

# STATE OF ALASKA

**SARAH PALIN, Governor**

## **ANILCA IMPLEMENTATION PROGRAM**

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July 31, 2007

Paul R. Anderson, Superintendent  
Denali National Park and Preserve  
PO Box 9  
Denali Park, AK 99775

Dear Mr. Anderson:

The State reviewed the Cantwell Subsistence Off-Road Vehicle Management Environmental Assessment (EA) for Denali National Park and Preserve. The following comments represent the consolidated views of the State's resource agencies, which warrant careful consideration before a final decision is made on a specific course of action.

We appreciate the Service's efforts to seek balance between providing allowances in the Alaska National Interest Lands Conservation Act (ANILCA) for off-road vehicle (ORV) use when traditionally employed for subsistence purposes and, protecting the wilderness values of the park. The Service's recognition that traditional ORV use was occurring in the southern additions to the park when the area was determined suitable for wilderness designation confirms the flexibility to accommodate such motorized access. We also commend the Service for working with residents of the Cantwell area and other interested stakeholders to provide legal, sustainable opportunities for subsistence use of ORVs in discrete portions of Denali National Park near Cantwell where it traditionally occurred, referred to as the Cantwell ORV Traditional Use Area (TUA).

The State recognizes the Service does not have the authority to require adjacent landowners (currently a combination of BLM, private, State and Ahtna conveyed and selected lands) to provide connecting trail access to the proposed trails that enter parklands at various locations. We also recognize the sensitivity of protecting adjacent landowners' interests in avoiding trespass problems or taking on expensive trail maintenance or enforcement responsibilities. These are very difficult challenges in the present circumstances. We are nonetheless concerned that the general public, adjacent landowners and perhaps the affected subsistence users themselves may not be fully aware of the potential implications of the lack of legally-reserved trails that connect legal public access points (e.g., the community of Cantwell or the George Parks Highway) to these remote "trailheads" at the southern boundary of the park.

In not providing a land status map or explanation of the existing pattern of access, the tenuous legal status of these trail connections is not apparent. For example, the EA does not address what would happen if an existing landowner restricted general access to areas not otherwise accessible. Chapter 4 analyses are based in part on the assumption that "ORV use has been unlimited on State land adjacent to the TUA, and ORVs are likely to continue to be allowed on

these lands in the future.” However, lands currently owned or selected by the State may be conveyed out of state ownership, such as those lands selected by the Denali Borough or subject to a state land sales program. Additionally, ORV use on state lands is not unlimited. The State’s “Generally Allowed Uses” requirements at 11 AAC 96.020 do not allow resource damage and confines users to trails whenever possible. These potential off-park changes in land ownership and use restrictions could greatly impact subsistence access to public lands, particularly in the long term. While the present assumptions may be effective in the short term, we urge the final decision document address what long-term measures (e.g., working with landowners to designate trails) the Service plans to take to continue providing local rural residents with reasonable access to subsistence opportunities in the park. We also request the final document address if and how the current lack of legal trail connectivity affects the expenditure of park funds to maintain or improve designated ORV trails on park lands.

We appreciate current Service efforts to work with landowners regarding trail segments that link up the ANCSA 17(b) easement near the Cantwell community. This is a good example of how the Service can contribute to solutions on non-parklands. This route is also asserted by the State as a valid RS 2477 right-of-way. The Alaska Department of Natural Resources is willing to assist the Service in using this assertion and/or other potential tools to secure improved public access.

Due to the large acreage of ANCSA selections outside the TUA, we encourage the Service to work with the Bureau of Land Management (BLM) on the reservation of 17(b) easements that facilitate access to the designated trails and routes during the nomination process accompanying approval of lands for conveyance. These easements can reflect existing conditions (i.e., 25-foot trails) to ensure continuous subsistence access to the park. Working with BLM to relocate the existing easement EIN 7a to eliminate trespass concerns over private lands may also facilitate access to the more heavily-used subsistence areas near the community.

The Environmental Consequences discussion includes several issues that appear not to have been fully evaluated in the EA. We recognize some of these issues may not affect the Service’s final decision. However, if any of these issues are a factor, please consider them, as appropriate.

Section 4.5.2 General Wildlife Impacts, contains assumptions concerning wildlife management that are not fully supported in the analysis. We recognize that moose and caribou populations can decline through poorly managed harvests. Without supporting documentation, however, we question the EA statement that reductions in overall numbers of animals may lead to decreased fitness of populations. Wildlife managers respond to actual or anticipated changes in overall harvest levels, either with short-term, in-season tools or through ongoing state and federal regulatory processes. We request the final decision document consider the authorities and responsibilities of the State and the Service in the management of wildlife populations and in regulating subsistence hunting opportunities in the park additions and adjacent areas. Also, the discussion of the Coltman data does not seem applicable to the paragraph (or the EA) since its focus is on trophy hunting of sheep, not subsistence hunting of moose and caribou.

We question why a discussion of the impacts of helicopter noise on large mammals is pertinent to the analysis of subsistence hunting in the TUA unless the Service expects to conduct a significant monitoring program with helicopters, an action that is not explicitly anticipated in the EA. The ANILCA Section 810 analysis, states the Service would utilize fixed wing aircraft for monitoring during the fall hunting season.

The EA asserts that because there are 50 households in Cantwell that hunt moose, all may hunt in the TUA using either ORVs or snow machines under the various alternatives. This assumption seems unrealistically high and either needs to be supported with evidence or qualified as a potential change in hunting practices. We agree that some additional use may be expected, as area residents resume hunting closer to home under clearer guidelines, but others will likely continue to use areas outside the TUA with which they are more familiar. More importantly, monitoring of actual hunting patterns over the next few seasons can ascertain whether or not there is an increase in the number of Cantwell households using the TUA.

The evaluation of the proposed winter moose hunt described in Alternatives 3 and 4 is limited in scope and based in part on an apparent desire by the Service to shift ORV use to snowmachines. While a winter hunt in theory would provide additional opportunities for hunters, the preferences of Cantwell residents and biological consequences must be given careful consideration. According to the EA, Cantwell area residents prefer and have traditionally participated in a fall hunt (see page A-4, third full paragraph); however, there are biological consequences to wildlife populations with a winter hunt. Additional evaluation of population dynamics, seasonal movement of animals in and out of the area, physical condition of animals in the winter post rut, added stress of a directed hunt, and their increased vulnerability to hunting using snowmachines are elements that managers and biologists must consider when evaluating the viability of a winter hunt. After careful consideration of these additional factors, the biological impacts of such an action could very well offset the added opportunity of a winter hunt. We therefore request the Service initiate cooperative studies with the Alaska Department of Fish and Game (ADF&G) to evaluate area moose population. If, based on the results of the studies, the Service chooses to recommend a winter hunt, to avoid potentially conflicting management decisions (E.g. Alaska Board of Game management of fall hunts on adjacent state lands and the Federal Subsistence Board management of winter hunts in the TUA) and consistent with the Master Memorandum of Understanding between the Service and ADF&G, we request the proposal be submitted initially to the Alaska Board of Game for consideration.

In addition, a majority of the references to a winter hunt state clearly the opportunity is tentative and pending a process that is outside the scope of the Service's authorities. There are certain passages that may be misleading (i.e., "there would also be a winter hunt," "a winter hunt would be implemented") but the overall intent appears to accurately portray the tentative nature of a winter hunt. In view of the conservation concerns associated with a winter moose hunt in the TUA, there is no guarantee that the Federal Subsistence Board or the Alaska Board of Game would be justified in establishing one. Therefore, the manner in which the winter hunt is factored into the analyses, often without affirming this qualification, greatly reduces, if not negates, the mitigating value. Of particular importance is the lack of consideration for the consequences of a winter hunt not occurring, in both the short and long term. The EA states "A

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winter hunt is an important component of the overall long-term beneficial impacts resulting from the management actions in Alternative 3.” Due to the very tentative nature of the winter hunt, the overall impacts to subsistence and wildlife in Alternatives 3 and 4 may be very different than what is currently portrayed. We strongly recommend taking this into account when making a final decision.

The Chapter 4 analyses also appear to underplay the importance of the social aspects of subsistence opportunities. Potential impacts of the alternatives on resources appear to take priority over known impacts to subsistence users. For example, in the impact analysis for Alternative 1, impacts to subsistence resources are the primary reason for concluding there would be major negative impacts. Additionally, certain elements have been left out of the analysis that may be important to the community, such as the increased risk to public health and safety and loss of access for additional subsistence activities. For example, subsistence users have identified distances greater than ¼ mile as being a burden regarding pack-out. This is especially relevant for families hunting together and for less-mobile users. It also increases the potential for unwelcome bear/wolf-human interaction. However, the EA assumes that most hunters would be able to hike at least ½ mile to pack-out a moose, and analyzes a ½ to 3 mile one-way retrieval distance in Alternative 2. Most additional subsistence activities can be provided without requiring the use of ORVs; however, the EA does not address subsistence hunts for bear that, though not common, tend to occur in spring. If the local users consider these are important issues, additional consideration by the Service may be warranted. We encourage the Service to consider all options to allow use of ORVs for all facets of subsistence hunting to the greatest extent possible, while still protecting habitat and other values.

Thank you for this opportunity to comment. Please contact me if you have any questions.

Sincerely,



Susan E. Magee  
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator