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DIVISION OF GOVERNMENTAL COORDINATION**

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August 23, 1993

John Morehead
Regional Director
National Park Service
2525 Gambell Street, Room 107
Anchorage, Alaska 99503

Dear Mr. *Jack* Morehead:

On behalf of the Division of Governmental Coordination and the State's resource agencies, I wish to express the State's sincere appreciation of your willingness to meet with State representatives last week. We found the meeting to be highly productive, and we enthusiastically endorse your offer of further meetings on a quarterly basis to discuss other issues of mutual concern as they arise.

The State is particularly pleased with your recognition that the draft Gates of the Arctic Compendium, and similar Compendia for other park units, are not appropriate vehicles for establishing public use restrictions; and that such restrictions are subject to the legal requirements of the Alaska National Interest Lands Conservation Act and implementing regulations at 36 CFR Part 13 and 43 CFR Part 36.

Our primary concern at this point is the length of time expected to complete promulgation of regulations. Based on your statement that the Solicitor has determined the Compendia's public use restrictions are not legally defensible, we would expect that they would not be used as a basis to issue citations or take other enforcement actions.

In addition, I have been compelled to advise you that public use restrictions in the existing Compendia should be immediately withdrawn because their continued presence will have a chilling effect on the public's park usage. Few citizens will realize that these restrictions are not legally enforceable.

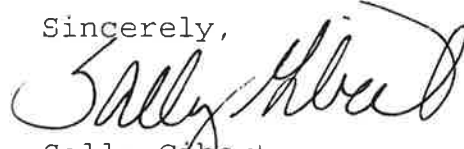
In light of this unstable situation, NPS must work quickly to correct the problem. We are concerned that a regulatory processing time of "several years" will leave the NPS vulnerable to legal challenge.

Based on our past experience with finalizing the national park and preserve boundaries, we recognize the potential for substantial delays between conceptual resolution of an issue and actual follow through. (In this case, the final boundaries were approved in concept in June 1989, but were not legally implemented in the Federal Register until September 1992.)

We urge you to expedite promulgation of appropriate regulations. If the State can be of assistance in this process, please let me know. As we indicated at our meeting, the State looks forward to review of all current Compendia and will subsequently provide our recommendations about what portions of these documents fall under the regulations above.

Once again, thank you for the opportunity to meet with you and your staff. If necessary, you may reach me at 561-6131 after September 8. In the interim, Tina Cuning may be reached at 349-5671.

Sincerely,



Sally Gibert
State CSU Coordinator

cc:

Harry Noah, Commissioner, Department of Natural Resources

Carl Rosier, Commissioner, Department of Fish and Game

John Sandor, Commissioner, Department of Environmental
Conservation

Bruce Campbell, Commissioner, Department of Transportation and
Public Facilities

Richard Burton, Commissioner, Department of Public Safety

John Katz, Governor's Office, Washington, D.C.

Cheri Jacobus, Department Of Law

**CSU Distribution List
NPS Compendia
August 23, 1993**

Tina Cunning, Department of Fish & Game, Anchorage

Terry Haynes, Department of Fish & Game, Fairbanks

Priscilla Wohl, Department of Environmental Conservation, Anchorage

Joyce Beelman, Department of Environmental Conservation, Fairbanks

Alice Iliff, Department of Natural Resources, Anchorage

Jeff Otteson, Department of Transportation/Public Facilities, Juneau

Norm Piispanen, Department of Transportation/Public Facilities, Fairbanks

Paul Rusanowski, Division of Governmental Coordination, Juneau

Beth Kertulla, Attorney General's Office, Juneau

Cheri Jacobus, Attorney General's Office, Anchorage

Gabrielle LaRoche, Department of Commerce & Economic Development, Juneau

Colonel Phil Gilson, Fish & Wildlife Protection, Anchorage

Stan Leaphart, CACFA, Fairbanks

Mike Strunk, Planning, National Park Service, Anchorage

Steve Martin, Superintendent, Gates of the Arctic, Fairbanks