

# STATE OF ALASKA

**SEAN PARNELL, Governor**

## **ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting**

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May 7, 2012

Mr. Lee Fink, Acting Superintendent  
Lake Clark National Park and Preserve  
240 W. 5<sup>th</sup> Avenue, Suite 236  
Anchorage, AK 99501

Dear Mr. Fink:

The State of Alaska reviewed the Lake Clark National Park and Preserve General Management Plan (GMP) April 2012 Newsletter. The following comments represent the consolidated views of the State's resource agencies.

The State supports the intention to provide increased opportunities for recreational activities within the park and preserve, including commercial services and visitor facilities, in response to the scoping comments received from the public. This approach is consistent with the Alaska National Interest Lands Conservation Act (ANILCA) and the National Park Service Organic Act, which calls for the enjoyment of the scenery, wildlife, and natural and historic objects within park lands.

While we understand the plan must provide a range of alternatives, we are concerned that Alternative D is too extreme, and appears to propose the park and preserve be managed as if it was entirely designated wilderness. In and of itself, the Wild Zone, which according to the newsletter preserves "*wilderness character to the highest degree, providing unconfined recreation and opportunities for solitude*" and, with regard to administrative facilities and Service presence, "*a minimalist approach, providing new facilities only when necessary to protect wilderness character and/or address resource impacts,*" inappropriately blurs the strong line between designated and non-designated wilderness, and blatantly ignores Congressional intent for the park and preserve.

This is further evidenced where the newsletter indicates the Wild Zone will only allow new recreational improvements provided for under ANILCA Sections 1315(d) and 1316(a). However, ANILCA Section 1315(d) provides specific direction for *designated Wilderness*. Implementing management that mimics the Wilderness Act and applies to non-designated wilderness is reminiscent of the vastly unpopular Secretary of Interior Wild Lands Order 3310, which required the Bureau of Land Management to administratively designate "Wild Lands" to protect wilderness character in non-designated wilderness. Implementation of Secretarial Order 3310 was blocked by an appropriations bill within months after its release because of concerns that it undermined congressional authority. Application of the Wild Zone to non-designated wilderness on Service lands is equally unacceptable.

We are also concerned that this alternative unnecessarily restricts visitor use in general, despite the Service's mandate to provide for the enjoyment of the area. For example, areas such as Lower Twin

Lake and the Chilikadrotna and Mulchatna Rivers, which are popular recreational locations and receive relatively higher levels of use, are not located within designated wilderness and would be incompatible with the Wild Zone as described. We therefore strongly recommend the Service either remove Alternative D or revise the range of alternatives to reflect a more balanced approach *and* eliminate the overlap of the Wild Zone onto non-designated wilderness areas in all three action alternatives.

Lastly, the “*Wild Experiences*” section fails to capture the State’s express objection to the Service’s intent to conduct a wilderness study in conjunction with this plan amendment. The newsletter indicates that instead of a full wilderness study, the Service will now be re-evaluating the wilderness eligibility assessment, which was conducted in 1986 as the first phase of the ANILCA Section 1317 wilderness study. We reiterate our strong opposition to conducting any phase of a wilderness study. ANILCA Section 1317 is clear that the “one-time” opportunity to conduct a wilderness study has long passed.

*Within five years from the date of enactment of this Act, the Secretary shall, in accordance with the provisions of section 3(d) of the Wilderness Act...* [Emphasis added]

In addition, ANILCA Section 1326(b) prevents further studies without the express consent of Congress.

*No further studies of Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit...or for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress.* [Emphasis added]

The newsletter indicates this re-assessment is required by the NPS 2006 Management Policies, Director’s Order 41, and the Wilderness Act; however, Service policy does not supersede ANILCA and the Wilderness Act was modified by ANILCA in Alaska. The re-evaluation of the 1986 eligibility assessment ignores this explicit direction in ANILCA and only serves to expand areas, which according to the NPS 2006 Management Policies, must be managed to protect wilderness character. This also violates Congressional intent to reserve for itself the authority to designate lands which are to be managed under the provisions of the Wilderness Act.

Thank you for this opportunity to comment. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,



Susan Magee  
ANILCA Program Coordinator

cc: Joan Darnell, Planning Team Manager  
Joel Hard, Deputy Regional Director

