



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## ANILCA Implementation Program

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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December 27, 2022

Phadrea Ponds  
NPS Information Collection Clearance Officer (ADIR-ICCO)  
12201 Sunrise Valley Drive (MS-242)  
Reston, VA 20191

Submitted via email to [phadrea\\_ponds@nps.gov](mailto:phadrea_ponds@nps.gov)

Re: NPS Special Park Use Applications - OMB Control Number 1024-0026

Dear Ms. Ponds:

The State of Alaska (State) reviewed the National Park Service (NPS) Information Collection Request (ICR) regarding Special Use Permit Applications (OMB Control Number 1024-0026).

Our comments focus primarily on two topics from the ICR Federal Register notice:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility.
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected.

The State provides the following comments on these forms used for these permits.

### **Topic 1: Necessary and Proper**

In response to the question of whether the information collected by these forms is necessary and proper, the State notes that in Alaska use of the forms may differ from elsewhere in the NPS system. To the extent these forms are employed in Alaska parks, certain portions may not be necessary due to the provisions of the Alaska National Interest Lands Conservation Act (ANILCA). Through ANILCA, Congress provided guarantees for the continuation of traditional uses, including unique access provisions, for federal lands in Alaska, at times superseding the NPS Organic Act. These forms are not necessary in Alaska until determined otherwise and Alaska-specific closure processes are implemented.

The provisions of ANILCA clarify Congress' intent and the associated unique management of Parks in Alaska. To achieve this balance, specific uses are allowed in Alaskan parks and wilderness without a permit that are not allowed in parks outside of Alaska. Parks in Alaska are "open until closed" under ANILCA to accommodate the existing Alaskan lifestyle that relies on access to harvesting fish and wildlife resources across the vast landscape of the Alaska conservation system units (CSUs) where transportation challenges abound due to the extensive CSU landscape where few roads exist and where most areas of the state are accessible only by boat or air.

For example, ANILCA's unique management direction for park units in Alaska allows, "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 ... and for travel to and from villages and homesites” notwithstanding any other provision of law<sup>1</sup>. Additionally, certain types of activities, such as hunting and fishing (including hunting in Preserves), are allowed in Alaska under State permits, rather than NPS permits. These allowances are also applicable to the NPS’ wilderness areas in Alaska. Conversely, in non-Alaskan parks, these uses frequently require special use permits. It is important that the NPS recognize the difficulties that arise in meeting the unique Congressionally mandated provisions of ANILCA for Alaska parks when national NPS forms written to address the management schema of lower 48 parks are then applied to Alaska parks.

When looking at the supporting statements for these special use permit application forms, pdf page 8 of the “1026-0026 SSA.NPS revision 10-20-2022, Supporting Statement A. Justification,”<sup>2</sup> states, “These fields will only be on the forms in parks where hunting is authorized.” Special use permits under this OMB number are not necessary for hunting in Alaska. General hunting in Alaska is conducted under State permits and allowed on certain NPS lands. An Alaska specific form would allow Alaska parks to avoid this confusion from the national form and omit unnecessary information collection. Provisions in ANILCA Sections 1313 and 1314 recognize State management of hunting and fishing in Alaska which is unique from Park management outside of Alaska. An example of where adapting a national form for Alaska appears to have caused confusion is in Katmai National Park where their Special Use Permit includes a note questioning the potential need for including hunting information on the form ([Application for Special Park Uses \(Form 10-930s\) \(nps.gov\)](https://www.nps.gov/applyforpermit/10-930s))<sup>3</sup>.

In Alaska, a permit system imposing restrictions on open access can close a park to access that is protected by ANILCA. Permit requirements, if determined necessary for Alaska parks, must be implemented by park-specific regulation after going through the closure process outlined in 43 CFR 36 or in some cases found in DOI regulation 43 CFR 36.11.

### **Topic 3: Quality, Utility, and Clarity**

If these permits are determined to be necessary in Alaska, we request that Alaska-specific forms be developed that acknowledge ANILCA as well as the NPS implementing regulations at 36 CFR Part 13, and Department of the Interior regulations at 43 CFR Part 36, to make the public aware of allowed uses on federal lands in Alaska. A separate form will allow for clear identification of the extent of the differences for park users. A current Alaska-specific form example is NPS Form 10-404AK *Alaska Backcountry/Wilderness Use Permit Application*.

### **Form-specific comments**

We recommend the changes below to the forms, to improve clarity and eliminate misinformation and confusion for park users in Alaska.

#### **Applicable to all forms**

- To the extent that such forms do not already exist, we request the development of separate Special Use Application forms for Alaska parks that cite ANILCA and provide clarity to park users.

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<sup>1</sup> 16 United States Code (USC) 3170(a)

<sup>2</sup> <https://omb.report/icr/201909-1024-002/doc/95064602>

<sup>3</sup> <https://www.nps.gov/katm/learn/management/upload/Special-Use-Short508.pdf>, accessed December 27, 2022

Example form titles:

Form 10-930- <u>AK</u> Application for Special Use Permit (for use in Alaska Parks only)	Form 10-930 Special Use Permit Application ( <u>Excluding Alaskan Parks</u> )
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- We request the addition of ANILCA and its statutory citation to the Authority Section of the Alaska permit(s) as follows:

**Statement Authority:** 16 U.S.C. 1, National Park Service Organic Act; 16 U.S.C. 3, Rules and regulations of national parks, reservations, and monuments; timber; leases, Alaska National Interest Lands Conservation Act (ANILCA), 16 U.S.C. 51, 16 U.S.C. 3a, Recovery of costs associated with special use permits; and 16 U.S.C. 460i–6d, Commercial Filming.

Form 10-932 Special Use Permit, Still Photography, Long Form

- Please include a note on this permit that states:  
\*In Alaska, landing of planes is allowed under ANILCA, Section 1110(a). No restrictions/stipulations should be included in the permit regarding airplane landings in Alaska parks and preserves.

Form 10-933, Special Use Permit, Vehicle/Watercraft Use

- Please include a note that:  
\*In Alaska, use of snowmachine and motorboats, and in some cases, off-highway vehicles (OHVs) is allowed under ANILCA Section 1110(a) for traditional activities and for travel to and from villages and homesites.

Form 10-930c Special Park Use Application/Permit -- Climbing

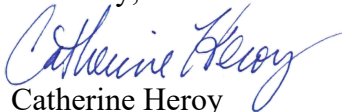
- Climbing is a traditional activity in Alaska parks and access for such traditional activities is provided for by ANILCA. If a permit is necessary, we request that permits issued in Alaska be issued judiciously to the minimum extent necessary for documented management needs and in accordance with the closure process at 36 CFR 13.50.

Form 10-930s Special Park Use Application – Short Form

- Please omit hunting from this special park use application if used in Alaska.

Thank you for this opportunity to comment. Please contact me at (907) 269-0880 or by email at [catherine.heroy@alaska.gov](mailto:catherine.heroy@alaska.gov) if you have any questions or would like to discuss this request further.

Sincerely,



Catherine Heroy  
ANILCA Program Coordinator

ecc: Maggie Tyler, Special Park Uses Program Manager