

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET DIVISION OF GOVERNMENTAL COORDINATION

SOUTHCENTRAL REGIONAL OFFICE
550 W. 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501
PH: (907) 269-7470 / FAX: (907) 269-3981

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PH: (907) 465-3562 / FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 269-7470 / FAX: (907) 561-6134

July 10, 2000

Steve Martin
Superintendent, Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Mr. Martin:

The State of Alaska has reviewed the Final Rule at 36 CFR Parts 5 and 13, published in the Federal Register on June 11, 2000. This letter represents the consolidated comments of State agencies. Because this final rule does not adequately address most of the issues and concerns we raised in response to the proposed rule, the State reiterates the points raised in its comments dated January 25, 2000, incorporated by reference here.

As prefaced in our earlier comments, we recognize that the National Park Service must have the ability to restrict or prohibit snowmobile use and other forms of motorized access to protect the resource values of parklands in Alaska. Our analysis, however, indicates that the Service has not met the procedural requirements set out in the Alaska National Interest Lands Conservation Act (ANILCA). These requirements were designed to balance the Service's resource protection responsibilities with an equally compelling desire by Congress to retain the unique Alaskan way of life in a largely roadless state which has long relied on snowmobiles and other forms of backcountry motorized access.

At this stage, our remaining comments will focus on the modifications and a few responses to comments accompanying the final rule.

- The revised definition of "traditional activities" remains overly restrictive and inconsistent with ANILCA Section 1110(a) and Congressional intent.

The State appreciates NPS's decision to drop the ambiguous reference to a "utilitarian Alaska lifestyle or cultural pattern" from the definition of traditional activities. We disagree, however, that the new definition should only protect activities associated with consumptive uses of park resources. Recreation, such as viewing the spectacular wildlife and scenery, has certainly been a traditional activity in the park since its creation in 1917. ANILCA specifically allows

snowmobile use as access for traditional activities. Thus viewing wildlife and scenery should be allowed to continue - subject to reasonable regulations to insure protection of the resources. It is not appropriate to take recreation off the table simply because it may appear to be more difficult to manage. The arguments in the latest Federal Register notice indicating that recreation is not a traditional activity are unconvincing and continue to confuse permissible methods of access with traditional activities.

The state also disagrees with the Service's reinforced attempt to promulgate a definition of "traditional activity" that is applicable only to what is characterized as the "old park." There is no basis in statute for such a site-specific definition. The term "traditional activity" is a legislative departure from the prohibitions on motorized access contained in the 1964 Wilderness Act that was designed to be applied to all conservation system units in Alaska. Legislative intent shows that the term includes activities that are "generally occurring in the area," rather than a pre-existing use test for a particular federal land unit.

- NPS has failed to conduct needed site specific studies of the impact of snowmachine use on park resources.

The State and NPS agree that the area encompassed by the old park boundary contains unique and important resources to both the residents of Alaska and the nation. In fact the final rule relies upon these unique resources and geography to justify the closure. However, the very uniqueness of the geography and climatic conditions require the Service to conduct a thorough analysis of the impact of snowmachine use on park resources before attempting to institute an outright closure under Section 1110 of ANILCA. Further, given the arbitrary boundaries of the old park, we question the match between the old park boundary and the above referenced unique resources. (The arbitrary boundaries, especially to the south, also present some significant enforcement difficulties.) The Service cannot meet its burden to show a detriment to resource values unless and until it has quantified present and projected use of snowmobiles and conducted an on-the-ground analysis of impacts in proposed closure areas. The failure to engage in such a site specific analysis renders the final rule inconsistent with ANILCA.

In addition, ANILCA Section 1110 requires full public involvement of the sort consistent with a backcountry management plan. The Service is already in the early stages of developing a backcountry management plan for Denali, and this would be the appropriate time and place for evaluating present/projected public uses, values, resource impacts, and management options related to snowmobile use.

- NPS continues to ignore less restrictive management tools to accomplish it's objectives.

Throughout the State's January 2000 letter, we offered suggestions for successfully responding to National Park Service management needs, including snowmobile closures, while adhering to statutory requirements and a minimum tool approach. We are disappointed that these suggestions have been dismissed. We remain interested in working with the Service on constructive approaches that better reflect ANILCA intent.

The State's January 2000 comments on park road vehicle limits and inholder access, the Kantishna firearm closure, and temporary and seasonal wildlife protection closures also remain in effect.

Thank you for the opportunity to provide these comments. If you have any questions, please call this office.

Sincerely,

/ss/

Sally Gibert
State CSU Coordinator

cc: Bob Barbee, Regional Director, National Park Service
John Katz, Governor's Office, Washington, D.C.
John Sisk, Governor's Office, Juneau
Pat Galvin, Director, Division of Governmental Coordination
John Shively, Commissioner, Department of Natural Resources
Frank Rue, Commissioner, Department of Fish and Game
Joseph Perkins, Commissioner, Department of Transportation and Public Facilities
Deborah Sedwick, Commissioner, Dept of Commerce and Economic Development