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November 16, 1998

NPS-Ranger Activities Division-PWC  
1849 C Street NW, Room 7408  
Washington, DC 20240

Attn: Chip Davis

Dear Mr. Davis:

Re: Proposed PWC Regulations

The State of Alaska has reviewed the proposed National Park Service (NPS) regulations that would regulate personal watercraft (PWC) in units of the national park system. The following comments represent the consolidated views of the state resource agencies.

We appreciate and share NPS concerns regarding PWC use in units of the national park system. Conflicts with other boaters (both motorized and non-motorized) and other park users, as well as impacts on wildlife, birds, and aquatic vegetation, are of concern to the state. This use may be incompatible with the other uses and natural values of many national park units nationwide and in Alaska.

It appears that NPS has carefully identified those park units in the "lower 48" states in which some continued PWC use may be appropriate, while prohibiting use in other areas. Additionally, the fact that these proposed regulations allow individual parks to designate PWC use areas or times seems to provide the flexibility to fine-tune regulation as needed in unique situations.

However, these proposed regulations, and the accompanying supplementary information, are silent on the issue of how the special access and procedural provisions of the Alaska National Interest Lands Conservation Act (ANILCA) will be met when regulating PWC use in Alaska's national parks, preserves, and monuments. ANILCA Section 1110(a) recognizes the unique realities of Alaska, where motorized equipment, used for recreation in the "lower 48", is often used for access for traditional activities.

Therefore, in regards to non-navigable water bodies within the legislative reservation of NPS units in Alaska, the proposed regulations should incorporate the procedural provisions of ANILCA Sec. 1110(a), including notice, hearing, and a finding that such use would be detrimental to resource values. These provisions are codified in 43 CFR Part 36 regulations for Alaska conservation system units. Absent these provisions, the state is concerned about the applicability of the proposed PWC regulations to park units in Alaska.

In addition, the proposed regulations should add a provision to allow PWC use, where otherwise restricted or prohibited, for agency search and rescue purposes. Agency PWC use for public safety purposes is an important element of agency management programs.

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. Such consideration would be based on compatibility with specific area or unit resources and uses.

We appreciate the opportunity to provide these comments. If you have any questions please do not hesitate to contact me.

Sincerely,



Alan L. Phipps  
Project Review Coordinator

cc: John Katz, Governor's Office, Washington D.C.  
John Sisk, Governor's Office, Juneau  
Diane Mayer, Director, Division of Governmental Coordination  
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