

STATE OF ALASKA

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Mr. Bernard Fagan
National Park Service, Office of Policy
Main Interior Building, Room 7252
1849 C Street, NW., Washington, DC 20240

via e-mail at waso_policy@nps.gov

Dear Mr. Fagan:

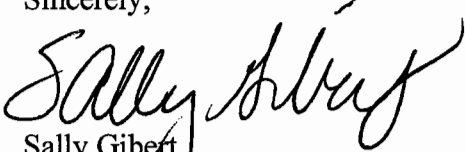
The State of Alaska reviewed the Draft National Park Service Management Policies, published in the Federal Register on October 19, 2005. This letter, including the enclosure, represents the consolidated views of the State of Alaska. We appreciate the extended timeframe for review of these important policies, and the time taken by the Alaska Region to explain the changes proposed in the Policies. The Region's forthcoming communication stands in distinct contrast to the lack of consultation with the states in the adoption of the 2001 Management Policies. We find these 2005 Draft Policies to be a vast improvement for many reasons, including:

- The 2001 Management Policies erroneously omitted management direction for enabling visitor use and enjoyment of parks, a key component of the Organic Act of 1916 that established the park system. Consequently, we strongly support the reinstated recognition that public use and enjoyment are an essential component of park management.
- The Introduction provides much needed definitions and guidance concerning management of public uses. Similar improvements in Sections 1.4.3, 8.1, 8.2, and 8.2.2 provide measurable criteria for making discretionary decisions consistent with statutory direction. These definitions and guidelines anchor a clear process for determining appropriate public uses and management of impacts to protect park resources. We are very pleased that these Policies put the public back into the parks, consistent with Congressional intent.
- The 2001 Policies failed to recognize the states' respective authorities that overlay park units, and ignored many issues raised by the states during review of the 2000 draft. The new recognition of the states' role – especially concerning fish and wildlife resources – along with a commitment to coordinate with the states in the 2005 draft is most welcome, consistent with federal and state laws and the Secretary's Policy on relationships with state fish and wildlife agencies at 43 CFR Part 24.

- The 2001 Management Policies contained significant conflicts with the enabling legislation of individual parks. In particular, the 2001 Policies failed to recognize the many legislated differences for Alaska park areas, including provisions for motorized access, facilities, and hunting or fishing activities under state management. The draft 2005 Policies resolve most of the statutory conflicts, and address Alaska differences more thoroughly and consistently.

The enclosure provides additional detailed comments. Most of these comments reinforce the themes above and increase internal consistency. Thank you for your consideration of these comments. If you have any questions, please contact me at 907-269-7477.

Sincerely,



Sally Gibert
State ANILCA Coordinator

Enclosure

cc: Fran Mainella, Director
Steve Martin, Associate Director
Marcia Blaszk, Alaska Regional Director

Enclosure accompanying the State of Alaska's comments
on the Draft 2005 National Park Service Policies
Detailed Comments by Section
February 17, 2006

INTRODUCTION

Terms and Concepts Used in Management Policies

We strongly support the inclusion of this new section of the Policies. This section provides a much-needed and helpful discussion of what “five key terms and concepts” mean for park managers and the public and, more importantly, what the terms do not mean. The five terms and concepts are carefully constructed and changes to these proposed definitions could undo the clear guidelines they provide. Thus, we urge the Service retain this section largely as written. The reasons for our support of this section are articulated below, along with constructive suggestions to improve consistency:

1. Conserve, Preserve, Protect

We support the proposed decision to use these terms interchangeably in the Policies. While each term may have legislated definitions in park-specific legislation, we also support the clarification in the Policies that use of any one of these terms does not imply a different management direction affecting administration of park areas (except as specifically required in applicable legislation). Any attempt to attach different management directions to each term or to further refine the definitions of these terms as used in the Policies would be counterproductive to the intent to provide clear guidelines to Park managers. In addition, use of the terms in any manner other than as proposed in the Policies could potentially intrude on state authorities for conservation and management of resources. We urge this guidance be adopted both here and in Chapter 1 (1.1).

2. Impairment

We support the definition of “impairment,” which is clearly distinguished as a measurable guideline in contrast to other subjective, value-laden terms used to guide determinations for allowing activities. The definition of impairment is a “significant impact” as measured in terms of harm to park resources and public uses. This definition recognizes that impacts may occur due to activities and public uses on park lands, but it also establishes “impairment” as the bottom line—the standard by which activities must not be allowed. This measurability is distinct from the definition of “unacceptable impacts,” which grants discretionary authority to allow activities “so long as the activities do not lead to impairment.” We appreciate the Policies recognize that all activities in park areas may have some form of impact on resources or on some public value and that these are allowable impacts so long as there is not impairment. We support this distinction and its associated guidance for park managers in evaluating discretionary decisions.

3. Appropriate Use

We support the definition of this term, which establishes a step-by-step discretionary process for park managers to evaluate whether proposed park uses are appropriate. We particularly appreciate the list of criteria for evaluating the appropriateness of an activity. Under the new policy, it will be more difficult for park managers to arbitrarily prohibit activities that appear to conflict with other appropriate uses based on subjective values instead of measured impacts. We request addition of the following to the list of criteria: consultation with other administering agencies (e.g., state fish and wildlife agencies) when uses involve resources within their jurisdiction. We request comparable consultation in Chapter 1 (1.4.3.1).

4. Unacceptable Impacts

This term is distinguished from “impairment” in determining which uses cause impacts but do not significantly impact a park resource or value and thus can be allowed. We support this distinction but remain concerned that the park managers retain discretion to subjectively determine whether or not an “appropriate use” has an acceptable impact. We support the Service’s commitment to involve the public in these decisions and use “the best scientific information” when evaluating the acceptability of impacts from activities. We request that the final Policies specifically commit to consult with state agencies with responsibility for managing fish, wildlife, and water resources whenever those resources and their uses are involved. We also request a comparable commitment be reflected in Chapter 1 (1.4.3.2).

5. Third-party Enforceability

This statement clarifies that policies are internal guidance and not legal basis for enforceability. We suggest that the statement be slightly modified after “any other person” by adding “or administering agency.” This is particularly important to state agencies whose authorities for fish, wildlife, and water overlay the park areas and who closely cooperate in the conduct of various administrative activities on park areas. We request an identical addition where the same language occurs under “Compliance and Accountability”

CHAPTER 1: THE FOUNDATION

The above terms and concepts are incorporated in more detailed explanations of management guidelines in Chapter 1. In addition to the above requests for changes in the Introduction and Chapter 1, we request the following modifications:

1.4.3 Park Purposes and Legislatively Authorized Uses

The addition of this section is a significant improvement over the 2001 Policies, and we urge its retention in the Final Policies. This change is important to ensure the Policies are consistent with the Service’s organic legislation and park-specific enabling legislation.

For consistency in applying the terms in the Introduction, we request the phrase “or unacceptable impacts” be omitted from the second sentence in the second paragraph. When managing for uses that are legislatively allowed, the standard would prevent “impairment.” We greatly appreciate that the public’s use and enjoyment of parks has returned to the guidance in this section, consistent with the 1916 Organic Act. Under these Policies, managers cannot use discretionary authority to prohibit legislatively allowed uses due to impacts based on subjective values.

We also request this section be amended to apply the criteria outlined under “appropriate uses” and “unacceptable impacts” when managing uses to avoid “impairment” by modifying activities or the area of use to reduce impacts. In our experience, legislation may allow an activity that a park manager dislikes. The Policies provide guidance to apply objective criteria in allowing an activity rather than prohibiting it based on conflicts with values. This requested deletion makes the guidance throughout the Policies consistent with the last sentence in the second paragraph in this section.

1.4.6 What Constitutes Park Resources and Values

We appreciate that park resources may include scenic features in the park. We disagree that scenic features and “natural soundscapes and smells” that involve public activities outside of park jurisdiction can be considered park resources. In this section, we request that both “park resources” and “park values” be clearly distinguished as those that occur within the area of the Service’s legislated jurisdiction.

CHAPTER 2: PARK SYSTEM PLANNING

2.3.1.1 Statutory Requirements

Legislated requirements for some parks’ general management plans differ from these requirements. We recommend inserting the following at the beginning of this section: “Except as legislated (e.g. see 2.3.1.9 Alaska Park Units), . . .” or, alternatively, incorporate the direction in 2.3.1.9 into this section.

2.3.1.3 Planning Team

We appreciate the directions to include non-NPS entities with expertise on the teams in preparation of general management plans. We request that the section be modified to require that state agencies be provided an opportunity for involvement in light of the amendments to the Federal Advisory Committee Act, which allows state agency participation.

2.3.1.4 Public Involvement

We appreciate the specific direction for the Service to “actively seek out and consult” state agencies to participate in planning and decisionmaking, but this section may not be the most appropriate location for this guidance. We request that park planners be required to consult with state agencies in the preparation of general management plans as a part of section **2.3.1.3**. State agencies responsible for management of resources that overlay park areas (e.g., fish, wildlife and water) are not members of the public. As responsible administrators, the state role needs appropriate recognition.

2.3.1.8 Wild and Scenic Rivers

We request the Service include a statement in the Policies that the Service will work with any affected land managers in determining the eligibility of affected rivers for the Wild and Scenic River inventory.

2.3.1.9 Alaska Park Units

Approximately half of the National Park system is in Alaska, but this one-sentence section addressing the very specific guidance directed by law in preparation, revision, and amendments of general management plans in Alaska parks is several pages removed from the general management planning requirements addressed in section 2.3.1.1. We suggest that the statement currently under 2.3.1.9 be moved and incorporated into 2.3.1.1.

2.3.3.1 Relationship Between the Strategic Plan and the General Management Plan

We understand that a strategic plan covers a shorter timeframe and does not carry the same weight as a general management plan. However, we question the conclusion that it “does not usually require the comprehensive resource analysis, consultation, and compliance required for a general management plan.” For example, the intent to “target more measurable results” may well benefit from consultation with affected parties. We therefore request that this direction include an exception that state agencies responsible for fish, wildlife, and water be consulted in any strategic planning that involves those resources and their uses. We agree that a “major shift in direction” will require an amendment or revision to the general management plan.

2.3.4 Implementation Planning

This section includes discussion of “examples of implementation details” that may be “deferred until the activity or project” is a high priority for action within two to five years. We request that “specific species” be deleted. It is not appropriate to combine decisions on actions and evaluation of details involving fish and wildlife species with media plans and site designs as part of implementing general management plans. Responses to changes in fish and wildlife species are more appropriately part of ongoing cooperative management processes.

2.3.4.1 Environmental Analysis

We request recognition of categorical exclusions for state fish and wildlife management.

CHAPTER 3: LAND PROTECTION

3.2 Land Protection Methods

We suggest adding a statement in the last paragraph that acquisition of lands in Alaska requires consideration of a land exchange prior to acquisition through condemnation. A similar statement is needed in 3.8 Condemnation.

3.4 Cooperative Conservation

We appreciate the Policies recognize cooperative planning between the Service and States when dealing with state-owned submerged lands and resources. The recognition of cooperative planning is key to appropriate management of resources on both Service and State lands.

CHAPTER 4: NATURAL RESOURCE MANAGEMENT

We support the significant improvements over the 2001 Policies that are made throughout this Chapter. The revisions recognize that humans are a part of the “natural condition” and that public uses are a part of the values to be managed. We recognize that some of the changes may

at first appear to be constraining park managers compared to the 2001 Policies, but we strongly approve of the clear goals, guidelines, and criteria to reduce value-laden discretionary decisions by administrators in determining management actions and allowing appropriate uses to occur on park areas. We find these changes to be consistent with the Organic Act of 1916 and Congressional direction in subsequent legislation.

We request one modification in this section to recognize that legislation for individual parks, and specifically for Alaska parks, also may prescribe conditions for allowing public uses and criteria for restrictions of those public uses. Thus, legislation may modify what uses are viewed as part of the “natural condition” for a basis in determining management actions.

4.1 General Management Concepts

We suggest that a thorough cross check be made in this section to assure that the management direction is appropriately directed at “impairment” instead of “unacceptable adverse impacts.” Inconsistencies in the appropriate management standard occur throughout the document.

We request the last paragraph of this section include recognition that additional restrictions and authorizations for closure authorities apply on park units in Alaska. The Alaska-specific regulations that may limit the application of the cited regulations include 36 CFR Part 13.30 and 43 CFR Part 36.11, among others.

4.1.1.1 Planning for Natural Resource Management

We request modification of this section to incorporate consultation and coordination with state resource agencies. Without involvement of the agencies having authority over resources that occur on and adjacent to park areas, decisions based on “best available science” or how “high-quality, scientifically acceptable information” may be open to debate. While the cooperation addressed in **4.1.4 Partnerships** addresses other entities that may have parallel land or resource interests, it does not sufficiently recognize the state fish, wildlife, and water management authorities that overlay park areas. Where state authority for handling and management of fish and wildlife activities occurs on park lands, we request the Policies explicitly recognize Service actions will be conducted consistent with State requirements.

4.2 Studies and Collections

Throughout this section, state regulatory authority and permit requirements for collection and handling of fish and wildlife needs to be clearly recognized. We request the Policies explicitly require such collection receive applicable state authorization prior to receiving Service approval.

We also urge the Policies include instruction to park managers to direct all studies affecting species managed by the states to be designed in close cooperation with the state fish and wildlife agency. There are too many instances of lost effort where the Service or other organizations conducted studies using methodologies, technology, or study objectives that were proven unsatisfactory or not compatible with data acquired through long-term scientific programs with peer review.

4.2.1 NPS-conducted or –sponsored Inventory, Monitoring, and Research Studies

Please modify this section to provide direction that handling and collecting fish and wildlife by park staff may require permits from state fish and wildlife management agencies.

4.2.2 Independent Studies

We request the Service recognize the states authorities and responsibilities to manage fish and wildlife resources on all lands, including state requirements for research and collecting permits by anyone conducting activities involving fish and wildlife and their uses on park areas.

We request the Policies recognize the state’s ability to conduct research on Service lands without a permit except where facilities and certain types of access require a Service permit. Many states have formal agreements between state fish and wildlife agencies and the Service that recognize the state’s authority to conduct management and research on park areas without a permit.

4.3.1 Research Natural Areas

The designation of Research Natural Areas by park administrators significantly impacts the abilities of state fish and wildlife agencies to conduct their management and research activities and may be inconsistent with the constraints of enabling legislation. We urge this section be revised to require concurrence from the affected state agencies prior to designation. Without such concurrence, a park administrator could severely impact state authorities otherwise recognized under federal law. Furthermore, such designations are not applicable under the provisions for public uses and state management of fish and wildlife in Alaska park units because they impact legislatively authorized uses without meeting the required criteria for closures.

4.3.4 National Wild and Scenic River System

Please modify the last sentence to add “except as directed by applicable legislation establishing the park unit.”

4.3.5 National Natural Landmarks

4.3.6 Biosphere Reserves

4.3.7 World Heritage Sites

Please add appropriate recognition that these administrative designations do not diminish legislated provisions for public uses and state resource management activities on these park areas.

4.4 Biological Resource Management

See comments under 4.4.2 for suggested relocation of commitment to the Secretary’s Policy at 43 CFR Part 24.

4.4.1.1 Plant and Animal Population Management Principles

Please add to the beginning of the third sentence in the second paragraph “In consultation with applicable state fish and wildlife management agencies and federal agencies, . . .” It is inappropriate for the Service to adopt management strategies for fish and wildlife species whose natural fluctuations and management are responsibilities of other agencies.

4.4.1.2 Genetic Resource Management Principles

While a laudable goal, the implied requirement that genotypes must be identified before management actions can occur is unrealistic. Genotyping remains a relatively new science, still in early stages of developing technology. Lack of available geneticists or laboratories may further limit the Service's ability to take action based on genetics.

Any of the identified programs, such as planting of fish and transplants of wildlife need to include cooperative evaluation with state agencies having fish and wildlife management responsibility. We also request recognition that these programs must be conducted consistent with state management policies, laws, and requirements.

This standard in the last sentence is not scientifically achievable with current techniques and information; i.e., who defines and funds efforts to determine "appropriate levels of natural genetic diversity" in park areas? As written, this sentence inappropriately gives park administrators both the responsibility and the authority to second-guess hunting, fishing, and other management programs administered by the state fish and wildlife agencies. We recommend deleting this sentence.

4.4.2 Management of Native Plants and Animals

We strongly support the recognition of the Secretaries policy at 43 CFR Part 24 regarding authorities and cooperation among federal and state agencies with regard to management of fish and wildlife resources. This commitment to existing policy has broader application than this section, and we recommend it be reiterated immediately under **4.4 Biological Resource Management** to make it clear that its guidance applies throughout the whole of section 4.4.

4.4.2.1 NPS Actions That Remove Native Plants and Animals

We support the significant improvements that are added to this section. We recommend that the new language introducing this section clearly provide a commitment to coordination with the state fish and wildlife agencies before taking actions affecting fish and wildlife. We specifically request such consultation be required in taking actions necessary to respond to disease and other issues, such as the current interagency responses to chronic wasting disease. We also request that the last sentence delete "park management" so that the documentation can be provided in more timely strategic or project plans, not just the general management plan.

Please amend the parenthetical cross-reference to other policies to specifically list the Secretary's Policy on relationships with state fish and wildlife agencies at 43 CFR Part 24. Please similarly add this Policy to the footnote for **4.4.2.2 Restoration of Native Plant and Animal Species, 4.4.4.1 Introduction or Maintenance of Exotic Species, and 4.4.4.2 Removal of Exotic Species Already Present.**

4.4.2.2 Restoration of Native Plant and Animal Species

We request additional criteria to include provisions for relocations and transplants of species which disappeared for other reasons than just "human-induced." Ecological disaster or unknown reasons may be the cause for disappearance of a species prior to science's ability to absolutely discern either the genetics of the original species or the cause of extirpation. If environmental factors indicate the other conditions now exist to support successful restoration of a similar

species, then we request provisions for allowing the restoration consistent with the guidelines established by the International Union for the Conservation of Nature.

In the fourth bullet in this section, we suggest revising “human-induced change” to read “unnatural change” to be consistent with a similar revision under 4.4.1.2 from “past, human-induced loss” to “unnatural loss.”

4.4.3 Harvest of Plants and Animals by the Public

Please modify the first sentence in this section as follows “Public harvesting of designated species of plants and animals, or their components, may be allowed in park units under applicable state and federal law and regulations when . . .” The change is needed to recognize that some harvests are authorized under state regulations and some are authorized under individual park regulations.

4.4.4 Management of Exotic Species

We request inclusion of a commitment to develop management plans and decisions in cooperation with state fish and wildlife agencies for any of the proposed actions with 4.4.4.1 and 4.4.4.2. Management actions may affect or involve species under the management responsibility of the state.

4.6.2 Waters Rights

We appreciate the recognition of state water administrators.

4.9 Soundscape Management

We appreciate the significant improvements recognizing that enabling legislation guides the evaluation of noise related to authorized public activities. Care must be exercised in pursuing goals in this section in order to assure that activities for which parks are to be managed under enabling legislation take priority over subjective values. We also urge more explicit clarification that not all unnatural sounds would be considered “unacceptable noise” using the criteria articulated in Section 1.4.3.2. Along these lines, we also request that planning documents only use the term “noise” when the unnatural sound(s) meet the criteria of “unacceptable.”

CHAPTER 5: CULTURAL RESOURCES MANAGEMENT

5.1.2 Independent Research

In the first section listed, please correct the second paragraph to note that “research that includes taking . . . fish, wildlife” must comply with any applicable state fish and wildlife agency permit requirements. Furthermore, we request a commitment be included that any research involving the taking of fish and wildlife will be coordinated with the state fish and wildlife agency.

5.3.5.3.3 Research

Comparable corrections to those under 5.1.2 Independent Research above are requested to be included in this section.

CHAPTER 6: WILDERNESS STEWARDSHIP

We appreciate and support the significant improvements that the revisions provide in this Chapter. The revisions are consistent with the Wilderness Act, Organic Act, and related legislation guiding wilderness management in park areas.

6.1 General Statement

We urge that the following statement be inserted at the beginning of the second paragraph: “The policies contained in this chapter are superceded by legislation applicable to the establishment of the respective wilderness areas.” Without this modification, the current language incorrectly implies that these Policies, Director’s Order #41, and other “white papers” supercede applicable legislation. This is particularly important for Alaska wilderness units due to their significantly different legislatively authorized activities compared to other park wilderness areas.

6.2 The Wilderness Review Process

We support the significant improvements to this section. The process is clear, parallels the direction in the Wilderness Act, and gives some finality to studies involving possible wilderness designation.

6.2.1.2 Additional Considerations in Determining Eligibility

In the last bullet, we request recognition that the Federal Aviation Administration regulates overflights. Also, please acknowledge that the Service will work with the Federal Aviation Administration to address overflights in any wilderness eligibility determinations.

6.3.1 General Policy

Please include the following clarification in the second paragraph: “Lands in Alaska park areas that are eligible, but not designated, as wilderness are exempt from these management directions. ANILCA Section 1317(c) specifically states that the administration of the park areas in Alaska will not be affected by wilderness eligibility.

The reference in the same paragraph to “congressionally designated *potential* wilderness” is confusing. It is unclear that this is a separate subcategory of designated wilderness that requires additional action, as described further in the paragraph, to finalize designation.

6.3.3 Consistency

Please add a clarifier to the last sentence: “Interagency consistency does not supercede any legislated direction specific to a wilderness area.

6.3.4.3 Environmental Compliance

Please amend this section to acknowledge that individual legislation, specifically ANILCA for Alaska, may allow aircraft, other motorized equipment, mechanical transportation, and facilities. In these cases, the steps outlined for consideration of environmental impact may be an unnecessary additional planning or management burden beyond the routine evaluation of impacts.

6.3.5 Minimum Requirement

This section needs to clarify that the minimum requirement decision process applies to park wilderness area management activities, not to public activities. Please also note that this minimum requirement process does not have the same applicability in units that have specific legislation to allow facilities and activities otherwise generally prohibited by the Wilderness Act (e.g., Alaska areas specifically allow motorized access, equipment, and facilities).

6.3.6 Scientific Activities in Wilderness

Please note that the provisions of this section do not affect the state fish and wildlife agency management activities.

6.3.7 Natural Resources Management

Please include a commitment to coordinate with the state fish, wildlife, and water management agencies in the development and conduct of a “coordinated program of scientific inventory, monitoring, and research.” The parks do not exist in isolation from surrounding areas and their wildlife, thus, appropriate recognition of state responsibilities should be incorporated into management decisions and actions.

6.4 Wilderness Use Management

We appreciate and support the revisions throughout this section, which recognize the differences for management of public activities as prescribed in ANILCA and its implementing regulations.

CHAPTER 7: INTERPRETATION AND EDUCATION

Please delete the undefined, value-laden term “high-quality” throughout this section.

7.4.3 Resources Issue Interpretation and Education

We support the revisions to this section. We request this section be further revised to direct that the Service coordinate with the states where interpretation and education programs involve resources under the management of the state fish and wildlife agency. When state agencies are largely responsible for data or management information, the Service should coordinate with the affected agency(s) to assure accurate and coordinated releases to the public.

CHAPTER 8: USE OF THE PARKS

8.1 General

We strongly support the changes to this section. These changes clearly establish the guidance in the Organic Act and other Acts in which Congress directed that management of the parks is for public use as well as sustainability of resources. These 2005 revisions correct most of the significant deficiencies contained in the 2001 Policies.

We do have one concern regarding consistent application of the new criteria for limiting public uses that is in the Introduction. Throughout Chapter 8, the more subjective values of “unacceptable impacts” are used in places where “impairment” is more appropriate to guide decisionmaking. Despite this inconsistency, the entire chapter is significantly improved and we urge that a careful editing will likely correct the application of each of these standards.

8.1.2 Unacceptable Impacts

We strongly support the changes in this section. The revisions provide significantly improved, clear management direction for evaluating uses or modifying uses to reduce their impacts. We particularly appreciate the specific direction to coordinate with state agencies regarding activities subject to state authorities. We suggest one minor modification that this consultation include all activities subject to state “responsibilities” rather than just “regulations” as currently written.

We also suggest the addition of guidance for park managers to use available tools for management of activities that minimize impacts by least restrictive means. For example, relying on state authorities may, in some cases, reduce the impacts without invoking federal regulations.

8.2 Visitor Use

We appreciate and support the significant improvements in this section. These changes correct many deficiencies that exist in the 2001 Policies. We particularly support the adoption of clear criteria to evaluate impacts of uses and guidance to consider alternative management actions.

We request that the description of the Superintendent’s authority to limit activities clearly recognize that the 36 CFR Part 1.5 compendium authorities must be applied exactly as specified in the regulations. Under those regulations, controversial and long-term restrictions invoke appropriate public involvement and regulatory process instead of discretionary limits. This process is accurately described in **8.2.2.1 Management of Recreational Use**.

8.2.1 Carry Capacity

We support the significant corrections in this section that provide clear criteria and guidance for evaluating public uses. We also reinforce the need for increased communication with affected public and agencies when evaluating public use impacts and restrictions.

We request deletion of the word “high-quality.”

We request that more specific criteria be included in making decisions based on evaluating visitor experiences for determining satisfaction and safety.

We suggest that enabling legislation be added to the list of criteria.

8.2.2 Recreational Activities

We strongly support the changes to this section, which correct many deficiencies in the 2001 Policies. These changes bring the Policies in line with the Organic Act and other Congressional directions regarding management of the park areas for public use. The guidance contained in this section clearly ties together the guidance for determining impacts, managing impacts, and preventing impairment while providing for public use and enjoyment of the public lands.

In the last line of the first paragraph, we appreciate the Service’s recognition of the legislated provisions for use of snowmobiles, motorboats, and airplanes in Alaska park units. We request the Service include “and other means of access” in the listing of exceptions for Alaska.

Additional methods of access are allowed under ANILCA for subsistence activities, some of which are managed jointly without distinguishing a recreational from subsistence basis.

8.2.2.1 Management of Recreational Use

We support the significant improvements made in this section of the Policies.

As noted under **8.2 Visitor Use** above, any discretionary limits pursued as described in paragraph 3 of this section must follow the specific requirements of the regulations at 36 CFR Parts 1.5-1.7. Furthermore, these authorities to limit public activities are significantly restricted by the provisions of enabling legislation for some park areas (e.g., limits on legislatively authorized activities in the Alaska parks must adhere to conditions in 336 CFR Part 13 and 43 CFR Part 36).

8.2.2.3 River Use

Please amend this section to include consultation with the appropriate state agency(s) having jurisdiction over water, fish, and wildlife resources. We also appreciate clarification throughout most of the Policies, that park authority is limited to “federally-owned” lands. We urge that consistent references to the extent of authority be included in all similar references to rivers and waterways. While the Service has some legislated authorities for public safety on waterways within park areas (essentially Coast Guard equivalent responsibility for public safety), the Service does not have authority to preempt state management of activities on state waterways. It would be helpful for the Policies to establish clear criteria for a step-by- step process for park managers to use to cooperatively develop strategies with state river managers in order to protect resources before attempting to limit public activities managed by the states on state submerged lands and waters.

8.2.2.4 Backcountry Use

We request deletion of the statement: “Backcountry proposed or recommended for wilderness designation will be managed as wilderness consistent with the Wilderness Stewardship policies in Chapter 6.” The remainder of the section provides clear guidance for recognizing and managing remote areas of parks to keep their distinct values. Without this deletion a park manager can determine that an area is “backcountry” and apply significant restrictions on facilities, trails, motorized access, and other uses generally prohibited in wilderness. We believe such designations should only be made through a rigorous planning process and Congressional designation. Furthermore, ANILCA section 1317(c) does not allow even recommended wilderness areas in Alaska parks to be managed under Wilderness Act provisions until designated by Congress.

8.2.2.5 Fishing

We support the corrections made to this section. We suggest this section add a paragraph such as is added to the end of **8.2.2.6** which commits to fulfill the Secretary’s Policy in 43 CFR Part 24 for consultation and coordination with states having authority for fish and wildlife.

8.2.2.6 Hunting and Trapping

We strongly support the accuracy of the improvements to this section and the commitment to fulfill the Secretary's Policy in 43 CFR Part 24 for consultation and coordination with states having authority for fish and wildlife.

8.2.2.7 Recreational Pack and Saddle Stock Use

Please include a recognition that in Alaska parks, pack animals are protected methods of access and managed under the regulations at 36 CFR Part 13 and 43 CFR Part 36. We request that any planning regarding pack animal use be done in consultation with the state and public due to the impacts decisions may make on travel routes, hunting, fishing, and other recreational activities.

8.2.3 Use of Motorized Equipment and Mechanized Modes of Travel

We support the significant improvements made to this section that call for consultation with the state and local governments in assessing impacts and planning for these activities. Please note that such uses of equipment in Alaska are also subject to additional provisions of ANILCA.

8.2.3.1 Off-road Vehicle Use

Please add to this section a recognition that such vehicle use is authorized for subsistence activities in Alaska parks subject to regulations in 36 CFR Part 13 and additional use is authorized under specific provisions of ANILCA.

8.2.3.2 Snowmobiles and Oversnow Vehicles

In order to clarify the legislated provision allowing snowmobile use in Alaska except as restricted by regulation, please modify the second paragraph to begin: "Except in Alaska parks where snowmobile use is allowed until restricted under 43 CFR Part 36, . . ."

8.2.3.3 Personal Watercraft

We support the positive changes to the management direction in this section. However, we again urge the Service to not implement restrictions on activities in state waterways except as legislatively authorized for public safety and under specific criteria consistent with authorizing legislation.

8.2.6 Recreation Fees and Reservations

Please amend this section to note that ANILCA prohibits charging admission and entrance fees to national parks in Alaska.

8.4.4 Administrative Use

Please revise the last bullet as follows: "~~require~~ recommend other agencies that ~~request to use~~ aircraft within park boundaries to comply with the standards and policies applicable to NPS aircraft." The Service cannot require other federal or state agencies to use the Service's standards in lieu of their own government requirements.

8.4.8 Airports and Landing Sites

We request the Policies recognize aircraft landing is allowed throughout Alaska park units except as restricted under regulations adopted consistent with the conditions in 43 CFR Part 36.

We urge this section be modified by including a commitment to coordinate planning regarding aircraft landing sites with other government agencies and nearby community organizations whose management planning may be affected by transportation decisions of the park manager.

8.9 Consumptive Uses

We support the improvements to this section.

We request the statement concerning consumptive uses of park resources in Alaska add that subsistence uses in Alaska parks are also allowed under 50 CFR Part 100.

8.10 Natural and Cultural Studies Research and Collection Activities and 8.11 Social Science Studies

Please include recognition that state fish and wildlife agencies are not required to have a permit for the conduct of routine fish and wildlife management and research activities. In turn, scientific studies involving the collection of fish and wildlife may require state permits.

CHAPTER 9: PARK FACILITIES

We support the significant improvements and changes that are proposed in this chapter. In particular we support the changes in **9.2 Transportation Systems** that require the Service to coordinate closely with other government agencies in transportation planning.

We request that the **9.1 General** section and section **9.3 Visitor Facilities** include recognition of ANILCA Section 1306 which requires Alaska parks to give preference to location of park administrative sites and visitor facilities on Native lands.

CHAPTER 10: COMMERCIAL VISITOR SERVICES

We support the changes that are proposed in this chapter.

We suggest a word search be used to be sure the terms as defined in the Introduction are consistently used in this chapter, particularly regarding “conserve, preserve, and protect.”

GLOSSARY

Traditional

This definition does not apply in Alaska. The Alaska lands legislation used the term “traditional” to mean “generally occurring in the area” before ANILCA. Thus, it is defined generally as “pre-ANILCA.”

Wilderness

Please revise this definition to include only those federal lands that are designated wilderness by Congress for the purposes of applying these policies. It is inappropriate to apply the Wilderness Act prohibitions to “potential” or “proposed” wilderness areas and cannot be applied to lands in Alaska until designated.