



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of Natural Resources**

CITIZENS' ADVISORY COMMISSION ON  
FEDERAL AREAS  
Stan Leaphart, Executive Director

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March 17, 2014

Rick Obernesser, Superintendent  
Wrangell-St. Elias National Park and Preserve  
P.O. Box 439  
Copper Center, AK 99573

Re: RIN 1024-AE14

Dear Mr. Obernesser:

The Citizens' Advisory Commission of Federal Areas reviewed the proposed special regulations for off-road vehicle use in the Nabesna District within the Wrangell-St. Elias National Park & Preserve. The proposed regulations would implement the December 2012 Record of Decision for the Nabesna Off-Road Vehicle Management Plan and Final Environmental Impact Statement (FEIS). We offer the following comments.

The Commission reiterates its strong opposition to the decision to close the trails in the park area within the Nabesna District to non-subsistence off-road vehicle use. This decision was the result of a significant change between the preferred alternative in the draft management plan and the preferred alternative in the final plan and FEIS. We again point out that while the final preferred alternative recognized the history and traditional use of off-road vehicles in the Nabesna District in both the park and preserve, the decision to eliminate non-subsistence use is inconsistent with provisions of the Alaska National Interest Lands Conservation Act and the guarantees that these types of traditional uses would be allowed to continue.

More importantly, because the final preferred alternative represented a significant change in the original proposed action, the public was never afforded the opportunity to formally comment on the final proposed action in the management plan. While the claim made in your January 26, 2012 letter to the Commission that the changes in the preferred alternative were consistent with Council on Environmental Quality regulations may be technically true, the decision was ill-considered and seriously discredited what had been an open, cooperative and impartial process.

The Commission does not object to reasonable regulation of ORV use to protect park and preserve resources. However, we do not support regulations that prevent non-subsistence users, many with a long personal and family history of ORV use of the area, from continuing to use trails traversing the park to access fish and wildlife resources in the preserve. While there may be

other means of access available to access the preserve, for many users an ORV represents the most cost effective and efficient method of access.

Existing National Park Service and Department of the Interior regulations provide the agency with sufficient authority to designate ORV routes or trails and to issue permits for ORV use in non-wilderness park and preserve areas. The original interim regulations for the new Alaskan park units published in June 1981, provided for ORV use (at 36 CFR §13.14), consistent with the provisions of Executive Order 11644.

Subsequent changes to general NPS regulations (June 30, 1983) were explained as follows:

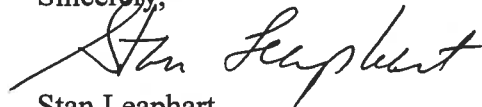
*In general, the rules found in 36 CFR Part 13 apply to Alaska park areas and supersede the general regulations found in 36 CFR Parts 1-6 in those specific instances where the provisions in the general regulations are in conflict. For example, Alaskan park areas have specific regulatory provisions concerning snowmobiles, motorboats, aircraft, weapons, traps and nets, hunting, trapping, **off-road vehicles**, non-motorized surface transportation (including dogsleds), unattended or abandoned property, camping, picnicking, permits, access and cabins. (48 FR 30254).*

The existing regulations at 36 CFR §13.14 remained in place until they were superseded by the Title XI regulations at 43 CFR §36.11. These regulations retained the discretionary authority to allow the agency to issue permits for use of ORVs in non-wilderness park and preserve areas. Therefore, the Commission suggests that the proposed regulations be revised to allow the superintendent to issue permits for the non-subsistence use of ORVs on improved or frozen trails in non-wilderness park and preserve areas. In addition, a re-routed trail segment should not be considered a "new" trail for the purposes of issuing permits for non-subsistence ORV use.

The Commission does not support the closure of any wilderness area to off road vehicle use for subsistence activities. Subsistence use of ORV's should not be confined to designated trails or trail corridors and their use for subsistence activities, including hunting and game retrieval, should be allowed in all areas of the park and preserve, including wilderness. Traditional use of ORVs in the Nabesna District has been clearly and conclusively documented and is allowed under the provisions of Section 811 of ANILCA.

We appreciate the opportunity to comment. Please contact our office if there are any questions.

Sincerely,



Stan Leaphart  
Executive Director