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Maggie Arend
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U.S. Fish and Wildlife Service
1011 East Tudor Road, MS 231
Anchorage, AK 99503

Re: *Public Comments on Draft Revised Comprehensive Conservation Plan and Public Use Management Plans EIS for Togiak National Wildlife Refuge*

Dear Ms Arend:

Please accept the following comments on behalf of the Alaska Chapter of Wilderness Watch, a non-profit conservation organization dedicated to advocating for appropriate stewardship of our Nation's National Wilderness Preservation System and the National Wild and Scenic Rivers System.

Historic Context: While the draft EIS presents a bewildering array of legal mandates, agency policies and processes, it lacks any presentation of the historic context which led to the establishment of Togiak Refuge. To be "comprehensive," the plan should include a description of ANILCA history that tells the story of a growing national awareness that in the vast, wild landscapes of Alaska, our nation had a "second chance" to avoid making many of the land use errors that had occurred elsewhere in the U.S. This concern, and the resolve to prevent such errors is now embedded in the purposes of ANILCA (Section 101):

"to preserve unrivaled scenic and geological values associated with natural landscapes ...maintenance of sound populations of wildlife...dependent on vast relatively undeveloped areas; to preserve in their natural state extensive unaltered arctic tundra, boreal forest and coastal rainforest ecosystems...to preserve wilderness resource values and related recreational opportunities...within large arctic and subarctic wildlands and on freeflowing rivers and to maintain opportunities for scientific research and undisturbed ecosystems."
(emphasis added)

It was in this over-arching National interest that Togiak Refuge, along with several other National Wildlife Refuges, National Parks and Preserves, National Wild Rivers and Wildernesses, were designated by Congress. It is with great expectation on the part of the American people that the U.S. Fish and Wildlife Service carry out its responsibility to preserve and steward the wild character of Togiak Refuge. The ANILCA purposes should be the bed rock foundation upon which the CCP and PUMP are based.

Wilderness Character: Unfortunately, the wilderness character in some parts of the Togiak Wilderness has been degraded from the quality that existed at the time of wilderness designation in 1980. Both the CCP and PUMP contain numerous indications that: increased use, primarily associated with recreational fishing on popular rivers within the Wilderness, have resulted in diminished solitude, more frequent group encounters at campsites and fishing locations, and have created various human waste issues. All of these factors have functioned to significantly impact wilderness character.

Most of the data presented comes from a comparison of angler survey responses (Appendix E: Togiak Refuge Angler Survey Results 1995 and 2001). In a large majority of the criteria evaluated, user tolerance increased from 1995 to 2001, and in many of these cases the differences were statistically significant. While the report in Appendix E offers few explanations, the wilderness recreation literature is replete with examples similar to Togiak and suggest that as wilderness character declines, some users are displaced by others who have greater tolerance for degradation. This is an important relationship which should be better explained in the PUMP as it is critical that the problem be properly diagnosed. We suggest that the plans be amended to include a discussion of appropriate wilderness recreation literature and displacement as an indicator of wilderness character decline.

Neither the CCP nor the PUMP provides data on recreational use levels from 1980 to 1995. Without such data it is difficult to adequately assess the magnitude of decline in wilderness character that has occurred due to increases in recreational use. If earlier data exists, we request that it be presented in the final documents.

We believe it will require an exceptional, long term effort on the part of the Fish and Wildlife Service to restore the area's original wilderness character to the level that existed at the time of establishment in 1980, however, that should be the ultimate goal.

Section 4(b) of the Wilderness Act of 1964 requires that:

“Except as other wise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.”

This critical provision established agency responsibility for preserving wilderness character. Furthermore this requirement was not modified or changed by ANILCA (see Section 707). Therefore we urge that the Service re-design the final CCP and PUMP in a manner which sets the goal to restore wilderness character in impaired areas and assures the preservation of wilderness character throughout the designated Wilderness. Actions that should be immediately considered are:

- 1) Establish a permit system for unguided recreational fishing in key areas such as the Kanektok and other rivers. (PUMP Alternatives E and C).

- 2) Identify levels of commercial and unguided recreational fishing that approximates original (1980) wilderness quality.
- 3) Prescribe a plan to lower current recreational uses to the 1980 level over a defined time frame.
- 4) Offer a priority to commercial guides who propose to not use motorized boats in the Wilderness.
- 5) Restrict motorboat use to levels that existed in 1980.
- 6) Discontinue authorization of commercially provided “day visits” to lakes in the Togiak Wilderness, or reduce such visits to the 1980 level.

Wilderness Stewardship Plan: We are very concerned that twenty-seven years after Congress designated about half of the refuge as Wilderness, there is no wilderness stewardship plan in place, and wilderness character has been allowed to decline. Instead, a public use management plan was developed which has not effectively prevented further degradation of wilderness character. In our view, a wilderness stewardship plan should have come first, and set appropriate standards and mechanisms for monitoring and preserving wilderness character as Section 4(b) of the Wilderness Act requires.

We recommend that the Service place a very high priority on development of a wilderness stewardship plan (page 2-65) with the understanding that it will require amendments to the CCP and PUMP to bring uses down to where the original wilderness character is restored. The wilderness stewardship plan should carefully review and regulate commercial guide services according to Section 4(d)(5) of the Wilderness Act as to the extent that commercial services are “...*necessary for activities which are proper for realizing recreational or other wilderness purposes of the areas.*”

It should also include a monitoring system that addresses both physical and intangible aspects of wilderness character. Such a system should identify thresholds so that actions can be implemented before wilderness character is impaired.

Specific comments:

1.1 Purpose and Need (page 1-2): This section would be an appropriate place to include ANILCA history and purposes as suggested above.

1.3 Refuge establishment (page 1-7): This section was helpful in understanding the history of specific actions relative to conserving the area that is now Togiak NWR.

1.5.3 Refuge goals (page 1-12): Suggest re-wording Goal 4 as follows: “Preserve wilderness character of the Togiak NWR” (preserve is consistent with Section 4(b) of the Wilderness Act.

1.7.1 Design the Planning Process (page 1-17): Considering the historic role that conservation groups played in the passage of ANILCA, and that this is a “National” area, the planning team should have had broader representation in addition to local tribes and the State of Alaska.

1.7.8 Review and Revise Plan (page 1-21): There should be some mechanism to keep the broader public informed, not just local meetings in villages.

1.8.1.1 Additional Areas for Wilderness Designation or Rivers for Inclusion in the National System of Wild and Scenic Rivers (page 1-21): Section 1317 of ANILCA requires the Secretary to review all lands within the National Park and National Wildlife Refuge System in Alaska (in accordance with provisions in section 3(d) of the Wilderness Act) as to their suitability or non-suitability for preservation as wilderness. It also requires the President to advise the Congress of his recommendations for wilderness. It is our understanding that reviews conducted during the first CCP process were inappropriately restricted (GAO Report # 89-155 Alaska Wildlife Refuges: Restrictive Criteria Used to Recommend Additional Wilderness), and that no recommendations have been forwarded by the Secretary. We urge that the Service conduct proper wilderness reviews as required under Section 1317 and incorporate results in the final plan.

2.2.1.5 Wilderness (page 2-10): This section is “anemic” and lacks comparable level of details and specificity to that of the other categories (Ecosystem, Habitat and Fish and Wildlife Management, Public Use, Resource Protection, Refuge Operations etc). Considering that about half of the Refuge is designated Wilderness one would expect more detailed goals and objectives. If similar attention had been placed on the resource of Wilderness soon after the Togiak Refuge was established, perhaps the wilderness character would have been better preserved. Suggest replacing “Maintain” with “Preserve” in Goal 4.

2.2.1.5 Objectives (page 2-11): We strongly support development of a wilderness stewardship plan and suggest additional objectives to monitor the wilderness character, evaluate current and projected public and commercial use relative to preserving wilderness character, determine use level thresholds upon which action would occur to preserve wilderness character, and minimum tool requirements must only allow those actions necessary to administer the area as Wilderness.

2.2.2 Management Categories (page 2-12): We support the determination that only two management categories (Wilderness and Minimal) will be applied.

2.2.2.1 Minimal Management (page 2-13): We believe that “management actions that change existing habitats should be designed and implemented so that *natural processes* are maintained” rather than just “natural appearance” – this would be more consistent with the vision statement.

2.2.2.1 (second paragraph): the exception for cabins should be defined and references to appropriate provisions of ANILCA etc should be provided so as to not create the impression that cabins will be allowed without such conditions.

2.2.2.2 Wilderness (page 2-14): Suggest specifically mentioning the requirement to preserve wilderness character (Section 4(b) of the Wilderness Act). This is one of the most

fundamental principles of the Wilderness Act. We also recommend that this section clearly state that commercial activity in Wilderness is prohibited (Section 4 (c) of the Wilderness Act) except for commercial services “... *extent necessary for activities which are proper for realizing the recreational or other purposes...*” (Section 4 (d)(5) of the Wilderness Act.

2.2.4 Management Policies and Guidelines (page 2-18): Since half of the Togiak Refuge is designated Wilderness, we suggest that the Wilderness Act of 1964 be added to the list of federal laws that govern refuge management.

Table 2.1 (pages 2-19 to 2-28): In general, activities that “may be authorized” or “may be allowed” in Wilderness should be very carefully reviewed and clarified. For example, the category “Constructed Hiking Trails” indicates that bridges “may be allowed.” A bridge would be considered an installation according to Section 4 (c) of the Wilderness Act and is prohibited. ANILCA offers no exceptions regarding bridges in Wilderness. (another example would be “Boat Launches and Docks”). It appears in some cases that the Service is trying to show that there are lots of possible uses that can be allowed in Wilderness. This is an unrealistic representation of the facts and should be corrected in the interest of providing accurate information to the public.

2.2.4.3 Land Exchanges and Acquisitions (page 2-29): This section should clarify that land exchanges or acquisitions must also be “*consistent with other applicable law in order to carry out the purposes of this Act*” (Section 1302 (a) of ANILCA). That obviously includes ANILCA purposes defined in Section 101.

2.2.4.12 Fish and Wildlife Population Management (Fishery Enhancement) (page 2-50): The paragraph regarding proposals for facilities in Wilderness should be re-written to state that a minimum requirement analysis must be done to determine if the facilities are “necessary to administer the area as Wilderness.” Whether they do not “significantly detract from values for which those areas were established,” is not the standard that is established in the Wilderness Act. The fish weir located on the Kanektok River within the Wilderness should be relocated outside of the Wilderness boundary. We also suggest that the Service carefully re-consider how fishery facilities and activities are authorized in Refuge Wilderness areas in light of the Ninth Circuit Court ruling on commercial taking of salmon eggs at Tustumena Lake in the Kenai National Wildlife Refuge Wilderness area.

2.2.4.14 Access to Inholdings (page 2-53): This section should be re-written to include the important provision of Section 1110 (b) that access rights to inholdings “...*shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.*”

2.2.4.15 Recreation and Other Public Use (page 2-56): Suggest changing “Refuge Administration Act” to Refuge Improvement Act.

2.2.4.17 Outreach (page 2-59): Suggest adding “other conservation organizations” – while Friends of Alaska National Wildlife Refuges is a good organization, they are certainly not the only one in the conservation community that should be included.

2.2.4.18 Commercial –Use Management (page 2-63) (Other Commercial Uses): This section is too general. It should clarify that low-head or small run-of-the-river hydropower facilities are not allowed in designated Wilderness and can not be authorized on a “case-by-case” basis. See Table 2.1 (page 2-28).

We hope these comments will be carefully considered. It is our firm belief that if the U.S. Fish and Wildlife Service affirms its wilderness stewardship responsibilities and restores wilderness character in the Togiak Wilderness, the improved wilderness qualities will be strongly supported by refuge users and the American public.

Thank you for the opportunity to comment.

Sincerely,

Fran Mauer
Alaska Chapter Wilderness Watch

cc Paul Liedberg, Refuge Manager