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April 20, 1998

Steve Martin
Superintendent, Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755

Dear Steve:

The State of Alaska has reviewed the internal draft of the Resource Management Plan for Denali National Park and Preserve. The letter represents consolidated informal comments of the state's resource agencies. We appreciate the opportunity to review and comment on the internal version of the draft plan. The draft appears to be consistent with national guidelines developed for producing resource management plans.

This has been an extremely difficult and frustrating document to review. As the state's review coordinator, I have received an unusual number of calls about various problems and expressions of concern that there wasn't enough time or ability to review the entire document. For the most part, reviewers were only able to spot check items of interest to them, hence this should not be considered a comprehensive review. This document needs much work before we would consider it a useful tool for management or funding decisions. The following general observations are excerpted from agency correspondence and phone conversations to provide the flavor of the review:

- Perception that either the park has too much money to spend on esoteric research or staff is wasting effort on a never-to-be-funded wish list of individual pet projects.
- There is no sense of priority amongst the projects in this "massive tome". What is really important for management?
- Document is "subjective, misleading, inflammatory" and overplays the nature and severity of threats to the park.
- Format and content "daunting" and "difficult to wade through"; writing is "obtuse".
- As a compilation of text written by various authors, there is repetition and, on occasion, conflicting statements. Reflects considerable bias, lack of objectivity and balance.
- Portrays an "inexcusable ignorance of the history of ANILCA and the significant compromises that are built into that statute".

We appreciate that this is an internal review draft and trust that comprehensive, substantive editing and organizational work will improve the usefulness, accuracy, sensitivity, context, and readability of the document. The comments embodied in this letter are intended to provide constructive suggestions and corrections. The review comments do not address the entire plan, but are structured to closely follow the format of the plan. (When the public review draft is prepared, we request use of sequential page numbers throughout.) In the interests of getting these comments to you quickly, and since this is an informal review, I have done a minimum of editing for tone and duplication.

General Comments

1. The document reflects significant misunderstandings of the Alaska National Interest Lands Conservation Act (ANILCA) which redesignated and expanded the Denali park unit. In particular, most of the plan's references to wilderness, traditional activities, and access are inconsistent with the management directions in ANILCA and subsequent rulemaking which supersede pre-ANILCA legislation and regulations. We provide references and corrections below for some examples.
2. Most reviewers had less than 20 working days to review an approximately 500 page document. This is inadequate considering it addresses agency actions which so significantly affect state and NPS mutual concerns for such a large area and involve so many staff with specific expertise. The national guidelines adopted for preparation of resource management plans are supplemented for Alaska park units by understandings developed with the state in 1988 to improve communication and cooperative study identification and design BEFORE and during drafting a plan. We request these supplemental Alaska guidelines be followed in the future so we can provide a more thorough review and constructive suggestions, participate in more thorough coordination prior to drafting the plan, and be afforded a more reasonable review period. This would strengthen the document in order to facilitate review of the public draft and final plan.
3. Many of the issues described are actually philosophical concerns about legal activities occurring on inholdings and outside of the park unit. This is a 6+ million acre park unit. Congress discussed during ANILCA deliberations the option of smaller units with gradient buffer zones and determined that the large size of the parks would create areas within the boundaries to provide sufficient protection of values that no buffers are needed. Congress went on to legislate in ANILCA Section 103(c) that regulations specific for the management of the unit shall apply only to the federal designated lands of the unit. With such a large area withdrawn from general public uses, the individual authors need to understand that increased developments and activities will occur on non-federal lands within the unit and outside the unit, while focusing efforts on inventorying, monitoring, and studying the resources in the park.

4. Better identification of priorities are needed. Despite limited funding and increased interests in resources within the park, the plan provides lengthy descriptions of undefined objectives and esoteric values (in the name of flexibility) but lacks clear prioritization of needs among the many proposed high priority programs and projects. We urge the descriptions be pared down, the plan be simplified into clear objectives and criteria, and priorities be established and clearly identifiable. This will not only help park managers and scientists, but will also help evidence direction for project funding and approvals by cooperators and “neighbors”.
5. The document reflects inconsistent application of standards and environmental safeguards between activities outside the Park (held to a higher standard) and activities inside the Park. Examples include: the level of concern cited regarding visibility of a plume from Healy electrical plant versus the visibility impacts generated from Park road dust; the discussion of degradation from placer mining in streambeds versus the discussion of mining gravel from floodplains for NPS use. This theme is repeated throughout comments on Part Four: Park Resources Program.
6. The text should clarify when the original park is being discussed versus the expanded park and preserve. The term “Denali” is used throughout without a clear reference to which area is being referred to, which is problematic in some instances.
7. A map set showing the study area concepts and areas of special concern to NPS would be helpful to the reader.
8. The RMP lacks discussion of ownership of water and state-owned water bodies granted the state by Congress in the Alaska Statehood Act. A discussion should acknowledge the Gulkana River decision and navigability in the context of state waters such as Caribou Creek.
9. "External threats" are overplayed as the pretext for a host of research projects, monitoring programs, mitigation measures and management restrictions. The apparent basis for this is a 1994 General Accounting Office Report which calls for an RMP to identify the number, type and source of external threats and prepare a project statement for each. This focus ignores a key element of the ANILCA debates which resulted in the expansion of this park to more than 6 million acres as well as the creation of other new parks encompassing millions of acres in order to protect “ecological systems”. In spite of this, the NPS insists on looking outside of park boundaries to justify internal park research projects and management restrictions. An objective look at the activities on state and private lands surrounding the park would demonstrate the weakness of the agency’s claims regarding actual impacts from those activities. This concern does not target mutually defined research needs. For example, we recognize and appreciate the NPS's willingness and ability to participate and fund cooperative studies affecting federal and state land on selected issues of mutual concern, such as the South Denali bear studies.

Part One: Introduction

Page 2, paragraph 4 continued on page 3, Pages 10-12—and other locations throughout the RMP. We are concerned about the bias in using selective quotes of ANILCA, its legislative history (some are not considered “valid” because did not accompany the final version adopted by Congress) and representing Congressional intent regarding management of national parks and preserves except that which is actually in statute. The authors seem to bypass that Congress also emphasized that the redesignation and creation of park/preserves in Alaska would protect the ongoing Alaskan way of life, including mechanized access, and viewed ongoing human uses as part of the natural ecosystem. We can provide valid legislative history upon request. The discussions in locations, such as page 11 regarding the Redwoods Act and Organic Act, need to more accurately portray that all such pre-ANILCA legislation is superseded by the clear legislative direction for the ANILCA units. We question whether some of the quotes are even applicable and only serve to emphasize direction that no longer fully applies, thus confusing the reader and park staffs as to the management directions they are required to uphold. Legislative history references such as the one on page 29 seem to be included without a clear understanding of how to determine what is the final statements of committee reports that accompanied the final bill.

Page 11-12. We object that the extensive quote on directly from ANILCA Title I Purposes, selectively omits language regarding uses of the park lands. The quote of Section 101(b) excludes as annotated: “wildlife species of inestimable value to the citizens of Alaska and the Nation” and “to preserve wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing, and sport hunting, within large arctic and subarctic wildlands and on freeflowing rivers”. This plan is so long anyway, there seems to be no reason other than philosophical bias for the deletion of the references to uses. Why not just quote the entire 4 paragraphs of the ANILCA purposes?

Page 7, Wildlife. We recommend this partial list of wildlife be revised to clearly state that “common wildlife include”, then: (1) to reference an Appendix which actually lists the known species, and (2) in the text list numbers within general groups, e.g., x species of voles, y species of weasels, z species of owls, etc. Pikas were omitted and it should read “river otters”; bats should be listed, and there are certainly extensive bird lists available.

Page 9, Cultural Landscape. We are curious why “selected traplines” and “subsistence cabins” would be considered for listing in the cultural landscape for nomination in the National Register. These are legal activities that evolve location and area over time. It seems that such a listing would be too static to allow these uses to continue to be flexible but certainly are activities that should be recognized as part of the culture of the area.

Page 16: The introduction should also expand the discussion of NPS compliance with the referenced Executive Orders about structures and development in floodplains (EO 1188) and uses that impact wetlands (EO 11990). The NPS has uses, facilities and activities in both floodplains and wetlands. Absent this discussion, DNR is again concerned about inconsistent application of standards and guidelines between Park and non-Park activities. (See comments for Part Two, Page 18.)

Page 18, Wilderness Designation and Recommendation. Wilderness is defined in ANILCA Section 102 as one of the “conservation system units.” The Wilderness Act was effectively amended by ANILCA for Alaska park units. The authors need to carefully reevaluate their intent to prohibit access methods described in this section of the plan so that it is done exactly as directed by Congress and as laid out in federal regulations. The fact that the old part of Denali park unit was a pre-ANILCA unit with certain access closures is not relevant as it is superseded by ANILCA and its subsequent regulations. In particular, Title XI addresses Transportation and Utility Corridors, including Section 1110(a) on special access as follows:

“the Secretary shall permit, on conservation system units . . . the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary . . . and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area.”

ANILCA makes no distinction between pre-ANILCA and ANILCA-created park units. In fact, the Secretary recognized there was no basis for such distinction in stating the following in the preamble section to the regulations at 43 CFR Part 36 (September 4, 1986; 51 FR 31619; 53 Section 36.11 Special Access), which regulations have also been upheld by the federal district court:

“Other comments suggested that the provisions of this section should not apply to parks and monuments that predated ANILCA. The argument is made that Congress did not intend to open the pre-ANILCA areas to the uses described in section 1110(a), since these pre-ANILCA areas had been closed to such uses prior to the enactment of ANILCA. Interior does not find any statutory support for this position, since section 1110(a) provides no exception for the pre-ANILCA areas. Accordingly, no exception for pre-ANILCA areas is provided for in these regulations.”

ANILCA provides the express procedure which the Secretary must follow to limit this access. The preamble (51 Closures) clarifies the closure procedures contained in the regulations:

“The standard for closure of areas to the uses authorized by section 1110(a) is “that such use would be detrimental to the resource values of the unit or area.” In reviewing the issue of the standards for closures under the provisions of 1110(a), Interior has concluded that this standard must be applied to all types of closures developed in these regulations. For purposes of this section, only if it is determined that a proposed use otherwise authorized by this section would be detrimental to the resource values of a particular area may that area be closed to the use, unless closure is authorized under other agency law. . . . Our review of section 1110(a) leads us to conclude that the closure of areas to the authorized uses (snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods) should occur only under the standards of the law which this section is to implement. Accordingly, the final regulations have been amended to provide that no closure to any use authorized under this section may be made unless the “area manager determines that the use would be detrimental to the values of the unit or area.” . . .

“ . . . We do not believe the statute authorizes the discretion to make any closures before a notice and hearing. As with the standards discussed above, section 1110(a) does not distinguish between the various types of closures developed in these regulations. The statutory language clearly provides that the authorized uses “shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary of Interior finds that such use would be detrimental to the resources values of the unit or area.”

The legal and traditional (pre-ANILCA) recreational activities which were “generally occurring” in the vicinity of the Denali unit in 1980 included viewing, fishing, touring, and general outdoor activities using access by means of aircraft landings, snowmachining, and others. Although the Service may not like to accept these facts, these regulations are clearly consistent with the statute by Interior’s own analysis and, more importantly, have already been litigated and upheld in federal court. Any closure must be based on a finding that the access method is damaging the resources—not just that it didn’t occur prior to ANILCA in the specific geographic area in question.

Per the discussion above, Project Statements in DENA-I-640 and I-650 need to be eliminated and accompanying discussions for I-620.002 and 003 need correcting or eliminating.

Page 18. The second paragraph under “Wilderness Designation and Recommendation” should be re-written. It is inappropriate to categorize ANILCA provisions for wilderness management as “extraordinary”. After nearly 18 years, the NPS needs to accept the reality of the ANILCA provisions for Alaskan park units and stop looking at them as some sort of anomaly. The last statement in this second paragraph is also factually incorrect with regard to the access issue. Access closures in the wilderness (original) portion of the park prior to ANILCA were removed by statute.

Page 24. First paragraph- last sentence. Again this statement misses the point regarding ANILCA protected access. The access is for traditional activities which were generally occurring in an area at the time the statute was enacted. Subject to the provisions of ANILCA 1110(a), the access itself is not predicated on some “traditional use” determination. It is quite obvious where the NPS is going with this one. This theme throughout the RMP regarding access in the original part of the park will be trotted out as support for the soon to be released regulations which will restrict access in the old park area.

Page 27, Subsistence Context and Themes: Wildlife Harvest and Use. We request the first sentence of the second paragraph be revised to read: “*Trapping and bartering of furbearing mammals has long been a customary and traditional activity for Alaska Natives and other park area residents.*” This change also is requested for the first sentence of **Problem Statement N-368, Subsistence Trapline Management.** Our request is based upon clear congressional deliberations on the subject of trapping in the context of national parks. Congress determined that trapping is not to be categorized (i.e., not categorized as subsistence trapping, recreational trapping). Trapping is trapping, with the one exception that commercial trapping was defined in the Congressional record to be that which involves the employment of additional individuals and such is prohibited in the parks.

Page 28, Subsistence Context and Themes: Timber Resources and Other Subsistence Resources. We request that the term “*subsistence lifestyle*” be replaced with “*subsistence way of life.*” This is consistent with use of the latter term in Section 101 of ANILCA and a more accurate characterization.

The Introduction would benefit from more accurate descriptions as this may be the only section read in detail. For example, on page 9, which of the eligible sites are in private ownership? On page 19, what areas are included in the UNESCO Biosphere Reserve? It should also explain the relationship of the 1997 Park Mission Statement to this document and to ANILCA.

Part Two: Present Resource Status

About the only things not listed as threats to the park and its resources are deforestation in the Amazon basin and the continuing drought in Indonesia. The overall picture painted is of a presently healthy park, clinging tenuously to life, threatened on all sides by the ignorant and unwashed locals, surrounded by poorly managed State and private lands and just one wrong decision away from a biological and ecological Armageddon. Scary stuff.

Page 2, Species Information. We request this section be amended to include a commitment to consultation and coordination with the Alaska Department of Fish and Game to determine if available Departmental data and reports could facilitate effort towards Level II objectives.

Page 5, Water Resources Inventory. Related to this inventory are navigable waters determined through the federal definition of navigability. We request acknowledgment of navigable waters, and state ownership of the submerged lands beneath navigable waters. In addition, the state enacted language that specifies the state definition of navigability and public uses under A.S. 38.05.965(13).

Page 14, paragraph 5. It is an unlikely and erroneous misrepresentation to indicate that any species managed by the state will be "*eliminated*". We request the fourth sentence of this paragraph be revised to read: "*Migratory animals may be hindered from interacting with populations outside the park due to service developments on the park boundaries.*" followed by a new sentence that states: "*Imbalances between wildlife populations inside and outside the park may promote immigration or emigration, which may enhance or hinder wildlife viewing opportunities in the park.*" The sentence on stress is without scientific merit and should be eliminated.

Page 15, paragraph 3. Bias is apparent in the mention of new north access as an issue that park management will continue to have to "*confront*." Such language undermines efforts to deal with this issue objectively.

Page 16, paragraph 3 through page 17, Access. We request a more comprehensive explanation of the referenced "Hot Spots" and definition of the physical damage that is occurring from snowmachines and ATVs near the boundaries of the park. Regarding snowmachine use, Alaska state parks, including Denali State Park, are bound by mandates to ensure there is no harm to underlying vegetation. This effectively prohibits snowmachine use until adequate base conditions are present. We question the validity of damage claims.

We also note misrepresentation of the use and relative impacts of dog mushing versus snowmachines. There are many areas now being reached via dog mushing in increasing numbers in the park area. Such uses involve excess dog food, equipment, barking, and fecal matter. In turn, the technology today results in snowmachines that are far lighter, quieter, more fuel efficient, and less intrusive than in the past. Visitors on snowmachines can tour areas today with less intrusion than 10 years ago while reaching greater distances providing visitor opportunities in a low use season with less impact. We urge the Service to carefully evaluate the overall approach to these legally protected methods of access and reduce the overwhelming bias in these discussions.

On page 16, 4th paragraph we note that only an "outsider" would refer to the George Parks Highway as "Highway 3"!

Animal Harvest, page 17. The entire discussion in this section is overly generalized and subjective. The second paragraph is particularly offensive and misleading. The statement that harvest on State lands adjacent to the eastern boundary of the park is "unrestricted" implies that there is no regulation of hunting on State lands. The Board of

Game has made numerous adjustments to game regulations over the years in an effort to address NPS concerns. The Alaska Department of Fish and Game manages wildlife for sustained yield, which is entirely consistent with mandates for management of the park to assure healthy populations. Political boundaries are just that. If Congress wants to protect every animal that ever sets foot in the park perhaps they should erect a fence. They already dealt with the concept of buffer zones and determined the size of these parks was so large that they specifically limited the federal agencies authorities to apply their regulations off federal lands. If the Service is concerned about the health of a populations, they should be discussing this with the Department to cooperate in monitoring and assessment work, with potential changes in regulations through the Alaska Board of Game.

Animal Harvest, page 18. In paragraph 1, what does “less available at this time” imply? The harvest that is least available to the public is that which occurs under the federally “managed” subsistence hunts. We recommend the second sentence be revised to read: *“The nature of subsistence hunting programs encouraged by federal law inherently make documenting harvest difficult, resulting in reduced information and understanding of populations affected by the harvest.”*. Regarding the third sentence, we question the Park Service’s concern for sheep harvest, as this has not been raised to address cooperation with the Alaska Department of Fish and Game. Information from commercial operators such as hunting guides may indicate hearsay evidence that there are fewer legal sheep because they do not like competition. If there are fewer legal sheep, the harvest declines, but nothing hunters are doing legally will affect the overall population health.

Plant Harvest, page 18. The “concern” expressed in the second paragraph has absolutely no basis in fact. According to the Division of Forestry, are no plans for timber harvest on state lands adjacent to the northern boundary of the park. In fact, the lands closest to that portion of the park have little or no potential for commercial timber harvest. Harvest elsewhere in the Tanana Basin will have minimal impact on park resources.

Agriculture, page 19. Yet another non-issue. According to the Division of Agriculture, actual agricultural development in the State agriculture parcels nearest the park (mile 275 of the Parks Highway, just south of the Nenana River bridge) is minimal. More importantly, there is only the remotest possibility of introducing exotic species or contaminants to the park from these small operations.

Page 7. Comments on the Geological Resource Inventory are not possible since the section is missing. DNR would appreciate an opportunity to review and comment before publication.

Page 14. Last paragraph references impacts from stress outside the park. This concept should be expanded to include stress within the park, for example traffic causing “high impacts” along the Park Road. See our General Comments and page 15. The document

should also acknowledge that stresses outside the park are increased by NPS efforts to resist stress in the park itself. Thus NPS is a direct contributor of external stress.

Page 16, paragraph 3 states, "At the present time, the major sources of such physical impact are related to the Park Road, roads in the Kantishna Hills, and the *scar* left from access development to the Stampede mine." This language is subjective and potentially inflammatory. The route into the Stampede mine is a historic right-of-way under 43 USC 932. It was not within the original park boundaries, and served to transport supplies and people to the mine, once the largest antimony producing mine in Alaska. Similarly, paragraph 1 characterizes the development of roads in the Tongass National Forest and the resulting tension between endangered species efforts and management as a "crisis." This wording has similarly subjective overtones. One option would be to substitute the word "issue" for "crisis."

The wording in this section implies that people don't walk where there isn't a defined access road or trail. The entire park, being largely above treeline, is accessible to hikers. The impact from trails providing an alternate experience to a different population deserves comparison to the impacts caused by random hiking on the tundra.

Page 16. What does the reference to Northwest park units imply for Denali National Park and Preserve?

Page 18. How does NPS intend to comply with the Executive Order about facilities in the 100-year flood plain referenced on page 16 of the Introduction? Moving the location of the existing gravel pits and reclamation to the same standard for prior federal mining claims, or locating new material pits outside of wetland areas does not seem to have been considered.

Page 19. The existing discussion of the Stampede Road should be expanded to include the following information:

The 107,618 acre tract of state land, also known as the "Wolf Townships", was voluntarily closed by the state to mineral entry under the Alaska Mining law in 1975 to facilitate a land exchange between NPS and the state that would have added the Wolf Townships to Denali National Park. Nineteen years later, the Governor initiated a statewide review of all mineral closures to determine if the original purpose was still valid. During this process, the Denali National Park and Preserve was contacted to indicate whether an exchange to add the Wolf Townships to Denali was still wanted. The NPS replied affirmatively. After numerous meetings, and opportunity for public input, neither the NPS nor the Department of the Interior offered any suitable land to the state. Accordingly, the mineral closure was lifted.

The access section should reference the scientific studies it uses to make broad statements about roads creating edge effects which compromise ecosystem integrity. Although this is widely accepted to be true, citing monitoring studies or other studies which support this concern would benefit the discussion.

Page 21, table 2. We are concerned about the perceived degree of adverse impact portrayed in the table. Hunting in the preserve and on adjacent lands outside the park are not threatening populations in any way. The table is vague and exaggerates impact. Natural fluctuations caused by weather and unmanaged predator numbers are much more likely to pose a threat to current numbers.

Water: The effort to address water is inadequate throughout the plan. Considering the significance of water to support fish and wildlife, recreation, and other human needs in the park. A list of significant waterbodies (lotic and lentic) should be presented in a table with references of reports that apply to each in addition to the narrative approach taken on page 2. Also included should be map illustrations. These maps should be of sufficient detail and clarity to readily identify these water bodies. Ideally, a descriptive summary paragraph about the hydrology and other characteristics of more significant water bodies should be included as well. We request explanation of efforts that are being conducted to quantify baseline water availability for protection of instream flow uses (for protection of fish and wildlife habitat, navigation, water quality, and aesthetics/recreation). What efforts are being conducted to establish baseline water quality conditions?

Part Three: Vision and Management Objectives

We request last bullet (page 2) be modified or the following bullet be added to modify the programmatic objectives:

- Coordinate and consult with the Alaska Department of Fish and Game and other state, federal, and local organizations to provide the best possible management strategies for resource protection.

A similar change to reflect active coordination with other entities, and particularly the state manager of fish and wildlife, should be made in section B under Program Philosophy. The appearance that the Service can and will do everything under its own volition is naïve and offensive to those organizations and communities that share concerns, responsibilities, and uses in the area of the park.

We also request under part B that the first sentence referring to resources actions be revised to replace “preservation” with “protection” which is more consistent with ANILCA management directions. We request this change also be made on page 14 of Part 4 and other similar descriptions.

Part Four: Park Resources Program

A. Program Overview and Needs. The first 13 pages of this section woefully overlook the Service's need to coordinate ("partner") with other organizations that have mutual interests and responsibilities. Furthermore, we cannot accept the goals and objectives referenced as being adopted in the Strategic Plan except as consistent with ANILCA. ANILCA Section 1301 requires active state participation in the development and revisions of the General Management Plans, which the Resource Management Plan is a step-down plan to complete. We find this whole section woefully lacking a genuine commitment to cooperation except where specifically needed for the park's independently determined needs.

Biosphere Reserve Management, Monitoring, page 7. This section proposes to utilize the Alaska Land Use Council to keep park management better informed about development and activities in the region of the park. Given that the Land Use Council ceased operations in December 1990, management may be a trifle disappointed with the amount of information they receive.

Wilderness Management, Introduction, page 2. The claim that "a significant second tier of uses authorized by ANILCA still exist that hinder the ability of the National Park Service (NPS) to preserve the special qualities of designated areas or potential areas of future wilderness," indicates a lack of understanding and acceptance of ANILCA. The use of the term "still exist" implies that the agency will make some sort of effort to eliminate these uses and hasn't yet found a way to do so.

Winter Recreation. The discussion of snowmachine use within the designated wilderness portion of the park is inconsistent. At one point (pg. 2), it states that snowmachine use in the original Mt. McKinley portion is "discouraged." Then, on page 4 of this section, reference is made to "wilderness boundary violations." Of course, as the NPS is aware, their "closure" of this portion of the park to snowmachine use is not legal and will not be until such time as they meet both the procedural and resource impact standards of ANILCA. Therefore, there are no boundary "violations."

Soils Resources Management, page 2. This section makes the unsubstantiated claim that hunting and subsistence uses threaten park soils resources. While, there may be a legitimate argument that mining activities can threaten soils resources, this section needs to clarify that no mining activity has taken place in the park since 1985 and, given the resource protection standards adopted following the completion of the mining cumulative environmental impact statement for Denali, none is likely. This greatly reduces the scope of the problem statement.

Terrestrial Vegetation Management, page 1. The statements in the third paragraph under "Present Condition" regarding future impacts from mining, logging or agricultural operations nearby are as equally invalid in this section as in the ones discussed above.

Ecological Restoration, page 2. The second paragraph on this page is one of the best examples of the hyperbole found in this document. For example, the claim is made that there are “thousands of acres of barren gravel tailings from placer and lode mines, hundreds of miles of eroding trails and roads and tens of miles of disrupted stream channels and floodplains.” In fact, according to the final environmental impact statement on the cumulative impacts of mining in Denali Park (pg. 56-57), there were 1,555 acres (actually 1,254 acres when natural re-vegetation is factored into the equation) of disturbance from mining activities, 75 miles of mining related roads and approximately 40 miles of streams disturbed. While these figures apply primarily to the Kantishna Hills area of the park, even when the effects of mining activity in the remainder of the park is added, the totals fall short of the “thousands of acres” and “hundreds of miles of eroding” roads and trails claimed by the RMP.

Interdisciplinary Program Management. Project Statement I-100 Page 11, paragraph 3. This section recognizes (after 150 pages) the Park Service’s limited attempts at partnering and states: “This situation should be corrected through additional staffing.” We disagree. Even with one employee, genuine consultation and coordination would be all the more essential. Every employee should understand the importance of coordinating information and efforts that affect each other’s responsibilities. This doesn’t mean that formal “partnership development and competition for grants” is a prerequisite for better communication in resource management activities!

Pages 3-5 of this project statement contain statements that incorrectly imply the Service can do anything to restrict Congressionally protected aircraft access and overflights as well as manage wildlife, e.g., bears. There are an awful lot of words in here that are not measurable products and clear procedures.

Throughout this RMP, with its emphasis on external factors and their alleged effects on park resources, there are numerous proposals that will require consultation and cooperation with State, local and private land managers in the region of the park. However, it is interesting to note in the Appendix J- “Persons and Agencies Consulted” not a single state agency, local official or private land owner is listed. Perhaps if better consultation had occurred during the preparation of this document, as was agreed to nearly 10 years ago when work began on the Yukon-Charley Rivers RMP, the result would have been a legitimate and objective assessment of the problems and needs of this park unit. This draft RMP doesn’t come close to that standard.

I-500, page 2 and 3. It is presumptive of NPS to consider that valid selections by the state or Alaska Native Corporations will not take place. It is likewise doubtful that any meaningful boundary adjustments or land exchanges will happen in the near future. The discussion on page 3 about the Wolf Townships is inaccurate. (See page 10 of this letter.) The document should also be more cautious about considering the future of the Wolf Townships under either state or borough management. Reference to the state ROW to the Golden Zone Mine would be more accurate by saying the road "*will*" remain open, rather than "*proposes to*" remain open (page 2).

I-420, page 3. The statement about the UNESCO biosphere designation not being a legal mandate is misleading when considered in the light of the New World Mine in Montana and NPS concerns about the Healy Clean Coal Project. The text describes the biosphere designation as "vague" and "conceptual", further confuses the intent of this project statement. Off park implications should be addressed so there is understanding on what NPS intends to do and why.

I-500 pages 3 and 4. Page 3 discusses the 300 miles of RS 2477 rights-of-way within Denali National Park. The plan states: *"It is the position of the NPS that an adjudication of each RS 2477 assertion will be made in Federal Court....Issues including evidentiary requirements are moving towards the Supreme Court from the 9th Circuit and other courts. Until those decisions are made, it is unlikely that we will know more about the local RS 2477 situation."* This is confusing. Once clarification of these issues is obtained, it may not be necessary for the federal government to hold the position that each RS 2477 assertion be made in federal court. The state's position is that it need not "assert" any RS 2477 right-of-way. Use of this word implies the need to take some kind of legal action. The existence of an RS 2477 right-of-way is instead a matter of fact. The state possesses management authority for RS 2477 rights-of-way it has adjudicated to qualify under the requirements of the statute. The paragraph finishes with the statement: *"Significant changes to the park's effort to control vehicle access would result from successful assertions of RS 2477 routes."* This is not entirely accurate. Although the State will be in a position to manage RS 2477 rights-of-way successfully established in court, that management will be shared with the fee owner. The State does not intend to unilaterally purport the use of vehicles on every RS 2477 right-of-way, particularly in known sensitive areas.

Page 4 of this section recommends creating files on all RS 2477 routes within the park. The State has already compiled significant historic information and has performed an administrative adjudication which shows these routes qualify under the statute. These files are public information and are available for study at the Fairbanks DNR offices.

I-100, page 4. Is reference to park degradation from mining correct since all mineral ownerships are either to be acquired or can continued under a NPS issued site and project specific permit after NEPA compliance and mitigation to meet park requirements?

Research Administration and Management Project Statement I-410. This section again overlooks the importance and need to coordinate efforts with the Department and other organizations. We disagree with the assertions that this lack of coordination is due to lack of funding and facilities but instead is due to priorities of the park managers and scientists. We have frequently experienced frustration with Service staff working in a virtual vacuum of Service staff and some personal contacts in education or environmental communities and not prioritized working with organizations reflecting larger area and species responsibilities of mutual interest until the Service staff need Department support for their own mission. It is indicative that the Department of Fish and Game is not even

mentioned in this section. Private foundations, environmental organizations, and university research is given some recognition, but no genuine prioritization is included for coordinating with the Boroughs, Municipalities, and State agencies with responsibilities for resource and public use activities in the area.

Interdisciplinary Project Statement I-100.011, Develop Social Science Research Themes and Conduct Studies. This project appears to focus solely on visitors to the park other than local residents. Should we assume that similar investigations involving local residents will be addressed via other project statements? We request a substantive statement of clarification be added here.

Lands Management, Project Statement I 500. The state is also a primary landowner as the owner of submerged lands of navigable waterways. The state is also responsible as the Trustee to assure public rights of access and use of fish, wildlife, and water on such waterways. We urge appropriate consultation and recognition of the need to cooperate in land management issues be included.

Frontcountry Management, Project Statement I 610. Page 3, last bullet. We request a more thorough explanation and details of the assertion there is "encroachment of incompatible development outside park boundaries."

I-610, Page 3 lists "*encroachment of incompatible development outside park boundaries*" as a significant resource issue associated with frontcountry development and uses. NPS has no jurisdiction over outside uses it deems incompatible with park objectives. Using this type of wording intimates that the NPS intends to exert influence over lands outside the park and may inflame concerns of state, borough, and private landowners with such holdings. Collaboration and cooperation is possible where the objectives of the NPS and adjacent landowners coincide.

I-620, Page 1 recommends directing the growth of nonwilderness-dependent wildland recreation opportunities toward lands surrounding Denali National Park. The NPS should consider impacts on adjacent landowners whose land may be unduly impacted by increased use from visitors attracted to the park. Before directing such opportunities toward adjacent lands, NPS has a responsibility to consult with those landowners to learn their objectives and concerns.

Page 3 lists "*uses authorized by ANILCA [that]...hinder the ability of the National Park Service (NPS) to preserve the special qualities of designated areas or potential areas of future wilderness.*" The following listing includes "*The assertion of RS 2477 rights-of-way by the state of Alaska.*" Although section 1109 of ANILCA states "*nothing in this title shall be construed to adversely affect any valid existing right of access*", RS 2477 rights-of-way are not specifically addressed in ANILCA and should be removed from this section. Additionally, characterizing the list of ANILCA-authorized uses as a "*threat*" is subjective language.

Wilderness Management, Project Statement I-620. On page 2 of the Statement of Problem, the first full paragraph lists several “*second tier of uses authorized by ANILCA*” that “*hinder the ability of the National Park Service (NPS) to preserve the special qualities of designated areas or potential areas of future wilderness.*” We object to the presumption that all of these authorized uses in the park additions are detrimental. These are uses which Congress recognized and protected in the conservation units as part of the compromises that allowed designation and expansion of such large conservation system units. The authors are clearly trying to manage for a wilderness standard which simply doesn’t apply under the legislation which established the Alaska units, and these activities are clearly protected as part of the designations unless there is resource damage. We request a major reconsideration given to management direction and intent to be more consistent with the statute’s compromise provisions in the Service’s implementation.

On page 1 of this section, the third paragraph suggests that the growth of non-wilderness dependent wildland recreation activities should be directed to surrounding lands. This is not a sound management strategy and conflicts with statements elsewhere in the plan the NPS seems intent on asserting some degree of control over or to reduce activities on adjacent lands that it perceives as conflicting with park values. This dichotomy needs to be carefully evaluated and addressed in establishing management priorities.

River Recreation, Project Statement I 630. The state manages navigable waterways and all associate commercial services that do not have a preponderance of their activities occurring on park uplands are not under Service jurisdiction. We request this section be corrected and rewritten.

Winter Recreation, Project Statement I 640. This narrative is extremely biased as well as illegal and inaccurate, per our discussion of ANILCA, federal regulations, and judicial actions.

Aircraft Management, Project Statement I 650.002. We request participation and coordination in any activities that would lead toward restrictions or “special regulations” to manage aircraft in the Park and Preserve. Such restrictions or rules must be consistent with the guaranteed access provisions of ANILCA and require a finding of resource damage, hearings, and notices prior to proposing. Any scientific studies or assessments which are intended to be pursued to document resource damage should be coordinated with the Alaska Department of Fish and Game and other agencies having expertise in the area.

I-630 Page 1, indicates that monitoring recreational use of the Nenana River should occur. The Nenana River is navigable and as such the State should be included in the planning of any such studies. The State may have an interest in monitoring studies done on other navigable waterbodies within the park.

I-800, page 3. It appears inconsistent to suggest that mining gravel, thereby removing it from floodplains, for Park Road maintenance does not pose a concern and that placer mining, which does not take gravel away from the general area is a concern.

N-110, page 1. The statement that air quality is "excellent" should be reconsidered in the light of dust from the Park Road and from wildfires. The discussion about smoke from wildfires should be expanded to include the fact that a significant portion of wildfire smoke, some impacting Denali, is the direct result of state and federal fire management policies that promote fire as a part of the natural ecosystem.

N-210. Based on discussion elsewhere in the document, it is very unlikely that waters in Denali National Park and Preserve meet the state water quality standards (see N-240, N-250 and N-312 for examples). Accordingly, this issue should be discussed here. Explain how the Nenana River impacts "park waters". There is a lack of discussion about a larger issue of concern to the state and that is (1) ownership of water and (2) waters that are navigable or are susceptible to travel, trade or commerce in their ordinary condition. The text on pages 6 and 7 indicate that all landfills within Denali National Park and Preserve are closed. How much waste is generated in the park, where does waste generated in the park go and what are the cumulative impacts of those disposal sites outside the park?

Water Resource Management, Project Statement N-210. Why isn't the Department of Fish and Game listed as a cooperating agency? Why isn't the Interagency Hydrology Committee for Alaska listed as a cooperating state/federal body? What is going to be done after all this coordination occurs? What data will be collected by whom, who will analyze it, and how will it be used? Will water quality violations be addressed? Will water rights be acquired? What consideration is given to the pending instream flow water right filed for the Nenana River by Christopher Estes on behalf of the Alaska Department of Fish and Game? Why isn't Estes' annual instream flow report listed as a reference? Another expert in this area is Nancy Deschu whom should be provided an opportunity to participate and be coordinated with. This entire section is inadequate and needs expansion, organization and correction.

N-240, page 2. The last paragraph references heavy metal investigations associated with mining and reports a preliminary finding that the stream is "*not very productive*". Significant parts of Denali National Park and Preserve incorporate mineral terrenes. Has NPS sampled streams in undisturbed mineral areas to determine whether naturally occurring metal concentrations in the water, bedrock and sediments impact stream productivity? (See N-250, page 10 which references heavy metals concentrations above mined areas that "exceed state and federal water quality criteria" but does not indicate the level of productivity.)

Fisheries Management, Project Statement N-250. Most of the park's water resources receive very little, if any, recreational use. Many rivers and streams within Denali National Park are glacially fed and have relatively low species diversity. Lakes found in the higher elevation are considered less productive and contain only a few species of fish.

Consequently, the sport fishery here targets Arctic grayling populations in a handful of clear flowing streams and lake trout in a few of the road accessible lakes.

The Sport Fish Division of the Alaska Department of Fish and Game does support the development and implementation of a fisheries management plan. A plan such as this should provide much needed and more current information on species diversity, fish distribution, relative health of fish stocks, along with information on the catch, harvest and effort within the sport fishery. We request cooperation with the Department of Fish and Game in the *design* and conduct of such studies.

The Department also encourages the NPS to consider reducing their bag limit regulations for Arctic grayling, and possibly implementing a size limit for lake trout. The Department has conducted extensive research on grayling and lake trout, throughout interior Alaska, and our studies have found that both species, especially road accessible populations, are vulnerable to over harvest.

N-312, page 2. The last paragraph does not seem to be consistent with the Executive Order on the 100-year flood plain.

N-313. The NPS should explain that the area where mining properties are located within the park were withdrawn from location and entry under the federal mining laws since 1971 and that all mining operations before and after the ANCSA (d)(2) withdrawal were completely under the jurisdiction of the Department of the Interior. A general comparison of impacts observed at past operations under federal law should be compared to the impacts associated with the gravel pits and the Park Road would be useful in showing how NPS is or is not applying surface disturbance criteria in a consistent manner. Without a valid comparison of mined and unmined mineralized areas the proposed reclamation may not achieve the intended results. For example if undisturbed mineralized areas have low productivity how will NPS intend to measure the effectiveness of reclamation in a disturbed mineralized area?

Subsistence Firewood and Log Use, Project Statement N-344. The general tone of the Statement of Problem is that timber resources in the park are threatened by anticipated increased demand from local rural residents. The examples presented do not make a compelling case, although a timber management plan does make sense. In the fourth sentence of Recommended Action N-344,001, we suggest inserting “and other qualified subsistence users” after “resident zone communities.”

Moose, Problem Statement N-362.232. This project in part proposes to maintain a data base of moose harvest on lands adjacent to and within the new park additions and preserve. Further details as to how this would be accomplished should be presented. We request the development of strategies, including cooperation with the Department, which complement rather than duplicate existing efforts already conducted by the state. This recommendation applies to similar problem statements for other wildlife and furbearer species.

Wolf Management, Problem Statement N-364.1. This section implies that the health of the wolf population in and around the park and preserve is in serious jeopardy—to the extent that \$534,000 should be expended over the next four years in management activities, some of them directed to reducing harvest off park lands. We urge careful communication and coordination with ADF&G's Division of Wildlife Conservation and recognized scientists in the design, conduct, and pursuit of information prior to expending efforts to unnecessarily eliminate a legal harvest that the state monitors and manages to assure the health of the population.

Trapping and Sport Hunting, Problem Statement N-367. A definition of what constitutes “sport hunting” would be beneficial. We recommend deleting “non-subsistence” from the first sentence of the third paragraph under “Present Condition” on page 2 of this section. The first sentence of the second full paragraph on page 4 is only partially accurate; more than “sport harvest data” are recorded in the department’s database.

Subsistence Trapline Management, Problem Statement N-368. Trapping is not categorized per discussion above. We urge communication and coordination with ADF&G in sharing information and improving understanding of uses and harvests.

Ethnographic Resources, Problem Statement C-300. The final paragraph on page 2 of this section indicates that a number of projects and reports are available which focus on aspects of Native culture in the park. Some of the studies then cited address more Native culture (e.g., the Bishop 1978 study).

C-400. What is the relationship of the Kantishna Cultural Landscape to historic mining and NPS reclamation of those mined areas? Unless there are specific significant resource problems the NPS should also evaluate the potential and research values of creating scientifically valid data about how the naturally operating ecosystem reacts to disturbance. We do not dig up or fill in archaeological sites because they represent human disturbance. Accordingly, the NPS should consider why are we potentially losing a similar future opportunity to show what federal mining laws *used to* do to the environment in the same manner as a cultural site disturbance, the Park Road dust and gravel sources, the NPS Eleison Visitor Center parking lot, road cuts on steep slopes that dump material on the adjacent tundra and waters, ranger stations that are also sometimes used for NPS recreation, etc.

Subsistence Program Management, Problem Statement S-100. We request that the following language be added to the end of the final sentence in the first full paragraph on page 3 of this section: “. . . in Alaska, *unless the state revises its subsistence law before December 1, 1998, to be consistent with the provisions of Title VIII.*”

Customary and Traditional Uses, Problem Statement S-110. The final on page 1 and continuing on page 2 characterizes the federal customary and traditional (C&T) use determination process as being “a significant task.” That’s probably an overstatement, as much of this work already has been done. A more useful presentation would identify how many and which C&T determinations have not yet been made. The state has consistently been concerned about the potential implications of the NPS identifying traditional use zones, as proposed in Recommended Action S-110.001, since this could potentially restrict subsistence opportunities in the park. The state has consistently requested opportunities to be involved in any such discussions. In contrast, the proposed study of new subsistence customs and traditions proposed in Recommended Action S-110.011 is an excellent one. The state should be invited to participate in the development of this study, as it could serve as a model for a new round of subsistence studies that should be conducted around the state.

Subsistence Access, Problem Statement S-120. ADF&G has consistently requested that the NPS conduct traditional (pre-ANILCA) access studies for the park areas, so we are pleased to see this being proposed in Recommended Actions 120.001 and 120.011. We recommend consultation with ADFG as they have conducted such studies in other ANILCA units, so that the techniques employed in our traditional access studies can be evaluated for their applicability to the proposed Denali access documentation projects.

Mountain Viewability Study. In light of the comprehensive studies proposed for the park's wildlife resources, it would seem prudent to consider a study of the scenic resources of the park, specifically the viewability of the Mount McKinley. Such a study could identify optimal viewing points, and assess quality, weather, and accessibility.

Page Specific Project Statements Corrections:

N-362.2 Moose, (Part 4. Page 10): There is no reference in the text to the "Broad Pass moose study".

N-361.5 Ptarmigan and Grouse, page 1: The citation is “Weeden”. **Page 2, 4th paragraph.** Add: "Since 1993 the state has been monitoring ruffed grouse population trends just north of the park through spring drumming counts in the Clear AFB area. Ptarmigan population trends have been monitored through 'males-on-territory densities' by the state east of the park in the Paxson-MaClaren section of the Denali Highway beginning in 1994."

N-361.531, page 3: Monitoring programs should be coordinated with the state to allow comparability within regions of the state.

N362.1 Sheep, page 2, last paragraph. See comment about guides and sheep above. **Page 3, last paragraph.** Harvest is monitored through harvest ticket reporting. Hunter contacts are not a significant part of our department’s monitoring program in western Alaska range.

N-362.112, page 4. Add: "Techniques will be coordinated with ADF&G to ensure comparability."

N-362.2 Moose, page 3: Using the term "management" of moose in Denali National Park may be a misuse of terminology. Management implies affecting change in a desired direction, taking actions, active participation in pursuing certain population goals. In contrast, within this park NPS primarily conducts "monitoring" of population changes.

N-362.214, page 5, **Investigate selective harvest**: Where is this study intended to occur? If this is the Broad Pass study, it needs to be closely coordinated with ADF&G.

N-362.212: ADF&G should be contacted to evaluate our modifications of the Gasaway survey technique.

N-362.233: ADF&G would prefer that Denali National Park staff coordinate with the Department for information on Alaska Railroad kills. We have a long standing close working relationship with the Alaska Railroad to ensure accurate reporting. Having more than one agency contact them could confuse the issue.

General Note: References are made throughout the document to the violation reporting program. Please note this program is the responsibility of Alaska Department of Public Safety Division of Fish and Wildlife Protection, not ADF&G.

N-362.333, caribou road/railroad kill: Consistent with our comments on this subject regarding moose above, we would prefer to continue our long standing carefully developed role as the primary contact with the Alaska Railroad.

N-364.101, Wolves: This section implies that wolf pack territories will define the park boundary. Which packs will be given that authority and what are the consequences of pack territorial expansion that subsequently extend the influence of the park? This is nonsense. The park has boundaries. If the park is not large enough to protect enough wolves, perhaps the park should lobby our congressional members to expand the size of the park. See our discussion of buffer zones above.

N-364.2, Bears: There should be mention of the Division of State Parks/Denali National Park bear study that will be a cooperative effort.

N 367, hunting and trapping: Tables 10 and others should be updated to reflect the most recent seasons and bag limits. They also do not indicate whether they are intended to be Alaska or Federal regulations. If they are state regulations they are not correct, e.g., unit 16B moose is incorrect.

Thanks for the opportunity to provide these comments. If you have any questions or need more specific information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Sally Gibert". The signature is written in a cursive style with a long, sweeping tail on the "t".

Sally Gibert
State CSU Coordinator