

STATE OF ALASKA

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January 14, 1998

Mr. David B. Allen
Regional Director
U.S. Fish and Wildlife Service
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

Dear Mr. Allen:

The State of Alaska has informally reviewed the draft rulemaking language at 50 CFR Part 36 which the U.S. Fish and Wildlife Service is considering for Moose Range Meadows in the Kenai National Wildlife Refuge. The State supports the July 1 to August 15 annual closure of the identified public use easements.

Thank you for seeking the State of Alaska's views as you prepare to publish these proposed regulations.

Sincerely,



Sally Gibert
State CSU Coordinator

file

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February 4, 1998

National Park Service
Ranger Activities Division
MS 650 (ROW)
P.O. Box 37127
Washington, D.C. 20013-7127

To Whom It May Concern:

This letter supplements the State of Alaska's comments of January 30, 1998 regarding proposed revisions to interim regulations at 36 CFR Parts 1 and 14 - General Provisions and Rights-of-Way. In our letter we stressed the importance of clarifying the relationship between the proposed regulations and Title XI of the Alaska National Interest Lands Conservation Act (ANILCA). In particular, we believe that these regulations do not usurp the existing access procedures that have already been specifically established for Alaska. By the same token, we suggest that ANILCA Title XI and its implementing regulations at 43 CFR Part 36 be evaluated for application throughout the National Park System, whether or not some portions may affect Alaska.

Clearly, the State recognizes that the National Park Service (NPS) has certain general statutory authorities, in addition to ANILCA Title XI, for issuing a right-of-way permit. Yet implementation of some of these authorities could result in decisions that are potentially inconsistent with ANILCA and Congressional intent. Given the substantial appearance of overlap between these proposed regulations and ANILCA Title XI, the final regulations should detail how the two sets of regulations will interrelate, if at all. For example, Section 14.2(g) should indicate that a transportation and utility system in a national park unit in Alaska would "not be required to comply with the procedures set forth in this part" in addition to the regulations at 43 CFR Part 36. If there is some application to Alaska, this section should discuss how those regulations would be modified or supplemented by the 36 CFR Part 14. To the extent that Alaska processes might be affected by these regulations in some way, the Preamble