



May 18, 2020

Phadrea Ponds, Acting Information Collection Clearance Officer  
National Park Service  
1201 Oakridge Drive  
Fort Collins, CO 80525

Re: NPS Office of Management and Budget (OMB) Control Number 1024-0236

Dear Ms. Ponds:

The State of Alaska reviewed the National Park Service (NPS) Information Collection Request (ICR) regarding Research Permit and Reporting System Applications and Reports. The following comments represent the consolidated views of state resource agencies.

As part of state management responsibilities, department staff at the Alaska Departments of Fish and Game and Natural Resources periodically conduct research work within NPS Park and Wilderness boundaries. Overall, the NPS Research Application Form has been easy to use. However, administrative activities, such as fish and wildlife research, often require accessing remote areas by motorboats, airplanes, and helicopters. The timing of these activities is largely driven by biological concerns and weather openings. Both the Wilderness Act and the Alaska National Interest Lands Conservation Act (ANILCA)<sup>1</sup> provide flexibility in considering needs for administrative uses. To ensure timely response to research needs and enhance the quality, utility, and clarity of the information to be collected (as requested in item 3: *Ways to enhance the quality, utility, and clarity of the information to be collected*), we request the following question be added to the application, under "Study Schedule."

- Is your schedule time sensitive due to biological, weather, or other circumstances beyond your control?

Approximately one third of all NPS managed land is in Alaska and approximately 95 percent of NPS managed land in Alaska is either designated wilderness or lands deemed by the NPS as having wilderness characteristics and thereby managed pursuant to agency policy "as if" it were designated wilderness. In addition, ANILCA Section 1301(b)(2) NPS [Management] Plan Requirements, identifies research as one of the programs Alaska parks should incorporate into their resource management goals. Therefore, we are concerned that the form relates only to parks outside of Alaska and does not consider any of the unique provisions Congress enacted under ANILCA that aid scientific research in Alaska's remote park units.

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<sup>1</sup> ANILCA Section 707 directs the Secretary to manage designated wilderness in Alaska in accordance with the Wilderness Act, *except as otherwise expressly provided for in ANILCA*.

To meet the Congressional intent for research activities to occur in Alaska parks, allowances in ANILCA for motorized methods of access, including snowmachines, motorboats, and airplanes,<sup>2</sup> which enable researchers to access to Alaska's remote park units to conduct research activities, including within designated Wilderness, must be acknowledged in the form. In addition to allowances for access and use (e.g., Sections 1110 and 1316), ANILCA Section 103(c) prohibits the application of NPS regulations to state (including navigable waters) and private inholdings. This matter was recently affirmed by the Supreme Court in *Sturgeon v. Frost* (587 U.S. \_\_ (2019)). Access to state and private inholdings across NPS managed land is authorized pursuant to ANILCA Sections 1110(a) and (b) and 1111, as appropriate.

To increase the utility and clarity of this application (as requested in item 3), we request it include a separate box under the section "Does your study propose to involve any of the following?"

- Alaska Park Units, subject to ANILCA

Thank you for this opportunity to comment. Please contact me by phone at 907-269-7529, or by email at [susan.magee@alaska.gov](mailto:susan.magee@alaska.gov) if you have any questions.

Sincerely,



Susan Magee  
ANILCA Program Coordinator

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<sup>2</sup> ANILCA Section 1110(a) allows for public use of airplanes, motorboats, snowmachines for traditional activities and travel to and from villages and homesites in designated Wilderness; ANILCA Section 1110(b) grants a right of access for economic and other purposes to state and private lands and waters located within Alaska park unit boundaries.