

## ISSUE RESPONSE SUMMARY NORTHWEST AREA PLAN

### GENERAL COMMENTS

Commenter <sup>1</sup>	Subject (page)	Issue	Response	Recommendation
TFA	General – Climate Change	Notes that it is of particular concern that DNR neglects to even mention global warming or climate change when Alaska, as a polar region, is experiencing the impacts of climate change to a much greater degree than the rest of the United States. To create an effective, long term plan that will span the next 15 to 20 years, DNR should integrate language to address current and future impacts of climate change on Northwest Alaska’s land and resources. They recommend that the plan include a process that will allow DNR to respond to the impacts of climate change that may occur during the plan’s duration.	A sub-cabinet group of state commissioners is currently working on the development of state climate change policy. Until the state has developed a final policy, putting language into the Area Plans with regard to climate change would be premature and possibly counterproductive.	No change.
I	General – public participation	Not enough public outreach has occurred. DNR needs to go to all of the villages that are situated throughout the planning area.	There has been adequate opportunity for the public to participate in plan preparation and the review of draft recommendations.  Public review occurred at three steps in the process: initial contact, issue scoping, and review of the public review draft (PRD). These occurred at various times throughout the planning process, with the second and third processes being more extensive.	No change.

<sup>1</sup> I= individual; TFA= Trustees for Alaska; NAEC= Northern Alaska Environmental Center; AMA= Alaska Miner’s Association; O= other organizations; NSB= North Slope Borough; NWAB= Northwest Arctic Borough; RADS= Resource Assessment and Development Section within DNR.

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			<p>In the scoping process, DNR conducted public meetings in Kotzebue, Noatak, Kiana, Buckland, Nome, Teller, Point Lay and Point Hope. We also were able to speak with many village representatives at annual meetings of the Western Arctic Caribou Herd Working Group and the Bering Straits Native Corporation.</p> <p>The public review draft (PRD) of the plan was distributed for a two month comment period. Public meetings on the draft plan were held in Barrow, Kotzebue, and Nome, and in the two large communities of the state, Fairbanks and Anchorage – since many natives reside there and many of the users, particularly related to hunting and fishing guiding, are situated there. DNR provided the opportunity for teleconferencing during both the scoping and plan review phases. In some cases, organizations participated in these, although most villages chose not to – but the opportunity was provided.</p> <p>DNR contacted the public throughout the process and provided adequate opportunity for comment. While we recognize that meetings did not occur in all of the villages, owing to budgetary and staffing constraints, DNR did conduct meetings in the larger communities during the planning process.</p>	
I	General – Public Participation	<p>1) DNR did not provide alternatives for public review and did not provide an opportunity for comment.</p> <p>2) It is unclear how DNR selected</p>	<p>1) DNR does not always provide alternatives for public review as part of the planning process. In most instances, including the development of this plan, the resource values on specific tracts of state land limit</p>	No change.

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		<p>land use designations in the plan.</p> <p>3) It is unclear how the plan resolves conflicting ideas.</p>	<p>alternatives. State plans attempt to relate land use designations to the use and resource values of state land, with public input. Usually a dominant land use pattern based on these factors emerges and there is no need to prepare and present alternatives. It is only when there are conflicting ways that land could be developed or how the land should be used that the use of alternatives becomes necessary. This was not the case in the context of this plan.</p> <p>2) Designations were developed by DNR based on their resource values, the use of the land by the public, policy aspects imposed by the state constitution and statute (principally multiple use, sustained yield, and the intent to develop state land to benefit the people of the state), and public comments.</p> <p>3) The plan attempts to resolve conflicts by indicating how state land is to be used and managed in the future. By determining the principal uses, conflict over how state land should be used in the future is reduced. DNR authorizations are based on these plan designations and management requirements.</p>	
O	General – Mapping	The maps that are used in the area plan are difficult to interpret; understanding would be improved with the inclusion of a key to land use designations and adequate detail added to map legends.	The maps that are used in this area plan are similar to those used in previous area plans. The final maps will contain some of the ‘detail’ for the map legend, including a north arrow. The comment on the inclusion of a list of designations that are commonly used in the plan maps will be evaluated. If this can be incorporated without losing substantive information that is now depicted, we will include a description of the plan designations.	Final maps will include legend detail and a listing of plan designations used on specific plan maps.

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O	General – Inclusion of Local Knowledge	<p>1) Traditional local knowledge did not appear to be as well addressed as in the plan maps of the 1989 area plan, and this is an important way to address environmental justice concerns as well as provide an adequate basis for the management regimes proposed by the plan.</p> <p>2) Local communities and the boroughs could contribute knowledge and expertise.</p>	<p>1) The acquisition of local knowledge was a major part of the planning effort. Throughout the planning process, in each of the meetings that occurred, DNR asked for local knowledge in terms of how state lands are traditionally used and identifying the resources associated with state land. Where we could acquire it and where it was appropriate to include it in the format of an area plan, we did so.</p> <p>Information about traditional resources and uses of state land are included under the section ‘Resources and Uses’ for each management unit in the Resource Allocation Tables of Chapter 3. The description is textual rather than spatial (mapped) as in the 1989 area plan.</p> <p>2) Other sources of information were consulted, including those of ADFG, federal agencies, and both boroughs. In fact, much information was derived from these sources.</p>	No change.
NSB	General – Authority of Borough Land Use Code	<p>The NSB states that their Title 19 ordinance has a direct relationship to the area plan. Under most circumstances, according to AS 35.30.020, the state must comply with local planning and zoning ordinances and other pertinent regulations in the same manner and to the same extent as other landowners. They note that DNR will review the Borough’s code prior to making a land use decision, but want DNR to explain how this review will be accomplished to</p>	<p>The statutory authority cited by the borough applies to state projects, not to state land use plans such as this. The pertinent authority is AS 38.04.065(h), which stipulates that state land use plans “shall be consistent with municipal land use plans to the maximum extent determined consistent with the state interests and the purposes of this chapter.”</p> <p>The state consults with the NSB on important land use issues that are controlled under AS 38.04.065, but makes the determination of what is the ‘state interests’ in the preparation of the land use plan (area plan). A state land</p>	No change.

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		ensure compliance with planning and zoning ordinances.	use plan may, therefore, be consistent or not with a municipal land use plan, depending on how the state interest is interpreted.	
I	General – Development Pressure	The state’s intent to increase the presence of new landowners will produce a powerful competition for resources, upon which the communities of the lower Koyuk River depend.	<p>While it is the intent of the Alaska State Constitution to use state land, it is to be done in a manner that ensures multiple use and sustained yield. There is intended to be a balance between accommodating development while protecting the environment.</p> <p>The plan will not result in a significant increase in new landowners. Most state land is either designated for habitat protection or mineral/coal development; relatively little is designated for settlement. It is reasonable to expect that only some mineral/coal deposits will be viable economically and will be developed. It is also likely that these developments will be spread out geographically, thereby dispersing impacts. The amount of land allocated to settlement is less than 10,000 acres, and only some of this will be developed since, with only a few exceptions, these are likely to be Remote Settlement projects, where land is sold in large lots with protection of key human and biological features. Larger areas tend to be designated in the plan for settlement than are expected to be actually utilized in order to provide flexibility in project design.</p>	No change.
I	General – Violation of Administrative Law	DNR may be violating Administrative Law that requires the best effort of the agency to simplify the public’s work of providing comments and to provide the best	<p>Although the reference to Administrative Law could not be found, the issues brought forth are answered.</p> <p>DNR has used the most recent information on</p>	No change.

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		available information.	<p>which to base its findings and recommendations and has used standard public notification techniques for submitting comments.</p> <p>The scale used in this plan forces the provision of general information about a management unit. Management units cover a large area and necessarily the information that is provided is generalized. The information is correct; it is just generalized.</p> <p>Note: This revision of the NWAP uses the same management unit configuration as the 1989 area plan, in an effort to provide consistency over time. It also provides the same level of detail for its management units as the older plan – although this information has been updated.</p>	
NWAB	General – Subsistence	The area plan should provide a detailed description of subsistence uses in each Management Region and should identify current and potential land planning issues related to subsistence uses.	<p>DNR will reevaluate its current information on subsistence activities and, where this information is lacking and subsistence information is available through secondary sources, will revise the Resources and Uses section to include any new information.</p> <p>The scale of the plan precludes a detailed description of subsistence uses. A description of the types of subsistence uses that occur within a management unit is provided, and this is the appropriate place to provide information on subsistence.</p>	Revise the Resources and Uses section of each management unit to include information on subsistence, where this is known and is not now included.
NSB	General – Cumulative Impact Analysis	NSB recommends that DNR undertake a rigorous cumulative impact analysis. There is a need to evaluate the effects of a changing	A cumulative impact analysis of this type is beyond the scope of this plan. The plan identifies areas appropriate for particular uses, but cannot determine the type of development	No change.

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		<p>climate upon the Arctic and to gather baseline and trend data. There must be diligent monitoring of rapidly changing ecological markers in order for management decisions to be grounded in reliable and current science.</p>	<p>or when, where, and how development will occur. Without this information, an evaluation of this type cannot occur.</p>	
TFA	General – Navigability	<p>1) TFA requests additional information on the state’s navigability program.</p> <p>2) They note that it is the state’s contention that federal land management plans do not apply to areas of navigable waterbodies. Text should be added to clarify that federal case law suggests that they have at least some degree of control or influence over these waterbodies.</p>	<p>1) The plan already provides considerable detail on this program; it is not the intent of a document like an area plan to provide detail on the navigability program. There is currently a reference to a link to the DNR Navigability Program website that provides this detail.</p> <p>2) A footnote (#13) in Chapter 3 already exists that provides caveat language.</p>	No change.
NSB	General – Causal Relationship between Onshore and Offshore activities	<p>NSB recommends that there be greater recognition of the causal interface between any onshore and offshore activities.</p>	<p>This type of analysis is beyond the scope of this plan. Evaluations of this type are not usually prepared unless a specific project exists which may have on-shore impacts. Depending on authority, federal analyses use environmental impact statements to discern these relationships while state analyses usually pick up this type of analysis during the best interest finding process of an offshore oil and gas lease sale.</p>	No change.
TFA	General – Mechanism for Evaluating Trade-offs	<p>TFA recommends that the plan provide a mechanism for evaluating the trade-offs between short-term resource exploration and development activities and their resulting benefits versus long-term sustainable uses of caribou in terms</p>	<p>This is project specific and is beyond the scope of the area plan.</p> <p>This type of evaluation, when appropriate, takes place when there is a definite project that is under review in a permitting or authorization process conducted by a state or</p>	No change.

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		of social, cultural, and economic values.	federal agency. Trade-offs of the type that are described must be based on specific proposals at specific locations. This occurs well beyond the time of plan development.	
NSB	General – Addition of Management Guidelines	NSB recommends the adoption of a wide variety of additional management guidelines, which, presumably, derive from the NSB coastal management program.	<p>Review of the proposed guidelines indicates that these standards are different statements as to how uses and resources are to be managed. The uses and issues are covered under the various management guidelines in Chapter 2, although the exact manner of how management is to be provided differs.</p> <p>The management guidelines that are included in Chapter 2 are similar to those carried in previous plans, and we try to maintain consistency in management approach between plans and areas. These guidelines reflect the state’s approach to the management of a resource or use. They are effective in managing specific resources.</p> <p>Aspects of the management guidelines are often part of a specific project authorization, which must be adapted to the specific circumstance of the project or activity.</p>	No change.
Audubon	Critical Habitat Areas	The state should designate Critical Habitat Areas (CHA) for the core range of the WACH. Other areas should be considered for CHA designation.	<p>DNR area plans would only make recommendations for CHAs if they were requested by ADF&amp;G and supported by the public. CHAs are administered by ADF&amp;G and it is that agency that DNR would look to, to determine whether CHAs are warranted in the NWAP.</p> <p>This issue was discussed with ADF&amp;G. They have an internal process that they go through to propose and put forward recommendations</p>	No change.

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			of this type. Currently ADF&G is not prepared to initiate this process. However, they note that they plan to initiate this process next year. Both the Kaseguluk Lagoon and WACH calving grounds are very important habitats and it is likely that they will be included as candidates in the ADF&G process.	

### CHAPTER 1 – SUMMARY OF PLAN ACTIONS

Commenter	Subject (page)	Issue	Response	Recommendation
O	General (p. 1-2, line 17)	Line 17 on this page refers to ‘problems’, but this is not further discussed.	There is no need to describe “problems” in additional depth. See pages 1-2 and 1-3 in total.	No change.
I	General (p. 1-2, lines 19, 20))	The statement that “Land that was assumed to be state land in the 1989 plan is now owned by Native organizations,” implied that the state was attempting to acquire Native lands.	This sentence simply describes what happened – the 1989 plan assumed that certain state land that was in selection status would be conveyed to the state and were assigned a plan designation. Since then, the BLM has adjudicated native and state top-filed selections and has determined that much of this land was appropriate for conveyance to Native corporations and has, in fact, made such conveyances. Areas of the plan that include plan designations exist where there is no state land or state selected land. It is typical for DNR to assign plan designations to state selected land on the basis that we may own it some day and to plan for it now would make sense. Obviously, in this case the state did not end up as owner. The plan simply needs to be revised to clear up these types of discrepancies.	No change.

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TFA	Management Guidelines (p. 1-9)	TFA requests that the full definition of 'multiple use' be included; the plan now states that state lands are to be managed for 'multiple use', but it doesn't provide the full definition under AS 38.04.910(5).	We concur that it is appropriate to include a more comprehensive definition since this is such an important concept in state land management. This section of Chapter 2 is not meant to provide an explanation of 'multiple use'; it is (only) intended to emphasize that state land is to be managed for multiple use. The Glossary provides a complete definition of 'multiple use' as it is used in statute. (See p. A-7)	Revise: ... state lands are to be managed for multiple use. <u>As defined in AS 38.04.910(5), multiple use means "the management of state land and its various resource values so that it is used in the combination that will best meet the present and future needs of the people of Alaska, making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions<sup>2</sup>."</u>

## CHAPTER 2 – AREAWIDE POLICIES & GUIDELINES

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O	General Framework (p. 2-2)	Management Guideline D on p. 2-2 should be restated to indicate that the goal is to accommodate uses in addition to the preferred use. This may be done through the use of stipulations.	This management guideline summarizes a section of State regulations (11 AAC 55.040(c)) and it would be inappropriate to add this statement since it is not stated in this section of regulations.	No change.
TFA	General Guidelines (p. 2-3, lines 22-33)	TFA recommends that the General Guidelines be modified to include	We agree that it would be prudent to clarify aspects of multiple use as they	Revise: All authorizations for the use of state land within the planning

<sup>2</sup> See Glossary (p. A-7) for the complete definition of multiple use.

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		<p>concepts of multiple use management that are not now described. This description should follow the definition of ‘multiple use’ used in statute and the inferences that can be derived from this definition.</p>	<p>apply to authorizations.</p>	<p>area will be consistent <u>with the principles of multiple use<sup>3</sup> and sustained yield</u> and with the management intent in this plan.</p>
<p>TFA</p>	<p>General Guidelines, (p. 2-3)</p>	<p>TFA notes that under Article 8 f the Alaska Constitution fish, forest, wildlife, and all other replenish able resources belonging to the state shall be utilized, developed, and maintained on the sustained yield principle. This definition is in accord with AS 38.04.910.</p> <p>The plan should contain a definition of sustained yield and should mention that all management decisions must be guided by the sustained yield principle.</p> <p>The plan should also note that the Public Trust Doctrine, which is described at some length as it applies to navigable waters in the plan, also applies to fish and wildlife resources. There are numerous examples in which the Alaska Supreme Court has stated that the Public Trust Doctrine applies to fish and wildlife resources in addition to water resources.</p>	<p>Concur.</p>	<p>Revise: <u>add the definition of sustained yield in AS 38.04.910 to the Glossary.</u></p> <p>Revise General Guidelines to include: <u><b>D. Authorizations issued by the Department are to be consistent with the principles of multiple use and sustained yield, and if fish and wildlife resources are involved, with the public trust doctrine.</b></u></p>

<sup>3</sup> The concept of multiple use means that authorizations must take into account short-term and long-term public needs for both renewable and nonrenewable resources. Although the general thrust of the Alaska Constitution (Article V) is to utilize state land for the benefit of the people of Alaska, this does not mean that every use can be authorized in an area. The general guidelines also include the concept that minimizing conflicts between resources and uses includes the ability to deny a particular use on a particular site.

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NWAB	Coordination	<p>State law requires “that the state be consistent with municipal land use plans to the maximum extent consistent with the state interest.” The area plan should:</p> <ol style="list-style-type: none"> <li>1) fully consider the NWAB land use plan and zoning code for all state lands within, adjacent to, or near Borough lands.</li> <li>2) Moreover, the area plan should have included a detailed analysis of the NWAB’s land use plan and zoning for each of the Management Regions that includes lands owned or selected by the Borough. This analysis should</li> <li>3) include an explanation of why the state plan is inconsistent with the Borough’s land use plan or zoning ordinance.</li> </ol>	<ol style="list-style-type: none"> <li>1) The NWAB comprehensive plan and zoning code were considered in the preparation of the area plan.</li> <li>2) State law requires consistency to the maximum extent consistent with the state interest. DNR considered the Borough’s land use plan but, on the basis of the types of resources that require management and consistent with the state’s interest, the plan specifies designations consistent with that interest. These designations often differ from the land use categories used in a local comprehensive plan or zoning code. Nonetheless, DNR will include a short description of the approved land use plan and, once adopted, the zoning ordinance. (Included in another response.)</li> <li>3) The rationale for the land use designation provided for specific management unit is provided under the ‘Management Intent’ and ‘Resources and Uses’ parts of a unit’s description.</li> </ol>	No change.
NWAB	Coordination	Throughout the plan there is the requirement to consult with ADFG and certain federal agencies. This same requirement should apply for consulting with the Borough.	<p>The plan typically calls out the need for consultation where DNR may lack expertise in habitat and fish and wildlife management. It does not do this for actions involving surface uses that are unlikely to produce significant environmental impact and for which specific federal or state standards may exist.</p> <p>The need to coordinate with the Borough on all issues involving land use is already included as a management guideline (B,</p>	No change.

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			<p>Coordination with Local Comprehensive Plan and Zoning Ordinance) under the ‘Coordination and Public Notice’ section of Chapter 2. There is no need to call out the need to work with the Borough if this is included as a management guideline; such guidelines in Chapter 2 apply throughout the plan.</p>	
I	Cultural Resources	<p>The area plan provides for land use designations for settlement, fish and wildlife, transportation, and the like, but it doesn’t provide any cultural resources designation.</p>	<p>With few exceptions, area plans do not use the Cultural Resources designation; there are several reasons for this. Given the scale of the mapping of this plan, specific cultural sites cannot be effectively depicted. More importantly, DNR has followed a consistent policy in its area plans to not identify specific cultural or historic sites in order to avoid disclosure. In the past disclosure has sometimes resulted in discovery and desecration of the cultural resource site. Instead, area plans identify if known cultural sites exist within a given management unit in the section ‘Resources and Uses’ that is provided for each parcel. This, in turn, is referenced to the requirements for Cultural Resources Protection that require consultation with the Office of History and Archeology prior to project initiation.</p>	No change.
TFA	Cultural Resources (p. 2-5)	<p>Language should be added to the plan, where appropriate, to recommend areas for National Register of Historic Places (or landmarks) designation.</p>	<p>This is outside the scope of the plan. Other processes exist for such nomination and are the appropriate vehicle for doing so.</p>	No change.
TFA	Fish and Wildlife, Background/General	<p>TFA notes that the guidelines articulated in Chapter 2 for fish and</p>	<p>Concur, although the section where this is noted is within the ‘Background’, which is</p>	<p>Revise, add as a new paragraph under ‘Management Guidelines’ the</p>

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	Guidelines	wildlife should not only apply to ‘particularly important habitat areas’ but to all sensitive habitat areas, particularly those noted on page 2-9.	meant to be only descriptive. But this concept of adherence to management guidelines is an important aspect of state land management and requires more emphasis, in our opinion.	<p>following”:</p> <p><u>The management guidelines that follow apply to all habitat areas throughout the planning area, with special consideration given to marine mammal haulouts, sea bird rookeries, waterfowl concentration areas, moose and caribou seasonal habitats, anadromous fish and high value resident fish streams, lagoons and estuaries , and other areas listed on page 2-9 where alteration of the habitat and/or human disturbance could result in a permanent loss of a population or sustained yield of a species.</u></p>
O	Fish and Wildlife	The critical significance of coastal habitats is not fully described in the area plan. Of particular concern is the designation of coastal waters on Map 12. Both LT-04 and LT-05 consist of important habitats and yet are designated General Use despite the critical importance given the Chukchi Polynya as a migration corridor. The area of Ledyard Bay, a critical habitat area, is not depicted. Further, on Map 11, KT-07 is not designated Habitat, although the presence of important marine resources and the dependence on them by the communities of Point Hope and Kivalina.	DNR generally concurs. The area that is described is, in fact, an important habitat area and warrants a Habitat designation; this is dealt with in more detail in the parcel section of the plan (Chapter 3).	See below where “Subject” references parcels KT-04, LT-04, and LT-05 for detail.
NWAB	Fish and Wildlife	The plan fails	1) Area plans do not deal with subsistence	No change.

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		<p>1) to deal with subsistence issues in a significant way. The plan does include a guideline (V under Fish and Wildlife) that deals with the avoidance of conflicts with traditional users and uses, but this should be expanded.</p> <p>The plan should</p> <p>2) address the implementation of this guideline as they arise from the unregulated transporter industry.</p>	<p>in the same manner that federal agencies might deal with this issue. Subsistence occurs on both state and federal lands, but it is referred to differently and managed differently. Area plans do not address harvest allocations, as this is the responsibility of the Alaska Boards of Fish and Game. The plan identifies important harvest areas. Where information is available on harvest practices, this is included in the section of ‘Resources and Uses’ relative to specific management units. Management intent language is included that requires DNR, in its granting of authorizations, to protect these activities.</p> <p>This general plan requirement is implemented through the authorizations that are granted by the Department and in these authorizations, if they involve a disposal of state land, there is the requirement to explicitly address impacts on traditional uses. It is at this point that the plan requirements kick in and the adjudication process then deals with harvest issues within the context of a specific authorization. The plan is only a tool for implementation; actual implementation occurs through the issuance of authorizations.</p> <p>2) It is inappropriate for the plan to deal specifically with the transporter issue in the area plan. As indicated, this is the subject of a separate, concurrent planning process that is now underway.</p>	
I	Fish and Wildlife	There is concern over the	The plan bases its land use designation	No change.

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		<p>importance given habitat in the NWAP. Habitat is not something that is confined within a geometric pattern of management units. Habitat should be the default designation unless specific mineral occurrences, recreation uses, or settlement exist.</p>	<p>upon a number of considerations, but most especially on the inherent values and uses that occur on state land. Areas whose principal value is habitat, are assigned a Habitat designation. In this plan there are situations where both habitat and mineral/coal resources coexist within the same geographic area. To reflect these values the plan assigns a dual designation or a 'co-designation' of Habitat and Mining. DNR does not simply 'default' to a Habitat designation in its assignment of land use designations. It bases this assignment on the uses and values of land, the criteria for the assignment of designations in Administrative Code, state policy considerations, and the results of the public participation process.</p>	
AMA	Fish and Wildlife	<p>DNR should have made more use of the 'Gu' designation for those planning units that have been designated 'Habitat' and/or 'Harvest', but have mineral or coal potential. Many of these areas are large and have not been adequately explored for mineral or coal resources.</p>	<p>The plan's use of a co-designation reflects the existence of both resource and habitat values on the same unit of ground. Neither the resource value (minerals, coal) nor the WACH presence is given priority – both are considered equally important and consideration must be given to both in authorization decisions by DNR</p>	No change.
AMA	Fish and Wildlife	<p>In Chapter 2, Fish and Wildlife Resources, add the statement that the WACH travels extensively throughout the planning region and that the mineral development at the Red Dog Mine have not adversely affected the herd. The WACH has a very large range and many alternative habitat areas. Many of</p>	<p>The WACH is described generally in the introductory part of the Fish and Wildlife section. Its presence is also identified in each management unit it affects.</p>	No change.

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		these areas are within Federal Conservation System Units.		
I	Fish and Wildlife	<p>The plan asserts that</p> <p>1) wildlife generally occurs along the coast and major river systems. This statement distorts the reality of where fish and wildlife resources occur and therefore makes their management difficult.</p> <p>Also, the plan does not</p> <p>2) provide detailed information on habitat.</p> <p>3) Nor is this information referenced.</p>	<p>1) This is meant to be a general statement. The resources and species that occur at more specific geographic scales are described in the Other Resources and Uses section of Chapter 3 for individual management units.</p> <p>2) Because of the scale used in the plan, provision of detailed habitat information is not possible or appropriate.</p> <p>3) DNR utilized local, state, and federal government sources as well as some non-profits (like the Audubon Society) and the final plan will include references.</p>	<p>No change except related to final mapping, which may include more detailed information on the plan maps.</p> <p>The final plan will contain source references used in habitat and species research.</p>
NAEC	Fish and Wildlife – Bird Migration	NAEC requests that information on bird migration be included in the fish and wildlife section of Chapter 2.	Detailed bird migration information is not included in area plan since this information is much too detailed. It is important for site specific implementation decisions. However, the presence of sensitive bird populations is noted in the Resource Allocation Tables in Chapter 3 on a management unit specific basis.	No change.
NAEC	Fish and Wildlife – Pinniped Locations	Pinniped locations are not properly identified and these need to be incorporated.	DNR and ADF&G reevaluated and found the original data sufficient; no additional data was found to be more accurate.	No change.
TFA	Fish and Wildlife; WACH	TFA notes that during the summer season, there are substantial east-west movement corridors of caribou along the DeLong Mountains and foothills.	This is already stated in the management intent for units L-03, L-04, and L-06.	No change.

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TFA	Fish and Wildlife; WACH	TFA notes that DNR should evaluate and describe cumulative effects of proposed development activities on caribou habitat and populations throughout the range of the WACH as well as the cumulative effects of those activities on subsistence and other users.	A cumulative impact analysis of this type is beyond the scope of this plan. The plan identifies areas appropriate for particular uses, but it cannot determine the type of development or when, where, and how development will occur. Without this information, an evaluation of this type cannot occur.	No change.
TFA	Fish and Wildlife; WACH	TFA requests that the NWAP acknowledge the need to monitor and evaluate changes to the WACH range, particularly as it relates to changes in vegetation and access to other resources caused by climate change, which may result in shifts in the caribou's range over the next 15-20 years.	This aspect of management is not something that is carried in area plans. It is, more properly, a type of biological analysis conducted by ADFG. ADFG is already aware of this issue.	No change.
TFA	Fish and Wildlife, Goals (p. 2-7)	TFA notes that the management policy for fish and wildlife habitat and harvest areas should be strengthened to ensure that wildlife, fish, and other replenishable resources are managed for sustained yield, as required by the Alaska Constitution. (Article 8, Section 4)	Concur; the concept of management for sustained yield should be included as a management goal.	Revise, add to Goals: <b><u>Manage for Sustained Yield.</u></b> <u>DNR management of state land and resources is to be consistent with the requirements of sustained yield, as expressed in the State Constitution.</u>
TFA	Fish and Wildlife, Goals (p. 2-7)	TFA suggests that DNR should not merely strive to minimize or avoid reduction in the quality and quantity of fish and wildlife habitat. Instead, DNR should seek to "maintain and enhance" the quality of the natural environment.	Generally concur; it is the intention of DNR to maintain and enhance the natural environment. But this concept has to be framed within the context of the Fish and Wildlife section that this portion of the plan describes.	Revise, add to Goals: <b><u>Manage to Maintain and Enhance the Natural Environment.</u></b> <u>DNR, in its management of habitat on state lands, shall attempt to maintain and enhance the natural environment in areas known to be important as habitat for fish and wildlife.</u>
NAEC	Fish and Wildlife,	NAEC recommends that line 39 on	This management guideline is intended to	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
	Goals (p.2-7)	p. 2-7 be modified to read: ... populations or a diversity of species to support <u>quality of life</u> , commercial, recreational, or traditional uses, on an optimum yield basis ...	deal with commercial, recreational, and subsistence uses and not with quality of life issues.	
TFA	Fish and Wildlife, (p. 2-8, lines 19, 35)	DNR should have the ability to deny a land use authorization and DNR should change the wording from 'may' consider to 'shall' consider when evaluating the use of mitigation measures.	DNR always retains the ability to deny an authorization; i.e., the ability to approve implies the ability to deny.  The change to 'shall' is appropriate in the language on line 35 "DNR shall consider requiring replacement with, or enhancement of, fish and wildlife habitat ... ."	Revise: "DNR [MAY] <u>shall</u> consider requiring replacement with, or enhancement of, fish and wildlife habitat ... ."
NAEC	Fish and Wildlife, Management Guideline B (p. 2-10)	NAEC recommends that in granting of authorizations, DNR adjudicators must consult with ADFG, with federal management agencies, local, and Tribal Agencies to acquire more detailed and recent information pertaining to fish and wildlife and that this occur prior to authorizing a permit.	DNR typically consults with ADFG and Federal agencies in the granting of an authorization. However, to mandate that we must always consult with these agencies is to take discretion away from DNR adjudicators and to require them to consult with other entities when this may not be necessary. There is nothing in the wording of this management guideline that would preclude an adjudicator from consulting with local entities.  We concur that additional text is appropriate, however, to indicate that it may be appropriate to consult with local communities and boroughs at times.	Revise: ... appropriateness of the use that is under consideration for authorization. <u>Adjudicators may also find it useful to consult with local communities and boroughs since they often possess useful information that may not otherwise be available.</u>
NAEC	Fish and Wildlife, Management Guideline B (p. 2-10)	NAEC recommends that DNR adjudicators be required to make a determination of seasonality before project approval. They also want	The current guidance, to consult with ADFG about seasonality requirements, is viewed as sufficient. If there is a need for additional information on seasonality that	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
		this analysis to include the boroughs, local governments, and Tribal agencies.	ADFG cannot provide, that agency is likely to contact the federal or local entity for that information or to direct DNR to them.	
TFA	Fish and Wildlife, (p. 2-10-11)	<p>TFA questions the</p> <p>1) process that DNR area plans have used to deal with the authorization of uses that might cause significant impacts to Habitat areas.</p> <p>They question</p> <p>2) the use of the term ‘significant adverse impact’ and ‘degradation of the resource’.</p> <p>They also want to</p> <p>3) clarify DNR’s source of authority</p> <p>and the meaning of</p> <p>4) the phrase ‘to determine through new information or a more detailed analysis’.</p>	<p>1) TFA’s concern focuses on the three-step process that DNR area plans stipulate for the approval of a use that would result in a significant adverse impact upon Habitat areas. This process is recognition of the situation that sometimes occurs where there are no good alternatives, where a proposed use is considered important, and where an area designated Habitat occurs. It has been included in area plans prepared by the Department for at least the last ten years.</p> <p>2) The meaning of the terms ‘significant adverse impact’ and ‘degradation of the resource’ are self evident.</p> <p>3) The source of authority for the three step mitigation process derives from the general authority to create area plans, AS 38.04.065. This is a broad authority. The authority to execute this process in a specific administrative decision is derived from the statutory authority specific to the use or activity that is being authorized.</p> <p>4) Area plans make decisions for large areas based often on generalized data. When reviewing a specific authorization more site specific and updated information may indicate that significant habitat is not present in the location of the proposed authorization or the uses may not be conflicting.</p>	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
NSB	Fish and Wildlife (2-10, 11)	NSB believes that the mitigation process outlined in pages 2-10 and 2-11 undermines the management intent for units classified as Habitat. This guidance should be amended to state that projects may be approved if impacts are mitigated through by the ACMP or DNR best interest finding.	Careful reading of Management Guideline B, 'Allowing Uses in Fish and Wildlife Habitats', will indicate that this guideline states the use of the ACMP or best interest finding process is the appropriate means for the approval of a project that might otherwise be inconsistent with the Habitat designation. See lines 1-3, p. 2-11.	No change.
TFA	Fish and Wildlife, (p. 2-13)	The NWAP should explicitly describe what measures will be taken to protect sensitive caribou habitats and movement corridors and how those measures will be monitored and enforced.	Area plans do not identify the specific measures that will be used to protect sensitive movement corridors and caribou habitats. The purpose of the area plan is to identify where these activities are likely to occur and to ensure that adequate consideration be given to caribou protection during critical life stages.	No change.
TFA	Fish and Wildlife, (p. 2-13)	TFA recommends that the following sentence that addresses moose calving and rutting be similarly added to Management Guideline L, which deals with the WACH. This guideline is now only found in Management Guideline K:  "Uses that are likely to produce levels of acoustical or visual disturbance sufficient to disturb calving, rutting, or post calving aggregations that cannot be seasonally restricted should not be authorized in these areas."	Concur; however, the wording needs to be expanded to include related text now included in Management Guideline K.	Revise, add as new paragraph:  <u>Uses that are likely to produce levels of acoustical or visual disturbance sufficient to disturb calving, rutting, or post calving aggregations that cannot be seasonally restricted should not be authorized in these areas. Uses may be authorized in these areas at other times of the year. DNR authorizations should include seasonal restrictions on activities that would produce significant acoustical or visual disturbance during sensitive periods.</u>
NSB	Fish and Wildlife (p.2-16)	NSB requests that Management Guideline V, Avoidance of Conflicts	Concur. The intent is to avoid significant conflicts with local subsistence harvests	Revise: [WHERE FEASIBLE AND PRUDENT] Surface

Commenter	Subject (page)	Issue	Response	Recommendation
		<p>with Traditional Users or Fish and Game, delete the term ‘where feasible and prudent’.</p>	<p>and other traditional users of fish game.</p> <p>DNR always includes a section on ‘traditional uses’ in its Preliminary and/or Final Findings and Decision involving a disposal of an interest in state land. Most permanent and most significant activities require such an analysis. However, to ensure that authorizations of a permanent or long-term character of all types include this analysis, DNR will revise this management guideline to include the need for an evaluation of the impacts upon local harvest activities and to coordinate with local users, if possible, or the borough.</p> <p>We also concur that it is important to involve the ADFG, the borough, and local communities where, if issued, an authorization may have a significant adverse impact upon harvest activities.</p>	<p>activities authorized under permit, lease, or that have the potential to <u>impact local harvest activities</u>, are to avoid significant conflicts with local subsistence harvest and other traditional uses of fish and game resources. <u>The impact of surface activities upon local harvest is to be evaluated in DNR authorizations.</u> <u>These evaluations are to determine the degree of impact and, where significant impact is likely to occur, either deny the activity or impose seasonal/ temporal restrictions.</u> <u>Prior to issuing an authorization that may have a significant effect upon habitat or local harvests, DNR is to consult with ADFG, the borough, and local communities to ascertain their interests and concerns.</u></p>
Audubon	Habitat/ Minerals	<p>Many of the state lands in areas of concentrated calving, insect relief, migration corridors and wintering areas are utilized by the WACH. Most of these areas are recognized for their habitat values by the plan’s use of the Habitat designation. However, most such areas are co-designated mining, coal, or general use.</p> <p>1) The use of a co-designation permits – if not encourages – uses that clearly are in conflict with the protection of the core WACH range. The plan speaks to permitting non-</p>	<p>1) The plan’s use of a co-designation reflects the existence of both resource and habitat values on the same unit of ground. Neither the resource value (minerals, coal) nor the WACH presence is given priority – both are considered equally important and consideration must be given to both in authorization decisions by DNR.</p> <p>2) We have tried to clarify the need to balance resource and habitat values through the inclusion of Management Guideline E in the Subsurface Resources of Chapter 2 and with a statement similar to the one that follows for individual management units in the Resource</p>	<p>Revise Management Guideline E. “Although mining within the aforementioned areas is considered appropriate or may be appropriate with stipulations, ... <u>There may be sites within a management unit that may not be appropriate for coal development or mining.</u> <u>Determinations of this type are to be made as part of the regulatory review/permitting processes related to the authorizations of these activities....</u></p> <p>Add a cross reference as well: <u>See also Primary and Co-designated</u></p>

Commenter	Subject (page)	Issue	Response	Recommendation
		<p>habitat uses with a ‘nod’ towards caribou values and needs. Mining and coal-extraction, if authorized, would clearly result in some degree of negative impacts on the WACH.</p> <p>The underlying concern</p> <p>2) is that the use of the co-designation allows for such uses to occur, although at certain locations and times such uses should not be authorized at all.</p>	<p>Allocation Table: ‘Mineral development is considered appropriate within the unit but shall adhere to the following guideline: Authorizations issued in this unit involving long term or permanent uses are to consider impacts upon the WACH, particularly during the winter when parts of this unit are used as their core winter range. (Note: the last reference changes depending on the WACH activity that is critical.)</p> <p>The plan also notes under the section on Co-designated uses in Chapter 3 (p. 3-3) that co-designated uses should be viewed as compatible unless specific conditions exist that would indicate otherwise. Thus, the ability to deny an authorization is recognized and adequate protection seems to be provided in current plan wording.</p> <p>Nonetheless, it is appropriate to include a cross-reference to co-designated uses in Chapter 3 under Management Guideline E and a footnote that indicates that, within a given management unit (which are usually very large) that some areas may not be appropriate for mining or coal development, this conclusion resulting from the environmental analyses that are conducted in either form of development.</p>	<p><u>Uses in Chapter 3, p. 3-3</u></p>
TFA	Habitat/Minerals	TFA raises a similar concern to that of the Audubon Society, described in the previous response. They want to know how simultaneous habitat and coal/mineral values will be managed to ensure that habitat	The balancing of habitat with mining values occurs during the authorization process of the coal or mineral development. The area plan establishes the importance of the resource that must be protected, but the exact manner of that	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
		<p>values are, in fact, treated as a high priority in a management unit.</p> <p>They also ask that ‘standards’ to protect habitat be included.</p>	<p>balancing and protection is left to the authorization process. The area plan emphasizes the importance of habitat considerations in the authorization process and provides guidance on how to determine a ‘balance’ through the inclusion of the section ‘Explanation of Minerals and Coal Designations’.</p> <p>The plan provides general guidelines but it does not attempt to provide standards such as would occur in an authorization. A variety of detailed standards already exist, at both the state and federal level, for coal development and mining, and there is no advantage in repeating them in the area plan.</p>	
O	Grazing	<p>Reindeer herding is a traditional way of life in the Seward Peninsula and it is expected to continue to play an important part in the local economy and to the continuation of the traditional ways of life. They are concerned that the plan</p> <p>1) continue to allow the use of state land for reindeer herding and</p> <p>2) not put up barriers such as requiring lengthy assessments which might result in restrictions and the demise of the industry.</p>	<p>1) The area plan provides for the continuation of reindeer herding on the Seward Peninsula. This is recognized in the Grazing section of Chapter 2 and in the management intent statements for each of the management units within the Peninsula that have traditionally had this industry/way of life.</p> <p>2) The area plan does not create new restrictions on the management of this industry. It uses the format of the current authorizations, which differ from the requirements of the 1989 area plan. The restrictions that are identified in the Grazing section are consistent with current management requirements and are less restrictive than the standards contained in the 1989 area plan.</p>	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
I	Instream Flow	The plan makes inaccurate statements about instream flow requirements and needs to be changed. Also the plan indicates that there are no conflicts within instream water usage in the planning area.	<p>The statements regarding water reservations, the method for establishing priorities between beneficial users, and the process of establishing determinations are all derived from statute or administrative code.</p> <p>The plan does not indicate that there are ‘no conflicts’. What it says is that “There are no streams where near-term development is likely to result in consumptive use of water that will adversely affect instream water users.” This is a different statement altogether.</p>	No change.
NSB	Instream Flow: Water Intake Structures (p. 2-11)	NSB recommends deleting the sentence that states “The simplest and most cost effective technology may be used to implement this guideline.” They object to this statement because it weakens the guidance that intake structures avoid entrainment or impingement of fish.	The wording used is ‘may’, which is permissive. That is, if a low cost method can be used and is still effective in its mission, this is considered permissible. The standard to avoid entrainment or impingement is not affected by this wording.	No change.
AMA	Materials (p. 2-25, line 16)	Insert after ‘upland material sources’ “when the quality, quantity, and cost of the resource is acceptable.”	Concur.	Revise: Insert after ‘upland material sources’ “when the quality, quantity, and cost of the resource is acceptable.”
AMA	Materials (p. 2-25, line 19)	Insert after ‘permitted in fish spawning areas’ the following: ‘unless it can be shown that the activity will not adversely affect spawning.’	Concur.	Revise: Insert after ‘permitted in fish spawning areas’ the following: ‘unless it can be shown that the activity will not adversely affect spawning.’
AMA	Materials (p. 2-25, line 38)	Insert ‘when feasible’ prior to “Material sites ... ”	This is already inferred from the current wording of the management guideline.	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
I	Recreation	The plan incorrectly states that recreation, scenic, and tourism resources are low.	The plan states that “The present level of dispersed recreation on state land is low, reflecting the region’s low population.” This is a statement that deals with levels of use, not with the quality of the recreation experience.	No change.
NSB	Recreation (p. 2-28)	NSB recommends that Management Guideline D, Private Commercial Recreation Facilities and Operations on State Land, be revised to require consultation with the local borough and local communities.	Current standards provide for consultation with the local borough and local communities prior to the issuance of an authorization.	No change.
I	Settlement (General)	Most of the proposed homesites are mostly on the central and western Seward Peninsula. While this is not necessarily bad, this type of development should not block access, particularly to recreation areas or areas used for hunting.	Access considerations are addressed during the preparation of a best interest finding for a proposed subdivision. Such decisions must specifically address access.	No change.
I	Settlement (General)	Within the Seward Peninsula there is no need to provide any settlement areas away from established rights-of-way. Such areas would be incompatible with existing land ownership and land use patterns and would conflict with AS 38.04 on the basis of providing access to important areas of subsistence hunting and fishing.	DNR carefully evaluates whether there is a need to provide state land for settlement purposes as part of the development of an area plan. In this plan, which covers an area of 13.5 million acres of state land, less than 10,000 acres are allocated to settlement. This is a very small percentage of state land devoted to settlement.  Throughout the public review process we received comments indicating that some additional amount of settlement would be appropriate. Some of these comments specified favorable areas and several of the areas designated Settlement reflect these recommendations.	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
			<p>Subsequent to the initial identification of settlement areas, agency and public review indicated that some of these initial areas should be dropped or pared back in size. In fact, we dropped several of these areas and scaled back the size of those that remained – in order to avoid impacts upon wildlife, habitat, and recreational activities.</p>	
I	Subsurface – Areas are incorrectly identified	The area plan does not correctly identify mineral or coal areas. The plan is therefore flawed.	<p>DNR based its identification of areas with mineral and coal development potential on the most recent information from the Mining Section of DMLW and that from the Division of Geological and Geophysical Surveys (DGGS). State selection files were also reviewed.</p> <p>These files represent the results of extensive geologic and geophysical research that occurred as part of the 1994 State Land Selection Project. This information was recently updated by DNR in 2006 as part of the formal submission of state selection priorities to BLM as part of the close out of state land selections.</p> <p>The most recent and most relevant information available to the agency were consulted and formed the basis for the mineral and coal designations.</p>	No change.
Center for Biological Diversity (CBD)	Subsurface – Coal	1) The NWAP determines where and how coal may be mined on state lands. Because of the severe impacts to water and wildlife from coal mining, and its black carbon emissions, this area should be	1) The NWAP determines, in part, how and where coal mining may occur. That is, it designates areas as appropriate for possible coal development. However, the actual decision as to whether a prospective coal development occurs (or not) is the	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
		<p>designated as unsuitable for coal mining.</p> <p>2) There is also strong concern that the NWAP does not adequately protect endangered species, marine mammals, or migratory birds, all of which occur within the planning area. As such, implementation of the plan will likely result in violations of the Marine Mammal Protection Act, the Endangered Species Act, and the Migratory Bird Treaty. The ESA specifically prohibits any ‘person’ from ‘taking’ threatened and endangered species.</p> <p>3) CBD asks that DNR seek a permit to ‘take’ endangered species protected under the ESA.</p>	<p>subject of a subsequent, detailed environmental analysis. The area plan does not dictate how development is going to occur; this is the function of permitting and regulatory processes.</p> <p>2) The NWAP, by itself, does not impact species protected under the three acts that are mentioned. Such impacts are dealt with at the project planning phase, which is accompanied by extensive environmental analyses. These analyses are intended to identify sensitive species so that stipulations can be developed in order to avoid or mitigate impacts to endangered species.</p> <p>3) The question of acquisition of a ‘taking’ permit, if one is required, is dealt with at the project phase, not during the area plan.</p>	
TFA	Subsurface – Coal	<p>TFA notes that the NWAP represents an opportunity to survey and make decisions on where surface coal operations will not be compatible with habitat values. They further note that on p. 2-29, Section I, DNR is required to determine if the surface values are significant enough to warrant restricting surface entry before authorization of a lease. Objective criteria on how surface uses will be restricted should be included in the plan.</p> <p>Similarly, the plan should identify areas where surface entry for coal</p>	<p>Area plans have not been used in the past as the basis for the closure of areas to surface coal entry. The statement that DNR is required in an area plan to determine if the surface values are sufficient to warrant closure to coal entry is inaccurate and beyond the authority of area plans. What this section of plan says is that before the authorization of a lease, DNR will determine if the surface values are significant enough to deny coal mining. Lease authorizations are separate actions and are not necessarily dependent upon an area plan.</p> <p>DNR maintains that the best time to make the determination of whether an area is</p>	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
		mining is inappropriate.	<p>appropriate for surface entry for coal extraction is during the leasing process. At this time extensive information is available about a proposed activity and the Department (and the public) can make better decisions with more inclusive information than now exists. At this time only limited information is available on the coal resources within the Lisburne Region, the most likely location for coal extraction. It is premature to make major decisions involving closure until additional information is available.</p> <p>AS 27.21.260 does not require that closure decisions be based on area plans; what it says is “The Commissioner shall use competent and scientifically sound data and information in order to make (closure) decisions” ... “The decisions shall reflect the planning activities of federal, state, and local governments ...”</p>	
TFA	Subsurface – Coal	<p>TFA recommends that</p> <ol style="list-style-type: none"> <li>1) the area plan explicitly restrict coals uses (in the Lisburne Region) to underground mining to ensure the surface uses are not disturbed and can coexist.</li> </ol> <p>They also ask</p> <ol style="list-style-type: none"> <li>2) that the surface impacts of underground mining be fully considered and minimized.</li> </ol>	<ol style="list-style-type: none"> <li>1) As indicated, DNR maintains that decisions on coal entry and development are best left to the leasing process, which is controlled by detailed state and federal regulations.</li> <li>2) We concur, however, with the recommendation that the surface impacts of underground mining be considered as part of the permitting process.</li> </ol>	<ol style="list-style-type: none"> <li>1) No change.</li> <li>2) Revise Management Guideline I, ‘Leasable Mineral Development’ to add at the end of the paragraph the following: <u>The surface impacts of proposed underground mining shall be fully considered as part of the permitting process.</u></li> </ol>
I	Subsurface – Dust Protection	The plan needs to address dust created from the passage of trucks	This issue is outside the scope of the area plan. Dust issues are dealt with through	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
		hauling ore. It is the responsibility of the company to prevent air pollution.	permitting and regulatory processes. Specifically, this is an issue that is within the responsibility of ADEC.	
I, TFA	Subsurface Resources – Need for Mineral Closures	The following areas warrant a mineral closing order because of potential conflicts with sensitive habitats for numerous fish and wildlife species and with subsistence uses: McCarthy’s Marsh, Lower El Dorado and Flambeau Rivers, Grand Central River valley, Imuruk Basin, American and Agiapuk Rivers, Upper Koyuk River, and Boston and Minnie Creeks.	<p>The basis for the closure of an area to mineral entry and the authority to do so are specified in AS 38.05.185. Under this section, the DNR Commissioner must determine that mining would be incompatible with significant surface uses and may only close areas not greater than 640 acres without legislative approval.</p> <p>While it is possible that there may be adverse impacts to habitats and important fish/wildlife species, the intent of the state and federal regulatory and permitting programs is to avoid or to minimize the impacts of mining. These permitting systems are typically successful in minimizing such impacts.</p> <p>Accordingly, it is difficult to make the determination that mining operations would, by their very nature, be inconsistent with surface uses over large areas until such processes had run their course. It would be especially imprudent to close areas that are known to have high mineral potential and that were the basis for the selection by the state of an area.</p>	No change.
TFA	Subsurface – Oil and Gas	Oil and gas lease sales and gas only lease sales are subject to the planning process under AS 38.05.180. Nonetheless, since DNR continues to manage activities taking place on the surface once an	The types of uses that may occur in areas where oil and gas development takes place are largely controlled by the oil and gas leases between the state and the lessee. These leases require that surface improvements within the areas affected by	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
		area is leased, the plan should include articulate policies to address these activities and to ensure that existing uses, including habitat and subsistence, are protected.	these leases be reviewed for consistency with the principal oil and gas operation. This review occurs under the Division of Oil & Gas. The oil and gas lease requirements have proven effective in managing surface development and are considered a better management mechanism than the use of stipulations in an area plan. A permitting program supplements the leases and provides additional specificity.	
I, TFA	Subsurface – Radioactive Elements	<p>1) The mining for radioactive elements is inappropriate within the planning area. It is too costly, there is little or no experience in this type of mining, and there is little appreciation of how difficult it is to mine in remote locations in Alaska. The plan should recognize these considerations and preclude such forms of mining.</p> <p>2) TFA notes that, at a minimum, the plan should include language to address where the deposits are located and how they are to be managed.</p>	<p>1) The plan cannot preclude uses of state land that are authorized under state statute. The determination of whether this form of mining (or any form of mining) is appropriate is a function of state/federal regulatory and permitting processes. A decision to disallow certain forms of mining is outside the scope and authority of an area plan.</p> <p>2) There is little knowledge about the presence of radioactive elements in Alaska and few that are considered to be complete. There is uranium present in the Darby Mountains north of Elim and this prospect is being explored.</p>	The resource allocation table for unit N-01 will be amended to add that uranium prospects are being explored here.
TFA	Subsurface – Mining in Fish Habitat (p. 2-27)	TFA wants stronger language to be used in Management Guideline D, Mining in Fish Habitat. They believe the word ‘when’, as it is used in the sentence, implies that there is no fundamental problem in mining in fish habitat.	Generally concur. Although the use of the word ‘when’ in the statement is meant to be factual, we can agree to a change in wording that still retains the basis of the management guideline.	Revise lines 16-17, p. 2-8, to: “[WHEN DNR ISSUES] A permit for mining in or adjacent to designated fish habitat, [CONDITIONS OF THE PERMIT] will require [ANY NECESSARY MEASURES] ,as stipulations of the <u>permit</u> , any necessary measures, such as ... .”

<b>Commenter</b>	<b>Subject (page)</b>	<b>Issue</b>	<b>Response</b>	<b>Recommendation</b>
AMA	Subsurface ( p. 2-35, Management Guideline 5)	It should be stated that a mineral resource evaluation of the area of a proposed subdivision should occur prior to issuing a Mineral or Leasehold Location Order.	This is already standard DMLW practice in the process of subdivision development or land disposal.	No change.
NAEC	Subsurface (p. 2-49, lines 10-14)	NAEC wants the plan to clarify certain aspects of the coal leasing process. Specifically, they want the plan to specify what criteria will be applied in the Department's best interest finding, to require consultation with local and Tribal agencies, and to identify the assessment protocols that the state will use in determining if a lease is in the best interest of the state.	The processes for a best interest finding are quite detailed and, as a matter of policy, DNR wants to ensure that the assessments in such finding are made with specific reference to the conditions that exist and are likely to affect leasing requirements. An area plan, such as this, cannot adequately predict the specific context and therefore cannot determine correct assessment protocols and methods. These are best left to the best interest determination itself.	No change.
AMA	Public Access	There is little mention of transportation or infrastructure needs such as roads, railroads, airfields, and port facilities. Have efforts been made to coordinate infrastructure needs with other agencies specializing in transportation and public facilities.	DNR area plans deal with the management of state land, not with transportation or public facilities per se. This is the responsibility of the Alaska Department of Transportation and Public Facilities (ADOT). We do, however, review ADOT projects/plans to incorporate known or forecast transportation routes, and there are many areas that are identified as 'Transportation Corridors' in the plan. In addition, in those instances where transportation may not be the principal use but is an important consideration in a parcel, the management intent section of the parcel identifies the route or facility and directs DNR adjudicators to coordinate with ADOT.	No change.
TFA	Public Access (p. 2-	TFA requests that the maximum	The identification of maximum trail widths	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
	52, Management Guideline – Width of Trail Corridors	widths of trail corridors be identified.	in an area plan is inappropriate; such decisions are best made at the adjudication level based on site specific needs and information.	

### CHAPTER 3 – MANAGEMENT UNITS

Commenter	Subject (page)	Issue	Response	Recommendation
TFA	Explanation of Mineral and Coal Designations (p. 3-5, lines 35-37)	TFA maintains that standards to protect habitat are needed to ensure that DNR carries out its public trust duties. To that end, they recommend that the following sentence be revised as follows: [IT IS INTENDED] <u>Stipulations</u> [ARE TO] <u>shall</u> be imposed in the authorization in order to ensure the continuation of the habitat value or resource within the unit.	Concur with proposed revision.	Revise to: Stipulations <u>shall</u> be imposed in the authorization in order to ensure the continuation of the habitat value or resource within the unit.
NSB	Access, Resources, and Uses of State Land (p. 3-16)	NSB states that the area plan consulted the Borough’s comprehensive plan and coastal zone plan, but no reference is made to a review of the local land use code (zoning).	This section of the plan describes the plans that were reviewed in the preparation of the area plan. It does not list zoning ordinances.  However, DNR did review the Borough’s zoning ordinance in the preparation of the area plan.	No change.
TFA	Lisburne Region	TFA recommends that the plan include a cautionary note regarding the impacts of coal and mining on fish streams and other habitats and species besides the WACH, such as waterfowl.	Concur.	Revise line 44 p. 3-16 and line 1-2, p. 3-17: “While such activities ... careful consideration must be given to potential impacts upon the WACH <u>as well as the to other species and habitats listed in page</u>

Commenter	Subject (page)	Issue	Response	Recommendation
NSB	Coordination with NSB – Lisburne Region	NSB requests that when, in the Resource Allocation Table, the statement is made that DNR should consult with ADFG, this should be extended to include the NSB.	<p>When this reference is used, it is in reference to considerations related to the decisions that might affect the WACH. DNR relies heavily on ADFG for insight on how the issuance of an authorization might impact the WACH or its habitat. This is done to ensure that the wildlife aspects of an authorization are taken into consideration before proceeding with a decision. If land use issues are involved, Management Guideline B, Coordination with Local Comprehensive Plan and Zoning Ordinance’ comes into play.</p> <p>However, the current wording of this section of plan should to be revised to include review of the coastal plans and other material that may be available at the borough level that might affect a decision.</p>	<p>2-9.</p> <p>Revise Management Guideline B under ‘Coordination and Public Notice’ to “The comprehensive plan, <u>coastal zone plan</u>, and zoning map/ordinances of the Northwest Arctic and North Slope Boroughs are to be reviewed by DNR prior to issuing permits, leases, or other forms of use authorizations. <u>The boroughs should also be consulted when such authorizations may affect subsistence activities<sup>4</sup>. Note: also see discussion of Alaska Coastal Management Program , p. 4-8. Uses authorized on state land by DNR must, in addition to the management guidelines in this Chapter, also conform to the ACMP enforceable policies of the program, including the statewide standards under 11 AAC 112 and the enforceable policies of approved district plans.</u></p>
TFA, NAEC, Audubon	LT-04	This tideland unit is considered to have very high environmental sensitivity and provides significant habitat resources for a variety of species. It should be designated Habitat, not General Use.	Concur. Revise designation to Habitat/Harvest and change management intent to reflect this.	<p>Revise designation to Habitat/Harvest and change management intent to reflect this. As part of this description note the need to consult with ADFG and federal agencies on marine mammal haulout locations and walrus use areas.</p> <p>Add to resource description the</p>

<sup>4</sup> Note: Both boroughs maintain information on a variety of cultural, environmental, social, as well as other considerations related to DNR authorizations and should be reviewed prior to issuing a decision. Consultation with the Borough may also be appropriate.

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				<p>following: USFWS reports that, presumably because of the loss of ice in the region, walrus have begun hauling out in numerous places along the coast between Icy Cape and Cape Lisburne. Concentrations were observed in several places including Cape Lisburne, Corwin Bluff, and along the barrier islands north of this unit (LT-01).</p> <p>The area offshore of this unit, Ledyard Bay, is also considered a sensitive habitat area and authorizations that occur within the tideland and submerged land areas should carefully evaluate potential effects upon whale, ringed seal, and bird migration. Ledyard Bay is a federally designated critical habitat area for the threatened Spectacled Eider. Most of the Spectacled Eiders that breed on the Arctic Coastal Plain molt in Ledyard Bay.</p>
RADS	LT-05	<p>With the identification of a new unit that has a designation of Ha/Hv to the north of Point Hope and continuing to Point Lay, the remainder of what was originally LT-04 in its southern part needs to be designated as a separate unit. Add a new unit, LT-05. Designate the unit Gu. However, note the presence of a high concentration of bird colonies at Cape Thompson.</p>	Concur.	<p>Revise to add new tideland unit, LT-05. Designate this unit Gu. Note in management intent the high concentration of bird colonies at Cape Thompson and note the applicability of management guidelines pertinent to such colonies.</p>
TFA	K-13	Recommend codesignation of habitat	Management intent in the Resource	Codesignate unit Minerals/Habitat.

Commenter	Subject (page)	Issue	Response	Recommendation
		as management intent is to manage for both minerals and habitat.	Allocation Table already states that unit is to be managed for “mineral and habitat values.”	
I	K-19	Settlement will bring in land users and increase competition for renewable resources.	While increased competition for resources is a consequence of land disposals, the impacts can be mitigated. Chapter 2 guidelines protect the habitat during land disposal design. ADFG manages fish and wildlife resources for sustainability, exerting control over hunting and fishing activities.	No change.
NAEC, RADS	KT-06	Note the presence of spotted seal haulouts on the barrier islands of Cape Espenburg in Kotzebue Sound. Also note the presence of seabird colonies and include appropriate management guidelines. Note that this unit includes the tidelands adjacent to the Bering Land Bridge National Preserve. Co-designate Ha and Rd.	Concur.	Revise description to note presence of sea bird colonies and spotted seal haulouts. Include appropriate management guidelines. Change designation from Ha to a co-designation of Ha and Rd.
NAEC	KT-07	Note that portions of this unit may include important marine habitats (shorefast ice, spring nearshore lead system, the Point Hope polynya, and productive nearshore waters) that may be used by a number of marine mammals species (bowhead, beluga, gray and killer whales; harbor porpoises, ringed, bearded and spotted seals, walruses, and polar bears.	Concur.	Revise description to note presence features described in issue. Include appropriate management guidelines.
Audubon	NT-04	The coastal wetlands at the mouth of Koyuk River and adjoining coastal areas south to Shaktoolik. Norton Sound contains a large intertidal wetland and is one of the most	Concur.	Revise to include new tideland unit occupying the coastal wetlands at the mouth of the Koyuk River in Norton Sound. Designate as Habitat and include appropriate

Commenter	Subject (page)	Issue	Response	Recommendation
		important bird nesting areas in the region, including many shorebirds. This area, which is now included in NT-03 and is designated General Use, should be designated as Habitat, to reflect these values.		management intent. Include in unit description the presence of coastal wetlands, extensive estuarine environments, and the presence of anadromous streams, in addition to shorebirds and seabirds.
ADFG	NT-05	The plan does not identify as a separate tideland unit those areas of tide and submerged land that adjoin the Yukon Delta NWR. The intent in this plan, similar to other state area plans, is to designate such units adjacent to federal Conservation System Units as separate management units, which are co-designated Ha and Rd.	Concur.	Revise to include new tideland unit to correspond with the spatial boundaries of the Yukon Delta NWR. Co-designate this unit Ha and Rd. Include similar management unit for this unit as for other tideland units fronting federal CSUs.
ADFG, RADS	NT-06	The area offshore of the Norton Sound coast from Tolstoi Point in the north to the boundary of the new tideland unit, NT-05, contains significant wildlife, fisheries, and habitat resource and warrants a Habitat designation. This area includes seals, walrus, beluga and gray whale, and pacific herring (spawning areas). This area contains the area's only herring roe-on-kelp fishery as well as subsistence and commercial fisheries. Eelgrass beds that are used as a nursery area for fish, crab and are used for spawning by herring.	Concur. Add this unit and co-designate in Habitat and Harvest.	Revise as recommended in Response.
I	S-05 RAT, p. 3-65	The plan seriously underestimates the emotional, recreation, visual, and wildlife importance of the Kigluaik Mountains. The co-designation of Public Recreation/Mining is	The plan acknowledges the habitat, recreation, and mineral values of this parcel (S-05). It also mandates, under the management intent section, the need for a mining authorization to take into	No change.

Commenter	Subject (page)	Issue	Response	Recommendation
		inappropriate given the importance of this area for habitat and recreation; these values outweigh those associated with mining.	consideration both recreation and habitat values.	
ADFG, RADS	ST-01	Although the plan designates all of the lagoons along the Chukchi Sea, all of which contain very productive habitats, the area of Port Clarence is not included and needs to be. This area contains pacific herring spawning areas and there are concentrations of spotted seals along the southern half of the bay and along both sides of the outer spit. In addition, Port Clarence is used by numerous species of shorebirds, waterfowl, and pelagic bird species.	Concur. Revise ST-01 to include Port Clarence and the adjacent offshore areas. Co-designate this Habitat and Harvest.	Revise as indicated in Response.
ADFG	ST-06	The plan does not identify as a separate tideland unit those areas of tide and submerged land that adjoin the Bering Land Bridge National Preserve. The intent in this plan, similar to other state area plans, is to designate such units adjacent to federal Conservation System Units as separate management units, which are co-designated Ha and Rd.	Concur.	Revise to include new tideland unit to correspond with the spatial boundaries of the Bering Land Bridge National Preserve. Co-designate this unit Ha and Rd. Include similar management intent for this unit as for other tideland units fronting federal CSUs.
I	W-05	The creation of a new 'subdivision' in the Grand Central River Valley (GCRV) is inappropriate. It has the potential to ruin some of the most pristine and beautiful valleys in Alaska and the World.	The management unit (W-05) designated Settlement does not occur within the area that is described. It is situated along of the road north of Salmon Lake. The portion of GCRV that is described is within Unit W-06 and is designated Ha/Rd.	No change.
I, DMLW	W-05	Recommend that land disposals near roads not block recreation access; use	Concur. Delete that portion of the parcel generally south of the lake and the area	Revise as indicated in Response.

Commenter	Subject (page)	Issue	Response	Recommendation
		<p>small lot size and easements spaced at frequent intervals.</p> <p>Serious concerns over the effect of a possible subdivision upon the recreation activities adjacent to Salmon Lake. In general, previous discussions with BLM have resulted in a general determination that the eastern part of the lake would go into private (native corporation) ownership while the western part would be retained by the state for recreational use.</p>	<p>along the northern shore (within 1000 feet of shoreline) from this parcel. Consolidate this area into the adjacent parcel, W-06.</p>	
RADS	W-06		<p>Enlarge the size of this parcel to accommodate the settlement area deleted from W-05 (see above).</p>	<p>Revise as indicated in Response.</p>
TFA, Audubon	Various units as listed	<p>Important wildlife and cultural resources were missing from the Resource Allocation Tables (or resource was listed but is not acknowledged under management intent) as follows:</p> <p>L-05; brown bear and waterfowl                      L-06; fish, musk ox                      U-02; fish, cultural resources                      U-04; cultural resources                      U-05; fish, cultural resources                      B-01; fish                      K-03; Wulik River is source of drinking water                      K-05; waterfowl                      K-06; moose                      K-16; waterfowl                      K-17; moose                      K-18; moose</p>	<p>While there is no pretense that our Resource Allocation Tables are complete, nor will they be with these additions, ADFG concurs with these additions and the text will be changed.</p>	<p>Revise tables to list resources (if missing) as listed under “Issue” and include management intent to protect those resources.</p>

Commenter	Subject (page)	Issue	Response	Recommendation
		N-03; fish, caribou N-04; fish waterfowl N-05; waterfowl N-08; fish, moose S-02; fish, moose, seabirds, shorebirds S-03; fish, moose, shorebirds S-04; fish, moose, shorebirds W-03; fish, moose W-04; fish, moose		
I	Various	Protecting potential transportation routes and the opportunity to explore and develop the mineral potential of the region is important to the economy. The addition of minerals designation was suggested for several units.	There is nothing in the plan that would preclude new transportation routes, just guidelines that would affect the design. Since almost the entire plan area is open for mineral entry the use of the minerals designation was used for areas judged by DNR geologists to be most likely to be developed. Although there are many ways to evaluate mineral potential, for consistency that original analysis will be used.	No change.

### CHAPTER 4 – IMPLEMENTATION

Commenter	Subject (page)	Issue	Response	Recommendation
NSB	ACMP	NSB recommends that there be an expanded discussion of the importance of the ACMP program, particularly since activities on state land must be consistent with the enforceable policies of that program, including the statewide standards in 11 AAC 112 and the enforceable policies of the affected	We do concur that it is important that the ACMP enforceable policies are mentioned within Chapter 2, which deals with areawide policies and management guidelines. See previous response under ‘Coordination and Public Notice’ of this IRS.	No change.

		coastal districts. They also recommend that the management guidelines on p. 2-4 reference the need for projects to be also consistent with the ACMP enforceable policies.	There is no need for the area plan to provide a detailed discussion. For detailed information on the ACMP, this information is available from DNR at Public Information Centers and on-line in the DNR webpage. It would be imprudent for the area plan to summarize the whole scope and range of the ACMP.	
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### GLOSSARY

Commenter	Subject (page)	Issue	Response	Recommendation
TFA	Glossary	TFA recommends that the term 'sustained yield' be added to the glossary.	Concur.	Add definition to glossary: <b>Sustained Yield.</b> 'Sustained Yield' means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of the state land consistent with multiple use (AS 38.04.910(12)).