

final wild and scenic river study
september 1984

PORCUPINE RIVER



ALASKA

FINAL WILD AND SCENIC RIVER STUDY
PORCUPINE RIVER, ALASKA

Abstract: Pursuant to section 5(a) of the Wild and Scenic Rivers Act (Public Law 90-542, as amended), the National Park Service, U.S. Department of the Interior, has prepared this Final Wild and Scenic River Study for the Porcupine River in Alaska. The report finds that the river is not suitable for inclusion in the National Wild and Scenic Rivers System.

The Porcupine River was found to be nonsuitable principally because there is no support for designation from either the state of Alaska, which owns the bed of this navigable river, or from private landowners, who have extensive holdings along the river, particularly along its lower reaches. Without strong support from the state of Alaska, it is not deemed appropriate to recommend designation of this regionally important transportation route as a component of the National Wild and Scenic Rivers System. In the absence of designation, those segments of the river within the Arctic and Yukon Flats National Wildlife Refuges currently receive a sufficient level of protection for fish and wildlife and other refuge values. Future management of federal lands along the Porcupine River will allow only those actions compatible with refuge purposes. The future character of the study area as a whole, with or without designation, will also depend upon how the native corporations and the state manage their lands.

SECTION I

DRAFT PORCUPINE RIVER WILD AND SCENIC RIVER STUDY

The draft document was widely distributed on and after April 11, 1984. It has not been reprinted and is incorporated here by reference. A limited number of copies are available at the office of the Regional Director, Alaska Region, National Park Service, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503.

SECTION II
CHANGES TO THE DRAFT STUDY REPORT

Page

Summary The second sentence of the third paragraph on the first page of the Summary should read:

Therefore, the lands comprising the riverbed up to the mean high water line are owned by the state of Alaska.

Summary The first sentence of the first paragraph on the second page of the Summary should read:

The Porcupine River was found to be nonsuitable principally because there is no support for designation from either the state of Alaska, which owns the bed (up to the mean high water line) of this navigable river, or from private landowners, who have extensive holdings along the river, particularly along its lower reaches.

8 The second paragraph should read:

The Canadian government, in cooperation with its provincial and territorial governments, has established a Canadian heritage rivers system. The Porcupine River in Canada was not nominated as one of the initial components of the system. The opportunity exists, however, for further international agreement on the classification and protection of the Porcupine River.

9 The second paragraph should read:

The Porcupine River is considered nonsuitable for inclusion in the National Wild and Scenic Rivers System for two reasons. First, there is no support for designation from either the state of Alaska, which owns the bed (up to the mean high water line) of this navigable river, or from private landowners, who have extensive holdings along the river, particularly along its lower reaches. It would be inappropriate for the Department of the Interior to propose designation without strong support by the state of Alaska for such a course of action. Second, the Porcupine River serves as an essential water highway for local travel and commerce, and there is concern on the part of the state government and local residents that designation might possibly constrain future uses of the river corridor for transportation purposes.

22 The following paragraph should be inserted after the second paragraph:

The importance of the study area for subsistence is documented in Richard Caulfield's report, Subsistence Land Use in Upper Yukon-Porcupine Communities (ADF&G 1983) and Richard Nelson's Hunters of the Northern Forest.

22 The first two sentences of the third paragraph should be revised as follows:

Land use, with the exception of subsistence (as discussed above), is generally characterized as "occasional and intermittent," including recreation, sport hunting and fishing, seasonal residences, and resource exploration. Other exceptions are the small concentrations of residential, service, and industrial land use in Fort Yukon, Arctic Village, Chalkyitsik, and Venetie (Selkregg n.d., p. 292).

51 Under Alaska Department of Fish and Game insert

1983 Subsistence Land Use in Upper Yukon-Porcupine Communities, by Richard Caulfield. Division of Subsistence, Technical Paper 16.

52 After National Audubon Society insert

NELSON, RICHARD
1973 Hunters of the Northern Forest. Urbana: University of Chicago Press.

SECTION III

COMMENTS FROM FEDERAL AGENCIES, STATE AND LOCAL
GOVERNMENTS, NATIVE AND OTHER ORGANIZATIONS



Department of Energy
Washington, D.C. 20545

JUN 29 1984

Honorable G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks
U. S. Department of the Interior
Washington, D. C. 20240

Dear Mr. Arnett:

We have reviewed the Wild and Scenic River Study prepared for the Porcupine River in Alaska, as requested in your April 10, 1984, letter to Secretary Hodel.

With respect to energy resources, the study indicates that there is a remote potential for mineral (petroleum) development in the Yukon Territory. However, we note that the study resulted in a determination that the Porcupine River is not suitable for designation as a component of the National Wild and Scenic River System. We understand that this determination of nonsuitability and the associated selection of the no action alternative will not result in any changes in land use, ownership, or management policies. Consequently, we do not believe that potential energy resources will be affected.

We appreciate the opportunity to comment on this study.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan W. Mares".

Jan W. Mares
Assistant Secretary for
Policy, Safety, and Environment



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY

WASHINGTON, DC 20310

18 JUN 1984

Honorable G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks
U.S. Department of the Interior
Washington, D.C. 20240

Dear Mr. Arnett:

This is in response to your letter of April 10, 1984, requesting comments of the Department of the Army on your proposed report on the Wild and Scenic River Study of the Porcupine River, Alaska.

The report finds that although the Porcupine River is eligible for the National Wild and Scenic Rivers System, it is unsuitable for inclusion for two reasons. First, the Porcupine River serves as an essential water highway for local travel and commerce, and there is concern that designation might possibly constrain future uses of the river for transportation purposes. Second, there is no support for designation from either the State of Alaska, which owns the streambed, or from private landowners who have extensive holdings along the river.

In view of the study conclusion, we have no further comments to offer.

Sincerely,

Robert K. Dawson
Acting Assistant Secretary of the Army
(Civil Works)



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

Office of Assistant Secretary

400 Seventh St., S.W.
Washington, D.C. 20590

MAY 14 1981

The Honorable G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks
Department of the Interior
Washington, D.C. 20240

Dear Mr. Arnett:

Thank you for your recent letter to Secretary Dole, transmitting a copy of the draft wild and scenic river study report for the Porcupine River, Alaska. The study found that although the Porcupine River is eligible for the National Wild and Scenic Rivers System, it is not suitable for inclusion because the river is important for local travel and commerce.

We appreciate the opportunity to review the draft report. We have no comments.

Sincerely,

for Matthew V. Scocozza
Assistant Secretary for Policy
and International Affairs

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

WASHINGTON OFFICE
2331 RAYBURN BUILDING
TELEPHONE 202/225-5765

COMMITTEES:
**INTERIOR AND INSULAR
AFFAIRS**
**MERCHANT MARINE AND
FISHERIES**

National Park Service Regional Office
2525 Gambell Street
Room 107
Anchorage, Alaska 99503 - 2892

Congress of the United States
House of Representatives
Washington, D.C. 20515

May 1, 1984

Alaska Region Office
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DISTRICT OFFICES
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U.S. COURT HOUSE
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CONCERNING THE KISARALIK AND PORCUPINE RIVER STUDIES
REMARKS BY CONGRESSMAN DON YOUNG

I would like to be placed on record as approving of the decision by the National Park Service not to include the Kisaralik and Porcupine Rivers in the National Wild and Scenic River System. I would also like to thank the National Park Service for giving the people of Alaska an opportunity to comment on this decision.

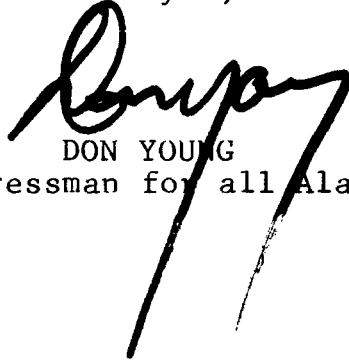
It is my belief that the Porcupine River is unsuitable for designation as a Wild and Scenic River because of the rivers' navigability and its' riverbed and both banks belonging to the State of Alaska. In addition, the river is an essential water highway for local commerce and for local travel. On the lower reaches, there is extensive private ownership of lands along the river including numerous native allotments and native regional and village corporation land. The State of Alaska, people living in the area, and Doyon Limited all expressed concern about further restriction of access to private or state land. Local residents and the State of Alaska strongly support the decision to deem the river not appropriate for inclusion in the National Wild and Scenic River System.

The National Park Service and I are in agreement in that the Kisaralik River should not be included in the Wild and Scenic River System because of the numerous native allotments and private land selections that are adjacent to the middle and lower river segments. Local residents near the Kisaralik expressed concern about the additional regulations and restrictions that might result from designation of this river. The Fish and Wildlife Service does not favor designation of the river as Wild and Scenic inside the Yukon Delta National Wildlife Refuge because Wild and Scenic River status would not add significantly more protection to the river. Thus, this river is unsuitable for inclusion into the National Wild and Scenic River System.

National Park Service
May 1, 1984
Page two

Again, I wish to thank the National Park Service for giving me the opportunity to comment on this decision. It is this type of cooperation between the State of Alaska, its' people, and the National Park Service that we wish to continue in the future.

Thank you,

A handwritten signature in black ink, appearing to read "Don Young", written in a cursive style.

DON YOUNG
Congressman for all Alaska

DY:DKac

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

OFFICE OF THE GOVERNOR

2600 Denali St., Suite 700
Anchorage, AK 99503
267-2199

OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

June 27, 1984

Mr. Roger Contor
Regional Director
National Park Service
2525 Gambell St., Rm. 107
Anchorage, AK 99503-2892

Dear Mr. Contor:

The State has completed its review of the Porcupine River and Scenic River Study. We are pleased to see that the National Park Service (NPS) has addressed the major issues surrounding the management of the river corridor and proposed that it not be included in the wild and scenic river system. The State concurs with this proposed alternative (no action).

We appreciate acknowledgement of the importance of the study area for resource harvesting by local communities. Since we last reviewed a draft of this study new information regarding these subsistence uses has been published. To include this current information, we request that NPS cite Richard Caulfield's report, Subsistence Land Use in Upper Yukon-Porcupine Communities (ADF&G, Division of Subsistence Technical Paper No. 16, June 1983). This document discusses subsistence uses of the Porcupine River area by residents of five Yukon Flats communities.

Specifically, information presented in Caulfield's report elucidates the past and present importance of the Porcupine River to the resource economics of Chalkyitsik and Fort Yukon. The report also notes that these subsistence uses extend well beyond the settlement boundaries of these communities. Because of this, we request that NPS modify the statement on Page 22 ("Land Use") of the Porcupine study which indicates that land uses are "occasional and intermittent" in the study area. We feel it would also be appropriate for NPS to cite Richard Nelson's Hunters of the Northern Forest (University of Chicago Press, 1973) to give readers a more complete understanding of the subsistence uses of the region.

Our last observation is that the final plan would be improved if the discussion on archeology were expanded to better describe the types and importance of the cultural resources in the study area.

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If the final recommendations to Congress are changed to reflect any wild and scenic river system designations along the Porcupine River, then the State would be concerned about likely restrictions to transportation, subsistence use and resource development in or adjacent to the river corridor.

Thank you for the opportunity to comment on this draft river study.

Sincerely,

A handwritten signature in cursive script that reads "Sally Gibert". The signature is written in black ink and is positioned above the typed name and title.

Sally Gibert
State CSU Coordinator

cc: S. Leaphart, CACFA
J. Leask, AFN
R. Davidge, DOI
M. Frankel, ALUC



Citizens' Advisory Commission on Federal Areas

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517 Seventh Avenue
Suite 310
Fairbanks, Alaska 99701
(907) 456-2012

July 6, 1984

Roger Contor
Regional Director
National Park Service
2525 Gambell Room #107
Anchorage, Alaska 99503

Dear Mr. Contor:

The Commission concurs with the study team's decision that the Porcupine River is **not suitable** for inclusion into the National Wild and Scenic River System (NWSRS). The Commission therefore endorses the "no action" alternative.

The Porcupine is a legally defined navigable river that has been and will continue to be a regionally important transportation route. Designation as a Wild and Scenic River would put unnecessary constraints on the use of and access to nearby lands and resources.

A substantial amount of these nearby lands are privately owned, either by village corporations, individual allotment, or by the regional corporation. Local residents have consistently opposed designation of the river as Wild and Scenic as inclusion would place restrictions on the use of local resources and development.

The Arctic National Wildlife Refuge and Yukon Flats National Wildlife Refuge will provide adequate protection through the ANILCA mandated Comprehensive Conservation Plans. Inclusion into the NWSRS would not significantly raise the level of protection for the river corridor but may result in greater use of the river with subsequent increases in user group conflicts.

The Commission would like to be provided with a copy of the final study report to the President and Congress.

Sincerely,

Stan Leaphart
Executive Director

Although your study team's argument for eligibility is well-supported, that for non-suitability is not. The two reasons which the report offers are that, 1) "there is concern that designation might possibly constrain future uses of the river for transportation purposes", and, 2) that "there is no support for designation from either the state of Alaska which owns the bed of this navigable river, or from private landowners who have extensive holdings along the river."

The first argument is unclear and poorly substantiated. In what manner would designation constrain future uses of the river? What does the nebulous term "might possibly" really mean? What about title 11 of ANILCA? Doesn't it protect those very interests? This provision of the act ensures that transportation uses will not be unduly constrained, yet the report fails to take account of it. The report also claims that area residents fear "additional regulations or restrictions that might result from designation", but it fails to describe what these restrictions might be. What exactly are these regulations? In what manner would they actually impinge upon local interests? Rather, wouldn't designation protect the subsistence resources on which many area residents depend? Questions such as these ought to be dealt with in the final study.

The second rationale, that state and private landowners do not support designation, is similarly weak. As with the Kisaralik River Study Report, this contention is not supported with any figures that document the extent and cause of these sentiments. What percentage of the residents are against inclusion? What are their motivations? How many favor stringent protection? Perhaps more significant to the case in point is the fact that such sentiments should not play a crucial role in the federal designation process. Furthermore, Alternative D, which the Sierra Club prefers, would, pursuant to section 606 of ANILCA, exclude that portion of the river which flows through the extensive private landholdings while the corridor boundaries would exclude the state-owned riverbed. Given these actions and the provisions in ANILCA, the report's argument has little strength.

On page 11 of the report, in support of the no action alternative it states that "the Porcupine River might serve increased barge traffic, and a road might be constructed across or along the river corridor. Such development would probably not be seriously examined until at least 20 years from now." However, there is no guarantee that such development would not occur for 20 years nor that it would be contained on private lands. These assertions are purely speculative and do not constitute a persuasive argument.

The opening page of the report needs to be corrected. It states there that because the Porcupine River is a legally defined navigable river, "the lands comprising the riverbed and both banks are owned by the state of Alaska. [emphasis added]." However, navigability transfers only the riverbed up to the mean high water line to the state, not both banks unless they fall below this line.

Finally, the Sierra Club would like to emphasize the fact that the Canadian Government is developing a proposal for including the Porcupine River as one of the initial components of a Canadian Rivers Heritage System. As such, inclusion of the Porcupine in our National Wild and Scenic Rivers System

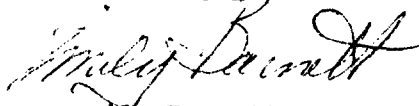
offers the United States the important chance to set a positive example of international cooperation for environmental protection. Such an action could have far-reaching implications for many future negotiations. It is an opportunity the U.S. should not pass up.

The Porcupine is clearly one of our nation's superlative rivers and should be included in the National Wild and Scenic Rivers System. Your study team's conclusion that the river is non-suitable for designation should be reconsidered and the issues raised above taken into account.

The Sierra Club favors the highest protection possible for the Porcupine River and its corridor. Accordingly, we recommend Alternative D as the preferred alternative which best meets this goal: wild river status for two separate segments. This would include the entire river from the U.S.-Canadian border to its confluence with the Yukon River except that segment flowing through private land. In addition, we urge the development of a cooperative management plan with Native and state landowners for the excluded and submerged lands.

I hope that these comments, questions, and recommendations will prove helpful to you and your study team. Thank you for this opportunity to comment.

Sincerely yours,



Emily Barnett

Coordinator, ANILCA Rivers Project

cc: Dr. Robert Putz, FWS
Russell Robbins, FWS
Lou Swenxon, FWS

As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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