

STATE OF ALASKA

ANILCA IMPLEMENTATION PROGRAM

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May 9, 2006

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

Dear Paul:

The State recently became aware of the December 9, 2005 notice to air taxi operators authorized by Incidental Business Permit (IBP) to land in Denali National Park and Preserve. The letter announces the first-time establishment of limits for commercial landings at the Kantishna airstrip. Effective with permits issued for 2006, *"the total number of air taxi landings on the Kantishna airstrip per air taxi IBP operator may not exceed six landings during any one calendar year."* The letter attributes the limit to implementation of the 1997 Entrance Area and Road Corridor Development Concept Plan, specifically the plan's intent to maintain the existing levels of commercial use at the Kantsihna airstrip. Much of the air access into Kantishna from outside the park is for access to or from the privately-owned lodges and related businesses; therefore the Park's action to limit commercial landings appears to be an immediate or potential infringement of the access rights guaranteed to park inholders by Section 1110(b) of the Alaska National Interest Lands Conservation Act (ANILCA).

We discussed this issue with you on April 13, 2006. At that time, you indicated the Park's intention was not to curtail inholder access, and that the limits are instead oriented toward limiting the future expansion of commercial use of the airstrip. While your intent may be laudible, we nonetheless question the actual or potential future effects of the action. To shed more light on the situation, we seek a response to the following concerns and questions.

Has the Park discussed the air taxi limit with affected Kantishna landowners and businesses or evaluated the possible impacts on these inholders? As you know the National Park Service is actively working on a statewide Inholder Access Guide designed to clarify how ANILCA's access guarantee under Section 1110(b) will be honored. One of the emerging cornerstones is working directly with inholders to insure their "adequate and feasible access," including for "economic and other purposes."

Will inholder access be exempted from the six landings per year limit? If so, how will either the air taxi operator or the Service decide which passengers or landings qualify? Does the Service want to put air taxi operators in the position of having to ask about each trip purpose(s)?

What happens when the most popular air taxi operators reach their annual quota? We question the logic and potential consequences of providing the same number of landings to those air taxi operators who use the park more extensively and to those with a limited history of Denali Park landings (e.g., Wrangell Mountain Air based 300 miles away in McCarthy.) It makes even less sense for a Kantishna-bound passenger to be faced with the theoretical possibility of having to travel to McCarthy to fly into Kantishna if closer air taxi quotas have been used up.

Does the Service consider that inholder access includes guests flying into a privately-owned lodge? Given the recognition of “economic and other purposes” in Section 1110(b), we think such guest access must qualify under the umbrella of inholder access.

Why is the Service concerned about Kantishna landings at this time? Have air taxi landings significantly increased since 1997? Does the park have solid data of historic and existing uses as baseline information? What are the underlying issues or threats to the Park? Is an air taxi limit the appropriate tool for addressing the issue(s)? If the issue is flight patterns, this action does not recognize that, after completion of the 1997 plan, the airstrip was modified to increase safety and decrease the flight path over the park itself. Also, the Service can further influence flight paths through permit stipulations, without the need for limits. If the concern boils down to future economic growth in Kantishna, the Service has limited tools to control such growth on private lands short of voluntary purchase of property, developments rights, conservation easements, etc.

How will this limit affect Kantishna Air Taxi, the one concessionaire flying into Kantishna who is also a Kantishna lodge operator? Would the owner/operator also be required to limit his landings associated with flying in his own lodge guests?

We would appreciate your perspective regarding these questions. As you know, we support park efforts that address valid issues with appropriate management tools, and we are concerned that the 2006 air taxi limits may, among other things, trigger some unintended consequences for inholders. To the extent that further analysis shows some affect on access to inholdings, we recommend delaying implementation of the limit until the Inholder Access Guide is completed. We also request closer coordination with adjacent landowners, particularly the State who also claims ownership of the airstrip. Thank you for taking the time to respond.

Sincerely,



Sally Gibert
ANILCA Program Coordinator

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