

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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April 20, 2000

Mr. Chip Davis  
National Park Service  
Ranger Activities Division, Room 7408  
1849 C Street NW  
Washington, D.C. 20240

Dear Mr. Davis:

The State of Alaska has reviewed the Final National Park Service PWC Regulations 65 FR No. 55, 15077-15090, effective April 20, 2000, which prohibits personal watercraft (PWC) in areas of the National Park System and establishes a process to allow continued use in some park areas. This letter represents the consolidated comments of the State resource agencies. The State commented on the proposed rule on November 16, 1998, recognizing NPS concerns regarding PWC but noting a statutory and regulatory concerns. The final rulemaking contains the following remaining problems.

Although the Service specifically acknowledges (FR page 15081) several of Alaska's comments on the proposed rule, the following comment was not addressed:

*The State of Alaska continues to assert its authority to regulate the navigable waters within the boundaries of conservation system units, including units of the national park system, and therefore we object to the blanket application of these proposed regulations to state-owned navigable waters. In areas where PWC use on state waters is detrimental to the resource values of adjacent NPS-managed uplands, the state is willing to consider, on a case-by-case basis, whether state regulation of PWC use might be appropriate.*

The Service has not consulted with the state or applicable municipal authorities concerning resource concerns for PWC use in any of the millions of acres of marine and inland waterways adjacent/within the national park units in Alaska. We reiterate our objections to earlier NPS efforts to unilaterally extend jurisdiction to lands and waters lawfully owned and managed by the State (e.g., Alaska's comments on previous NPS rulemaking November 1, 1991; February 2, 1996; February 2, 1996). The Service should exhaust State and municipal remedies prior to the Service extending its authority over state owned waterways.

The extension of NPS authority to all waters within/adjacent to park system boundaries, including navigable waters, is contrary to the equal footing doctrine, the Submerged Lands Act of May 22, 1953, the Alaska Statehood Act of July 7, 1958, the Alaska Constitution, and Section 103(c) of the Alaska National Interest Lands Conservation Act (ANILCA).

Thank you for the opportunity to provide these comments. If you have any questions, please call this office at 907-258-7349.

Sincerely,

/ss/

Sally Gibert  
State CSU Coordinator