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Mr. Mike Tranel, Park Planner
Denali National Park and Preserve
P. O. Box 9
Denali Park, AK 99755

Dear Mr. Tranel:

The State of Alaska has reviewed the Special Winter 2001 Edition of *The Denali Dispatch*, which outlines draft alternatives the National Park Service is considering for the Denali National Park and Preserve (DNP&P) Backcountry Management Plan (BMP), and seeks ideas about a definition of traditional activities supported by snowmachines in the park additions and preserve. The State appreciates this opportunity to review this update, as well as the Service's continuing efforts to integrate State involvement in national park planning. This letter, which represents the consolidated views of State of Alaska agencies, first responds to the definition of traditional activity for the "old park" and Alaska National Interest Lands Conservation Act (ANILCA) additions, then discusses how the draft alternatives might jibe with Denali State Park operations and plans, then offers page-specific comments.

Definition Of Traditional Activities

As we elaborated more fully in our July 10, 2000 State letter regarding the Final Rule 36 CFR Parts 5 and 13, the State believes the revised definition of "traditional activities" is inconsistent with ANILCA, confuses permissible methods of access (snowmobiles) with traditional activities (recreation), and inappropriately places the definition in a site-specific context.

These problems persist in the BMP, and are in fact exacerbated by implementing a new regulatory definition for the "old park" while soliciting public comment for a separate definition for the park additions and preserve. Public comment on a new definition may well produce an array of interesting responses; however, a defensible definition must be supported by statute and applicable legislative history. Legislative intent shows that the term includes activities that are "generally occurring in the area," rather than a pre-existing use test for a particular federal land unit. Therefore, an area-specific evaluation of what uses appear to meet a statewide definition may be appropriate; but a variety of definitions for a single statutory phrase is not.

Use of the "old park" definition of "traditional activity" for the park additions and preserve raises questions about the meaning of the phrase, "contemporaneously with the enactment of ANILCA" in the regulatory definition. We request this be clarified that the activity did not have to be occurring at the time ANILCA was enacted, but could have occurred prior to 1980. The definition applied to the original park is inconsistent with ANILCA Section 1110 in that it focuses on consumptive (i.e., subsistence) uses that should be addressed under separate regulations implementing ANILCA Section 811. We find no basis in statute or the document for excluding recreational snowmachine use as a traditional activity outside of the old park. We further urge the draft plan consider and acknowledge that developing a definition of "traditional activity" in the park additions and preserve may set a precedent; other Conservation System Unit (CSU) plans and regulations may adopt that definition.

State comments on the 36 CFR Parts 5 and 13 draft rule urged the Service to follow the 43 CFR 36 regulatory process to implement reasonable regulations to protect the unit's resource values. Once those values have been identified and criteria developed for determining impacts, then reasonable regulations might take the form of designated zones, areas, or times to restrict motorized winter use within the park. We appreciate the *Dispatch* acknowledging that snowmachine use management in the park additions and preserve would require "special regulations to implement." Under each alternative, we recommend the draft plan itemize the proposed actions that would necessitate regulations, and the process by which the Service will promulgate them.

Interaction Between Preliminary Alternatives and the Adjacent Denali State Park Master Plan and Operations

As background for this comment, the BMP uses the terms Natural Area, Primitive Area, and Backcountry Area for use patterns from lesser to greater. The Denali State Park Master Plan uses Wilderness, Natural, Natural with Special Management Considerations, and Recreation Development on a similar ascending use scale.

Alternatives B, C and D call for a Backcountry Area for the lower Kanikula/Tokositna River and Ruth River areas. The proposed Ruth River Backcountry Area would allow many activities, which create potential user conflicts and management challenges between the national park and the state park's adjacent proposed Coffee River Wilderness Area. Alternative E calls for an even larger Backcountry Area along the Ruth River, including the lower Ruth Glacier and Alder Mountain areas, and extending the area of conflict. In Alternatives A-E, the Coffee River is a significant geographic boundary and could be used to effectively separate areas with different intensities of use, thus reducing potential conflicts. In the context of the BMP, we encourage further discussion of a land exchange in the area to make the Coffee River the real boundary between the two parks, thus easily distinguishable in the field by the public and managers.

Alternatives B-E allow for snowmachine use, at least in corridors, in all Backcountry Areas adjacent to the state park. Alternatives D&E also call for marking snowmachines trails in the national park and working to upgrade parking along the Parks Highway for improved national park access. Because many visitors would cross the state park, there is an implication that trails would be marked across general state land and the state park. Additional discussion and

coordination between the agencies is needed prior to allowing this assumption. The impacts of Alternatives D and E on state park, general state land and highway management and operations should be carefully evaluated in the EIS.

The state park Natural with Special Management Considerations area in the Tokositna River valley is supposed to be monitored for trumpeter swan arrival, at which time the area is supposed to be closed to motorized vehicles, including snowmachines. Currently, however, this is not done. Swans begin arriving at the end of March, but the bulk of the population arrives 2-3 weeks later. Swan arrival tends to dovetail with an increase in open and flowing water, thus decreasing snowmachine accessibility and rider interest. If implementation of swan-related closures occur in the future, we do not think they would substantially shorten the snowmachine season.

Alternatives B-D propose eliminating the northern leg of the route Era Aviation currently uses for helicopter flightseeing out of its Chulitna base. The EIS should recognize this would lead to increasing state park overflights to the Alaska Range by fixed-wing flightseers from Talkeetna.

To conclude this comment section, the EIS should recognize the increasing potential for impact on the State from each successive alternative, and acknowledge the funding and operational limitations of the State's ability to respond to these impacts. To follow this through, the Service should work with the State to design and propose ways to reduce or mitigate these impacts.

Page-Specific Comments

Page 3, Increases In Backcountry Uses

We request the draft plan provide additional data analysis, methods, and sources, and reflect the difficulty in quantifying non-guided and non-commercially transported users. In reviewing such information for planning efforts across the state, we are finding that uses have in fact leveled in backcountry uses in recent years, and that methodology must be peer reviewed to be acceptable when used to consider restrictions.

Page 8, Subsistence Use

The Service apparently will not address subsistence uses in the BMP, and will continue to follow Denali National Park Subsistence Management Plan provisions. In order to ensure that the BMP does not negatively impact subsistence uses, the EIS should, however, demonstrate an understanding of seasonal subsistence harvest activities and should fully assess anticipated impacts. The Service has previously acted to enhance visitor use in ways that may infringe on subsistence activities, e.g., firearms restrictions near Kantishna. Though this particular firearms prohibition is not necessarily problematic, it illustrates that accommodating other users can individually or cumulatively impact subsistence users.

Page 8, Sport Hunting and Trapping

We request that "General" replace "Sport." State hunting regulations apply in the preserve and currently do not include a "sport hunting" classification. Subsistence hunting also is allowed in the preserve. We request the table on page 12 also reflect this change.

Page 13, Primitive Management Area Summary

The Primitive area management summary specifies “**some** additional options for access” The maps specify “overnight access by airplane or snowmobile in **some** areas.” As the Service fleshes out alternatives in more detail, we request that the draft EIS show these additional access options on maps to clarify how this management category differs from the Natural management area. We also request additional discussion of how these access options were selected.

Pages 16 – 20, Airplane Access and Flightseeing

The alternatives show that aircraft landings for overnight access and day use in parts of the park additions and preserve would require a permit or registration. We request the plan expand the discussion of the permit/registration system, including the process for identifying where the park additions and preserve will be open for overnight access and day use. We request the plan also discuss the proportions of commercial and non-commercial aircraft use and the feasibility of permitting or registering non-commercial aircraft. In addition, the flightseeing and airplane access section should recognize statutory provisions for aircraft access for traditional activities.

Pages 21-25, Snowmachine Use

In order to ensure that the proposed alternatives do not impact or restrict local rural residents’ snowmachine use for subsistence purposes, the Service must provide more information about areas that subsistence users historically access by snowmachine. Without this information, we cannot evaluate how, or if, any proposed alternatives would impose restrictions inconsistent with existing law and regulations protecting subsistence snowmachine use.

Page 22, Snowmachine Use

Alternative B specifies closures for traditional activities in the Dall Glacier- Mount Russell-Yentna Glacier area. We request the draft plan provide additional discussion regarding this area, including current uses, and provide justification of how snowmachine use is detrimental to the area’s resource values. This proposal may illustrate confusion between traditional use and methods of access for that use, as discussed in previous State correspondence.

Thank you again for the opportunity to comment. We look forward to reviewing further chapters and drafts of the plan.

Sincerely,

/ss/

Tom Atkinson
Project Review Coordinator

cc: John Katz, Governor's Office, Washington, D.C.
Frank Rue, Commissioner, Department of Fish and Game, Juneau
Patrick Pourchot, Commissioner, Department of Natural Resources, Juneau
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