



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

ANILCA Implementation Program

Office of Project Management and Permitting

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October 4, 2019

Emily Buhr, Outdoor Recreation Planner
Denali National Park and Preserve
P.O. Box 9
Denali, AK 99755

Dear Ms. Buhr:

The State of Alaska reviewed the Draft Kantishna and Wonder Lake Recreation and Administrative Facility Plan. The following comments represent the consolidated views of state resource agencies.

The State supports the overall intent of the plan to increase recreational opportunities in the Kantishna and Wonder Lake areas of Denali National Park (Park), particularly by developing/improving up to 80 miles of sustainable trails that will allow people additional opportunities to experience the Park. Overall, the Plan's proactive approach fulfills one of the Park's primary purposes: "...to provide continued opportunities, including reasonable access, for ... wilderness recreational activities."

The intent to establish formal backcountry trails will help alleviate problems associated with the increasing development of social trails. Developing sustainable trails will also increase visitor safety and enjoyment. The Plan appears to focus primarily on the impacts of trails and visitor facilities to wildlife and to the visitor experience, while minimizing the benefits of properly routed trails and visitor facilities to both wildlife and visitors. We request the Plan recognize these important benefits.

A significant objective identified in the plan "...is to determine what the appropriate expansion of trail and overnight camping facilities should be to meet the needs of current users and proactively accommodate future users." To assist the Service in determining the appropriate levels of expansion and provide support for proposed management, we recommend the plan provide more information on the projected growth based on actual visitor numbers, rather than percentages of campground capacities.

Numerous valid RS 2477 rights-of-way owned by the State of Alaska are within the boundaries of the Park planning area; however, the current plan does not identify all of them. These rights-of-way provide access to mining claims within the planning area. We request the plan clearly recognize, delineate and identify all RS 2477 rights-of-way claimed by the State of Alaska that are located within the planning area. We also request the State be consulted in advance of any actions that affect the use of these State rights-of-way.

Public meetings to date have been held at facilities within the Park. We recommend the Service also hold public meetings in several communities located outside park boundaries, including Fairbanks, Anchorage, and Mat-Su Valley communities, such as Talkeetna, to ensure Alaskans and various user groups who will likely have an interest in this planning effort are aware of the opportunity to provide input.

ANILCA Issues

Access – The plan lacks important historical context. Including an explanation of the history of Kantishna would provide context for the private inholdings and the existing trails, some of which are established RS 2477 rights-of-way owned by the State. The Plan should also explain the applicability of the Alaska National Interest Lands Conservation Act’s (ANILCA) access provisions (Sections 1110(a) and (b), and 811), including closure process requirements at 43 CFR 36 and 36 CFR 13, and the relevance of inholder access rights to this planning effort, particularly as it relates to any additional development the Service is anticipating and potential pressures on the Park’s existing transportation system.

Bicycles – In several areas, the plan implies bicycles are prohibited (e.g., page 38), except where specifically authorized. Concept D is the only alternative that proposes to allow bicycles, specifically on the Ditchline Trail in the Kantishna area (page 92). In all Alaska park units, ANILCA Section 1110(a) authorizes the use of non-motorized surface transportation, which includes fat tire bikes, unless closed or restricted by regulation for specific resource related reasons (43 CFR 36.11). In accordance with NPS Policy Memorandum 19-01, e-bikes are also allowed where “traditional bikes” are allowed. The current prohibition on bicycle use for Denali (36 CFR 13.914) only applies to the Frontcountry Developed Area (except on park roads, road shoulders, parking areas or on designated trails and areas). Kantishna and designated Wilderness areas are outside of the Frontcountry Developed Area; therefore, the plan needs to recognize this allowance and not state or imply that bicycles are limited to specific trails or areas. Closures to bicycle use, including closure of the Park Road to bicycles, must be implemented by regulation, not through a planning effort. We request the following edit to page 38:

~~If bicycles are allowed, it would provide an opportunity for Kantishna visitors to make a loop using the Park Road. To avoid using the Park Road as part of a bike loop, a bike-friendly bridge could be considered on the southern end of the trail.~~

Airplanes – The plan indicates that ANILCA authorized “independent fixed wing aircraft for backcountry access” (page 77). This characterization of ANILCA protected access is inaccurate. ANILCA authorized the “use of...airplanes...for traditional activities” in all conservation system units, including designated wilderness. ANILCA 1110(a) does not preclude chartered aircraft. A similar situation occurred in Wrangell St. Elias National Park and Preserve where the NPS proposed prohibiting the use of pack horses for guided hunting. After reviewing section 1110(a) of ANILCA and 43 CFR 36.11, the NPS removed the prohibition in the final prospectus. Additionally, both the US Fish and Wildlife Service (USFWS) and the Forest Service (USFS) came to similar conclusions when the USFWS did not follow through on a proposed prohibition to the use of charter aircraft to access the Firth Mancha area in the Arctic National Wildlife Refuge Comprehensive Conservation Plan and the USFS reversed a proposed prohibition on the

use of snowmachines for guided hunters in the Chugach Nellie Juan-College Fiord Wilderness Study Area prior to releasing their Final Land Management Plan. Visiting Alaska's remote public lands already requires extensive planning and expense, limiting much of the public's ability to experience these areas. Further limiting these public lands to only those able to afford and fly private planes is contrary to congressional intent in ANILCA. We request the NPS replace the phrase "independent use of fixed wing aircraft" with "fixed wing aircraft" as defined in DOI Title XI regulations at 43 CFR 36.11.

Cabins – We are fully supportive of the NPS's intent to construct new cabins, and/or other structures, such as quinzees, as well as backcountry camp sites for public use in the Wonder Lake/Kantishna Areas. We support these uses in areas both along and away from the park road. Providing visitors with safe shelter would help more visitors experience the park, especially families with children and others who may struggle with managing gear in unpredictable weather conditions.

We also encourage the Service to consider the construction of new cabins or shelters in designated wilderness areas for the protection of public health and safety, as allowed by ANILCA Section 1315(d). Given the remoteness of the Kantishna and Wonder Lake areas, as well as Alaska's harsh and unpredictable weather events, such structures would increase public safety in the area.

Eligible Wilderness – The Plan describes expectations for sound disturbances and visitor encounters, with the implication that visitor capacity may need to be established on trails in the Kantishna area because of its proximity to designated wilderness and "eligible" wilderness. We do not support restricting access and use on that basis. This area was not designated as Wilderness by Congress in ANILCA, nor was it recommended to Congress for designation in the wilderness review authorized under ANILCA Section 1317. We instead encourage the Service to evaluate the current expectations of visitors to this community, which is more developed than most of the park and includes a history of mining and currently active mining claims.

Further, the Plan overstates the management considerations related to "eligible" wilderness. Much of the Kantishna Subzone is not eligible wilderness, and ANILCA specifically carved out the Wonder Lake Day Use Area from the surrounding designated wilderness. Therefore, applying policy requirements applicable to designated Wilderness, i.e., the Extent Necessary Determination on guided primitive recreation and the Minimum Requirements Analysis process, to backcountry units 41, 42, and 43, is unreasonable and will result in unnecessary restrictions on public use and access. We request the following edits:

Page 26:

A Minimum Requirement Analysis (MRA) is required to determine construction, maintenance, and signage methods where management actions and trail construction may impact designated ~~and eligible~~ wilderness.

Page 30:

Under Visitor Experience

~~An MRA should be completed with an Extent Necessary Determination or capacity discussion to determine commercial use on the trail.~~

Under Development Concepts

~~An MRA is needed to determine the best method for construction and maintenance within eligible wilderness.~~

Page 78:

Guiding in Wilderness. An Extent Necessary Determination is currently being written to inform the extent of guided primitive recreation in designated ~~and-eligible~~ wilderness commitment typical of contracts

Page 88:

The Primitive Recreation Extent Necessary Determination would likely be completed providing some guidance for limiting commercial operations in designated ~~and-eligible~~ wilderness.

Subsistence - The plan states that subsistence use occurs in the Kantishna area. We recommend the Plan provide more context on subsistence use, potential conflicts, and related access and management in the area, including referencing applicable subsistence-related regulations found at 36 CFR 13.400 to 495. While we understand the NPS does not consider this document a “Plan” yet, it would be beneficial for the NPS to consider the potential effects to subsistence uses and needs as the various concepts and alternatives are developed, consistent with ANILCA Section 810.

Page Specific Comments

Page 5, Land Status – The Plan states: “State and federal government both claim ownership of the Kantishna Airstrip. The NPS interprets the quit claim deed to maintain that the airstrip is federally owned.”; and “Federal ownership of Skyline Drive Access Route has been challenged.” We request the NPS work with the State to identify mutually agreeable language to describe ownership issues in the plan.

Page 5, Operations -- The Plan states “The NPS is exceeding the number of vehicles on the Park Road and natural sound disturbances. The most common access to the Kantishna and Wonder Lake area is by vehicle, so providing for increased visitor access to the area remains a challenge.” If the sound and vehicle standards are based on a level of use that does not incorporate the current use of and access to the inholdings, we recommend updating the standards.

Page 6, Resources -- Please explain the following statement: “Designating campsites and trails, and encouraging bike use may increase negative human-wildlife interactions.” Some actions associated with designated campsites and trails, such as providing food storage lockers and routing trails away from heavily used wildlife corridors, could decrease negative wildlife interactions. Please balance the above statement with descriptions of how negative wildlife interactions can be decreased.

Page 7, Safety – The plan states: “A formal trail system may provide a false sense of security in the backcountry.” The plan should also acknowledge that alternatively, a trail system may provide additional safety in terms of surer footing, easier navigation, and a faster route back to the road system in case of injury.

Page 14, Visitor Experience -- Much of the Kantishna area, especially the portion most accessible to visitors, has a long history of development and is not designated wilderness, nor was it classified as eligible wilderness; therefore, the area should not be managed for a wilderness visitor experience.

Page 76, Visitor Uses -- The plan recognizes subsistence use as supported in Kantishna. Please change “supported” to “allowed” given the NPS must allow, in accordance with ANILCA Title VIII, subsistence use in areas outside of the Old Park. Since this section proposes possible “protections” in the form of trail closures, we request plan consider the impacts of trail closures on subsistence use and access, consistent with ANILCA Section 810.

Page 76, Visitor Uses -- A section regarding snowmachine access in the Kantishna area, north of the old park, needs to be added to reflect the allowance in ANILCA and 36 CFR 13.954: “**§ 13.954 Where can I operate a snowmachine in Denali National Park and Preserve?** You can use a snowmachine outside of the Old Park for traditional activities or travel to and from villages and homesites and other valid occupancies as authorized by 43 CFR 36.11(c), or when lawfully engaged in subsistence activities authorized by 36 CFR 13.460.”

Page 20, Airstrip Campground -- To better recognize the intent in ANILCA’s access provisions, instead of applying time constraints on aircraft landings, we recommend the NPS alert visitors that they will be exposed to aircraft noise when camping near the airstrip.

Thank you for this opportunity to comment. We appreciate your efforts to meet with state staff to discuss this planning effort and look forward to working with you as the planning process progresses.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Magee', written in a cursive style.

Susan Magee
ANILCA Program Coordinator