



February 11, 2022

Brooke Merrell, Deputy Superintendent

P.O. Box 9

Denali Park, AK 99755-0009

Submitted electronically: <https://parkplanning.nps.gov/commentForm.cfm?documentID=115671>
and via email

Dear Ms. Merrell:

The State of Alaska reviewed the Environmental Assessment (EA) for the Polychrome Area improvements between miles 44 and 46 of the Denali Park Road, including a bridge across the Pretty Rocks landslide. The geologic hazards in this area have caused increasing deterioration of the Denali Park Road, creating a public safety hazard, and disrupting access into the park and to inholdings at the end of the Park Road. This letter constitutes the State's consolidated comments for your consideration.

We support the proposed project and appreciate the Park Service's (Service) outreach efforts to discuss the impacts of access limitations. Impacts to travel and tourism during the multi-year project will affect the state's economy, as well as maintenance operations by the Department of Transportation and Public Facilities (DOT&PF), and access for private inholders in Kantishna. The State continues to support the proposed project and the Service's efforts to expedite the work.

Department of Transportation and Public Facilities maintenance obligations

For the duration of the road closure, DOT&PF's ability to maintain the last 4.65 miles of the Denali Park Road, ending at the Kantishna Airport, will be impacted. The closure will affect DOT&PF's ability to bring road maintenance equipment into the area, resulting in the potential need to rent local equipment on the Kantishna end. The Service should continue to work with DOT&PF (Maintenance Superintendent Scott Randby) to ensure Kantishna area roads can continue to be maintained throughout the closure.

On page 23 of the EA, in Table 3-2: Reasonably Foreseeable Future Actions Along the Park Road, the first item in the description notes, "Normal cyclic road and facility maintenance, research, and monitoring would continue to occur east of Mile 43 regardless of the Polychrome Improvements Project." Although the table references two specific projects west of the Pretty Rocks Landslide, Toklat Gravel Processing and Scrape and Eielson Visitor Center Roof Replacement, it makes no mention of general road maintenance west of Mile 43 during the closure. Aside from a brief mention at the top of page 33 that "the NPS plans to keep the Park Road closed to visitor access in 2022 past Mile 43," no additional text addresses road maintenance west of Mile 43. However, maintenance in the Kantishna area is necessary to support inholder activities. At a minimum, road maintenance from the Kantishna Airport to the actual inholdings will be necessary during the Park Road closure.

The Final Socioeconomic Analysis Report, Appendix C of the EA, contains some discussion of inholder needs and concerns, including information about the Kantishna Airport's conditions and limitations, but fails to address that lodge owners will need to move guests and supplies via surface transportation once the airplane lands. The Service should coordinate with DOT&PF to ensure that inholders can continue to operate and their guests can enjoy the remote wilderness experience that the lodges provide. As noted in the State's scoping comments, DOT&PF is available to assist and coordinate with the Service on potential Kantishna Airport work or improvements to assist lodge owners in transporting guests to their establishments in the area.

DOT&PF requests ongoing consultation and communication with the Service, as well as assistance in supporting DOT&PF's efforts to maintain the facilities in Kantishna area. In particular, DOT&PF requests that the Service coordinate opportunities during the construction and closure period for the State to bring construction equipment past the road closure to support maintenance at Kantishna.

ANILCA subsistence analysis

On page 3, Appendix A, ANILCA 810 Analysis, the 810 analysis for this project inaccurately states that ANILCA authorizes motorboats and snowmachines for subsistence use only in areas where they have been traditionally employed. The "traditionally employed" qualifier only applies to "other means of surface transportation," not snowmachines or motorboats. ANILCA Section 811(b) states:

(b) Notwithstanding any other provision of this Act or other law the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, **and other means of surface transportation traditionally employed** for such purposes by local residents, subject to reasonable regulation. (Emphasis added)

Service implementing regulations at 36 CFR 13.460 mirror this statutory allowance, with an added recognition that "dog teams" are also allowed for subsistence use by local rural residents. Similar to snowmobiles and motorboats, there is no requirement that dog teams have to be determined a "traditionally employed" use to be allowed. They are simply allowed, subject to reasonable regulation. 36 CFR 13.460 states:

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles, motorboats, dog teams, **and other means of surface transportation traditionally employed** by local rural residents engaged in subsistence uses is permitted within park areas except at those times and in those areas restricted or closed by the Superintendent.

While this information has no effect on this particular subsistence analysis or its conclusions because subsistence is not allowed in the original Denali National Park, the general subsistence information in this section of the analysis appears to be from a template that will likely be repeated in other documents. This longstanding interpretation of ANILCA Section 811 has never been questioned by the Service in the past and we assume this is merely an oversight. We request it be corrected in the decision document for this project as well as in any template maintained for future use.

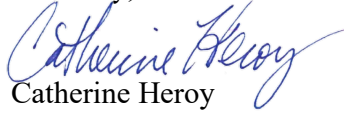
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Conclusion

Thank you for the opportunity to comment regarding the Polychrome Area improvements. Please contact me at (907) 269-0880 if you have any questions or for follow up discussions with State staff.

Sincerely,

A handwritten signature in blue ink that reads "Catherine Heroy". The signature is written in a cursive style with a large initial "C".

Catherine Heroy
State ANILCA Review Coordinator

Ecc: Susan Magee, State ANILCA Program Coordinator, Office of Project Management and Permitting
Jakara Hubbard, Outdoor Recreational Planner, Denali National Park and Preserve