



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Natural Resources

CITIZENS' ADVISORY COMMISSION ON
FEDERAL AREAS
Stan Leaphart, Executive Director

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December 5, 2012

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

Dear Ms. Masica:

On November 30, 2012 Denali National Park and Preserve issued a news release announcing a public hearing on proposed changes to the state hunting regulations for Denali National Preserve. The single hearing is scheduled for December 12, 2012 at the Murie Science and Learning Center. According to the announcement, the hearing is the first step leading to the potential implementation of hunting restrictions in the annual Superintendent's Compendium.

On Monday, December 3, this office inquired if additional meetings or hearings would be held in the resident zone communities for Denali, as they are much closer to the preserve portion of Denali than is the park headquarters area and are clearly in the vicinity of the area most affected by the proposal. We were informed that only the one hearing would be held, as it was more likely that sport hunters potentially impacted by the proposed restrictions "will not be residents of the subsistence communities."

This statement unfortunately ignores the obvious fact that federally qualified subsistence users residing in national park resident zone communities regularly harvest game in national preserve units and on other federal and state lands under the State of Alaska general hunting regulations. They also would be "potentially impacted" by any National Park Service proposal to restrict hunting by preempting the State hunting regulations in question.

We also were inaccurately told that the Denali Subsistence Resource Commission (SRC), after receiving input from subsistence users, had sent a letter of support on this issue. In fact, the October 12, 2012 letter from the SRC states only that the "*SRC supports the National Park's proposed compendium entry that would restrict the baiting of bears in the preserve.*" The SRC letter does not address the other proposed restrictions on hunting activities in the preserve which may be included in the 2013 compendium. This makes it even more important to solicit input on the other proposed restrictions from subsistence users living closest to the preserve.

The press release indicates that nine national preserve units are affected by the state hunting regulations that the NPS is proposing to preempt. This Commission has not had the opportunity to review the proposed changes, so we offer no comments specific to those. That being said, we do not support actions by Federal land management agencies that intrude into the State of Alaska's authority to manage fish and game resources.

At this point, however, our primary concern remains the continuing deficiencies in the process used by the NPS to revise and implement the compendiums for Denali National Park & Preserve and the other Alaskan park units. For example, we were told that the National Park Service Regional Office has given guidance that each park unit will only hold one public hearing to discuss proposed changes in the 2013 compendiums. We today learned that only seven hearings would be held around the state near each of the affected preserves. This guidance should be reconsidered and the hearing schedule expanded. Not only is the schedule functionally inadequate, it is inconsistent with the agency's own procedural requirements for implementing closures or restrictions on the taking of fish and wildlife.

The regulations at 36 CFR §13.50(d)(1) state temporary closures or restrictions relating to the taking of fish and wildlife "*shall not be effective prior to notice and hearing in the vicinity of the area(s) directly affected by such closures or restrictions, and other locations as appropriate;*"

In the case of the Denali proposals, holding a single hearing on the east side of the park some 100 to 150 miles from three of the four resident zone communities and reasonably accessible only by air from those communities will make it difficult, if not impossible, for those residents to attend. While we have not seen the hearing schedule for the other preserve units, we strongly suspect residents in affected communities will have similar difficulties in attending hearings if lengthy and expensive travel is required.

In our experience the public is much more likely to engage in a process such as a compendium revision at a public meeting or hearing. This is evidenced by the small number of written comments submitted each year by the public on proposed revisions to park compendiums. The National Park Service has an obligation to provide a hearing schedule that meets the needs of the public and is not simply a token effort to comply with its regulatory requirements.

This Commission has frequently acknowledged the significant improvements in the compendium process. At the same time we have also pointed out that more work needs to be done at both the park and regional level to further improve that process. An appropriate next step would be to schedule an adequate number of public hearings for these proposed revisions.

Sincerely



Stan Leaphart
Executive Director

Cc: Rep. Wes Keller
Sue Magee – State ANILCA Coordinator
Doug Vincent-Lang – ADF&G