

Appendix B

Communications from Governments, Agencies, and Tribes

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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

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JUNEAU, AK 99811-5526

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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 of the 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***

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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

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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 NPR-A 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 legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby."

3 FUTURE EXECUTIVE ACTIONS SEC. 1326. (a) No future 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 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 be 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 the 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/leasing 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

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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; Atkasuk; 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 Plain 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 unsuitability 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 untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected

primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

16 U.S.C. § 1131(c) (emphasis added).

Despite the Draft Plan's conclusion to the contrary, Draft Plan at 4-13, this definition does not describe the Coastal Plain. As the Draft Plan itself recognizes, "[t]he Iñupiat and Athabascan people of the region have used the lands and resources of the Refuge for many centuries." Draft Plan at 4-128. This long history of use and occupancy makes the area identified in the Draft Plan as the Coastal Plain WSA unsuitable for recommendation for wilderness designation.

Rather than relying upon the definition of wilderness as specifically set forth by Congress in the Wilderness Act, the USFWS wrongly redefines these wilderness criteria to have an overwhelming focus on that which is "modern." The Draft Plan describes wilderness as: (1) being "free from roads, structures, and other evidence of modern human occupation or improvements;" (2) "essentially unrestricted and free from modern human control or manipulation;" and (3) "substantially free from the effects of modern civilization." Draft Plan at 4-13 (emphasis added). Yet, the term "modern," of course, appears nowhere in the statutory definition of wilderness. Compared to the way of life enjoyed by most people in the lower-48 states, the way of life enjoyed by residents of Alaska's North Slope would not reflect what most people would consider modern. Nonetheless, it is our way of life. The fact that we live without certain modern conveniences and that we work and live in modest structures does not, as USFWS seems to believe, make the lands on which we live undeveloped, untrammled, 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 untrammled. 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 SUIIT-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 D)] 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 SUIIT-52; see also Draft Plan, App. I at SUIIT-59, SUIIT-75. “There are continuous attempts to open the 1002 Area to oil and gas exploration and Development.” Draft Plan, App. I at SUIIT-59, SUIIT-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 SUIIT-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 -- Eligibility (includes Appendix D)] 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

Inupiat 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.

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COMMUNICATION NUMBER 32635
June McAtee, VP, Land & Shareholder Services
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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 refoqe planning policy (602 FW 1 and 3) are not required for refuges in Alaska. During preparation of cCPs for refuges in Alaska, we follow the provisions of section 304(g) of ANILCA, which requires us to identify and describe the special values of the refuge, including wilderness values. Subsequently, the CCP must designate areas within the refuge according to their respective resources and values and specify the programs for maintaining those values. However, ANILCA does not require that we incorporate formal recommendations for wilderness designation in CCPs and CCP revisions."

This Stewardship policy was developed and revised over an 8 year period beginning in early 2001. According to the Notice of Availability (73 FR 67876, 11/17/2008) for the new policy, the revision process involved a lengthy public review period, revisions based on public comments, internal review and discussion with Service managers and staff. In addition the Service developed Intergovernmental Personnel Agreements with representatives from five states, including the State of Alaska, to facilitate an effective means of involving state fish and wildlife agencies in the development of Service policies and guidance. The 2008 policy included a chapter specific to wilderness in Alaska, including the above referenced section 5.17.

This important section of the policy, developed with extensive input and the open public process outlined in the Notice of Availability, was abruptly dismissed without notice by the January 2010 Hamilton memorandum. Not only was there no consultation with the State of Alaska before this memorandum was signed, it was not even provided to the Governor's Office, the State's ANILCA Coordinator or this Commission for several months afterwards.

The Hamilton memo directs the Alaska Regional Director when revising the CCPs for Alaskan refuges to "conduct a complete wilderness review of refuge lands and waters that includes the inventory, sturdy and recommendation phases, in accordance with 610 FW 4 (Wilderness Review and Evaluation)." The Hamilton memorandum lacks any authority to supersede ANILCA nor should it override the properly and publicly developed Service Stewardship Policy. The Hamilton memorandum should have been ignored.

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 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 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 of federal lands from 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] 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 in Appendix D claims. The Service has numerous other tools to determine how effectively it is managing this or any other refuge. The sole purpose of a wilderness review is to determine if an area or areas of a refuge will be recommended for designation as wilderness. A wilderness area is statutorily defined as a conservation system unit. Therefore, any administrative review for the purpose of recommending or creating an additional wilderness in Alaska is a clear violation of ANILCA Section 1326(b). No amount of rationalization or semantical tap-dancing can explain that away.

[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 Federal lands described in ANILCA Section 1001 for preservation as wilderness. The lands described in Section 1001 include:

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

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

[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 concerning future management of the 1002 area. " (Resource Assessment, pg. 4).

The Resource Assessment, (pg 201) also contains the following statement in response to public comments received on the draft report:

"Section 1002(h) does not require a wilderness review pursuant to the Wilderness Act. The public land order that established the Arctic National Wildlife Range recognized the wilderness values of the range, including the 1002 area. The congress recognized this again in 1980 when it passed ANILCA, as well as recognizing the possibility that large quantities of oil and gas may exist on the 1002 area. It excluded the coastal plain from the area within the Arctic Refuge that it did

designate as wilderness, pending consideration of the 1002 area study and further congressional action. Nonetheless, this report/LEIS evaluates a wilderness alternative to comply with NEPA."

[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)(1) of the Wild and Scenic Rivers Act (WSRA) as the authority for conducting the eligibility and suitability reviews of the 10 rivers in the Arctic Refuge. That section of the WSRA directs federal agencies to consider potential wild, scenic and recreational rivers during planning activities. In view of the language in Section 1326(b) the review requirements found in Section 5(a) of the WSRA do not apply in Alaska, despite agency claims to the contrary.

Congressionally authorized studies are found in Section 5(a) of the WSRA. In addition to designating 26 rivers or river segments as components of the wild and Scenic River System, ANILCA amended Sections 5(a) and (b) of the WSRA by designating 12 Alaskan rivers for study and establishing a timeline for completing those studies. Those studies have long been completed and the appropriate reports submitted to Congress. No further studies were authorized.

[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 rivers in Alternative A. "

According to the Wild and Scenic River Study Process Technical Report cited in the suitability report:

"Through land use plans, rivers and streams in the affected planning area are evaluated as to their eligibility and given a preliminary classification if found eligible. A determination is made as to their suitability in the agency's decision document for the plan." (Technical Report, pg. 9)

Although the Suitability Review (SUIT -95) states that the suitability determinations will be finalized with the record of decision for the revised CCP, statements in the DCCP and EIS appear to indicate the Service has elected not to wait for the completion and release of the final Revised

CCP and EIS or the record of decision before making a final decision on the suitability of the four rivers. Making this type of determination prior to the release of a record of decision is inconsistent with NEP A guidelines and the Department of the Interior NEP A regulations at 43 CFR Part 46.

In addition, we do not believe that these types of management prescriptions, outlined in Table D-I in Appendix I, can be implemented under Alternative A, the so-called "no action" alternative. Similar premature determination problems exist for the other alternatives, each of which lists one or more of the four "suitable" rivers that would be subject to the interim management prescriptions, again clearly implying that final suitability determinations have been made for all alternatives.

The plan (Appendix 1- SUIT-6) correctly points out that identifying a river as a candidate for study under Section 5(d)(1) of the WSRA does not trigger specific protection under the act, but is derived from an agency's existing authorities. However, the final CCP and EIS should clarify the following statement in the preliminary suitability determinations for the Atigun, Marsh Fork Canning, Hulahula and Kongakut:

"The Wild and Scenic Rivers Act provides useful tools for managing and protecting the values in this river corridor. "

Clarification in the final CCP should include specific examples of the types of management "tools" the WSRA provides that are not otherwise available and how they would "provide a complimentary set of protections to other Refuge and Service policies and programs." (SUIT-23). It is obvious from the interim management prescriptions found in Table D-I that these tools are simply another mechanism that the Service will use to place limits on public use or restrict access within these river areas.

Evidence of this is provided in the Suitability Review in the preliminary suitability determinations for the rivers found "not suitable." In discussing why each river was found not suitable, the plan lists various statutes, such as ANILCA and the Endangered Species Act, along with an array of plans, such as the Revised CCP and the various proposed step down plans, that will ensure adequate protection for the outstanding values of each river. It is essential that the main body of the Revised CCP provide the public with an explanation on how these WSRA tools would be integrated into the various standards and procedures required to be followed by ANILCA and the Alaska specific regulations found in 50 CFR Part 36 before the Service can restrict or limit public uses of refuges. No interim management guideline can supersede or override these ANILCA standards and procedures.

[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-I 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 include 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 Facilities] 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 of Fish and Game (ADF&G) to manage all fish and wildlife within the state. We have discussed the DCCP and DEIS with ADF &G staff and share their concerns about the potential for overly restrictive management guidelines proposed in the plan to negatively impact the State's ability to fully manage fish and wildlife by eliminating legitimate management tools.

We also share their concern that, as proposed, the management guidelines will unnecessarily restrict proactive management of fish and wildlife and habitat. Such restrictions are inconsistent with the Master Memorandum of Agreement between the Service and ADF&G. The guidelines should be revised in consultation with ADF&G.

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 2,000 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.

Regards,

John

John Woodman C.P.G.
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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 Gwich'in people have only been here for 1,600 years or something like that when it talks about our history. Well, we've been here for a lot longer than that. If you take just the record that was found at Clowcut up near Old Crow as the singular point for our usage of this area, it's false and I think that what is said in here reflects how little is known at the Yukon -- 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

Jonathon 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 of launching 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 permits for Arctic NWR, we are prohibited from conducting missions that would have a planned impact location within the Mollie Beattie Wilderness Area. We understand and respect the purpose of that requirement, and will continue to do so into the future. To that end, we surmise that the designation of additional Wilderness Areas

would effectively preclude our ability to conduct future scientific research missions that have historically been undertaken safely and with minimal environmental effects.

While any additional Wilderness designation of lands within the PFRR flight corridor could theoretically limit future launch opportunities, of greatest concern to us are (in order of priority) Alternatives E, D, and B, as they include designation of the Brooks Range Wilderness Study Area (WSA). Although we fly different rocket configurations at PFRR, some of which do not overfly or land in the Arctic NWR, the program includes a significant number of higher-performance 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 turn will facilitate informed decisions. As such, we feel that consideration of the dire impact of the proposed Wilderness designations to NASA's scientific research rocket program must be included in the Final CCP/EIS such that the USFWS decision maker, as well as the reviewing public, are fully aware of each alternative's consequences. We would be happy to provide further data or analysis to clarify these points and assist you in this effort.

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/OSI Executive Officer
James Leatherwood/EMD Director
Barbara Giles/Helio Division Director
Paul Hertz/SMD Chief Scientist
Jim Higgins/OIIR
Phil Eberspacher/Sounding 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
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- 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 the 1002 Area, is included in the wilderness study area mandated by Sections 1001 and 1004; therefore, Section 1004, including the interim management direction of 1004(c), does not apply.

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

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

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

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

indicates that the single purpose of the wilderness reviews and wild and scenic river reviews is to consider the establishment of a conservation system unit.

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 rivers would continue to be protected by interim management prescriptions specific to preserving each river's ORVs and general protection afforded rivers with Refuge status. (page 5-9, Section 5.2.3, Emphasis added)

Pending Congressional action, the Service would use interim management prescriptions to manage each recommended river for the ORVs for which it was found eligible. (page 5-21, Section 5.4, emphasis added)

However, even without a recommendation for designation, the ORVs of rivers found suitable still need to be protected. (page 5-21, Section 5.4, emphasis added)

Like the wild and scenic river reviews themselves, this interim management standard lacks foundation and is inappropriate. The assertion that the Refuge is obligated to indefinitely protect ORVs for all rivers that merely meet the minimum criteria to be studied, with or without Congressional action, is misguided. ORVs are defined by the Wild and Scenic Rivers Act as values for which a river is .designated.. In fact, the only reference to ORVs specifically applies to rivers designated under the Act.

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

It is difficult to understand how the river values identified for evaluation purposes can be .defined. as ORVs, let alone remain attached to a river, when the river is not even recommended for designation. ANILCA Section 1326(b), which prohibits additional studies unless authorized by Congress, clearly intended to prevent such unnecessary layers of restrictive management and all statements that indicate such intent must be removed.

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

[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 untrammelled, 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,. untrammelled,. 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 81implementing regulations at 50 CFR 36.12:

ANILCA Section 81implementing 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 that88% 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 along-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 pipeline in the utility corridor in which the Trans-Alaska Pipeline is located. If natural gas pipeline planning and on-the-ground efforts for its construction continue, effects to recreational opportunities for solitude and natural conditions along western boundary of Refuge could cause moderate to major, long-term, localized, and negative impacts to the visitor experience.

[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 Irretrievable Commitments --] Page 5-99, § 5.12 Irreversible and Irretrievable Commitment of Resources; § 5.13 Relationship Between Local Short-term Uses and Maintenance and Enhancement of Long-term Productivity; and § 5.14 Unavoidable Adverse Effects.

In the last sentence of each of these sections, it is implied that wilderness designation and revoking of the designation are equally probable actions. This conflicts with the statements of potential effects in each of the alternatives that recommend wilderness designation (B, C, D and E), where it is implied that changes in wilderness designation are .exceedingly rare..

[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 -- Eligibility (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 State recreation rivers and strongly request the section be modified as follows.

[Although the Alaska Statewide Comprehensive Outdoor Recreation Plan of 2009–2014 (Alaska Department of Natural Resources 2009a)states that designated wild and scenic rivers provide opportunities for outdoor recreation unsurpassed anywhere, and the State of Alaska has designated State recreation rivers, 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
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(907) 269-8721
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October 13, 2011

File No.: 3130-1R FWS ANWR CCP/EIS

Sharon Seim
U.S. Fish and Wildlife Service
Arctic NWR
10112th Avenue, Room 236
Fairbanks, AK 99701-6237

Subject: Arctic National Wildlife 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 the 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 other 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 be 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
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- 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 & INFRASTRUCTURE

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 no authority to declare additional wilderness designations within the existing refuge. Therefore, the actions of the FWS are nothing more than a gross waste of taxpayer money and an overstep in authority.

As you know, Alaska already leads the nation in Wilderness designations and in the amount of land already protected. Under the Alaska National Interest Lands Conservation 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 economic 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 untrammelled by man, where man himself is a visitor who does not remain.”

Neither attribute applies to the 1002 Area. In terms of whether humans visit or remain, the CCP itself concedes that 9,978 acres plus an additional 29,160 acres are not suitable for Wilderness designation due to their continuing and foreseeable occupation by humans and motorized vehicles.⁴ Indeed, the 1002 Area is the permanent home of hundreds of permanent residents – not “visitors” but, in reality, Native Alaskans whose families have lived and subsisted on this land for many thousands of years. Furthermore, Chapter 2 of the CCP identifies a highly commercialized set of purposes for the Refuge generally, including commercial air transport services, commercial hunting, commercial audio and video recording, and scientific research (all presumably using modern instruments and technology from communication devices to computers and global positioning systems.) None of these activities qualify as “primitive recreation,” even if the opportunity exists for it.

The common occurrence of motorized vehicles, boats, and aircraft within the 1002 Area, for either commercial, recreational, or subsistence purposes is entirely at odds with recommendation for Wilderness Designation. It should also be noted that the harvest of logs for house-building and non-subsistence fur trapping are, by definition, inconsistent with an area “untrammelled by man.” Finally, it cannot be ignored that, according to FWS, “As a result of the 1984-85 seismic exploration, known as 2-D (two-dimensional) seismic, 1250 miles of trails - made by drill, vibrator and recording vehicles - crossed the coastal plain tundra. Additional trails were created by D-7 Caterpillar tractors that pulled ski-mounted trailer-trains between work camps.”⁵ These seismic trails covered the entire 1002 Area, crossing every river multiple times and reaching into the nearshore tidal areas. This activity occurred in addition, of course, to the exploratory oil and gas drilling which Chevron conducted at the noted KIC-1 well – and the array of impacts and equipment that accompanies such activity. The land within the 1002 area is not, in any sense, “untrammelled by man.” It is subject to thousands of years of permanent occupation by man and an increasing, not decreasing, exposure to modern technology.

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>