



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

ANILCA Implementation Program

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

550 West 7th Avenue, Suite 1430
Anchorage, AK 99501-3561
Main: 907.269-0880
Fax: 907-269-5673

January 26, 2023

Phadrea Ponds
NPS Information Collection Clearance Officer
12201 Sunrise Valley Drive (MS-242)
Reston, VA 20192

Submitted via email

Re: OMB Control Number 1024-0022

Dear Ms. Ponds:

The State of Alaska (State) reviewed the National Park Service's (NPS/Service) Information Collection Request (ICR) Federal Register Notice to revise a previously approved information collection to include a newly developed permit, *10-404C Backcountry/Wilderness Use Permit Application for Climbing*.

We offer comments primarily responsive to the following topics 1, 3, and 4 listed in the ICR Federal Register Notice published December 1, 2022:

- (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; and
- (4) How the agency might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of response.

Topics 1 and 4

We understand that the NPS proposes to create a new form (*10-404C Backcountry/Wilderness Use Permit Application for Climbing*) under the existing suite of backcountry and wilderness use permits with the intent to improve the Service's ability to evaluate requests from recreational climbers to install fixed anchors or fixed equipment in NPS wilderness.¹ Without a draft form to review, it is challenging to fully determine whether a new form specific to climbing – as opposed to adding fields to the existing *10-404AK and 10-404* forms – is necessary. The Service should

¹ Email communication with Roger Semler, National Wilderness Stewardship Program Manager, January 18, 2023

consider that, generally, with each additional form or paperwork requirement there is increased potential for user confusion and unnecessary burden on visitors participating in multiple activities. The Service should consider whether adding fields specific to the installation of fixed anchors/equipment to the existing *10-404AK* and *10-404* forms would be a simpler, less burdensome method to meet their objective.

Permit requirements, if determined necessary for Alaska parks, must be implemented by park-specific regulation after going through the closure process outlined in Department of Interior (DOI) regulation 43 CFR 36.11 for Special Access. Climbing is a traditional activity in Alaska NPS backcountry and wilderness areas and access for traditional activities is protected by the Alaska National Interest Lands Conservation Act (ANILCA) Section 1110. The provisions of ANILCA clarify Congress' intent for the unique management of parks in Alaska. Specific uses are allowed in Alaska 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 for harvesting fish and wildlife resources and travelling across the vast landscape of Alaska conservation system units (CSUs), where few roads exist and where most areas of the state are accessible only by boat, snow machine, or aircraft.

The State understands from conversations with Alaska NPS staff that new forms add to the Service's existing records and information management responsibilities including protecting personal identifiable information (PII), which can be a capacity and resource challenge for parks in Alaska. We continue to prefer the approach of maximizing the use of existing forms by adding fields specific to fixed climbing anchors or equipment. This method gives the greatest flexibility to park staff and minimizes their records and information management challenges. It also provides the least burdensome experience to park users, especially those engaged in multiple forms of recreation as is common in Alaska parks (e.g., hiking, snow machining, boating, or flying into a remote climbing site and camping for multiple days). All climbers in Alaska should only fill out one form to climb, when such permits have been determined necessary.

Topics 3 and 4

If the NPS determines that a new climbing-specific form is necessary, the State requests that the Service develop an Alaska-specific form that modifies form 10-404AK and applies only to Denali National Park and Preserve (36 CFR 13.904) and Glacier Bay National Park and Preserve (36 CFR 13.1108 and 36 CFR 13.1116)². These Alaska park units properly developed their park-specific regulations consistent with ANILCA, 36 CFR Part 13, and 43 CFR Part 36 before implementing the use of form 10-404AK.

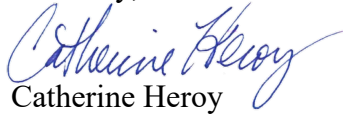
This approach is appropriate because the NPS proposes to build the new 10-404C form by carrying over fields specific to climbing from the forms currently approved under OMB Control Number 1024-0022 and adding new fields specific to fixed climbing anchors and equipment. Because separate Alaska backcountry/wilderness use forms already exist (form *10-404AK*) it is appropriate, and less burdensome, to use the Alaska-specific backcountry/wilderness use forms

² The State notes that two apparent typos exist in the header of form *10-404AK* (including the gov, private, and individual versions of the form) found at <https://omb.report/omb/1024-0022>. The form currently cites "36 CFR 1108" in reference to the Alesk Corridor; this should read "36 CFR 13.1108." The form also cites "36 CFR 13.1108" in reference to Glacier Bay Proper; this should read "36 CFR 13.1116."

to generate an Alaska-specific backcountry/wilderness climbing form. Finally, an Alaska-specific 10-404C form needs to acknowledge: ANILCA and its relevant provisions such as Sec. 1110; the NPS implementing regulations at 36 CFR Part 13; and DOI regulations at 43 CFR Part 36, to make the public aware of allowed uses on federal lands in Alaska.

Thank you for this opportunity to comment. Please contact me at (907) 269-0880 or Catherine.heroy@alaska.gov if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Catherine Heroy". The signature is written in a cursive style.

Catherine Heroy
ANILCA Program Coordinator

Ecc: Roger Semler, Chief, Wilderness Stewardship Division