Refuge, and other conservation systems are in worse shape than ever. Most of the issues that I and others have talked about for years are worse than ever such as overuse, habitat degradation, excessive hunting and trapping, aircraft use, and deterioration of wilderness

qualities in general. No amount of planning is going to change the inexorable direction in which were headed unless those in charge acknowledge the obvious limits that are staring us in the face.

Cordially yours,

David McCargo
DMcM/dmcc

COMMUNICATION NUMBER 136800
Debbie Miller, Author
Caribou Enterprises

Attachment:

November 15, 2011

To: USFWS

Fr: Debbie S. Miller, Author
Caribou Enterprises
1446 Hans Way
Fairbanks, AK 99709
[redacted]

Re: Comments for Arctic Refuge Draft CCP

Dear Arctic Refuge planning team,

Thank you for the work you have put into this massive draft comprehensive management plan. Having explored the Arctic Refuge for many years, beginning in 1975, I appreciate the opportunity to comment on the plan's proposed vision, goals, special values, objectives, management guidelines, and alternatives.

Vision Statement:

[136800.001 Refuge Vision and Goals -- Vision] 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."
Goals:

[Preamble 136800.002, 003, 004] I recommend that you revise a few of the goals to better reflect the purposes for which the Arctic Refuge was established:

[136800.002 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

Goal 2: This is an excellent goal which should guide all aspects of management.

[136800.003 Refuge Vision and Goals -- Goal 5 (including objectives)] 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)

[136800.004 Refuge Vision and Goals -- General] 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).

Special Values:

I think the 11 special values articulate the significance and international importance of our largest and wildest refuge. These special values should guide all management decisions.

[136800.005 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.

Objectives:

[136800.006 Refuge Vision and Goals -- Goal 1 (including objectives)] 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?

[136800.007 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

[136800.008 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136800.009 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

Alternatives:

[136800.010 Alternatives Analyzed -- Alternative E: Wilderness] 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.

I'm very pleased that USFWS has formally recognized the new wilderness study areas that are depicted in Alternative E.

Budget:

[136800.011 Alternatives Analyzed -- Alternative E: Funding and Personnel] 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.

Thank you for giving me the opportunity to comment on this draft plan.

Sincerely,

Debbie S. Miller

COMMUNICATION NUMBER 136985
Susan Morgan

From: Susan Morgan
Sent: Friday, November 11, 2011 7:27 PM
To: ArcticRefugeCCP@fws.gov
Subject: Arctic Refuge Comprehensive Conservation Plan (CCP)

Dear Fish and Wildlife Service Personnel,

For the past forty-five years, I've supported protection for Alaska Wilderness and National Parks and have been particularly interested in making sure there is a wild and free Alaska National Wildlife Refuge. Early on, I was fortunate to work with such luminaries as Mardy Murie, Celia Hunter, Bob Marshall's two brothers, Jim and George, Ted Swem, and others. Their inspired vision taught me, and many others, the immeasurable value of "the last great wilderness in the United States…a treasure not just for the United States but for the world." (Schaller, 1956)

I have read the draft EIS for revising the Arctic Refuge Comprehensive Conservation Plan and am writing to support Alternative E, which recommends wilderness designation for the entire Refuge except for lands near villages in the area. My comments here will be brief and general in nature.

[136985.001 Refuge Values -- Special Values of Refuge] Description of purposes and Special Values of the Arctic Refuge: These are excellent and should guide all management decisions both in designated and potential Wilderness in the Refuge.

The goal that calls for protection of ecological processes and wilderness character is also excellent.

Wildlife: **[136985.002 Wildlife -- Predator Control]** Guidelines that provide for protection of population dynamics of species without predator control should be strengthened by implementing the Agency's non-intervention policy, which is well stated in the very important climate change management guideline. **[136985.003 Wildlife -- Predator Control]** A conflict exists between State management and Refuge management of wildlife, and while the draft plan acknowledges the need for coordination, it should direct the FWS to place wilderness values and Refuge responsibility for maintaining natural and wild wildlife populations above State objectives. The final plan must assure that the primary Refuge purpose to conserve natural diversity must never be compromised or preempted by decisions to allow predator control or habitat manipulation to increase game species for hunting. **[136985.004 Alternatives - 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.

Visitor Use:**[136985.005 Recreation 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.

Buildings: No new Administration Sites or Visitor Facilities should be constructed in the Refuge, and the unsightly administrative buildings on Peters and Big Ram Lakes should be removed.

[136985.006 Alternatives - Issues Considered but Eliminated -- Management Issues] Conflict between wilderness values and science-related technologies: This escalating conflict is not adequately resolved by the current MRA process and should be addressed in the CCP.

[136985.007 Glossary (Appendix M) --] Polly Dyer, now 91, an Alaska traveler and still an active wilderness advocate in Washington State, suggested "untrammeled" to Howard Zahniser when he was looking for just the right word to include in the Wilderness Act. They believed the meaning of "not restricted or hampered or deprived of freedom of expression" of natural processes most clearly defined the meaning they wished to convey.

Although in Alaska native people are allowed to "remain" to accommodate important subsistence lifestyles, revising the definition of wilderness should not be done in this CCP for management purposes. "Permanently" should be deleted in the glossary definition because it is neither in the spirit nor the letter of the Act as penned nor as passed by Congress in 1964.

I appreciate this opportunity to comment on the Arctic Refuge Comprehensive Conservation Plan and hope my comments will help the FWS strengthen its role in the protection of the Arctic National Wildlife Refuge.

Sincerely,

Susan Morgan, PhD
2612 Sylvan St.
Bellingham, WA 98226
[redacted]

COMMUNICATION NUMBER 136804
Matt Nolan

From: "Matt Nolan"
To:
Subject: my CCP comments

Hello. Attached please find my comments on the CCP draft as well as a research paper that I reference in those comments. Please let me know that you have received these, and feel free to contact me for more info or clarifications. Thanks again for all of the hard work that went into this draft, and in advance for all the hard that I'm sure yet remains to produce the final version.
Thanks,
Matt

- CCP_nolan.pdf - ICRW4_Nolan.pdf

Attachment:

To: Arctic Refuge Management
From: Matt Nolan
Date: 11 Nov 2011
Re: My comments on Draft CCP

I have read the draft CCP cover-to-cover and want to thank the Arctic Refuge staff for such an outstanding job of pulling together so much useful and interesting information about the Refuge. I would recommend someone there to condense this a bit and turn it into a coffee table book filled with photos.

I have several comments on the draft CCP which I would like to share, most related to issues and plans that the draft plan solicited input on but some that I did not see identified directly.

[136804.001 Recreation and Visitor Use -- Visitor Experience]
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.

Management Alternatives. I am in favor Alternatives B-F, but would most favor Alternative E. Alternatives B-F all seek much needed additional staffing and resources for the Refuge and this

funding should be granted. I would like to see the three WSAs be put forward for protection under the Wilderness Act. I would also like to see the Atigun, Hulahula, Kongakut, and Marsh Fork Rivers protected further under Wild and Scenic River status. However, **[136804.002 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. **[136804.003 Natural Areas -- Research Natural Areas]** 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. **[136804.004 Natural Areas -- Research Natural Areas]** 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. **[136804.005 Transportation and Access -- Mode of Transportation]** 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 dont 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.

Management Goals. I think the 9 management goals and objectives are all clear and reasonable, and I support all of them. I am in particular favor of goals 6 and 7, as well as management

guideline 6, all which deal with ensuring scientific study of the Refuge in the context of climate change and the Refuge's role as an internationally-recognized benchmark for naturally functioning arctic ecosystems. **[136804.006 Natural Areas -- Research Natural Areas]** 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.

[136804.007 Glaciers --] 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.

[136804.008 Recreation 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 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 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.

[136804.009 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).

[136804.010 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings] 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.

Additional Attachment Included in PDF File:
- Predicting the Impact of Glacier Loss on Fish, Birds, Floodplains, and Estuaries in the Arctic National Wildlife Refuge

COMMUNICATION NUMBER 136993
Julie Raymond Yakoubian

From: Julie Raymond-Yakoubian
Sent: Sunday, November 13, 2011 9:17 PM
To: arcticrefugeccp@fws.gov
Subject: Arctic Refuge Comprehensive Conservation Plan comments

To: Arctic National Wildlife Refuge

I am writing regarding the Arctic Refuge Comprehensive Conservation Plan. As someone who has long been concerned about the fate of the Refuge, and the coastal plain in particular, I hope you will fully consider these comments. As graduate students my husband and I saved up money for many months in order to be able to visit the Refuge and to hike through the coastal plain and a portion of the 1002 area. That two week trip was one that we will never forget and which was personally significant for me in many ways. I strongly believe that the wilderness and solitude which I experienced on that trip should be preserved and protected for posterity. I am not so naive to believe, however, that a place like the Refuge is only important to me, or others who have been privileged to visit it in person. In fact, while I was a graduate student in Anthropology I decided to purse a second master's degree in order to further explore why this one place - out of all possible places - was so important to so many people - in particular, why it was so important to people who had never even visited it (and many of whom had no intention of ever visiting it).

[136993.001 Recreation and Visitor Use -- Visitor Experience] 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") - reasons that I know are still valid today. For me personally, the Refuge, especially as a wild place, is important for its totally unique wilderness, wildlife, and subsistence values, as well as for its cultural resources and the symbolic values it represents.

I have several recommendations in response to the draft CCP. First, I would like to thank you for doing a Wilderness Review and urge you to complete this review as part of the final CCP. I urge you to support Alternative E - which would recommend wilderness designation for the entire Refuge, except for areas surrounding villages. I appreciate the strong Vision Statement and Goals in the CCP. Additionally, it is my strongest desire that you use the "Special Values" section to guide Refuge management from here on out. I support the proposed goals - particularly goals 1 and 2 which would protect ecological processes and wilderness character, as well as goal 5 which would preserve visitor experiences with minimal management actions.

There are several areas which I believe need additional attention and clarification for the final CCP. The first is visitor impacts.**[136993.002 Recreation and Visitor Use -- Impacts of recreation on other resources]** 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. Also, **[136993.003 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings]** the issue of aircraft landing sites needs to be addressed through regulations that both prescribe measures to restore already impacted areas and that prevent aircraft landings in sensitive areas, limiting them to durable surfaces such as gravel bars. Related to this - **[136993.004 Recreation and Visitor Use -- Commercial Operations, General]** the CCP should limit the number of commercial outfitters

allowed into the Refuge and establish commercial free zones. While I support the prohibition on helicopter landings for recreation, I believe that use of helicopters should be entirely prohibited.

[136993.005 Consultation and Coordination -- State Coordination] Another area of concern for me, which needs additional clarification before the CCP is finalized, is the role of the Alaska Department of Fish and Game. As you well know, the state's wildlife management goals are often in conflict with maintaining natural and wild animal populations. The final CCP needs to explicitly outline that wilderness values and Refuge purposes will prevail in cases where they conflict with state or Board of Game recommendations. Predator control and habitat manipulation to increase wildlife populations for hunting must be explicitly not allowed - the Refuge purposes of conservation of natural diversity must always prevail. (Related to this - comments in Appendix B 1.1 regarding FWS and ADFG "mutual concern..." should be deleted since this statement is untrue.) I support Management Guidelines 2.4.11, 2.4.12 and 2.4.12.7 which allow for the natural behavior and interactions and dynamics of all species to continue and which leave habitats unmanipulated by management.

Some additional comments:
-**[136993.006 Alternatives - Issues Considered but Eliminated -- Management Issues]** In Appendix D 4.1 conflict between wilderness values and science-related technologies should be further addressed in the final CCP. The current MRA process does not adequately resolve this growing issue.-**[136993.007 Refuge Infrastructure and Administration -- Administrative Sites]** The buildings on Peters and Big Ram Lakes should be removed. This issue needs to be addressed in the alternatives. Related to this - **[136993.008 Refuge Infrastructure and Administration -- Administrative Sites]** the management guideline for Administration Sites and Visitor Facilities should prohibit construction of any new buildings in the Refuge.

Thank you for your consideration of my comments.
Julie Raymond-Yakoubian
PO Box 1628
Nome, AK 99762

COMMUNICATION NUMBER 136912
Edward Sam

Arctic Village Hearing 10/03/2011 and 10/04/2011
[Preamble 136912.002] Edward Sam

Edward Sam: Wants to leave the area (refuge) alone. If you do anything, make this place as it is a wilderness. Does not want development to occur that would impact the area or resources. He is concerned about the health of the caribou. Says the caribou have been impacted by pollutants and contaminates making the caribou unhealthy to eat. He does not want to tell his people of the danger to the caribou and themselves, says the managers should be the ones to give them the bad news.
Says the US government is still trying to do the us (Alaska Natives) what they did down in the State with Indian Reservations, take away the land and restrict traditional activities for Alaska Natives.
Does not support the YCC program. Believes it is making under aged kids work with picks and shovels when equipment can do a better job of it.

Edward Sam: 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.
Asked **[136912.001 Refuge Infrastructure and Administration -- Staffing]** 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.
[136912.002 NEPA Process -- DEIS Comment Period] Said he wants a copy of the CCP meeting minutes to come back to the community. Also, Edward wants a copy of the large map on display showing the Refuge boundary, wilderness area and special use areas, the private land (Native Allotments).
[136912.003 Refuge Management Policies/Guidelines -- Environmental Contaminants ID and Cleanup] 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.
[136912.004 Transportation and Access -- Baseline Conditions] In the Old John Lake area, he said that Native people need to be involved with the Native Allotment trespass issue. They need a cabin to be manned by local people to watch the area during the hunting season. Local people need to be involved in the protection of the area.
He said that Lillian Garnett has miss-used her Native Allotment allowing somebody nonlocal named "Colonel XXX" to use it.

Edward Sam: Ended his comments saying he supports Gideon James comments. **[136912.005 Refuge Infrastructure and Administration -- Staffing]** 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.

COMMUNICATION NUMBER 136813
Allen Smith

From: "Allen E. Smith"
To: "Sharon Seim"
Subject: Allen Smith Comments on Arctic National Wildlife Refuge Draft CCP-DEIS

Mr. Richard Voss, Refuge Manager
U.S.Fish and Wildlife Service
Arctic National Wildlife Refuge
ATTN Sharon Seim
101 12th Ave., Rm 236
Fairbanks, AK99701-9963
ArcticRefugeCCP@fws.gov

Dear USFish & Wildlife Service,

Attached as a WORD document are my comments on the Draft CCP/DEIS for the Arctic National Wildlife Refuge due today. Please acknowledge receipt of these comments.

Thank you, Allen Smith

Allen E. Smith

Writer - Consultant
6123 Buckthorn Ct. NW
Olympia, WA98502-3434
[redacted]

[Attachment]

SENT VIA E-MAIL on November 15, 2011 – RETURN RECEIPT REQUESTED

Allen E. Smith
6123 Buckthorn Ct. NW
Olympia, WA 98502-3434
[redacted]

Mr. Richard Voss, Refuge Manager
U.S. Fish and Wildlife Service
Arctic National Wildlife Refuge
ATTN Sharon Seim
101 12th Ave., Rm 236
Fairbanks, AK 99701-9963
ArcticRefugeCCP@fws.gov

November 15, 2011

RE: COMMENTS – ARCTIC NATIONAL WILDLIFE REFUGE – DRAFT REVISED COMPREHENSIVE CONSERVATION PLAN, DRAFT ENVIRONMENTAL IMPACT STATEMENT, WILDERNESS REVIEW, AND WILD AND SCENIC RIVER REVIEW

Dear Mr. Voss:

Thank you for the opportunity to offer my comments and recommendations below for the record and for your consideration on the Draft Revised Arctic National Wildlife Refuge Comprehensive Conservation Plan (CCP), Draft Environmental Impact Statement (DEIS), Wilderness Review, and Wild and Scenic River Review (PLAN/DEIS) as outlined in the USFWS documents of same name dated June 2011.

I have more than thirty years of experience with Alaska's wildland issues including the Arctic National Wildlife Refuge beginning with the passage of the Alaska National Interest Lands Conservation Act (ANILCA) when I served as Executive Officer in the Land and Natural Resources Division of the U. S. Dept. of Justice from 1979 to 1982. I served The Wilderness Society for twenty years first as a Vice President from 1986 to 1989, then as Alaska regional director and senior policy analyst from 1989 to 2004, and then as a consultant to The Wilderness Society on the Arctic Refuge from 2004 to 2006. I have personally visited the Arctic Refuge numerous times and plan to visit it again. I am now a freelance conservation writer and consultant on public land issues. I write here as a private citizen, but also note for the record that I am a member of The Wilderness Society, Natural Resources Defense Council, Wilderness Watch, and the National Wildlife Refuge Association and endorse their joint organizational comments submitted on this plan as well for purposes of standing.

SUMMARY STATEMENT:

I strongly support Alternative E in the Arctic National Wildlife Refuge Draft Revised CCP/DEIS and urge US Fish & Wildlife Service (USFWS) to adopt Alternative E and recommend proposed Wilderness Areas for all of the qualified and suitable lands within the Brooks Range, Porcupine Plateau, and Coastal Plain Wilderness Study Areas of the Arctic Refuge. With these proposed Wilderness Areas, the designation of new Wild & Scenic Rivers within those Wilderness Areas would not be necessary since Wilderness would provide the ultimate protection. The Special Values Section 1.5 of Chapter 1 of the Draft Revised CCP/DEIS outlines in detail what makes the Arctic Refuge a special place and those "special values" should be the compass to guide all future

management actions and limits to use on the Refuge. The Arctic National Wildlife Refuge is a wilderness refuge and should be designated, managed and treated as such.

There are several other critical aspects of the Draft Revised CCP/DEIS that I support and urge USFWS to adopt as well. First, Goals 1 and 2 are critically important to maintain the integrity of the Refuge's ecological processes and wilderness character respectively and Goal 5 is a complimentary aspect of maintaining the wilderness character of the Refuge. Second, emphasis should be placed on the Management Guidelines that allow the natural behavior, interactions, and population dynamics of all wildlife species to continue without any predator control (2.4.12 and 2.4.12.7) and that leave habitats natural without any alteration or manipulation (2.4.11).

There are a number of troubling if not legally deficient aspects to the Draft Revised CCP/DEIS that should be addressed by USFWS and corrected since failure to do so will certainly lead to a loss of wilderness character on the Refuge. First, there is a failure to recognize the clear historical record that the wildlife management goals of the State of Alaska and ADF&G are not always compatible with the legal goals that USFWS is bound by under ANILCA, the Wilderness Act, and other federal law and there is not enough emphasis on USFWS responsibilities to follow federal law, not Alaska law in its cooperation with the State. Second, once again USFWS is putting off to a distant time horizon the priorities of 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 a critically needed river management plan, an issue that is now and will continue to significantly affect wilderness character if not addressed with more immediacy (Chapter 6 at Table 6-1 Timelines for Step-Down Plans). Third, All of the Appendix G Compatibility Determinations lack sufficient specificity of uses in the draft determinations to be approved by this Plan and inappropriately suggest that all future as yet to be specified activities are compatible uses leaving those unspecified uses to only be revealed and allowed by permit at a later date.

ANALYSIS OF ISSUES AND RECOMMENDATIONS:

Analysis of the recommendations, issues, and concerns in the Summary Statement above are detailed in the following five numbered analysis sections.

1 – ALTERNATIVES AND WILDERNESS:

Alternative E is the only Alternative in the Draft CCP/DEIS that adequately addresses long term protection of the unique wilderness values of the Arctic Refuge in a "Comprehensive Conservation Plan" as defined by ANILCA in 1980 and the National Wildlife Refuge Improvement Act in 1997. All other Alternatives fall short of the scope of Alternative E and short of the scope of prior Wilderness Area Reviews on the Refuge.

The first Wilderness Area Review was conducted in the early 1970's on the Arctic National Wildlife Range to comply with the requirements of the Wilderness Act of 1964 and USFWS found then that with few exceptions the entire Arctic National Wildlife Range contained "outstanding wilderness qualities" and was suitable for designation as a Wilderness Area but that finding was never forwarded to Congress for action.

The second Wilderness Area Review on the Arctic National Wildlife Refuge conducted as part of the first CCP in the 1980's as required by Section 1317 of ANILCA also found that the entire Refuge was suitable for designation as Wilderness, but left the coastal plain out for reasons that many disagreed with. The entire Section 1317 Wilderness Area Review for all national parks and national wildlife refuges in Alaska was then buried in a drawer at USDI during the Administration of President Reagan and never forwarded to Congress as legally required by ANILCA.

This new Wilderness Area Review confirms the veracity of the prior reviews and corrects those past administrative failings. The Secretary USDI should now use that Review to forward a Wilderness Area recommendation for the Arctic National Wildlife Refuge through the President to Congress, as required by Section 1317 ANILCA and the Wilderness Act. All of the lands determined to be suitable for Wilderness Area designation within the Brooks Range, Porcupine Plateau, and Coastal Plain Wilderness Study Areas in the Wilderness Review published in Appendix H should be forwarded as Proposed Wilderness Areas.

Only the lands near Arctic Village (Map H-2) and Kaktovik (Map H-3) determined by the Wilderness Review to be non-qualified and/or non-suitable within the Brooks Range, Porcupine Plateau, and Coastal Plain Wilderness Study Areas should be excluded from the Proposed Wilderness Areas to provide for other uses by those villages.

Once those Proposed Wilderness Areas of Alternative E are enacted by Congress as Wilderness Areas, Wilderness Act protections will ensure that the outstanding wilderness values and character and extraordinary wildlife qualities of the Arctic National Wildlife Refuge will be protected in perpetuity and that is what USFWS should recommend. The Arctic Refuge deserves nothing less.

2 – GOALS:

USFWS has developed a strong set of draft goals for the Arctic Refuge plan. Implementation of the draft goals should be keyed directly off the Arctic Refuge purposes as stated in the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 and the original purposes used in 1960 to establish the Arctic National Wildlife Range with its emphasis on wilderness, which were incorporated into the Arctic Refuge purposes in ANILCA. I support these draft goals with the following suggested changes.

[136813.001 Refuge Vision and Goals -- Goal 1 (including objectives)] Goal 1: The word "essentially" should be dropped since Refuge management should remain completely free of the intent to alter the natural order.

Goals 2, 3, 4, and 5: Intent is fine as written.

[136813.002 Refuge Vision and Goals -- Goal 6 (including objectives)] Goal 6: Should be reworded to "The effects of climate change on Refuge resources are evaluated through 'non - invasive' scientific research and monitoring." **[136813.003 Refuge Vision and Goals -- Goal 7 (including objectives)]** Goal 7: Should also be reworded to "conduct non-invasive research and monitoring."

Goals 8 and 9: Intent is fine as written.

3 – MANAGEMENT GUIDELINES:

I support sound management of Arctic Refuge resources but wish to emphasize a number of specific Management Guidelines that are critical to the sound implementation of all Management Guidelines and to protecting the purpose for which the Refuge was established. The first paragraph of Guideline 2.4.12, Fish and Wildlife Population Management, on Page 2-52 and the first paragraph of Guideline 2.4.12.7, Fish and Wildlife Control, on Page 2-55 taken together clearly state the intent to allow the natural behavior, interactions, and population dynamics of all wildlife species to continue without species manipulation. There is no place for predator control on the Arctic Refuge or in Wilderness Areas. Two sentences in Guideline 2.4.11.1, Habitat Management, on Page 2-50 also are key to all management decisions: "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." Natural habitats should be left alone in the Arctic Refuge as well as in Wilderness Areas. Taken together, these specific Management Guidelines are critically important to all management guidelines and management decisions on the Refuge.

[136813.004 Wildlife -- Predator Control] The Draft Revised CCP/DEIS fails to recognize the clear record of conflict over differences between the wildlife management goals of the State of Alaska ADF&G and the legally established wildlife management goals that USFWS is bound by under ANILCA, the Wilderness Act, and other federal law. These two sets of goals are not always compatible, particularly with regard to State intensive species game management and predator control. The Draft Plan does not have enough emphasis on USFWS's responsibilities to follow federal law, not Alaska law in its cooperation with the State. The Memorandum of Understanding signed between the State of Alaska and USFWS in March of 1982 does not require that USFWS give undue deference to the State. Again, there is no place for predator control in the Arctic Refuge or its Wilderness Area.

4 – STEPDOWN PLANS:

[136813.005 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. This becomes even more important as we now consider the designation of significant new Wilderness Areas for the Arctic Refuge.

5 – COMPATIBILTY DETERMINATIONS:

The standard for compatibility determinations as defined in Section 6(3)(a)(i) of the National Wildlife Refuge Improvement Act of 1997 requires that the USFWS "not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use," that is the use must be compatible with the primary purposes for which the refuge was established. The purposes for which the Arctic National Wildlife Refuge was established are: i. to conserve fish and wildlife populations and habitats in their natural 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's sheep, wolves, wolverines, snow geese, peregrine falcons and other migratory birds and Arctic char and grayling; 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 necessary water quantity within the Refuge.

[136813.006 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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.

CONCLUSION:

The Arctic National Wildlife Refuge is an extraordinary wilderness by any measure. Alternative E with its recommendations for Wilderness Areas across the whole Arctic Refuge is the most appropriate Alternative that can be adopted by USFWS from this Draft Revised CCP/DEIS and I strongly urge you to do that. Further, I urge USFWS to seriously address the issues and concerns I have raised in the analysis sections above that affect the protection of wilderness character and wildlife. Wilderness is about restraint not only in what we allow to occur there but also what we do not allow there. Of what avail is a Wilderness Area in the Arctic Refuge if we do not keep it wild?

Again, thank you for this opportunity to comment on the Draft Revised CCP, Draft EIS, Wilderness Review, and Wild and Scenic River Review for the Arctic National Wildlife Refuge. I look forward to USFWS taking appropriate actions on the recommendations and issues I have raised above for this important plan.

Sincerely,

/signed/

Allen E. Smith

CC:
Nicole Whittington-Evans
Alaska Regional Director
The Wilderness Society
[redacted]

Charles M. Clusen
Director, Alaska Project
Natural Resources Defense Council
[redacted]

Fran Mauer
Alaska Chapter
Wilderness Watch
[redacted]

George Nickas
Executive Director
Wilderness Watch
[redacted]

Evan Hirsche
President
National Wildlife Refuge Association
[redacted]

COMMUNICATION NUMBER 136998
Thor Stacey

From: Website User
Sent: Tuesday, November 15, 2011 9:41 PM
To: arcticrefugeccp@fws.gov
Subject: Comments from Individual
Withhold my info: no
Prefix: Mr
First Name: Thor
Last Name: Stacey
Suffix: none
Title:
Address 1: 338 Winchester Way
Address 2:
City: Wiseman
State: AK
Postal Code: 99502
Country: USA
Additional Info:

Comment: To Whom It May Concern:

My name is Thor Stacey and I was born in Indian, AK in 1978. I was educated in public schools in Anchorage, although the most influential times of my childhood were spent on the south side of the Brooks Range at my father's mining properties on the Hammond River, 7 miles NW of the historic mining village of Wiseman. My interest in the Brooks Range, its animals and resources, has spanned my entire life and continues to this day. As an adult, I have followed in my father's footsteps and become a responsible resource developer, though I make my living as a hunting guide not a miner. I currently hold ARC-02 (the land between the Hulahula and Kongakut rivers, north of the continental divide, extending to the arctic coast) as on of my guiding concessions. My guide concession is administered as a special use permit by ANWR and awarded in a competitive process for 10 years.

This document consists of my personal comments on the draft CCP for the Arctic National Wildlife Refuge. In addition to these comments, I'm also including a short introduction that should help the reader understand my personal background and vested interest in the future of ANWR as well as some of the biases that my comments are potentially influenced by. And finally, in summary, I have also enumerated a few recommendations and concerns that I see looming in the next 10-15 years. Though it is my goal to be as concise and "to the point" as possible, I ask for leeway and patience from my reader as I am not a professional writer, nor am I certain of the most effective format for comment on this Draft CCP.

Thank You,
Thor Stacey

CCP Comments

Issues

1. Ecological Issues: In general, I agree with all of the management directions itemized for the Ecological Issues identified. **[136998.001 Refuge Management Policies/Guidelines -- Public Access and Transportation Management]** I would like to emphasis 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. Next, I would like to emphasis my support for further study of genetic manipulation from sport hunting harvest. Specifically,**[136998.002 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. This concluded my comments on Ecological Issues.

2. Management Issues: My overall perspective on the management issues presented are; **[136998.003 Recreation and Visitor Use -- Monitoring]** 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 nd safer than fixed wing patrol and will ensure air superiority over the general public. **[136998.004 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. I support the removal of all the Peters Lake buildings as they are a synthetic presence in the refuge and have, in my opinion, been abused by government agents and used as kind of a "Club Fed." This accusation is not groundless, though I have not personally witnessed such behavior.

3. Visitor Use Issues: I feel obligated to assert my support for continued sport hunting and non-resident hunting in ANWR. Since I have a strong belief in the value of the refuge as public land and I'm certain that non-resident sport hunting helps reinforce this value to an influential and important user group. Once again I would like to emphasis my belief in the need for stepped up enforcement presence in the refuge. This will not only ensure compliance but help lend credibility to the management compromises that have been decided on in during the CCP process. **[136998.005 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings]** 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.

4. Development Issues: I oppose oil and gas development that results in a "foot print" on refuge lands but would support laterally (directional) drilling into oil-bearing structures under the refuge as long as water quality could be assured. For this reason: I support updating the seismic data on the coastal plain.

5. Policy Issues: No comment.

6. Other Issues: No comment.

Goals and Objectives

1. I have no objections to this goal or he stated objectives. I would like to enthusiastically support "identifying stressors for species and ecosystems" as an objective, especially as in an arctic environment.**[136998.006 Refuge Vision and Goals -- Goal 1 (including 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.

2. **[136998.007 Refuge Vision and Goals -- Goal 2 (including 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."

3. Goal #3 is strait forward and easily supported but **[136998.008 Refuge Vision and Goals -- Goal 3 (including objectives)]** I would ask that Wild Rivers within the refuge not be advertised.

4. Goal #4 is also easily supported. I support subsistence harvest as a right of local people, both native and white.**[136998.009 Refuge Vision and Goals -- Goal 4 (including objectives)]** 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.

5. I support goal #5, especially the objective; coordinate with partners to improve the effectiveness and efficiency of law enforcement.

6. Goal #6's merits remain to be seen. Climate change, as an area of study, should never be ignored.

7. No Comment

8. No Comment

9. **[136998.010 Refuge Vision and Goals -- Goal 9 (including objectives)]** 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 is 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.

Email: [redacted]

COMMUNICATION NUMBER 136815
Carrie Stevens, Special Projects, Natural Resources Dept.
Council of Athabascan Tribal Governments

From: Carrie Stevens
To: "ArcticRefugeCCP@fws.gov" ; "hollis_twitchell@fws.gov" ; "joanne_bryant@fws.gov" ; "polly_wheeler@fws.gov" Subject: CATG ANWR Draft Revised CCP Comments

Please accept the attached Council of Athabascan Tribal Government Comments on the ANWR Draft Revised CCP.

Carrie Stevens
Special Projects
Natural Resources Department
Council of Athabascan Tribal Governments
[redacted]

- RES 11-09.pdf - CATG ANWR CCP Comments.pdf

Attachment:

COUNCIL OF ATHABASCAN TRIBAL GOVERNMENTS NATURAL RESOURCES DEPARTMENT YUKON FLATS, ALASKA

ARCTIC NATIONAL WILDLIFE REFUGE DRAFT REVISED COMPREHENSIVE CONSERVATION PLAN

INITIAL COMMENTS ~ NOVEMBER 15TH, 2011

The Council of Athabascan Tribal Governments (the Council) is a tribal consortium founded in September 1985 on the principals of tribal self-governance. The Gwich'in and Koyukon Athabascan peoples of the Yukon Flats live in ten remote villages, whose Tribal Governments formed the Council. They are: Arctic Village, Beaver, Birch Creek, Canyon Village, Chalkyitsik, Circle, Fort Yukon, Rampart, Stevens Village, and Venetie. Tribal leadership has clear vision: healthy, self-sufficient villages founded upon strong local self-governance.

The purpose of the Council as mandated by their Constitution: shall be to conserve and protect tribal land and other resources; to encourage and support the exercise of tribal powers of self government; to aid and support economic development; to promote the general welfare of each member tribe and it's respective individual members; to preserve and maintain justice for all and, to otherwise, exercise all powers granted by it's member villages and the purposes expressed in the preamble.

Our traditional lands encompass what is now the Yukon Flats National Wildlife Refuge and the Arctic National Wildlife Refuge (herein the Refuge). The area stretching from the White Mountains in the South to the Brooks Range in the North, from the Western edge of the Yukon Flats near the Trans-Alaska Pipeline East to the United States-Canada border is of significant historic, cultural and geographic importance to the Council's Tribal Governments. Since time immemorial the Council's Tribal Governments and tribal people have been stewards of these lands, living in reciprocity with these lands and the resources therein.

The Tribes of the Yukon Flats assert their inherent authority as stewards to manage their traditional lands to ensure protection of cultural resources, traditional and customary resources, and their use. The Tribes of the Yukon Flats require all Federal and State agencies engage in meaningful consultation on a Government to Government basis on any action that will affect their cultural resources, traditional and customary resources, and their use within their Traditional Lands.

DRAFT REVISED CCP INITIAL COMMENTS

[136815.001 Consultation and Coordination -- Tribal Coordination/Govt to Govt] 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.

The Council more specifically submits initial comments on the following four chapters of the Draft Revised CCP:
1. Chapter 2. Goals, Objectives, Management Policies, & Guidelines;
2. Chapter 3. Issues and Alternatives;
3. Chapter 4. Affected Environment; and
4. Chapter 6. Implementation and Monitoring.

CHAPTER 2. GOALS, OBJECTIVES, MANAGEMENT POLICIES, & GUIDELINES: 2.1 REFUGE GOALS AND OBJECTIVES
The Council appreciates consideration by the Service for their inclusion of the Council as a potential partner for the purposes of implementing Goal 4: The Refuge provides Continued Subsistence opportunities to federally qualified rural residents, consistent with ANILCA. Objective 4.4: Compile Existing Subsistence Use Data and Objective 4.5: Village Harvest Monitoring Programs. The Council has a proven professional history in this capacity, implementing this work in the region since 1993 thru 809 Agreements with the Office of Subsistence Management and Self-Governance Annual Funding Agreements (AFA) with the Yukon Flats National Wildlife 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.

[136815.002 Consultation and Coordination -- Tribal Coordination/Govt to Govt] 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.

CHAPTER 3. ISSUES AND ALTERNATIVES

The Council stands in unity with the Yukon Flats Tribal Governments and the 39 Tribal Governments of the Tanana Chiefs Conference in passing a Tribal Resolution in support of Alternative C for managing the Refuge. The Council desires the coastal plain of the Refuge, in our language "Izhit Gwandaii Gwatsan Goodlit (The Sacred Place Where Life Begins)" be declared Wilderness Area to protect this sacred place of our people. Please see attached Council Resolution 11-09.

CHAPTER 4. AFFECTED ENVIRONMENT:
4.4 HUMAN ENVIRONMENT

[136815.003 Subsistence -- 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. **[Preamble**

136815.004] 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.

Furthermore, **[136815.004 Subsistence -- Village Use Areas]** 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. Additionally, **[136815.005 Subsistence -- Village Use Areas]** 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.

CHAPTER 6. IMPLEMENTATION AND MONITORING

[136815.006 Consultation and Coordination -- Tribal Coordination/Govt to Govt] 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.

IN CONCLUSION

[136815.007 Consultation and Coordination -- Tribal Coordination/Govt to Govt] 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.

COUNCIL OF ATHABASCAN TRIBAL GOVERNMENTS
P.O. Box 33
Fort Yukon, AK 99740
907-662-2587
fax 907-662-3333

RESOLUTION 11-09

SUPPORTING IMMEDIATE ADOPTION OF ALTERNATIVE C OF THE ARCTIC NATIONAL WILDLIFE REFUGE'S COMPREHENSIVE PLAN.

WHEREAS: the Council of Athabascan Tribal Governments (CATG) is a tribal consortium made up of the fo llowing villages in the Yukon Flats region: Arctic Village; Beaver, Birch Creek, Canyon Village, Chalkyitsik, Circle, Fort Yukon, Rampart, Stevens Village, and Venetie and authorized by the tribes of each village; and
WHEREAS: the purpose of the Council of Athabascan Tribal Governments is to conserve and

protect tribal land and other resources; to encourage and support the exercise of tribal powers of self-gove rnance; to aide and support economic development; to promote the general welfare of each member tribe and its respective individual members; and to preserve and maintain the cultural and spiritual values of the Tribes and its Tribal members; and
WHEREAS: The Arctic National Wildlife Refuge is currently drafting its 15 year CCP, which will help guide and manage the Refuge for the foreseeable future; and
WHEREAS: the vast majority of the Arctic National Wildlife Refuge lies within traditional Gwich'in Territory; and
WHEREAS: the Gwich'in of the region wish to express their opinion on how these lands are managed that contain our ancestors remains, our traditional trails, and trading routes, our subsistence areas, rivers, mountains, animals, natural features, heritage sites, and common history, and
WHEREAS: the Gwich' in desires that the coastal plain, including 1002 area of the Arctic Refuge, in our language "Izhit Gwandaii Gwatsan Goodlit: (the Sacred Place Where Life Begins) be declared a "Wilderness Area" to protect the calving and nursery grounds of caribou. nesting migratory birds, and the cultural heritage of the area, and
WHEREAS: the Gwich'in is requesting the "Minimal Management'designation for areas South of the Continental Divide, with the exception of the Finh/Mancha Research
Area; and
WHEREAS: Alternative C in the Draft Arctic Refuge CCP promotes Wilderness for the Coastal Plain, Wild and Scenic River status designation for Canning River, Marsh Fork of the Canning River, Hulahula River, Okpilak River, and the Kaongakut River and the Minimal Management designation for the nonwilderness area of Arctic Refuge lands south ofthe continental divide.

NOW THEREFORE BE IT RESOLVED that the Council of Athabascan Tribal Governments Board of Directors request that the Department ofthe Interior and the US Fish and Wildlife Service immediately adopt "Alternative C" for the proposed 1011 Arctic National Wildlife Refuge CCP; and
BE IT FURTHER RESOLVED that the Council of Athabascan Tribal Governments Board of Directors request Government to Government consultation on the draft CCP process and content with the US Fish and Wildlife Service, and
LET IT FINALLY BE RESOLVED that this resolution is the standing policy ofthe Council of Athabascan Governments on the Arctic Refuge CCP until amended or rescinded.

Passed and approved this 17th day of October, 2011 by an official vote ofthe CATG Board of Directors at which a quorum was present.

Signature attesting the vote of the quorum is attached.

ATTEST:

Title: Chairman, Chief, Circle Village Council Date: _____
Title: Chief, Arctic Village Council Date: _____
Title: Chief, Beaver Village Council Date: _____
Title: Chief, Birch Creek Tribal Council Date: _____
Title: Chief, Canyon Village Traditional Council Date: _____
Title: Chief, Chalkyitsik Village Council Date: _____
Title: Chief, Gwichyaa Zhee Gwitch'in Tribal Government Date: _____
Title: Chief, Rampart Village Council Date: _____
Title: Chief, Stevens Village Council Date: _____
Title: Chief, Venetie Village Council Date: _____

COMMUNICATION NUMBER 136816
John Strasenburgh

From: "John"
To:
Subject: Arctic Refuge CCP comments

Dear Ms. Seim, attached and pasted in below are my comments on the draft revised Comprehensive Conservation Plan and draft EIS for the Arctic National Wildlife Refuge.

It's quite a large project and (even though I have many suggestions) I think FWS did a very good job of putting it together.

Would you please let me know if you received my comments in good order.

Thanks,

John Strasenburgh

John Strasenburgh
PO Box 766
Talkeetna, AK 99676
[redacted]

November 14, 2011

U.S. Fish and Wildlife Service
Arctic NWR - Sharon Seim
101 12th Ave, Rm 236
Fairbanks, AK 99701
Via email: ArcticRefugeCCP@fws.gov

To whom it man concern:

These are my comments on the draft revised Comprehensive Conservation Plan ("CCP") and draft Environmental Impact Statement ("EIS") for the Arctic National Wildlife Refuge ("Refuge").

I live in Alaska and I have visited the Refuge many times over the last thirty years on extended backpacking and river trips. The wilderness experiences I have had in the Refuge over the years have been, and continue to be, some the most inspirational and memorable of my life.

[Preamble 136816.003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026] 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

Management Alternatives

I support Alternative E, with respect to all three issues, Wilderness, Wild and Scenic Rivers, and Kongakut Visitor Use. My comments during the public scoping phase of this planning effort amply explain my view of what the Refuge is and what it represents. This explains why, given that view, I select Management Alternative E. I won't go into the details except to provide an excerpt from my scoping comments.

This place is so extraordinary because it is a vast, intact wilderness where the environment functions naturally, without man's modification or influence. It is a true wilderness. When one hikes the river valleys or the ridges or floats down a river, there is always more wilderness around the next bend or over the next pass. There is solitude, there is self reliance, there is extraordinary beauty of the landscapes, and there is always the promise of a spectacular vista or a wildlife observation.

With respect to Issue 1, Wilderness, permanent protection of the Coastal Plain, through inclusion in the National Wilderness Preservation System ("NWPS"), is absolutely crucial. Its habitat values are paramount; it is the "biological heart" of the Refuge. In order to maintain the biological integrity of the Refuge as a whole, the Coastal Plain (1002 area) must be protected as Wilderness, and managed as such.

I feel also that the Brooks Range and Porcupine Plateau should be added to the NWPS. Having said that, however, it is important, when developing management policy for the Brooks Range and Porcupine Plateau that FWS recognize their traditional and cultural use by the Gwich'in people and provide for the continuation of that use, while also preserving wilderness values of the areas.

With respect to Issue 2, Wild and Scenic Rivers, I would like to see the Hulahula, Marsh Fork of the Canning, Kongakut, and Atigun Rivers included as Wild Rivers in the National Wild and Scenic River System ("NWSRS"). These rivers are wild, pristine, and free, and represent extraordinary habitat and wildlife values, stunning landscapes, and a wilderness visitor experience that is increasingly rare in today's world. These rivers warrant permanent protection as Wild rivers.

With respect to Issue 3, Kongakut River Visitor Use, I have seen increased use of the river over the years and recognize a need for that use to be managed. I have taken two backpacking trips, both of which were in the 1980's, around the upper reaches/headwaters of the Kongakut, and have taken several rafting trips, the first of which was in 1991, roughly between Drain Creek and Caribou Pass, and twice to Icy Reef. Here are my thoughts on Visitor Use on the Kongakut:

[136816.001 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.

[136816.002 Recreation and Visitor Use -- Monitoring] 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.

[136816.003 Recreation and Visitor Use -- Outreach/Education] I think that developing educational materials for the public with targeted messages... (second bullet under Alternative B) is good. My question is how this information would be disseminated to the visitors so that they understand it and appreciate the importance of following the rules. A brochure at the Arctic Village airstrip is not enough. At Glacier Bay, NPS required us to watch an educational video before going kayaking. This type of requirement may be necessary for Refuge visitors. Currently, some guides are very good at educating their clients about both low impact methods and also why they are important. Perhaps FWS should develop a video or a standard orientation program that the guides could use to educate their clients.

[136816.004 Alternatives Analyzed -- Alternative B: Kongakut River Visitor Management] 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.

First bullet under Alternative D is good. There is a need and it should be a priority.

[136816.005 Recreation and Visitor Use -- Air Transportation: Flying, Overflights, Landings] 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.

Identified Issues

[136816.006 Step-Down Plans -- General] 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.

[136816.007 Refuge Vision and Goals -- General] 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.

Otherwise, and with the exception of the comments below, I think the Goals and Objectives are very good.

[136816.008 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

[136816.009 Refuge Vision and Goals -- Goal 1 (including objectives)] 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.

Goal 3:

[136816.010 Refuge Vision and Goals -- Goal 3 (including objectives)] 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.

[136816.011 Refuge Vision and Goals -- Goal 3 (including objectives)] 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.

[136816.012 Refuge Vision and Goals -- Goal 4 (including objectives)] 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.

[136816.013 Refuge Vision and Goals -- Goal 5 (including objectives)] 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;"

[136816.014 Refuge Vision and Goals -- Goal 5 (including objectives)] 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.

[136816.015 Refuge Vision and Goals -- Goal 8 (including objectives)] 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."

[136816.016 Editorial Corrections -- General] 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.

[136816.017 Refuge Management Policies/Guidelines -- Fish and Wildlife Habitat Management] 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.

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.

[136816.018 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

Key change 4 (page 15)

I am glad to see this ban on public facilities.

Key changes 5 and 6 (page 15)

I support both of these.

General

[136816.019 Transportation and Access -- Mode of Transportation] 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."

I also support the ban on recreational use of helicopters, whether for access or overflights. Helicopters are exceptionally noisy and intrusive to visitors and wildlife alike, and should be prohibited except for emergencies or by FWS (as rarely as possible) for necessary Refuge management purposes.

[136816.020 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] 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.

[136816.021 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] 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).

[136816.022 Fire and Fire Management -- General] 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.

[136816.023 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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."

[136816.024 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] In general, all of the Activities or Uses that "may be allowed" or are "not allowed, with exceptions" ought to have stronger, specific language attached. I think for most of these in the table, "not allowed, except in emergencies" would cover it.

[136816.025 Refuge Management Policies/Guidelines -- Table 2-1 - Activity/Use by Management Category] 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.

Chapter 2.4 of the CCP

There a few points within Chapter 2, section 4 that I would like to highlight because I strongly support them:

2.4.11.1 Habitat Management: I hope that this section is a very high management priority, especially the sentences: "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." In addition, I like the second sentence (of this section of the CCP), but as noted above, would suggest modifying it as I have indicated above in Key change number 1,under New Management Guidelines.

2.4.12.7 Fish and Wildlife Control: I also hope that this section is a very high management priority, especially the sentences: "On Arctic Refuge,all native species are integral and

interdependent members of a natural community of life. Management will strive to enable the natural behavior,interactions, and population dynamics of all species to continue."

Thank you for this opportunity to comment.

Sincerely,

[signed]

John Strasenburgh

- Comment CCP draft plan and EIS 111411.doc

Attachment:

PO Box 766
Talkeetna, AK 99676
November 14, 2011

U.S. Fish and Wildlife Service
Arctic NWR - Sharon Seim
101 12th Ave, Rm 236
Fairbanks, AK 99701

Via email: ArcticRefugeCCP@fws.gov

To whom it man concern:

These are my comments on the draft revised Comprehensive Conservation Plan ("CCP") and draft Environmental Impact Statement ("EIS") for the Arctic National Wildlife Refuge ("Refuge").

I live in Alaska and I have visited the Refuge many times over the last thirty years on extended backpacking and river trips. The wilderness experiences I have had in the Refuge over the years have been, and continue to be, some the most inspirational and memorable of my life.

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

Management Alternatives

I support Alternative E, with respect to all three issues, Wilderness, Wild and Scenic Rivers, and Kongakut Visitor Use. My comments during the public scoping phase of this planning effort amply explain my view of what the Refuge is and what it represents. This explains why, given that view, I select Management Alternative E. I won't go into the details except to provide an excerpt from my scoping comments.

This place is so extraordinary because it is a vast, intact wilderness where the environment functions naturally, without man's modification or influence. It is a true wilderness. When one hikes the river valleys or the ridges or floats down a river, there is always more wilderness around the next bend or over the next pass. There is solitude, there is self reliance, there is extraordinary beauty of the landscapes, and there is always the promise of a spectacular vista or a wildlife observation.

With respect to Issue 1, Wilderness, permanent protection of the Coastal Plain, through inclusion in the National Wilderness Preservation System ("NWPS"), is absolutely crucial. Its habitat values are paramount; it is the "biological heart" of the Refuge. In order to maintain the biological integrity of the Refuge as a whole, the Coastal Plain (1002 area) must be protected as Wilderness, and managed as such.

I feel also that the Brooks Range and Porcupine Plateau should be added to the NWPS. Having said that, however, it is important, when developing management policy for the Brooks Range and Porcupine Plateau that FWS recognize their traditional and cultural use by the Gwich'in people and provide for the continuation of that use, while also preserving wilderness values of the areas.

With respect to Issue 2, Wild and Scenic Rivers, I would like to see the Hulahula, Marsh Fork of the Canning, Kongakut, and Atigun Rivers included as Wild Rivers in the National Wild and Scenic River System ("NWSRS"). These rivers are wild, pristine, and free, and represent extraordinary habitat and wildlife values, stunning landscapes, and a wilderness visitor experience that is increasingly rare in today's world. These rivers warrant permanent protection as Wild rivers.

With respect to Issue 3, Kongakut River Visitor Use, I have seen increased use of the river over the years and recognize a need for that use to be managed. I have taken two backpacking trips, both of which were in the 1980's, around the upper reaches/headwaters of the Kongakut, and have taken several rafting trips, the first of which was in 1991, roughly between Drain Creek and Caribou Pass, and twice to Icy Reef. Here are my thoughts on Visitor Use on the Kongakut:

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.

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.

I think that developing educational materials for the public with targeted messages... (second bullet under Alternative B) is good. My question is how this information would be disseminated to the visitors so that they understand it and appreciate the importance of following the rules. A

brochure at the Arctic Village airstrip is not enough. At Glacier Bay, NPS required us to watch an educational video before going kayaking. This type of requirement may be necessary for Refuge visitors. Currently, some guides are very good at educating their clients about both low impact methods and also why they are important. Perhaps FWS should develop a video or a standard orientation program that the guides could use to educate their clients.

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.

First bullet under Alternative D is good. There is a need and it should be a priority.

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.

Identified Issues

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.

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.

Otherwise, and with the exception of the comments below, I think the Goals and Objectives are very good.

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.

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.

Goal 3:

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.

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.

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.

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;"

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.

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."

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.

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.

[136816.026 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies] 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.

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.

Key change 4 (page 15)

I am glad to see this ban on public facilities.

Key changes 5 and 6 (page 15)

I support both of these.

General

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."

I also support the ban on recreational use of helicopters, whether for access or overflights. Helicopters are exceptionally noisy and intrusive to visitors and wildlife alike, and should be prohibited except for emergencies or by FWS (as rarely as possible) for necessary Refuge management purposes.

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.

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).

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.

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In general, all of the Activities or Uses that "may be allowed" or are "not allowed, with exceptions" ought to have stronger, specific language attached. I think for most of these in the table, "not allowed, except in emergencies" would cover it.

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.

Chapter 2.4 of the CCP

There a few points within Chapter 2, section 4 that I would like to highlight because I strongly support them:

2.4.11.1 Habitat Management: I hope that this section is a very high management priority, especially the sentences: "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." In addition, I like the second sentence (of this section of the CCP), but as noted above, would suggest modifying it as I have indicated above in Key change number 1,under New Management Guidelines.

2.4.12.7 Fish and Wildlife Control: I also hope that this section is a very high management priority, especially the sentences: "On Arctic Refuge,all native species are integral and interdependent members of a natural community of life. Management will strive to enable the natural behavior,interactions, and population dynamics of all species to continue."

Thank you for this opportunity to comment.

Sincerely,

[signed]

John Strasenburgh

- Comment CCP draft plan and EIS 111411.doc

COMMUNICATION NUMBER 32626
Greg Warren

From: "gnwarren"
To:
Subject: Comments on the Draft CCP/DEIS - Microsoft Word Format

I just sent comments to the ArcticRefugeCCP@fws.gov email address in a PDF format. This mailing includes the same comments, but in Microsoft Word just in case it is an easier format for your response purposes. I ended up spending about a week reading the draft material, researching issues using the web, and then commenting. Unfortunately, such a rapid assessment didn't allow for a lot of time to wordsmith, so please contact me if any of the comments need clarification. Thank you for taking on this revision task, I know that it is a challenging job. Greg - arctic_draft_ccp_comments_final_gwarren.docx

Attachment:

Arctic National Wildlife Refuge
U.S. Fish and Wildlife Service
Attention: Arctic NWR - Sharon Seim,
101 12th Ave., Rm. 236
Fairbanks, AK 99701
Email: ArcticRefugeCCP@fws.gov

I am commenting on the Arctic National Wildlife Refuge draft Comprehensive Conservation Plan (CCP) and DEIS. I support the Arctic Refuge vision statement and goals that aspire to protect the natural behavior of wildlife populations, while leaving habitats natural and un-manipulated. Overall, the entire 19-million acres that make up our nation's largest, wildest refuge should be managed in a manner that leaves its natural biodiversity, ecological processes, Wild River outstanding remarkable values, and Wilderness character intact so that the Arctic Refuge will remain a matchless part of our natural heritage and landscape.

Following are summary comments on the Arctic Refuge CCP and DEIS:
* Alternatives: I support Alternative E with modifications as described in the Appendix. Most important is to preserve the coastal plain through Wilderness and Wild River designations in recognition of the extraordinary natural ecosystem.
* Goals: **[32626.001 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.
* Management Guidelines: I support management guidelines 2.4.6, 2.4.11, and 2.4.12 allowing the natural behavior, interactions, and population dynamics of all species to continue, and leaving habitats natural, unaltered, and un-manipulated.
* Special Values: I support the CCP's Special Values of the Arctic Refuge.
* **[32626.002 Recreation and Visitor Use -- Special Use Permitting]** 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.
* **[32626.003 Refuge Management Policies/Guidelines -- Fish and Wildlife Population**

Management] 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).
* Wilderness: I support recommending Wilderness designation for the Coastal Plain, Brooks Range, and Porcupine Plateau Wilderness Study Areas. Most important is a Wilderness recommendation for the Coastal Plain Wilderness Study Area due to the area's unmatched ecological significance.
* **[32626.004 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)]** 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.

The Arctic National Wildlife Range was set aside 50 years ago for its "unique wildlife, wilderness, and recreational values," and now the Arctic National Wildlife Refuge continues to be one of our nation's most pristine wild areas. I urge you to adopt Alternative E with modifications establishing a Comprehensive Conservation Management Plan that will provide for the purposes for which the Arctic Refuge was established and to recommend designation of Wilderness for the entire Refuge.

The Appendix that follows provides specific comments and recommendations to improve the management direction in the final CCP.

Thank you for considering these comments. Please contact me if you have any questions.

Greg Warren
22 S. Juniper Ct.
Golden, CO 80401-5002

Appendix – Detailed Comments on Draft CCP and DEIS

Appendix – Arctic CCP and DEIS Detailed Comments

[32626.005 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).

[32626.006 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)).

[32626.007 Consultation and Coordination -- State Coordination] V1, 1-10, 3.3 Coordination with the State of Alaska: The discussion on coordination needs to be supplemented to clarify the responsibilities of the Service and to discuss compatibility determination requirements (603 FW 1.10-B). Supplement the discussion by adding, "Alaska Department of Fish and Game (ADFG) regulations would not apply if found to be incompatible with documented refuge goals, objectives, or management plans."

[32626.008 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.

[32626.009, Preamble 010] 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."
[32626.010 Refuge Vision and Goals -- Goal 1 (including objectives)] V1, 2-1, 2.1.1 Refuge Goal 1: See V1, 1-23, 1.6.2—above.

[32626.011 Refuge Vision and Goals -- Goal 1 (including 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...."

[32626.012 Refuge Vision and Goals -- Goal 1 (including 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.

[32626.013 Refuge Vision and Goals -- Goal 2 (including 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.

[32626.014 Refuge Vision and Goals -- Goal 3 (including 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)).

[32626.015 Refuge Vision and Goals -- Goal 5 (including 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.)

[32626.016 Refuge Management 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.

[32626.017 Land Status -- Navigable waters] 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.

V1, 2-40, 2.4.5 Appropriate Refuge Uses: The intensity and extent of the use is not addressed as a factor. The list of appropriate Refuge uses should include a statement that the use intensity and extent must be consistent with the Arctic Refuge's purposes (603 FW2).

V1, 2-41, 2.4.6 Compatibility Determinations: The CCP does not include an adequate compatibility determination that addresses the application of the ADFG fishing and hunting regulations in the Refuge (603 FW 1.10-B). Determinations should address the following 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? The direction should also describe that compatibility determinations for ADFG hunting, fishing, and trapping regulations is approached on a species-by-species basis in order to assure that Refuge fish and wildlife population objectives are achieved.

[32626.018 Refuge Management Policies/Guidelines -- Cooperation and Coordination 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."

[32626.019 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.

[32626.020, Preamble 021] 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. **[32626.021 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management]** 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.

[32626.022, Preamble 023] V1, 3-1, 3 Proposed Action: I could not identify the Proposed Action (40 CFR 1502.14). **[32626.023 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)]** I was expecting the compatibility determinations would utilize the Proposed Action as opposed to the no action alternative (i.e., the 1988 CCP) as the basis of the assessments in Appendix G. The CCP needs to clarify the basis of the compatibility determines explaining the rationale if the outdated 1988 direction is used.

[32626.024 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

[32626.025 Refuge Management Policies/Guidelines -- Fish and Wildlife Population Management] 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.

[32626.026 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

[32626.027 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V1, 3-7, 3.1.3.2, Wild River Actions not in the Alternatives: Due to process issues, I believe that only Eligible rivers should be identified in the final CCP. Suitability determinations should be addressed through another planning process. If the Refuge proceeds with Suitability, I would appreciate consideration of a proposed Wild Rivers complex as depicted in Figure 1 of this Appendix identifying those rivers as Suitable for designation.

[32626.028 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."

[32626.029 Alternatives Analyzed -- Table 3-2 (Comparison of Alternatives)] 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.

[32626.030 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.

[32626.031 Mammals -- Species of Concern] 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.

[32626.032 Subsistence -- Subsistence Management] 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.

[32626.033 Recreation 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.)

[32626.034 Wildlife -- State Harvest Records] 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.

[32626.035 Wildlife -- State Harvest Records] 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.

[32626.036, Preamble 037] 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. **[32626.037 Recreation and Visitor Use -- Special Use Permitting]** Describing that management actions will be reactive to address impacts after the damage occurs is not sound resource management, especially in tundra environments. In addition, visitor use levels and patterns are difficult to reverse once air taxi, transport, and outfitter services are established. I recommend that the Arctic Refuge establish a moratorium on issuing any special use permit that would increase visitor use levels until visitor use step-down plans direction can be applied—limit permits and associated visitor days to 25 recreation special use permits and 14 air operations permits (Table 4-18).

[32626.038 Environmental Consequences -- Effects Common to Alternatives] 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). In addition, **[32626.039 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.

[32626.040, Preamble 041, 042] 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. **[32626.041 Environmental Consequences -- Impact Topics]** It is also important to address in this section these questions: Are the ADFG regulations and the Refuge permitting processes consistent with principles of sound fish and wildlife and administration, available science and resources, and consistent with Arctic Refuge purposes? Is hunting as allowed by ADFG regulations and implemented through existing Refuge programs materially interfering with or detracting from the fulfillment of the purposes of the Refuge? In addition, **[32626.042 Step-Down Plans -- General]** 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.

[32626.043 Environmental Consequences -- Effects Common to Alternatives] 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.

[32626.044 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V1, 5-8, 5.2.3 Rivers Reviewed for Wild and Scenic Potential: The Wild and Scenic Rivers review process undertaken as part of the CCP is flawed. Therefore, I would advise not completing Suitability determinations as part of this planning process. Instead of determining Suitability, I recommend that the rivers listed in Table 1 of this Appendix be determined Eligible rivers in the CCP. They are all free-flowing have one or more ORV. The final CCP should describe the other rivers and creeks as not being fully evaluated for Eligibility as part of CCP revision process. If Suitability recommendations are postponed for another planning process, than all of the rivers in Table 1 should retain their Eligibility status and be protected with management prescriptions.

[32626.045 Environmental Consequences -- Effects Common to Alternatives] 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)).

[32626.046, Preamble 047] 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)?
I believe that Wilderness and Wild River designations would provide a greater level of protection for mammal populations and natural diversity. Maintaining Wilderness character and wildlife ORVs would help protect the natural diversity of wildlife populations.
[32626.047 Mammals -- Effects of Alternatives] 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.

***[32626.048 Glossary (Appendix M) --]** 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."

[32626.049 Irreversible and Irretievable 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.

[32626.050 Step-Down Plans -- Inventory & Monitoring Plan] 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.

[32626.051 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.

[32626.052 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))?

[32626.053 Legal and Policy Context (Appendix 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.

[32626.054 Consultation and Coordination -- State Coordination] 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.

[32626.055 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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?

[32626.056 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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. **[32626.057 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)]** All compatibility determinations need to reference and utilize the draft 2011 CCP and DEIS Proposed Action and not the 1988 CCP (no action alternative).

[Preamble 32626.058, 059, 060] I recommend that the following stipulations be added to the Refuge determinations, as appropriate:

[32626.058 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] * Food and gear caches are not allowed in Wilderness,

[32626.059 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] * Aircraft must have 12 inch identifications numbers in contrasting colors which are readily visible while flying and on the ground, and

* **[32626.060 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)]** Determinations should specify that they would be re-evaluated as part of Wilderness, Wild and Scenic Rivers, Wildlife Population, and Visitor Use Management Plans.

[32626.061 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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).

[32626.062 Refuge Management Policies/Guidelines -- Compatability Determinations (includes Appendix G)] 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 substantial 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.

[32626.063 Wilderness -- Wilderness Review (includes Appendix H)] 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.

[32626.064 Wilderness -- Wilderness Review (includes Appendix H)] 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.

[32626.065 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

[32626.066 Wild and Scenic Rivers -- Eligibilty (includes 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.

[32626.067 Wild and Scenic Rivers -- Eligibilty (includes 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.

[32626.068 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

[32626.069 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] V2, ELIG-B1 Scenic ORV: Describe how the middleground and background views were assessed.

[32626.070 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

[32626.071 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] V2, ELIG-B10 Geologic ORV: I recommend that the proposed boundaries for the Jago, Okpilak, Hulahula, and Sadlerochit Rivers be modified to include the headwaters that connect these rivers to select Franklin and Romanzof Mountains glaciers. In addition, I recommend that Sadlerochit Spring Creek be added as a tributary to Sadlerochit River.

[32626.072 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] 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.

[Preamble 32626.073, 074, 075] V2, ELIG Eligibility Factors for including Franklin and Romanzof Mountains Headwaters and Sadlerochit Spring Creek:

[32626.073 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] * 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.

[32626.074 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] * Sadlerochit Spring is the largest spring within the coastal plain. During the winter months, pressurized water discharged from the spring is important to fish and wildlife once other waterways are frozen. The creek passes through polar bear denning habitat and is part of the Porcupine Caribou herd calving area.

[32626.075 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] * 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.

[32626.076 Wild and Scenic Rivers -- Eligibilty (includes Appendix I)] V2, ELIG General Comment: For braided rivers, the corridor boundaries are measured from the ordinary high water mark of the outermost stream channel.

[32626.077 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V2, SUIT-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.

[32626.078 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V2, SUIT-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.

[32626.079 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V2, SUIT-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).

[32626.080 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V2, SUIT-31, 2.2.3 Canning River Preliminary Suitability Determination: The Canning River had the highest rating for the Wildlife ORV. I do not agree that the potential development on the non-Federal lands would make it extremely difficult to manage for the Wildlife ORV and the overall values of the Refuge. There is no requirement to prescribe the river boundary on the State land on the west side of the river. Therefore, I recommend a determination of Suitable.

[32626.081 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V2, SUIT-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.

[32626.082 Wild and Scenic Rivers -- Suitability (includes Appendix I)] 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.

[32626.083 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V2, SUIT Proposed Arctic Wild Rivers Complex: If the Refuge proceeds with Suitability, I would appreciate consideration of a proposed Wild Rivers complex as depicted in Figure 1 of this Appendix. Each of the rivers and tributaries displayed would meet one or more ORVs. The ORVs are superlative at several scales. The remarkable values include glaciated headwaters and the coastal plain that is rich in wildlife. The scenic and primitive recreation values are unmatched. I believe that a collection of rivers along this area of the Brooks Range would be much richer and more protective of the Refuge's values, especially in the coastal plain, rather than a subset of these rivers being determined as Suitable. I recommend a determination of Suitable for the river complex that is displayed in Figure 1 of this Appendix.

[32626.084 Wild and Scenic Rivers -- Suitability (includes Appendix I)] V2, SUIT-B1 Stakeholder Survey: The stakeholder survey does not comply with the Paperwork Reduction Act (5 CFR 1320). Therefore, the information collected through the survey cannot be legally used in the analysis, CCP, EIS, and ROD. Penalties could be applied to the Service and the approving official.

[32626.085 Wild and Scenic Rivers -- Suitability (includes Appendix I)] 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 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.

[32626.086 Wild and Scenic Rivers -- Suitability (includes Appendix I)] 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."

[32626.087 Glossary (Appendix M) --] 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
* Untrammeled – Use the Forest Service definition found in FSM 2320.5: In the context of the Wilderness Act, an untrammeled 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 untrammeled 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

Table 1. Eligible Wild and Scenic Rivers

Aichilik River
Joe Creek
Atigun River
Canning River
Spring Creek
Marsh Fork
Kongakut River
Coleen River
Okpilak River
Sadlerochit River
Sadlerochit Spring Creek
Kekiktuk River
Middle Fork Chandalar River
Porcupine River

Firth River
Hulahula River
Turner River
Jago River
Katakturuk River
Okerokovik River
Salmon Trout River
Junjik River
Canning River
East Fork Chandalar River
Carnivore Creek
Sagavanirktok River
Ivishak River
Tamayariak River

Figure 1. Arctic Wild Rivers Complex

See PDF

COMMUNICATION NUMBER 32644
Wade Willis
Science Now Project

Public Comment - Draft CCP

September 20, 2011

Wade Willis
Science Now Project
PO Box 100965
Anchorage AK. 99510
[redacted]

[32644.001 Wildlife -- Hunting Effects] 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.

In closing:

[32644.002 Recreation and Visitor Use -- Special Use Permitting] In the Science Now Projects opinion the potential for significant impacts resulting from the for profit consumptive take of wildlife resources in the Arctic Refuge are evident, and corroborated by administrative decision record of the refuge manager.

The consumptive take of wildlife should warrant the highest level of scrutiny by the Arctic Refuge, and that should promote the highest level of public participation due to the significant long term risk to the wildlife resources and the controversy associated with the activity in the opinion of the public.

The significant lack of any formal public planning to date has led to significant abuse of NEPA compliance mandates for commercial guided sport hunting activities within the Arctic Refuge. This has resulted, in our opinion, in extreme political manipulation of the process of defining the long term "business partnership" the Arctic Refuge has with this industry.

I need only remind you that the prospectus process is not relied upon exclusivelv to award commercial guided sport hunting SUP's. Nothing could open the door any wider for the political manipulation of the process than this administrative decision.

The bedrock must be solid to build a long term foundation for the preservation of the Arctic Refuge's wildlife resources, America's most treasured refuge.

Please refer to the attached appendices for supporting information. Also, please note that these comments were submitted electronically via email as a pdf with fully functioning links in the footnotes.

Appendix A: Federal NEPA Regulatory Requirements

Appendix B: Potential for Significant Impact

Thank you for considering the Science Now Projects comments,

Wade Willis
Science Now Project
PO Box 100965
Anchorage AK. 99510
[redacted]

cc: Submitted by email as a pdf to ArcticRefugeCCP@fws.gov

Federal NEPA Regulatory Requirements

1. **[32644.003 Step-Down Plans -- Visitor Use Management Plan]** 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 potentiallv 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 orthe 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.

[Preamble 32644.004] 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."

[32644.004 Wildlife -- Hunting Effects] 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 vrior 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]

4. **[Preamble 32644.005, 006]** 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]

[32644.005 ANILCA -- ANILCA Section 810 Evaluation] 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 analvsis to justify the administrative decision to revoke commercial guided sport hunting activities in GUA 10a.

In addition, **[32644.006 Wildlife -- Hunting Effects]** 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 DaIl 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.

5. **[32644.007 Recreation and Visitor Use -- Special Use Permitting]** 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.

6.**[32644.008 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.

7. **[32644.009 Recreation and Visitor Use -- Guided/Non-guided Allocation]** 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 bv 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.

8. **[32644.010 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.

[1] Arctic Refuge Draft CCP Section 3.1.2 Nonresident US citizens are required to hire a commercial guide for hunting Dall sheep or brown bear. Both Guide Use Area lOa and 12 are either fully or partially open to nonresident hunting under state and federal regulations, yet the Arctic Refuge manager has determined that commercial hunting negatively impacts management mandates of the refuge and will not authorize commercial guided sport hunting activities in these two areas. This administrative action by the refuge manager confirms, without any doubt, that trophy hunting significantly affects the quality of the human environment.

[2] 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"

[3] National Environmental Policy Act of 1969 Sec. 102 (C) [42 USC § 4332]
The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall-
(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]ong-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

[4] Draft Arctic Refuge CCP Section 4.4 "Human Environment" /
http://arctic.fws.gov/pdf/ccp/06_Arctic_CH4_050911.pdf

[5] Service Manual 501 FW 2.13 states: "Timeliness of Mitigation Recommendations. In order for Service recommendations to receive full consideration, they should be practicable, presented in as much detail as possible, and provided at the earliest possible stage of project planning. The Service encourages active participation in the early stages of planning, as project features may be modified more easily than in the final stages"

[6] GMU 26C Alaska Hunting Regulations
http://www.adfg.alaska.gov/static/regulations/wildliferegulations/pdfs/gmu26.pdf

[7] Beschta, R.L., Ripple, W.J. Large predators and trophic cascades in terrestrial ecosystems of the western United States.Biol. Conserv. (2009), doi:10.1016/j.biocon.2009.06.015

[8] State of Alaska Brown Bear Reduction Program in GMU 26B
http://www.adfg.alaska.gov/static/home/news/newsreleases/wcnews/pdfs/releases/03-04-2011.pdf

[9] Schwartz, C. C., R. B. Hams, and M. A. Haroldson. 2006. Impacts of spatial and environmental heterogeneity on grizzly hear demographics in the Greater Yellowstone Ecosystem: a source-sink dynamic with management consequences. Chapter 7, in Schwartz, C. C., M. A. Haroldson, G. C. White, R. B. Harris, S. Cherry, K A. Keating, D. Moody, and C. Servheen. Temporal, spatial, and environmental influences on the demographics of the Yellowstone grizzly bear. Wildlife Monograph 161.
http://www. wildlifejournals.org/archive 10084-0173/161/1/pdf/i0084-0173-161-1-1.pdf

[10] ADF&G require sealing of the wolf pelt within 30 days after the close of the season

COMMUNICATION NUMBER 136822
Wade Willis
Science Now Project

From: "Wade Willis"
To:
Subject: Comments Draft CCP - Science Now Project

Attached are the Science Now Projects final comments regarding the draft CCP.

[136822.001 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies] 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.

Cheers,

Wade Willis
Science Now Project!
[redacted]

"You got to push ... what you can't pull" - 66 & 44

"Everyone can see, and yet we choose not to remember what we see" - Don Juan

- Science Now Project - Comments on Draft Arctic Refuge Comprehensive Conservation Plan.pdf

Attachment:

Science Now Project
Comments on Draft Arctic Refuge Comprehensive Conservation Plan November 15, 2011

Note: The following comments are in addition to the comments submitted by the Science Now Project in writing in Anchorage at the community meeting conducted by the USFWS on September 20, 2011. (see Appendix A)

The Visions, Goals, and Objectives section of the Arctic Refuge draft Comprehensive Conservation Management Plan (CCP) provides "new" elements of the Arctic Refuge planning process when compared to the previous 1988 CCP.

The objectives found in this section will be the foundation of the management plan and define the affirmative action's the USFWS is proposing for managing the resources of the Arctic Refuge. Much of this "new" language addresses congressional mandates, yet a significant amount concerns regional and refuge specific policy. 1 1 USFWS testimony at the November Alaska Board of Game meeting (paraphrase of actual testimony) / In addition see Record Copy handout RC 11 submitted by the USFWS at the meeting.

Effective policy development must include thorough public participation, and when have the potential to significantly impact the human environment, to be NEPA compliant policies.

The following proposed "public" policy amendments found in the draft CCP are significant changes to the previous CCP and must be carefully considered and reviewed.

Thank you for considering the Science Now Projects concerns and recommendations.

Wade Willis
Science Now Project
[redacted]

[Preamble 136822.002, 003, 004] 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.

Suggested Solution:

[136822.002 Recreation and Visitor Use -- Special Use Permitting] Conduct a NEPA compliance review within the environmental impact statement associated with the draft CCP regarding historical, current, and future sustainable harvest rates, as required before authorizing commercial guided sport hunting activities.

[136822.003 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies] Amend the Management Emergency Guidelines (Section 2.4.2 of the draft CCP) to exclude "active" manipulation of wildlife populations when it is determined that state mismanagement of sport hunting harvest opportunity is a significant contributing factor which resulted in low density of an important subsistence wildlife population.

[136822.004 Step-Down Plans -- General] 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.

Subsistence Management:

[136822.005 Refuge Management Policies/Guidelines -- Human Safety & Management Emergencies] 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 substance 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

Potential for Significant Impact:

1. Neither the State of Alaska nor the USFWS sets a limit on the total number of residents that may obtain a state issued Dall Sheep, brown bear, wolverine, wolves or caribou harvest ticket for hunting seasons currently authorized by the Board of Game;

2. The NPS has no regional or preserve specific policy regarding the allocation of wildlife harvest opportunity among guided and non guided sport hunters.

3.**[136822.006 ANILCA -- 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 ANLICA 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.

4. Sport hunting harvest rates are based on a targeted exploitation of an age and sex cohort of the Dall sheep, brown bear, and caribou population's (e.g. large, mature males). The targeted exploitation is further concentrated to large males by regulations restricting female harvest with dependent young.

5. Sport hunting harvest rates are based on a targeted exploitation of unique genetic strains in a wildlife population found in the Arctic Refuge, specifically wildlife with unique fur color, exceptional quality fur (e.g. silver tipped fur), or exceptional horn size;
6. Artificially manipulating the natural population composition of wildlife populations in the Arctic Refuge may have multi dimensional impacts at a landscape level.

7. **[136822.007 Recreation 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;

8. **[136822.008 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.

9. The state of Alaska's wildlife management strategy of "Maximum Sustained Yield" is not compatible with multiple NPS management mandates for the Arctic Refuge, including lands within the refuge that are managed as wilderness;

10. A historical musk ox population crisis occurred in the Arctic Refuge in the last decade. ADF&G management data for musk ox management of the Seward peninsula herd indicates the social and biological impacts of sport hunting mature males was underestimated and is a leading cause of musk ox population declines in the Seward peninsula population. Currently, musk ox are virtually absent from the Arctic Refuge landscape.

11. **[136822.009 Recreation and Visitor Use -- Special Use Permitting]** 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.

[1]USFWS testimony at the November Alaska Board of Game meeting (paraphrase of actual testimony) / In addition see Record Copy handout RC 11 submitted by the USFWS at the meeting.
[2]ANILCA Title VIII § 801 (3)
[3] Trends in Intensive Management of Alaska's Grizzly Bears, 1980–2010 National Research Council. 1997. Wolves, bears and their prey in Alaska: biological and social challenges in wildlife management. National Academy Press, Washington, D.C., USA.

APPENDIX A

Public Comment – Draft CCP

September 20, 2011

Wade Willis
Science Now Project
PO Box 100965
Anchorage AK. 99510
[redacted]

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.

In closing:

In the Science Now Projects opinion the potential for significant impacts resulting from the for profit consumptive take of wildlife resources in the Arctic Refuge are evident, and corroborated by administrative decision record of the refuge manager.

The consumptive take of wildlife should warrant the highest level of scrutiny by the Arctic Refuge, and that should promote the highest level of public participation due to the significant long term risk to the wildlife resources and the controversy associated with the activity in the opinion of the public.

The significant lack of any formal public planning to date has led to significant abuse of NEPA compliance mandates for commercial guided sport hunting activities within the Arctic Refuge. This has resulted, in our opinion, in
extreme political manipulation of the process of defining the long term "business partnership" the Arctic Refuge has with this industry.

I need only remind you that the prospectus process is not relied upon exclusively to award commercial guided sport hunting SUP's. Nothing could open the door any wider for the political manipulation of the process than this administrative decision.

The bedrock must be solid to build a long term foundation for the preservation of the Arctic Refuge's wildlife resources, America's most treasured refuge.

Please refer to the attached appendices for supporting information. Also, please note that these comments were submitted electronically via email as a pdf with fully functioning links in the footnotes.

Appendix A: Federal NEPA Regulatory Requirements

Appendix B: Potential for Significant Impact

Thank you for considering the Science Now Projects comments,

Wade Willis
Science Now Project

PO Box 100965
Anchorage AK. 99510

[redacted]

[1] Arctic Refuge Draft CCP Section 3.1.2 – Nonresident US citizens are required to hire a commercial guide for hunting Dall sheep or brown bear. Both Guide Use Area 10a and 12 are either fully or partially open to nonresident hunting under state and federal regulations, yet the Arctic Refuge manager has determined that commercial hunting negatively impacts management mandates of the refuge and will not authorize commercial guided sport hunting activities in these two areas. This administrative action by the refuge manager confirms, without any doubt, that trophy hunting significantly affects the quality of the human environment.

cc: Submitted by email as a pdf to ArcticRefugeCCP@fws.gov

Federal NEPA Regulatory Requirements

1. 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. (See footnote 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. (See footnote 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.

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 Dall 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 any one regulatory year. 6

2. Targeted Harvest of Wildlife May Significantly Impact Natural Population Composition and Dynamics.

The harvest of brown bears and Dall sheep is a targeted harvest of a specific sex or age cohort of the population. For Dall 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."

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

4. 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)

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.

In addition, 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.

5. 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.

6. 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.

7. 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.

8. 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 any one 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.

[2] 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"

[3] National Environmental Policy Act of 1969 Sec. 102 (C) [42 USC § 4332]
The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall –
(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.

[4] Draft Arctic Refuge CCP Section 4.4 "Human Environment" /
http://arctic.fws.gov/pdf/ccp/06_Arctic_CH4_050911.pdf

[5] Service Manual 501 FW 2.13 states: "Timeliness of Mitigation Recommendations. In order for Service recommendations to receive full consideration, they should be practicable, presented in as much detail as possible, and provided at the earliest possible stage of project planning. The Service encourages active participation in the early stages of planning, as project features may be modified more easily than in the final stages"

[6] GMU 26C Alaska Hunting Regulations
http://www.adfg.alaska.gov/static/regulations/wildliferegulations/pdfs/gmu26.pdf

[7] Beschta, R.L., Ripple, W.J. Large predators and trophic cascades in terrestrial ecosystems of the western United States.Biol. Conserv. (2009), doi:10.1016/j.biocon.2009.06.015

[8] State of Alaska Brown Bear Reduction Program in GMU 26B
http://www.adfg.alaska.gov/static/home/news/newsreleases/wcnews/pdfs/releases/03-04-2011.pdf

[9] Schwartz, C. C., R. B. Harris, and M. A. Haroldson. 2006. Impacts of spatial and environmental heterogeneity on grizzly bear demographics in the Greater Yellowstone Ecosystem: a source-sink dynamic with management consequences. Chapter 7, in Schwartz, C. C., M. A. Haroldson, G. C. White, R. B. Harris, S. Cherry, K. A. Keating, D. Moody, and C. Servheen. Temporal, spatial, and environmental influences on the demographics of the Yellowstone grizzly bear. Wildlife Monograph 161. http://www.wildlifejournals.org/archive/0084-0173/161/1/pdf/i0084-0173-161-1-1.pdf

[10] ADF&G require sealing of the wolf pelt within 30 days after the close of the season