

STATE OF ALASKA

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ANILCA IMPLEMENTATION PROGRAM

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June 1, 2004

Anne Castellina
Superintendent
Kenai Fjords National Park
P. O. Box 1727
Seward, Alaska 99664

Attn: Exit Glacier Plan

Dear Ms. Castellina:

The State of Alaska reviewed the Kenai Fjords National Park Exit Glacier Area Plan/EA and GMP Amendment. The comments in this letter represent the consolidated response of the State's resource agencies. We greatly appreciate the level of involvement given the State to identify and resolve issues early and throughout the planning process.

The State appreciates that the preferred alternative appropriately limits snowmobile closures to the minimum required to protect public safety and address congestion in the vicinity of the developed facilities at the end of the Exit Glacier Road. Our concerns with the Plan primarily focus on apparently inadvertent misrepresentations of the stated management intent and access requirements under the Alaska National Interest Lands Conservation Act. As a result of our review, we request resolution of the following issues prior to finalizing this Plan amendment:

Management of Developed Area for Safety

We support the Service's goal of narrowly defining the "Visitor Facilities" and "Pedestrian" zones to manage the parking lot, trail, and the immediate Glacier face area to reduce safety issues that accompany the increasing visitor uses. The judicious application of minimum restrictions reinforces the validity of park-wide motorized recreational uses throughout the rest of the park.

Most of the document appropriately clarifies the Plan's focus is to rectify serious public safety concerns in the developed portion of the park while increasing and protecting opportunities for the existing range of recreational and educational activities throughout the Exit Glacier study area. Some sections, however, are inconsistent with this management intent, for example the *Summary* discussion of the *preferred alternative* (page iii), the Introduction (pages 20-21) and the Concept discussion (page 32). These statements may cause readers to incorrectly interpret the Service's goal is to increase non-motorized recreational opportunities at the expense of motorized activities.

We request the final plan clarify our understanding that improved safety and opportunities for increasing use in the developed area necessitates a small area closure to motorized use (150 acres) with minimal impact on the legitimate and popular motorized uses that occur throughout the undeveloped areas of the park (607,805 acres). The inappropriate wording, e.g., “*to provide for additional non-motorized recreational opportunities,*” is inconsistent with ANILCA protections of motorized access.

Zoning, Monitoring, and Carrying Capacity

In light of ANILCA’s protection of public uses and activities within the conservation system units, “zoning” is a management tool with potentially inherent inconsistencies. However, the Plan indicates that zones and the proposed carrying capacity study will not be applied to the whole park—It will occur only in the most visited area of the park, approximately 10,000 acres (pages 4-5). We request clarifying this fact in the *Summary* and wherever other references to zones convey a meaning of potential limitation. This intensive management tool, as currently described, would not be appropriate in the remainder of this park.

Page-specific comments that reflect these general concerns follow:

Pages 25 – 27, Backcountry Semi-Primitive and Primitive Zones, Visitor Use.

The following phrase is not reflective of ANILCA intent: “*in winter, it (motorized use) is allowed for traditional activities as long as zone conditions are met.*” The “zone conditions” listed are the descriptive conditions (social conditions, natural resource conditions, visitor use, facilities and development, and management activities) for each management zone. In order to be effective, the plan must provide information on the monitoring program, and specify indicators and standards to determine whether snowmachine uses are exceeding the proposed zone conditions. The 43 CFR 36 regulations implementing ANILCA’s access protections provide a process for limiting snowmachine use. Permanent (annual) limits cannot be implemented unless the Service provides a finding of detriment to resource values and formal rulemaking.

Limits on access cannot be based on completely subjective criteria such as those often found associated with soundscapes or encounter rates. Attached is a state letter on the Denali National Park backcountry planning process that provides information on managing for soundscape and encounter rates, as well as the procedural requirements to limit public access. This letter explains state concerns with using soundscapes and encounter rates to manage areas for recreational experiences. Some of the issues are not relevant to the Exit Glacier Plan, but other discussion may be helpful in assisting the Service in managing the Exit Glacier Area consistent with ANILCA.

Pages 36, 40, and 44, Zone Allocation and Related Actions, Winter (All action alternatives), Backcountry Semi-Primitive Zone.

Application of the “Zone Allocation” (page 35) in the preferred alternative to the majority of the 10,000 acre study area appears to involve the potential to limit snowmachines in the future. Without additional information, this intent has three fundamental problems: (1) Monitoring information does not show that the number of snowmachine users “*is inconsistent with the desired conditions*” in the affected zone. (2) “Desired conditions” is not

defined. (3) Closures and limitations must be consistent with the previously referenced 43 CFR 36 regulations. (See attached state letter). If monitoring and studies show that encounter rates and soundscapes are a significant problem in winter, we encourage the Service to use the “least restrictive” tool, as described on pages 21-22, to mitigate impacts before implementing any limitation or closure on public use and access.

Management Policies 2001 and Strategic Plan

The “management constraints” listed on page 7 need to be modified to explain that their application is modified by ANILCA. The State of Alaska’s review of these national Policies noted many significant inconsistencies with statutory direction in ANILCA; but the final 2001 Policies were not clarified; thereby leaving federal managers in Alaska with insufficient or conflicting guidance. The Policies cannot supercede statute; thus, the Plan needs to be corrected to reflect that appropriate ANILCA guidance supercedes national policies.

For example, the first bullet states that “*actions would not be taken that would affect wilderness character*” of the area found suitable for wilderness designation. This is inconsistent with ANILCA Section 1317(c) that directs areas to be managed consistent with the ANILCA provisions, not the Wilderness Act, until Congress takes action.

We look forward to further dialogue with the Service regarding these matters. Please contact me if you have questions regarding these comments.

Sincerely,

/ss/

Sally Gibert
Statewide ANILCA Coordinator

Enclosure

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April 12, 2004

Mr. Paul Anderson
Superintendent
Denali National Park and Preserve
P.O. Box 9
Denali Park, Alaska 99755

Dear Mr. Anderson:

As you know, the State's interagency ANILCA team has met periodically with park planners to informally discuss progress on the draft Backcountry Management Plan for Denali National Park and Preserve. We understand the National Park Service intends to issue a revised draft for additional public review in the coming months. Since we submitted our comments on the original draft on May 30, 2003, we have received several follow-up questions from the Service and others. This letter, therefore, attempts to clarify our views regarding the consistency of the Denali Backcountry Management Plan methodology with the Alaska National Interest Lands Conservation Act (ANILCA), especially Section 1110(a) and Section 811. Our primary focus at this time is on management techniques that address soundscape management and use of encounter rates – two of the several issues that were especially problematic in the original draft plan; thus it does not address all of the concerns in our original letter. In addition to further clarifying our concerns, this letter offers suggestions to park planners to avoid conflicts with ANILCA as the revised draft is prepared.

SOUNDSCAPE MANAGEMENT

Because motorized access is specifically allowed on all Alaska CSUs – including designated Wilderness – subject to reasonable regulation, the public must accept a degree of tolerance for the accompanying sounds associated with this access. Management objectives to eliminate the sound of legitimate motorized access are inappropriate in Alaska. The State is not opposed to the Service managing sound consistent with existing policies, however, implementation must be consistent with ANILCA. We conclude the proposed methodology addressing soundscapes for Denali National Park and Preserve is not sufficient to prohibit access under ANILCA Sections 811 and 1110(a).

Challenges associated with sound management

- A baseline database with statistically verifiable findings is necessary. Current information may provide a few site-specific starting points, but is insufficient to be considered baseline.
- Defining useful geographic units for measuring sound is very difficult. The placement of monitors relative to high use areas and geographic features that enhance or impede the perception of sound is challenging.
- Sound monitoring devices should be accompanied or confirmed by other means of monitoring such as direct observation and visitor surveys.
- Sound monitoring devices do not distinguish the type of user, e.g., subsistence, recreational, administrative.
- To maximize effectiveness, management actions should appropriately focus on the specific user groups or activities associated with impacts to natural sound.
- The impacts of background noise from sources outside the scope of Service management authorities (e.g., trains, motor boats on state-owned navigable waters, Parks Highway traffic, and overflights by commercial jets and private planes), while useful to measure, must not be used to limit visitor access.
- Under no circumstances, for example, should snowmobiles be limited if increases in air traffic cause noise level standards to be exceeded.
- Since methods of access, levels of use, and types of sound vary by season, standards must similarly be adapted for seasonal application.
- Standards must provide for normal daily fluctuations, to account for peak use periods.

Appropriate recognition of sound as a value

Even though the proposed methodology addressing soundscapes is not sufficient to prohibit access under ANILCA Sections 811 and 1110(a), the State recognizes the following general principles:

- Natural sound is an important resource value for many visitors.
- Establishing a framework for monitoring sound is appropriate.
- We do not object to a general planning goal that seeks to minimize the impacts of sound on visitor experience.
- With appropriate data, sound may be a contributing factor in management actions such as:
 - educational materials
 - encouraging or requiring use of improved technology
 - voluntary overflight protocols
 - selected commercial permit stipulations
 - seasonal variances of use
 - increased enforcement of existing regulations, e.g., speed limits
 - corridors to alleviate demonstrated conflicts among user groups

MANAGING FOR ENCOUNTERS

Limiting public use and access based on arbitrary encounter rates is inconsistent with ANILCA. Furthermore, recreation management is evolving away from the use of encounter rates in favor of other, more effective methods of determining visitor satisfaction.¹ As illustrated for sound management, managing for encounter rates can be problematic.

Challenges associated with managing for encounters

- The preserve and park additions lack baseline data to develop encounter rates.
- Where quantitative data exist (the old park) managing for very low to zero human encounters is unreasonable. While individual parties may experience these encounter rates, articulating such standards sets up unrealistic expectations for all.
- Uniform encounter rates, as proposed, do not readily reflect seasonal changes in use patterns or seasonal peak use periods.
- Extensive application of low encounter rates would unfairly favor certain user groups at the expense of other visitors.
- Use of encounter rates is not the only measure of visitor satisfaction, and for some people is not a factor.
- An “encounter” is not defined. In addition, not all encounters have the same impact. For example, one encounter with a party that is camping nearby may have a far greater impact than seeing several parties from a distance over the course of a day.
- Managing for encounters is difficult in the vicinity of airstrips and other access points.
- Quantifying an “encounter” is difficult for both park users and park administrators in light of variations in vegetation, topography, distance from another party (on a distant ridge or camped 100 feet away), and length of exposure.
- Measuring encounter rates does not distinguish the type of user, e.g., subsistence, recreational, administrative. The applicability of certain management tools depends on these distinctions. For example, recreational users should not be restricted because administrative use in the same area increases beyond targeted levels.

¹ A recent example involves planning for the Situk River in the Tongass National Forest. Originally, the Forest Service wanted to tie visitor satisfaction on the river to encounter rates developed for the Tongass Land Management Plan. After discussions with the State and independent researchers in development of a visitor survey, the USFS determined it was not practical to successfully tie encounter rates to visitor satisfaction. Previous research has shown a very weak relationship between encounter rates and visitor satisfaction. Instead, the visitor survey focused on what issues were important in determining acceptable levels of use.

Recommendations concerning encounter rates

Instead of using encounter rates to set desired conditions, we recommend use of encounter rates as a descriptive educational tool to show what visitors might expect in various portions of the park. This approach assumes that these expectations are not translated into limits. An example of this for a remote region of the park would be:

"In this area, backcountry users may reasonably expect to see several other parties in the vicinity of primary access points (trail heads, airstrips, etc.), but as parties disperse into the backcountry, it is likely they will encounter few, if any, other parties."

In addition, we suggest consideration of alternative variables that similarly target visitor satisfaction. These variables can be measured through surveys in combination with studies of physical conditions. Examples include:

- perceived levels of crowding (visitor preference vs. actual conditions) that addresses, among other things, types of encounters and their relative impacts;
- expectations for resource impacts (such as signs of human waste, litter, cut trees/bushes, campsite disturbances);
- attitudes toward management options (e.g. Gulkana River user survey).

Use of these indicators must start with baseline data about existing use levels and visitor expectations, which can be accomplished through a comprehensive study of park visitors.

ROLE OF MANAGEMENT UNITS

We understand the value of establishing management units to reflect different use types and to tailor management to those areas. For example, we recognize that management practices will vary among the Ruth Glacier, areas immediately adjacent to the park road, and remote portions of the backcountry. We also support the general goal of providing for a range of recreational opportunities and recognize that Denali Park and Preserve is large and diverse enough to accommodate many public use objectives. We recognize the need to limit use in areas where demand for overnight camping would result in crowding and resource impacts (notably those units along the park road), and that outlining management units may be the only way to disperse use in these areas; however, we question the need to address use limits in areas that are remote, inaccessible, and unlikely to experience overuse during the life of the plan. We also object to designating management units specifically to administratively limit use, as proposed in the original draft backcountry plan. In the old park, for example, we find the extensive use of small management units with daily quotas, implemented without regulation, to be inconsistent with the procedural requirements of ANILCA. Our concern becomes especially acute if such administrative limits are extended to the preserve and park additions.

WILDERNESS MANAGEMENT

In all alternatives, discussions of wilderness management must recognize the ANILCA amendments to the Wilderness Act. We recommend the “General Guidance” section include recognition of the specific modifications and an explanation that the Service policy also recognizes the differences for Alaska. This is an important educational opportunity, especially for those readers who are unfamiliar with ANILCA and its effect on park management in Alaska.

PROCESS FOR LIMITATIONS

Compared to other units of the National Park System, ANILCA requires additional procedural steps to restrict public access in Alaska park units under Sections 811 and 1110(a). In essence, ANILCA explicitly “raises the bar” regarding criteria and methodology, effectively limiting the discretion of park managers. Various provisions of ANILCA, implementing access regulations in 43 CFR Part 36, Alaska-specific park regulations in 36 CFR Part 13, and applicable national regulations, collectively guide the following framework for decision making in Alaska:

1. Credible baseline data – We recognize the park is currently working on collecting more data. This data must comprehensively address the concerns identified above. The State strongly encourages cooperative design and evaluation.
2. Data used to support restrictions under ANILCA Section 1110(a) must show that the activity would be detrimental to tangible, quantifiable resource values – e.g., damage to wildlife habitat. Managers need not wait for damage to occur. Data predicting future detrimental affects may be used to support access restrictions if the studies are scientifically verifiable and applicable to the specific situation.
3. Development of reasonable standards that reflect measures of visitor satisfaction based on user surveys or other quantifiable measuring tools.
4. Implement least restrictive means to mitigate impacts and achieve management goals, including: education, increased enforcement of existing regulations (speed limits), voluntary guidelines, seasonal use requirements (i.e. designated airplane landing times, such as 8 am through 11 am, implemented through commercial use permit stipulations) and non-federal management tools.
5. Finally, if other mitigation methods fail to prevent detrimental effects to resource values, mandatory restrictions/registration/prohibitions may be proposed through the ANILCA 1110(a) process at 43 CFR Part 36.11 or other applicable Alaska-specific regulations at 36 CFR Part 13.

Thank you for the opportunity to clarify these views. As always, if you have any questions, please contact me at 907-269-7477.

Sincerely,

/ss/

Sally Gibert
State ANILCA Coordinator