

STATE OF ALASKA

SEAN PARNELL, Governor

ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting

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Sue Masica, Regional Director
National Park Service – Alaska Region
240 West 5th Avenue
Anchorage, AK 99501

Dear Ms. Masica:

The State of Alaska reviewed the draft 2011 Superintendent's Proposed Compendiums for all park units in Alaska, as posted on the National Park Service web site. This letter represents the consolidated views of the State's resource agencies. We appreciate the Service's commitment to annual public review of park compendiums and the opportunities for dialogue throughout the year as issues develop. We remain committed to continued cooperation and communication as new issues develop in Alaska park and preserve units.

Temporary vs. Permanent Restrictions

Consistent with State comments in previous years, we strongly encourage the Service to proceed with a regulation package that moves longstanding restrictions to permanent rulemaking under 36 CFR 13.50(e). Examples of Compendium rules that, by all accounts, should be promulgated through regulation include the camping closure at Hallo Bay (Katmai), and the camping closure at the end of the McCarthy Road (Wrangell- St. Elias). However, the State does not support the rule under 13.40(e) as either a compendium entry or a regulation for the reasons indicated below.

Denali National Park and Preserve, and Gates of the Arctic National Park and Preserve

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife (Seasonal prohibition on use of artificial light to take denning black bears and the take of cubs and sows with cubs at den sites)

As previously expressed both verbally and in writing, the Alaska Department of Fish and Game (ADF&G) asserts the National Park Service closures at 13.40(e) for Gates of the Arctic National Park and Preserve and Denali National Park and Preserve are unwarranted. These closures deny a state-authorized, customary and traditional practice implemented through a public process. This seasonal practice is extremely limited, which does not pose a conservation concern. Additionally, the practice does not jeopardize the health of the ecosystem or create a conflict with other preserve users. (The explanation provided in the Gates of the Arctic National Park and Preserve Compendium also implies this practice is a

predator control type activity – it is not.) We disagree that this limited, subsistence practice creates an unacceptable impact to preserve values and request these rules be removed.

Glacier Bay National Park and Preserve

2.10(d) Food storage: designated areas and methods (Bartlett River)

The State recognizes the need to minimize the availability of fish carcasses and general bear attractants in the Bartlett River area to minimize negative bear-human encounters. We support resolution of these issues; however, for harvested fish on the Bartlett River, we request the Service initiate education efforts before moving to enforceable rules. We encourage consideration of reasonable and effective techniques that are also acceptable to the public without excluding user groups from the fishery, especially children, the elderly, or physically-impaired.

The proposed rule states “*all harvested fish shall be kept within three feet of the angler or on their person.*” Three feet is an unreasonably close distance to retain fish. We anticipate compliance with this proposed regulation would require retaining fish with a very short stringer or carrying them on one’s person, both of which can be troublesome, likely reducing adherence to the rule. Furthermore, considering the current bag limit of six salmon of each species daily, we predict compliance to be particularly arduous (and perhaps hazardous) for youth, elderly, or physically-challenged anglers. We are unaware of this restriction elsewhere.

The State requests the Service remove this enforceable provision from the Compendium and begin by recommending anglers keep fish under control of their person at all times unless acceptably stored. If more specific guidance is necessary, we recommend considering an advisory 12-foot retention distance to be consistent with standards that apply to the popular Kenai-Russian River Complex. The Service may also look to the Russian River Interagency Coordination Group (RRICG), comprised of state, federal, and local entities for additional guidance, and consult with the RRICG as a whole to gain from their collective experience. Through consensus, recommendations were developed by the RRICG to manage similar issues.

If an educational approach with advisory guidance is not successful, then a rule in the Compendium may be warranted. If and when such a Compendium rule is necessary, the Compendium should clarify that fish properly stored under other provisions of 2.10(d) (e.g., in a vehicle or bear resistant food container) would not be subject to such a rule. As currently written, this is not explicit.

We also request the Service utilize the Alaska Board of Fisheries (BOF) process prior to implementing compendia rules regarding retention of fish while actively engaged in fishing. The BOF process provides for a more robust public review than the compendia process may provide, potentially leading to more local support of an effective management strategy. Use of the BOF process is also consistent with the Master Memorandum of Understanding between the Service and ADF&G as well as being consistent with 43 CFR Part 24 and other federal direction related to the management of fish and wildlife.

Wrangell-St. Elias National Park and Preserve

1.5(a)(2) Access to caves (prevention of White-Nose Syndrome)

The State recognizes that White-Nose Syndrome (WNS) is an emerging issue that poses significant conservation concerns and threatens bat populations throughout their range. We strongly recommend that cavers follow current, standardized decontamination procedures to reduce the threat of unintentionally spreading WNS in Alaska. The latest protocols may be found at: <http://www.fws.gov/WhiteNoseSyndrome/cavers.html> (a more direct link). These protocols, updated just a few days ago, replace previous July 31, 2010 protocols and an earlier March 26, 2009 advisory. Because this is an emerging issue with rapidly changing response recommendations, the Service should also be prepared to update the Compendium after the WNS Workshop scheduled in Juneau in April 2011. One of the desired outcomes is updated protocols for preventing the spread of WNS in Alaska.

We question the need for an enforceable 72-hour notice to the Chief Ranger or Chief of Resources, which creates a closed until open management regime that may conflict with the ANILCA closure procedures in 36 CFR 13.50. In addition, the 72-hour notice sets up an expectation of customer service that the Service may not be able to adequately provide, and would create difficulties for cave visitors who do not receive a timely response and/or are out in the field and out of contact longer than 72 hours. Also, the current language in #2 does not say why the contact is sought. Some may be concerned they will need to divulge the location(s) of caves they intend to visit, which could reduce compliance. On the other hand, we recognize the importance of disseminating the latest information to prevent the spread of WNS.

In light of the comments above, we recommend the following revisions:

1.5(a)(2) Access to caves

In order to prevent spreading White-Nose Syndrome (WNS) to bats, any person entering a cave or any part or passage of any cave, except glacier ice caves, shall

1. Ensure all gear, equipment, and clothing are not contaminated with the fungus associated with WNS by either

*a). Utilizing only gear, equipment, and clothing that has not been used to enter caves outside of Wrangell-St. Elias National Park and Preserve (WRST), **or***

b). utilizing only gear, equipment, and clothing that has been entirely disinfected in accordance with the latest approved protocols. These protocols may be found at <http://www.fws.gov/WhiteNoseSyndrome/cavers.html> and are available at NPS visitor contact stations. ~~procedures outlined by the U. S. Fish and Wildlife Service at <http://www.fws.gov/northeast/wnscavers.html>~~

2. Cavers are responsible for ensuring they are following the latest protocols, which are subject to change as more information becomes available. For confirmation, we recommend contacting either the WRST Chief Ranger or Chief of Resources at 907-822-5234 prior to trip departure. Contact either the WRST Chief Ranger or Chief of Resources at 907-822-5234 at least 72 hours prior to entering a cave.

Yukon-Charley Rivers National Preserve

13.40(e) Temporary closures or restrictions to the taking of fish and wildlife

The State maintains this 2010 closure for the take of wolves at 13.40(e) for Yukon-Charley National Preserve was unwarranted. It is our understanding this rule was to have been deleted in the proposed 2011 compendia and its inclusion was an administrative oversight and not based on a biological assessment. We appreciate the removal of this unnecessary restriction.

Thank you for the opportunity to provide these comments. If you have any questions, please contact me at 907-269-7477.

Sincerely

A handwritten signature in black ink, appearing to read "Sally Gibert". The signature is written in a cursive, flowing style.

Sally Gibert
State ANILCA Program Coordinator

cc: Paul Anderson, Superintendent, Denali NPPr
Greg Dudgeon, Superintendent, Gates of the Arctic NPPr & Yukon-Charley NPr
Susan Boudreau, Superintendent, Glacier Bay NPPr
Meg Jensen, Superintendent, Wrangell- St. Elias NPPr