

# STATE OF ALASKA

## OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

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June 10, 1988

Ms. Carol Aten  
Office of Policy  
National Park Service  
P.O. Box 37127  
MIB-MS1226  
Washington D.C. 20013-7127

Dear Ms. Aten:

The State of Alaska has reviewed the National Park Service (NPS) Draft Management Policies which are proposed to address management of all lands in the National Park System. This letter, submitted on behalf of the State of Alaska, represents a consolidation of state concerns and comments.

### GENERAL CONCERNS

More than half of the acreage in the entire National Park System is located in Alaska and is subject to the Alaska National Interest Lands Conservation Act (ANILCA). The draft NPS policies, however, do not adequately reflect the special provisions of ANILCA. The state believes that these provisions deserve special recognition in any management policies applicable to Alaska which the NPS develops. The need for policies that guide implementation of ANILCA is particularly great since the General Management Plans and Wilderness environmental impact statements for Alaska units contain little such guidance."

The lack of policy guidance in the General Management Plans has been a long-standing concern of the State of Alaska as indicated in the state's comments on these plans (copies are available upon request). For this reason, the joint federal/state Alaska Land Use Council also failed to endorse the General Management Plans when they were considered in June, 1986.

In light of this concern, the state recommends that the NPS develop a separate, yet parallel, policy document that merges nationwide policies with the special provisions of ANILCA. Such a document would be extremely valuable to park managers and the public in Alaska who are continually called upon to make judgments about the relationship between ANILCA-based and nationwide policies. If this is not possible, the current document should, at a minimum be revised to more fully explain ANILCA provisions. While such a revision would suffice, we believe that a separate set of policies would be more meaningful to both the public users and federal managers of Alaska park units, and would avoid

burdening the general reader with complex discussion pertinent only to Alaska."

The current document does contain a few references to ANILCA (e.g., Chapter 7; Wilderness). We appreciate this recognition; however, these occasional references could imply to the reader that ANILCA is already comprehensively addressed. Those who are knowledgeable about ANILCA recognize that this assumption is incorrect, yet many readers in Alaska could easily get the wrong impression.

The remainder of this letter summarizes examples of specific ANILCA-based provisions which deserve mention in either a revised or supplemental policy document. This list is not necessarily comprehensive, but cites examples identified by reviewing state agencies. These examples are presented in chronological order according to the organization of the Draft Management Policies.

#### SPECIFIC COMMENTS

##### Chapter 1, Introduction

Even though subsistence use of national parks and preserves in Alaska is a major purpose identified in ANILCA, this use is not recognized or addressed. In fact, in the first paragraph on page 3, the ANILCA citation specifying the purposes of the Gates of the Arctic National Park and Preserve fails to include recognition of subsistence. At a minimum, we recommend that the document cite all the purposes for which Gates of the Arctic was established to acknowledge that traditional subsistence activities are an allowable use.

##### Chapter 2, Park Planning

This Chapter presents general guidelines for park planning. ANILCA Section 1301 contains more specific requirements for planning in Alaska, specifically calling for more rigorous agency and public involvement and more comprehensive analysis. This section of ANILCA should be recognized in this chapter, as well as on page 2 in Chapter 5, Natural Resource Management Plans.

Under Cooperative Regional Planning (page 6), the discussion gives the impression that NPS is focusing its attention only on lands immediately adjacent to NPS units. In Alaska, as well as elsewhere in the nation, NPS management strategies may have more wide ranging consequences. The document should contain additional discussions of these broader concerns, e.g., regional transportation and economic needs.

##### Chapter 3, Land Protection

This chapter should recognize that ANILCA Section 1302 imposes restrictions on the acquisition of certain non-federal lands in Alaska. Also, based on our review of Land Protection Plans for Alaska parks, it appears that these policies do not place appropriate emphasis on the minimum interest (other than fee-simple) needed to protect park values.

#### Chapter 4, Park Facilities

This chapter should reference the provisions of ANILCA Section 1306, which gives preference to local Native corporations for the siting of visitor facilities; and Section 1307, which gives preference to local residents for the establishment of revenue-producing visitor facilities.

Under Borrow Pits and Spoil Areas (page 4), recognition should be given to Title XI of ANILCA. Specifically, Section 1102 lists the types of facilities that could be allowed on park lands under special circumstances. In the state's view, potential access to and/or use of material sources on NPS lands is an important aspect of this provision.

#### Chapter 5, Natural Resource Management

Page 3 of this section states that permits may be issued for scientific studies only when they contribute to park objectives. This general policy does not consider the provisions of ANILCA Section 1010 which calls for a mineral assessment on all public lands in Alaska. The policy, as stated, will preclude geologic and other scientific studies for which critical data may exist only in a national park. An example would be studies in conjunction with oil or mineral development outside a park for which rock exposures within the park may contain data critical to the resource assessment. Even though not contributing directly to park objectives, these studies should be allowed as long as the activities do not violate other park policies. Collection of necessary rock and fossil specimens should be specifically permitted.

Under Management of Harvested Species (page 7), we recommend discussion of the special circumstances affecting subsistence in Alaska. Specifically, we recommend that the policies address subsistence use, resident zone communities, subsistence resource commissions, and definitions of "rural" and "customary and traditional".

#### Chapter 7, Wilderness Preservation and Management

ANILCA includes numerous references to Wilderness management that modify the application of the Wilderness Act for Alaska NPS units. Some of these are briefly mentioned in the document

without discussion. The application of Wilderness in Alaska is a crucial area of NPS policy that needs to be thoroughly addressed and clarified. In addition to expanding the existing discussion of ANILCA's effect on Wilderness in Alaska, the following additional ANILCA provisions should also be addressed: Section 1316 which allows, subject to a compatibility determination, temporary facilities on all public lands where the taking of fish and wildlife is permitted; and Section 206 which protects valid existing rights. This latter provision would modify the policy on page 10 stating that NPS will "seek to eliminate" mining claims and other mineral interests from Wilderness.

Also, as previously mentioned, the research criteria on page 6 are inconsistent with ANILCA Section 1010, as well as the preface statement that the NPS will fully support the value of Wilderness areas as natural outdoor laboratories. The policies currently state that a research project must address a need identified in the park's resource management plan and must address a stated Wilderness management objective. This policy will unnecessarily preclude much valuable research for which data may exist only in the Wilderness or would be too difficult or costly to obtain elsewhere. Research projects should be allowed in Wilderness areas if it can be demonstrated that there is no other reasonable research alternative and the project would be consistent with the other stated requirements.

Under Rights-of-Way (page 9), the document says that "existing rights-of-way that have been included in Wilderness should be phased out where practicable". In Alaska, where transportation routes are few, this policy is clearly unnecessarily restrictive. It is also inconsistent with Title XI of ANILCA which provides for new transportation and utility facilities. We request that this policy be revised with an accompanying discussion of Title XI.

#### Chapter 8, Use of the Parks

In the Commercial Services section (page 7), ANILCA Section 1307 should be addressed. This section provides for the continuation of existing visitor services and gives preference to local residents for the establishment of new revenue-producing visitor facilities.

Also on pages 12, 13, and 14, subsistence is mentioned in the context of Native American uses of park areas. This discussion could convey the incorrect impression that only Native Americans may use park units in Alaska for subsistence purposes. A more thorough discussion of subsistence-related policies in NPS units within this document is recommended.

June 10, 1988

Chapter 9, Concessions Management

Section 1307 of ANILCA should be addressed in this chapter also.

In conclusion, the state urges the NPS to develop a supplemental or revised policy document that includes recognition of the numerous provisions of ANILCA that set Alaska park units apart from the rest of the system. Such an effort, while potentially difficult, would be worthwhile in the long run.

On behalf of state agencies, thank you for the opportunity to provide these comments. If we can be of assistance in clarifying this letter, please do not hesitate to call this office.

Sincerely,

Robert L. Grogan



By Sally Gibert  
State CSU Coordinator

cc: Mr. Boyd Evison, Regional Director, NPS  
Commissioner Judy Brady, DNR  
Commissioner Don Collinsworth, DFG  
Commissioner Dennis Kelso, DEC  
Commissioner Mark Hickey, DOT/PF  
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