

STATE OF ALASKA

CITIZENS' ADVISORY COMMISSION ON FEDERAL AREAS

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Mr. Lee Fink, Acting Superintendent
Lake Clark National Park and Preserve
240 W. 5th Avenue, Suite 236
Anchorage, Alaska 99501

Dear Mr. Fink:

The Citizens' Advisory Commission on Federal Areas (CACFA) has reviewed the General Management Plan (GMP) Alternatives for Lake Clark National Park and Preserve outlined in the April 2012 Newsletter. We offer the following comments for consideration as you finalize the alternatives for this plan amendment.

Wilderness Eligibility Re-assessment

A major concern for the Commission at this early phase in the planning process is the National Park Service decision to re-assess the eligibility of park lands for wilderness designation. The GMP amendment effort proposes to conduct a "Wilderness Eligibility Re-assessment" for two units within the Park. The Commission strongly opposes any further wilderness review, study or re-assessment of lands within Lake Clark Park & Preserve.

The newsletter states that the original wilderness eligibility (suitability) reviews, completed as a part of the 1984 General Management Plan, found 28% of the park and preserve eligible (suitable) for wilderness designation. The newsletter also points out that two areas totaling approximately 275,000 acres on the eastern boundary of the Park were determined ineligible (unsuitable) for designation as wilderness primarily due to existing Alaska Native Claims Settlement Act (ANCSA) selections. The newsletter goes on to state the status of these selected lands has changed and these lands are now owned by the National Park Service. It is more accurate to state that the lands were retained in Federal ownership and are managed by the National Park Service

A review of the land status map in the 1984 GMP, however, indicates that Unit 2 was not an ANCSA selection, nor was it determined to be unsuitable for designation. The GMP (pg. 28) states:

“This area is less suited for inclusion for wilderness because it projects into nonwilderness areas outside of the park boundaries. It does possess wilderness qualities and is also suitable for exchange....”

The suitability of the lands in Unit 2 and Unit 3 was also considered in the 1988 Final Environmental Impact Statement and Wilderness Recommendation (FEIS/WR) for Lake Clark. The FEIS/WR (pp. 8-9) contains the following statement regarding selected lands:

“Selected lands remain in federal ownership until they are conveyed, and they are suitable for wilderness designation because they are undeveloped and retain their natural values.” If any of these lands are not conveyed to private ownership, they will remain in federal ownership and will be considered for wilderness designation.”

Based on the suitability determinations in the GMP and the analysis in the FEIS, no additional acreage in the park and preserve was recommended for wilderness designation. There is no reason to re-assess these previously conducted suitability reviews.

Curiously, the newsletter states the wilderness suitability review was included in the 1984 GMP because of the requirements in the NPS Management Policies 2006, Director’s Order 41 and the Wilderness Act. In fact, the 1984 wilderness suitability review was required by ANILCA Section 1317. The FEIS/WR (pg. 1) states:

Section 1317 of ANILCA provides the specific mandate for review of areas containing wilderness resources in the arctic and subarctic regions of Alaska.”

At the time the GMP and the FEIS/WR were prepared, Section 1317 was, and remains, the sole authority for conducting wilderness reviews on National Park Service lands in Alaska. The reviews have been completed and the five year deadline for their completion has long expired.

NPS Management Policies 2006 and Director’s Order 41 are cited as the guiding policy documents that require the proposed wilderness eligibility re-assessment. However, both those documents cite ANILCA as the superseding statutory authority for national park units in Alaska. Director’s Order #41: *Wilderness Stewardship* states, in part:

“...It is important to note that these generic NPS wilderness policies may in some instances be superseded by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners and, in Alaska, by applicable provisions of the Alaska National Interest Lands Conservation Act (ANILCA).”

And, “Reference Manual 41: *Wilderness Preservation and Management*: states:

“...Certain requirements, however, may be affected by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners, and in Alaska, by applicable provision of the Alaska National Interest Lands Conservation Act (ANILCA, 16 USC 3101 et seq., Reference Manual #41: Appendix B).”

Any further effort to study, review or re-assess NPS lands for wilderness designation is a clear violation of the provisions of ANILCA in sections 101(d), 1326(a) and 1326(b). All of these ANILCA provisions are clearly applicable and supersede any NPS policies.

ANILCA Section 101(d) provides the general statement that Congress believed no further legislation designating new conservation system units, national recreation areas or conservation areas was necessary because ANILCA struck a proper balance between protection of the national interest in the public lands in Alaska and the future economic and social needs of the State of Alaska and its citizens.

Congress provides confirmation of this by taking additional steps in Section 1326 to limit the power of the Executive Branch to use its authority to upset that balance. Section 1326 provides clear and unambiguous restrictions on federal land management agencies with respect to future withdrawals and further studies or reviews:

*"Sec. 1326 (b) No further studies of the Federal lands in the State of Alaska for the single purpose of considering the establishment of a conservation system unit, national recreation area, national conservation area, or **for related or similar purposes shall be conducted unless authorized by this Act or further Act of Congress**"*

Wild Zone

The proposal to create a Wild Zone within the park & preserve seems excessive, particularly within that portion of the park that is designated Wilderness. Considering the purposes of a wild zone, as outlined in the newsletter, designation of a portion or portions of the park and preserve as a "wild zone" increases the potential for visitor use restrictions or limitations that are unnecessary to protect the purposes for which the park and preserve were created. It also creates a "de-facto" wilderness area which is inconsistent with Congressional intent regarding management of national park units in Alaska. The designated Wilderness within the park is already managed for purposes virtually identical to those of a "wild zone", making any additional zoning unnecessary.

We appreciate the opportunity to comment. We provide these comments to remind the National Park Service of its responsibility to comply with the provisions of ANILCA and the clear intent of Congress as it continues the amendment process for the Lake Clark.GMP. We trust you find them helpful. Please contact our office if there are questions or if we need to clarify anything.

Sincerely,



Stan Leaphart
Executive Director